

Fatima Meer

LRC Oral History Project**11 September 2008**

Int This is an interview with Professor Fatima Meer and it is Thursday, the 11th of September (2008). Professor Meer, on behalf of SALS Foundation, we really want to thank you for agreeing to participate in the LRC Oral History Project. I wondered if we could start the interview, if you could talk about early childhood memories, living under apartheid and where you think your sense of social justice and injustice developed?

FM Well, the experience of injustice developed the sense of justice. You became acutely aware of the need for justice because of your terrible experiences of injustice of being yourself segregated, demeaned and looked down upon because of your race, and also on account of observing the demeaning that you saw happening all around you, particularly, of the African people. The Pass Laws and the Beer regulations were so pernicious, you watched people who served you and with whom you developed a happy relationship and whom you began to respect and admire, you see the police coming into your yard and slapping the maid-servant because they found a tin of beer in her 'Khaya', that is, her room and then watching how they slapped and kicked her and bundled her into a police van and went off with her. This disrespect to another human being, it appalled me, it was one experience but one experience too many. Then, of course, I came into close contact, later on in life. This is what I saw as a child, as a child we would go past the beach and there would be the fountains, where you see lots of young white children, playing gleefully and happily and you wanted to join them and your parents warned you that you could not go there, because you were not white. That this world, things were reserved for whites only. In the next world, things were reserved for us. That was the consolation, constantly given you. I mean, this was enough to invoke in you, the feelings, the understanding of injustice and the need for justice. It was as simple as that. Nothing any deeper.

Int I recall growing up that you took a very strong stance quite early against apartheid and in defiance of really all the apartheid legislation. I wondered whether you talk a bit about that?

FM Well, I think I was in my Matric year, which would make me about 17 when the first Law Land Act was passed, against the Asiatic people but the Asiatic people, meant the Indian people. There were no other Asiatic in the country at the time. That was in 1946 and here in Natal, the Natal Indian Congress, organised a Passive Resistance Campaign against the law and that was when I made my very first public speech. The Passive Resistance Council used to hold meetings, mass meetings every Sunday and my uncle being the Secretary of the Council though that I would make a good impact at one of the meetings. So he asked me and arranged for me to speak and that's how my public performance started. After that, I was a regular, I was invited regularly by all sort of organizations, both welfare and political to come and speak from their platforms. Then, when the Group Areas Act was passed, I was already a regular speaker on the Anti-Group Areas platform. Then I came into close contact, with women from the African Women's, ANC Women's League.

Interruption. Recording is stopped and resumes after a while.

FM 1950...

Int That was 1950...

FM Yes, they began up to 1950, passes were required from African men only who left the rural area to seek work in the urban areas, but 1950 was a year, when the Nationalist government became very, very active and passed a number of laws, a whole lot of laws, apartheid laws, so they now, extended the pass laws onto the African women. And the women were not having any part of it.

Int I was also wondering when did you first hear about the Legal Resources Centre, it started in 1979, but that was the Johannesburg office. I wondered when you have first heard of the Legal Resources Centre.

FM I had first about it only when my daughter, Shehnaz (Meer) became involved in it.

Int Right, in the Cape Town office?

FM In the Cape Town office. She was actually one of those who actually founded that office.

Int I have interviewed Shehnaz...

FM So, you have all that...

Int Yes, I am just curious...what did you think of the Legal Resources Centre's early victories? There was the Rikhoto case, the Komani case, the Mathia case against influx control and the pass law, and that was quite early on when that was implemented by Arthur Chaskalson...

FM I must say that I wasn't aware of those cases. I was too involved in our own campaign against passes. You know, that happens.

Int Yes, that is true. So, during the 1980s, did you come across the Legal Resources Centre directly, perhaps through Shehnaz in terms of the work it was doing?

FM No, I started turning to the Legal Resources Centre, myself...

Int Oh right. From what period was this?

- FM I would think, it must be from the 1960s or '70s, about that time. I became involved in communities, particularly when they were being evicted from their homes. That was my main concern about the 1960s, '70s.
- Int And then once apartheid ended, did you then find that you continued to send clients maybe to the Legal Resources Centre?
- FM Oh, yes, absolutely. The problem was that the Nats had started this system. They were the landlords of the poor people, subsidized housing fell under their control and they therefore evicted people, also shack dwellings erupted all over the show. And the City Council would be after the shack dwellers. They would go and mercilessly demolish the shacks and make people homeless and roofless. So, I would... always got drawn into this battle. I would go there, influence people with means in the community and go and provide support in the form of food, clothing and things like that. School fees for the children and so on.
- Int So people say that the Legal Resources Centre did not really need to exist after the - apartheid era ended, what do you think?
- FM No, it needed very desperately to continue existing because the problem was that on the face of it, we had democracy but the Constitution actually gave democracy to the political parties, not to the people of the country. And therefore, it became very necessary for civil society to be organised. Here now, was an amalgamation of government, previously, your trade unions were independent, and so one could mobilise among the workers against the government. I mean, the fight against apartheid was won not through gun fire. Umkhonto We Sizwe did almost nil (coughing) in removing apartheid. The military formation didn't succeed at all against the military formation of the apartheid state, it was the people, particularly the young people, the youth and the women who managed to topple apartheid through their struggles.
- Int Right. The other thing that has happened in the post-apartheid era is that the LRC had been very important in terms of taking cases forward to the Constitutional Court. I am wondering whether you know much about those cases in particular?
- FM No, I know very little.
- Int The issues...
- FM The Constitutional Court didn't become... the problem was the local municipal councils....
- Int The magistrate's courts?

- FM Ja, it's not the... ja, the magistrate's courts. But our battle now shifted from the State to the Municipal governments. As I was starting to tell you, they were the landlords, they controlled all the initial resources, street lighting to water, you know, water, electricity, they were in control of all these basic amenities and they overcharged or they simply switched off. People couldn't pay their rents and it was really the townships that were suffering. The townships, there was high unemployment in the townships. The women were literally bearing the burden of supporting the families. The average family was a woman-headed one parent family. There were school fees to be paid. That got worse. My children, I never paid school fees for my children.
- Int I am also wondering Fatima, in terms, you know the Legal Resources Centre, in the post-apartheid era, it had major victories, for example, in the Eastern Cape, its got very favourable judgements in terms of social grants, welfare grants reinstated. The problem then is the implementation, it seems that even though the favourable judgements are handed down, the government doesn't really comply with these and I was wondering what your sense was?
- FM It's not the government, it's the fathers. The maintenance grants, the men don't pay them and it's very little that the women can do about it. You take your husband or your partner to court, he gets an order to pay. He doesn't pay, what do you do? He disappears, so it becomes a family matter, not even a political or government matter.
- Int Right. The LRC also does work on land, housing, socioeconomic rights in terms of welfare grants, etc, I am wondering what you think would be the key areas that public law organizations like the LRC...what they should be focusing on in this current situation?
- FM In my experience, they are focusing on the right issues. They take up where there are evictions, they will take up that matter of the community that is being evicted. They need maybe more resources, perhaps they don't have sufficient resources in getting the assistance of the senior council, particularly.
- Int Your husband Ismail Meer was a prominent lawyer, I am wondering whether he ever discussed the Legal Resources Centre, or public interest law issues, and what he perceptions would have been on those issues?
- FM We never discussed that much...
- Int I am also thinking that over the years, Mahendra Chetty mentioned that you have brought...sent a lot of cases to the Legal Resources Centre...
- FM Yes
- Int Can you remember any particular cases that you have sent?

FM Yes, you see, I used to work only in the African communities. Pass Laws and things like that. I never worked among Indians. After the change of government, I noticed that the first election, the Indian vote went to the DA, and not the ANC. That troubled me, so I started with a campaign, I set up a small group and we started a campaign to get Indians to identify with the ANC. So, I started working in Chatsworth, which was an Indian township. But I was also working in Mpumalanga, not Mpumalanga, the local Mpumalanga, not the big Mpumalanga, it's a township, not very far from here. So, that was the African township and I worked in Wentworth, which was a Coloured township, so there were community problems there and I took matters of eviction, electricity cut off, water cut off, we challenged the municipality, got the communities to challenge the municipalities. And that is where I found Legal Resources very helpful. I mean, we couldn't, we didn't have any money to go along and hire lawyers and the fact that there was this Legal Resource available, was an absolute gift. So, we went there, we sat down, we worked out the problems, we always found the local, the Durban Legal Resources Society (Centre) most cooperative. They never declined to take up a case.

Int I am also wondering, currently, there has been a lot of crises in the judiciary and Constitutional Court judges have been called counter-revolutionaries by certain members of the ANC, and I am wondering whether you have concerns about the rule of law and constitutionality and how that might affect public interest law organizations, who have a mandate to take cases against government?

FM I haven't given that much thought.

Int More generally, what is your sense in terms of public interest law organizations and what are the key issues that they could be focusing on in the immediate to near future?

FM The ones, the kind of things they are focusing on are the right ones. They must expand on that and they must intensify work in that area. I mean, that is where people's rights are infringed, even now. Small issues like housing and as I have said, the provision of amenities. People are constantly phoning me and bringing me these issues to notice and then I go to Mahendra Chetty, I send them to Mahendra. It's become the sort of uniform response of mine. People will phone with problems and I will send them to Legal Resources and Legal Resources never failed the people or failed me when I have called that there is an issue here and you have to deal with it. Sometimes, they may have said to me that look, this falls outside of our framework of action. We have limitations but that is far as they have ever gone. They have still preserved, worked, reasoned, thought out and so on. There's nowhere else, you have lots of poverty-stricken people who have individual problems but that of course, Legal Resource can't attend to and unfortunately, the government is supposed to have some kind of a legal help system organization but I have never found that to be receptive or active. So, where individuals are in stress, there is nothing they can do.

Int I have asked you a range of questions and I am wondering whether there is something I have neglected to ask you which you feel ought to be included, regarding the Legal Resources Centre?

FM No, I can simply, generally make a statement that the Legal Resource Centre, is a very vital organization in South African society, here where we are trying to realise democracy. We cannot realise that democracy without an organisation, like the Legal Resource Centre because there is no alternative to that service, if people suddenly...you find if the city council decides, city council, usually the shack is put up on private land and one day the owner of the land realises that his property has become overrun by these poverty-stricken people and he is deriving no rent but he is paying rate on the land, so he then begins to take action against the shack dwellers and the shack dwellers will be helpless, if there wasn't an organization like Legal Resource to come to their assistance and defend them. Now, very often the Legal Resource will say to me we haven't got enough manpower or women power to go and investigate this matter. We need certain information about the community or from the community. We haven't got people who can go and gather that information, then I would say, that is okay, the community itself will give you that information. So, fortunately I have had very good response in the communities. In Chatsworth for instance, in two of the Units, I managed to get them to organise themselves into Residents Associations, so I would just phone the Chairpersons of the Residents Association and say to them, please go to Legal Resources and give them the information they want and if there is more work to be done, then they would organize members of the community to go out and gather the information in a door to door investigation.

Int I want to thank you very much for taking the time and I hope I haven't exhausted you.

FM Not at all.

Int Thanks a lot.

FM I am sorry I haven't been able to give you more information...

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