

news you're not supposed to know

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at Werksmans



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noseweek

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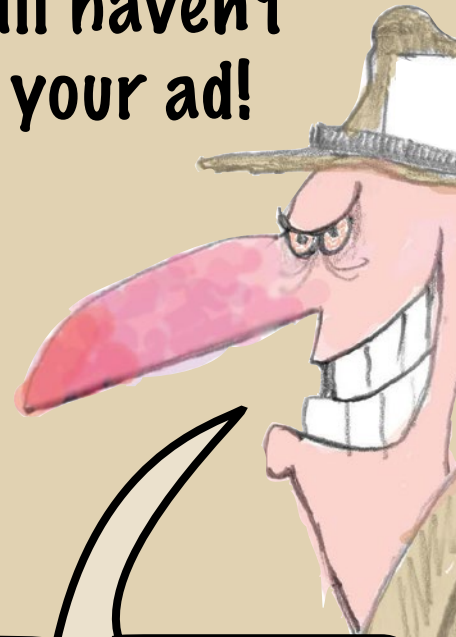


Illustration: DR JACK

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Lester's Sleepy Hollow

As a property owner in "sleepy Kenton-on-Sea" I read with interest your latest report (*nose79*) on the Mathew Lester house saga. The claim by the Ndlambe Council's Angus Schlemmer that the original building on Lester's property "is an outbuilding and as such is permitted" is both inaccurate and outrageous. This so-called "outbuilding" was the home of Lester's parents for a decade or two and it became his home. And one of the prof's latest tricks has been to attempt to subdivide his property (against council regulations),

year to almost R13,000.

And then there are the council's attempts to address the annual water shortage by commissioning a scheme to draw water from the Bushman's River. The council gave the contract to a local BEE company that collapsed.

An investigation of the Ndlambe Municipality could reveal a much juicier saga than Mathew's Monstrosity as it is known to many locals.

T Murray
Kenton-on-sea

Back on top with Black Top

Thanks for your piece about Black Top Surfaces (*nose79*). On 12 April 2006 I hitched

taking photos on their cellphone cameras!

Late on 13 April Black Top phoned to say they would pay me and remove my company, SignMax, from their vendor list!

I was happy about the payment but sad at being dropped – I always delivered a good quality product on time.

On 18 April I was paid – a cheque went into my account. There is something I've never understood in the 20 years I've been an entrepreneur: Why do some people not see paying as a natural follow-up to buying?

Theo Vermaak
Witbank

pocket when I enter my bank's security doors.

I have cancelled all my insurance policies and set up a trust instead, as the revolt in me grows each time I hear of yet another person suckered out of his hard-earned money.

We live in an ANC-based community. The businesses in town owned by politicians are no secret; the partiality to certain groups when it comes to tenders is well known. There are hundreds of municipal mismanagement cases waiting to be uncovered. And yet, the President claims, "I'm watching you, corrupt councillors". Is it a question of "I like corruption – I can watch it for hours"?

Bribery is so common that a friend in the mining-supply industry gets a monthly budget for bribing. Wait, I hear a stampede ... oh, it's the *Sewende Laan/Huisgenoot* club lynching non-believers. Please withhold my name as they know where I live.

Harry Kalahari
Springbok

The Grahamstonians are coming!

In recent months I've noticed a very marked increase in the number of CF (ie Grahamstown) registered vehicles in and around the Western Cape, far more than one would expect. I'm guessing there must be an economic reason for it, eg insurance scam, licence fees etc. I asked a driver of one such vehicle about it and he just smiled ... Could one of your sleuths check it out?

Ray Botha
Newlands, Cape Town

The entire noseweek office was sunk into deep depression at the prospect of an invasion of Cape Town by scamming Grahamstown hicks. Then a distant memory slowly surfaced: Many, many years ago when the Eastern and Western Cape provinces went their separate ways, the former adopted an entirely new vehicle registration system. The CF prefix became obsolete in the Eastern Cape and now indicates parts of Greater Cape Town, among them Kuils River. Keep up the sterling work with those conspiracy theories! – Ed

presumably so he can sell off the half with the so-called outbuilding as a separate home.

The main culprit is the Ndlambe Council (which, so I was informed at a ratepayers' meeting in December, is some R50-million in the red). My rates have, in just two years, with the help of a revaluation and then an unexplained hike, gone from just under R4,000 a

my banner trailer and travelled the 100km from Witbank to Benoni on business and my last stop was at Black Top Surfaces, Benoni – 10 minutes before their staff knocks off! I parked in front of their gate and soon there was a lot of movement.

Some staff gave me the thumbs up, others seemed not happy and management popped out of their offices

Beemer me up

Thanks for running the story of my problems with my BMW (*nose79*).

The response has been amazing – BMW SA and Jhb Cuty Auto and Motorite have agreed to either have the car fixed at their cost and to pay the costs I've incurred over the past 16 months, or to scrap the car and sort out the outstanding debt and past costs.

Thanks to Litha and Peter at JCA and Aaron at BMW SA, who weren't aware of the scale of the problem and are now satisfied that my intention is not to defraud anyone.

Thanks to *noseweek's* Jack Lundin for achieving in a few days what I couldn't get done in 16 months.

The only player who hasn't come to the party (no surprise) is Aston Auto, who continue ducking and diving. I have received permission to hold a picket outside their showroom.

Julian Rod
Johannesburg

Bok colours for noseweek

Only one of Springbok's six shops sells *noseweek* – buried under subversive trash like *Huisgenoot* and *Die Son*.

I love the way you expose the constant bullying of the middle class by the banks. I feel the money leaving my

GUS



BARBARIAN DREAMS

Tel: (021) 686 0570 Fax:
(021) 686 0573 noseweek@iafrica.com www.

Editor

Martin Welz

Managing editor

Marten du Plessis

Production editor

Tony Pinchuck

Gauteng bureau

Jack Lundin

Consulting editor

Ann Donald

Censor-in-chief

Len Ashton

Reporter

Jacqui Kadey

Cartoons

Gus Ferguson
Myke Ashley-Cooper

Contributors

Melany Bendix
Marion Edmunds
Tim James
George Monbiot
Hans Muhlberg
Greg Palast
MARIKE ROTH
Lin Sampson
Andreas Stelzer
Harold Strachan

Subscriptions

Maud Petersen

Advertising

Adrienne de Jongh

Subscription rates

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Home truths

THE CURRENT SCANDAL surrounding the Department of Home Affairs brings to mind a joke that was doing the rounds on the internet three years ago. It's worth repeating:

"US Attorney General John Ashcroft was speaking at an elementary school about rights and freedoms in America. 'Any questions,' he asked. A little boy raised his hand. 'My name is Billy, and I have two questions. First, why are you using the Patriot Act to limit Americans' civil liberties? Second, why haven't any weapons of mass destruction been found in Iraq?' Just then the bell rang, and Ashcroft stated, 'We'll resume after recess.' Recess ended and Ashcroft again asked, 'Are there any questions? A little girl raised her hand. 'My name is Julie, and I have four questions. First, why are you using the Patriot Act to limit Americans' civil liberties? Second, why haven't any weapons of mass destruction been found in Iraq? Third, why did the recess bell ring 10 minutes early? Fourth, where's Billy?'"

Funny – but no joke.

South Africa is a proud constitutional democracy – one of the best there is – and

our government repeatedly declares its commitment to the rule of law. If it were true, we would be deserving of the world's respect.

But, back at the ranch, it seems, we have a bunch of hoodlums in our government and public service who have no respect for our Constitution or the law. In fact, when it comes to our dealings with the outside world, they are anyone's *handlanger* for 10 cents. In short, we have no self-respect.

The connivance of our government and senior officials in the abduction from South Africa of Khalid Rashid by foreign intelligence agents (see page 12) is a case in point.

What they did was not only illegal and wrong, it was stupid – the sort of action that invites reprisals. All they need have done was apply the law.

As the public figures most centrally involved, Minister of Home Affairs Nosiviwe Mapisa-Nqakula and her three most senior officials, owe it to the country to resign without delay. Having observed the level of their dishonesty in this case, are we surprised at the seemingly all-pervasive corruption in their department?

Like water for gravy

READERS WILL RECALL that there were several deaths in Delmas last year as a result of a typhoid outbreak in the mealie capital of Mpumalanga. The town is dependent for its drinking water on various boreholes, while the town's sewage system is the tried-and-tested long-drop-and-bucket system. Deep underground the latter has seeped into the former.

The obvious solution: Buy clean water from Rand Water – but that would require a capital outlay of R70m, which the town can't raise.

The provincial government was sympathetic – but only sympathetic enough to contribute R2.5m to the town's water fund.

Just how the newly elected ANC council intended spending most of the R2.5m emerges from the "Independent Development Programme", a draft budget, it tabled in March: New mayoral BMW with extras – R800,000 (the existing Mercedes is still in great shape, but what the hell); increase mayor's salary (from R162,000 to R600,000) – R438,000; increase mayor's two deputies' salaries (from R130,000 to R456,000) x 2 – R652,000. Total for increased perks for council top dogs: R1,900,000.

When DA councillor Barry Chamberlain complained to the press, the council appointed a disciplinary committee to investigate charges against Mr Chamberlain for breaching the council's code of conduct.

Fortunately for him, Mpumalanga MEC for local government and housing, Jabu Mahlangu, intervened with a general ban on the purchase of new mayoral vehicles in the province: A timely reminder that voters don't generally vote for shit in their drinking water and arseholes in government.

PS: Mayor Jack Rapatsa, a wealthy local contractor, has since apologised to Chamberlain and withdrawn the charges against him.

Discovery

WE NOTE that Discovery are aggressively marketing their new credit card and wish them well ... except we can't help questioning their financial judgment when they offer their card clients SAA Voyager miles as an incentive.

The Editor



Mr Nose puts it about

WHILE FORMER Public Works Minister and famed Pondo Princess, Stella Sigcau, was on her death bed, back at the Public Works Department in Cape Town an unseemly scramble was on for millions of rands worth of real estate being sold off by the national department.

On the last day of March the department had hurriedly put out to tender the disposal of 20 of its properties in the Western Cape: 11 in George (including a number of erven in prime residential areas and the site of a former SADF Woman's Training College), and nine valuable lots around Cape Town. The latter included prime property in Wynberg, flats in upmarket Vredehoek and Mouille Grange in Sea Point and – hold your breath, doll – 13,000 square metres in the old village of Franschoek.

The department had been hoarding these precious gems, each offering a rare opportunity for development and lucrative resale, in its portfolio for years.

Surprisingly little time was allowed for the delivery of tenders: only a fortnight from the posting of the advertisement in the Government Gazette, with the deadline for applications 13 April. Even more surprising to Mr Nose was that he had never seen any advertisements for the valuable land in the local press.

The conditions of the tender were unique. For every application for property, the applicant was required to provide a R100,000 bank guaranteed cheque, a valid tax clearance certificate for tender purposes and proof of the applicant's ability to complete the financial transaction. Quite something to get together in two weeks.

In memorium



Stella Sigcau (1937–2006)

Just after the deadline at 11 o'clock on 13 April, there was a scrum of business people in the tender office of the Cape Town Public Works building, there to witness their tender envelopes being pulled out of the tender box and sorted by junior clerks. Under normal circumstances, says Mr Nose's informant, the name of each applicant and the price tendered would be called out in acknowledgement of receipt of the tender, before the whole bundle would go off for adjudication by the tender board.

As the clerks were starting this procedure, an anxious official rushed in, shouting: "Stop! Stop!" He explained breathlessly that the Minister of Public Works was on the line from Pretoria and had instructed them to put all the tenders into envelopes and send them up to Pretoria for adjudication instead. There was uproar among the businessmen, and the official rushed out again.

The official rushed back in and said that as a concession, the minister would allow the clerks to read out who had tendered for each piece of land,

but not how much was tendered. The clerks went ahead and read out the name of all applicants. Mysteriously, in one envelope they found a completely blank tender document to which nobody owned up. Was it, wonders Mr Nose, that this document was to be filled in at a later stage, once all other tenders had been scrutinised?

The documents were then bundled into large public works envelopes and dispatched to Pretoria, reaching the desk of the late minister's special advisor, Mr Phatudi Maponye of Maponye Inc.

We know that Stella was seriously ill at the time and has subsequently passed away. Was she really issuing instructions on tenders from her hospital bed?

According to Mr Maponye, yes, she was; although he was acting in her name when he ordered all the tenders to be delivered to Pretoria. He believed it to be too expensive to fly the four members of the tender board, including himself, down to Cape Town for the evaluation.

According to Mr Maponye, even before she landed in hospital, the ailing minister was putting herself at risk in order to help those adversely affected by the lethargy of the regional Public Works officials.

"Sick as she was, she personally visited many of the properties in Cape Town to see the state they were in," he says. It appears Minister Sigcau's last tour of duty was the result of numerous complaints from desperate neighbours: the Public Works erven had been so neglected that many were invaded by unsavoury squatters, indulging in illegal activities. The complaint of an old lady next to the Vredehoek flats moved her in particular. So she tasked Mr Maponye to get rid of the properties urgently – hence the new, swifter method of disposal.

Mr Maponye described how the minister blasted top officials in the regional Public Works Department for letting their land lie neglected. "The state was being impoverished," he said. "People's lives were at risk." This, in his mind, justified limiting the tender period to a fortnight. He said there was no budget to advertise the properties in newspapers for the general public.

Mr Maponye, who suspects that Mr Nose has been chatting to some loose-tongued Public Works officials in the Cape, does not hide his contempt for the civil servants who were meant to look after the properties in the first place, nor his amazement at the length of time it takes the department to get anything done. All he was doing was cutting through the inertia to get results.

"I have a private sector mentality," he says. During the course of the three weeks after the deadline, Mr

Hlophe, faith and charity

Maponye kindly checked on documents relating to individual tenders that lay on his desk. While some applicants were awarded land, other tenders were scratched because he said that the applications did not meet the criteria. They now have to be re-advertised, meaning, ironically, further delays. But those from Cape Town and George who lost out are deeply dismayed by what they perceive as irregularities.

Meanwhile Public Works has instigated an internal inquiry into what has become a very messy process. Further, some of those businessmen who were alerted to having won their tenders, are now having their money returned to them. A deputy director in the Cape Regional Public Works office said the tender has not been resolved and that she was directing all queries to the minister's office because it had all been dealt with by them.

Some of Mr Nose's less kind friends may well say it's a fitting end to Ms Sigcau's career in property, but Mr Nose couldn't possibly comment on that. ■

LAWYERS ARE NOT TOTALLY mean. There are two things they will happily share with you for free: *Skinner* and scandal.

Occasionally they will also share a drink. So it is that some years back Mr Nose first learned of the close friendship between Derek Wille, a senior partner of attorneys Smith Tabata Buchanan Boyes Van der Merwe Finkelstein & Fakir and the Cape's fibbing Judge President John Hlophe: How they are old varsity mates and how Derek had persuaded his firm to fund Hlophe's son's fleeting university career.

This offered a plausible explanation for the ease with which friend Derek gains access to the JP's chambers to ask for favours. So I'm interested.

When all the latest fuss breaks out, Andy McPherson of attorneys Smith Tabata et al declares to a Nose minion: "There has been a lot of misinformation around this. Judge Hlophe's son was part of our bursary scheme in 2002. We run a substantial programme for previously disadvantaged students."

McPherson said that the bursary scheme predated 2002, the year in which Hlophe junior scooped the award. "There is no hidden agenda. It's a big programme."

What McPherson didn't

guess is that Mr Nose – call him twinkle fingers – has learned to surf the web. On the Smith Tabata Fakir & Koekemoer website, we find the truth: The scheme was only launched in 2003, when the firm's "very first bursary student" was ... Enrino Kaptein. Thuthuka Hlophe is nowhere to be seen.

Clearly the boys are nervous about something. So let's have a closer look at one of Wille's visits to the JP's chambers. It's May 2005. Nic Adams, sole beneficiary of his aunt's will trust, has been battling for close on 10 years to get Standard Trust to account for their shabby administration of the trust – without success. Since 2003 he's been battling to get a court application to compel them to do so before the Cape High Court, also without success. First set down for hearing in the Cape High Court in August 2003, Standard Trust's attorney, Mr Wille, has sought one postponement after the other. In 2004 he undertakes to get a date that suits everyone, but doesn't.

After leaving messages for Wille to call over a three-month period, eventually Adams' attorneys apply for a new trial date and, on 25 August 2004, advise Wille that the new date is now 23 May 2005.

Eight months later, on

19 April 2005, Wille writes to complain that this date does not suit his new counsel. He wants another postponement. "The writer will again prevail upon the Judge President in order to try and find an expedited trial date that would be suitable to all parties," he suggests. [Our guess is: NO trial date would suit his client.] Adams will have none of it. He's going to court on 23 May. Wille brings a court application for a postponement which doesn't quite tell the whole truth and nothing but. Adams replies pointing out some of the more glaring omissions in Wille's story – and that his life and his money are running out. On the merits Wille should lose the application, or at least pay costs. But the application doesn't get to court. Just days before the hearing date, Adams' counsel is summoned to Judge Hlophe's chambers to be told that he has discussed the matter with Mr Wille – and is "disposed" to granting him a postponement.

Adams' counsel gets the message: agree to a postponement out of court or risk my wrath – and costs. He persuades his client to agree to a postponement. The aborted application, including attendances on Judge Hlophe, costs Adams R25,000. The case still hasn't got to court. ■



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A spot of restructuring at Werksmans



Picture: Sunday Times

ET TU BRUTES! Carl Stein (left and right), went from soaring legal eagle to lame duck, before winging it over to opposition with five knives in his back



(to Read Hope Phillips), Angela Simpson (to Webber Wentzel Bowens), Derrick Kaufmann (to Nucleus Corporate Finance), and Renee Johannes (wife of Gang of Five member Gerhard Johannes), destination unknown.

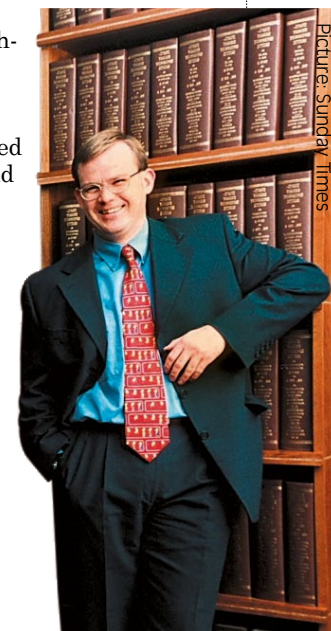
No clients have jumped ship, although several have expressed their disquiet to individual partners at the traumatic goings-on.

Today, surviving partners sit uneasily at their custom-made cherry wood desks on black calfskin Vilkhahn chairs, or meet in huddled groups in one or other of the 16 silk-walled conference rooms at Werksmans' Sandton offices. The Gang of Five has issued a grim message to all of them: Fifo (fit in or fuck off).

"They've bludgeoned people into a state of fear, so they just sit there and say nothing," says one of several senior insiders we have spoken to.

Can a famous "old" firm of attorneys renowned for its integrity and professionalism survive a hijacking by an aggressive and ruthlessly ambitious bunch of rebels? Alternatively, has Werksmans emerged leaner, stronger and better than ever?

Throwing the book: Gareth Driver cornered Stein to tell him: 'We think you ought to step down'



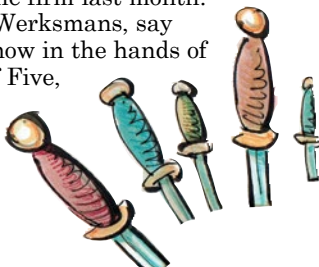
Picture: Sunday Times

INSIDER TALK has it that one of Johannesburg's oldest and most prominent law firms, Werksmans, is in crisis following a palace revolution by a group of Young Turks who saw the senior partner stripped of his powers and out in the wilderness.

Rubbish! says the new chairman, there's nothing wrong at all; it's just a spot of restructuring.

Werksmans, established in 1917 by Nathan Werksman and with a client list that includes top corporates such as South African Breweries, Mittal Steel and Tokyo Sexwale's Mvelapanda, has lost key partners and a quartet of top management since Carl Stein was toppled as senior partner in a vicious and unreported "day of the long knives" 15 months ago. After a year in the cold, he finally left the firm last month.

Power at Werksmans, say insiders, is now in the hands of The Gang of Five,



a group of younger partners within the commercial department, led by Gareth Driver and David Hertz, both still in their 30s. What was once South Africa's leading Jewish firm of attorneys, with Jewish clients such as the Krok brothers, Nandos, Ronnie Lubner's PG Group and Bidvest, is now controlled by Afrikaners and Wasps – so much the former that rival firms jokingly refer to Werksmans as "Verksmans".

Since 51-year-old Stein was forced to step down as senior partner at the end of March last year there have been more than 50 departures from a staff of 220. Of those who have gone, about 24 are lawyers – seven of these partners. And that's not counting Stein himself and Charles Butler, who, as CEO, had partner status. The exited partners are Ernie Lai King (now heading Deneys Reitz's tax department), Lance Fleiser (to Bowman Gilfillan), Cari Versfeld (to travel overseas), Noreen Nobin

Desk job: In a palace coup Des Williams replaced Carl Stein as the senior partner at Werksmans

Read on, then consider your verdict.

The facts behind Carl Stein's stepping-down as senior partner have until now remained shrouded in secrecy and speculation. He was only the fourth senior partner in Werksmans' 89-year history. His father, Gerald, was senior partner number two for nine years (1983 to 1992). The dynasty that Carl inherited was an exclusive world that he knew well: he came to the firm to do his articles at the age of 24 and had been there ever since.

Stein (who provided none of the inside information about Werksmans that appears in this article) ran the firm with his own blend of firmness, charm and relaxed informality. (A collector of exotic birds, he would occasionally bring a new feathered acquisition into the office to show the secretaries – a story that has more recently been expanded into a legend of eccentricity.)

In 2002, in a 22-page supplement in the *Financial Mail*, published to mark the firm's move from Parktown to its sumptuous new offices at 115 Fifth Street in Sandton, Carl Stein described his task at Werksmans as "the retention of standards, having a happy partnership and always ensuring that we retain the level of integrity that is demanded of us."

Stein's style was to incentivise young lawyers and promote them to partner status as quickly as possible – the average age of the 45 partners in 2002 was just 37.

The straight-talking Stein is what lawyers call a Rainmaker – a puller-in of new clients and new business. Typically, in a year he would bring in new work worth R15m to R20m to Werksmans.

But Stein was never a "fee-hogger" or a "client-hogger"; he had his own team in the commercial department, but spread the new business he brought in between all five of the commercial teams.

This suited the other commercial partners. While Stein spent his time combining his role as administrator with that of top Rainmaker – no easy feat – the teams worked 16-hour days



Picture: Sunday Times

fulfilling clients' demands, in the process clocking up enormous billing fees. (Werksmans generates around R180m a year in fee income).

This delegation policy clocked up substantial earnings for the other commercial partners. Three years ago the Young Turks who ran these teams and were to become The Gang of Five were each pulling in earnings of more than R2.5m a year from their share of the divvied-up profits – which compares

well with what most senior partners of other major law firms earn today.

How a law firm's profits pie is cut at

the 15th. Stein was confronted in his spacious corner office by Gareth Driver, who abruptly told his senior partner: "We think you should step down."

For Stein it was a bolt from the blue. "I was in a state of total shock, because there was no reason for me to step down," he says today. "The firm had never been more profitable; I hadn't stolen trust money or lost a major client, or embarrassed the firm to any significant degree. Not that I'm perfect, but they couldn't give me a reason. And to this day they still can't."

The full partners' meeting at the end of that month was a dramatic and emotional conclave, at which Stein finally agreed to step down. He was replaced as senior partner by Des Williams, the Wasp head of the litigation department.

Initially, 55-year-old Williams

The straight-talking Stein is a Rainmaker – a puller-in of new clients and business

the end of each financial year depends on the deal they've struck. Some operate the traditional lock-step system, based on length of service, partners' contributions to training, and so on. At Werksmans, however, the size of annual individual payouts for its equity partners is based on the amount of fees that each bills. "Eat what you kill," as the in-house parlance goes.

Stein felt the "eat what you kill" emphasis had swung too far, that there should be a more equitable remuneration system throughout the firm. He also felt that fellow partners should get off their butts and spend more time helping him look after clients and pull in new business.

In March last year there was a celebratory mood in the air, for the firm had just recorded record annual profits.

Certainly, as Stein shuttled to and from Dubai on client business, he had no suspicion that, at the pinnacle of his success, a plot was being hatched to wrest control of Werksmans from him.

The bombshell burst on the Freedom Day public holiday of March 21 – just six days after what would have been the more appropriate Ides of March on

declined to comment about Stein's toppling, or any of the events that have followed it. Instead – suggesting a style of operation not generally regarded as admirable – *noseweek* was given a

Tradition: This portrait of Nathan Werksman, who established the law firm in 1917, hangs in the boardroom



“background briefing” by two officially-sanctioned members of the firm, who requested anonymity. Stein, went their briefing, had only been chairman for four years [actually nearly five]; there had been differences of opinion between him and the partners generally, including Gareth Driver; the whole firm was unhappy with his style; there had been stresses and strains; Stein was a superb commercial lawyer with a lot about him that was likeable, but he could be a very difficult personality, as well.

An inside source sheds some light on this unspecific, craven waffle. “One of the key issues was Carl’s lack of visibility and availability day to day. Simply, he was too busy balancing his work as senior partner with an exceptionally busy legal practice. Immediately prior to the March 21 showdown, he had been overseas on client business at least six times in six weeks.”

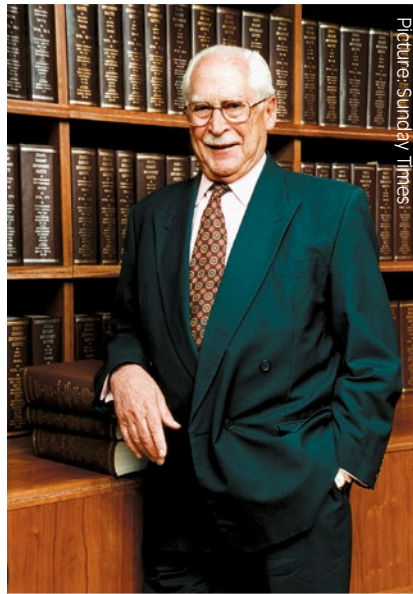
A key issue was Stein’s view that the other team leaders in the commercial department should do more “Rainmaking”. This was a highly unpopular notion among the partners, since it would inevitably cut back their billing hours – and those whopping annual earnings.

Anyway, Stein bowed to the partners’ wishes and agreed to step down as senior partner. He was urged to stay on as a senior commercial partner, and given the title of Senior Commercial Director. (Werksmans was by then incorporated as an “Inc”, with the senior partner called chairman and the partners “directors”. But, for continuity’s sake, let’s stick to the traditional terms here).

Says Stein: “My interests always lay with the firm. I thought to myself: ‘I’m not going to allow the firm to be destroyed through the actions of a small group of people.’ I thought the insanity would evaporate over time and that things would return to some form of normality. That’s why I stood down and didn’t resign then.”

When Stein stood down he gave up all power, including his membership of Exco, the powerful seven-strong executive committee at Werksmans. And for the next 13 months the jilted leader did, or tried to do, what he loves best – practise law, heading his own commercial team of partners and professional assistants.

New senior partner Des Williams decided that negotiation and appeasement was the route to restoring peace within the firm. He was wrong. Instead, his lack of decisive action led to the



Hanging in: Archie Aaron, Werksmans’ last remaining Jewish specialist corporate partner in the key commercial department

emergence of several warring groups, who sat at separate tables in the partners’ luncheon room, refusing to speak to members of rival factions.

The Gang of Five emerged as the strongest. Its members, with Driver, were commercial team heads Morné van der Merwe, Wildu du Plessis and Gerhard Johannes, plus David Hertz from the litigation department. Driver informed fellow partners that he had formed a “blood bond” with Van der Merwe, Du Plessis and Hertz. Around the time that Stein stepped down as senior partner, all four of the “blood brothers” were on Exco, giving the quartet enormous clout.

Although it is not generally known, Gareth Driver piled on the pressure by submitting his own resignation, making it clear that either Stein must have his feathers severely clipped or the firm risked losing one of its top fee-earners – and possibly a walk-out by the rest of the Young Turks. A couple of months later Driver withdrew his offer of resignation and the partners – fatefully, say some – agreed that he could stay on.

On September 2 last year Werksmans held a Spring Day party on its sprawling first floor patio, where Williams unveiled the new seven-strong Exco. Describing the election procedure as “extremely stressful and disruptive, with lobbying worse than the US presidential elections”, Williams announced

the members of the new ruling body. Two from The Gang of Five – Hertz and Van der Merwe – were re-elected, as were Sam Gumede and Masi Mathai. Eric Levenstein from litigation was a new member. Williams himself, and the firm’s chief executive officer, Charles Butler, sat as de facto members.

Driver, having submitted his resignation the previous month, had withdrawn his own nomination.

That month, in an attempt to ease a fast-deteriorating situation, Williams had called in “organisational coherence” specialists Alan Brews and Charles Nupen from strategy consultants StratAlign. The consultants had to run separate meetings of partners because the brawling groups were not speaking to each other. In its secret – and extremely expensive – report, StratAlign made its recommendations for a survival strategy. One of them, it is believed, was to isolate Carl Stein.

In the 15 months since Stein stood down as senior partner, four key managers have also quit. They are CEO Charles Butler, general manager Candy Wright, HR manager Heidi Thompson and chief financial officer Patrick Cooke.

So how did Carl Stein fare in his demoted role of Senior Commercial Director? This February, after 11 months of it, he finally decided to submit his resignation. He cleared his desk a month ago, at the end of April. “When I stood down as senior partner I gave up all managerial authority,” he tells *noseweek*. “I said to myself: ‘OK, you guys want to run the firm, that’s fine – just leave me alone, let me be a lawyer.’ But even that didn’t satisfy them. They continued to isolate me and my team. It became intolerable.”

Stein’s own commercial team has always included several partners, plus professional assistants. At the beginning of this year, three of his team’s four partners quit. One was 33-year-old Cari Versfeld, who Stein regarded as his most important lieutenant – “a very sweet girl and a fantastic lawyer”. Versfeld’s given reason: She wanted to go overseas with her boyfriend for a year. The other two, Derrick Kaufmann, 31, and Angela Simpson, 34, made it clear that the reason for their resignations was the dissension in the ranks, and the isolation.

“From having a team of good lawyers surrounding me one day, I had none the next,” says Stein. “I decided it was pointless.”

Looking back on his demise, he concludes: “It was really just a small group

of people who we had fast-tracked, paid enormously over the odds for a number of years, given them authority way beyond their years. They didn't, and still don't, I believe, accept that privilege with humility. That's what it really boils down to."

So where does Werksmans go from here? The Gang of Five, it is said, actually cheers as more staff jump ship; they see the firm's future as a smaller, niche boutique. Will Des Williams become their next target? And what is the future for The Gang of Five itself? Already watchers have noted friction between its leaders, Gareth Driver and David Hertz, as each eye even loftier heights.

And, crucially, will the new Werksmans retain its lifeblood, long-

ment pictures in trade rag *De Rebus* appeared after their departures.

In March this year the firm pulled off something of a BEE coup, with Des Williams' announcement of a merger with black firm Nalane Manaka. At a single stroke this brought in a plethora of previously disadvantaged: four new equity partners – Joe Nalane, Corlett Manaka, Sandile July and Ronald Mabuza – plus one professional assistant, two candidate attorneys and 10 support staff. There was no shortage of empty offices at Werksmans to accommodate them.

Nalane may have to return to Pretoria High Court soon to explain his assurance to the court earlier this year that his client Tiego Moseneké's receipt of R1.9m from Rolls-Royce was

firm," he says. "I am not prepared to comment on any of the recommendations made by StratAlign.

"There has not been a 'stream of resignations by directors and support staff since Stein stood down as chairman', and there is no concern in this regard. It is not correct that a group of five directors led by Gareth Driver and David Hertz have conducted a palace revolution and now hold the power at Werksmans. There has been no 'palace revolution'. There have been structural and organisational changes within the firm that are fully supported by all directors.

"There is no group of directors who 'hold the power'. The firm's leadership and management structures have been put in place

The Gang of Five, it is said, actually cheers as more staff jump ship

standing mega clients like South African Breweries? Or will they follow Carl Stein to Bowman Gilfillan, where he was snapped up for a partner's position from May 5?

Last month's resignation of 32-year-old Lance Fleiser from Gareth Driver's team – he's joining Carl Stein at Bowman Gilfillan – has left only one Jewish specialist corporate partner in the key commercial department, 74-year-old Archie Aaron. But then, Werksmans has not been a totally Jewish law firm for years; by 2002 less than half the partners had mezuzahs on their doors.

As for BEE, at the beginning of 2002 there were no black partners at Werksmans. Now there's Sam Gumede and Masi Mathai, both sitting on Exco. Noreen Nobin was the first from the previously disadvantaged to make partner status – in 2002. Hers was a meteoric success – she had joined the firm just two years earlier as an admitted attorney. However, just 10 days after Stein was toppled as partner, 34-year-old Nobin put in her cards and left.

To meet the firm's equity targets, about half the new annual intake of candidate attorneys at Werksmans is black. Last year the firm brought in two black senior associates, Femida Cassim and Lennon Phillip, but both quit last October, after just a couple of months. Embarrassingly, their appoint-

ment fee for conducting a "country risk assessment". As we revealed in our last issue, the money was in fact a donation by Rolls and should have been held in a trust account for Moseneké's real client, the mysterious Merlin Trust, from whence it was destined to fund an international crime investigation being conducted by the National Prosecuting Authority.

A significant indicator of a commercial law firm's success is its standing in Ernst & Young's annual league table, determined by the number of mergers and acquisitions it has handled, and their value. In 2004, under Carl Stein, Werksmans was ranked No 3 (after Edward Nathan and Webber Wentzel Bowns), with 29 transactions valued at R25.3bn.

In 2005, on Des Williams' watch, Werksmans had slumped to No 16, with 26 transactions valued at R5.2bn.

One of the many departed sums it up: "What an absolute charade and circus this has been. It's actually been a very successful but shameful hijacking of a highly-respected 89-year-old firm by a few people. It's not a case of the exuberance of youth; it's the sheer arrogance of youth and it's unbelievable how it's happened."

Des Williams was finally prepared to speak on the record. "I am not prepared to comment on the reasons for Carl stepping down as chairman of the

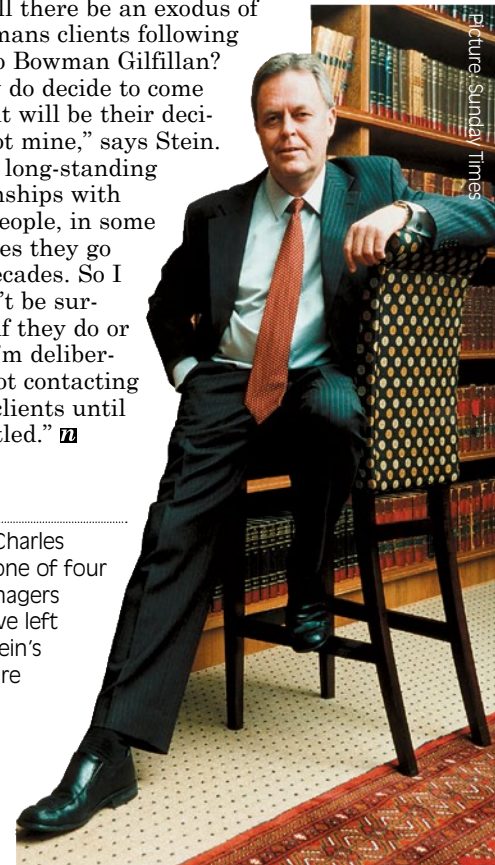
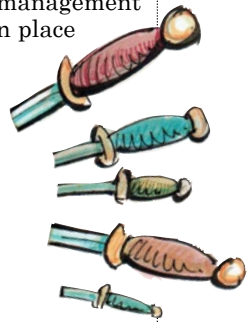
with the full support of all directors.

"We enjoy outstanding support from our clients and our staff, and we are looking forward to further growth to build on our recent merger with Nalane Manaka."

So we've got it all completely wrong? You be the judge.

■ Will there be an exodus of Werksmans clients following Stein to Bowman Gilfillan? "If they do decide to come across it will be their decision, not mine," says Stein. "I have long-standing relationships with those people, in some instances they go back decades. So I wouldn't be surprised if they do or don't. I'm deliberately not contacting my ex clients until I'm settled." ■

GONE: Charles Butler, one of four key managers who have left since Stein's departure



Flight XXX to nowhere



“WE DON'T know... We don't know, where he is!” Vas Soni, clearly not a happy man, mumbles the sentence to Zehir Omar. The two advocates are arguing in a corner of the 2nd floor of the Pretoria High Court. It is February 14.

Senior counsel Soni appears for Minister of Home Affairs Nosiviwe Mapisa-Nqakula. He has little reason to be upbeat. Half an hour ago, Judge Legodi has adjourned his court to give Soni a last opportunity to verbally reveal some “missing information” to the other side.

“The other side” is represented by a very determined advocate Omar. He wants answers, or he wants the minister locked up for contempt of court. An unusual step – but these are most unusual proceedings.

At issue is a simple, but serious, proposition: The South African government has collaborated with foreign intelligence agencies in the illegal abduction of a Pakistani citizen from South Africa, in an unmarked aircraft that was allowed to take off, unrecorded, from a South African military airbase, headed for an unknown destination.

By doing so, the Minister of Home Affairs, and a score of senior officials in various departments, have shown that they have no respect for our own laws relating to the detention and deportation of illegal immigrants, and our much-admired Constitution. In fact they have shown themselves willing, without a second thought, to contravene the same international laws that declared apartheid a crime against humanity.

This, apart from their apparent will-

Khalid Mehmood Rashid (right) was undoubtedly an illegal immigrant in South Africa. It is said that Rashid might be linked to Al Qaeda. Whether or not this is true, no Interpol warrant has been issued for his arrest. There was, however, enough reason to have detained him for questioning and for possible deportation to his country of origin. Instead, one dark night in November, he was abducted by a mysterious group of South African security men who claimed to be operating with instructions from 'high up'. A few days later, he was spirited off in an unmarked plane manned by an unidentified crew to an unknown foreign destination



ingness to manufacture a clumsy string of lies in the hope of misleading the courts and the public.

Under these circumstances it will come as no surprise that the personnel used in this government-sponsored illegal operation included at least one senior member of the apartheid era's police hit squads.

In December last year the *Witness* newspaper in Pietermaritzburg was the first to report that an Indian Muslim leader, Moulana Mohammed Ali Jeebhai, and his Pakistani friend, Khalid Mehmood Rashid, had been abducted from a house in Estcourt by a group of heavily armed men, dressed in civilian clothing but wearing bullet-proof vests, after they had kicked down the door of the house late in the night of October 31.

A neighbour who witnessed the incident told the newspaper that the community feared Rashid had been kidnapped by the American CIA and/or British intelligence.

Both agencies have recently become notorious for kidnapping terror suspects all over the world, jettisoning them across borders and detaining them in countries where they can legally be tortured and detained indefinitely without trial.

It has been alleged, although it is by

no means certain, that Rashid is “the fifth man” – that he is linked, or is related to someone who is linked, to the bombings that took place in the London Underground last year. He had illegally entered South Africa from Pakistan in about July. (A minor complication to this speculation: A man called Rashid Aswat, who was arrested and who disappeared in a similarly mysterious operation in Lusaka some time earlier, was also alleged to be “the fifth man”.)

Ten days after Khalid Rashid and Jeebhai were abducted, Jeebhai managed to send an SMS to his brother in Johannesburg on a borrowed cellphone. He said he was being held at Lindela, the Department of Home Affairs’ detention centre for people about to be deported.

Asked for comment in December, a Home Affairs spokesman said Jeebhai was being held because he was suspected of having a false work permit. He was later released when this was found not to be the case. But the department was less forthcoming when it came to Rashid’s disappearance.

Early in December, Rashid’s family applied to the Pretoria High Court for assistance. Judge Legodi ordered the Minister of Home Affairs to explain what had happened to him and to reveal his whereabouts. Home Affairs spokesman Monogeng Mokgojwa now told the press that his department did not know Rashid’s whereabouts and “had never held him”. The department asked for time to respond to the court order, as “our legal department is at present negotiating with different security agencies” to get the information.

This was the first of a seemingly endless chain of childishly contradictory lies that the department would tell in its attempts to cover up its own incompetence and its complicity in an international human rights scandal.

Which brings us back to that tense confrontation outside the Pretoria High Court in February. Nearly three months after that first court order, the minister had still not come up with any answers. Which is not to say that the public was not learning more and more, as the days went by.

In January, the minister advised the court and Mr Omar that Khalid Mehmood Rashid had been found to be living in South Africa without the necessary permit, making him an illegal immigrant. As a consequence, said the minister, he was arrested at his home on 31 October last year and, on 6 November 2005, he was “deported to his country of origin”. The phraseology

is clearly intended to imply that this was all done according to law – just another day’s work at the Department of Home Affairs.

The fact that this account directly contradicts every aspect of the statement made by the department’s spokesman in December is neither noted, nor explained. But this does not make much difference, since the minister’s statement is as misleading as the first. None of the strict and very specific requirements of the law relating to the arrest and detention of people suspected of being illegal immigrants, nor those relating to actual deportation were complied with in the case of Khalid Rashid.

Advocate Soni’s reply to Omar’s question is correct: We really don’t know where Rashid is.

From now on the minister’s tactic is to stonewall: If Omar wants the minister’s cooperation, Soni tells him, he’ll have to bring “serious applications” before the court to compel it. Omar gets the message: the fight is on.

Half an hour later, Soni and his team are given 10 days in which to comply with a new order of the court: To finally deliver sufficient information regarding the deportation and the whereabouts of Khalid Mehmood Rashid.

Two days previously, the TV programme *Carte Blanche* had reported that Rashid had been detained in the Cullinan police cells, prior to being flown out of South Africa in a private jet that had taken off from Waterkloof airbase.

Carte Blanche posed the question: was Rashid an international Muslim terrorist, as was rumoured, and had he been abducted from South Africa in an illegal, clandestine operation by a foreign intelligence agency – a so-called “rendition” for which the American CIA has become notorious?

And, if the allegations were correct, why were Rashid’s dangerous activities never mentioned in the minister’s response to Omar’s demands for information?

Only implied was the more serious question: Have South African government agencies been secretly collaborating in these illegal clandestine activities?

It is not that Home Affairs didn’t know about the terrorism angle, as their public statements imply. In fact, alleged terrorism links have been at the very core of the issue from the beginning.

But for some reason, the department attempted for seven months to lie about it. Then, in May, in a bizarre twist of

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fate, a bundle of documents from the department's internal file landed up in the boot of a food vendor's car outside court – from where they landed in the hands of advocate Omar, the court ... and *noseweek*.

The documents should, of course, have been put into advocate Soni's boot, as he quickly confirmed when he demanded their return. These things happen.

The documents contain an interesting, blow-by-blow account of what really happened in the last days of October last year:

Tuesday, 25 October, 2005: Director [Willie] Els of the police Crime Intelligence Unit (and formerly of the notorious Vlakplaas hit squad) calls Joe Swartland at the Department of Home Affairs in Pretoria. He wants Swartland, who is Immigration Control Officer for Pretoria, to assist the CIU to "apprehend a suspected illegal foreigner" in KwaZulu-Natal. It is clear this request is not in terms of standard

and that his superiors are awaiting "ministerial instructions" to proceed.

In view of the "sensitive nature" of the mission, it is better to have somebody without links to the area – like De Freitas. Chembayan gives in. Moses agrees to provide him with "a full report" after the operation.

5pm: The operation is in full swing. On their way to Escourt, Moses tells De Freitas that Rashid is "wanted by British authorities".

6.30pm: They team up with about 20 members of the Police Task Force, already assembled in a park in Estcourt. During the following briefing, a picture from a cellphone camera is shown around; all agents must be able to identify the alleged terrorist they are supposed to apprehend. But then the two officers sent ahead to reconnoitre report that the wanted man is not at home. Shortly before midnight everyone goes home.

Monday 31 October: They reassemble in the park next to Estcourt Butchery.

corporate services, and, finally, by the acting director general himself. On December 15, another signature is added: "Nosiviwe", she writes.

In the memo it is claimed that "our immigration officials were only contacted on 11 November 2005" and that "Mr J Swartland was then asked to investigate this matter." The department had, of course, in January claimed to have deported Khalid Rashid on November 6 – five days before the officers now claimed they were first called in to verify the illegality of the foreigner.

And the form BI 1724 in which Rashid was "verified" as being an illegal immigrant had already been signed on 2 November. On that day, at about 2pm, Joe Swartland had arrived from Pretoria at Cullinan police station, where the abductee suspected of "links to terrorism" was then being held. According to the station register, Swartland and his colleague Letsoalo wanted to "interview the suspected ille-

Had Rashid been lawfully deported, he would have been accompanied by immigration officials

procedure. Swartland says he has to get the go-ahead from his area manager. Two days later, he is in.

Sunday, October 30: Everybody is "good to go". At lunchtime, Captain Moses, Els's man at the CIU in Durban, phones Anthony de Freitas of Home Affairs' Durban office. They talk about a planned arrest. De Freitas is one of the 11 officers working the "law enforcement side" at the Durban office. He and Moses discuss how to get "this thing" going, quickly. But first, De Freitas needs to get his superior's approval. Mr Fakude has his weekend off; acting chief immigration officer Michael Sarilla refers Moses to the head of immigration services in the province, Mr Chembayan.

Moses calls him up. Initially, Chembayan declines the request for support from the Durban office: Estcourt "belongs to Maritzburg", not to Durban. But Moses is adamant: He needs De Freitas. "Why?" Chembayan wants to know. Moses spills the beans: The illegal foreigner to be arrested is a Pakistani suspected of having links to international terrorist networks. Moses tells Chembayan that the matter is being handled "at the highest level",

9.30pm: After another long day of lingering in the park, the signal comes: The suspect has "arrived from mosque". Doors are kicked in, two people are hooded CIA-style and led away; local police who arrive at the scene are told to leave by the armed men who claim to be policemen themselves.

The landlord will later say that the agents involved "all looked like Bruce Willis fans." And that they had threatened to shoot him, too.

Following advocate Omar's successful court application, Home Affairs officials rush to create an acceptable paper trail that will, at the very least, cover for their minister, Nosiviwe Mapisa-Nqakula, who is cited as "First Respondent" in Omar's court papers.

Within 48 hours, an internal memorandum is circulated. Its aim: "To provide the minister with background information." The document, meant to "inform minister" (sic) of the proceedings, makes no mention of the obligation of Home Affairs to provide information about Khalid Rashid's fate.

During the course of the next days, it is signed by three top Home Affairs officials: the acting chief director, legal services; the deputy director general,

gal foreigners" in the holding cells.

"Upon verifying the work permit endorsement contained in the Pakistani passport", it is stated in a report contained in Advocate Soni's misplaced file, Swartland discovered the work permit to be "fraudulently issued".

Unfortunately for the official version, a certain Police Inspector Molefe took an affidavit from the Pakistani on the same day. In it, Khalid Mehmood Rashid states: "When I was arrested I was in the bathroom. So I hid my passport in the bathroom under the dirty clothes." Which is exactly where the document was later found by the owner of the house. From there it found its way into advocate Omar's file.

The Department of Home Affairs "report" contained in the bundle states that Swartland examined "the work permit". Far from being able to verify anything in it, Swartland has, in fact, never seen Rashid's passport.

On February 16, two days after Judge Legodi's new order to, again, provide the information requested, a letter is sought from Pakistani officials confirming that they had, indeed, received the "individual" on 6 November the year before. The request is directed through

the Department of Foreign Affairs: the letter from the acting director general of Home Affairs to the director general Foreign Affairs reads: "The Ministry of Interior [of Pakistan] should be advised ...that the confirmatory letter ... will form part of the court record and that it should therefore not be classified" and concludes that "your urgent assistance ... would be greatly appreciated."

Ten days previously, on February 6, Maggie Mahumo (Home Affairs, legal department), had already received a fax from Consular Services: a two-page document on an official letterhead of Pakistan's Ministry of Interior, National Crisis Management Cell, dated 31 January 2006. In it a Lt Colonel Yaqub, "Director Operations" confirms the "arrival" in Pakistan of "Khalid Mehmood".

The document is classified "Secret".

In response to the Department of Home Affairs' subsequent request for an unclassified document, the same letter with the same date is faxed from Islamabad again, now with the word "Secret" removed, and bearing a different, unidentified signature. This version is filed at court.

It does not nearly comply with the requirements of the law. Had Rashid been lawfully deported, he would have had to have been accompanied to Pakistan by a South African immigration official bearing a document ("Form 35") in which the deportee is identified both with a photograph and a set of his fingerprints, the official is identified and authorised and the aircraft is identified. On their arrival in Pakistan, the official would have had to obtain an original "receipt" document in which the receiving official is fully identified and to which, once again, the deportee's fingerprints must be applied.

Compounding the mess is a statement issued in mid-May by the SA Airforce. In the statement it is claimed that an aircraft chartered by the SA Police Service took off from Waterkloof

airbase with Rashid on board on 6 November 2005. Further contraventions of the law emerge: as far as the Air Force and the airbase are concerned the aircraft took off for an unknown destination: it failed to file a flight plan (a criminal offence). The aircraft also had no number and its pilot and crew were not identified – all contraventions of the law.

The officer on duty at the base that night told the *Pretoria News* that a number of unidentified SA Police officers and three men who "spoke with strong British accents" were also on board the plane when it took off. Available evidence suggests the aircraft was the notorious Gulfstream owned by a CIA front company and labelled the "Guantanamo Express" by Amnesty International. It was advertised for sale by a Miami company on the internet on 17 November – where it is pictured without a registration number on its tail.

The combined actions of the SAPS Task Force and the Department of Home Affairs fit, almost to the dot, the description of "enforced disappearance" as described by the Rome Statute of the International Criminal Court, Part 1, Article 7 (i), Subsection 2:

"Enforced disappearance of persons' means the arrest, detention or abduction of persons by, or with the authorisation, support ... of, a State ... followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts ... with the intention of removing them from the protection of the law [...]."

Human rights organisations worldwide argue that rendition operations like this almost always include acts of "enforced disappearance".

Advocate Omar has indicated that he will seek justice at the international criminal court, The Hague, should the minister of Home Affairs continue to refuse to cooperate. **W**

See page 5: Editorial

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Who gave Sasol head?

Picture: Sunday Times



A LEGAL BATTLE is looming between two rival headhunters over which of them is entitled to a massive fee for placing high-powered Christine Ramon as chief financial officer and executive board member of petrochemical giant Sasol.

Headhunter Samantha Armstrong claims that her tiny one-person firm Stepping Stones Executives landed Christine Ramon the job, which she started on May 1.

No, says JSE-listed Adcorp. We headhunted Christine Ramon – and the placement fee is ours.

Sasol has been under enormous pressure to realign its transformation policy, following minerals and energy department director-general Sandile Nogxina's savage condemnation of the group 15 months ago as one of South Africa's "least transformed" companies, still white in its top ranks.

Headhunting is a lucrative but cutthroat business when it comes to placing high-performing black executives – especially women – in top corporate niches. A headhunter's fee typically ranges between 20% and 35% of the placement's first year package. Stepping Stones asks for 20%, so for Ramon, who's on an estimated minimum of R3m at Sasol – possibly much more – its fee would be at least R600,000.

Samantha Armstrong blames Sasol's deputy chief executive Trevor Munday for the loss of her placement fee.

Ramon has arrived at Sasol from Johnnic Holdings, where she was chief executive (with a pay package in 2005 of R2.6m). It was Samantha

South Africa's petrochemical giant is at the centre of an unseemly legal argy-bargy between a David and a Goliath of the headhunting industry over the alleged snaffling of clients

Choices, choices: Sasol's deputy head Trevor Munday was happy to take any colour as long as it was black

Armstrong who placed the talented accountant at Johnnic about 10 years ago. Their relationship resumed in February 2005, when Stepping Stones presented several candidates to Ramon for employment at Johnnic.

From that time, says Armstrong, they also discussed Ramon's own future. "It wasn't that serious, because Christine wanted Johnnic to work." But at the beginning of August last year Armstrong phoned Trevor Munday's office at Sasol and asked his PA if Munday would be interested in someone with Ramon's profile.

The timing was right. Munday had held the chief financial officer's job, but recently been promoted to deputy chief executive.

"Munday's PA phoned me the following day and said she had discussed the matter with him," says Armstrong. "She said they were indeed looking for a chief financial officer and could I send Ramon's details through? I asked Christine if that would be all right and she said yes, she would like to pursue the option.

"She was too busy to update her CV, but promised to do so when she had a moment."

Last August 23, still waiting for the updated CV, Armstrong received a call from an agitated Christine Ramon, who said she had just been contacted by a man called Hilton Brown from Adcorp. He told her he had been man-

dated by Sasol to look for a new chief financial officer, and would she be interested?

Ramon told Brown she was aware of the position and that another agent had already put her forward. Was it Samantha Armstrong? demanded Brown. Ramon confirmed that it was.

“Christine told me she didn’t like Brown’s attitude and she didn’t want to proceed with the appointment until the matter of who was presenting her was settled,” says Armstrong.

Armstrong telephoned Munday’s

office and was referred to Nolitha Fakude, who was “in charge of the appointment process”. Fakude told Armstrong that she “didn’t want to get involved”. So Armstrong phoned Hilton Brown at Adcorp. “He was rude to me, questioning my ethics and saying he was mandated for the position. He said Christine had been on a list and that I was wrong to claim her as my client.”

After Brown’s unexpected and unwelcome call Ramon finally got around to updating her CV. On

she was black [in fact 38-year-old Ramon is Indian] before he forwarded her CV to Hilton Brown!

Most important for Samantha Armstrong’s case, Munday confirmed that Hilton Brown had agreed that if a candidate presented by another agency was appointed, the fee would be paid to that agency (ie, her Stepping Stones).

At Johnnic, Ramon failed to thwart a hostile bid for control by Hosken Consolidated Investments, and submitted her resignation last December.

The photo shoot on April 5 to announce Ramon’s appointment was by all accounts a tension-filled affair



Recruitment: Nolitha Fakude

August 25 Armstrong forwarded it to Trevor Munday. He responded three days later. “Hello Sam,” it read. “Can you please confirm that Christine is a black person? If she is, may I forward the CV to Hilton Brown of [Adcorp’s] Gobodo Grey who is mandated for this appointment? Hilton has agreed that if we appoint a candidate proposed by another agency, the fees will be payable to that agency. I look forward to hearing from you. Regards, Trevor.”

From this, it is clear that although Ramon was well known through her position as chief executive of Johnnic, Munday had apparently never heard of her and needed confirmation that

“A couple of days before she resigned she phoned me and said she was now actively looking,” says Armstrong. “We had endless telephone conversations and she kept me abreast of everything. We met for coffee to discuss Sasol and whether she wanted to pursue other opportunities.”

In April this year Ramon was on holiday in Italy when Sasol contacted her and offered her the CFO’s job. She accepted. Samantha Armstrong telephoned Trevor Munday to congratulate him, but he never returned her call. She phoned Hilton Brown at Adcorp and asked whether she should invoice Adcorp or Sasol for her fee.

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"Invoice?" replied Brown. "You won't be invoicing anyone!"

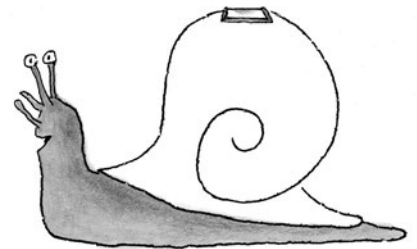
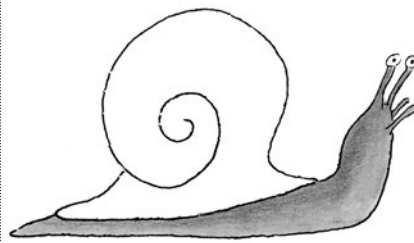
The photo shoot on April 5 to announce Ramon's appointment was by all accounts a tension-filled affair, with Hilton Brown confronting Sasol's new CFO, demanding to know why she had maintained contact with Samantha Armstrong. Ramon replied that Armstrong was her consultant and she was Stepping Stones' client.

At Sasol, where she's just completed her first month, Ramon reports to Munday, who has instructed her not to discuss the matter of her placement with anyone.

To Samantha Armstrong, Munday fired another email. "Sasol signed a mandate letter with Adcorp on 4 April 2005, mandating them to initiate a search for a CFO. We subsequently met with Adcorp on 10 May to consider an initial candidate list that included Christine. You submitted Christine's CV much later, in August. Your submission was not a consequence of any mandate or agreement and in any event, by that stage we were well-informed about Christine's background, qualifications and experience."

That's very odd. Munday was under orders to ensure that a person of colour got the job. If he was so well informed about Ramon in May 2005, why was he emailing Armstrong more than three months later, asking for confirmation that she was black and requesting permission to forward her CV to Hilton Brown at Adcorp?

Trevor Munday is also in the firing line over lost fees regarding last year's placement of Nolitha Fakude as



S.GROSS

"I put in a skylight and it's made a world of difference."

a Sasol group executive with responsibility for world-wide human resources and strategy.

Samantha Armstrong claims that Fakude was also her client, and they had "numerous meetings to discuss her future" while the former president of the Black Management Forum was still at Nedbank, where she was a member of the group executive committee.

Fakude told Armstrong that she already knew Munday and had a personal relationship with him. "I asked her: 'if you already know him, do you still want me to present you?' Nolitha said yes, so I sent her CV to Munday in October 2004, at his request.

"I met Nolitha on quite a few occasions. I presented her in the marketplace and got her quite a few interviews with top CEOs. Trevor Munday told me he knew her. He said there

were a few positions coming up at Sasol and when he'd decided which way the company was going he'd give me a call."

No call was forthcoming and at the beginning of last October Armstrong read of Fakude's appointment in the press. She phoned Munday, who told her: "She came on board because of a personal relationship." Armstrong accepted this and agreed that no recruitment fee was therefore due. Later she discovered that a hefty fee had been paid to Adcorp!

Says Adcorp's Hilton Brown: "I have signed mandates to the effect that I handle confidential searches on behalf of Sasol for the two respective positions. Having done the various due diligences, both Nolitha and Christine were subsequently appointed."

Sasol says its lawyers have investigated and advised that Samantha Armstrong has no claim for commission regarding Ramon's appointment. Regarding Munday's inquiry whether Ramon was black its statement says: "Trevor Munday's question arose because Christine Ramon's surname is not a typical black South African surname and sounds European." Which neatly confirms that in August 2005 Munday knew nothing about Christine Ramon!

Armstrong's attorney Harry Nochumsohn says that since Sasol will not provide details of Ramon's pay package, the next step will be a high court application seeking an order to disclose its full particulars. Then a summons will be issued claiming a 20% fee for Ramon's appointment.

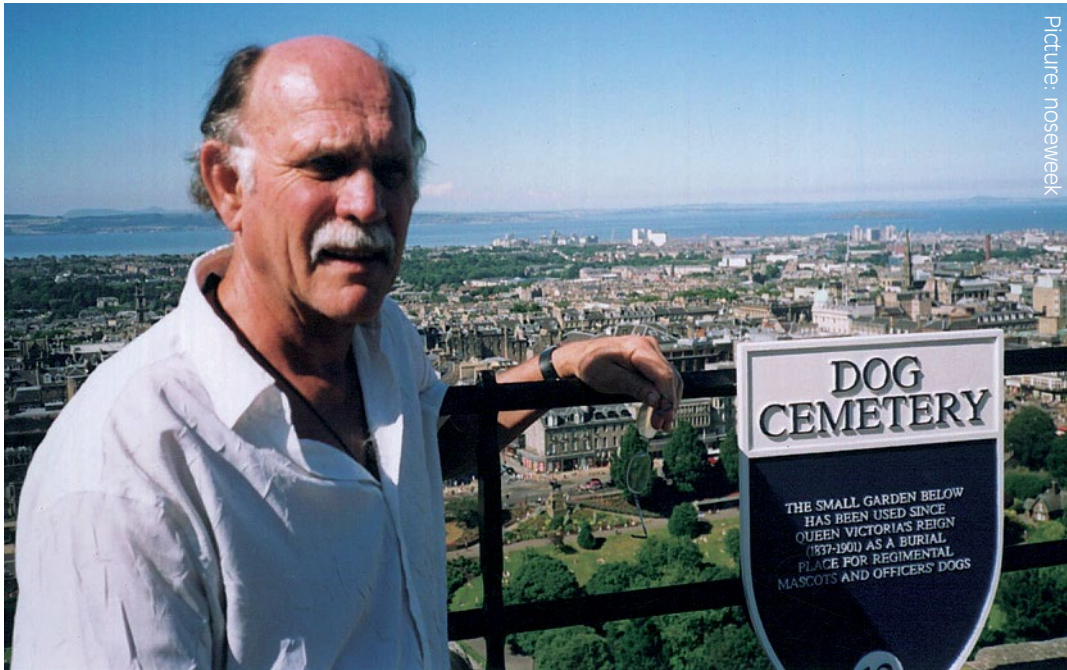
At Sasol, a staff member said that Ramon and Fakude were both "behind closed doors" and unavailable for comment. **W**

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The man who shot the dog who ate the chicken



Picture: noseweek

Dog fight: Dips reached for his .38 and potted the canine killer of his beloved pet fowl between the eyes

WHILE SECURITY guards rip up town, boys from good homes are shot execution style and crime balloons, it's reassuring to know that the full force of the law cracks down with killer vigour on the man who shot the dog who ate his chicken.

An early winter's Sunday afternoon in Sandbaai outside Hermanus might be a strong contender for the most depressing place on earth. It is home to a certain variety of Pom, a highly-strung ginger-coloured powder-puff of a dog with a maladjusted psyche known for inciting feelings of murderous intent.

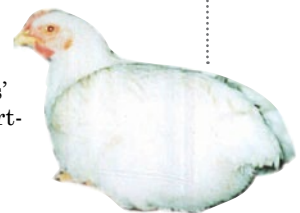
Mr Dippenaar, renowned dog killer of Hermanus, referred to in the *Hermanus Times* as "the man who shot a dog in cold blood", lives in a stone house, "each and every stone laid in place by his own hands", enclosed with Alcatraz fencing. Once, it was open to the road but, "since the incident", it has been enclosed with spikes and barbed wire.

In the Southern Cape seaside hamlet of Sandbaai, fowl is fair game, but culling curs is a fatal faux pas, as **Lin Sampson** discovers

For a man rumoured to be so deeply malevolent, a psychopathic killer, a person filled with hatred for man's best friend, Dippenaar appears a mild man, dressed in the South African male uniform – miniscule shorts and a huge shirt, giving a vague impression of bottom-half nakedness. His glasses hang around his neck on a string. On a chair lies his leather jacket and in the garage is his vintage Kawasaki.

He is not an aggressive man, only incited to passion by the thought of braais, motor bikes, and his beloved silky chickens, one of which met an early end in the mouth of a rakish animal, half wolf, half husky, the Bin Laden of domestic pets, who terrorised the neighbourhood, jumping fences, biting into cats, munching away at chickens, as if he was in Woolworths' free-range meat department.

This was the two-





Picture: noseweek

Stool pigeons: The deceased chicken, with feathered friend, used to watch TV with Dips at night

with ancient and new braai implements. It is a torture chamber of barbecue equipment, hoes and tongs and coal shuttles and rakes and braai trolleys and other arcane and difficult-to-identify artifacts of Afrikaner culture. It is only a step from this inferno of charred animals that Wolfie met his sudden and tragic end.

On the mantelpiece in the braai room is a rather faded picture of a group of silky chickens. One of them is ringed with the words "deceased, bitten by dog" written beside it.

According to Dippenaar, Wolfie had had his eye on the silkies right from

The dog goes crazy. Attacks anything it can see."

Wolfie's owner, Marten Keller, it seems, followed the ancient and time-honoured manner of exercising a dog that had long been established in Sandbaai - which is to let the dog out and then follow - car, sipping a brandy and Coke.

Twenty minutes after Dippenaar shot the dog, the storm troopers arrived: A posse of police were at his door, shouting, "Ons kom jou arresteer!"

Dips said, "Well, in that case, I won't open."

The police said, "In that case, we'll kick your door down."

Sersant van der Westhuizen of the Hermanus Police Force, said, "Ek is al lankal lus vir jou." (I have been waiting a long time for you.)

"They charged at me, grabbed me, and ran me into the stoep wall. They bent my arm.

"I said, 'I am an old man.' They twisted my arm behind my back and slapped on murderous handcuffs. They pulled me into the house and shouted, 'Where's the gun? Give us the gun!'

They started turning furniture upside down, splitting open cushions, opening drawers and throwing out the contents.

"I said, 'Hang on a minute.' The

year-old Siberian husky who went by the grand name of Annoukiak, known as Wolfie for short.

Wolfie was a boulevardier with bad genetics and a mean attitude. He roamed the streets of Sandbaai, throwing his weight around, wandering at will into anyone's house, without so

On top of everything is a picture of the culprit, Wolfie, yellow eyes glinting, psychotically. Half dog, half monster

much as a please or thank you. He was raffish and disordered.

"Just helping himself to any bloody thing in his way," says Dippenaar sourly.

He had come to the house many times before. "I never knew where he lived. I can't very well ask the dog where he lives."

And then one day, early in 2002, he snatched and devoured Dip's favourite silky. It used to sit next to him on the sofa, watching television at night.

A little later that year, it all become too much for Joachim Dippenaar, when he found the dog making a grab for his cat. He took out his .38 Special and planted a bullet neatly between Wolfie's pale yellow eyes.

Now, two years later, Dips recalls the traumatic events of that night, as we sit in his braai room, decorated

the start; clearly he dreamt of sinking his teeth into them - and one day he did just that.

Now, Wolfie's days of mischief-making - chasing girl dogs, defecating on people's lawns, slipping into half-open gates in the early hours of the morning, sniffing at rubbish bags, looking, looking everywhere for a place he could cause a bit of a commotion - were at an end.

"Look here," says Dips, as he points dramatically to the ground, "see here, that is where I shot him."

Dippenaar gazes down proudly but sadly at the spot. "Right here," he reiterates. It is a moving, nay, almost noble, moment, a scene that calls for a minute's silence and even a round of applause.

"The dog lived 250 metres from here. There was no fence. He let the dog out.

policeman shouted back, 'Moenie op my skreeu nie.' (Don't dare shout at me.)

"I pleaded with them to give me a chance to show them where the gun was before they entirely demolished my house.

"Outside, they tried to run me into the bumper of the police car. I said, 'OK, let me alone, I'll get into the van, you don't have to kill me.'

"They drove at breakneck speed. My cell phone rang and the policeman said, 'If you touch that cell phone, I'll see that you get into trouble.'

"They ran me into the police station, put me into a cage and locked the cage. I said, 'Can't you loosen the handcuffs a little bit?'

"Van der Westhuizen replied, 'You keep those on until ek sê you can remove them.'

"He didn't even read me my rights.

All he wanted to know was: 'Have you been drinking?' I said I had had a little drink. Had a little brandy after I shot Wolfie. I needed something to steady the nerves.

"I am going to Breathalyzer you," said the policeman." (The test showed he wasn't over the limit.)

The upshot was that Dips was thrown into a cage for two hours, then locked up with violent criminals for 20 hours. "It was filthy, terrible, blankets with fleas, old urine-soaked mattresses. I was in with the terrible murderer Langman."

Dippenaar brings out a huge file, papers clipped and Xeroxed and high-lighted, court summonses, affidavits chronicling the murder of Wolfie. On top of everything is a picture of the culprit himself, Wolfie, yellow eyes glinting, psychotically. Half dog, half monster. A cold shiver rattles down our spines.

"A terrible, terrible person," says Dippenaar, the line between human being and animal now, after many court appearances and a spell in the cells, almost entirely extinguished.

The case itself began to look a bit like a Mafia don trial; postponements, suicides, sleuths with ambivalent loyalties, underground rumours, witness interference.

Nasty he might have been, but Wolfie was not cheap. He cost a whopping R2,800 and his owner was looking for recompense, apart from the trauma of losing his dog.

Dippenaar was charged with firing a firearm in a municipal area, the use of a firearm under the influence of alcohol, the pointing of a firearm (at Wolfie's angry owner), and the negligent use of a firearm.

He appeared in the Hermanus district court on 20 November 2002 and was released on his own recognisances. He appeared in court for the second time on 14 January but the case was postponed, due to the fact that Kathy Taljaard, the original owner of the dog, and one-time owner of the Cattle Baron in Hermanus had got up a petition signed by 300 people. Hermanus went into dog murderer alert. Hysteria reigned.

At his next court appearance, when the prosecution was still not ready to proceed, the magistrate was persuaded by Dip's attorney to throw out the case.

Dog Killer Goes Free! Screamed the *Hermanus Times*.

But not for long.

"Van der Westhuizen dredged up a couple of really trashy security guards

as new witnesses. It was a trick to get the case reopened. I got my attorney to ring the public prosecutor, Tania Wentzel, and tell her to throw the case out.

"No, he has got to pay," she shouted, "He has to pay."

Dip's case was back on the roll. When he next went to court, Tania Wentzel summoned him to her office and told him sternly, "If, today, you don't plead guilty on all these charges, I am going to see you in jail. And you have to pay Martin Kellerman R2,800." Dip was terrified – and outraged at the improper threat.

He pleaded guilty.

But, Dip did get to tell his story – and Magistrate Engelbrecht was sympathetic. He reprimanded Kellerman for letting his dog run loose; he noted that the case should, in fact, never have come to court. And then he sentenced Dip to a fine – which he suspended on condition that Dip does not go flashing his firearm around again.

Dip's wife and Wolfie's owner, Kellerman, were employed at the same school. So she insisted on paying him his R2,800 to keep the peace.

But Dip was not done.

He complained to the Director of Public Prosecutions about prosecutor Wentzel's improper threat. When, a month later, he had still not heard from the DPP about his complaint, he wrote an angry second letter, demanding action. The DPP replied within days saying that he did not think it would be necessary for him to pursue the matter: Ms Wentzel had, in the interim, committed suicide.

OK, but he has another score to settle: The battering he allegedly received at the hands of the policemen. For the psychological and physical trauma.

Dips went to the SAP's Independent Complaints Department and landed up with Mr Lucky Ngoma, investigator. However, Mr Ngoma was not the sleuth one was looking for and once again the case has languished.

But *aluta continua*, Dips' new hobby is rapidly taking the place of biking. Dips says he was very close to his silky, a perfectly silly looking animal who looks like a kugel in a parking tizz.

Always on the look-out for free-range meat, I ask whether silkies are known for their culinary qualities. Dips looks sad and shocked. "I lost a good friend," he says.

He adds, malevolently, "And it doesn't stop here. I intend carrying this on, to the end." ■

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Wild Bill Venter

AT LAST we've cracked the long-standing mystery of the abrupt departure from the Altron Group of chairman Bill Venter's 46-year-old son-in-law, Kevin Schroeder.

Schroeder, who's married to Venter's only daughter, Leanne, has an on-off relationship with Dr Bill. "Half the time they're not on speaking terms and the other half they're the best of friends," reports our spy at Altron House. Leanne's brave efforts to keep the peace are not eased by the proximity of her dad – she, Schroeder and their two young children live next door to the R20m Westcliff mansion wherein are to be found 71-year-old Bill and his bride number four, Carla Haldane.

Venter, as we all know, has a thing about money. His meanness is legendary. If he spent a penny in a Paris *pissoire* he'd ask for a receipt. So one can imagine his fury towards the end of 2004 when he discovered that Schroeder, while in Altron's employ as a head office exec, had secretly bought an office building being rented by the group and was gleefully pocketing Altron's rent money without Dr Bill's knowledge!

Sherborne Square is a handsome red-brick group of buildings in tree-lined Sherborne Road, immediately opposite Altron House, HQ of the Altron Group in Johannesburg's Parktown. Altron had been renting half of Sherborne Square for several years, using it as a convenient overspill facility for some 30 head office staff.

Venter had long had his eye on buying Sherborne Square. But when it finally came up for sale around August 2003 he was pipped to the post by a mysterious newly-formed company, whose principal no one had ever heard of. The mystery company and its (nominee) director acquired the property for an estimated R5m-plus.

Dr Bill swallowed his pride and Altron continued to pay the substantial rent to its unknown new owner.



Renter schlenter: Dr Venter is not expected to be pleased

For a while, all went well and hundreds of thousands of rands in rent money poured into Schroeder's pocket – from unsuspecting Dr Bill's little electronics and telecommunications group. But then some rotter let the cat out of the bag. An incensed Dr Bill could hardly believe that he, the ultimate operator, had himself been had.

He ordered his staff to investigate. "Given who was involved, we had to investigate in more depth than we would with an ordinary employee," reports one of the sleuths. "We had to be 110% sure."

The discovery of Kevin's little prank coincided with the end of Altron's lease of Sherborne Square, in October 2004. Dr Bill decided it would be grossly improper for Altron to negotiate a new lease with the newly-discovered "connected party" – his own son-in-law. A team was dispatched to find new overspill premises, but despite their efforts nothing so convenient as Sherborne Square could be found.

Dr Bill decided Altron must negotiate a new lease for Sherborne Square. But first Schroeder must sell the property, he decreed. Then Schroeder must be banned henceforth from Altron.

"It did cause a rift," admits our source in Altron House. "We discovered that Kevin owned the building and had tried to disguise the fact. Dr Venter organised that Kevin would leave the group.

"This is all very sensitive. Very few people know about this episode and Dr Venter will be beside himself with rage if it all gets out."



In the family: Sherborne Square has caused a rift between the Great Dr Bill and his son-in-law, Kevin Schroeder

Anyway, to wind up the sorry tale. Dr Bill, anxious as always to be seen to be making the best of a bad situation, called in Altron non-exec directors Buddy Horton (chairman of Woolworths), Mike Leeming (non exec director of AECI, Woolworths and Glenrand MIB) and Peter Wilmot (retired partner of Deloitte & Touche), and recounted Schroeder's dirty deed, and how he had fired the scamp. The directors approved of Venter's actions, but opined that if Schroeder did not sell Sherborne Square immediately, Altron would have to move out.

This would have caused enormous inconvenience, for, as well as being across the road, Sherborne Square was connected to group HQ by telephone and computer cables and all the rest of high tech's paraphernalia.

It took Schroeder a couple of months to dispose of the property. The new owner, one Guy Melville, has no comment to make to *noseweek*.

After this abrupt end to his corporate career, Schroeder has been making the occasional foray from Westcliff to the Eastern Cape, where he owns Overall King, a company that makes industrial overalls at a factory in East London. His co-director in this enterprise is his 73-year-old mom, Connie. **W**

Minister sinks port plan

THE NATIONAL Port Authority's (NPA) shoddily-conceived plan to reclaim 42ha of seabed alongside Cape Town's docks has been stopped in its tracks after Environmental Affairs Minister Marthinus van Schalkwyk ruled that the project could become an "unmitigated" environmental disaster with far-reaching financial consequences

Just how shoddy — and devious — the plan was, was first revealed in *noseweek*. Now the minister has joined the plan's critics, leaving Cape Town's former mayor Nomaindia Mfeketo with egg on her face once again. As readers will recall (*nose*68, June 2005), the former mayor stubbornly ignored a report by the city's environmental management experts advising her to object to NPA's proposed project. The project entailed dredging six million cubic metres of sand from the seabed alongside Robben Island to be used in creating a new bit of "foreshore" at the docks for an extended container terminal stacking area.

Council insiders said Mfeketo was instructed by "higher powers" to toe the line; raising questions on whether ANC-linked figureheads had used their influence to push through the R1.8bn project in return for kickbacks. "They (the former Mayoral Committee) would not entertain any criticism of the project, even though they know it will have a significant and irreversible impact on the environment," one council source said at the time.

In his decision to overturn his department's approval of the project's Environmental Impact Assessment (EIA) report, Minister van Schalkwyk agreed with the city's environmental experts (silenced by the former mayor) that the EIA process was "flawed". Even more embarrassing for Mfeketo, is that the minister's ruling highlighted the same inconsistencies and blatant omissions underlined in the report she booted out without blinking.

The city's experts — along with independent specialists and two residents' associations — expressed grave concerns about the project's impact on the Table Bay area and beyond, including:

high levels of coastal erosion; destruction of marine eco-systems; pollution, visual impacts; health risks, and damage to coastal property. Opponents also questioned the need for the expansion project and the port authority's insistence on this option over less-risky, cheaper and more sustainable alternatives.

The minister's ruling brings into question the credibility and motives of the CSIR's in-house environmental consultancy, which conducted the EIA. He slammed its sloppy work, saying: "The non-disclosure by the CSIR of the concerns and recommendations highlighted by their expert, renders the EIA process flawed and reflects a serious breach of responsibility."

Before going into the CSIR's (purposeful?) faux pas, a quick recap on the proposed project's major environmental impacts and NPA's somewhat absurd plan to curb the damage.

Aside from the negative effects land reclamation would have on sensitive marine eco-systems, dredging sand off the seabed would cause widespread erosion. Put simply, sand impedes the speed and force of waves; less sand would cause a tsunami-like effect whereby more powerful and faster-moving waves crash against the shoreline, causing rapid erosion (up to 11 metres in some areas). Throw rising sea levels, caused by global warming, into the mix and those prime beachfront properties could have a far more tangible "sea view" than residents bargained for!

National Ports' solution? To keep dumping masses of sand onto the beach to "mitigate the erosion". And where would they source the tons of sand needed to do this? NPA came up with two options: A quarry in Durbanville, which would entail about 20 trucks making 10 trips a day, indefinitely — contributing to traffic congestion and air pollution; or, more ridiculously, to enter into a vicious cycle of dredge and dump by sourcing the sand from the very same seabed causing the erosion in the first place!

Thankfully, the minister called on two experts to review the EIA and

they too realised how murky the solutions were, concluding that the CSIR had used a "questionable approach concerning beach nourishment". They were kind.

On the gaping holes in the council's favourable EIA report, the experts pointed out some more whoppers, such as: The model used to predict coastal erosion was not appropriate (CSIR had used a straight coastline model whereas Table Bay's coastline is anything but straight); surveyors conventionally neglected to include some areas that would be affected; and, rather suspiciously, they did not include recommendations of peer reviewers in the report "without providing reasons for dismissing such recommendations".

Minister van Schalkwyk had the specialists' opinions reviewed by former CSIR staff member, Dr Heydorn, who is now an independent coastal ecologist and consultant. He agreed with the critics and added a few more damning titbits of his own. He criticised his former colleagues for failing to take into account that disruptions to the coastline could result in "severe and incalculable" economic consequences and slated them for ignoring the "exceedingly high risk of negative impacts on the industry, infrastructure, residential development and tourism of Cape Town and the country".

All these condemnations must be terribly awkward for the NPA, which repeatedly insisted the project was financially and environmentally sound and waved off *noseweek's* previous coverage of the saga as "exaggeration". The ports authority is now staying mum on whether it intends ditching the controversial project for a more logical alternative or taking the option of going back to the drawing board and trying to sort out the serious flaws.

Meanwhile, the former mayor still needs to do some explaining as to why she rejected the city's environmental expert's advice. Was it pure negligence or were there more sinister forces at play? We're eager to find out, but unfortunately Mfeketo could not be reached for comment. ■

A load of Bush



Greg Palast considers the presidential thoughts that got away

THE PRESIDENT says immigrants “Must Learn To Misinterpret English” OK, I made that up. The quote may be fabricated, but, for Cinco de Mayo, President Bush did really, truly demand that those who come to the US “have a responsibility to learn the English language.”

Fair enough. Certainly, would-be citizens, indeed all citizens, should be required to comprehend the following sample of the Mother Tongue, spoken by Bush himself. This is from the President’s February 4, 2005 explanation of how he intended to “save” the US’s social security system. Take notes, class, there will be a test.

Ladies and Gentlemen, The President of the United States: “Because the – all which is on the table begins to address the big cost drivers. For example, how benefits are calculate, for example, is on the table; whether or not benefits rise based upon

wage increases or price increases. There’s a series of parts of the formula that are being considered. And when you couple that, those different cost drivers, affecting those – changing those with personal accounts, the idea is to get what has been promised more likely to be – or closer delivered to what has been promised. *Does that make any sense to you? It’s kind of muddled.* Look, there’s a series of things that cause the – like, for example, benefits are calculated based upon inflation, as opposed to wage increases. This is a reform that would help solve the red if that were put into effect. In other words, how fast benefits grow, how fast the promised benefits grow, if those — that that growth is affect, it will help on the red.” Got that?

So, go ahead, answer the President’s question: “Does that make any sense to you?” And \$50 to the first reader who can make it make sense to anyone. It doesn’t

make sense, of course. (So I pocket the \$50.)

And that’s the point. Never, as the President of the United States says, “misunderestimate” him. The Grinning Chimp knows exactly what he’s saying – or, in this case, exactly what he’s not saying.

He is pretending to tell you his plan. But his plan has to do with revaluing the Chinese yuan, shifting US retirement trillions into “personal” accounts that banks can shuffle to the more productive markets of Asia – and transforming America the Industrial Powerhouse into America the Planetary Speculator.

Rather than tell you that, he’s told nothing – in as many words as possible.

■ *This article is an extract from Madhouse: Dispatches from the Front Lines of the Class War by Greg Palast. The book is published this month by Penguin Books. An audio edition is being published by Simon & Schuster. [W](#)*

Absolut madness

AUSTRALIANS ARE irritatingly good at sport, but they're hardly known for their mental agility. So it grates when they pick up on things before we do. Like the absurd naming problem facing anyone starting a new business.

The problem is this: You decide to start a business and you're advised to form a company. You think of a name, if only because you can't go through life as "newco". Cipro (the Companies and Intellectual Property Registration Office) checks that it isn't already taken and, if it isn't, the name's approved. You register your company and happily start trading. A short while later someone sues you because you're infringing their trademark. You confidently raise the well-known *Hello! — the-Registrar-approved-it* legal defence. The person suing you raises the equally well-known *Duh — Who-cares?* legal response. And you lose.

A recent report in *The Australian* (no, of course we don't read it, we hardly have the time to get through *The Sun*; it came to us via some news service thing) says that the Australian government has realised this is a problem following a high-profile case where two individuals registered a swimwear business called Absolut Beach and were then sued and closed down by the company which owns the Absolut vodka trademark. Absolut madness you think! Maybe so, but, as they say, life's a beach!

A politician who isn't called Bruce had this to say in the Australian parliament: "Under the current \$#%* arrangements, people can set up a \$#%* business, commence trading under a registered \$#%* business name and be \$#%* unaware that they are infringing an existing \$#%* trademark."

We couldn't have put it better ourselves. And it's true. The fact that you have registered your company under that name will only be a defence if you registered it before the trademark was registered. How stupid is that? And why has no one ever made an issue of it? Admittedly without crime, taxis or rapacious politicians, the Australians have more time to worry about such things, but someone here must have noticed! In the past, when trademarks were used to designate goods rather than services, and the trademark owner could only stop someone using that mark if it was being used on the same goods, the problem didn't arise much. But now, in the age of the brand, there is a huge overlap between trade-

marks and business names.

So what should you do if you're starting a new business? You should do what very few accountants, attorneys or company formation agents will tell you to do, namely a trademark search. Which is all very well for trademark lawyers, but ridiculous in the greater scheme; we're supposed to be encouraging the creation of new businesses, not making it difficult.

What could government do about the problem? The most obvious thing would be to create some sort of link between the company register and the trademark register. When Cipro checks your company name it should also do a trademark search and reject the name if it clashes with a trademark. Or, at least, warn you that there might be a problem. On the face of it this should be quite easy, as Cipro is, of course, responsible for both registers.

But there are practical problems. Trademark searching is pretty specialised stuff, which is why it is generally handled by such obviously and outrageously talented individuals! Firstly, the enquiry isn't simply whether there is an identical name, but also whether there is a confusingly similar name. Secondly, trademarks are registered for particular goods and services, and it's not only trademarks registered for identical goods and services that need to be considered, but also those registered for similar goods and services. In fact, a well-known mark that is registered for totally different goods and services might also be relevant.

Another possibility would be to change trademark law to provide that a trademark owner can only sue if there is use of the name by a company that trades in the same goods or services for which it is registered. This would, however, put us completely out of line with international trademark law and for that reason it's maybe not an option.

We don't really know what the answer is, but it's time that some clever people sat down and found one. We could, of course, just wait and see what the Australians do. After all, we're not much good at sport either. ■

// Under the current \$#%* arrangements, people can set up a \$#%* business, commence trading under a registered \$#%* business name and be \$#%* unaware that they are infringing an existing \$#%* trademark //



Food and crime

DOES TELEVISION cause crime? The idea that people copy the violence they watch is debated endlessly by criminologists. But this column concerns an odder and perhaps more interesting idea: If crime leaps out of the box, it is not the programmes that are responsible as much as the material in between. It proposes that violence emerges from those blissful images of family life, purged of all darkness, that we see in the advertisements.

Let me begin, in constructing this strange argument, with a paper published in the latest edition of *Archives of Paediatrics and Adolescent Medicine*. It provides empirical support for the contention that children who watch more television eat more of the foods it advertises. "Each hour increase in television viewing," it found, "was associated with an additional 167 kilocalories per day." Most of these extra calories were contained in junk foods: fizzy drinks, crisps, biscuits, sweets, burgers, and chicken nuggets. Watching television, the paper reported, "is also inversely associated with intake of fruit and vegetables".

There is no longer any serious debate about what a TV diet does to your body. A [British] government survey published last month shows that the proportion of children in English secondary schools who are clinically obese has almost doubled in 10 years. Today, 27% of girls and 24% of boys between 11 and 15 years old suffer from this condition, which means they are far more likely to contract diabetes and to die before the age of 50. But the more interesting question is what this diet might do to your mind. There are now scores of studies suggesting that it hurts the brain as much as it hurts the heart and the pancreas. Among the many proposed associations is a link between bad food and violent or antisocial behaviour.

The most spectacular results were those reported in the *Journal of Nutritional and Environmental Medicine* in 1997. The researchers had conducted a double-blind, controlled experiment in a jail for chronic offenders aged between 13 and 17. Many of the boys there were deficient in certain nutrients. They consumed, on average, only 63% of the iron, 42% of the magnesium, 39% of the zinc, 39% of the vitamin B12 and 34% of the folate in the US government's recommended daily allowance. The researchers treated half

Why should
a link
between
diet and
behaviour be
surprising?

the inmates with capsules containing the missing nutrients, and half with placebos. They also counselled all the prisoners in the trial about improving their diets. The number of violent incidents caused by inmates in the control group (those taking the placebos) fell by 56%, and in the experimental group by 80%. But among the inmates in the placebo group who refused to improve their diets, there was no reduction. The researchers also wired their subjects to an electroencephalograph to record brainwave patterns, and found a major decrease in abnormalities after 13 weeks on supplements.

A similar paper, published in 2002 in the *British Journal of Psychiatry*, found that among young adult prisoners given supplements of the vitamins, minerals and fatty acids in which they were deficient, disciplinary offences fell by 26% in the experimental group, and not at all in the control group. Researchers in Finland found that all 68 of the violent offenders they tested during another study suffered from reactive hypoglycaemia, an abnormal tolerance of glucose caused by an excessive consumption of sugar, carbohydrates and stimulants such as caffeine.

In March this year the lead author of the 2002 report, Bernard Gesch, told the *Ecologist* magazine that "having a bad diet is now a better predictor of future violence than past violent behaviour ... Likewise, a diagnosis of psychopathy, generally perceived as being a better predictor than a criminal past, is still miles behind what you can predict just from looking at what a person eats."

Why should a link between diet and behaviour be surprising? Quite aside from the physiological effects of eating too much sugar (apparent to anyone who has attended a children's party), the brain, whose function depends on precise biochemical processes, can't work properly with insufficient raw materials. The most important of these appear to be unsaturated fatty acids (especially the omega 3 types), zinc, magnesium, iron, folate and the B vitamins, which happen to be those in which the prisoners in the 1997 study were most deficient.

A report published at the end of last year by the pressure group Sustain explained what appear to be clear links between deteriorating diets and the growth of depression, behavioural problems, Alzheimer's and other forms of mental

illness. Sixty percent of the dry weight of the brain is fat, which is “unique in the body for being predominantly composed of highly unsaturated fatty acids”. Zinc and magnesium affect both its metabolism of lipids and its production of neurotransmitters — the chemicals which permit the nerve cells to communicate with each other.

The more junk you eat, the less room you have for foods which contain the chemicals the brain needs. This is not to suggest that food advertisers are solely responsible for the decline in the nutrients we consume. As Graham Harvey's new book *We Want Real Food* shows, industrial farming, dependent on artificial fertilisers, has greatly reduced the mineral content of vegetables, while the quality of meat and milk has also declined. Nor do these findings suggest that a poor diet is the sole cause of crime and antisocial behaviour. But the studies I have read suggest that any government that claims to take crime seriously should start hitting the advertisers.

In the UK, while drawing up its plans to control junk food adverts, the television regulator Ofcom held 29 meetings with food producers and advertisers and just four with health and consumer groups. The results can be seen in the consultation document it published. It proposes to do nothing about adverts among programmes made for children over nine and nothing about the adverts the younger children watch most often. As for television programming, Ofcom plans to regulate only the under-nines. It claims that tougher rules would cost the industry too much. To sustain the share values of the commercial broadcasters, Ofcom is prepared to sacrifice the well-being of British children.

At the European level, the collusion is even more obvious.

Viviane Reding, the European media commissioner, recently spoke to a group of broadcasters about her plans to allow product placement in European TV programmes (this means that the advertisers would be allowed to promote their wares during, rather than just between, the programmes). She complained that her proposal had been attacked by the European parliament. “You have to fight if you want to keep it,” she told the TV executives. “I would like to make it very clear that I need your support.”

And back in the RSA...

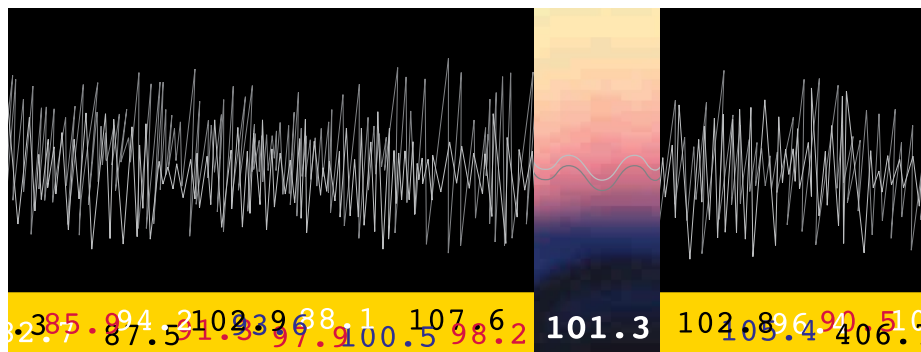
Our health department has recommended to the Codex Alimentarius Commission – created by the World Health Organisation and Food and Agriculture Organisation to develop global food standards – that junk food advertising to young children should be banned. That clearly suggests recognition of the problem and the will to do something about it, but it's anyone's guess when such a ban will actually come into force in this country.

Meanwhile, some sectors of the food industry are desperate to counter the anti-processed food message. The Kellogg-sponsored South African Nutrition Expert Panel commissioned the Nutrition Information Centre at the University of Stellenbosch to compile a “fact sheet” on hyperactivity in children. It concluded: “The potential benefits

of altering a child's diet (to exclude additives such as colourants and preservatives) must be balanced against the harmful long-term educational impact of communicating to a child that his behaviour is controlled by what he eats, particularly when this is not true for the majority. In this regard, it should also be borne in mind that the use of a placebo treatment does carry other risks, such as neglect of other beneficial treatments, loss of self-esteem, and the possibility that an ineffective diet may become a ‘punishment’, since it ‘deprives’ the child of many foods enjoyed by peer groups and family.”

The message from the NIC, paid for by Kellogg, is clear – your child's food intake will not affect his behaviour, and depriving him of processed food could result in loss of self esteem. Scary stuff. [Z](#)

calm in chaos



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Farewell to civilization

“Civilisation as we know it is coming to an end soon ... it is the scientific conclusion of the best paid, most widely-respected geologists, physicists and investment bankers in the world. These are rational, professional, conservative individuals who are absolutely terrified by a phenomenon known as global ‘Peak Oil’”, says Matt Savinar, author of the site.

Apparently it doesn't matter that we have 40 years of the stuff left. The theory of Peak Oil is that oil production follows a bell curve. Once we hit the top of the curve and start our downward slide, production decreases year by year, even as demand for crude increases.

Worldwide, demand will outpace production ... permanently.

“...we may find ourselves slipping into what some scientists are calling the post-industrial stone age,” says Savinar.

Civilisation is completely reliant on cheap oil. Once the market realises that oil is a dwindling resource, oil prices will skyrocket. The price of everything will be out of reach for everyone but the filthy rich, and so cause a chain of events that will fling us into this “post-industrial stone age”.

According to Savinar, our first warnings will be major fuel shortages and blackouts. With rapidly increasing oil prices, businesses won't be sustainable. The economy will collapse and banking systems will crash. There will be mass unemployment, homelessness and anarchy ... get the picture?

But come on, you cry, what about alternate forms of energy — solar power, hydro-electric power, wind power, ocean thermal energy conversion? Too expensive, say the noted scientists.

“The so called ‘alternatives’ to oil,” says Savinar, “are actually ‘derivatives’ of oil. Without an abundant and reliable supply of oil, we have no way of scaling these alternatives to the degree necessary to power the modern world.”

Cheap oil fuels civilisation as we know it.

As we go back to growing potatoes and swapping homemade hooch for candles, countries will be going to war for the last of the oil

THE END is nigh! Yeah right. We've been hearing that forecast since the first caveman saw a shooting star streak across the sky at midnight.

The Internet is full of thrilling theories predicting the imminent demise of our planet. Here's a site with an amusing collection of apocalyptic prophecies worth visiting: www.geocities.com/Athens/Oracle/9941.

All manner of prophets, doomsday cults and apocalyptic Bible prophecy sects are warning of The End. The sun could collapse into a black hole and the earth get sucked in along with it. We could all freeze to death in a nuclear winter or a stray comet might crash into the earth to ensure we shuffle off our mortal coil.

Then we have the god-botherers, always nagging on about the end being near because our planet is full of spiritually filthy people and the pure are about to be whisked away in The Rapture. Bring it on, I say. We're overpopulated as it is.

As for Y2K, come on, you know you bought that long-life milk, just in case.

But, as I casually cruised the apocalyptic prediction sites, something stopped me rudely in my tracks: Peak Oil theory, as explained at www.lifeaftertheoilcrash.net. (Please be warned: When entering, ensure you have a double Scotch or other suitable tranquiliser handy.)

Without oil, we will be reduced to living off the land and relying on what is locally available. Chuck out the iPod, the computer, the mixer-mincer-shredder-liquidiser. Say goodbye to your car, the washing machine, the telephone, and your embossed-for-extra-softness bathroom tissue. Gone will be a major source of plastics and agricultural fertiliser

And while we go back to growing potatoes and swapping our homemade hooch for a bag of candles, countries will be going to war for the last of the oil.

So when will we reach Peak Oil production? Maybe we already have!

Says Savinar: "Oil-dependant economies will crumble and resource wars will explode."

Iraq anyone?

Reaching for the Scotch yet?

As America eyes oil-rich Iran, remember how the great nations of Europe took the gift of Western civilisation to the dark corners of the world. Looking down their collective noses at the primal tribes, they gave them new clothing styles, a new god, and taught them the "godly" value of hard labour.

And then they wisely used that

native labour to harvest the natural resources of the conquered lands. (For heaven's sake, it was for their own good!)

But who's laughing now, as civilisation jumps up to bite us on the bum? Soon we will have to go back to the old ways, and hopefully there will still be some "savages" left to teach us how

to live without toothpaste and toilet paper.

I'm neither an economist nor a geologist, but the Peak Oil theory sounds eerily convincing to me. Read it if you dare. Then please, somebody, say it isn't so!

Then maybe I can get back to worrying about The Rapture. **W**



"Can you hang on a sec? I think I just took another picture of my ear."



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Greenie, green thyself!

D **R SIGMUND** Freud (1856-1939), bless his socks) was not a greenie. In fact, the father of modern psychology said that society's essential *raison d'être* was to defend us against uncontrollable, "cruel" nature. With her earthquakes, floods and storms, she reminds us too keenly of our own "weakness and helplessness", which we seek to escape "through the work of civilisation".

Freud didn't view humanity through rose-tinted glasses. In fact, each of his books should come packaged with free psychotherapy, as you're going to want to slit your wrists when you're done reading. Whatever, according to Sigmund, we're rather pathetic creatures, who spend our lives in more-or-less perpetual conflict with our unconscious as we battle to suppress and control deep-seated animalistic, selfish, and often irrational urges. In order to contain these deep-seated impulses, we split off our awareness of unwanted thoughts and feelings, using tactics such as denial and repression – terms that should be familiar to any modern-day consumer of paperback pop psychology – to avoid having to deal directly with them.

He was also, by today's standards, a sexist pig, who tended to view women as even more weak and irrational than men, and often feminised things that he considered cruel and undesirable (like nature). Saying "Freud" in a room full of female psychologists should be a hanging offence, as you're likely to trigger a very unpleasant fatal crush in the rush for the door. His misogyny, unfortunately, often obscures and discredits his important, world-changing and potentially very useful insights on the nature of the unconscious, and the defences we use to avoid dealing with important aspects of reality.

Freud postulated that we're able to have more control over ourselves, and deal with our various psychological issues better, if we bring our unconscious thoughts and feelings into the conscious, thereby being able to process and deal with them more clearly.

"Projection" is one of the main defensive tactics we use when dealing with our unconscious, said Freud. Projection occurs when

It's a bit silly for environmental organisations to issue statements calling for caps on greenhouse gas emissions while their top office-bearers drive around in massive fume-spewing luxury vehicles

we perceive in others what we fail to perceive in ourselves. We're very good at pointing fingers at others' misbehaviour, but incredibly bad at seeing our own. This can explain why we habitually engage in environmentally-destructive actions, but somehow refuse to acknowledge them. It's always someone else who's wrecking the planet.

In theory, then, if people become consciously aware that they are projecting their own misbehaviours on to others, they can stop pointing fingers outward and address the "real" inner problem. We could thus trigger real behaviour change by making ourselves and others aware of our unconsciously-driven environmental misbehaviours.

But unconscious defence mechanisms don't give up without a fight. The ridiculous lengths we can go to in order to maintain our defences against strong but uncomfortable impulses, such as nagging eruptions of conscience, was wonderfully illustrated by the following recent neighbourhood encounter...

Picture it: an average, high-summer afternoon in Morgenrood Road, Kenilworth, Cape Town, during a time of water shortage. Stage right, a NoseArker waits patiently for his chronically late partner to emerge from some or other aromatherapy/yoga/ massage/séance-with-the-ancestors-type session. NoseArkers, being the hyperactive shit-stirrers we are, don't like waiting around. But love is love, and our hero has to stay put for half an hour.

Stage left, a pleasant looking, 30- or 40-somethingish woman, well-heeled (How do we know? She was barefoot), with mid-length blondish hair is busy hosing down her rather short, tarred driveway. She's accompanied by two matching black poodles, and seems to enjoy her driveway cleaning much more than we like doing the dishes. She's certainly being very thorough about it. Every square inch gets properly sprayed. Particularly obstinate fallen leaves don't bother her – each one deserves special attention, getting about five litres of focused spray to make sure it squeezes under her tall white gates and into the newly-created stream running down the street outside.

It crosses our NoseArker's mind that what our Hosing Heroine is doing might be illegal. Anyhow, it strikes him that, even if spraying your driveway isn't against the law, it certainly seems like a helluva waste of water. But he keeps it to himself, assuming that, because the drive is so short and that the obviously literate lady must know about the water shortage, she'll soon pack up and go inside.

But she doesn't. Twenty minutes later she's still laying down sheets of water on to the drive. She seems to be trying to prove that asphalt is absorbent.

After minding his own business for as long as he can bear, our NoseArker jumps out of his car, and in the most polite tones he can muster under the circumstances, asks her why she is using so much water on her short driveway. Everyone knows about the water shortage, and surely a broom could do the job?

Miss Goody Two-Poodles pretends not to hear the question, and tensely continues spraying, zillions of drops whooshing rhythmically across the blacktop. Eventually she angrily mutters that she pays for all the water she uses, and that it's none of NoseArk's business.

The stream continues flowing.

The NoseArker persists. Can't she use a broom?

She responds with obscure threats, and looks away, pretending not to see him. The dogs look confused.

He repeats his question.

After some seconds she realises her tactic has failed. She turns to him and, angrily and clearly, tells him that she didn't see his problem. She "never" washes down her driveway, she announces.

"But you're holding a gushing hosepipe in your hand as we speak," says the NoseArker.

"But I never do this, never!" says Miss Two-Poodles firmly, as the sparkling haitch-two-oh cascades down like Perrier from heaven on the shiny black tar around her glossy, painted toenails.

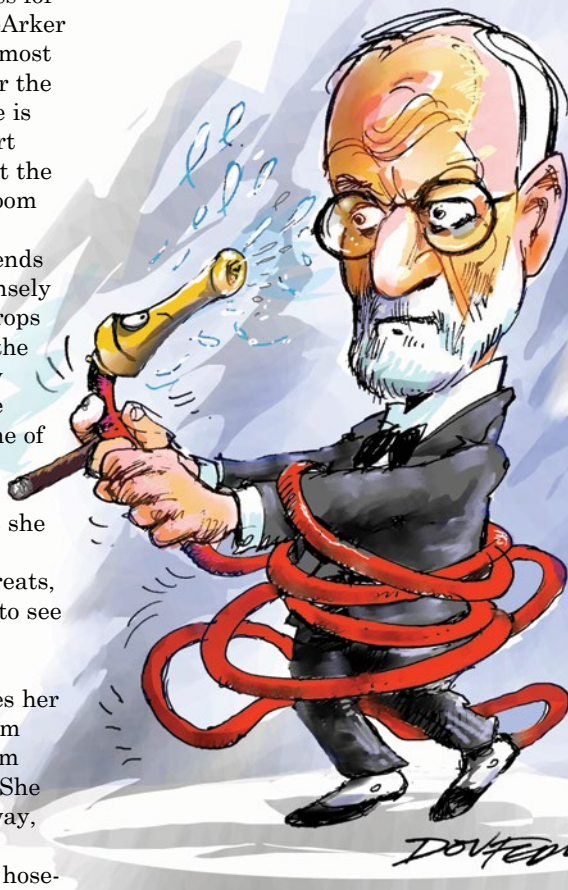
He's temporarily stumped. Basic logic and English combined seem too much for our dogged dame. Perhaps an appeal to conscience can reach her? He can only try.

Hastily, our hero lets rip with a

pious-sounding: "You obviously don't care about our environment!" which is instantly countered by an unconvincing but directly-pitched: "I do!"

When our valiant Arker laughs, she takes the gap, desperate to make reality — including the chortling source of her discomfort — disappear: "If you knew who I was you wouldn't say that!" she declares, haughtily turning away from him.

NoseArker cans the giggles and replies with a polite-but-strained: "Fair



enough. Who are you?"

NoseArk still doesn't know Miss Two-Poodles' real name. When her amateurish bluff was called she panicked and, calling her topiaried hounds to safety, retreated clumsily behind a door into her white-walled garden, both her rose-pink lips and her PVC-green hosepipe still spluttering.

What can we do, other than to wish her well in any future driveway cleaning endeavours, and hope, for our

water supply's sake, that she gets a broom for her next birthday?

We've clearly got a long way to go before we figure out how to psychologically reprogramme the average Mr and Ms to be more eco-friendly. A few of the more innovative green organisations overseas are just starting to try and use psychological theory to get their message through better. We wish them well, but wonder if they shouldn't start with themselves.

You see, our experience is that environmentalists make far greater use of unconscious defences (especially projection) against their own misbehaviours, than many other people.

Have a beer with your average greenie, and you'll soon figure out that everyone on the planet but the aforementioned leaf-coloured one is responsible for sending us all to hell. It's the Americans, or George Bush, or Africans breeding like rabbits. It's bloody Chinese industrialists destroying the atmosphere.

Point out that he uses bird-killing, tumour-triggering pesticides on his lawn, and he'll tell you his wife made him do it. He needs his massive, climate change-accelerating 4x4 to get out and preserve nature. He doesn't recycle because he can't fit it into his schedule — saving the Earth takes a lot of time, you know. He needed to invest in that golf estate to ensure his retirement income. *Ad nauseum.*

You usually get your message out more effectively if you walk your own talk. It's a bit silly for environmental organisations to issue statements calling for caps on greenhouse gas emissions while their top office-bearers drive around in massive fume-spewing luxury vehicles. Here at NoseArk we've noticed a lot of that kind of thing lately.

It's time for environmentalists to get on the analyst's couch and do a little navel-gazing. They might find that the reason the public often doesn't take their message seriously is located within themselves; perhaps rather too deep within.

This piece was inspired by Deborah Du Nann Winter and Susan Koger's outstanding book, The Psychology of Environmental Problems (Lawrence Erlbaum Associates, 2003).

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Grapes of wrath

WINE-DRINKERS DON'T do it alone. It's meant for sharing, preferably over a meal: Wine-drinkers are far above aiming for mere vulgar drunkenness. So claim its propagandists, anyway, many of whom are rather doubtful of spirits and even good-natured beer, and share the widespread unease about solitary pleasures. Fair enough. It's also more fun to discuss an interesting wine (for those who can contemplate the idea of a wine being interesting) with someone other than oneself. But I confess to often drinking wine alone – less (I think) because of my moroseness or others' dislike than because my evening meal is usually an unsocial affair.

So, offering a few lessons and opinions from the depth of my wisdom and experience, that is the first: Drinking wine by yourself is fine, especially when it's delicious.

Deliciousness is a factor sometimes underrated by wine critics, and that's another lesson, one which emerged in complex ways from a recent experience. A month into enduring my house being invaded for painting, fixing and patching, I'd spent the day cowering on a sofa with two scared dogs as, overhead, workmen lustily applied paint to the iron roof with hammers. A shattering day. When the weary painters left at five o'clock, the feeling of liberation was overwhelming. I went in search of a bottle.

Nothing intellectual or demanding; something delicious and comforting was called for. That means red wine for me, generally of the Mediterranean varieties: shiraz, grenache, mourvèdre; unpretentiously made, with no taste of new oak. The French still do such wines best, particularly in the Rhône Valley. (Locally there are now some good examples of these shiraz-based blends, especially from the Swartland area. Unfortunately the best are not cheap, being priced for the international market: Lammershoek's Roulette is R75 ex-farm (much more, retail); Black Rock Red is decent value at about R88, and Sequillo is my favourite, and sadly the priciest, at R121.)

As I don't have proper storage facilities apart from a wine-fridge, most of my wine is kept elsewhere; and casting about in chaos, all that I could find in this category was a

rather grand bottle: Beaucastel Châteauneuf-du-Pape 2001 (retailing for around R500). I decided to indulge myself absurdly.

From which at least two lessons emerge. Firstly: A wine-lover should always have a substantial stock of wine – as many hundreds of bottles as possible, as well-stored as possible. Not only will your wine have a chance to mature, but you will have more of a choice, and, most importantly, you will wince less on opening expensive wine if you can scarcely remember paying for it.

The second point is one that I stupidly ignored on this occasion, although I believe in it deeply: Don't spend a lot of money on a bottle of serious wine which is designed to mature over five, 10, 20 years, and then murder it in its infancy. It is a waste of money: Often the grand wine won't be as appealing in its youth as a more modest one, anyway, and will certainly not be delivering the qualities you are paying for.

My expensive Beaucastel treat was not, in fact, what I was wanting. The 2001 needs another decade before it opens into the joyous, complex wine it is going to be; as yet it is, frankly, rather tough and demanding. With food, and splashed airily around in a decanter, it was more ingratiating, but still impressive rather than delicious.... I'd have enjoyed Sequillo more (or a humbler French equivalent like a Guigal Côtes-du-Rhône, available locally for somewhat less – around R90).

A legal aside: Unconnectedly, but as *noseweek* readers seem to have an interest in our judiciary, I thought I should point out that embattled (as they say) Cape Judge President John Hlophe is pretty keen on wine and on making it: "Hlophe Shiraz" might already be in barrel, for all I know, at the as-yet-unnamed Paarl wine farm he owns along with six others. One of these is Judge Braam Lategan – not someone I would immediately expect our new judicial eminences to be pals with. Lategan (also an owner of another Paarl winery, Domaine Brahms) achieved some notoriety in certain circles as one of the apartheid regime's keenest "hanging judges" – he sent 29 people to the gallows in one notably fruitful two-year period in the mid-1980s alone. I always find his wines to be of a particularly disconcerting shade of red. **W**

**Don't
murder an
expensive
wine in its
infancy**

Squirrel cage

SOMEWHERE was this Ancient Greek uncle named Pythagoras who did mathematics, you see, and he went about with his eyeballs rolled back so he looked like a piece of Periclean sculpture of the period, no irises, and he went about like that because he was contemplating a certain comma, which he had called the Comma of Pythagoras, because nobody else went around examining his brain with his eyes whilst thinking of it. Indeed, your ordinary Athenian in the street didn't even know what a comma was.

Well, this one of Pythagoras went as follows: If you pluck a note of your own choice on your lute, say now middle-C, 440 cycles per second, then go up eight notes and tune that to 880 cps exactly, you will have a satisfying harmony of 1-2. Okay, sweet. But now if you tune within this octave a perfect third, doh, re, mi (three intervals) and a perfect fifth, fa so la ti doh (five intervals) you should get a perfect eighth, the octave, but you don't, you get a bit extra, and that's what Pythagoras was sweating about with his eyes rolled back 180 degrees. The little bit extra is the comma.

Where did it COME from, hey? Many's the further oompie, tannie too, who has spent an otherwise useful life in the squirrel cage* from contemplation of this thing, hairs growing on the palms of their hands, blind, brain turned to water in consequence of the obsessive mental manipulation. But, Life Must Go On, my dear! Just tune your piano with the octave chopped up into eight equal parts, so each note is a tiny little bit sharp or a tiny little bit flat, people will get used to it. Singers can handle the thirds and fifths by fiddling the system, and talk all that bollocks about having perfect pitch.

All this I describe to the student in the flat downstairs, name of Khazi, which I think means sparkle. He thinks for a bit. "Ja," he says, "there was this other dude called Hamilton, I think, Scots, I think, in the eighteenth century, I think, who also did mathematics, and he had his own so-called Matrix system, with a different slant on logic, but weird, man, weird. He would say that $3+5$ is not the same as $5+3$, it's all sequential, and



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they don't have to make 8. Let's take a random number," says Khazi, and writes one on an old envelope. "Then we'll add first $3+5$ and then $5+3$, like this," and he dashes off line after line of incomprehensibilities.

He hands me the envelope. "That'll fix it," says he. "Khazi," say I, "you are even sparklier than Pythagoras!" "Uhuh," says he, with some hauteur. "Try that on somebody who knows keyboard instruments." So I take it to an acquaintance who is a concert pianist and teaches Theory of Music in the Department on the Hill *nogal*, and he looks at the envelope which says $45+3+5=53.076$ and $45+5+3=53.081$. "Bloody hell, man!" says he, "why can't you just enjoy the ordinary comfortable things of life, like motor cars and nice Thai restaurants and the latest in digital cameras so you can take thousands of

hi-tech futile photographs of things and stick them all over your fridge with small magnets like pineapples and bananas and stuff?"

"True, true!" I exclaim. And soon I happen upon a gent emerging from a wondrous sleek black BMW motor car. "Nice car," I observe. "Uhuh," says he, with some hauteur. "Wow," say I, "what capacity engine, hey? I mean how many CCs?" "Oh the manual has all that," he says. "I'm sure," say I, "and how many kilowatts, hey?" He looks blank. "I mean, how many horsepower?" "No, the mechanic looks after all that," says he, and it turns out he doesn't even know where the electricity comes from for his spark plugs. Indeed all he knows is the loud pedal is in the top right-hand corner and if you bang your foot on that you will proceed from standstill to 160km/h in six seconds flat, and conversely, if you bang your foot on the next pedal to the left you will proceed from 160km/h to absolute zero in one second flat, spot-on the white line at the robot without slithering or screeching or the vehicle standing on its nose, leaving you only with bleeding eyes and navel from the negative-g deceleration forces, and a permanent diagonal scar across your thorax where the safety-belt goes. An old lady is taking her granddaughter for a nice pram ride and her mouth is now gaping wide in a terrible scream as in *The Battleship Potemkin* just 15cm ahead of your BMW and you can arch your eyebrows and sigh condescendingly and slowly shake your head at her.

And anyway I hear the food at the squirrel cage is excellent, esp at Christmas, and if you're permanent you even get a private room of your own.

*Where the nuts are. **W**

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