

- Int This is an interview with Odette Geldenhuys and its the 3rd July (2008), 11.30am. Odette, thank you very much for agreeing to be part of the LRC Oral History Project, we really appreciate it. I wonder whether we could start the interview by talking about your early memories, growing up in South Africa, what that was like, what were some of the formative influences and what led you up a particular trajectory in terms of...the professional pathways that you took?
- OG Ok. Thanks Roxsana, thanks for this opportunity. Early years, grew up in a very remote part of South Africa, Namaqualand, it was Northern Cape, and basically spoke Afrikaans until I was eighteen, only Afrikaans, and my parents had a small shop in the town, a general dealer store. Now, in small towns and particularly during apartheid, even shopping was segregated, so, the farmers went to the farmers co-operative, which is more like a little supermarket where you could push trolleys, and the general dealer store was for the farm workers, so, we were very quiet throughout the week but Fridays and Saturdays we were busy when the farmers would bring in their employees on bakkies and trucks. And I worked in the shop from when I was twelve years old, and got quite a direct, sort of, meeting with real poverty. My parents themselves...we were not wealthy either, but, in comparison, we were extremely wealthy. But, those were interesting years for me because that didn't drive me directly into where I find myself as an adult. I saw my father really suffering because he was a very sensitive person, suffering, looking poverty in the face every day, and he became more and more depressed and more and more withdrawn. And, I could also see that he was making the wrong financial decisions by giving poor people credit and that they would never be able to catch up, and so I had quite a struggle with my father from quite early on. And so, I saw my role in our shop as making lots of sales, making the sales really fast, so that I could get to the next customer to make another sale. And, I didn't want to go to university. I had the sense that twelve years of schooling was enough, and tried my best to get out of going to university, and I'm an only child and my father had this refrain which is: as long as he can afford it, which in brackets he couldn't, any child of his, which was only me, would go to university because my family, the extended family, didn't...was a family...no-one had gone to university, my mother, father, etc., uncles, aunts. So, there was a big push in the seventies, which is when I was ready for varsity, for our generation of cousins and nephews and nieces, to go to university. So, I looked around, this was...I had to go to varsity in '78, looked around, there was this explosion at UCT in 1975/1976, you know, newspapers: this is a communist university, blood on the steps of St. Georges Cathedral, police, hippies, and I tried...tried other ways of going...getting out of going to varsity. And then one morning I had this brain wave, and I was going to tell my father: I will go to university if I can go to UCT. And my father looked up from his Sunday paper and said: where are the forms, let me sign them. And so I was stumped, I had to go, and it changed my life. I took one of the easiest...well, what I hoped was an easy course, Sociology. That gave me a real, sort of, different perspective on what was happening. I really sort of, you know, dabbled in student politics, never wanted to have any high profile, and wasn't quite sure what I was going to do, thought of becoming a social worker, thought of becoming an academic. And then I took off about, I don't know, about two years, I think, did studying and...continued studying and working but it was in, like, formal studies, and then I thought I should get a proper job. And for me a

proper job was...I had quite a few friends at that stage who were doctors, I was thinking of becoming a doctor, I was thinking of becoming an architect, and it...and a boyfriend at the time was studying law, and so I thought: Oh well, if Mark is studying law, I'll study law. And I was looking for something which...there was a problem and there was a solution and I would be the facilitator of the two. So, it was not really any sort of thoughts of changing the country through law at all, and my first thing at law school was very disheartening, was the first lecture was about family law and our lecturer said: you know what, family law is in a great state of flux, the legislation's changing, we don't know what's applicable, there's customary law, and we don't really have any clear cut answers and solutions, and I thought: oh, my fuck, like, what am I doing here. But there I was. And ya, so I stayed in law and well, I finished the degree.

Int Was it an LLB?

OG Ya, I could then do an LLB. And I guess I feel as if...often things kind of came to me in my life. I have that feeling where...I had to pay for myself to do my LLB, I had a...for the first year I had a small bursary, but after that...oh no, for the first year I had to use my savings and after that I got a small bursary. And worked in the holidays, and waitressed, and did all that kind of stuff, and at the end of my second year, I wasn't sure how I was going to pay for my third year, I received a 'phone call from a law firm asking me whether I would be available for a holiday job. I jumped at the opportunity because it was going to get me some money, and the law firm was Cheadle Thompson & Haysom. I'd apparently done very well in my labour law exams, I don't know how that happened, and they offered me this job to do filing. And, at the end of the holiday they were very impressed with my filing skills and they offered me articles, even though I hadn't completed my LLB yet. So...which was also fantastic for me because I could then, you know, pay for the rest of my studies. So, I was then, kind of...I was just in Cheadle Thompson and Haysom and in that environment of political law, it was either Labour Law or political cases. I ended up more on the Labour Law side, and I guess I had this...maybe this feeling...I didn't choose to be there, I was just there, and who am I, and how will I grow, and, you know, will I ever, sort of, find my own feet outside of Halton (Cheadle) and outside of Paul Benjamin. Halton Cheadle and Paul Benjamin. And I'd heard about the Legal Resources Centre, I had no idea what work it did, but it sounded good and somewhere along the line I'd met Steve Kahanovitz. And I remember cornering Steve (Kahanovitz) at a party and boring him to the point where he kind of had to (laughs) edge his way out, about how interesting I find law or whatever, which probably...which also wasn't really true (laughs) but I have this very clear image of Steve (Kahanovitz), like, trying to get out of this conversation. But so, I knew he was there, and it just sounded fantastic, the work that they were doing. And I heard on the grapevine, that there was a position for six months, at which stage I was now already a PA at Cheadles. I went to Cheadles and I said: listen, I need to leave. They said: we'll make you a partner. I said: no, I need to leave. And I left for the six months job, and...

Int Not many people can say that they've left Cheadle Thompson and Haysom (laughs) for a LRC six-month job. That's fantastic.

OG Ya, and it was like...I mean, you know, I have very, sort of...I mean, I have very, very fond and very clear memories right from the day of the interview, where I was interviewed by Mohamed Navsa. Mahendra Chetty was now the Head of the Durban office, Moray Hathorn who's still a very...colleague...good colleague and friend at Webber Wentzel incorporating Mallinicks, and Thandi Orleyn, who is now a businessperson. And I confused Mahendra (Chetty) with Mohamed (Navsa), and I thought Mahendra's (Chetty's) the boss and not Mohamed (Navsa) so I started joking with Mohamed (Navsa). And, I'll tell the story...'cause it's...I've got a thing about men and suits and wearing white socks with suits, I just...you just don't do it...and there we had to go downstairs to where the interview room was and I saw that both these men, not Moray (Hathorn), but these men were both wearing white socks, and I thought: oh, my God, I can't work in this place, I can't...(laughs). And so, I had to do something to overcome my immediate resistance and so hence I started joking with the boss. And, and Mohamed Navsa was then the Director of the Johannesburg office so he was my direct boss, and in a way, I don't know if that's just Mohamed (Navsa)'s style, or if it's maybe just the way that people feel they must work with me, but he gave me a lot of space to develop my own, sort of, area of interest. And what happened was that one day, a colleague, Trevor Bailey, came and said: there's a group of clients, there's hundreds of them, they've been evicted from inner city buildings. You know, I knew nothing about Public Interest Law, I knew nothing about housing, I was really kind of just learning everything, every case at LRC was new. But, Trevor (Bailey) said he needed help, and I went in with him, and that was the beginning of what became the first set of buildings to be bought and owned and run on a co-operative basis, by inner city residents in Johannesburg, the Seven Buildings Project, and we literally made it up as we went. And...but Mohamed (Navsa) gave me that space, where everyone else had a huge case load of however many cases, I basically had this one big case that didn't seem to...you know, we never went to court, we never filed papers, we were just working on it, and, you know, it took quite a few years to...for it to, kind of, become what it became. So, I mean, I was really, really fortunate to be in that position and in a way, I guess, had the protection of Mohamed (Navsa) against my other colleagues who would be a bit, sort of, jealous, you know, why's she got, like, one case. So I had these other small cases but that...

Int So, really it was the Seven...?

OG ...Buildings Project that took up all my...well, it took up most of my time. The other part...so now, just because we're sitting in Jo'burg and I see these buildings, the other part of my work, which was substantial, was rural work around labour tenants. And so, once every six weeks I would go with Ilse Wilson and one or two other attorneys or at that stage maybe one or two candidate attorneys, and we would go to Driefontein which is now in the province of Mpumalanga, to a very rural advice office, and see people there, take these papers, bring it back to Jo'burg, work on it, alternatively just assist the advice office workers. But that put me...that, sort of, put me in touch with that particular, sort of, set of issues around labour tenants. And, you know, I also had amazing experiences where I took over and represented labour tenants from...who were facing eviction, and one set of negotiations involved the labour tenant and a farmer, and we managed to get some sort of stay for the labour tenant, on the farm where he and his family had been for many years. And at the end I realised I had to sit

in the lounge in his house and have a cool drink and do those kind of social formalities before getting in the vehicle and going back. And, I saw him running around in his yard, and I didn't understand what was going on. So, I was sitting there with his wife who could not speak English, she'd speak Zulu, I can't speak Zulu, and then I saw there was a chicken involved and I didn't understand and thought: ok, I'll just wait for a bit. And then he brought me the chicken; this was my thank you present. The thing is I don't eat chicken (laughs) so, I had to very gracefully say: thank you, but, no thank you, I'll take the pumpkin, I love pumpkin. But it was this image of this man, like, running around in the dust, to give me my thank you present. And just on the Seven Buildings side, I mean, it also...it really became...not an in...it took over my life. I met my first husband in the course of the project. I'd heard that there was this American guy who knew everything about inner city housing and I thought: well, I need to have all that information. So, I 'phone him up and I say: please, I need to see you, you have to come and see me at the LRC. And he came over and brought me files and was extremely enthusiastic to find someone who's willing to do some work in the area. So, we were married for a while and we have a son. And our son's middle name is Sandile, because one of the people who was very...a key person in the Seven Buildings Project, Patrick felt we needed to somehow encapsulate that in our son (laughs)...But ya, so that's what happened, is that Patrick and I then got married, and Patrick had an offer at Johns Hopkins in Baltimore, so we had to leave Johannesburg, we had to leave South Africa.

Int What period was that, Odette?

OG That would have been '94, '95.

Int Very crucial time.

OG Ya, ya.

Int And you'd started at the LRC in 198...?

OG I would have started working at the LRC in about '90...probably '92.

Int '92, ok.

OG '92, '93, '94. And we would have...ya, we left after the elections so we left October '94. And then we left, and once again, I must be honest, I was quite pleased to leave because I felt quite burned out and I have this sense of responsibility and whatever, so, I felt if I go to Baltimore I can just be a mother, and find some other job, and make films, I've had this film-making notion for a long time. But, Patrick hated teaching Public Health, which is not really his field, and he felt very stifled, so we came back late '95, no, '96 it must have been...'96 we came back, and I had to work. I got a job at the Centre for Applied Legal Studies. Organised...I think, organised by Geoff (Budlender)'s wife, Aninka (Claassens), you know, the circles are very small, and

then decided to buy a house in Kensington because Aninka (Claassens) said the schools are good in Kensington, and then someone, it must have been Geoff (Budlender), 'phoned me and said, so that would have been...I'm bad with times...well, it must have been '96, it was late '96 that I started that job, I think... 'phoned and said that they're looking for both a Director and a Deputy, they've already, kind of, identified the Director, but they want a Deputy. And, you know, once again that thing was something coming to me, I hadn't looked for this and I didn't think that I could do it and that I was the right person, and all those kinds of thoughts. But then Bongani (Majola) and I became new leadership and as you say, it came after Arthur (Chaskalson)'s reign, followed by Geoff (Budlender)'s reign and it was then Geoff (Budlender) and...Meer...

Int Shehnaz (Meer)

OG Shehnaz (Meer), who...Shehnaz (Meer) had gone to the Land Claims Court and hence the position of the Deputy being vacant. So...

Int So you and Bongani (Majola) started at the same time?

OG Same time, ya. What was hard for me was the timing, because Bongani (Majola) started a month later, and so, you know, that sense of...because I think, that's a very hard position to be in, when an organisation particularly an NGO...or even...I mean, now with Microsoft, that was started by Bill Gates, and when he leaves and the people who take over, I think that's the hardest leadership position to be in, after that, it's easy again. But Bongani (Majola) wasn't...and so, I was there the person who used to be downstairs, who used to ride on a bicycle, now all of a sudden, she's upstairs, what does she know, mmm...mmm. Ya, so that was quite hard. And then just the one other, sort of, just, story about, ya, for me it's...we could speak about the politics and whatever, and the politics (inaudible)...but, you know, I was obviously very in awe of Arthur (Chaskalson), never had to work with him, but just his pure presence, and a sense that this is a man, you know, whose intellect is far greater than many of us put together. So, I was very...I was also very shy of him, and he's not an easy person to talk to. And, when I was in the Johannesburg office I used to cycle, and somehow I could never crack it, maybe it was a habit I picked up at UCT, I was always late. And so, by the time I arrived at work in my cycling shorts, so it was very obvious that I hadn't kind of gone and consulted clients, I would be in the lift going up to the fourth floor with my bike and my cycling shorts, and Arthur (Chaskalson) would already be on his way down to go and buy the newspaper after having worked for two hours. So, those were some of...that was...it was a particular sort of, moment of embarrassment, but that still didn't get me to get to work on time (laughter) but, I remember it, like, being very embarrassed whenever it happened, and it happened frequently.

Int I'm sure he was amused silently. (Laughs).

OG But, ya, so then, Bongani (Majola) and I took over, so that was '96. There was a sense that funding was changing then already, so that was a big thing for Bongani (Majola) and me to take on board and to deal with. We very much realised that in order for the

organisation to meet, you know, it's doing fantastic work, but to meet the requirements of funders, we needed to be organised differently, so, we started a process of, sort of...you know, big, sort of, review. It was my job to personally meet with each and every single attorney around the country and work through their files, so you can imagine that sort of, you know, levels of sort of, tension around that. And, also what I had to do in that month before Bongani (Majola) arrived is, there was an office in Port Elizabeth, which had gone through quite a hard time, and Geoff (Budlender) had taken it some way towards closing it down or under Geoff (Budlender)'s, sort of reign and then I had to go and do the final things, when people were still not understanding and very angry, and so on...

Int Fikile (Bam) had left by that time?

OG Sorry?

Int Fikile (Bam) had he left the P.E. Office?

OG He had left. So, Fiona...no...ya...some woman, was then the Director. And, you know, Bongani (Majola) and I had to get to know each other, which was...that was the easy part of the Head Office job was...we really clicked and just somehow found, kind of, a space, and it wasn't a sort of, Director/Deputy, it was more we, kind of divided the tasks and that really, I think, worked quite well, and it ended up, you know, him working with some funders and me working with other funders. And I think for me, personally, it was hard making that transition from just being someone in the Jo'burg office, an attorney in the Jo'burg office, to now being the boss of people who were also my friends; I have a lot of friends in the Cape Town office in particular. And then becoming the boss of George (Bizos), and at that stage Wim (Tregrove) was there in the Constitution Litigation Unit, and these are the new rules, and these are how we do things, and, you know, you have to report to us, and...it kind of settled down but it was...ya. And then I think...I think what happened is, I spent two years also just throwing myself into it, living the LRC for two years, at which stage, '96, '98...I...ya, so I...when my child was small, but I just...I would, I don't know, often work on the weekends and go away and take work back...so at the end of those two years I was burnt out again. I was completely burnt out. And, then I didn't know what to do about it, but, someone came to me and said: there's a job at the UN, basically we want to give it to you...do you want it? And I said, whatever. So, that's what happened. So I took that job for a year, two years, can't remember...

Int Was this in Johannesburg?

OG It was...I was based at the Justice College in Pretoria, which is where magistrates and prosecutors are trained. And the UN wanted some sort of Human Rights capacity to be there. And then, you know, the small group...the small family, I was there when I got a 'phone call from Mohamed Navsa saying: we're busy overhauling the Legal Aid Board, I want you to come to the Legal Aid Board. I said: absolutely, I don't want to come to the Legal Aid Board, which I also told the UN, I said: I don't want to come for an interview, I don't, I don't know what I want to do, but I don't want to come for

an interview...whatever, and I don't want to work for the Legal Aid Board. Mohamed (Navsa) said: ok, well, just come for the interview. So, I went for the interview and then, that, then led to two years at, also new management, overhauling the Legal Aid Board, putting it on a whole different course, a whole different direction, opening up a substantial number of justice centres with attorneys employed at the Aid Board itself, rather than outsourcing the work. And, that was also two years of massive and intense and...ya, just, crazy work. And throughout all these years, from the day that I started telling you the story of UCT, to the day that I handed in my resignation there, to...at the Legal Aid Board, I've had this fantasy about film, and it's always been my escape and when I was at the University of Cape Town I found this place in Woodstock where one could go and watch, pay one flat fee and you could go and sit and watch all the films that they showed on some sort of spliced reel. When I was at Cheadle Thompson and they had the offices in Braamfontein, which is where they still are, Hillbrow was quite a different place then, but I could jump on my bike and cycle into Hillbrow and go and see a matinee, and then go back to work, and then I did cycle in my work clothes so that Halton (Cheadle) and Paul (Benjamin) wouldn't see that I (laughs) was going to see a film and not a client, and I would go back to work and catch up with my work. So, it's always been with me, I had friends and partners making films and documentaries and I got to this point and I guess it was 2002 where, on the one hand I felt very burnt out, but I also...I felt...you know what, I'm boring myself and I'm boring my friends by talking about, you know, one day, when I'm going to make this film and always be critical about everyone else's films, and that if I'd made it, and why did they do this, etc., and I had this sort of thought about: I don't want to one day sit on the veranda of the old age home and think: what if? And, a friend came to me and said: fantastic, I've got this job for you in my production company. It was the time of the World Summit and she was waiting for a whole lot of work to come in and she said: but, you know you'll have to start. So, (whistles) off goes my resignation letter...

Int Is this to the Legal Aid Board?

OG Ya. My friend doesn't 'phone me up, don't hear from her, but I've resigned. She 'phones me, sort of, ten days before the end of my job at Legal Aid Board, she says: well, you know, I don't know if you're still interested, but, most of that work didn't come through, but, you know, if you're still interested, I've got this other small job? Oh, ya, I'm still interested, you know, I didn't want to sort of, put pressure on her, that I'd actually resigned. So ya, so I also...I left a top...I was like one of the top five executives at the Legal Aid Board for...to become a production assistant. With Ingrid Gavshon and...whatever...but that's what I wanted to do. So that's what I did from 2002 to 2005-ish. Stayed in contact with Moray Hathorn, who had meanwhile started his Public Interest Unit, at Webber Wentzel, so I was thinking of maybe working with Moray (Hathorn) part-time, and then this...the Atlantic Philanthropies said that it was interested in funding a pro bono clearing house pilot, and so, I was the pilot for part of 2005, part of 2006. And then Atlantic gave us the funding to set this...to set up ProBono.Org as the first Public Interest Law Clearing House in South Africa, and here I am as the Director, I work half time. Sometimes I dress like a lawyer and sometimes I dress like a film maker, this morning I'm wearing my film maker shoes (laughs), ya, my yellow Reeboks.

- Int They look cool. (Laughs).
- OG Thank you. And the other half of the time I make films.
- Int Really?
- OG Ya...
- Int Wonderful. This is a fascinating story...
- OG But there's not much politics in it, I'm sorry it's...
- Int No, that's fine. I'm listening to your story the way you tell it, it's a fascinating narrative and I'm impressed with the way in which you've been able to give me quite a...linearity. But, I'm going to take you right back a bit...Growing up in Namaqualand, I'm just wondering, you seem to give me a sense of, a kind of tension, between you and your father, and it's around the idea that...it's to do with poverty, and at the same time survival and making money. And I'm wondering whether you could talk a bit more about that, because in a way, if you look full circle, you've really come back to a place where you're dealing with people with issues of poverty, etc. I'm wondering whether you could talk a bit about those early...years as a young person, what was going through your mind. Did you have, in terms of social justice and injustice, was that what you were thinking of? Were you thinking of survival in terms of the family? Were there anxieties? That's what I'm curious about?
- OG Ya, it's...I mean, and that's what I'm saying there's...in a way, there's very little politics in my...in Odette's story. I think from my early years it's been driven by personal survival and fear of not surviving, and...ya.
- Int And then you also talk about not wanting to go to university which interested me. It sounded like, almost, that you'd thought that by saying that you would go to UCT, your father wouldn't really go for it and that backfired on you. So, you get to university and...is that 1975?
- OG No, that would have been '78.
- Int '78, ok. So, you get to university, it's still really tense times. NUSAS is there and I'm assuming this is when NUSAS splits with SASO...?
- OG Ya, and Fink Haysom was then in charge of NUSAS.
- Int Right.

OG Ya.

Int Did you become involved at all?

OG I was involved, as I say, on the periphery. I was involved in a group, I don't know what it was called, Workers Committee, or something, that used to go to a trade union and take statements on Saturday mornings from workers, about their problems. Participated in a demonstration or two, got arrested, some sort of...

Int Were you detained?

OG No, no. But ya, it was really, sort of, it was really...it was...it's sort of hard to say...but it was...it was...for two reasons, I guess, almost, that I stayed on the periphery, because I...there was a...I think because I'm just quite an energetic person, I think someone like Kate Philip, looked at me and sort of almost like targeted me as someone who can be pushed to take a leadership role, and I wasn't ready for that.

Int This was in NUSAS?

OG Ya, in, sort of, the stuff that was happening at UCT so, I...I, sort of, backed out. And, I was also very shy, I mean, I literally didn't speak for the first six months at varsity, because, even though I'd read a lot in English, I didn't know if the words meant what I thought they meant. And, it was also the time...so maybe there were three reasons, it was also...so there was the shyness around my language and my ability to communicate, and thirdly, it was also the time when there were big fears of spies. And so, I had this thing, people would have to think that I'm a spy if I'm Afrikaans and I'm so involved in NUSAS, and I know I'm not, and I don't want to even go there. So, ya. And then there was also my own personal survival at UCT, having to work to pay the varsity fees and stuff, you know, ya, which that kind of kept me busy quite a bit of the time doing odd jobs.

Int It sounds also that you almost fell into law, as well?

OG Oh ya.

Int ...and, but at some point you must have started enjoying it because, clearly, you know, to be head-hunted in a way, by Cheadle Thompson & Haysom for a summer job, you must have, in some ways, been putting some energy into it, and I'm wondering what aspects of your legal training that you really started enjoying?

OG Aspects of my legal training, absolutely nothing.

Int Really?

OG I did not like doing the LLB, at all. I think what I like about law and legal practice, are not the crossing of the 'Ts' and the dotting of the 'Is' and the 'buts' and the 'ands', but it's the people. I get completely devastated, still, by the stories that we hear, here at ProBono.Org, and I also feel enriched and I feel creatively stimulated by just the people that we see here, and the fact that our office is, and it's very much it was my choice that we needed to have an office that's right in the CBD of Jo'burg. So, we're not shielded from any kind of realities, and we're right here. So, that's...I think that's what really...you know...I could...ya...it's really...I mean, the Seven Buildings, it was all those people, the Labour Tenants was the people, Cheadle Thompson, it was the people...ya.

Int So, when you went to Cheadle Thompson & Haysom. Was Fink (Haysom) there at the time or was it Halton (Cheadle)?

OG Oh, everyone was there at the time...

Int Peter Harris?

OG Peter (Harris) was there, Fink (Haysom), Clive Thompson was still in the Cape Town office, Paul (Benjamin) and Halton (Cheadle) were my two principals.

Int What was that like? It's got such an amazing reputation, I've been fortunate enough, being based in New York, to interview Fink (Haysom) a few times, and these were horrific times but also exciting times to be a lawyer. But you really chose the Labour route when they were doing political trials...especially as they did the major political trials...

OG It was not so much a thing of choice, but, you know, because that was my varsity job, was with Paul (Benjamin), Paul (Benjamin) must have motivated to the firm: take her on. I fell onto the labour side. I did some work with Peter (Harris), around...I forget which trial it is...but I remember one of the clients was called, Neo Potsane, they were on death row. Peter (Harris) also represented the Broederstroom Three, I went to see them in prison with Peter (Harris), ended up on a prison visit roster, and also around...the person who was really very involved in the, sort of, the Vlakplaas story coming out, Joe Mamasela, going to look for his family. I'll tell you two things about...two...three things about Cheadle Thompson and my time there. The one was that it was very exhilarating, everyone worked extremely hard and long hours; that was offset with a kind of a party spirit, so every Friday we drank, but when I say drank, I mean, drank. And, then every day after work we also drank but that was like just drinks, but Friday, we drank, or Fridays. And, I think some Fridays that I went to see my little matinee and then came back for the drinks. So, that was a...it was like a family also, and I think that was part of my own struggle with identity, is like, this family and the people who came to the Friday drinks. I remember meeting Chris Nicholson there, who I then was later colleagues...well, you know, he was a Board member, or whatever, of Legal Resources Centre. But...so, it was a sort of, an

intensity and a family and a sort of, and also even around...not even around...around the Labour Law stuff. The case that Paul (Benjamin) really needed assistance with was after the '86, '87... '87 miners' strike, twenty thousand people had lost their jobs. Paul (Benjamin) had all these files, he didn't know who was where, who had been dismissed, where, what was going on, we were in these hectic, sort of, arbitrations and mediations with the mines, and it was, even forget who was our advocate, and Paul (Benjamin) and myself and the other side, all these people. So it was...everything was just very intense and sort of, about, sort of, pushing the boundaries and about pushing oneself. A case that Paul (Benjamin) and I worked on which was, I think for me, quite...in a way I found my own voice there, was around the people who died in the Kinross Mine, there was one hundred and eighty six people who died underground and it was, sort of, like putting together a kind of a mystery puzzle of how this would have worked. And then I also did some work on, as I mentioned, with Peter Harris, on the political side. I was there...I was at Cheadle Thompson at the time when Bheki Mlangeni was a candidate attorney. And Bheki (Mlangeni) was really working very closely with Peter (Harris) on the Vlakplaas case, and that was even before we knew Eugene de Kok's name, but there was an Afrikaans policeman who had gone into hiding, forget his name, and Bheki (Mlangeni) and I were on...we were on different floors, because we...there was a labour floor and a political trials floor, in a way. I kind of had this feeling that Bheki (Mlangeni) is this staunch Africanist and I had this feeling he sees me as this, kind of, partying, like, white girl. And, I thought: he seems like such an interesting person and I need to, sort of, just get to know him better. And one day I went to his office and he had just popped in, he was studying for his board exams and he had one of these metal sort of, filing cabinets and the top drawer was open, and I saw a walkman in it, and I thought: ah, this is the way to connect, speak about music. And I was about to take the walkman and put it on my ears to listen to what music he listens to, when I thought: no, that's, like, really a little bit intrusive, you know, rather ask him, like, what does he listen to? So I said: oh, so what's on your walkman? He said: well, like, he got it from this white cop, who I can't remember the name of...(Dirk) Coetzee. Oh, ok, so, like, when you come back from board exams and you're not so under pressure, you know, then we can talk, and he never came back because that was the walkman that blew him up.

Int Gosh! That was a close call!

OG Ya...Sorry just...he just...ya, he ended up...(break)
(Recording switched off for a while and then resumes)

Int One of the things about Cheadle Thompson & Haysom was that it was doing different work from the LRC, but, in some ways, I'm wondering whether there was a sense of, that Cheadle Thompson & Haysom was really at the cutting edge of what was happening in South Africa, and whether there was a sense that the LRC was maybe, perhaps, a bit more conservative. Did you ever get that sense?

OG Oh, no, not at all. As I said to you, I mean, I don't know what I thought when I went...when I wanted to work at the LRC, because I really had no sense, I just had...it just was like, this 'feel good' thing. And, I think maybe for me, the difference

is that, then, you know, the work at Cheadle Thompson was just seen as more glamorous than the work at the LRC...ya.

Int Did you socialise...you talk about the partying, and I'm wondering because, in a way, it's a small world, isn't it, there's CALS, there's Cheadle Thompson & Haysom and then there's the LRC, did you in any way connect socially?

OG Not really, it was also a...some sort of principled decision I'd taken, is that I shouldn't socialise with people that I work with, because then my life is really only going to be that, which it was, in those years, so I ended up not socialising. Ya, but, ya, I mean, as I say, I met Steve (Kahanovitz) at a party and I can't remember where, but it wasn't a legal party. Ya.

Int I wonder whether you can answer this because at the time that LRC started, which is, you know, 1978, '79, and then of course, Cheadle Thompson started, there's also CALS and you went to work for CALS for a while, I'm wondering...then there was the Black Lawyers Association, BLA. Where was the Black Lawyers Association in relation to all of this, and what were the degrees of relationship?

OG Well, at Cheadle Thompson there wouldn't have been any formal relationship because they were...all the attorneys, except individual black attorneys, were members of BLA. LRC also did its own work in-house, which is...ya...CALS I was at, a very short time...

Int And John Dugard had left?

OG John (Dugard) had left already, I can't even remember who was the Director, ya. It might have been Dennis (Davis), but Dennis (Davis) was based in Cape Town, sort of trying to do it long distance, ya.

Int So you start, it's almost serendipity in a way, because you start at the LRC and you become involved in the Seven Buildings Project, and I wonder whether you could talk a bit more about that, because it sounds like it consumed your time, and in some ways, that's one of the luxuries of working for a place like the LRC, where you can have one case for example, Richtersveld, you can work on the case for that long. So, I'm wondering whether you could talk a bit about that because I'm interested in hearing about the cases?

OG Ya, ok. Seven Buildings was, I mean, it was amazing. It literally consisted of seven buildings here in the inner city of Johannesburg and adjacent to Joubert Park and a little bit further, Hillbrow, all owned by the same owner. They'd reached a point where they didn't want to own these buildings any more, they didn't want the hassles of tenants, and their idea was: empty the buildings out and then they would find buyers. Which wasn't an easy time to sell buildings then, in those three areas, in the, sort of, mid...early to mid nineties. And, I don't know how we got this idea, maybe

it's sort of, some off the cuff remark that some of the tenants made or...but we then just...then the tenants must buy these buildings and we had no models, and we...you know, so we did the sort of, the financial work, the legal work, the social work, speaking to the banks, speaking to the City Council, trying to get electricity re-connected, doing tenant education around what it means to become an owner...that was much later on, I'm just jumping it...around different models of ownership. Assisting to just organise committees in the buildings. So, I would, often, I don't know, once a week, once every two weeks, go to a meeting at night in one of these buildings to attend some sort of meeting or report back, or whatever. And, it was amazing, because, I mean, I was never scared, people said: but no, wow, you must be scared, Hillbrow...Joubert Park. The one thing that stayed with me was the smell in the buildings, such a bad smell. But ya, so it was...it really, as I say, we just had to...and then at some point, quite early on, my colleague, Trevor (Bailey), stepped back, and so then it was really me, sort of, running this. But, we had also brought in, you know, other agencies, PlanAct, which is a development NGO, we had brought in...I forget who else, kind of, because we literally had meetings every single week, every week we had meetings to take this thing forward. Sometimes with a bank, sometimes with the civic organisations...ya...so, it's almost...and I guess that's why it's sort of, even hard to think about the work with the Labour Tenants because the Seven Buildings did...it was so immediate, it was every single day.

Int So the outcome...?

OG The outcome was that...it was also...by the time we had done whatever we had done, the...and I think we also then became part of...the people in this group became part of various, sort of, advocacy groups and sort of, could influence changes in legislation, so, one of the things that then became available, was a government subsidy for co-operative housing, and so that's what happened, is that the tenants did buy the buildings, they did become the owners with the subsidies. Unfortunately, what the downfall was, that there had never been sufficient resources for tenant education, which is something that I had picked up in Baltimore and in DC, was just around co-operative housing there, about how much tenant education there is around responsibilities. And, that was a lack, and so, there were misunderstandings amongst new owners, and some years later it collapsed.

Int The Seven Buildings Project was really predating the Constitution, in a way, because do you think, had it been three years later, do you think it would have had a different impact?

OG I don't think so because, as I say, I think it's about the conditions on the ground, that if we had had a bigger and a stronger and a more well-informed grouping and groupings within these buildings, who understood financial statements, who understood what it means paying things on time, that would have made a difference. The other thing was also the scale on which we did it, where once again from what I've subsequently learnt in Baltimore and DC, was that their people do one building at a time. We did seven buildings which were...they weren't adjacent; they were spread in three different suburbs.

- Int It's a mammoth project...
- OG And so, you know, talking under correction, but I think, sort of, two thousand tenants to all agree to the same thing and all have the same understanding.
- Int It's a huge undertaking, yes...
- OG You know, which I...we...well, that's what we could do at the time, we were faced...but I think that if we had to do it again now, we wouldn't do it on that scale, or attempt it on that scale.
- Int You were really a lawyer...during the 1980s, and I'm wondering, ... under apartheid Parliament was supreme, it could really overturn legal victories. And the LRC was very successful with the test case approach. Did you ever think that the law could ... studying at UCT...did you think that the law could be used as an instrument to overcome apartheid or to challenge apartheid and in some ways rectify the set of large social injustices that were happening ?
- OG At UCT I didn't study law, I studied law at Wits, but, interestingly that when I was at UCT I also did, I did an Honours in Sociology and my Honours paper, dissertation, was on legislation, it was on the security legislation, which the argument, the premise of my paper was, that it allowed deaths in detention. So, I guess from that, one can surmise that my thought was that the law was pretty evil and that it can't be used as a tool for social change. And I certainly didn't have that, you know, that wasn't my reason for going to study LLB, was to change the world's law. I still see it as a pretty oppressive, well not oppressive, that's the wrong word, but as a complex tool, just with what we have in the country at the moment and what we can do with it, and what is done with it, and what isn't done with it.
- Int So...you start at CALS and then you get back to the LRC, if I'm not mistaken, and, or is it the other way around, with Cheadle Thompson and Haysom and then you get to Legal Resources Centre, you leave for Baltimore and then you come back...?
- OG And have a short stint at CALS, ya.
- Int Just before I go on to that, in Baltimore the situation is really horrific in terms of poverty, homelessness, etc. I'm wondering whether that in any way informed the kind of work you subsequently took on in South Africa from the ways in which things were handled, in Baltimore, for example?
- OG I can't say about a direct effect, but, I tried very hard to...I tried very hard not to become involved, so I worked at the university, they had a sort of an internship programme, South Africa exchange programme, and I sort of ran that for a while, and did...But what I did do, because I had, you know, just kind of stepped out of the

Seven Buildings Project, what I did do, which was that I did a Housing Law course at Georgetown, with this absolutely fabulous woman, Florence Roisman . I think her surname was, but, ya, I...and I also had a small baby, so, ya.

Int So...you get back and then you're at CALS for a short while and then you start at the LRC and it's as Deputy Director. You mentioned how you and Bongani (Majola) had a good working relationship, but the time is also difficult because Arthur (Chaskalson)'s left and Geoff (Budlender) had always been there, Bongani (Majola)'s not a lawyer. I'm wondering whether you could talk a bit more about the tensions that may have emerged around the fact that Bongani (Majola) was not a lawyer, but he was the Director and also the LRC really coming to terms with organisational change?

OG I just want to go back to Baltimore, that's the one thing I remember about Baltimore, is about people's fabulous hairstyles...

Int Oh, ok. (Laughs)

OG ...and the nails, I just remember the women on the buses. I used to always use the bus, it was, like, fabulous, I just had...that's the pictures I have and I also met John Waters on the train, being like a hero of mine. It was hard but I think because I...for me there was a sense of...I needed to...I needed to protect Bongani (Majola), it's not something that he ever asked for or that he ever knew, but that was in my mind, because I just really liked him, I still like him. But the sense of that, you know, he's now got this position and his heart's in the right place and, you know, it was...for me the hard things were really the...that sort of, strategic review that we did. And, having to sort of face colleagues and acquaintances and some would stop and say: wow, do you think this is a practice, do you think...like really...like, you know, you can be paid every month for doing this? So, I'm also quite straight forward, and I'm quite harsh and I think it was hard for people to also to have to...to have me do it and not Bongani (Majola) who is a much more gentle person. But in a funny kind of way I also think he protected me against people, because people went and complained to him that I was harsh, and I think he did the same for me, you know, kind of, tried to justify my bad behaviour.

Int So, did you leave before Bongani (Majola) did?

OG Yes, ya, ya.

Int And, of course, then you left and now you're here. Could you explain a little bit about the focus areas of the LRC, because it seems to me that the LRC during the 1980s, did all and sundry in a way, and it had Hoek Street and had the Advice...Centres, but then in the 1990s it seems funding starts dwindling and there's these focus areas, was that an initiative that started during your period or thereafter?

OG That was exactly what came out of that strategic review, was the focus areas, where we said, you know, we're in any case doing the bulk of the work in four specific areas, land and housing, constitutional, maybe...I even forget the other two, what they were...but, so, let us organise ourselves in that way and let us not take on the other stuff. But, that was hard for the people who were doing the other stuff. And, it was hard for people to see that Land could be someone doing one case, like Richtersveld. So, having been in Seven Buildings I could understand what Henk (Smith) was doing, if I hadn't, I also wouldn't understand why he could just do one case. So, that certainly, that was exactly the time when the focus areas came. It was also a time when we introduced very strict time sheets against which there was a resistance and part of when I speak to George (Bizos) in the film and I say: well, you know, we kind of have to put it on the records that you and I know each other from before. He says: ya, you know, I remember being told to fill in time sheets and to this day, I don't fill in time sheets. (Laughter).

Int I've heard about the time sheets...

OG So, I sort of blush on the other side of the camera, like...I wonder if he knows that that was, like, exactly me? So, George (Bizos), where's your time sheets, where's your time sheets? Ya, so there was kind of a sense...not a sense but, I mean, the conditions were...it was...it's my personality plus the conditions that made it very clear that we need to have order, and part of that order was the focus areas, and time sheets, and knowing what everyone's doing, and regular case reports, which we didn't have, and so that was bringing quite a change in the culture and the way in which the organisation was working...ya.

Int The other thing was that a lot of the key people left the LRC at the time, and it seems to me some of the criticisms that people mention is that, because funding started dwindling, the LRC was really unable to attract high quality lawyers from the mid 1990 onwards and that's the case to date. Would you agree with that, do you think that was an issue? Or, that young black lawyers came and then they were so highly sought after in other firms, they left? ... Also someone like Moray (Hathorn) who is really committed, he leaves of course, for Webber Wentzel out of financial reasons really. I wonder whether you could talk about that?

OG Ya. I think, you know, having also then spent time at the Legal Aid Board and having to staff X number of new justice centres around the country with young lawyers, one could see that the country had changed and that young black lawyers or young black graduates said: now is our time, now is our time to do well for ourselves. And so, ya, that, so...I remember it was very hard the sort of, the interviewing and the recruiting process because one would say: there's this fantastic white person, but we can't take him or her, we have to take a black candidate. And, ya, so I don't think it was so much as about the funding having dwindled and good people having left so that they weren't there as draw cards, or they weren't, you know, there as the sort of rainmakers, I think it's the change in the country.

- Int Would you say its affirmative action? Would you say that that was what was going on?
- OG In the organisation, or...?
- Int In the organisation.
- OG I think the organisation was just trying to have attorneys, professional staff who represented the clients, rather than it being this, sort of, little white enclave as...that's how it started, I mean, it's no criticism, that is just how it started. But, then, as it became a sort of, established organisation, in its own right, outside of the people who started it, it needed to be part of the society it was in then, and so it had to employ or it had to find black staff, I mean, it's not even a question. But, it was then faced with the pool from which it could draw, because of what it could pay, and what the work people did, and what their sort of, career opportunities were. Instead of...but that's how it was at the time and hopefully that's slowly changing, where good, young professionals can see it as a stepping-stone. Because I also don't believe that people should stay for a long time, I think that some of these people do stay too long and organisations like LRC and Public Interest organisations, it doesn't need the same people, it needs the same enthusiasm and the same energy, but it doesn't need the same people.
- Int Sure, The other thing is that during the 1980s the LRC really took on cases against the apartheid state, and in some ways its ideology was aligned to the ANC and, the fight for against apartheid, so in the 1990s and the ANC in government were there tensions around the fact that the LRC would then have to challenge an ANC Government?
- OG I think there...ya, no, there was, and I mean, I remember discussions particularly around land issues where some colleagues around the table would say: let's bring this case, let's bring this challenge. And others would say: no, let's wait, let's give them a chance. And so that was a tension. Ya.
- Int Did that continue right through your time there? For two years?
- OG Ya, pretty much until...ya...until I left, ya, because that would have been...that was still then the new...the first government by the time I left, it was still Mandela's Government.
- Int And subsequently the LRC's taken on cases like the TAC, so it has gone on to challenge Government. Do you think in some ways that the Trustees, the LRT, in any way contributed to that process of: let's not challenge the ANC?
- OG The local trustees?

- Int Yes, the LRT.
- OG I don't think so.
- Int Ok. So, the working relationship with them was quite good?
- OG Ya, you know, they never interfered or dictated any kind of work, it was just a sort of, very, sort of, hands off...I met them once a year at the AGMs, we had nice chats and drinks.
- Int Ok. The LRC has really been in the forerunner of Public Interest Law organisations, but now you have...ProBono.Org, and you've got funding from Atlantic, I'm just wondering how ...how does your work somehow compare to the LRC, is it competitive, are you duplicating things? What's your sense of the field of Public Interest Law organisations? It seems to me there's more of them now.
- OG I see us as totally complimentary, and Janet Love, the current Director is on our Board of...she's there as ex officio, so, the LRC's really on our Board, and that was very conscious because I wanted to make sure that that complement is clear, and that we can actually expand on it. And how it's complimentary is that, when the LRC...I mean, the only difference between...well, the big difference between us, is it takes on as much work as it can, in-house, when it doesn't have the capacity, but if it's a Public Interest case they send the people over here, and we then use the network of private attorneys to expand the Public Interest impact that the LRC has.
- Int Ok. So in a way you function very well together?
- OG Absolutely. Ya.
- Int How would this work in relation to the fact that there is Webber Wentzel which has a Public Interest initiative and there's Bowman Gilfillan, all these other places are doing pro bono work, so how do you...is it a formalised network ...?
- OG Ya. It's...for us as ProBono.Org, it's very good when a firm is as organised as Webber Wentzel or as Bowman Gilfillan, because it means it's an easier process to refer a pro bono request to that particular firm. At the moment it's relative...in relation to the big firms, it's quite formalised, they all sit on our Board, the biggest of the big firms sit on our Board, but, really, the process is that we see clients and we send out pro bono requests to...at the moment it's the big cases to the big firms and for the smaller cases to the smaller firms, and sometimes it's on a first come first served basis otherwise it's on a very specialised area, and we only send it to one particular firm. What we are looking to do is to set ProBono.Org up as a membership-based organisation with law firms and the Bar Council, either the Bar Council itself, or individual advocates as members. And on the sums, if we have sufficient paying members, then the membership fee will cover the basic running costs of the

organisation, and in return what do they get? They get pro bono matters which have got merit, which has got some Public Interest aspect which we've already done the legwork on. We've put all the... a lot of the papers together. And they get only the kinds of referrals that they want, so if they want only housing, they get housing, if they want family they get...they don't, kind of, just have people walk in through their door. They stay in contact, they get the publicity...so, there's quite a lot of benefits we feel that they will get for their membership fee. But ya, that's the next step.

Int Earlier you mentioned to me that the law somehow can be quite restrictive and I don't think you were saying it's oppressive but I think you...what you're saying is limited perhaps. I'm wondering in terms of the new Constitution in South Africa and also in terms of rule of law, human rights based issues, what do you see as the areas of concern and areas that...places like the LRC and ProBono.Org etc. could really have a good stake and impact on?

OG Whoo, that's a big and a hard question. You know, obviously the Constitution itself is perfect; we've had excellent constitutional judgments. An area of concern is the change of pace of the Constitutional Court and that is one area where we, I think, as Public Interest organisations and as a particular voice in civil society, can play a far stronger role and that's around the lobbying for particular individuals to be nominated, to become...that is, to be considered as judges. Where up to now there hasn't been, there's been lobbying, really, lobbying...small scale lobbying, by NADEL and BLA at the JSC. So, for me that's an area of concern, an area of involvement. I guess I'm so not feeling like a lawyer today...!

Int Right.

OG Which is I really should say, that's why. But, it's...as I was driving here, a minister, Zola Skweyiya who is the Minister of Social Development, was on the radio, he's been the only person in government who's been a proponent of the basic income grant of a hundred Rand per poor person. And earlier last year the Finance Minister said: it's out of the question; it's too much money. And then he said, now, and it was very hard, he said, you know: I thought...I thought we were going to talk about it at Polokwane, but we didn't. And he said: that means that we will only speak about it again in five years time. And I think that's...this is that...this is the problem in our country, is poverty. So, personally, I don't think that the basic income grant is going to help either, it's...but it's...that...that's the problem in this country, it's poverty. You know, we do all sorts of nice things with the laws that we have, all the people who come here, we help, you know, with the law, but they're still poor at the end of the day. They might have access to their child and they might still live in their flat or...ya.

Int Poverty alleviation, I mean, is that what you're talking about?

OG No, I'm talking about poverty eradication. Ya, I'm talking about a much smaller population, I'm talking about...a smaller population growth...I'm talking about people having different expectations about where they live...the next programme was

a housing professor speaking about high rise, high density units on the N2 that rings the city, like...ya, you know. We had a client in here on Monday who is now in huge debt. She bought a house for eight hundred thousand Rand, and she's a waitress. She earns a thousand five hundred Rand. Someone must actually, you know, be, not only struck off the Estate Agents roll for having placed her in this position, but should...

Int How do you get a loan on the basis of that salary....?

OG Exactly. So, it's where...but somehow she had an expectation also in her mind that that is what she is entitled to, is that house. And so, I think we need a big sort of re-looking at our own...at values in our society, I think our values have gone completely...they're skew, as a society. Part of what I did in my film and my film time last year...they...did a thirteen part series on ethics and morality, a TV programme, and it was interesting because we got experts to come and the host would facilitate the discussion. And when it came to hard things, people didn't want to speak, the experts, they would wait for someone else to speak. For example, if it came to fraud and corruption, if it came to the ethics in the legal profession. The other programmes would come to parenting and relationships, and, you know, then everyone spoke. So at times it was also an eye opener for me just around values and where they are, the status of values in our society, at the moment. Sorry that I sound so depressed, sometimes I don't, sometimes I'm a bit more upbeat. Mostly I'm more upbeat than this.

Int Right, at least it's candid, and it creates a different perspective. I've asked you a range of questions, Odette, I'm wondering whether there's something I've neglected to ask you and which you think really ought to be part of your oral history, which you would like to include?

OG Well, I mean, I think, just, in a way I want to say thank you to a place like the LRC and people at the LRC who, in their own different ways, have given me the space to be just an individual, you know, from Arthur (Chaskalson) who kind of turned a blind eye that I was late every day, to Mohamed (Navsa), ya, Bongani (Majola), everyone, I mean I had a fantastic relation with Felicia (Kentrige) when she was on the board...George (Bizos), ya, just everyone, I mean...

Int It's also a testament to you because you've worked with a range of people and gotten on very well, so it's also a testament to your own personality.

OG I mean, jeez, no, I think it's them...I'm really quite a difficult person but, ya, I just have...I really have a series of very fond memories of, you know, right from, sort of, cleaning staff to paralegals to...ya.

Int You've interspersed this interview with some wonderful narratives and wonderful stories, I'm wondering what are some of your favourite ones if you had to think back, they could be about people in particular, like George (Bizos), or they could be about specific clients or cases or...?

OG Mmm. Over and above the ones I've already mentioned?

Int Yes. Something that stands out, you know, it could also be about the work you're doing now with George (Bizos)...whether there's something interesting or memorable?

OG No, I can't think of anything specific now. Ya, ya.

Int Well, Odette, thank you very, very much. It's been a wonderful interview. Thanks a lot.

OG Good.

Odette Geldenhuys–Name Index

Bailey, Trevor, 3, 13
 Bam, Fikile, 6
 Benjamin, Paul, 2, 7, 10, 11
 Bizos, George, 6, 16, 20, 21
 Budlender, Geoff, 4, 5, 6, 15
 Chaskalson, Arthur, 5, 15, 20
 Cheadle, Halton, 2, 7, 10
 Chetty, Mahendra, 3
 Claassens, Aninka, 4, 5
 Coetzee, Dirk, 11
 Davis, Dennis, 11
 Dugard, John, 11
 De Kok, Eugene, 11
 Gates, Bill, 5
 Gavshon, Ingrid, 7
 Harris, Peter, 10, 11
 Hathorn, Moray, 3, 7, 16
 Haysom, Fink, 8, 10
 Kahanovitz, Steve, 2, 12
 Kentridge, Felicia, 20
 Love, Janet, 18
 Majola, Bongani, 5, 6, 15, 20
 Mamasela, Joe, 10
 Meer, Shehnaz, 5
 Mlengeni, Bheki, 11
 Navsa, Mahomed, 3, 6, 7, 20
 Nicholson, Chris, 10
 Orleyn, Thandi, 3
 Philip, Kate, 9
 Roisman, Florence, 15
 Skweyiya, Zola, 19
 Smith, Henk, 16
 Thompson, Clive, 10
 Trengove, Wim, 6
 Waters, John, 15
 Wilson, Ilse, 3
Fiona, 6
Mark, 2
Patrick, 4
Sandile, 4

Cases:

Broederstroom, 10
 Death Row- Neo Potsane, 10
 Driefontein, 3
 Kinross Mine, 11
 Mine strike of 1987 (Job loss), 11

Richtersveld, 16

Seven Buildings Project, 3, 12 -14, 16

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