

Urmilla Bhoola

LRC Oral History Project

4th July 2008

Int This is an interview for the LRC Oral History Project with Urmilla Bhoola and it's the 4th July (2008)...Urmilla, thank you very much for agreeing to be part of the LRC Oral History Project. I wonder whether we could start the interview by talking about your early childhood memories, growing up in South Africa; ...the sense of where your sense of social justice and injustice developed, and also looking at the trajectory. So, what were some of the formative influences in terms of the trajectory that led you into the legal profession, as such?

UB Ok. Thanks Roxsana, I'm just really honoured to be part of this process and really, really pleased that this kind of project is being undertaken, because it's a fundamental part of our history. And I think, just to say something here about the LRC, I think the LRC has played an extremely critical role and it's an often-unacknowledged role. And, you know, people like Felicia particularly, you know, just played a remarkable role in instilling in a young lawyer like me at that time, a sense of justice and a sense of how, also a realistic sense, of how lawyers can work to achieve justice, because, you know, there was almost...almost a sense of helplessness around things, particularly when I was at university. But, to start from the beginning, I think my interest in going to the LRC, I mean, as...growing up as a child, I grew up in a typical Indian township in Benoni, so, I didn't follow in the footsteps of Charlize Theron and ended up in Hollywood, unfortunately, (laughter) made a lot less money, but I think I've lived a more moral and sane life. But, I...my political exposure developed with the Benoni Students Movement because they provided tuition when we were in Matric, and we sorely needed it because of, sort of, just, you know, gaps in a number of our teaching subjects. And through exposure to people in the Benoni Student's Movement like Azhar Cachalia, who is now a judge, and, you know, people like Prakash Diar who represented the Sharpeville Six, I developed a sense of the injustice that prevailed around apartheid. Because we were quite insulated, growing up in that little community, and although we had contact with African people from across the railway line, we lived quite close to the railway line, there was always, you know, it was...I didn't really have the big picture, and I didn't understand where it all fitted in and why there were policies like this. We never went on family holidays as kids, so it's not like we were thrown out of resorts or anything, so, it was only really in my Matric year that I started developing a very fervent need to want to do something about the injustice. And as long as I'd known myself, I always wanted to be a lawyer...

Int Really?

UB ...and my dad says I spoke about it from the time I was five years old, and coming from a family where my dad was a teacher and my mom was unemployed, I was the oldest of four kids, I never, ever thought that dream would materialise. And, I mean, I was the first person from my entire extended family of hundreds of cousins to go to university and one of two people from my school in that year, to start at Wits in 1980, the other one was Rabia Hassim. So, getting a bursary from Wits and going to Wits was an incredible, incredible thing, it was an incredible opportunity for me. And I was

involved in the Black Student's Society and the Black Women's Group on campus and politically involved in...the eighties were a very volatile period. I did Industrial Sociology as one of my majors in my BA, because I was very interested in trade union issues and worker rights, and in a sense, that exposed me to the reality of the lives of working people in this country, and the absolute degradation and oppression, particularly that African women experience with the triple burden of oppression. So, all my projects in Sociology were around African women and their working lives and the lives of workers. So, I think I was very fortunate to have had the kind of exposure to Industrial Sociology with people like Eddie Webster and Jacqui (Jacqueline) Kok and to link that to law and because then my passion around worker rights and Labour Law, then developed. I did Labour Law as an elective at university and I was taught by Halton Cheadle who is, like, the father of Labour Law, also someone who's gone unacknowledged because of just the politics and the way certain things have happened, unfortunately. And, I remember that he was often not at lectures, because there was a huge case that Cheadles was bringing, I think it was the Wendy Orr case around detainees. And so he was often away, there was also a massacre in Port Elizabeth, I think it was Goniwe and the four other guys who were killed, who disappeared and were killed and...so, he was often away and he wouldn't lecture, but I really looked forward to the days, as disjointed as his lectures were. And he wouldn't really talk about Labour Law; he would talk about his involvement as a law firm and what he was doing as a lawyer. And, you know, the insight into the reality on the ground for people in communities, fighting apartheid, was just, you know, it was...these were real people giving up their lives and, you know, on the one hand there was this, kind of, normal, sort of, society with normal things, people went to work every day, but underneath it all was this extreme volatility with young activists disappearing, being killed, you know, people like Siphile Mthimkulu being poisoned, and then...by the police, and then just disappearing on the way to an appointment at the hospital. And only stuff later emerged that they admitted poisoning him and the poison was manufactured in Vlakplaas and...So the eighties were a really, really heady time, and I was finished...I did a BA and then Honours in Industrial Sociology, which allowed me more exposure to issues of worker rights and the conditions of working people. And then I did my LLB and I did...1986...part-time, that was the year I was in...I was a Fellow at the LRC. But, in...the reason I wanted to be involved, I wanted to be a Fellow, was...I was in a group of students amongst...at the Law Clinic at Wits, who did voluntary legal work, so people from the community would come in and we'd help with basic things like issuing summons for small debts, or getting a Peace Order against a neighbour who was harassing someone, or dealing with someone's property that had been executed for non-payment of a debt. So they were ordinary things affecting ordinary people in their lives, but they were symbols of the difficulty of living in this country. And, there was a call for...there was a massive mine worker's strike in '85 and there was a call from...And I think at the same time it was around...Geoff Budlender would have been involved in the Rikhotso (*Rikhoto*) challenge, which is around rights for urban dwellers, because at that stage it was the Influx Control Act, and African people couldn't get the rights to be permanently in the cities, and they had to bring formal applications, and they had to have uninterrupted service, and whereas, with mine workers, the way it was structured that their contracts ended every year, they went off to their homes and came back and started a new contract. So, there was never ten years of uninterrupted residence in urban areas. So that was... Rikhotso challenge was going on and I can't remember whether we took statements linked to the Rikhotso challenge or whether it

was the big strike, but there was a big strike called by NUM, the National Union of Mine Workers, and a whole bunch of us met at the LRC office. And I just walked into the office and I knew, this is where I want to work, some day. And I think Mahomed Navsa briefed us, Thandi Orleyn briefed us on how we should conduct ourselves and where we'd be going to take statements, etc.

Int So you were actually doing this as a student?

UB I was, ya, in '85.

Int LLB?

UB Ya, as a student, ya. And so I participated in that process and that gave me exposure to the LRC, the way they operated, their ethical approach, their integrity, the professionalism, and people like Mahomed (Navsa) and Thandi (Orleyn) just really, really stand out as people who represented what the LRC stood for in that era. I'll talk more about them because they played a very key role in my development as a lawyer. And, and then coincidentally, after that process, I was...I used to travel by train from Benoni and I always believed that things happen because they're meant to happen, there's, kind of, synchronicity of things, and around that period when I was...I knew I would have to study part-time the following year because I was getting married, and also I think I only had three subjects left. And I didn't even know about the LRC Fellowship and, I think within a week, I saw a profile on Mahomed Navsa in a woman's magazine, I think it was 'Fair Lady', or something, not the kind of thing I would have read as a student so I can't remember where I saw it, and then it was all about him and the LRC and what he does, and I think it was in the same week or the week after, I saw him on the train, because he's from the same area, from Boksburg, and you know, we used to obviously take the same train, end up in Park Station and I would then walk from there to Braamfontein or get off at Braamfontein and walk to campus. And just the idea of applying to work at the LRC then jelled, and I spoke to him and he said: just send a motivation and we, you know, we do take people in for the Fellowship, and, you know, I just want you to know, a number of people applied. And I applied and basically submitted a motivation saying I wanted to be involved in Public Interest Law, and the LRC was the only organisation then involved in this kind of work. And then I got the Fellowship which was just such a wonderful, wonderful opportunity for me. And for me that was really where it all began. I think if I hadn't gone...if I hadn't done the Fellowship, I may as well have gone on a different career path, I may have ended up doing Sociology rather than Law because I think a lot of my contemporaries who then went into law firms, in corporate law firms to do Articles, became very disillusioned. I was very, very lucky because during the Fellowship I got exposure not only to the substantive areas of law that affected workers, and that affected black people, but also to the kind of ethical legal principles and how important things like ethics and integrity were. And, I mean, there were really...there were a lot of difficult times, I always say...I was allocated, I think, to Thandi (Orleyn), I don't think there...actually there wasn't a formal allocation...and there were three of us, it was myself, Lavery (Modise), and then a girl called Nonhlanhla who I'd lost...I lost contact with her afterwards, no idea where she is. But Nonhlanhla and I would go along with Thandi (Orleyn) and Mahomed (Navsa)

during their weekly visits to community legal centres, because part of the LRC's work was training community paralegals, and they played such a critical role because the paralegals were not just, sort of, half-baked lawyers as they sometimes refer, disparagingly, to themselves, they were people like...gosh, I can see his name so clearly, I just can't think...his face so clearly, he was in the Boksburg Community Legal Centre, Brother George, and he was just such a...he played such a leadership role in the community, politically as well, he was involved in the ANC, and, so, the community legal centres were not just centres of dispensing legal advice to people, but they were also areas of almost, kind of, mobilising people and developing a political consciousness. So, I think, I...you know, not that the LRC actually went out to do that, I think it wasn't a...I think it was an offshoot of what happened, because through educating, training and supporting the paralegals, the community centres became a place where people talked about grievances and whether they were being exploited by an unscrupulous landlord, or an employer, or, you know, whatever the issue was, they brought it to the centre, and it became an issue that was dealt with legally, but it may have also laid the basis for community organisations. So, I know in the East Rand there was a rent action committee, and community organisation participation in issues around rents and legislation, and I think rent controls were then implemented. So, you know, those community legal centres played a critical role. But in terms of my own development, they were often...those visits were...and they were the most exciting times because we'd go off to Mamelodi or Atteridgeville or Reiger Park in Boksburg or Coronationville, and meet with a whole range of people who were community political activists involved in say, the Anti-President's Council campaign in the coloured areas and the anti-SAIC campaign...South African Indian Congress, which is government's attempt to create tripartite institutions to entrench the separation between Indians, coloureds and Africans. And so, the people who worked in those community legal centres, were political activists and, you know, just for me, coming into contact with them, and developing this broader sense of the, you know, the way in which communities were organising and developing this network of contacts, and almost learning skills in order to be able to empower and support themselves, and to oppose the apartheid government, was, for me, a critical exposure. But at a professional level, I always remember Mahomed (Navsa) saying to me, because sometimes clients would come in and they wouldn't always have all the facts, or sometimes someone would come in and we would take a statement and it turned out they were lying or...and I would get quite disillusioned, and I remember Mahomed (Navsa) used to always say: you are only as good as...your case is only as good as your client, or...You know, so it was really saying: you can't do more if your client says this, and these are the facts and these are the parameters, that's all you're working with, you can't actually, as sorry as you feel for someone who doesn't have the full history or maybe were duped into signing a finance agreement for fifty years, or something, you know, you...yes, legally you can take action but at a personal level you can't really get completely involved because then you stop acting in the interest of that person. And also where someone's lied and, you know, there's nothing you can do because you can't formulate a case based on facts that are very flimsy. But through that process, the visits to the community legal centres and, I mean, I've forgotten a lot, I just, you know, but it's...it really stands out for me as one of the key experiences that moulded me into the kind of lawyer and the kind of person I am. Because we would meet with, you know, there'd often be a whole stream of people waiting, and we would go in and Thandi (Orleyn) and Mahomed (Navsa) would then meet with the paralegal officer, so, say Uncle George in Reiger Park and would say,

ok, and then people would come one by one and we would take statements. And often, Mahomed (Navsa) was...he was very tough, he would shout at Nonhlanhla and myself in front of the clients, scream at us if something hadn't been done, or wasn't done correctly, or if we were meant to attend to something and we didn't do it and so, the two of us would often end up in the bathroom, crying our eyes out, and then Thandi (Orleyn) would be, you know, the good cop, she would pacify us and say: you know, it's really tough, but that's how you learn and, you know, Mahomed's (Navsa's) really tough but he's very caring and don't take it to heart and, you know...So it was that, you know, it was just that wonderful balance that they provided. She was this nurturing, wonderful, mothering soul and he was this really brash, tough, arrogant lawyer, but he has a really good heart. And I think that moulded me into, I mean, he'd redline all my letters even if I wrote one line saying: I confirm the telephone conversation with whatever, you know? He would find something to redline in there. And, you know, I would stand there, teary-eyed, and say: well, why? And he'll say: you want to ask me why I redlined that, well, let me tell you what is wrong, you...in fact you tell me what's wrong with this letter and what's with this expression? So, we really learnt. When I started Articles, I could write a letter without my principal having to change it or edit it, or make minor changes because, you know, that...And for me, I think that links to where I see, I know it's jumping ahead, but, where I see the role of the LRC. Because I think it's still, I'm not sure if they still have the Fellowship scheme, but it still provides a critical training ground for young lawyers and exposure to real law and real issues, and, you know, I think of someone like Vincent Saldanha, who is also from Benoni, who came up and is now, I think, head of one of the Eastern...

Int Acting director?

UB Ya, acting director. You know, I think of someone like him who I've always admired, and I just think, you know, someone like Vincent (Saldanha) represents to me what the LRC is and what it means. It's the old cadre of people who grew up with a social conscience, a political conscience, and wanted to make a contribution, and wanted to use the law or loopholes in the law, to win benefits for the oppressed, or to challenge apartheid. So, utilising the existing mechanisms, as illegitimate as they were, to achieve a just end. Which I think is a huge gulf...I mean there's a huge gulf between that and where we are today, and the rule of law, and some of those issues because I think that kind of approach is completely lacking in the way we deal with law today, because there's almost a kind of disrespect for the rule of law, from judges themselves in some instances, you know, like the (John) Hlophe example. And the judge who's now...started to be known as the drunken judge who harangued a magistrate in court yesterday...

Int Oh...

UB ...even though he had a legal representative but he objected to the magistrate admitting a tape that was made of his accident, and his slurred speech during the accident, and he stood up and reprimanded the magistrate. So, I think, almost that kind of disrespect for the rule of law, was not where we were at in those days, even though we considered the law to be illegitimate and it was imposed by an apartheid

government, we acted within the confines of the law and we acted with integrity and with the strongest of ethical principles in mind. And sometimes I just wonder, you know, that where the values of integrity and legal ethics and professional ethics, you know, it just seems like they're less important than they were, and I think the time the LRC...at that time, played a critical role in...I think I've said that six million times, a critical role, but that's what it is, you know, in developing people like myself and giving us the exposure and guiding us and, I mean, you know, if you look at...I just wanted to also talk about some of the other people, like Ma Vesta (Smith) was a political activist, and she brought to the LRC that, you know, the...almost the...I want to say the bigness, you know, the magnanimity of the movement, its generosity, its caring, its compassion and its commitment to justice. And Cecilie (Palmer), you know, her daughter and that...that was the culture that prevailed at the LRC and that was the culture that I became steeped in. So, it was learning the professional work, writing letters, being very careful to record file notes, administering files properly, managing files properly. So, you know, the role of an attorney is to be a proper administrator but also working with attorneys who drafted papers, and fought legal cases. So, I worked with Charles Nupen who's just, was an incredibly...is an incredible lawyer, he's not practising any more, but we would be...those were the early days of the old Labour Relations Act where we didn't have established legal rights, like the right not to be unfairly dismissed as an employee. We still had women who were dismissed because they were pregnant, and in those years, it meant bringing an urgent application each time, a Section 43 Application. So I worked with Charlie (Nupen) to draft papers, meet with the unions, the shop stewards, employees, put together a case, bring an application. And there were many times when I remember his erratic driving, and we would be dashing off somewhere, just to make it in time to file the papers because that was the last day, and in fact we got the instruction the day before, and I met with the union the night before, drafted the papers overnight, finalise in the morning, Charlie (Nupen) would settle it, and we would finish printing, and then we would go off to the employer to file, and go off to the Labour Court, the Industrial Court and just, like, you know, just make it within the time limits, and get the application done. And in fact, I found the other day, going through my stuff, a card from Patricia Hlatswayo, who was one of our clients, she was dismissed because she was pregnant, and we brought in an application and she was re-employed, and she sent us this card and a little box of chocolates to Mr. Charlie Nupen and Miss Urmilla Bhoola – 'thank you'. And it's just for me, that...that embodies everything the LRC meant, it was...these were...we dealt with ordinary people, you know, they weren't big class actions or...well, there were a couple but they were in other areas, not in...well, there were a couple of labour ones, but the cases I was involved in, were ordinary individuals, and as long as something we did impacted fundamentally on their lives, it was worth it, it was all worth it. Every late night, every weekend, every, you know, mad dash to file papers or do something or find detainees in a police station or...it was all worth it. And then I also worked with Paul Pretorius, who was just more, kind of, played a role as legal counsel, so, you know, if I drafted papers, he would settle them, particularly in the labour cases, so I spent six months working with Thandi (Orleyn) and Mahomed (Navsa), six months working in labour, with Charles (Nupen) and Paul (Pretorius). But one of the most incredible people was Morris Zimmerman, I'm sure someone's mentioned him.

Int At Hoek Street?

UB Ah! I mean, he...ya, even when I met him at the Pritchard Street office, he was just, I mean, I never knew the Jewish word, you're a 'mensch', and with him, he made that word real, because he was such a...he was a wonderful, wonderful human being, completely caring. I still remember him with his shock of white hair and...my first ever present, because I'd never been overseas, I'd never been on a plane, was when he went to New York and he brought me a little pin for my coat, saying: New York. And it was probably, you know, worth, like, I don't know, a dollar or something, but the fact that he thought of me and he brought in...he brought one for everyone, just made me realise how much he valued everyone, no matter who you were. And being a Fellow was like, quite a lowly, sort of, position, but in the LRC there was no hierarchy, and I think these days there's lots of management books about flat management and non-hierarchical, and whatever, the LRC lived that without the formal principles. I mean, there would be a Friday lunch where everyone would be invited and admin, professional staff, you'd all have lunch together and you'd talk about issues, and there wasn't a divide between admin staff, professional staff. There were issues, you know, there were gripes and groans and fights, but they were never big things. And so, it was that wonderful nurturing but also tough environment that I experienced, and that I think made me become a good lawyer. When I went to do Articles, of course, my dream of going to Cheadle Thomson was realised, so I was not allocated to Halton Cheadle initially, he was at Harvard on sabbatical, and I worked with Helen Seady who's an incredibly good labour lawyer, and Paul Benjamin and...But, my experience in the LRC stood me in such good stead, and taught me so much, I mean, now I've gone back into practice, after a long time, so, I became a partner at Cheadles and then went to Canada to do my Masters in Employment, Equality Law and Constitutional Law, and came back and was appointed by the Minister of Labour to the task team to draft...to advise government on affirmative action legislation, and then appointed head of the legal team and then chief legal drafter by Employment Equity Act. So, I had four years of exposure to employment equity issues, and developing an employment equity framework for South Africa, which was an incredible time and also an incredible learning experience. And, was then...the partnership then, in Cheadles decided to start a little consultancy focusing on...because our client base was COSATU and all the trade unions in the federation, and we found that a lot of the issues they brought were very adversarial and they were at the litigation stage, and we wanted to teach them negotiation skills, and bargaining and dispute resolution, so we started a consultancy called Workplace Solutions, in the law firm, to do that. And I was seconded to the consultancy, and then the Law Society then prohibited multi-disciplinary practices, so, we separated the law firm and the consultancy and I was put into the consultancy, which meant I had to resign as a partner of the law firm. And we re-branded, so it's known today as the Resolve Group and the shareholding structure has changed because Peter Harris and I bought out Cheadle...the Cheadle firm shareholding, and we became shareholders of the company. So, it still exists, I was there...I was at Cheadles for ten years and then at Resolve for ten years, and then went to do a project for the International Labour Organisation, they were looking for a legal drafter to look at minimum standards aligning the legislation of the new member states in the South Pacific, with ILO minimum standard legislation, and they put out a tender for a legal drafter and I was fortunate enough to get it. Went off to Fiji for six months and in 2005, came back and went back for a month, and contracted a tropical virus, so, I got really ill in 2006, couldn't walk, took me six months to learn to walk again...

Int Gosh.

UB ...but I then, when I recovered, I realised I wasn't...decided not to go back to the company, the consultancy, because it had grown so much and the demands were just...it was just too demanding, it was just too much, and I couldn't cope physically with those demands. So, I joined a very small Media Law Firm, considered going back to Cheadles and they wanted me back, but it's again being in a big firm with the stresses and strains, so I'm in a really small firm with two partners, and we do Media Law and Labour Law and I sit on the competition tribunal as a part-time member, adjudicating mergers and restrictive practices. And in a way, I sort of feel I've come full circle, because through the LRC I learnt to love the law, in the sense that...in the sense of loving the legal issues and the...
(are we ok for time?)

Int Yes, yes.

UB ...in the sense of loving the legal issues, and also learning that you had to put a case together and, you know, you had to find material, your...the facts of your client, because your case is only as good as your client, but you had to find the legal authorities and build a case and preparation and...and all of that was necessary to build a solid legal case. And I learnt about the value of the substantive legal principles that every lawyer should know. And yes, we learnt that at university, but you only really remember it when you practise it and when you implement it. So, I learnt to use the law, and that meant a full and proper knowledge of the law, knowing where to find things, knowing where to look for cases, how to do research, and then to build a proper case and develop legal principles. You know, I mean, I think, I look at the, you know, the building where the LRC is now and I think of those small offices and the small library, and how difficult it was to access resources and materials, and I think we had, Ilse Wilson as a librarian and then there was Ingrid Gardiner and Leslie...who just...they were wonderful resource people who would just support you, we didn't have the Internet then, it's so much easier now. But in those years it was actually going to find the book and looking up the authority, and just learning about both the substance of the law and those procedural issues, for me, was just really...it's such...it was a natural progression of my learning from university. But I think for a lot of my contemporaries, that didn't happen, they ended up, you know, doing really drudge jobs in Articles and got disillusioned, and very few of them are still in legal practice today. So, in a way I feel like I've come full circle and I often, in fact last year, said to someone: I'd love to go back to the LRC. And I often think of it, and I think that it may very well happen, I, you know, haven't seen any adverts or...any job adverts for attorneys, but if I do see one I'll definitely apply. And I just think that, you know, that the LRC still has a very key role to play. It's probably not the same role, well, definitely it's not the same role. I think some aspects like class action and I think there is still...there's still a Public Interest role, because even though we have an ANC Government, I think that...that there are much more issues that affect civil society, it's not apartheid any more, but it's a different kind of oppression that people face in their daily lives, and there's still, almost a kind of, a lack of caring that comes from government policy, that needs to be challenged, and whether it's policy around

land redistribution, or community rights, or demarcation of communities, or zoning of communities, or access to infrastructure, and, you know, it's...because, you know, there's no doubt that there was poverty under apartheid, but for me, somehow I think that the gap between rich and poor has increased, that the nature of poverty is so much more. In the past there was degradation by apartheid, but now we can't say we're degraded by apartheid, we're degraded by our own government and our own government's policies, because those policies don't take cognisance enough of our rights as individual, ordinary, working class people. The policies are geared more towards creating a black middle class, and that's necessary, it's necessary, the BEE legislation is necessary, it's necessary to ensure that there's a framework for economic ownership, not just political change, but it's too slow in filtering down to the masses. And we've seen those protests, you know, we've seen protests again after many years, so, we're not...I think as political activists, I certainly feel I don't do enough, there still are so many issues, you know. Like Cecilie (Palmer) said, there's Zimbabwe, there's, you know, issues in Kenya, there's, you know, there's issues surrounding us all the time. And somehow it's not that we're immune, I think some of us are just tired and have started, you know...Jay Naidoo wrote a piece about his role as Chair of the Development Bank, after there was this whole media outrage about where are our leaders, because we had such credible political leaders, in those years, like Cyril Ramaphosa whose gone into business, Jay Naidoo, where are their voices now, where we're in this leadership vacuum? And Jay Naidoo said, you know: some of us are rebuilding what we lost in those years, making time with our families and just spending time with our kids in the park. And I think, yes, you know, a lot of us, well, he's...you know, people like him who are leaders, are at that stage, but for people like me who are kind of in the interim, there's no excuse really. And ya, I mean, I just think that...I mean, I'm not sure if you have any questions, but I'm just rambling, rambling on... so just stop me. (Laughter).

Int It's just a wonderful and a very lucid account. Thank you. I wonder whether I could take you right back?

UB Ok.

Int You mentioned that...your dad mentioned that from a very young age, you wanted to become a lawyer, I'm wondering where that comes from, it must come from somewhere, was it a television show, was it a teacher, was it...what was your sense of a lawyer...what lawyering was all about, where did that come from?

UB You know, I have no idea where it came from. I know that it...and maybe it was just a kind of, glamorous notion, because there was no TV, I mean, we had, certainly I think South Africa got TV in 1979, or something, and we didn't have a TV, so...we were also the last in our area to get a 'phone, so...not that we needed it. But I used to read a lot, I mean, my dad always made a point of buying the newspaper and making sure that I read the paper, so it may have been from there. But it may have just been from his encouragement. And, you know, to his credit, he passed away ten years ago, but he never, ever once said to me...as...you know, now my...you know, my daughter's at university, and for her it was just taken for granted, she will go to university, her parents will pay her fees and there's no question about it, but those years it was...we

were just...he was just managing to keep the family alive, where on earth would the fees come from? But he never, ever once dissuaded me from the notion that I could become a lawyer, he just kept that dream alive and whenever I said...as it got sort of, when I got to standard nine, I was filling out application forms and I said: you know, but dad, you know, how are you going to pay my fees? And he used to always say...he used to call me Ma, which is like 'small mother', he used to say: ma, you know what, you worry about getting good marks at school, I'll worry about the money, that's not for you to worry about, when it becomes your problem I'll tell you, then you can worry about it. And I applied...he...in fact he'd applied...a friend of his was the head of a Hindu community organisation in Lens, and this friend said, you know: bring your daughter, we'll interview her, whatever, and we'll probably give her a bursary. Went to Lens one evening, I was terribly excited, thinking this was it, and they interviewed me and the first question, not my dad's friend, but other members of the community, were all old Indian men, the first question he asked was: how can you guarantee that in your first year of university, you're not going to fall in love, get married and fall pregnant and waste all our money? And I said: look, there's no guarantee, I mean, the only guarantee I can give you is that I'm passionate about becoming a lawyer and that's my dream and I'm going to do it. And they all sort of nodded their heads and whatever...I didn't get the scholarship, it went to an Indian...they told my dad; it went to an Indian male student, so they had no faith in me. But thank God, my dad did, and then I got a Wits...I applied for a Wits bursary and the first three years of university, doing my BA, I got a Wits bursary, and I also had lots of part-time jobs. So, I had holiday jobs, working in shoe stores, or, I once got a job at the Wits computer lab, I got a clerical job once at Rank Xerox which involved photocopying creditors' invoices or invoices...like day in and day out...drove me insane, but, you know, it earned the money. So, there were also...there were two teachers from my school who paid for my books in the first year, because law books were really expensive, one of them is in...lost touch with him...he's in Holland somewhere, and the other one lives in Lens. So that was really a wonderful gesture in my first year.

Int Absolutely.

UB And then so, I had to balance my political involvement with making sure I did extremely well and I got good results so I could keep my bursary. And then in my Honours year...after that it got easier, it just really got easier, so, ya, it was a difficult, difficult time.

Int I'm also wondering...you mentioned that you grew up in this close-knit, sheltered, in a way, community, and then really in your Matric year, you mentioned the idea of the Benoni Students Movement with Azhar Cachalia and stuff. I wonder whether you could talk a bit about that, and how, your...conscientisation happened, where the political consciousness really developed before you went to Wits?

UB Ok. The BSM was known to be a political organisation and it was known that, you know, the BSM people are being watched by the Security Police and it's just, it's meant to be an organisation to help with the educational needs of students, Indian students from Actonville and African students from Wadville and Daveyton, but

behind that...it was...almost everyone knew it's a political organisation. I think we...I was very naïve, always, and I never knew that, and I just thought, well, these are, you know, these are guys at university and they really want to help us, and that was it. It was a big part of it because they had tuition every Saturday, so it was the whole day, and it was at one of the schools, and so you would go from, like, science to maths to English, whatever, and they were varsity students and they would help with our assignments, our projects, exams, but also give us stuff, like stationery, wherever they could find it, you know, and every little bit helped. But, through the exposure to them, they got us talking about, firstly to have African and Indian kids together was just...it never happened, our only exposure to white kids was when we...because we didn't have a sports ground at our school, we had to march two kilometres into the white town in Benoni, because we hired their sports stadium, once a year. And I always remember it was a big thing, because the teachers never knew whether we would get the permit or not. So, sports was always very tenuous, we never knew, and a couple of years it didn't happen, obviously because someone else had hired it, so, why give it to this Indian school? So, our exposure to white kids was really, passing by, walking past their school, I think it was Benoni High, to get to the stadium, and of course, you know we could...the facilities they had, sports fields, the stadium was literally across the road from their school, so it was effectively part of their school. We had no exposure to African kids, because we didn't even play sport together, somehow when sports matches were organised, there were very few of them, but they were, as far as I recall, with white schools or they were just internal, it was just our school. So, the first occasion that I communicated with an...met African students who were in the same situation as me, was at a BSM tuition. And because people like Azhar (Cachalia) and there's Yasin Bam, who's now an attorney in Benoni, also from the community, just another person who's a decent, good human being, his heart...he's given his heart, his life to the community, people like Yasin (Bam), Azhar (Cachalia), there was Prakash Diar, Vincent Saldanha...Vincent (Saldanha) was also from my community, also from Benoni...they talked to us about issues, and that's how we learnt about apartheid and oppression and how the government operated and why Group Areas existed. And it was just such a major learning process for me, it was almost like, you know, my dad had always protected us so, we used to drive to Nigel to visit his sister who lived there, and we would always pass by the...what do you call it...the open air...God, I can't even think of the name for it...the open air cinemas, the drive-in, and I would say to my dad: why don't we come to the drive-in one night? And my dad would say: you know what, some vandals ripped out the seats. And I would say: but, dad, there are no seats, you sit in your own car. And he said: oh, is that what a drive-in is, but you know, some cars aren't allowed in. He would make a big joke of it, but basically it was only for whites. And so, he always protected us, you know, at that kind of level and I knew very little basically about apartheid, and the BSM was also involved in getting us to mobilise when...in my Matric year we moved from the old high school to the new built high school, the ceremony was attended I think, by Piet Koornhof or one of the ministers, and the BSM organised a protest. And the principal had found out that we were planning to boycott, and called me in, I was Deputy Head Girl, called me in for some reason, I was, you know, one of the most, sort of, naïve people around, and said: listen, I've got word that you are involved with these BSM people and that you guys are planning a boycott, and if you or anyone else from Matric doesn't come to this event, which is the opening day of our school, just remember, my girl, you will never go to university. And so, you know, I made sure I went to it, it was a complete, I know I was a complete sell-out but, you know, all of us

in Matric, there were a couple of people who did stay away, I just felt I had too much to lose, because he knew my dad and he said, you know: I will just make sure...And, I mean, they, you know, people like principals they knew the inspectors, they commanded a lot of authority. And so that's how they kept people in check with those kinds of threats. So, anyway we participated in this grand opening day and thanked the apartheid government for this brand new school which is a brick building, not a prefab building and...and that's...I think that's where it started, but it was through my exposure to the people who were involved in the BSM. And...

Int So, you get to university and what period was that, when did you start?

UB 1980.

Int Ok, so, in 1980 by that time NUSAS had split with...and SASO, so there were two separate organisations?

UB Ya.

Int What was the atmosphere like politically, on the Wits campus in terms of student politics, etc?

UB It was very volatile, it was...I mean, they were really years in which there were issues all the time. We marched almost every other day, I mean, we...the people we suspected were working with the Security Branch, like Russell Crystal and his brother and Craig Williamson, were on campus and we suspected them of being police spies, it was only verified, you know, in the end. And they admitted that they were there playing a role on Wits campus and monitoring the student involvement. And there were...we were constantly boycotting lectures on the library lawns, marching, being tear-gassed, beaten up by the cops, and, you know, those were times when I still...one of the things that my dad made me promise when I started at university, was that I wouldn't get involved politically, and I lied to him for many years and, you know, used his car to go to meetings, and I spoke at mass meetings, and always thought he never knew, and he didn't, until he...in about '80...I think '83, '84, he...during that period he resigned, he went to work for an air conditioning company, called Harrison & White, because we couldn't survive on his teacher's salary, and he became an air-conditioning technician, did a course, whatever, and they were contracted to do something at Auckland Park at the SABC studios, and he went along there one day and everyone had to get a security clearance, which, you know, his boss thought was just a formality, but he went along and they refused him clearance. And he was...his boss called him in and said: we've got this request saying you've got to go meet with this...so and so at the Security Branch at John Vorster Square, and my dad went along thinking it was obviously some mistake. And that's when he found...they had a huge file on me, and all my involvement on campus, and off campus and the BSM, and they had pictures of his car, and I still remember CTH040T, it was this blue BM. And sometimes I would say: I'm using your car to go to a movie in Fordsburg, in the meantime I would be going to Lens to address a mass meeting. So his car was seen and they told him that they were watching our house. And my mom then said there'd

been this white Volkswagen outside our house, parked there for the whole day a couple of days in a row, and then disappeared and then next time there's a red VW. And my dad came home, and the reason why they'd implemented that whole thing around Auckland Park, was Carl Niehaus had been arrested and was on trial for the plans around bombing Auckland Park. So they refused my dad security clearance and soon after that he lost his job and he then went...

Int ...gosh, do you think it was due to that?

UB Oh, his boss didn't say, but obviously they thought: you can't have a guy whose daughter's involved politically and, you know, I don't think they really believed that he didn't know, and they thought he was also involved, it was too much of a risk. Then he went on to do...he did insurance part-time and did air-conditioning...continued to do air-conditioning and...You know, before he died in '94 and just after the elections, he...well, in fact with this incident, he just blew up one day and he said to me: this is it, you know, I treated you and...based on good faith and I've allowed you to go out, and do things, and see the world and you broke your promise to me. And it was a huge thing I remember, he told me I'm grounded, and he then had a mild heart attack, and it was all dramatic. I remember the house full of people, and particularly Azhar (Cachalia) and his brother Firoz (Cachalia) who I was very close to, I'm still very close to, and people from the community came to see my dad. And I felt so guilty because I thought if I die...if my dad dies, it's my fault. Anyway, I, you know, sort of calmed things down for a while, did nothing too obvious, and continued being involved. And in fact, before he died in '94, four years before he died when we voted for the first time, I said to him: so, tell me did you vote for the Nationalists? He says: ya, you know, my favourite party, you know I'll never support the ANC, but I know it's your party. So I said: ya, well, we'll see, even you too, dad, will come around some day and see the ANC as the party of the future, because there is no other party. And then before he died we had a long talk one day, and he said he always knew in those years, but he just was so worried for my safety, that he had a friend who was a member of the Security Branch, Pat Pillay, who died a few years ago, and he said he used to meet the guy at the pub sometimes and Pat (Pillay) said: listen, you must watch out for your daughter and just, you know, because...So, I mean, I think I was really lucky, I was never detained, often fellow students who were detained were asked questions about me, but I was not a high profile political person, and when I was pushed into situations, like I was told: you have to address this meeting, or you have to represent the BSS here, or you have to represent the BSM, then I would go, but it was always on instructions, it was like, you know, this is what the leadership wants me to do and I'll do it.

Int So, when you were studying Law at Wits, did you think that, given that under apartheid law parliament was supreme that, actually legal victories could actually not be overturned by parliament? Did you really feel that the law could be used as a challenge against apartheid?

UB Ya, I did.

Int What made you think that?

UB I firmly believed that because I felt that in the end if one...if we did have a Constitution at some point in the future, and our Constitution guaranteed independence of the judiciary, and a role for the executive, that we would have a judiciary that we, you know, that wouldn't be in apartheid's pockets. And even then, look, there were judges who, you know, were very, very independent, I mean, I'm just reading Peter Harris' book now on those years was the Delmas Trial was going on when I was articled at Cheadles, and I've forgotten so much of it and I wasn't involved in that trial at all, I was in the labour...articled to the labour department, but he talks about this Judge de Klerk, who really, you know, recognised the four accused in that case, Neo Potsane, and the others, as soldiers of Umkhonto we Sizwe. So there were judges who were progressive, and who interpreted the law, albeit in a technical, legal sense, who interpreted the law correctly, and correctly interpreting the law meant they would undermine an apartheid principle. So, when there were victories won, you know, like the Rikhotso Case, Rikhotso I think, you know, those were...there were judges who were applying the rule of the law, interpreting legal arguments, applying legal principles and even then, if they applied the law correctly, they couldn't find a justification for denying people those urban rights. So, I think...I think what kept me going all those years was, even when we challenged the media censorship laws under the State of Emergency, and under the eighties, when I was doing Articles and we challenged, and even after I was admitted as an attorney at Cheadles, we challenged the State of Emergency Regulations. You know, a lot of the time, I mean, we lost all those...the media cases we challenged, the censorship laws it imposed self-censorship on newspapers, and we represented a newspaper like the New Nation, so we would go there to edit their content basically, and when they were banned, you know, they...or when they were prohibited under the State of Emergency Regulations, it was for innocuous things like, encouraging racial hatred through a review of a play which dealt with racism, you know, it was just innocuous things. But yet, I think that there were victories, there were a lot of losses but there were some victories and it was those victories that kept us going. And the thought that there were just judges and there were judges who believed in what was right and they would apply the law correctly. And, I mean, I remember at times feeling very disillusioned trying to find...going to Baragwanath Hospital or Modderbee Prison, trying to find detainees, because the minister could detain, not release names for thirty days, incommunicado, we never knew...we'd get a frantic call from a mother saying: my son said he was going to the shop, never came back. We would make enquiries, find out...as with a group of people, they were on their way somewhere, or at a mass meeting, or they were just a group of innocent guys hanging out outside the shop and having a smoke.

Int And this was within the LRC or...?

UB There were a couple of those within the LRC, ya.

Int When you were a Fellow at the LRC, you worked with Mahomed (Navsa) and Thandi (Orleyn) for six months, and then you worked with Charles (Nupen) for six months and Paul (Pretorius), from other interviews it seems to me that Mahomed's (Navsa's)

methods may not have worked well for everyone, the, sort of, the harshness that you spoke about, etc, and I'm wondering how...you...certainly for you it seemed to have worked, and I'm wondering what you learnt from the two different groups in a way, because you seem to have gone through the labour route working with Charles (Nupen) and working with Mahomed (Navsa) and Thandi (Orleyn) and then of course Paul Pretorius...how did that balance your experience at the LRC?

UB It's a difficult question. But I think...I think that exposure to those different styles of working, and styles of managing people, in the end, kind of gelled into a holistic experience for me. Because, you know, while Mahomed (Navsa) may have been very hard, and he was never unjust or unfair, I think he was...he was tough, and he commanded perfection, and he demanded excellence, and that was it. If you did something, you had to do it perfectly or else don't bother, you know, do a good job, do an excellent job. And, I think, Charlie's (Nupen) style was a lot more laid-back and a lot of it was just crisis management, so there wasn't even time to, kind of, you know, mentor me, what I learnt, I learnt from observing him and the way he did things, and I always...we joke about it now, I always say: I learnt how not to do a whole range of things from you. (Laughs). And, you know, but I learnt drafting skills from him because, you know, he would...Charlie (Nupen) would say from day one: ok, there are twelve people from...twelve people from this fibreglass factory down the road coming in tomorrow, there's been a mass dismissal, take the statements, consult with them, draft the papers, I want them on my desk tomorrow morning. And I would draft the papers and, you know, he would then work through it with me and say: what do you mean by this, why did you say this, this shouldn't be in here, why did you put this in here. So, it was an engaging process, you know, and I learnt about drafting and putting papers together and...Charlie's (Nupen) not detail-oriented, he's big-picture-oriented, so he was: this was a mass dismissal, run with it. You know, and literally we would run with it. Mahomed (Navsa) was also, he was dealing with a lot of big policy things at the LRC and, you know, being on the board, so, in a way we were...you know...it was...I mean, in some ways I felt maybe he shouldn't have been managing people, because his style was very forthright and very ruthless, but I think it did...it made me realise I couldn't be a wimp, that I had to be tough, that I couldn't burst into tears every time someone raised their voice at me. And it was hard, you know, and look I still burst into tears sometimes, (laughter) but no-one's raised their voice at me for a long time.

Int Good for you. Ideologically, I'm wondering also there's this whole coterie especially during your tenure at the LRC, coterie of NUSAS boys, as they were called...

UB ...mmm, the white boys. (Laughs).

Int ...and then there's of course the people who came through SASO, and I'm just wondering ideologically, what the tensions were in the LRC at the time and what you might have picked up on, in terms of the 'NUSAS boys' and competitiveness, etc.?

UB You know, I think in some ways I was quite naïve about that, and maybe I was just too busy, but I never picked up on that kind of...I always knew Mahomed (Navsa)

was left of left, so he was left of the ANC, he was, you know, kind of more Unity Movement rather than ANC, and you know, I...I...there were these undercurrents about, you know, these blond, blue-eyed NUSAS boys and their wonderful lifestyles, and whatever, but I didn't...I don't think it was a real thing, I mean, there may have been undercurrents, I don't think it manifested itself in anything real, certainly if it did it was nothing I picked up. I don't think there was competitiveness in that sense, and I think it was just a sense of, you know, put your head down and do the best you can. So, I think, certainly in my year, I mean, it wasn't an issue, it really wasn't. I know, you know, we still tease Charlie (Nupen) and say he was like the pretty boy, you know, in NUSAS, which is why he made it big. (Laughter). He doesn't like that at all.

Int So, I'm wondering in terms of going to Cheadles, how did that in some way differ from the LRC, because there is a sense that the LRC was very cautious, and it worked very carefully, under Arthur's stewardship, and didn't ruffle any feathers, but really managed to challenge fundamental laws, whereas Cheadles, for example, really went for the jugular in terms of taking on the big political trials etc. Do you think that's a fair assessment, do you think that the experience for you was really vastly different?

UB Ya, I think, you know, I think, you know I'm not sure, look I think I may be, with hindsight, it's fair to say that the LRC chose its cases very carefully, and didn't bring the big political cases. But, ya, I mean, but, you know, for me, even...I think that's what gave me...why am I finding it so difficult to answer that? I think that kind of approach taught me about the value of doing things properly, doing things strategically, and really excelling in what you do, and making sure that, you know, you have the right case, that you bring the right case, you bring it at the right time, and although I was far too junior to have been party to any strategic discussions that happened, I think in some ways the LRC did bring challenges that were risky, and I think, you know, the mineworker's strike, I can't remember the detail and the Rikhotso (*Rikhotso*) challenge, there were no guarantees...

Int ...of course...

UB ...those were quite...they were big political challenges, you were challenging the whole infra-structure, you know when influx control fell away, that was it, you know. The edifice started crumbling and it was through a measured...it was a measured, careful approach. As people said, you know...I think when I started at Cheadles, they said...I remember someone saying to me: so, now that you're no longer under Arthur's (Chaskalson) armpit, will you survive here? (Laughter). And, you know, I think it was that sense of...this kind of cosseted environment and maybe that's the way it was seen, but I didn't experience it as being too cautious, you know, I think that the LRC took risks. But I think they took risks that were worth taking.

Int Ok, fair enough.

UB I mean, I think at Cheadles there were some things that we just so gung-ho that when you thought...we thought of it in retrospect, we said, you know...certainly when I became a partner I thought...because we took on cases and, you know, all of us had

this passion and were driving around doing things all over the country, and there was no time to think strategically about: should we do this, you know, and to structure it, and it was just running, it was crisis management, it was fire-fighting from one hour to the next, literally, 24-hours a day, weekends, trying to find this detainee there, bringing the Wendy Orr Case, challenging, you know, the...involved in the COSATU house issue...trying to...and then also raise the legal funding for the cases and not get paid by the unions, and not know whether you could continue to function from one day to the next, and then miraculously some money would come in and...So, ya, I mean, I think that they were run on completely different principles, and I think the LRC, you know, being accountable to external donors and being heavily reliant on that funding, would have to have played a very cautious role, because to be too risky would have undermined everything it stood for.

Int Right. I'm also wondering you've had a wonderful range of experience post apartheid, and in some ways, I'm wondering your sense of the LRC, because LRC, curiously, during apartheid years, really challenged the apartheid government and so that in...that by itself really dovetailed with the ANC's ideology and the anti-apartheid movement, and so then comes post apartheid, and you find the LRC still challenging an ANC government...I'm wondering what your sense is of how difficult that must be, and as a lawyer, is it really now difficult for...people who were formerly so ideologically aligned with the ANC, to now challenge the ANC effectively?

UB I don't see that it's a difficult issue. I think that what the LRC's always stood for is for righteousness and justice, and it's always stood against oppression and, albeit in a legal way of challenging that oppression within the boundaries of the law, and the same thing applies. It certainly doesn't...the way I see what the work of the LRC is and it's really from media reports, and I don't see that the LRC's doing anything any different, that it's still forthright, it's still challenging and it still challenges injustice. You know, whether it's...I think there were issues around the Eastern Cape, the pensions, you know, it's still challenging bureaucracy which impacts on people's lives to the extent that people die. You know, the water issue in Durban, the cases that no-one wants to take up because there's no money in it, quite frankly, so, the corporate law firms won't be interested, other NGOs don't have the money, the LRC doesn't have masses of money but it still manages to, you know, to do things that are critical. And I don't have, you know, even as someone who was a member of the ANC for many years, and a fervent...who lived my whole life believing that this ideal government that the ANC believed in, will one day materialise; as someone who now looks at the ANC's disgusting record when it comes to human rights, I don't have any difficulty challenging them.

Int Ok.

UB And I think that, look, I don't think the LRC, because of the nature of the organisation it is and the kinds of people it has, and given the principles it's been built on, those principles of integrity and ethics and honesty and justice and correctness will always stand, and political correctness is not something that I think will ever impede the work of the LRC.

Int Ok. Fair enough. I'm also wondering earlier in the interview you mentioned the idea of how in a post apartheid context, there's actually, strangely enough now, a lack of regard for the rule of law, even with the Constitution and you mentioned two cases in particular, and I'm wondering what your concerns are for the future of South Africa in terms of rule of law issues, and also the future of Public Interest Law within that context?

UB Ya. I think that there will always be a role for Public Interest Law, and there will always be...and it's an even bigger role now, because we are really...we are really challenging our own government, it's a government we put in place, but it hasn't delivered on everything we believed in, and everything it promised, and it's acted to undermine human rights in many instances. I mean if you look at the example of people who still die in prison, police brutality, that still exists, and now, you know, the xenophobic violence, how that was dealt with and, you know, it...I just...you know, we...I think there's even a greater need for a Public Interest institution, because it is the public interest that's been undermined, the rights of ordinary citizens. And whereas, under apartheid, there was always a political organisation to act in...to enforce the rights of citizens, now, there isn't one. There are small advocacy groups, you know, there are groups like...there are little coalitions, there may be the rights organisations like the Aids Law Project dealing with issues around human rights and AIDS, and ensuring that, you know, the recent SANDF case that there's no discrimination based on HIV or HIV or AIDS. I think that there are...there's such a, you know, there isn't a mass political organisation, there are just disjointed organisations doing things that are important in their own area of activity. So, there isn't an ANC that is the, kind of, you know...well, look, there is an ANC, it's completely in a shambles, and in a sense that the rights of the down-trodden and the oppressed still have to be safeguarded, so, Public Interest Law still has a role to play and a bigger law, I mean, a bigger role. Because we're not only challenging laws, we're challenging things like the administrative bureaucracies, corruption, that's rampant, and you're challenging a government that has almost...that has turned a blind eye to criminal conduct on the part of ministers, like Manto Tshabalala, you know, whose statements continue to undermine the struggle to win the Aids pandemic. So, you're dealing with so many other issues, and not all of them can be dealt with through a legal process, they involve a whole range of extra legal issues, but they impact on the way in which you conduct your legal process. I mean, you know, I also think that there's...that there are people who are just completely disillusioned by the ANC, and what's happened, and the prospect of a Zuma government, but I don't think it's for us to become disillusioned and say: oh well, you know, crime and the ANC and corruption, and, you know, the only solution is to leave the country, because it's not a solution. You know, we're born here, we've grown up here, a lot of us have given our lives to the struggle, and now the struggle takes on a different form. And for me it involves linking with the Mother Theresa Home and going to volunteer there, on a Monday and bath, you know, twelve little babies who are HIV positive or going to the Kingdom Life Centre in Scottsville once a month, where there are forty-five homeless kids, either been abandoned by their parents, who've been taken in by Sylvia Mogoba, who kind of tries to run it, has not got an approval to be a proper...from Social Welfare, to be a proper centre, so she gets no government funding. So it's doing those kinds of things where I think again it's trying to impact

on individual lives in a small way, but if you make something a little better for that person, it all adds up, if a whole lot of us are doing it. And I still think there's a role for lawyers, I think that even though we have some of the most sophisticated legislation in the world, we're the only country in the world, as far as I know, that protects people from employment discrimination, if they have HIV; our Employment Equity Act is so far-reaching; we have BEE legislation, I think somehow we're just missing the plot. And as for the rule of law, I think, you know, there's always, you know, we've always, even though we've worked within the confines of the law, we've challenged laws on their own terms, we've challenged them, respecting the rules and not playing outside the rules, and now, there's just so much playing outside the rules that the whole, I don't know, the whole scenario's changed completely, where we have this Constitution but there's so much disrespect for it from our own government. We have the right of every individual, irrespective of their origin or their citizenship, to come into our country, to get a work permit, to work, but you know, when our own president denies that there's xenophobia, it's...what are we left with, it's like...can we not see the reality, can we not see how much more necessary it is for us to respect the Constitution, to have judges who are independent, and to respect Courts, you know. It's so much more important because otherwise where are we going to?

Int I'm aware of the time so...and I'd love to talk to you far more, but I'm wondering, Urmilla, I've asked you a range of questions and I'm wondering whether there's something I've neglected to ask you which you think ought to be included in your Oral History?

UB I think that, you know what, for me, what...if we're looking at...and this feeds into a process of looking at the role that the LRC played in the eighties and the early nineties, I think what may be really useful is to look at where some of those people are, in the community, you know, from those community paralegals, those community paralegals. I know that Mom Pinky (Madlala) who used to work at the LRC, I think she passed away last year, was also a wonderful big personality, you know, who was very in touch with people, so I think she set up all those consultations. I don't really know, I know someone from the Coronationville Community Centre who still talks about the role the LRC played and how she could call us, I wasn't there at the time, but she could call Mahomed (Navsa) at, like, any hour of the day or night if they had a crisis, or people were arrested, or the police were there to do a search or...and, you know, would get advice. So I think there are people who...and Brother George who a lot of us call Uncle George, I'm not sure where he is? I mean, and these are...you know, there are people like Bill Jardine, I think, who...I mean, I remember his name, I know he also died and his sons are now involved in Kagiso Trust and some of the big business ventures. But for me that's an area, looking at the role that the LRC played in those communities at that time, and how the LRC was perceived.

Int That's...

UB Because it certainly provided a great deal of support.

Int And we plan to interview clients so, I'll ask you about that, definitely.

UB Ok, ok, ok.

Int But, thank you ever so much. I wondered whether you would want to end with a fond memory you might have had, not necessarily of the LRC but maybe of a person within the LRC, etc, whom you may have interacted with at some point, it doesn't have to be during your time as a Fellow?

UB The...I mean, the one...the fondest memory I have was the first time I ever went on a plane, was when I was an LRC Fellow, and it was a flight to Durban, and it was the LRC national conference, which again, you know, because it was a non-hierarchical organisation, as a lowly Fellow, even I was invited. So, it was such a thrill. So I got on the flight and I'm on the aisle seat, and there's this Indian gentleman next to me, and he had this wonderful, sort of, you know, resonant voice and beautiful and he asked me what I do and I...as I've been rambling on, rambled on for an hour, about being at the LRC and wanting to be a lawyer and, you know, and don't ask him his name or who he is, and when I get to Durban, realise he was Chief Justice Ismail Mohamed...

Int Oh, how wonderful. (Laughter).

UB ...who was on the LRC Board...and to his credit, you know, he let me talk and he listened, and smiled and interjected now and then, and, you know, I would never have gotten to meet him otherwise, I mean, he was...we'd...subsequently at Cheadles I did...was involved in a matter where he was senior counsel, but in those circumstances to have met him, so, it was kind of for me, the LRC was...I have just the deepest respect for people. I was very sad when Geoff Budlender wasn't appointed to the Bench and all that stuff about being a white male. Because that is so...that's just complete anathema to what the LRC stands for and stood for, and the people in the LRC, I mean Geoff (Budlender) could have gone on to be counsel and make pots of money in those years; it wasn't what he wanted, his life revolved around winning rights for rural people, challenging their displacement, challenging, you know, their status of being illegal squatters on farms where they've lived...entire generations have lived their whole lives. That was his life, the Rural Development Project and all those projects that, you know, he was involved in, all those NGOs that the LRC supported. I mean, I, you know, I still see a lot of people, I see Paul Pretorius, he's a silk, we brief him sometimes at the firm; I see Charlie (Nupen) through ILO circles. I saw Arthur and Lorraine (Chaskalson), they were having lunch and I went up to speak to them and, you know, Arthur's (Chaskalson) just such a...and Lorraine (Chaskalson) taught me English at varsity...and they're just such wonderful people. And then I think of Felicia (Kentridge), and Ma V (Vesta Smith), and I just, you know, the LRC just bred the most incredible, incredible people.

Int Yes, it did.

UB And I get sad about, you know, someone like Geoff (Budlender), I...look, you know, he's doing what he loves, but for this country, I think, to literally spit on his face, you know, and that's what I mean about this whole scenario having changed. It doesn't matter whether you're a white male. Yes, it does matter for certain things like employment equity and companies being forced to change who they put in the top of organisations. And a small coterie of white men not being responsible for running public enterprises, and in that sense it is important that we change the nature of our organisations. But we cannot disregard the role that someone like Geoff (Budlender) has played, you know? And that's what makes me sad. Ya, I get sad when I think of someone like Geoff (Budlender).

Int I'm going to end because I know you have to go, but I want to thank you ever so much, Urmilla...

UB Thank you.

Int ...for a wonderful interview, really, really appreciate it.

UB Ah, thanks, Roxsana, it's just...I've just so loved talking to you and love the way you've just allowed me to ramble on and I...

Int ...you haven't rambled; you've been very lucid...

UB ...I kept on thinking: God, I've forgotten so much about that time, what am I going to talk about?

Int ...and it came back...

UB ...and you just helped me to...helped to bring it all back and I'm so grateful for that.

Int I'm really pleased to have met you, thank you.

UB Thank you.

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