If you ever knew Kader Asmal you could never forget him. If you did not, then let us introduce you to one of the greatest of revolutionary lawyers.

Senior Lecturer in Law at Trinity College, Dublin, chair of the Irish Anti-Apartheid Movement, Minister for Water and Forestry Affairs under Nelson Mandela and Education Minister under Thabo Mbeki, he was also Professor of Human Rights at the University of the Western Cape, one of the chief authors of South Africa’s post-apartheid Bill of Rights and the man who originally proposed setting up the Truth and Reconciliation Commission.

One of the greatest honours our Society has ever received was that he accepted an offer of vice-presidency.

He was born just outside Durban in 1934 and died on 22nd June 2011. By the time he had invited the African National Congress’s chairing a packed public meeting to which he had already angered the apartheid regime by offering the ANC in exile. He called on us to do more to combat abuses and engage in anything that might interfere with his ability to represent the ANC in Dublin. I realised issues concerning Northern Ireland were considered controversial by many in the Republic. He cut me short: ‘What do you want me to do?’ ‘Well,’ I said, ‘Chair an inquiry?’ ‘Of course I will,’ he said. ‘It’s about time I did something on human rights in South Africa. More about human rights in South Africa than about the denial of rights in Northern Ireland.’ He challenged British lawyers, saying we cared more about human rights in South Africa than about the denial of rights in Northern Ireland. He challenged British lawyers, saying we cared more about human rights in South Africa than about the denial of rights in Northern Ireland. I was to report on an IADL mission to the Front Line States of Angola, Mozambique and Zambia. We talked about the way.

In 1978 I flew with Kader to an anti-apartheid conference organised by the International Association of Democratic Lawyers in Baku, Azerbaijan, then in the Soviet Union. I was to report on an IADL mission to the Front Line States of Angola, Mozambique and Zambia. We talked about the way.

In 1984 when the shoot-to-kill policy of the British Army and RUC in the North was targeting unarmed people who were not engaged in any form of criminal activity, I flew to Dublin hoping to persuade Kader to work with us. I had prepared an elaborate preamble, saying of course I would never ask him to engage in anything that might interfere with his ability to represent the ANC in Dublin. I realise issues concerning Northern Ireland were considered controversial by many in the Republic. He cut me short: ‘What do you want me to do?’ ‘Well,’ I said, ‘Chair an inquiry?’ ‘Of course I will,’ he said. ‘It’s about time I did something on human rights in South Africa. More about human rights in South Africa than about the denial of rights in Northern Ireland.’ He challenged British lawyers, saying we cared more about human rights in South Africa than about the denial of rights in Northern Ireland. I was to report on an IADL mission to the Front Line States of Angola, Mozambique and Zambia. We talked about the way.

Kader died before his autobiography Kader Asmal: Politics in My Blood was published – it is out now.
Kader became a lifelong sponsor, together with Haldane President, Michael Mansfield QC and fellow Vice-President, Helena Kennedy QC.

In 1991 I made my first trip to South Africa. The ANC had been ‘un-banned’ by the apartheid regime just a few months earlier and its national conference had been held that year in Durban. Kader and I sat night after night after the formal meetings were over, talking about the rapid-but-too-slow changes that were taking place. One night we were joined in the bar by a group of young comrades who had just returned from the bush, where they had been members of MK, the ANC’s armed wing. They were so excited to meet Kader and explained to me that as part of their training they had read many articles by him in which he had set out the legal basis under international human rights for the legitimacy of the armed struggle. It was an extraordinary moment for him to meet those who had turned his theory into practice.

On my return Kader was elected to the ANC’s National Executive Committee (NEC). The next three years were a whirlwind of law and politics, negotiation and debate as he helped to write South Africa’s new Constitution with its ground-breaking Bill of Rights. One remarkable contribution Kader made is described by Albie Sachs in The Strange Alchemy of Law and Life. In 1993, shortly before the first democratic elections, the NEC was in deadlock over what to do about violations of international humanitarian law committed by some ANC guards in MK’s camps who had tortured people suspected of spying for the regime. Some wanted a commission set up while others sought to excuse ‘the excesses’ committed by young untrained freedom fighters. Pallo Jordan rose to say: ‘Comrades, I’ve learned something very interesting today. There is such a thing as regime torture, and there is ANC torture. And regime torture is bad and ANC torture is good; thank you for enlightening me!’ When he sat down, as Albie recounts it: ‘It was at that moment that Professor Kader stood up and said: what we need in South Africa, the only answer, is a Truth Commission. Only a Truth Commission can look at all the violations of human rights on all sides from whatever party. Human rights are human rights, they belong to all human beings, whoever they might be. Any torture or other violation has to be investigated on an even-handed basis across the board, not just by one political movement looking at itself, but on a national level, with national resources and a national perspective.’ Thus was born the Truth and Reconciliation Commission.

Following Mandela’s election, he asked Kader to take the Ministry for Water and Forestry Affairs. Trevor Manuel, South Africa’s Finance Minister, was to say Kader was the only person Mandela could possibly have chosen to turn Water Affairs into a ‘sexy ministry’. As Kader told me when I visited him at the Ministry: ‘One of the first instructions I issued as Minister was to order the department to install water at the home of former ANC president Albert Luthuli’s widow. “Minister,” I was told, “such a proposal will need far more time than you envisage.” I suppose some of them imagined this was some kind of stunt or, worse yet, a personal favour. I dug in my heels and insisted: “Not only will these instructions be carried out speedily but I want you to tell me the date and time when I will be able to go in person to turn on her water supply.” I remember with great pleasure the day I visited the small house where Nokukhanya Luthuli lived, to perform this simple action. It was at the same time profoundly symbolic to the officials in my department and to the people they were employed to serve.

Through such symbolic acts Kader effected a massive transformation of South African life. Millions of people, mainly women, no longer have to walk for miles, carrying great containers on their heads, just to get one of life’s basic necessities for their families. As he wrote: “When I was a boy, the family toilet was situated at the far end of the yard. Getting there was dark and unpleasant and scary. This is not particularly unusual for a South African, even now, but when I joined

Kader was a totally engaged political thinker and activist when I first met him in December 1960. We were in a student canteen and I was sounding off in a brash teenage way about how the Soviet Union was a staunch ally of the poor and oppressed world over, while the United States was always backed the rich and privileged. Someone said you ought to meet that guy over there – he has the same views as you only he is less dogmatic and noisy.

Although not dogmatic Kader was completely committed to the ANC, although at that time only black South Africans could be members. The vital and tireless work and total commitment to liberation of people such as Doc Dadoo, Joe Slovo and Kader meant that by the 1970s under the brilliant leadership of Oliver Tambo a tough internal battle was won to open membership of the ANC to anyone who proved their loyalty to the liberation struggle regardless of race or creed. This had a profound effect on the success of the anti-apartheid struggle and in shaping the future non-racial South Africa.

Over the years Kader committed himself to the struggle against apartheid and the wider struggle for a more equitable and just world. He also understood to his fingertips the need to work with a broad range of people. An early member and treasurer of the Anti-Apartheid Movement (AAM), Kader on his subsequent arrival in Dublin to teach law was instrumental in founding the Irish AAM and the Irish Council for Civil Liberties. Small wonder that Seamus Heaney, who wrote a eulogy to Kader, would smile broadly at the mention of his name.

Kader’s high intelligence, total integrity and limitless energy meant that it was always a pleasure as well as a challenge to work with him. He would consult me, as the English lawyer for the ANC and the AAM if any of his South African projects or campaigns impinged on English law: from the nuts and bolts of sorting out internal problems in SANROC to the higher profile campaign to persuade the Red Cross and Red Crescent to recognise the ANC as the legitimate representative of South Africa.

A final example of the dependability of Kader came at the height of the miners strike when the attacks on the NUM involved legal battles abroad including in Ireland. Kader unhesitatingly gave vital technical and moral support to the miners – as ever he was unequivocally on the side of people engaged in a just struggle.

I last spent serious time with Kader some three years ago when he stayed with me during his visit to London for Mike Terry’s 60th birthday party at the South African High Commission. In spite of the brilliant successes and bitter defeats of the intervening years our discussions – late into the night – showed that Kader’s ideas were as fresh, his optimism and humour as infectious and his idealism as untarnished as 50 years before.

Richard Harvey

Pictured with Mary Robinson and Nelson Mandela.