

NEWS YOU'RE NOT SUPPOSED TO KNOW

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# noseweek

ISSUE 230 DECEMBER 2018

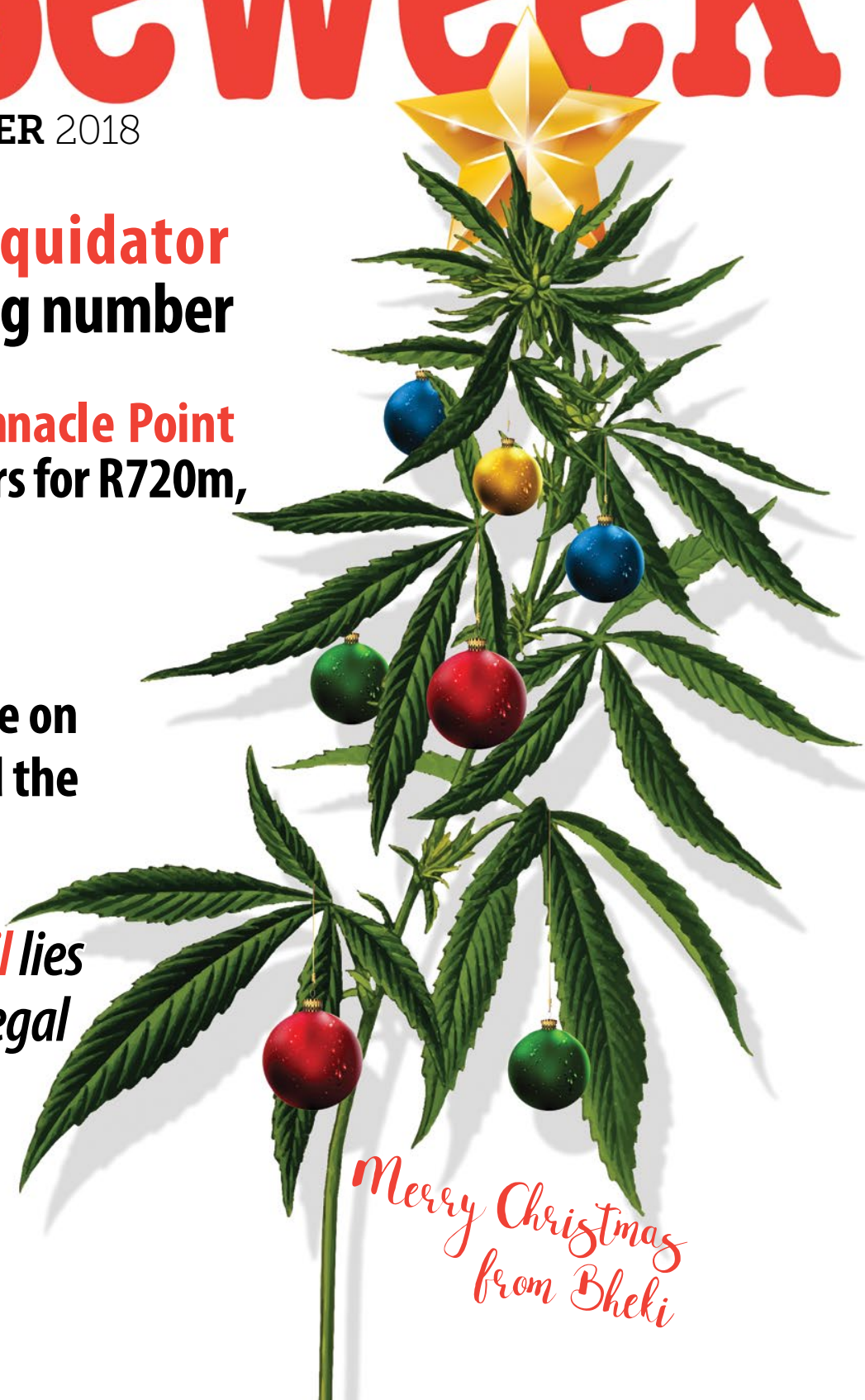
## Lennie the Liquidator dials the wrong number

Liquidators of **Pinnacle Point**  
who sued directors for R720m,  
settle for R27.5m

## IT'S A FORGERY!

Judge Spilg's name on  
*that* SARS list, and the  
slippery slope

*eThekweni council* lies  
in court about illegal  
Berea high-rise



Merry Christmas  
from Bheki



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**Johann van Loggerenberg under the microscope for media connections.**

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## Help us end **THE GREAT MOBILE HEIST**

Mobile phone network providers are robbing us blind and no-one seems to care – except for **noseweek**. The providers are illegally charging customers for services they've never signed up for through shady third party content providers (WASPs), raking in possibly billions of Rands.

Whether you're a victim or not, help **noseweek** put an end to these charges by joining the civil action campaign to hold the mobile operators to account. It will only take you a few minutes and won't cost you a cent. All information provided will be treated as confidential.



To find out more and join the cause, got to:  
**[bit.ly/BigWaspHeist](http://bit.ly/BigWaspHeist)**

When we last looked, **11,354** cellphone users had signed up.

**Help us double the numbers by the end of December 2018**

# Letters

## Porritt and Bennett trial: 16 years on and no end in sight

MY RESPONSE TO YOUR EXCELLENT editorial in *nose229*, “Justice delayed is justice denied”: It is incarceration without the pronouncement of guilt. It is an abuse of human rights and the right to a fair trial. It is shameful.

**Tony G**  
Online comment

■ I HAVE FAR LESS SYMPATHY WITH Porritt and Bennett than I have for their victims who lost massive sums of money due to the illegal actions of the accused. Yes, our legal system is at fault but only in failing to take stronger action against the delaying tactics that the defendants have been employing for years now.

**‘Kerway’**  
Perth, Australia

■ DON’T FEEL SORRY FOR PORRITT. HE deserves everything he gets.

**Dave Hill**  
Eston, KwaZulu-Natal

## ‘Rape victim didn’t confide in me’

I HAVE NOTED THE ALLEGATIONS MADE BY Mr William Segodisho in your November issue (*nose229*): “Paedophile priest and the Catholics’ 17-year cover-up”.

In an affidavit, Segodisho alleged that as a teenager he had attempted to report his having been raped by another priest to Father Mkatshwa, but that Mkatshwa had not wanted to hear about it.

I must inform you that I have never met Mr Segodisho or Father William MacCurtain and was not aware of Segodisho’s story until it was published in the media in recent weeks. I have given a statement to SA Police Service investigators, stating this fact. At the time that Segodisho alleges the incident took place, I was Secretary-General of the Southern African Bishops’ Conference and was based in Pretoria. I had very little contact with priests in Johannesburg parishes except for casual meetings,

and very seldom went to the Cathedral of Christ the King, where Segodisho claims to have met me.

Mr Segodisho needs to check his facts, because he is clearly mistaken when he claims that he met and related his plight to me.

I do, however, condemn the alleged actions of Father MacCurtain and support the efforts of the Catholic Church in dealing with such conduct.

**Fr Smangaliso Mkhathswa**  
Chair Moral Regeneration Movement  
Pretoria

## MTN, pay back the money!

I READ YOUR ISSUE WITH THE COMPLAINT many people have about “content charges” on their cell phone accounts. MTN will not refund these debits even after they confirmed that I had not used or subscribed to any service. They should not allow these “service providers” access to their clients’ accounts without the clients’ permission.

**Gerry Steytler**  
Via email

*You are absolutely right. Tell us more and we will follow up with MTN. Have you signed up for our online campaign? If not, go to: <https://dear-southafrica.co.za/noseweek-2> – Ed.*

## ‘Civil war’ report slanted

IS WESSEL EBERSOHN’S REPORT ON A “low-intensity civil war” just north of Pretoria (*nose229*) supposed to be journalism? Such a clearly slanted, and racially peppered opinion piece?

It is very disappointing that the editor did not insist on at least a modicum of balance, for something that is presented as an article. Why did he not send the author across to the other side and elicit the views of the “homeless”, who are presented as a hostile and invasive entity?

This belongs among the reader’s letters, if even that. Shoddy work, *Noseweek*.

**‘Kyle’**  
Göttingen, Germany

*All snug piety in Göttingen, Germany then? Come on! Wessel Ebersohn is a widely respected author of the highest integrity. Noseweek is honoured to publish his work. The article you speak of is, in my view, a fair reflection of a tragic situation all the players find themselves in. – Ed.*

■ CAN WE GET THIS ON TO CARTE Blanche?

**‘Citizen’**  
Barrydale

## Bull in Survé’s china shop

I WONDER WHERE IQBAL SURVÉ AND HIS Independent Media Group would be without the ANC as his guardians?

**Jeanette Noble**  
Johannesburg

*Making new friends in China? – Ed.*

## Can you believe it?!

WOULD YOU BELIEVE IT? IN MY POSTBOX this last week I received *Noseweek*, issue 192 – for October 2015!

**Lorna Seymour**  
Pretoria

*That was the time of the previous great Post Office strike – the one that really rang the death knell for the SA Post Office and all but destroyed Noseweek – when postal hub Witspos was dumping mountains of undelivered mail in Germiston warehouses. – Ed.*

## Subsistence fishers cast adrift

OVER 400 SUBSISTENCE FISHERS FOR rock lobster had their rights revoked to make way for the new so-called “Small Scale Fisheries”.

I represent the Nearshore Crayfishers Association, a group of subsistence West Coast Rock Lobster Fishers who have been grievously harmed by the government over the past three years.

For some reason the Department of Agriculture, Forestry and Fisheries (DAFF) seems to think that they can simply discard us and replace

us with the new Small Scale Fishery, the department's current "pet project".

To illustrate the point:

1. Of the 892 Near Shore Commercial quotas (that is us), only about 420 were renewed. More than half of us lost our sole income at the drop of a hat. The only "justification" we received for this was that DAFF had a "duty" to ensure viable quotas for the Small Scale Sector (all new entrants with no legal dependence on fishing).
2. Some 3,600 new applicants in our sector have been treated just as badly. DAFF enticed them to apply for quotas, gladly accepted their application fees totalling more than a R1 million and only then announced that no new entrants would be allowed in our sector. Now these people are summarily excluded from the Small Scale sector as well.
3. The latest insult to injury is the TAC (Total Allowable Catch) reduction split: DAFF shifted the bulk of the TAC reduction on us. We took a 57% reduction – greater than any other sector in the

**Rock Lobster Sector.**

Our sole income for at least 15 years has been the legal harvesting of rock lobster. Our quotas have been extremely small, reducing us to subsistence fishers even if we carry the name "commercial". Some 90% of us come from a previously disadvantaged background and support extended families.

We are fishermen and possess few other skills. All are at least middle-aged by now; starting a new occupation from scratch would be extremely difficult. We do not have insurance, medical aid or pension funds and cannot claim UIF. We have invested in boats, fishing equipment and vehicles.

DAFF's latest decision on the TAC split is literally the straw that will break the camel's back.

Where's the logic? If you look at the Offshore Sector you will find that 25% of the TAC has been given to only two companies, Oceana and Premier Fishing.

One very important fact to consider is that we simply cannot afford reliable boats, outboard motors and

towing vehicles. In many cases we use vessels and outboard motors that are over 40 years old.

We are reduced to risking our lives every time we go to sea, while the big offshore companies just get richer.

Theoretically we could of course take this matter to court but we do not have the resources. Knowing this, DAFF simply ignores all our pleas.

Please contact us if you have any suggestions or would like to help: [www.backabuddy.co.za/charity/profile/nearshore](http://www.backabuddy.co.za/charity/profile/nearshore)

After exhausting all other possibilities we have now finally requested an urgent meeting with President Cyril Ramaphosa to intervene on our behalf. We will be reporting back to let you know how this has worked out.

You can contact us at [legalrecord-sa@gmail.com](mailto:legalrecord-sa@gmail.com) or call 081-855 2488

**Anton Kruger**

Nearshore Crayfishers Association  
Hermanus



**Stent**

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## Editorial

# Lennie dials the wrong number

**S**EATED TOGETHER AT A TABLE FOR BREAKFAST at the Taj hotel in Cape Town on Wednesday 7 November were the entire defence team appearing for various former Pinnacle Group directors and executives who have been sued for R720 million by the liquidators of six companies in the Pinnacle group.

Ranged around the table are one-time CFO of the Pinnacle Group Steven Kruger, Senior Counsel Ian Green, advocate Ndumiso Nxumalo (junior counsel), advocate Matthew Clark (junior counsel), Accountancy Prof Harvey Wainer (expert witness) and briefing attorneys Christopher MacRoberts and Tony Hardy of Clyde and Co.

Despite years spent under siege by “the largest law firm in Africa” ENS’s head of liquidations, Leonard Katz (long better known as “Lennie the Liquidator” with all that title’s brutal connotations) and his favoured Senior Counsel, Gavin Woodland SC (liquidators’ legal fees and costs R60m so far), the Pinnacle defenders are in surprisingly good spirits.

In recent weeks things have suddenly turned in their favour in the trial proceeding before Judge Ashley Binns-Ward. Katz’s chosen expert witness, forensic accountant and investigator Terence Hatzkilson’s evidence has been torn to shreds. Witnesses called to substantiate his expert opinion, ended up contradicting it. He had (conveniently?) failed to note numerous company documents that happened not to support his damning view of the directors’ conduct. His theoretical analysis did not stand up to scrutiny. He made serious calculation errors.

Halfway through the breakfast, attorney Chris MacRoberts’s cellphone rang. Within seconds, the astounded expression on his face had all those seated around him silent. For some time he said nothing, just listening to what the caller was saying. Then he spoke: “Lennie, do you know who you are talking to? This is Chris MacRoberts.” Seconds later the call was over.

“You will not believe it! I’ve just had Leonard Katz on the phone thinking I am Terence Hatzkilson (his expert witness)! He did not allow me time to talk. He just launched in with “Terence, we are in serious shit. We need more time to deal with IFRS [International Financial Reporting Standards] technical issues. You need to be sick for another day. Get a sick note.”

It was then that MacRoberts intervened to tell him who he was talking to. Katz’s

confused and clearly panicked response was to say “I am sorry, I didn’t know you were sick” and then abruptly ended the call.”

The breakfast table listened in awed silence then broke out in raucous laughter that went on and on and on.

Then everyone got serious. Katz had just done what some say could amount to interfering with the court process – a serious offence. It was decided that advocate Green SC and his juniors would go, accompanied by Katz’s counsel Gavin Woodland and see the judge in his chambers before court and tell him there was “an issue” that “might have to be raised in open court”, but that, in the meantime, the parties were not ready to proceed with the trial that day. Which is what happened.

On the way out of the judges’ chambers, Woodland formally distanced himself from what Katz had done that morning and declared he had known nothing about it.

A while later a “without prejudice” letter arrived from Leonard Katz, “totally denying everything” (unspecified in his letter), reserving his rights to sue whoever, and accusing his opponents of “playing dirty” by summoning the head of ENS, Michael Katz (no relation) and Kevin Markman, head of Commercial at ENS in Johannesburg to testify for the defence.

It emerges both had been highly paid legal advisors to the Pinnacle Point directors in relation to most of the issues for which Katz was now accusing them of misconduct.

Within 48 hours the two opposing law firms were talking settlement. A settlement agreement was signed by all the parties and made an order of court by Judge Binns-Ward on 12 November (see Western Cape High Court case no. 11156/14).

In brief: The claim for a total of R720m in the original summons was settled with a payment of R25m by the insurers, AIG, and R2.5m by Absa’s nominee director at Pinnacle, Hennie Pretorius. In total, less than 4% of the original claim.

The opposing parties absolved one another of all claims against them. The agreement records that “Payment of the settlement amount does not constitute an admission of liability by the defendants and has been agreed to only in order to resolve the matter and avoid incurring further legal costs.”

Investec, who guaranteed ENS’s fees and costs in the case (said to total at least R60m), will collect the tab for the balance. More about the case in the next *Noseweek*.

**The Editor.**



# Please explain, Judge Spilg!

**Judge claims SARS's Top Debtors List with his name on it is a forgery – without seeing it. And why would anyone have wanted to forge such a SARS list in 2002?**

**I**N A PROSECUTION FUNDED BY SARS – to the tune of an estimated R100,000,000 so far – Gary Porritt and Susan Bennet are on trial for more than 500 charges related to their management of the Tigon Group which was delisted in 2003.

Of the 500-odd charges, only eight alternative charges relate to tax matters.

Proceedings in the drawn-out trial before Judge Brian Spilg which resumed in the South Gauteng High Court, Johannesburg on 6 November, began bizarrely enough:

**Judge Spilg:** Right, is Mr Porritt still not in court?

**Prosecutor Etienne Mellett Coetzee SC:** No, M'Lord, Mr Porritt is in court. He is lying on the...

**Judge Spilg:** Ah.

**Coetzee:** ...on the floor.

**Judge Spilg:** Is there a wheelchair?

**Coetzee:** M'Lord, there is no wheel-

chair, but they did however find a chair which the [SAPS] captain is sitting on now.

**Judge Spilg:** Right.

**Coetzee:** And Mr Porritt, I do not think Mr Porritt availed himself of that chair. I am not sure. When he came into court, he was walking on all fours and then he walked to just before that spot where he normally sits.

**Judge Spilg:** Well...

**Coetzee:** He is lying down on his back now, M'Lord.

There are also certain issues that Accused No. 2 [Bennett] wishes to address. There are two issues that we have to deal with: firstly, the condition of Accused No. 1. We will make submissions in that regard when it is appropriate, M'Lord, and when your Lordship calls upon the State to do so.

Then Accused No. 2 indicated that in her opinion – and she can speak

for herself if I am misquoting – she contends that your Lordship is not in a position to deal with Mr Porritt's present condition because she is of the view that you are conflicted.

She then requested that she meet you in chambers to discuss the matter, and she referred to the *Noseweek* saga [see nose228 regarding Judge Spilg's name featuring on a list of SARS' top tax debtors compiled in 2002] and said you had then suggested that it should have been brought to your attention in chambers [not embarrassingly in open court]. I said that this is a different matter... She should address you on the record pertaining to your perceived conflict or bias. The State also indicated to her the... only remedy is to bring an application for your recusal and that she should do so.

(*Noseweek* at a later date will deal with issues surrounding Gary Porritt's medical condition – either real, or as

Judge Spilg believes, simulated – and the wider subject of Judge Spilg’s alleged bias in this case.)

For now, we deal only with one aspect of the saga because it directly involves *Noseweek*, namely the inclusion of Judge Spilg’s name in that 2002 SARS “naughty list” of major tax debtors, as it was described in *nose228*.

After a protracted argument about Porritt’s medical condition and how Judge Spilg set trial dates, allegedly to advantage SARS and disadvantage the accused – most particularly by allegedly depriving them of legal representation – Judge Spilg ordered Bennett to proceed with cross-examining the State’s first witness:

**Bennett:** Am I now to cross-examine Mr Milne, M’Lord?

**Judge:** You are now cross-examining Mr Milne.

**Bennett:** M’Lord, then I wish to place on record that I believe this procedure is irregular – highly irregular – and I wish to bring an application in terms of s.317 of the Criminal Procedure Act that you are acting irregularly...”

Bennett proceeded to list a number of occasions in the course of the trial when, she alleged, Judge Spilg’s rulings were irregular, referring with emphasis to a ruling he had made on 31 August 2016 “for which we have still not been given reasons and it is now well over two years later...”

*[Judge Spilg is notorious for his late delivery of reserved judgments. A survey published in September revealed that six of his reserved judgments had been outstanding for more than three years, one for four – flagrantly flouting the Chief Justice’s three-month rule. – Ed.]*

M’Lord, on that occasion you knew, you were informed, and an application was brought, that the trial which you had ordered to proceed on 5th to 9th of September clashed with dates set for the Lamax trial where SARS was the principal, the plaintiff, and that date had been set many months before. SARS did not want that trial to proceed. It seems to me that in ordering that we should proceed with this trial *[in Johannesburg]* on those very same dates [...] certainly was of assistance to SARS. And unfortunately, I regret to say, the *Noseweek* article that I brought to your attention highlighted a fact which I had not known before...

**Judge:** I see there is another *Noseweek* article *[the editorial in nose229]* that has just come out.

**Bennett:** Oh?

**Judge:** Have you read that one as well?

**Bennett:** No, I have not, M’Lord.

Judge Spilg went on to state *[incorrectly]* that Jack Lundin was the editorial’s author and that he lives in the same town as Bennett, drawing the inevitably (wrong) prejudicial conclusion from that.

**Judge:** All I am indicating is that the editorial appears to be completely one-sided.

**Bennett:** I have never met Mr Lundin, I have never spoken to him

**Judge:** It appears that he could only have got that information from one or two people and that he has not looked beyond that.

*[This debate was pointless, since Lundin was not the author; Noseweek editor Martin Welz was the declared author, and he lives in Cape Town.]*

**Bennett:** Well, as I say, I have never provided any information to Mr Lundin, M’Lord. I have never spoken to him. He may live in the same town – I would not know... And I am sure that if you brought him to this court, he would say the same thing. The *Noseweek* article I alluded to, well, what I alluded to, was to an article published in *Noseweek* on the 4th of August this year, which printed excerpts from a list of tax defaulters.

**Judge:** Do you know where it came from?

**Bennett:** Sorry?

**Judge:** Do you know where it came from?

**Bennett:** Yes, it stated in *Noseweek*. It came from an affidavit that I had put up to Mr Vusi Pikoli *[the NDPP]*, at his request, to explain how I knew that *[Gavin] Varejes* and *[Michael] Strike* owed a lot of money to SARS.

**Judge:** And was my name on that original document which you referred to court?

**Bennett:** Yes, M’Lord.

**Judge:** Where is that document?

**Bennett:** I have got it on my laptop, I can print it for you.

**Judge:** Please do. I want to see that my name is on it. I understand that that was a forgery.

**Bennett:** Not at all, M’Lord

**Judge:** Ms Bennett, I understand it was a forgery.

**Bennett:** That is the first I have heard of that, M’Lord. The State has never denied *[its authenticity]* or said it was a forgery. In fact...

**Judge:** That somebody had inserted that...

**Bennett:** ...the State has actually confirmed that it was a document from SARS and they objected to my revealing it.

**Judge:** That is why I would like to see it so that I can find out; so that I can see the document that bears my name.

**Bennett:** Certainly M’Lord, certainly. If you adjourn now, I will print it for you.

**Judge:** But, in any event, what is the relevance?

**Bennett:** The relevance, M’Lord, is that it shows that your Lordship owed a sum of money – and when you looked at it you said, well that is certainly my name – a large sum of money to SARS as at that point in time. You then, on 4th August, instructed Mr Coetzee to arrange for SARS to come on the following Wednesday, to explain



Gary Porritt



Susan Bennett



why your name was on the document. You said to Mr Coetzee that he represented SARS, he was paid by SARS. And that was placed on the record. On the Tuesday, before the Wednesday, you came into court, M'Lord, and you said that it was no longer necessary for SARS to come, you had sorted it out. It was not...

**Judge:** You must read the words very carefully...

**Bennett:** ...you did not say you had sorted it out, you said it was no...

**Judge:** ...I was very careful with what I put.

**Bennett:** Yes, you said it was no longer necessary.

**Judge:** Look to the source from which it came, Ms Bennett, that is effectively what I said... [no need ] to take it further.

**Bennett:** You said it was no longer necessary for SARS to come.

**Judge:** Ms Bennett, carry on.

**Bennett:** You did not explain what the circumstances were.

**Judge:** I do not have to.

**Bennett:** M'Lord, I believe you do.

That is the issue. I have got case law...

**Coetzee:** M'Lord, can I say...

**Judge:** Mr Coetzee, if you go down a slippery slope...

**Coetzee:** Exactly, M'Lord

**Judge:** You invited this, Mr Coetzee.

**Coetzee:** M'Lord, the...

**Judge:** Because we are wasting time.

**A**ND SO JUDGE SPILG TERMINATED ANY further discussion of the matter in the Johannesburg high court on 6 November this year.

But that does not end the discussion of this very tricky subject in *Noseweek*. How, for a start, can he dismiss the document – or rather, as he suggests, the alleged insertion of his name in the document – as the work of a forger, when he has, by his own account, not

seen the document?

The SARS Top Tax Debtors' list first came to light when, on 28 July 2002, a facsimile was sent by email, to Bennett, unsolicited, by Tigon's accountant Grant Ramsay. He did so to prove that Gavin Varejes and Michael Strike – or rather their trusts – were listed as owing SARS substantial sums. Ramsay, Porritt and Bennett were all in dispute with Varejes and Strike at the time. Spilg's name on the list – he was an advocate at the bar at the time – was of no interest to any of the parties then, so there could be no reason why a forger might have inserted it.

In July 2007 Bennett sent a copy of the list to the Director of the National Prosecuting Authority, advocate Vusi Pikoli, querying why Varejes and Strike had not been prosecuted. Pikoli answered by pointing out that Bennett's possession of the document was illegal and demanding she explain in an affidavit how she had come by it. Which she immediately did. She declared that while she did not know from whom Ramsay got the document, he admitted in affidavits provided to the police that he had been paying bribes to one or more employees of SARS.

(One of them, a certain Viljoen, was subsequently prosecuted and sentenced for supplying Ramsay with such information.)

Once again there was no suggestion from the highest level that the list was not a genuine internal SARS document. On the contrary.

Spilg only became a judge in 2009 and was seized with the Porritt/Bennett case for the first time in 2015.

The list featured again in Porritt and Bennett's application for a stay of prosecution in January 2016, heard by Judge Spilg. In their response

to that application, the prosecution reprimanded Bennett for making the list public, thereby embarrassing members of the public named in it. Not one of the accused or the prosecutors or Judge Spilg himself appeared to have noticed his name on the list.

When *Noseweek* subsequently published parts of the list to illustrate a story about the case we too did not notice Judge Spilg's name on it. A reader called to alert us to it.

When in turn, this was brought to Judge Spilg's attention, he angrily demanded an explanation from the SARS-hired prosecutor, Etienne Mellett Coetzee SC, who expressed surprise. As, he told the judge, it was an "internal" SARS document not intended for public consumption.

Which leads *Noseweek* to pose the question: why would the judge, two months later, make the highly improbable claim that it is a forgery – without any evidence or explanation?

The issue is clearly far more serious than we had imagined. ■



Etienne Coetzee

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# SPOOKS GALORE

**As top SARS officials face charges, *Noseweek* takes another look at the secret world of Johann van Loggerenberg and his friends in the media – a world of intrigue and subterfuge that is generally but not always in a good cause**

**W**HEN MUZI SIKHAKHANE SC was appointed by acting SARS Commissioner Ivan Pillay to head an external panel to probe allegations of impropriety against its top investigator Johann van Loggerenberg, it didn't take long for the panellists to realise the extent of their task. In front of him was marshalled a body of veteran spooks, not slow to trot out testimony that was "self-serving, false and irrelevant".

Some members of the Revenue Service contingent, who were "hypnotised by Mr Van Loggerenberg's perceived power and charm", were "clearly prepared to protect him at all costs", Sikhakhane wrote in his November 2014 report. On the other hand, he added, others had adopted a hostile stance towards the charismatic official "as a result of what we viewed as organisational dynamics".



Jackie Selebi

"We had to walk a tightrope in placing our trust in the truthfulness of witnesses whose trade is largely in the intelligence craft," reads the Sikhakhane report. "Such officials are an essential component of any state. However, some choose the faking of sincerity, deception and intrigue as their preferred tools of trade."

Significantly, Sikhakhane adds: "The recruitment of former intelligence officers within its ranks was a double-edged sword for SARS. It afforded SARS the opportunity to make great strides in its own investigations. (But) with all their requisite and usually helpful skills, they can alter the very nature, culture and operation of an otherwise civilian structure. It may have the effect of turning a civilian structure into a command and control theatre of intrigue and subterfuge."

Accompanied by his attorney and by Nic Maritz SC, Van Loggerenberg, now 49, gave testimony twice. The first time he did not volunteer the existence – let alone his involvement – in SARS's National Research Group, its High Risk Investigations Unit, or any of their predecessors, coming clean only in the second session after their existence was fortuitously revealed in the media. Initially, Van Loggerenberg had two requests: that the panel should not reveal the names of fellow SARS officials with whom he had had romantic relationships, and that the panel should not name his private charity, Wachizungu, in its report. Initially, he named only two SARS romances. Confronted with a third name, he admitted it. His three lovers were Lana Pinkham, Siobhan Wilson and Talita Snyckers.

Sikhakhane's job was to investigate claims by another former lover, Pretoria attorney Belinda Walter, that Van Loggerenberg had run a covert unit within SARS, that he unlawfully revealed taxpayer information, was engaged in unlawful interception of conversations and had initiated their romantic relationship with the sole purpose of obtaining incriminating information about her clients in the tobacco industry.

Walter was chairperson of the Fair-Trade Independent Tobacco Association (Fita), a group of tobacco companies some of which were under investigation not only by SARS but also by the State Security Agency (SSA). She had also been a covert agent of SSA since 2010, and established Fita at the behest of her intelligence masters in order to obtain information about illegal tobacco operators. In fact Walter was a double agent, also passing confidential information to British American Tobacco. Or even a triple agent, if you count the inside information she provided to SARS through Johann van Loggerenberg.

It was Belinda Walter who kick-started the whole SARS rogue unit scandal after her seven-month fling with Van Loggerenberg ended in May 2014 and she took her story to the press.

This entire SARS saga involves a maelstrom of professional spies, the three most important ones having arrived at SARS around the same time, in 1998/99.

The most high-profile yet most discreet operative of the trio was Pravin Gordhan, these days Public Enterprises Minister but under apart-

heid, a quietly spoken pharmacist at the King Edward VII hospital in Durban – until he was detained.

A key figure in the ANC underground network, Gordhan had spent four years developing the structures of Umkhonto weSizwe (MK) and its Operation Vula. A solid Party man, he was deployed to SARS as Deputy Commissioner in 1998, taking over as Commissioner in November 1999.

Ivan Pillay, who joined SARS in 1999 as head of compliance, risk and enforcement, was an old fellow Vula comrade and as the organisation's project manager reported directly to Oliver Tambo. Post-1994 Pillay played a key role amalgamating the former protagonists' intelligence forces into the newly formed National Intelligence Agency and South African Secret Service.

Johann van Loggerenberg (arrived at SARS 1998) told the Sikhakhane panel that he had been an undercover agent for the police during apartheid, in what he described as the Republican Spy Programme. He was referring to the Republican Security unit (RS), one of the apartheid regime's more notorious police outfits, which specialised in recruiting bright young students who it trained to infiltrate and operate undercover within the liberation units. Van Loggerenberg ("at least as he testified," said Sikhakhane) was deployed in the unit's less controversial operations infiltrating organised crime.

In the new South Africa, Van Loggerenberg told the panel, he joined a similar police organised crime unit, and was later seconded to the National Intelligence Agency on specific investigations. His recruitment to the Secret Service followed and it was in this time that he met Pillay who was busy pulling all the intelligence structures together.

Pillay introduced Van Loggerenberg to Gordhan, then deputy commissioner, who told him of his plan to develop the intelligence capacity within SARS. There Van Loggerenberg rose swiftly through the ranks and was considered their crack investigator.

Today, Van Loggerenberg and former deputy commissioner Ivan Pillay, along with former SARS National Research Group leader Janse "Skollie" van Rensburg, face charges of corruption and the illegal interception of communications over an operation known as Project Sunday Evenings. It is alleged that bugs were installed in the head offices of the National

Prosecuting Authority in the build-up to the arrest on corruption charges of then national police commissioner Jackie Selebi.

The charges against Van Loggerenberg and co have revived speculation that a rogue unit was indeed active within SARS. When the trio last appeared in the Pretoria Magistrates Court on November 8, the

## ...some journalists would email their stories to Van Loggerenberg prior to publication

case was postponed to 14 February while their advocate, Laurence Hodes SC, does battle in the high court for disclosure of the full police docket, part of which had been held back by the State Attorney.

Van Loggerenberg's special unit at SARS is said to have made spectacular gains against organised crime. In the process he built up strong, if strictly unofficial, links with the media. Officially, SARS's secrecy provisions forbade him from talking to the press; all media communications were supposed to go through the press office, headed by Adrian Lackay, Van Loggerenberg's friend and co-author of his 2014 book *Rogue: The Inside Story of SARS's Elite Crime-Busting Unit*.

Some of Van Loggerenberg's favoured journalists (no one from *Noseweek*) were featured in KPMG's highly controversial Report on SARS Rogue Unit (see *nose228*).

From the hard drives of targeted individuals at SARS, the KPMG forensic investigators retrieved evidence of confidential taxpayers' information that was passed to select journalists. They also discovered that some journalists would email their stories to Van Loggerenberg prior to publishing them. In an email to investigative journalist Jacques Pauw on 10 May 2012 Van Loggerenberg wrote that the information he forwarded was confidential "as it concerned aspects of a taxpayer". He said the obligation was on Pauw not to divulge that Van Loggerenberg had engaged with him.

Van Loggerenberg asked Pauw "to consider meeting with him off the record". Was that careful overture by the spook the beginning of their soon-to-be-highly beneficial relationship? (Van Loggerenberg was to be a key source in Pauw's recent best-selling book *The President's Keepers*).

Two years later, on 10 August 2014, *City Press* splashed another story by Pauw, revealing that the previous month Van Loggerenberg's supposedly angry former lover Belinda Walter had complained to SARS bosses that Van Loggerenberg was "mentally ill, unstable, corrupt, a pathological liar and a sociopath likened to a paedophile". (We say "supposedly angry ex-lover", because, as has been suggested by others, it could just as easily have been part of her mission as an agent of the SSA to discredit the competing SARS spy unit.)

Pauw's story recounted how Walter



Johann van Loggerenberg and Belinda Walter

had confessed to Van Loggerenberg that she worked as a spy for the Special Operations Unit within the State Security Agency. Pauw quoted text messages that Belinda Walter had sent Van Loggerenberg when their romance was ending. One, on 15 May 2014, read: “I made phenomenal sacrifices for you, I was committed to you. I believed your speeches on your honour, your integrity. I am sad you are not that person.”

Soon after, reported Pauw, the tone of their messages turned nasty. On 27 May Walter warned Van Loggerenberg: “Rest assured every email, WhatsApp and exchanges where you impart information on other taxpayers is safely stored.”

(Walter subsequently told the Sikhakhane Panel that Van Loggerenberg gave her a USB memory stick with “analysis software from the SARS interception unit”, including information extracted from her phone. She said the hawks had secured the memory stick as evidence.

On 12 August 2014, two days after *City Press* appeared, Van Loggerenberg emailed Pauw attaching more personal WhatsApp messages between himself and Walter. He stated that “the information provided was for reading purposes only and not to be discussed or published without proper approval.” The KPMG

report commented: “The sharing of information appears to be an attempt to prove that Van Loggerenberg’s intentions regarding Walter were honourable.” A Box alongside the text states: “Van Loggerenberg forwarded WhatsApp messages between him and Walter to the media. This is in direct contrast of his previous denial.”

That Sunday, 17 August, Jacques Pauw produced a sensational reprise in *City Press*, revealing the Mata Hari of the cloak-and-dagger world of spying that lay beneath the “glitzy life” of Belinda Walter. Pauw wrote: “This is the picture that emerged this week as *City Press* obtained more evidence and information about her exploits as an ‘economic intelligence’ agent of the Special Operations Unit of the State Security Agency (SSA).”

He continued: “*City Press* reported last week that Walter – SSA agent number 5332 – was among the rogue agents who plotted to discredit top state officials, obstruct investigations into organised crime and smuggle contraband cigarettes.”

Pauw solemnly reported that Van Loggerenberg declined to comment, but added that the SARS man had “hundreds of text messages, emails and other documents detailing his relationship with Walter, which he believes will show she infiltrated him for the SSA, to discredit him.”

This extraordinary “Mata Hari” diatribe was accompanied by a heart-warming picture of Van Loggerenberg among a group of Zambian children in his capacity as director of a charity (Wachizungu) that “runs an orphanage and gives shoes to under-privileged children”.

In her Right of Reply to *City Press*, Belinda Walter said: “Pauw chose to present a biased view that painted me in the worst possible light. Perhaps this was because Pauw was listed in my complaint (to SARS) as a journalist sharing an improper relationship with Van Loggerenberg.

“Pauw appeared to follow a pattern of tyranny described to me by Van Loggerenberg that had been used extensively to discredit those who became aware of the criminality being perpetrated by the covert [SARS] unit and dared to oppose it. Mike Peega [a unit member] and other whistleblowers before me have had their lives wrecked by the media and were not believed when they spoke out.”

[Noseweek, too, wrote about spy

*Peega’s questionable background – see noses191&223. but Noseweek was also the only news medium to point out that the existence of a rogue spy unit in SARS was not improbable, given the background of the people involved.]*

In 2015 Belinda Walter swore an affidavit stating that Johann van Loggerenberg and other SARS officials had “unlawfully surveilled, monitored and intercepted” her privileged communications. “I am also aware that JVL [Loggerenberg] similarly intercepted the communication of numerous other advocates and attorneys which included a senior counsel,” ran her affidavit. “On or about 14 or 15 November 2013 JVL informed me that he had been intercepting all of my communications.

“I gave evidence to the investigation

## **‘JVL informed me that he had been intercepting all my communications’**

instigated by the Inspector-General of Intelligence and am aware that two reports were issued. I believe these have been ‘classified’ to avoid the state having to answer for the reprehensible conduct of the rogue unit within SARS insofar as the illegal interception and monitoring of communications of attorneys, advocates, taxpayers, politicians, journalists etc for nefarious agendas is concerned.”

Johann van Loggerenberg was a director and “Begger-in-Chief” of the above-mentioned Wachizungu charity, and the KPMG report expressed concern that its donors included taxpayers or individuals who were subjects of previous or ongoing SARS investigations. The auditors commented: “Even though it may be argued that Wachizungu had good intentions, the position of Van Loggerenberg was still compromised, with conflicts of interest caused by the taxpayers he is supposed to investigate and collect revenue from.”

One such taxpayer under investigation was Gavin Varejes, president of



**Gavin Varejes**

SA Rugby Legends (more later).

Members of the media also made donations to Wachizungu. One of them was Adriaan Basson, at the time assistant editor of *City Press*. On 23 September 2012 Basson and Pauw co-authored a timely scoop in *City Press* about a “fraudulent and possibly corrupt” R52-million Limpopo roads tender won by On-Point Engineers, in which the family trust of then-ANC Youth League leader Julius Malema was a shareholder.

The second part of the Basson-Pauw story revealed how SARS had quietly obtained a R16m tax judgment against Malema, and was targeting Malema’s property and assets in Limpopo and Gauteng, including his half-built mansion in Sandton, a farm and small-holding in Limpopo and a house in Polokwane.

Five months later, on 1 February 2013, Basson produced another great – and equally timely – SARS exclusive in *City Press*, disclosing details of the 51 charges facing Malema in SARS’s insolvency application, scheduled to be heard in the North Gauteng High Court later that month. The assistant editor’s scoop quoted the contents of a supporting affidavit from senior tax inspector Pieter Engelbrecht revealing how Malema’s net assets of R8.5m had reduced to R1.4m; how R5.8m had been paid by “third parties” to rebuild his house in Sandton; and how SARS had rejected Malema’s offer to borrow R4m to settle outstanding taxes to 2011.

*Noseweek* has established that on 27 May 2013 Adriaan Basson made a R500 donation to Johann van Loggerenberg’s charity Wachizungu.

The journalist had good reason to be grateful to Van Loggerenberg. His memorable SARS exclusives were a major factor that won him CNN’s Journalist of the Year award in 2012 for his articles on Malema’s financial affairs. Basson moved on from *City Press* to head Media24’s Afrikaans news platform. He is now editor of News24, Africa’s biggest online news platform, where he has derided the existence of a rogue unit at SARS as “patently false”.

[Basson and Pauw conceivably have an interest in tirelessly overstating the case, elevating their SARS sources to the status of sainthood. – Ed.]

The Van Loggerenberg connection has also been beneficial to his old *City Press* colleague Jacques Pauw. When Pauw’s book *The President’s Keepers* was launched at the end of 2017, the *Sunday*

*Independent* ran a story by its editor Steven Motale claiming that virtually all information in it regarding SARS was provided by our old trio of former spooks who joined SARS together in 1998/99 – Pravin Gordhan, Ivan Pillay and Johann van Loggerenberg.

Motale quoted “impeccable sources” who told him that Pauw had had no intention to write the book until he was approached “with tons of information” by an influential group led by Gordhan. When Pauw expressed reservations over possible lawsuits, he was given an assurance at a meeting in Stellenbosch attended by “a prominent businessman” that he would be provided with a budget to cater for all litigation.

Gordhan denied playing any role in Pauw’s book. Pillay said he had not had any contact with its author and Van Loggerenberg’s lawyer said the allegations were “false, malicious, spurious and defamatory”. Pauw ranted against journalists who dared suggest anything that contradicted his own view: Motale was “discredited” and accused of having used planted information.

Explaining Wachizungu to the Sikhakhane panel, Van Loggerenberg stressed that his charity did not collect for itself, but acted as a conduit, using the GivenGain online platform to pass donations to three “causes”: the PutFoot Foundation, the Vincent Shabalala Trust in Alexandra and the Wachizungu Orphanage and Academy in Zambia.

The KPMG report said that Van Loggerenberg at one stage had used his personal credit card account to receive and make donations. A 15 February 2013 credit card statement reflected receipts of R70,000 and R90,000 from an account styled Wachizungu. Transfers totalling R150,000 were then effected to GivenGain, leaving R10,000 in Van Loggerenberg’s account.

The auditors reconstructed a Wachizungu list of donors based on GivenGain notifications. It totalled R716,401, of which a whopping R550,000 was from entities associated with a controversial businessman with serious underworld connections named Gavin Varejes.

Varejes, president of South African Rugby Legends Association and a generous contributor to the Police Widows and Orphans Fund, headed Richmark Holdings, which had interests in information technology, communications, property and security. He is listed as a director of Specialised Services Group (SSG), a private secu-



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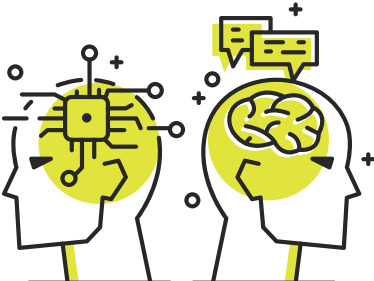
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rity organisation previously known as Associated Intelligence Network (AIN).

In an unassociated 2010 case the judge declared: "AIN commanded the resources of the SAPS when it saw fit. The lines between AIN and police investigations became blurred. Police officials acted in two capacities, even doing AIN work whilst on police 'sick leave'. This is untenable."

Back in 2001 Varejes and his business partner Tony Strike faced a R210m claim from Gary Porritt's Tigon group over the alleged over-valuation of a cellular accessories business, EuroPoint, which they had sold to Tigon. The same year, Tigon accused Varejes and Strike of massive VAT fraud discovered in EuroPoint.

Varejes turned for help to his friend, the crime lord Glenn Agliotti, complaining that Porritt had caused SARS to conduct a lifestyle audit on him. He felt harassed by the Revenue Service and his failure to get the authorities to pursue his own complaints against Porritt. Agliotti offered to set up a meeting with corrupt national police commissioner Jackie Selebi and senior SARS personnel.

A dinner was duly held at Varejes's house, attended by Selebi and Agliotti. Two senior officials from SARS – Johann van Loggerenberg and Ivan Pillay – were also there. Confirming the meeting later, SARS claimed its officials did not sit down at the dinner table as that would have been in breach of SARS's gift policy.

The KPMG report states: "The primary unanswered question is why two senior SARS officials deemed it fit to meet with a taxpayer at his house and after hours on the Porritt (Tigon) matter, considering there was a designated SARS official (already) working on it." *[It might have added: with a major crime boss and the Commissioner of Police in attendance – Ed.]* Subsequently, SARS raids led to Porritt's arrest in December 2002, marking the start of a 16-year slow-motion criminal prosecution against him for fraud, theft and racketeering that continues to this day.

In 2007 Varejes confirmed to the *Mail & Guardian* that Selebi played a part in the Porritt's prosecution.

After the 2001 dinner with Selebi

at his house and eight months before Porritt was arrested, Gavin Varejes arranged for the planting of cocaine in Porritt's Pietermaritzburg home by two police reservists named Paul Stemmet and Freddie Burger. The pair ran a dodgy outfit called Palto, which frequently carried out dirty tricks for Jackie Selebi. It took 10 years before Gert Nel, the DPP in KwaZulu-Natal, decided that Varejes should be prosecuted for his part in the drug-planting.

However, on 7 May 2012, before the case was put on the roll, Nel met to consider representations from Varejes's lawyers, criminal attorney Ian Small-Smith and advocate Laurence Hodes and Mike Hellens SC. And on 11 April 2013 Nel announced he had reconsidered and was no longer convinced a prosecution was "feasible". He considers the matter finished. (Copies of the original letters can be seen on *Noseweek's* website.)

Around this time there were two generous lots of donations to Van Loggerenberg's Wachizungu charity. The first was the aforementioned R550,000 from Varejes, the bulk of which was delivered around November 2012 (a time when DPP Nel had agreed to reconsider his decision to prosecute Varejes). The second was R35,000 from Varejes's attorney Ian Small-Smith, made on 5 June 2013 (two months after the DPP announced his decision to drop all charges).

"We found the fact that taxpayers subject to an investigation [*were*] making a donation to an entity controlled by Van Loggerenberg extraordinary and could not find a logical and acceptable reason for such conduct," stated the KPMG report.

The auditors added: "Varejes is also involved in social welfare fundraising and it may be that he made the donations in this capacity, but one cannot omit to consider that Van Loggerenberg and Pillay attended a meeting at the residence of Varejes, when there was a dinner attended by Agliotti, Selebi and others.

"The main purpose of the meeting was apparently to discuss and provide information he (Varejes) had affecting him and the Porritt matter."

● In June this year, Van Loggerenberg dismissed the Sikhakhane Report as being "flawed in fact and law". ■

# Durban metro suppresses investigation to win court battle

## eThekweni in hot water after allegedly misleading Supreme Court of Appeal. By Jonathan Erasmus

**T**HE eTHEKWINI METRO COULD FIND itself in a seriously compromised position if allegations that it misled the Supreme Court of Appeal (SCA) are found to be true.

In May 2017 the council appealed an order granted by the High Court in Durban for a multi-level, half-built, 11-storey luxury building on Durban's Berea to be demolished (*nose190&212*). Lawyers for the metro council argued at the SCA hearing that eThekweni shouldn't be held accountable for the unauthorised actions of just one employee – “the administration official” – and downplayed the “errors” to argue that the demolition order granted was excessive.

The city told the SCA judges that, to the extent that there were irregularities, they were of a “far lower order

of severity”; there was no evidence that the municipality had acted in a “biased and fraudulent manner”; and the city's infractions that might lead to liability for the council, were not exceptional as there was “no evidence of bad faith, fraud or corruption on the part of the administrative official”.

The SCA upheld the appeal in favour of the council.

But *Noseweek* has discovered that a 36-page report completed in December 2015 by Mbuso Ngcobo, head of the City Integrity and Investigative Unit (CIU) – which has since been kept hidden from public view – reveals that eThekweni was fully aware, when arguing before the SCA, that in fact it was not just one staff member's minor infraction – there were at least six senior employees involved and all had been found “in dereliction of duty” and to have failed to perform the functions of their office “in good faith, diligently, honestly and in a transparent manner”.

Furthermore the city's own investigative unit produced a report agreeing with Durban High Court Judge Esther Steyn's June 2015 order which ruled that the rezoning of the property on 317 Currie Road from a standard residential plot to one that could accommodate end-to-end construction, had been “irregular”. It found that neighbouring residents were not given the opportunity to object, along with other inconsistencies – enough to give credence to the argument that the processes were somehow corrupted on purpose.

Judge Steyn had found the council and the developers, Serengeti (see box), failed to inform the affected neighbours of the proposed change of zoning or give them details about the proposed development. She said the

council had underplayed its role in the rezoning and “seemingly blames one individual for the mistake”. Neither the city nor the developer could “convincingly show that the rezoning was rational or lawful”.

Based on the city's arguments and submissions, the SCA found that Judge Steyn's order “lacked clarity and certainty” and did not “exercise discretion in determining a just and equitable remedy”.

But at no point did the city tell the SCA that between the high court ruling and the SCA hearing their own Integrity and Investigations Unit confirmed the findings of Judge Steyn and had gone beyond it, uncovering further violations and irregularities.

Among its findings were:

- The rezoning of 317 Currie Road from General Residential 1 to General Residential 5 was irregular due to the fact the incorrect legislation was used;

- The required notices were not served on nearby residents for the rezoning application;

- No demolition permit was obtained to destroy the previous structure, which was older than 60 years and required approval from the province's heritage foundation, Amafa;

- The application was not properly processed through the Joint Advisory Committee (JAC) which was designed by the city to achieve consistency and quality in approving plans;

- Ms Lekha Allopi, Project Executive and former chairperson of the JAC should be charged for violating Schedule 2, Section 2(b) and (d) of the Code of Conduct for Municipal Staff Members, in that she signed the report recommending approval of the application for rezoning... knowing that the matter had not been resolved by the JAC;



● Mr Eric Parker, in his capacity of regional coordinator and a JAC member, be charged for violating the Code of Conduct for Municipal Staff Members in that he signed the report recommending approval of the rezoning application... knowing well the JAC had not resolved matter;

● Mr Lihle Phewa, deputy head: development and planning, be charged for violating Schedule 2, Section 2(b) and (d) of the Code of Conduct for Municipal Staff Members in that he signed the report recommending approval of the application for rezoning... knowing that the matter had not been resolved by the JAC.

Three other members of staff in the department – Ravi Naidoo, Charles Tree and Vaughan Boden – were found to have acted improperly and been “in dereliction of duty” but had left the city’s employ by the time the report was finalised, thus couldn’t be put before a disciplinary committee.

The unit received the complaint from affected resident and campaigner against the development, advocate Tayob Aboobaker. He asked the city to investigate whether the demolition of the previous structure on the site was demolished legally and queried the legality of the rezoning of the property from General Residential 1 to General Residential 5, which drastically changed the floor space and size of the building that could be built on it.

In 2018 Aboobaker submitted a Promotion of Access to Information Act (Paia) application for the report, which was turned down, as was his appeal. When contacted by *Noseweek*, he was considering approaching the court to get an order to have the document released. “The public requires a full explanation as to why this report was not disclosed by the municipality and why it was not disclosed to the SCA. The municipality is not a private litigant; it was duty bound to place the information before the court. Had it done so the result at the SCA would have no doubt been different,” he said.

He added that he now felt “vindicated by the contents of the report” and that it was a “crying shame the SCA had not come to terms with the machinations that led to the rezoning of 317 Currie Road and the passing of these atrocious plans”. He called on the city to inform the SCA about the investigation’s contents and to get an order to stop the development.

“I want to caution prospective devel-

opers who may be... taking advantage of a town planning department that is running amok in the Berea, that any rezoning beyond a GR2 zoning is likely to be unlawful and that their greed may come back to haunt them,” said Aboobaker.

When *Noseweek* asked the eThekweni Municipality a series of questions directed to city manager Siphon Nzuza and the head of Development Planning, Management and Environment at eThekweni, Musa Mbhele, city spokesperson Msawakhe Mayisela replied stating: “It appears from the substance and the accusatory tone of your narrative and questions that you have neither fully comprehended nor appreciated the subject matter of the Municipality’s appeal to the Supreme Court of Appeal.

“For ease of reference, the municipality never sought to appeal against a finding to the effect that there were irregularities in the approval process, the appeal was only limited to the remedy that was granted by the Durban High Court. The suggestion that the municipality concealed the City Integrity and Investigations Report from the Supreme Court of Appeal is rejected with the contempt that it deserves.”

He said the city had no duty to disclose the report to the SCA or the public as it was “immaterial to the issues that were before [the SCA]”.

“The CIU reports are never made public by the municipality, they only become public when they are leaked

because they are meant to be internal control documents. The CIU reports are issued to the relevant stakeholders within the municipality, both political and administrative.

“The recommendations of the CIU report were implemented and all steps taken were reported to the municipality’s internal oversight structures. However, the matters between the municipality (as the employer) and its employees are treated confidentially.”

The DA in Durban, which has been consistently opposed to the building, is expected to file a notice of motion with the eThekweni speaker’s office early next year asking for a detailed probe into its Department of Planning, Management and Environment.

The DA wants the executive committee to instruct the City Integrity and Investigations Unit [*to conduct*] an investigation into the Development, Planning, Environment and Management Department over a “growing number of allegations around corruption and mismanagement” surrounding the department and its “inability to properly enforce bylaws”. DA ward councillor Chris Pappas whose jurisdiction covers Currie Road, criticised the city’s “serious lack of enforcement” of its bylaws and regulations “and often it seems land owners are not supported”.

“There is no drive to protect law-abiding citizens. There are property developers taking advantage of the lax enforcement. The city manager must deal with it, he told *Noseweek*.” ■

## Serengeti on appeal after funds have all dried up

**T**HE DEVELOPER OF 317 Currie Road, Serengeti Rise Industries (Pty) Ltd, has continued with construction since the SCA ruling, but confining work to the interior only.

However it is clear that the legal battle has set them back significantly financially with several service providers having reportedly not been paid for services rendered.

In September the company providing scaffolding to the building obtained an High Court order to be paid R20.9 million, including interest.

Nela Kahle 35 CC claimed that in July 2015 it launched an application to get an order compelling Serengeti to return the scaffolding.

The matter has dragged on, with the scaffolding still on site. But on 28 September Judge Dayalin Chetty said the developer must pay R20.9m rental to cover the period from August 2015 to June 2017 and would continue to be liable for rental as long as the scaffolding remains – which *Noseweek* estimates to be in the region of R15m.

Serengeti has taken the matter on appeal. ■



# Bitter sweet in Kandyland

You can't keep a good skellum down:  
Kandyland's Pieter van der Watt is still at it.  
Jack Lundin tracks down the conman's latest prey

THEY'RE LITTERED ACROSS A WIDE swathe of the country – brothers Denis and Themis Nasis in Germiston; 62-year-old Elayne Henderson in Kempston Park; Gerald Bullen, 76, and son Gavin, 43, in Nelspruit; 60-year-old Sarel Henderson in Meyerton; Jacqui Erasmus and her 23-year-old daughter Bodine in Pretoria. All promised the earth by Kandyland conman Pieter van der Watt and now seriously out of pocket, every one of them mad as a mongoose and baying for their nest eggs.

The stories of Van der Watt's latest victims make sombre reading. Let's start with Denis and Themis Nasis, depleted this year by R340,000. For this considerable sum, plus R210,000 for stock, smooth-talking Van der Watt assured the brothers they would be in



Gavin Bullen family

the big time, with exclusive rights to flog Kandyland's line of 42 sweets – including 32 different flavours of the amazing Rainbow Lollies – across the East Rand to top stores like Game, PicknPay, Woolworths and Ackermans.

Sales projections that Van der Watt gave them looked good: R11,000/day, R2.97 million/year. Of that, the brothers' slice would be 25%: R2,750-a-day, R742,500-a-year.

*Noseweek* began chronicling the antics of 53-year-old Pieter van der Watt in January 2007 (*nose87*). That cover story reported that SAPS detectives in Cape Town were investigating complaints from 340 Kandyland investors, who claimed to have lost between R60,000 and R450,000 apiece.

In January 2017 (*nose207*) we recounted the hazards of investing in one of Kandyland's sweet-making factory franchises – and how Van der Watt was cashing in on President Mandela's name by punting a line of Kandyland's sugar-soaked confectionary as The Madiba Lolly, much to the annoyance of the Nelson Mandela Foundation, custodians of the Mandela trademark.

This time we're only talking about distribution deals, known as "depot agreements". The Nasis brothers' deal this August for the East Rand rights was with a Kandyland spin-off, Novelty Candies. Their licence to distribute would give them exclusive access to 300-odd retailers apparently lining up to order the lollies.

Van der Watt's blurb on the internet that suckered them in stated that the price of these "depot agreements" was R130,000. So why the R340,000 price tag now? "Van der Watt explained he had to buy back the area from the previous depot holder," says Themis Nasis. (The previous East Rand depot licensee, Elayne Henderson, has some-



Pieter van der Watt

thing to say about that. (Read on).

Denis Nasis, 55, is the long-running franchise owner of Fego Caffé in Brakpan's Carnival City. The Kandyland venture was to be for younger brother Themis, 50. They didn't have the additional R210,000 for stock, so it was agreed that they would go out and get the orders, while Van der Watt's own staff would handle deliveries and take the money – a service for which 5% would be deducted from the Nasis's commission.

Before handing over their R340,000, the brothers wanted to do a due diligence and asked for the all-important Client List of 300 retailers. "Van der Watt held it up, he waved it, but refused to give it to us until we paid the money," says Denis.

So they paid up and armed with

the Client List Themis Nasis began his rounds of East Rand retailers. And received a rude shock. The big name stores that Van der Watt claimed as customers gave him the cold shoulder. "The stores on the List were terrible, in downmarket areas, worse than a spaza shop," says Themis.

"It resembled a generic list that anyone could extract from the Yellow Pages. Some didn't even exist, they had closed down. Others, like Glenacres Super Spar in Kempton Park, Karaglen Super Spar in Edenvale and West Pack Lifestyle, were just not interested. We'd get nowhere near Van der Watt's sales projections."

Adds Denis Nasis: "A lot of the stores were throwing us out because they had had previous bad service. Also, the quality of the product (produced at Pieter Van der Watt's factory unit in Cape Town's Saxenburg Park) was not good. Out of ten Spars that my brother would visit, maybe two would buy. It was a litany of bad reputation. They didn't want to deal with Van der Watt."

After about six weeks the Nasis brothers decided it wasn't working, and asked for their R340,000 back. Van der Watt responded with a demand for the additional R210,000 for stock – in cash.

Van der Watt is quick to remind disgruntled investors in Kandyland/Novelty Candies of reasons for termi-



**Kandyland Swirls**

nation in his voluminous 11-page depot agreement, one being clause 16.3: "If the Depot (the investor) fails to do sales to the value of RX per week for more than six weeks consecutively". (The mandatory weekly target swings between R15,000 and R25,000). And clause 14.4: If the Depot "refuses to perform the marketing duties as per this agreement".

It emerges that when they handed over their R340,000, the Nasis brothers never got round to signing the depot agreement. So after parting with R11,000 for three hours' consultation with senior counsel they have instructed their attorney to apply to the high court to have their deal with Van der Watt declared to be a franchise agreement. An unsigned franchise agreement would not comply with the Consumer Protection Act, it will be argued, so Van der Watt must return their R340,000.

While this courtroom manoeuvre trundles into action, Elayne Henderson, a sales rep from Kempton Park who held the East Rand depot licence for more than three years, splutters when she hears that Van der Watt had to "rebuy" the territory from her, thus justifying its increased price to the Nasis brother. She says Pieter van der Watt "never paid me a penny!"

Henderson had signed up in June 2014, paying a whopping R486,000 to Van der Watt for the East Rand. This included R100,000 for "goodwill and client base".

"I battled, but never really made money," says Elayne Henderson now. "He told me I was going to get 130 stores. It turned out only 30 were active. I never got my percentage of sales back from him, which threw my ledger completely out. Then he told me I still owed him a couple of hundred thousand!"

"When it came to November 2017 he didn't have the money to pay my R28,000 commission. I had to borrow money to pay my rep, pay for my van, for rent of my storage space and insurance. Altogether I lost about R600,000.

"Pieter van der Watt's got a disgusting reputation, which I only found out afterwards. It was a terrible experience, especially at my age. You can't afford to lose money like that when it's part of your retirement. One day in a phone call Van der Watt lost his temper with me. I've never had a man talk to me like that. I had to



**Denis and Themis Nasis**

restrain my husband, who wanted to go and beat him up. The whole family is mad with him. He's a crook."

Listen to extract of that phone call on *Noseweek's* online edition.

Up in Nelspruit, retired businessman Gerald Bullen rues the day 17 months ago that he responded to Pieter van der Watt's Kandyland ad in the local paper. "I thought it would be an opportunity for my son Gavin," says Bullen. "I contacted Van der Watt and he told me how desperately he was looking for someone to do the Lowveld, and what a wonderful thing it was for anybody that went in with him.

"He was going to grow the business to such an extent that within a year or two he wanted to go public, and the people who joined up with him would get preferential shares. It sounded so good."

Van der Watt said in a note that the area had "over 106 clients on board". National sales, he said, were up 95%, a new lollipop line was producing 750 lollipops/minute and there was a "possible buy out from BidVest".

"Gavin (who's 43) went up to see them on the Reef (Pieter van der Watt is to be found at a rented townhouse at 16 Goukamma Street in Pretoria's Erasmuskloof) and wasn't over-impressed," says his father. "I asked Van der Watt for a list of his successful franchisees and he started his nonsense. He said 'No, the List is secret information.' He won't give me

that until I've paid the R82,000 for the Lowveld. "We went ahead with the deal, but it was a disaster. We couldn't sell the sweets and Gavin lost all his money. I've spoken to other people they've conned and they were all in the same boat as I was."

Coming up for retirement, 60-year-old Sarel Henderson from Meyerton, invested R130,000 of his old age kitty to distribute Van der Watt's lollies in the Vaal Triangle. He reckons the June 2017 venture cost him around R200,000.

"I put in my own money to keep the business running," says Henderson. "In the end I just gave up. There was no backup and I never made money."

"Van der Watt's List gave 182 customers in Bloemfontein. Several turned me away, some swore at me. They just didn't want to buy. He (Van der Watt) speaks so nicely, but if you don't perform after three months he takes your depot back – with no refund."

"You want to know about the biggest con in South Africa?" asks Jacqui Erasmus, a 49-year-old insurance consultant who in mid 2016 paid R540,000 (R390,000 for the licence, R150,000 for "goodwill and client base") to distribute Kandyland lollies in Pretoria. "My daughter has just finished her BCom, so my thinking was starting a business for her."

"My money's just gone," says Erasmus. "If I think about it I'm physically ill. Nothing Pieter van der Watt promised ever actually realised, nothing he said was the truth."

Their agreement required mother and 23-year-old daughter Bodine to achieve sales of R25,000/week. "It was roughly R100,000 in sales per month and I could never achieve it," says



**Kandyland stand**

Jacqui. "Despite my exclusive contract, Pieter would go to big suppliers in my area, like ABC Sweets (the Centurion wholesaler) and supply to them. When I got there they'd say: 'We got an order from Kandyland yesterday!' He took my corporate sales out of my equation and still blamed me when I didn't make the targets."

"He wasn't happy with Bodine and said he didn't have time for a BCom student bugging up his business."

He swore at her and called her an imbecile and a *windgat* (smart-arse)." *Noseweek* has a picture of Bodine against a background of Kandyland goodies, but her mother's fiancé appealed to us not to publish it as he considers the girl's life is at risk.

"The VAT number that Pieter van der Watt was quoting on everything was non-existent, not even valid," continues Jacqui Erasmus. "He would also use expired stuff, he just changed the expiry dates and redistributed it to us to sell."

Early in 2017 Van der Watt informed Jacqui that her contract with Kandyland was terminated and she didn't own the business anymore.

"He said he'd had enough of my shit," says Jacqui. "The irony of it is that's what he does with everybody. He just says he's getting complaints, he's not satisfied with how you're distributing and representing his brand and he's taking it back; that you've forfeited your money."

"None of my suppliers ever complained to him, he just falls back on that clause in his contract (the above-mentioned 14.4) which says if you don't do the job he'll take your franchise back. How can everybody not do it properly? I'm half-a-million out of pocket. My lawyer says his contract is airtight, but it's also the stupidest contract he's ever seen in his life."

"Pieter van der Watt takes from three or four people a year, for up to half a million from each. Then after a while he says: you're not doing a sufficient job. Just think about it, it's a lucrative business."

Pieter van der Watt did not reply to a list of questions submitted by *Noseweek*. ■



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# ANC spooks in VBS deals: The fallout

Mutual Bank under scrutiny for corruption. By Jonathan Erasmus

ONE OF THE DODGIEST DEALS undertaken by the corrupt VBS Mutual Bank was introduced by an ANC front company keen on taking a finder's fee plus 10% in shares, in what was meant to be a R250-million deal.

VBS signed up to buy a 26% share in Insure Group Managers (IGM or Insure, for short) in December 2016 for R250m. IGM is an independent financial services company, providing premium handling services including debit-order collections, deposits and premium disbursements on behalf of insurers and brokers.

The Reserve Bank commissioned an investigation by advocate Terry Motau and Werksmans Attorneys. Their report, "The Great Bank Heist", which was published in October found that the deal was a sham.

On paper, VBS acquired the Insure stake through its main shareholder company, Vele Investments, which was also controlled by the bank's chairman Tshifhiwa Matodzi. But how the deal was concluded was anything but legitimate and the signs were all there that something was seriously amiss. The involvement of a secretive "ANC cabal" in the deal had dire real-life consequences: companies were forced to sell assets to cover losses, followed by suspensions, retrenchments and business rescue.

Yet when the Party men involved were contacted by *Noseweek*, they claimed they

had "no idea" that the bank – and their deal – had been riddled with fraud. But one look at the documents in *Noseweek's* possession shows that that is most unlikely. All the signs were there that VBS was acting as a rogue bank, but the promise of big commissions and easy money clearly proved irresistible.

VBS bought Insure when the bank chairman Matodzi effectively created the money needed out of thin air by simply writing a number in the bank's books. However, real withdrawals were then made in favour of a well connected few. Insure was even inspired to deposit R18m into a VBS account that offered favourable interest rates. By the time the bank was placed under curatorship in March, only R75m remained in the falsified account. Insure's chances of recovering its deposit are slim.

Some history: Johannesburg dealmaker Paul Marais had been operating in the property development and student accommodation arena for several years when he realised that in order to move on to larger deals he would need the right BEE partner. He was pointed in the direction of Paul Langa, who for years has headed Zonkizizwe Investments (Pty) Ltd – a company effectively owned by the ANC – and to former spy boss Billy Masetlha: together they formed Dzothe Investments (Pty) Ltd.

Other members of Dzothe Investments were former ANC treasurer Mendi Msimang, former High commissioner to Mozambique Dikgang Moopeloa and KwaZulu-Natal political operator Alex Mmethi. Dealmaker Marais was the CEO.

Langa is no ordinary BEE player. He has a

security background and is active in the security industry. Zonkizizwe Investments has over the years landed contracts mainly in security but has also found itself playing dealmaker. In October 2017 – as exposed by the *Sunday Times* in June – he instructed his lawyers to write to fuel distribution company Afric Oil demanding payment of his 3.5% fee for helping the company secure a R210m loan from the Public Investment Corporation (PIC). (He subsequently accused former ANC treasure Zweli Mkhize of taking R4,5m of the R7,7m commission – a claim Mkhize has denied.)

Zonkizizwe took a 51% stake in Dzothe Investments. The other 49% was owned by Marais through a firm called Thabeng High Impact fund (Pty) Ltd.

According to Marais, giving VBS Bank a R250m stake in Insure was initially "never part of the plan", as he had wanted to create a company specialised in agriculture, property development and investments, student housing, affordable housing, renewable energy, water and sanitation as well as short-term insurance and micro lending.

By 2015 they had already advanced fairly far in purchasing a micro-lender from JSE-listed African Dawn Capital Ltd (Afdawn), called Elite Group, for R20m as part of their overall strategy to become a new player in the market.

"Charl Cilliers [*Insure's* CEO] told me he was looking for a BEE partner with money to inject equity into Insure," said Marais, who initially felt Langa & Co would be a good fit.

He said it was during negotiations with VBS, around June 2016, when the bank's CEO Andile Ramavhunga undertook (on chairman Matodzi's authority) to make a R120m facility available to Dzothe for student accommodation, that it occurred to them to offer the bank the Insure deal.



“At that point Dzothe was keen on buying into Insure, but Matodzi said we should give Insure to him and we would just make the commission,” said Marais. He added that Paul Langa (the ANC’s investment man) dealt with VBS and had introduced Insure to the bank, hoping to score a cool R5m for doing very little.

They also seemed content to keep it all verbal and off the books. When nothing was paid over by April 2017 a Dzothe directors’ meeting was called at Langa’s Zonkizizwe Investments office at 311 Surrey Park, Randburg.

The minutes of the meeting show that Marais inquired about the “R5m commission payment to Dzothe Investments as promised by the VBS chairman”. It was noted that Langa said the payment should have been made on 22 April 2017.

Marais also asked what had become of “the 10% share allocation of Insure [shares] to Dzothe Investments following the successful conclusion of the Insure Transaction”.

In the minutes it is recorded that “Masetlha explained [that] it was agreed by both parties that an additional R5m will be paid to Dzothe Investments.” It is noted that the R5m commission was “a verbal undertaking between the chairman of VBS, Langa and Masetlha”. There was nothing in writing – as was the case for the alleged 10% in Insure shares that Dzothe had been promised.

It is also recorded in the minutes that “Masetlha emphasised that the funds [still] had to be sourced and we had to allow the chairman of VBS reasonable time to source the funds”. Which raises the obvious question: If the bank claimed it could provide a facility of R120m, why could it not find R5m?

None of the men involved could have been in any doubt that everything was not straight and true at VBS Bank. Yet they pressed on.

Under “Action to be taken” it is recorded: “Langa to draft a letter to the VBS chairman” with the letter to be vetted by Marais and Masetlha.

The letter was sent the following day to Matodzi. This was the first time that anything related to the deals concluded between them was recorded in writing. Langa expressed his company’s “congratulations” on the bank’s purchase of a major stake in Insure, adding they could “only hope and believe the acquisition will



**Billy Masetlha**

yield handsome dividends over time”.

He then went on to say they wanted to “discuss a referral fee of at least 2% for the Insure transaction”.

“We are of a view that since the transaction was initially signed [between] Dzothe Investments and Insure, your request to proceed with the transaction on behalf of VBS was a gesture enough to suggest we have your interest at heart. Dzothe has since agreed and decided on the back of your request not to process the deal further, but to hand the investment over to VBS.”

The Dzothe directors then wished to “propose and discuss” the acquisition of a short-term insurance broker and for Insure to assist in setting it up, he wrote, adding that VBS should consider “opening up a space for Dzothe to have a stake in Insure”.

The sought-after 2% referral fee never materialised.

Eventually, on 1 November 2017 Jan van der Walt – who told *Noseweek* that he was the “bookkeeper” for Dzothe Investments and also the chairman of Marais’s company Thabang High Impact Fund (Pty) Ltd – sent a letter to Matodzi demanding the R5m commission and the “10% shares of Insure promised to Dzothe”.

There was no response.

Despite Dzothe’s being packed with people who claimed to understand business and who touted their deal-making ability, it all ended in multiple fallouts.

Insure’s Celliers was suspended after he was found to have pocketed R12m from the sale of shares to VBS.

In addition, despite knowing he was dealing with a crooked bank, he had nevertheless deposited company funds into the bank. Insure is now under curatorship, owing various of its clients huge sums: Santam alone is reportedly owed R1.2bn in unpaid premiums.

Dzothe’s deal with Afdawn collapsed as VBS failed to put up the funding it had undertaken to provide. Afdawn had to sell other assets as it had a looming tax bill that needed to be settled.

But bizarrely, when *Noseweek* contacted Langa for his comments on the matter he denied any involvement whatsoever, claiming Marais had done all the work and he had “no influence”. He claimed documents verified by *Noseweek* had been falsified.

In a long telephonic rant – replete with claims that Afrikaners are behind a conspiracy targeting black African people – he said he “doesn’t know Billy [Masetlha]”, that he never sat in any board meetings held at his office concerning Dzothe and that “Afrikaners can do what they want”. He then accused the media of “insulting” former president Jacob Zuma.

Billy Masetlha accused this journalist of being “abusive”. Just how is unclear. *Noseweek* had phoned him without success. He returned the call, which was missed, and when *Noseweek* phoned him back, he made it clear he would not answer calls from this number again, then hung up. We sent him an SMS but he failed to respond. ■

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# Making the difference

Professor Mamokgethi Phakeng weighs in on her role as UCT Vice-Chancellor and the challenges faced so far.

By Sue Segar

**F**ORMER UCT VICE-CHANCELLOR Max Price – now said to be job-hunting in London – will be largely remembered for the way he dealt with the turbulent #FeesMustFall years on campus. His successor, Professor Mamokgethi Phakeng, hopes to shape the university “in a completely different way”.

Interviewed in her office on UCT’s lower campus, Phakeng was firm that she did not want to compare herself with Price, saying “It’s not my business to assess my predecessors”. However, the new VC later on alluded to “a number of things” she inherited which she now sees as her challenges.

Phakeng said one of the first things she did after her appointment as Vice-Chancellor of UCT in July was to meet as many different groupings of students as possible “so that I understand where people come from”.

“I had meetings with different student formations: Sasco, Daso, EFF, SAUJS, Pasma and the Palestinian Solidarity Forum. [*The SRC is now dominated by the EFF group.*] I wanted to meet them all. I also met with labour unions, to hear about their issues are. I felt I should introduce myself and explain how I work, because I know there’ll be a time when they are not happy about my decisions – whether students or workers. I felt it important that we meet now, when we are not fighting, so we can tell each other what we stand for and can attend to issues that are bubbling.”

With slightly raised eyebrows to demonstrate another thing she inherited, Phakeng continued: “Those weren’t the only people I met. In my first week here, I noticed there was a group of students who were not registered but were staying in residence. I wanted to know who they were and



Mamokgethi Phakeng

why they were still in our residences when they are not UCT students. I discovered that they are our former students who are currently not registered – many of them because they have been academically excluded and a few because of outstanding debts.

“My style is not to always start with the punitive. I spoke to these students and called up their marks. One had finished her master’s, but without full funding, so she still owed the university about R60,000. However, she has a bursary to do her PhD but because she had not completed paying for her master’s, her funding for the PhD could not kick in.

“Some cases are genuine and the issues resolvable – but in the case of some others, I said to them: ‘You say you care for your fellow students... but you are occupying rooms for students

who are registered and need accommodation. You must go home.’ So, there are a lot of things I inherited.”

A far less diplomatic critic of Max Price in recent months, however, has been the fiery and vocal UCT Emeritus Professor of 40 years’ service, Tim Crowe. In a scathing blog earlier this year, he gave Price two-out-of-ten for his management of UCT. He slammed the former vice-chancellor for focusing his efforts on a policy of “learning to engage with fallist-generated chaos” instead of looking for a successor to his ten-year tenure. He said Phakeng had inherited a “Priceful” UCT which was “declining in international status”.

“If she emulates Price and ‘negotiates’ only with ‘fallists’, what will VC Phakeng do when they break the law when their demands are not met?” wrote Crowe.

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In January last year, Phakeng was appointed as UCT's Deputy Vice-Chancellor (Research and Internationalisation). Prior to that she spent five years as Deputy Vice-Chancellor of Research and Innovation at the University of South Africa (Unisa).

Some who frequent the corridors of UCT have noted a bit of a personality cult growing around the woman who has tattoos, who shared a desk at school with disgraced former Eskom chief executive Brian Molefe, who still prefers to clean her own house and who turned down her own inauguration ceremony. ("Why should so much money be spent on telling me how special I am when students are struggling to graduate?")

Prof Phakeng has set up the Vice-Chancellor's Student Support Fund through which she gives 10% of her salary to help struggling students.

And it is said that, without fanfare, she called up students, individually, who were victimised by fallists during exams last year, to hear their stories.

Although Prof Phakeng's tenure so far has been short, she has not managed to dodge controversy. She was slammed by students for insinuating that stress from the #FeesMustFall movement had contributed to the suicide earlier this year of the Dean of Health Sciences, Professor Bongani Mayosi. "I never said 'fallist' students were responsible... My relationship with students has never broken down."

Recently the VC tweeted congratulations to student Masixole Mlandu on his Honours project which argues that South Africa is a settler-colonial society built and maintained through conquest – and in which he ended his acknowledgements with the struggle slogan "One settler, one bullet!"

She tweeted: "Congratulations dear son on completing this paper! I am proud of you! Way more than you can imagine! Well done!" Later, in a press statement, she distanced herself "from the threats of violence contained in the acknowledgements section of the dissertation", saying she "could never be proud of promises of bullets". but was proud of Mlandu's hard work.

Although a lot of work had gone into transforming UCT over the past ten years, it was not enough, which gave rise to the #FeesMustFall movement on campus, said the VC. Transformation efforts had been mainly focused on student access (through financial aid) and employment equity.

"Both are important because they bring the critical mass, but they are not sufficient for transformation. In fact, they create a sense that you bring people into a space and you expect them to be grateful and assimilate and that's precisely the contestation that brought 2015; there was this sense that nothing had changed. My view is that transformation is not just about equity of access, which is important but not sufficient. We should strive for equity of participation and success just as we have driven equity of access.

**I managed to find a way... but I am highly aware that many students don't find that way.**

"We can do this by recognising that, while those who are previously disadvantaged have the potential to be successful, they need extra or special support so they, too, can achieve excellence. For example, ring-fenced funding for previously disadvantaged researchers; post-doctoral opportunities for them to gain international experience, and mentorship programmes that recognise them as bringing value to the university and not as being under-prepared.

Phakeng continued: "While some celebrate the achievements of transformation in the last years, we haven't actually changed the complexion and the composition of the professoriate. It is still largely male and mainly white. People will more than likely say that no black people met the criteria. Well, in my view, we haven't worked at enabling them to succeed. They were expected to just assimilate and succeed. What has not been addressed is that they are coming to a different space – culturally and intellectually.

"Under my watch, we are going to be driving transformation that will deliver on equity of participation and equity of success so that in future when we call up excellence, it doesn't come up only as white and mainly male. It looks as diverse as we are."

Citing her own experience, Prof Phakeng recalled an experience at Wits University in the late 1980s after graduating from the then-University of Bophuthatswana. She remembered "sitting in an honours class and raising a hand to say something and just being ignored, while white students spoke without even raising their hands".

"Six months later, I realised I hadn't said anything in that class. I definitely had this identity of being someone who was not so smart. I see so much of myself in young black students. I know what it means when nobody points at you in class, so you have to learn different ways of behaviour on campus, to say to yourself 'this doesn't work' and to do something else. If you don't participate in class, you don't properly become part of the learning and your learning is limited. I managed to find a way... but I am highly aware that many students don't find that way.

"On many campuses in this country, there is an institutional culture that can result in the total silencing of a student who may have been outspoken and bubbly at high school – all because they are expected to be something else. Maybe their English is not good enough, maybe they speak with a particular accent, maybe it's the first time they find themselves in an environment where they hear five accents from all over the world, let alone just being surrounded by white people, something they are not accustomed to.

"At university, your intellectual ability is important but it is not the only thing that makes you succeed. It is crucial for a university to take into account not only levels of language and language proficiency but also culture and ways of being in different cultures. Many students have had to realise, for instance, that politeness works differently in the university environment. Students almost have to break their own cultural rules and ways of being and be something else.

"I relate totally when students say that when they go home they are no longer the same. They have to embrace ways of surviving on campus. But when they go home, they have to change again because certain behaviours are disrespectful. They are managing two contexts so they are often not competent at either. Part of decolonising a university, in my view, is to make sure that it shouldn't just be one way of being that is valued... it's about institutional culture and inclusivity.

"I see young students all the time who sincerely believe that getting a degree here will change not only their life but their whole family's life. I see students who want to succeed but I can see that sometimes they are scared. What if they don't make it and have to go back to Limpopo without a degree? I remember having those nightmares. I'd tell myself I can't go back home without the degree after four years – I've got to get this. It feels like it is your once-in-a-lifetime opportunity and you have to make it work.

"I recently met with a student from UCT who is starting a PhD in Cambridge after completing his master's there. He's from a very poor background in Khayelitsha. He told me his overriding feeling is that he'll somehow mess up and lose everything. I found it interesting because I still feel that way myself. I have moments, even in this position, where I have that feeling that it's not really yours, you can lose it all tomorrow. This feeling can be crippling. That's why I talk closely with students, to affirm them."

Phakeng was open about the fact that she carries tablets for anxiety and depression in her handbag. "I got the prescription at a time in my life where I felt I was sinking into a dark hole. I'd rather take a tablet than let my life go

down that way."

Prof Phakeng refutes the view that, by driving transformation one has to give up excellence. "The two are interdependent. We have to drive transformation with integrity so that we don't just appoint people because they are black but recruit them because they bring a particular strength to the space. And when they come to the space, you create an enabling environment for them to achieve excellence.

"With our history, even people who come to the space with the same qualifications and experience, do not come into it equally, because this space privileges a particular group of our society, and people from another side have to cross many boundaries – not only racial boundaries – but an intersectional set of boundaries including gender and social-class boundaries.

"When you're in the privileged group you don't often think of the hurdles others have to go through. But, coming from a low socio-economic background myself, I know that when I get into spaces with all my qualifications and experience, I often face intimidating situations that have nothing to do with my credentials, but everything to do with the fact that I don't have the cultural capital of the space I am in.

"Part of what I have to do is raise

funds for the university, so I sometimes meet with high-profile people with truckloads of money. When you have a working-class background, you don't even know what kind of smalltalk those people do. You walk into a room and immediately know that people are looking at you and wondering about your capability. It used to happen a lot – but not so much since I became VC.

"When I meet new people I always hope they've heard some of my speeches... that they follow me on social media and have a sense of who I am. I walk into a space with baggage.

"There are multiple boundaries you have to go beyond in this space when you drive transformation if you are from a disadvantaged background and you are a small black woman."

Prof Phakeng's vision is all about securing a sustainable future for UCT. "We must do transformation with integrity, recognising people not by race, but because of the strengths they bring to the institution. We should create an environment that enables everybody to be excellent. We can only do that if we believe that, actually, everybody can achieve excellence. The challenge is: how to make that happen. The figures for success show there's a big gap between black and white students. Why? All our students,

# Dedication to education

**M**AMOKGETHI PHAKENG WAS born in Eastwood, Pretoria in 1966 and grew up in Ga-Rankuwa, where she experienced what it was like to walk long distances to school and to study under a tree. Later, at Thuto Thebe Middle School in Ga-Rankuwa, she sat next to former Eskom boss Brian Molefe, who was "clever, and good at debating".

Her parents, Frank and Wendy Mmutlana, despite being poor, had high expectations of their three children. Frank was a "smart, funny" man who was one of the first black radio announcers at the SABC and also acted in radio plays on Radio Setswana.

Wendy worked in factories in Roslyn near Ga-rankuwa and was also a domestic worker before returning to school to complete Grade Nine so that she could study for her primary teacher's certificate and work as a teacher.

"I was five when my mother went back to school," said Phakeng. "We have photographs of her in her school uniform, with all the other younger pupils. All the neighbours came to make speeches and wish her well."

Now widowed, her mother still lives in the four-roomed house of Phakeng's childhood. "My dad used to call himself 'a poor, but proud man'. He said we must never stand at the back of the row because we were poor, and rather go hungry than accept crumbs. He told everyone we were the smartest kids in our township – which was nonsense! He told us we were born gifted and we must be the best in the world."

The young Phakeng loved mathematics at school – and still doesn't quite understand people who are afraid of maths. "I missed the memo that said maths was hard!"

At the University of North-West (then University of Bophuthatswana)

Phakeng achieved a BA in Pure Mathematics, and then attended Wits where she earned both an MSc followed by a PhD in Mathematics Education.

Phakeng was the first black woman in South Africa to obtain a PhD in Maths Education.

She worked as Professor Extraordinaire of Tshwane University of Technology and was an Honorary Professor at Wits, before being appointed Executive Dean of the College of Science, Engineering and Technology at the University of South Africa in 2008. She was promoted to serve as vice principal of Research and Innovation at Unisa in 2011 and joined UCT in 2016, working as Deputy Vice-Chancellor for Research and Internationalisation.

Phakeng has served on several boards and received numerous awards, including the Order of the Baobab (Silver) for her excellent contribution



irrespective of race, have to meet the same academic standards when they are admitted to UCT, so these students come in at the same level academically.

“I am not saying students should be passed without working but we have to ask why it is that so many black students are dropping out; why is it that black students are not succeeding as well as their white counterparts? Part of it is institutional culture, and perhaps part is cultural capital. When you come to a university, intellectual ability is important but it is not the only thing that makes you succeed.”

Prof Phakeng denied there had been an exodus of top academics from UCT since #FeesMustFall. “It’s amazing that some people call it an exodus,” she said, pulling out a few graphs to demonstrate that is not the case. “The report (on academics leaving) has been useful because, first, it shows that black people are not resigning as much as white people and also that the numbers are not huge.

“We seem to be better at drawing and retaining African academic staff, which is good, unlike in the past. We have lost some senior staff but I feel it’s been blown out of proportion.

What disturbs her most about higher education in South Africa?

“Obviously I’m concerned that the

government’s offer of free education is sustainable – and whether, five years from now, that will happen. The second thing that bothers me is the way people still talk about ‘black’ and ‘white’ universities – even though it is more than 20 years after 1994. It makes black people feel that UCT is not theirs – and it really bugs me. This is a public university and every South African should feel these are their universities as much as Fort Hare.

“The higher education sector needs to examine its positioning in the world. The tendency to expect all universities to be the same is problematic – as though Walter Sisulu [University of Technology] won’t be good enough until it looks like UCT. We need an honest conversation that looks at the future; that ensures we don’t destroy the strengths we have so that 20 years from now we want to redo it.

“A good example is how technical colleges, teacher colleges and nursing colleges run by the government were dealt with. Now we realise it was a mistake to shut them. We need these institutions and they don’t all need to be the same. There are diverse needs in this country. We need to differentiate to make sure the 26 universities serve the country’s diverse needs.”

It was clear that former president Jacob Zuma’s promise of free undergraduate education was on her mind and that she was aware her leadership would be scrutinised when the university determines its fee increases soon. “We are in the tricky situation of waiting for the Department of Higher Education.

“In 2016, the president announced zero fee increments and then last year the department announced a percentage... We don’t want to announce fee increments before the department. We have to wait. We know what would be ideal but we don’t want to announce anything and then get on to a collision course.

“It’s challenging because this is not traditionally how universities do it; the government does not traditionally dictate fees. But since #FeesMustFall and the intervention of government and free education, the state has become more involved in setting fee increments.

“When you increase fees, in a way you increase the money you expect from government in fee-free education. There are also issues of autonomy at stake. We have to wait for the announcement and manage it from there. It’s tricky.” ■

in the field of science and representing South Africa on the international stage through outstanding research.

In 2013 she received the *CEO Magazine* award for being the most influential woman in education and training in South Africa. In 2011 she received the National Science and Technology Forum award for being the most outstanding Senior Black Female Researcher. In 2006, she was recognised by the National Research Foundation as one of the Top Women in Research. She has published over 80 research papers and four edited volumes, which have been cited more than 1,174 times. She is a National Research Foundation-rated scientist, meaning she has notable international recognition.

Phakeng is the founder of the non-profit organisation Adopt-a-Learner, which supports excellence in maths and science in black schools. She also supports the Thusanani Foundation, an NPO that bridges the educational information gap between rural and urban high schools.



**Mamokgethi Phakeng**

Phakeng was married to Richard Setati for 19 years and is now married to Madimetja Phakeng, an advocate who heads the Takeover Regulation Panel, which deals with mergers and takeovers on the Johannesburg Stock Exchange. The couple divide their time between Cape Town and Johannesburg.

Phakeng has five adult children, one of whom died in a car accident earlier this year. “We are one man down,” she said, adding that she did

not want to discuss her children in the interview.

A Christian, Phakeng has one tattoo on each arm – the word “forgive” on her right arm and “believe” on her left. She gets up at 2am daily and hits her desk by 5am at the latest.

When not working, she enjoys hiking, going to gym, travelling with her husband, and reading.

People who have influenced her are her “ghettofabulous” mentor, Jill Adler, a professor of Mathematics Education at Wits, who was Phakeng’s supervisor for her master’s.

“She took an interest in me early on, channelled me and believed in me. She made me understand the business of academia and made it an appealing prospect. She was generous, and never worried that I might one day be bigger than her. We remain in close touch. She’s like my Jewish mother.”

Phakeng admires Indian author Arundathi Roy and loves reading Malcolm Gladwell. ■

# From another country

## The super typhoon American media did not notice. By Anita Hofschneider

**W**HEN MY DAD CALLED, AT 4AM his time, I knew the storm was bad. He was calling from Saipan, part of the US Commonwealth of the Northern Mariana Islands in the western Pacific. The power had been out for nearly 12 hours, the wind was howling, and he couldn't sleep. He said it felt like the wind was trying to suck him out of the house.

He was calling from a landline – there was no cell service – wanting to know what was going on. As I googled satellite images, I realised just how bad the situation was, even for a place that's used to getting slammed by violent weather. I soon learned that this was a super-tempest, called Typhoon Yutu, the most powerful storm on earth this year, and the worst in the US since 1935.

The winds tore roofs off homes and levelled concrete power poles. Families huddled together in hallways, closets, and bathrooms to escape falling furniture and flying debris. Concrete walls shook and trees flew through windows. When thousands of people emerged to assess the damage, they saw what looked like a war zone.

Despite the widespread destruction, not a single national news crew was on the ground to document it.

A humanitarian crisis is unfolding: tens of thousands of people are expected to go months without electricity in the islands' unforgiving heat. "People need

to see this," Adriana Coterio, a local newscaster says. "There needs to be international media attention on this. We're so far away, people don't know who we are – it's sad."

Juanita Mendiola, a resident of Tinian who hid in her bathroom to survive Yutu, says that the relative lack of coverage is painful. "It feels that we have to do this alone," she says. "The world is kind of silent."

Not many people have heard of the Northern Mariana Islands, made up of 14 islands including Saipan and Tinian. The islands – home to the indigenous Chamorro people – are at least a day by plane from the mainland, and flights are expensive. From Tokyo, however, they are only about a three-hour plane ride, which made the islands key battle sites during World War II; the Enola Gay (Boeing B-29 Superfortress bomber) took off from Tinian to bomb Hiroshima. The clear turquoise lagoons are still littered with sunken tanks from the American invasion.

The last territory to join the US – birthright citizenship was established in 1986 – the Northern Mariana Islands got a seat in Congress in 2008, but it's for a non-voting delegate. People born there are US citizens

The Northern Mariana Islands have almost always been absent from the national conversation. In 1975, for instance, when officials from the US and the Northern Mariana Islands signed

an agreement establishing the commonwealth, the pact didn't even make front-page news.

Only 55,000 people live in the Northern Mariana Islands

"American news organisations tend to treat storms in the Pacific as developing-world disasters – that is to say, newsworthy only when there's truly overwhelming devastation," Bruce Shapiro, executive director of the Dart Centre for Journalism and Trauma at Columbia University, explains. Plus, "Most news directors can't point to the Northern Marianas on a map."

One uninhabited island has been used by the US Navy as a bombing range since 1971; recently, the Navy sought to expand training on more islands. The commonwealth's national security value has grown with the rise of China and threat of North Korea.

Preparing for and rebounding from large typhoons has become a part of local culture in the Northern Mariana Islands, a rite of passage for every generation. But studies suggest that climate change will continue to bring more frequent and intense storms. "What's happened to the Marianas will happen again – here and around the world," Tina Sablan, a candidate for the islands' legislature, says. "Everyone should be paying attention."

● From *Columbia Journalism Review*, 5 November 2018. ■



# From another country

## Long-suppressed voices in Malaysia finally finding space in the country's school textbooks.

By **Skot Thayer**

**F**IFTEEN MINUTES BEFORE THE START of the discussion forum titled “Should We Rewrite Our History Textbooks?” at the Chinese Assembly Hall in Kuala Lumpur, Malaysia, an angry attendee waved his fists and accused panelist Fahmi Reza, an activist and artist, of promoting “evil” communism. Dressed in a beret and punk-pin-bedecked military jacket, Reza tried to placate the angry man and his friends. The panel, Reza said, was only arguing that multiple perspectives needed to be heard.

For decades, hearing multiple perspectives wasn't an option in Malaysia. Until earlier this year, the country had been under the political yoke of a single party – the right-wing United Malays National Organisation (Umno) – for 61 years. Students were taught a single, straitjacketed history of the country. Now that's changing after 93-year-old former Prime Minister Mahathir Mohamad's Pakatan Harapan party ousted the Umno-led government of incumbent leader Najib Razak's Barisan Nasional coalition.

Scholars and minority ethnic groups are seeking a revision of history books to acknowledge the central role that Hinduism and Buddhism played in early Malay kingdoms – but which the country has long ignored, focusing instead on Islam's contributions. Seventy years ago, British colonial authorities declared a state of emergency in the colony of Malaya to crush demands for independence from the local communist party and other leftist groups. In post-election Malaysia, leftist groups and activists want a reassessment of that historic role in the country's modern independence struggle.



Fahmi Reza

Across the South China Sea, far from the glass and steel towers of Kuala Lumpur and peninsular Malaysia's developed infrastructure, the states of Sabah and Sarawak demand their own historical reckoning. Under the 1963 Malaysia Agreement, (MA63) Sabah and Sarawak joined the peninsula as one nation. Eastern Malaysia acquired special rights, including freedom of religion and civil autonomy. But school textbooks have downplayed this history, say regional leaders.

The new Malaysian government has promised a revision of the fourth-grade history textbook that critics argue has particularly problematic political, religious and regional biases. Five out of 10 chapters, for example, deal with Islamic history. Textbooks for other grades are also under scrutiny. Critics have argued, for instance, that the second-grade history textbook underplays the role of Yap Ah Loy, the Chinese-origin administrator widely credited with helping turn Kuala Lumpur into a major commercial centre.

Adding nuances and layers to a historical narrative that has dominated a country for decades isn't easy – not even with a government willing to play ball.

The panel that Reza spoke on was part of a three-day conference in July, “A People's History of the Malayan Emergency”. Communism was not even mentioned during Reza's panel.

“What the panelists were focusing on was how the history textbooks tell only one version of the story,” says Imran Rasid, who moderated the panel.

During the discussion, the disrupters kept accusing Reza and his fellow panelist, lawyer and advocate Fadhiah Nadwa Fikri, of dishonouring former members of the army and police who fought

during the Malayan Emergency. When Reza responded that there was space for multiple perspectives, one protester shouted, “We don't need that perspective here!”

Sean Long of Kuala Lumpur, whose father served in the Special Branch of the Royal Malaysian Police, becomes incensed when asked about the possibility of his children reading in their textbooks about the role of communists in securing Malaysia's independence.

“Maybe [*the communists*] were good guys back then, fighting against the British,” Long says, but after recounting the way guerrillas assassinated his father's boss, he adds: “They're all fuckers!”

But those who say that their histories have long been suppressed can't wait for changes to the textbooks so that future generations learn a more complex and complete story about their country, and appreciate the injustice that has lingered.

Though the states of eastern Malaysia produce 60% of the country's petroleum, Sabah and Sarawak receive only 5% of the royalties. That's a flagrant violation of the 1963 Malaysia Agreement, argue MA63 activists.

The theories of Malay historian Syed Naquib al-Attas also heavily influence the country's history textbooks. Al-Attas's work claims that Islam introduced rationality to the cultures of the Malay world and insists Islam “liberated” the people from a kind of “dark ages” of pagan, animistic, Hindu-Buddhist traditions. “That's dangerous,” says Rasid. “It teaches kids that Malaysia was always Islamic.”

For two generations, post-independence politics was predominantly about the Umno. But the political change has unleashed long-repressed voices that are reshaping how the country thinks about its past. Under a nonagenarian, Malaysia is on its way to gifting a young generation a new history.

● First published on [www.ozy.com](http://www.ozy.com) on 18 October 2018 ■



## Facts. Redefining the framework of knowledge

**T**HE SUBTITLE TO HANS ROSLING'S book modestly suggests that "we" are wrong (*The reasons we are wrong about the world – and why things are better than you think*) but the rest of the book makes it clear that some people – eg Hans Rosling – are less wrong than others. Thus he recounts, with evident glee, his besting of a Danish journalist in a television interview.

"Once more I explain that 'poor developing countries' no longer exist as a distinct group. That there is no gap. Today most people live in middle-income countries... 'And what do you base that knowledge on?' continued the journalist in an obvious attempt to be provocative. And he succeeded. I couldn't help getting irritated and my agitation showed in my voice and my words: 'I use normal statistics that are compiled by the World Bank and the UN. This is not controversial. The facts are not up for discussion. I am right and you are wrong.'"

Rosling is here attacking what he calls the "Gap instinct", which "creates a picture in people's heads of a world split into two kinds of countries or two kinds of people: rich versus poor." This instinct is one of the ten that he identifies as lying at the root of our "unfactual" thinking. He proposes, instead of the "gap" model, a more flexible and versatile "four-level framework" based on a daily income of respectively \$1, \$4, \$16 and \$64. Armed with a dizzying array of statistics and a series of illustrative charts, he sets out to show that, yes, "things are better than you think". Statistically "most people live in middle-income countries", that is, levels 2 and 3 of the 4 levels. (Rosling does, incidentally, concede that in South Africa under apartheid, "The gap story of separate groups was absolutely relevant. But apartheid was very unusual".)

Rosling's aim is twofold: firstly, as his subtitle suggests, to convince us that things are better than we might think; but also, crucially, to analyse what habits of mind (the ten instincts) incline us to this dark view of the world.

He opens his book with a questionnaire for the reader to test his or her perception of the state of the world. He and his team have subjected nearly 12,000 people in 14 countries, by and large highly skilled and educated people, to these questions: they scored on average two correct answers out of 12. (Your reviewer scored four out of 12.) In other words, we are indeed inclined to see the world as a darker place than in fact (statistically!) it is, and the rest of Rosling's book is an attempt to explain why this should be so: a lack of "factfulness" in our thinking.

Initially, reading this book, I was reminded of Charles Dickens's 1854 novel *Hard Times*, and his satire on what he called "stutterings". Here is Sissy, the daughter of a circus rider, explaining her "mistakes" in Mr M'Choakumchild's "fact-based" schoolroom to Louisa Gradgrind:

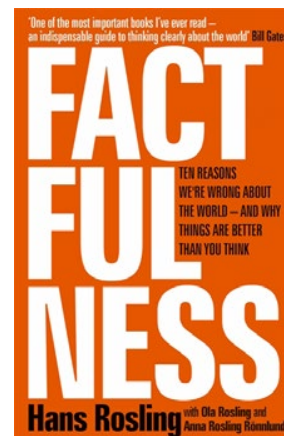
"Then Mr M'Choakumchild said he would try me again. And he said, 'This schoolroom is an immense town, and in it there are a million of inhabitants, and only five-and-twenty are starved to death in the streets, in the course of a year. What is your remark on that proportion?' And my remark was – for I couldn't think of a better one – that I thought it must be just as hard upon those who were starved, whether the others were a million, or a million million. And that was wrong, too."

"Of course it was."

"Then Mr M'Choakumchild said he would try me once more. And he said, 'Here are the stutterings'."

"Statistics," said Louisa."

Reading Rosling's book, I found myself thinking, perhaps like Sissy and the Danish journalist, that these no doubt accurate statistics are simply



**FACTFULNESS**  
by Hans Rosling  
(Flatiron Books)

irrelevant to the many millions of people who have not benefited by the undeniable progress in material welfare of so many more other people.

But Hans Rosling is no M'Choakumchild, and he has anticipated that objection: "My guess is you feel that me saying the world is getting better is like me telling you that everything is fine, or that you should look away from those problems and pretend they don't exist".

Indeed. Rosling has been a celebrated speaker at high level meetings such as the

World Economic Forum at Davos and TED, and it would be easy to dismiss him as the rich people's darling expert on poverty, telling the Davos crowd that everything is for the best in the best of all possible worlds. But the fact (!) is that Rosling is no ivory-tower statistician: he did train as a statistician, but also as a physician, and was district medical officer in Mozambique for several years. He has dealt at first hand with some of the worst cases of extreme poverty; his thesis is simply "that things can be both bad and better". Bad as things are, they are better than they were; or, conversely, though things are getting better, they are still pretty bad.

Rosling also acknowledges the limitations of statistics: "The world cannot be understood without numbers. And it cannot be understood with numbers alone." It would perhaps have been useful if he had more explicitly addressed a non-numerical understanding of the world; but for that he would have had to be a novelist like Dickens. As it stands, this is a sometimes infuriating but always fascinating and thought-provoking book, written in an extremely engaging style. Buy it, test yourself and be humbled. ■



## Be Merry. Going green for the festive period

**F**ORGET ABOUT MY ARTIFICIAL XMAS tree this festive season; instead I will be decorating one of my dagga trees in celebration of the great gift that the numerous father XMasses of the Constitutional Court have given us with the decriminalisation of the funky weed, albeit only for “private use”.

Now herein is the monumental problem. Limiting this legalisation to only private use is certainly a step forward but a step that nonetheless misses the bigger picture – which is, of course, its commercial opportunities. So, now our lawmakers need to go all the way and just simply fully decriminalise the stuff once and for all.

Most countries of the world have already done so for both the recreational variety and the medicinal.

Now get this, Nosey ones: I am sure that those of you who keep up with current affairs are aware of the reports that Pepsico and Coca-Cola have joined forces to develop a marijuana based drink. Instead of being told to have a coke and a smile we will be told to drink a “spliff” and chill.

So, is there a problem with this? Yes and no. First, no kudos to Pepsico and Coca-Cola for having the foresight to see not only the commercial value here but the medicinal as well. Certainly this beverage should offer better health benefits than their current offerings of caffeine- and sugar-laden Coke and Pepsi.

Second, yes, I have a problem with Pepsico and Coca-Cola developing this drink; well not actuality a problem, rather jealousy instead.

And, mind you, while it is only jealousy I have towards these two soft-drink giants, I do have a monumental problem with our backward African governments, and in particular our lame-ass so-called

reps in Parliament. And since we are talking about marijuana, the lame-ass comment most certainly does not apply to the late Inkatha Parliamentarian, Ambrosini – may he rest in peace.

So why do I refer to our parliamentarians as “lame-ass”? Well, for the life of me I have never heard of a parliamentarian lobbying for a particular initiative, except, of course, the late “great” Mario Oriani-Ambrosini. Though I have watched many of the SABC’s Parliament broadcasts; never ever have I seen anything on there, either, of what I long ago concluded our Parliamentarians are worth.

I once brought this up with a former Parliamentarian Chris Gololo (ANC), who hails from Barberton and his response was: “I would love to, but we are constrained by party rules.”

“Not an acceptable answer,” I said, adding, “then lobby the party first”. He laughed and said, “*Mi amigo por favor usted es comprende muy bien este muy difícil*” (translation of my bad Spanish – “my friend, please, you understand very well this is very difficult”).

Gololo spent a good deal of his exile years in Cuba and I studied Spanish in the US so we have that linguistic bond despite the overwhelming respect we have for each other’s contributions in our respective professions. I would say to him, “If only the ANC had more cadres like you” and he would reciprocate: “If only every community had a publishing/editor like you.” Oh yeah! just call us the

two amigos.

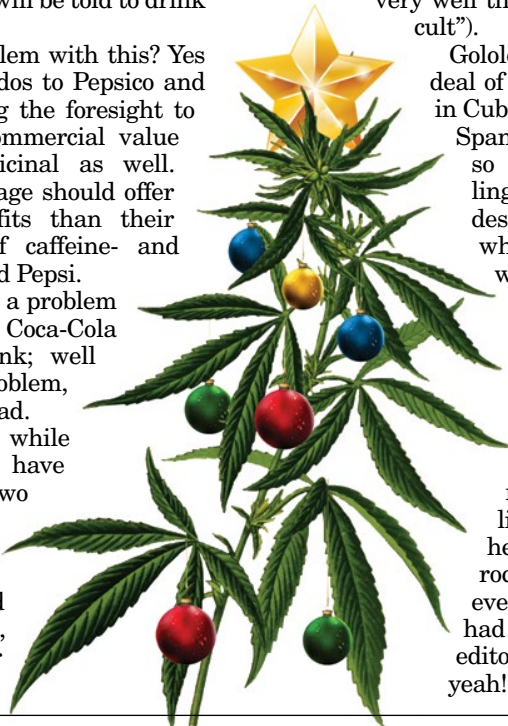
Come to think of it, Gololo would have been the kind of progressive Parliamentarian to lobby for what this column is ultimately about: the full decriminalisation of cannabis.

On second thoughts I don’t think my amigo would have a chance in hell passing it through the party first because I can bet my first-born child that many a man in the ANC lot would most probably say, “Rather put your energy into getting us free cigars from the friends you made in Cuba. After all why do you think we sent you there? Don’t forget that you are a comrade first, amigo!” (Soft mumbles heard that he must be getting this marijuana thing from that dreadlocked journalist amigo of his in Barberton).

For the record, this dreadlocked journalist does not smoke the spliff, though I did have an interesting experience from getting a “contact high” from the stuff – what the docs would describe as passive smoking. The guitarist in my high school rock band liked to have a toke or two before we hit the stage. Well, as lead singer and bass player it goes without saying I always had a tough task. We opened with The Police’s hit *Roxanne*. Unfortunately I couldn’t move beyond the intro which I kept repeating over and over until the drummer threw a stick at my head and yelled, “Hey idiot, move on to the next verse. I couldn’t, I was high as a kite. The next time the guitarist took a toke I stayed as far away as possible. No more contact highs for me. And it is highly unlikely that those who don’t smoke it already will start to do so.

In South Africa we have been consumed with the so-called negative effects of recreational cannabis. We need to throw this mindset out the window and follow the lead of Pepsico and Coca-Cola – and most of the American States along with many other countries.

So, please Parliamentarians, the cannabis crop has tremendous commercial and medicinal value so it’s time to wake up and smell the ganja. ■





## Taxi! The road most travelled

**W**ELL I'M TOLD THE TAXI INDUSTRY is the most vital in Durbs, excepting perhaps the criminal; we can't be sure about crime of course since nobody actually knows how much of it there is out there, hey, how can you have statistics about an industry that sets out to be undetectable? So just perhaps crime's the real number one. Be that as it may, they sure enough make a potent combination, they sure as hell sent tottering our nice old Mynah bus service down here in eThekwinini-on-Sea. In the inner city routes until recently you could bank on a bus every 20 minutes, circle left and circle right, and okay, maybe this wasn't the London Underground where there's a train every five minutes on certain inner lines, but it was pretty good for a cockeyed kleptocratic dump trying to become a tourist city.

But be of good cheer, dear readers. Good morning, say I to a pallid old crone in King Dinuzulu Road with handbag clutched to her dismal bosom in case of pickpockets, bagsnatchers, muggers and skabengas in general. Do City Hall taxis come this way? say I. She grinds her dentures something horrid. She contorts her skinny lips, revealing grotesque old bakelite gums. She groans: I'm not a girl any more, you know, but here I just have to stand on aching legs until a city hall taxi comes, the bench there is full of natives. Well this being Africa 'twould be passing strange if it were full of Inuit, wouldn't it? say I. Well Eskimos or Hottentots they're not going to drive me out of this country and that's final, I tell you, you needn't even try to persuade me. Says she.

I am rescued by a stuffed-full 14-seat taxi with 20 souls aboard all sweating and exchanging viruses on this 80% humidity morn. Five rands says the conductor. Do you go by the yacht



mole? I ask, and bejassus he goes off his route and drops me exactly there.

My favourite concrete block is down at the yacht mole, top of the slipway, a good place for eating saamies and watching the ships. You can watch the ships from the swanky restaurants just over the way, of course, and pay and extra R30 on your delicatessen bill for the privilege, but it's nicer to have the wind blow your hair about too, which blowing also is for free down at the slipway. But I need a lavvy first. There's a municipal one nearby; I enter.

There at the wash-hand basin stands a lean young man, half naked and singing a lusty isiZulu song, rubbing his torso and armpits with pink soap and a big old kitchen sponge. Soapy

water dribbles on the floor. A couple of security men snooze outside in the sun. There seems to be no insecurity this happy morn, they don't seem to mind what's going on inside.

So this is one of your happy days? say I to Lean Young Man. Just a little bit happy so far, says he, but it's just started. I am making myself nice and clean then I can go and pinch a pie at Pick n Pay for breakfast and I'll be proper happy. What! say I, and if they catch you? No, he replies, I know the security guard there, he's my cousin's lover and he told me where the cameras are; there's a little place behind the Simba chips rack where I can eat a steak and kidney pie in one minute. But if I'm dirty and untidy PnP staff will notice me, so I soak my clothes in sea water and let them dry flat so they look quite nice for eating pies.

And the soap, say I, do you steal that too? Ja, says he, from the Public Library toilet, but you can't use it with sea water, it's just for my body with fresh water.

And how do you get into town? I ask. No, says he, I live here. I look all about; plenty boats, two restaurants and a parking area, but nothing you could call a habitation. He takes me to his sleeping place nearby, just a couple of blocks from the City Hall: shabby sheets of plastic on the branches of a small mangrove patch between the harbour-side railway line and the moored yachts, a long and narrow spit of sea sand next to a fresh stormwater outlet pipe. Small crabs have colonised a wee beach, and a tough beach vine too, it is a mini-ecosystem. A few people sit around, one of them cooking something on a stick over a fire.

We look after each other, says Young Man. I try to conceal my saamies, to give them to him would seem patronising. ■

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