NEWS YOU'RE NOT SUPPOSED TO KNOW

R46[80] (inc VAT)

# noseweek

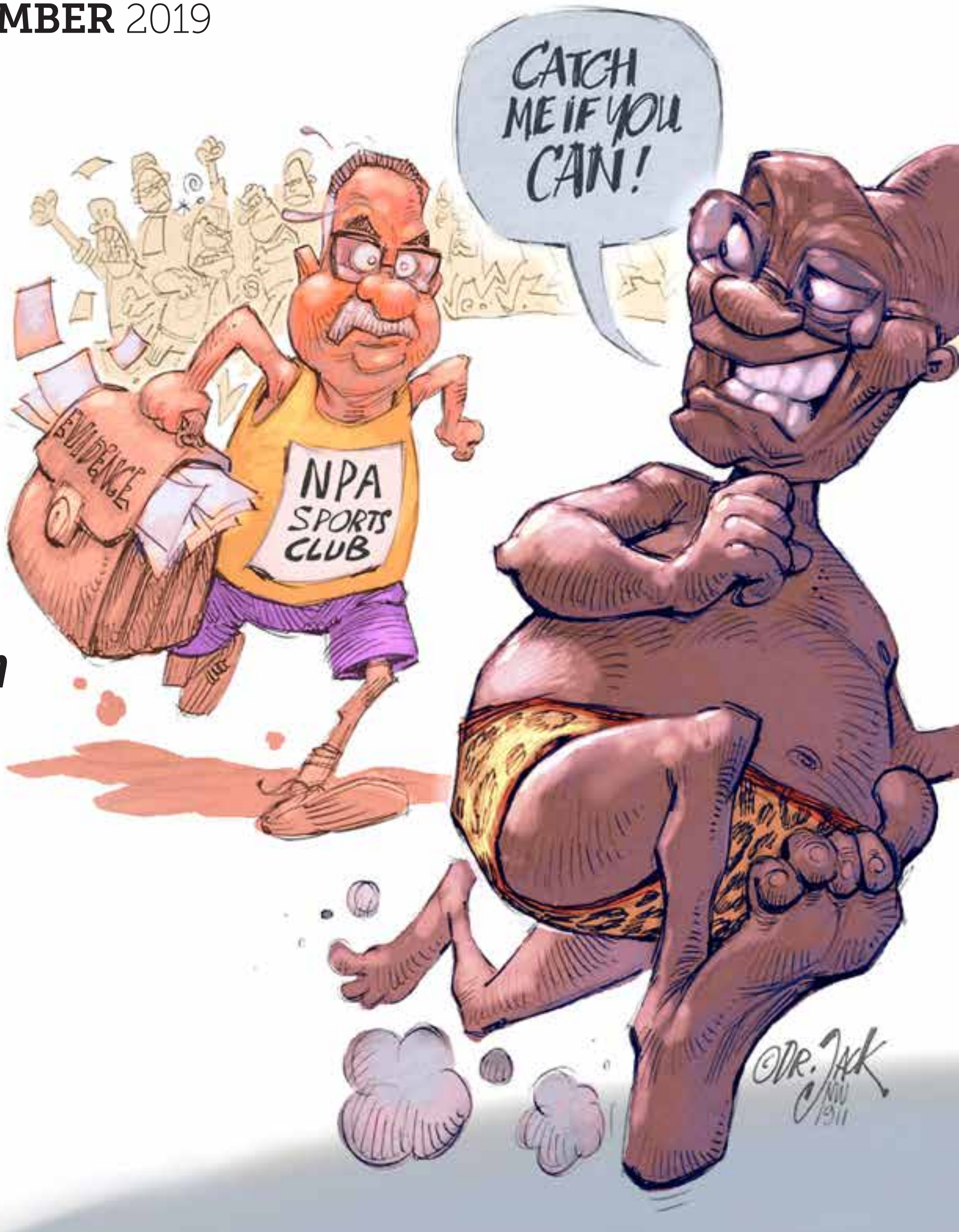
ISSUE 241 NOVEMBER 2019

## Zumagate
## We told you 16 years ago!

## Old Mutual's R4bn mystery deepens

## *Now it's killer Toyota Quantum ambulances*

## Iqbal throws a Survé ball at news agency




9 771025 104042 00241


GRAHAM BECK
MÉTHODE CAP CLASSIQUE
www.grahambeck.com
GRAHAM BECK
SOUTH AFRICA
GRAHAM BECK
BRUT
BLANC DE BLANCS
PREMIER CUVÉE
SOUTH AFRICA
WINES

noseweek
ISSUE 241 • NOVEMBER 2019



## FEATURES

# Letters

*Letters to the editor should be sent by email to* ***editor@noseweek.co.za***

## In Warren Buffet's defence

I do understand Chris Marshall's abhorrence and frustration regarding the plethora of plastic waste carelessly disposed of by despicable people, but his remarks regarding Warren Buffet (Letters, *nose*240) are irresponsible and totally wrong.

Buffet has given in excess of USD 50 billion to various charities and organisations since 2000, combatting diseases, waste and a myriad other miseries.

He gives more to charity than any other person on earth (other, perhaps, than Bill Gates) and yes, he is extremely interested in conservation for the future.

**GV**
Johannesburg

## Gold glitters when investors jitter

On the eve of the filching of gold assets by Old Mutual ("Old Mutual holds gun to Gold Fund investors' heads," *nose*240), this from an article that appeared on [*markets analysis blog*] ZeroHedge:

"It's not just 'tinfoil blogs' who for years have been warning that a monetary reset is inevitable and the only viable fallback option once trust and faith in fiat is lost, is a gold standard.

"An article published on 12 October by the De Nederlandsche Bank (DNB), or Dutch Central Bank, has shocked many with its claim that 'if the system collapses, the gold stock can serve as a basis to build it up again. Gold bolsters confidence in the stability of the central bank's balance sheet and creates a sense of security. A bar of gold retains its value, even in times of crisis, whereas shares, bonds and other securities don't.'

"According to the IMF's latest data, the Dutch Central Bank holds 615 tonnes (15,000 bars) of gold mainly in Amsterdam, with other stores in the UK and North America; the value of this gold reserve is over €6 billion – nearly 70% of its total reserves.

"Why this sudden admission of what goldbugs have been saying for years? Perhaps it has to do with the fact that on 7 October the Dutch bank announced it would soon be moving a large part of its gold reserves from Amsterdam to 'the new DNB Cash Centre at military premises in Zeist.' It's almost as if the Netherlands is preparing for the grand reset, and is moving its most valuable asset to a "military" installation just for that purpose."

This is exactly what everyone with sense should take seriously into consideration when investing to ensure their future – and why I wished to hold onto my investment in OM's Gold Fund, by now probably dissolved into its high-risk equity funds with the assumed-to-be-consenting non-votes of large numbers of ignorant or gullible Gold Fund clients, as *Noseweek* anticipated would happen.

**Neville Stevens-Burt**
Milly, Gennes, France

I am so glad I cancelled my insurance with Old Mutual a few years ago.

**PR**
Pretoria

## End this Wonderboom disaster

Thank you Susan Puren for your excellent but disturbing report about the state of Wonderboom National Airport, once South Africa's third-busiest airport.

As a ratepayer contributing more than R6,000 per month for services and properties I own in Tshwane, I am really concerned about how ratepayers' money is spent by PAS [*Professional Aviation Services*] and the role played by a family business consisting of Mr [*David*] Alexander, his wife, and son.

The DA voters should be particularly concerned about the appointments of Lenise Breytenbach, Elmarie Linde and Sheila Lynn Senkubuge, all seemingly not up to their duties. I am having to rethink my opinion whether the DA-led council is functioning properly, and appeal to Tshwane mayor Stevens Mokgalapa to take the necessary emergency steps to end this disaster at the Wonderboom Airport.

**'A disappointed ratepayer'**
Tshwane

*See update on page 14.* – Ed.

## Marcel Golding's farm antics

People who have millions always think they can push those around who don't ("Billionaire Marcel Golding's bid to evict lifelong farm worker thwarted," *nose*240). That's why they have so much money. It's great that Armien Hendricks can stay where he is. But, what will the owner do now? Make his stay in the house unbearably unpleasant?

**AVB**
Pierre van Ryneveld Park


Stent

*Letters to the editor should be sent by email to* ***editor@noseweek.co.za***

Wonderful news that the Western Cape High Court found that the terms and conditions of the Constitution fully applied and gave judgment in Hendricks's favour.

Shame on you Golding, shame on you.

**Clive Varejes**
Gallo Manor

## Karoo school an inspiration

What a beautiful story, "The seeds of change" (*nose*240). It gives me good hope for the future of our currently crippled country. May it be an inspiration to the many despondent South Africans who might otherwise still be considering emigrating.

**Matthys Strydom**
George

## MeerKat's awesome perspective

When one reads of discoveries by South Africa's MeerKat telescope (as well as others), it puts the human condition into perspective ("Not rocket science," *nose*240).

On one hand we have those decrying the (unnecessary, to them) expense of such ventures. The money, they say, should rather be spent on improving the quality of life for the poor and needy.

On the other hand we have the curiosity that drives humanity to seek how the natural world and the universe operate. In so doing, new technologies are discovered that also improve the quality of life of all humanity. This has been so for centuries.

If the running of the world was left to the spending-on-knowledge naysayers, we might still be living in caves and hunting our food with spears and digging roots from out of the ground.

**Philgecko**
Cape Town

## Zille's passion is what we need

Helen Zille's passion, patriotism and organisational strengths are what lifted the DA from a small opposition party (11% of the national vote) that was merely a thorn in the flesh of the ANC behemoth (at that time approaching 70% of the vote) to serious contender status, wresting Cape Town Metro and then the Western Cape Provincial Government from the grip of the predatory, corruption-riddled governing party. Progressively, the DA began taking control of many municipalities across the nation, and then, other major metros.

The ANC saw the writing on the wall some 10 to 12 years ago. Knowing that they could not match an ever-increasingly influential DA in terms of good governance and accountability, they quickly set up full time back-room teams to constantly scour social media, with the aim of dragging up "dirt" on DA leaders.

Historically Zuma spent much of his time in exile in Russia, all the while understudying the Russian apparatchiks' modus operandi, including disinformation/dirty tricks and even violence against any and all opponents.

South Africa's sensation-seeking tabloid press (which by then included the Iqbal Survé-controlled Independent Media group) played their part in providing free-rein to what was essentially ANC propaganda, assisting their strategy to take down what was proving to be very effective DA leadership, which had the integral participation and contribution of Helen Zille.

It was put out there that the DA was a party "solely for the benefit of whites". When Mmusi Maimane took over the national leadership, the ANC vociferously claimed he was not in charge, as "Zille was his madam".

Helen Zille's tweet that "colonialism was not all bad" was de-contextualised by the ANC trolls and then portrayed Zille as "thoroughly racist".

The DA leadership, as it now is (and has been for several years), do not have the conviction, gravitas or unity to stand up to, or expose, the ANC's political chicanery. They have also been unable to rouse and rally the rank and file of the party to derail the ANC bandwagon. Sadly, although President Cyril Ramaphosa's emergence from the party ranks began as a hopeful sign, the ongoing dysfunctionality of the factionalised party, coupled with an absence of arrests or prosecutions, there is little hard evidence that the ANC is at last cleaning up its act.

The only reason Helen Zille is still relevant in South African politics is that many patriotic South Africans (and there are many) know her to be the only authentic individual who has shown the essential passion and commitment to our country needed to save us from our self-serving politicians.

Our current "politics of coalition", which has managed to partially unseat the nefarious ANC and once had the promise and potential of far more, was engineered and made possible by Zille's driving spirit. I honestly believe if we had patriotic, competent people running our government, Helen Zille would have already retired gracefully (and thankfully), to enjoy peace of mind in the time left to her.

As things stand, we can only hope that Zille is allowed back into the DA in a role senior and significant enough to clean up "the mess" (Zille's words) the party is in. We can only hope that she manages to hang in there.

In view of our beloved country's "dire straits", we need Helen Zille (and others like her) more than ever.

**Sandy Johnston**
Nelson Mandela Bay

## Correction for the record

It often happens with complex historical stories, that errors with names and chronology creep in – as happened with our long and otherwise well-received assessment of the past and present performance of the South African Music Rights Organisation (SAMRO) in *nose*240.

It begins with our misspelling of George Hardie's surname (we wrongly spelled it Hardy). Then we suggested he was associated with Gideon Roos, the founder of SAMRO in 1963 and with the establishment of SARRAL in the same year. He wasn't with either, Mrs Hardie called to tell us. They were resident in London at the time.

George Hardie's association with SARRAL began in the early 1970s when, back in South Africa, he was selected as the new managing director of a "reconstituted" SARRAL, and started building new membership. Which might explain why Hardie is sometimes referred to as the founder of SARRAL.

Hardie remained a director until 2003 when he engaged in a battle with the new SARRAL board that was widely reported on in the media. Mrs Hardie refers to "a can of worms" but refuses to elaborate.

**noseweek**

**Editor**
Martin Welz
editor@noseweek.co.za

**Special Correspondent**
Jack Lundin

**Designer**
Simon Wilson

**Sub-editor**
Fiona Harrison

**Contributors**
Susan Puren,
Bheki Mashile, Susan Segar,
Michiel Heyns, Viv Vermaaak

**Cartoonists**
Stacey Stent , Dr.Jack

**Accounts**
Nicci van Doesburgh
accounts@noseweek.co.za

**Subscriptions**
Maud August
subs@noseweek.co.za

**Advertising**
021 686 0570
ads@noseweek.co.za



**SUBSCRIPTION RATES**

**Print**

| | |
|---|---|
| SA only | R420 |
| Neighbouring states (airmail) | R620 |
| Europe, Americas and Australasia | R760 |

**Internet edition**

| | |
|---|---|
| 1 year | R305 |

**Combined**

| | |
|---|---|
| Print+Internet (SA only) | R520 |

**To subscribe**

**By phone** (021) 686 0570
**Online** (pay by credit card):
www.noseweek.co.za
**Email** subs@noseweek.co.za

(Note: **cheques** no longer accepted)

**Further information**

**Call** (021) 686 0570; **fax** 021 686 0573 or
**email** info@noseweek.co.za

# We told you 16 years ago!

## Readers knew all about Zuma's French arms deal bribes in 2003

The more recent mobilisation of the National Prosecuting Authority to resume the previously abandoned prosecution of Jacob Zuma is one of the few signs of what was promised would be a "new dawn" for South Africa.

It is particularly appropriate that the prosecution is for crimes allegedly committed in relation to the massive arms deals concluded with various European suppliers in 1999, because those deals compromised the entire ANC hierarchy – former president Thabo Mbeki included – setting the pattern for the massive diversion of state resources to corrupt purposes that has continued ever since, resulting in the perilous economic situation the country finds itself in 20 years later.

As is invariably the case, the cover-up is as heinous as the original crime. Read the charge sheet in the Zuma case, then read the story headlined "Who, what, when & how much? that appeared in *Noseweek* in August 2003 – yes, 16 years ago! – and you will immediately realise that all the evidence backing those charges was known and available to state law enforcement agencies 18 years ago. And, neatly summed up, to *Noseweek* readers 16 years ago.

The fact that Zuma and others were not prosecuted then simply encouraged those with even bigger and more brazen frauds in mind, as we now all know.

### The 2003 story from Noseweek, issue 48:

● In the late '80s and early '90s: The three brothers Shaik (Schabir, Mo and Chippy), Mac Maharaj and Jacob Zuma, along with the now-deceased Joe Modise, were key players in the ANC's military and intelligence wing. (Zuma recruited the Shaik brothers to his intelligence network; Maharaj headed its most famous assignment, Operation Vula, aimed at mobilising funds and forces for the ANC's participation in its first democratic general election.)

When the ANC was unbanned in 1990, Schabir Shaik was advisor to ANC treasurer Thomas Nkobi. Following Nkobi's death shortly thereafter, Schabir Shaik continued as financial advisor to Zuma. In 1994, when the ANC came to power, Maharaj became transport minister (see *noses*47&48 about him), Modise became defence minister (having been set up for corruption from day one - see *nose*52) and Zuma a KwaZulu-Natal MEC. Schabir Shaik's brother Mo advised the government on security and brother Chippy was appointed chief of defence procurement.

With all those friends in high places [*and lucrative arms deal spending*], Schabir Shaik reckoned it was time to go into the BEE business. In February 1995 he registered two companies: Nkobi Holdings and Nkobi Investments. (The choice of name suggesting links to the ANCs fundraising machinery.)

They quickly became associates of French defence conglomerate, Thomson CSF [*since re-named Thales*].

● **18 November 1998**: A senior delegation from defence suppliers Thomson International of France, consisting of Messrs Moynot, local Thomson CEO Alain Thetard and International company head Jean-Paul Perrier, meet with Schabir Shaik at Nkobi's offices in Durban. They negotiate the sale of 10% of Thomson's shares in its local defence subsidiary ADS to Nkobi. Mysteriously, the meeting is also attended by "Minister JZ". This was the first evidence suggesting that Jacob Zuma, then shortly to become deputy president, had some interest in Nkobi and, through its stake in ADS, in the massive arms deals about to go down.

● **30 September 1999:** Thomson-CSF chief executive in South Africa Alain Thetard and Nkobi CEO Schabir Shaik have a meeting in Durban, at which Shaik conveys a "request" concerning Jacob Zuma to Thomson. (Although Zuma was apparently not present at the meeting, he was in Durban that day.) The "request", it later emerges, was for "one or more" payments of R500,000 to Zuma by Thomson in return for his support and protection.

Also on that day, Thomson-CSF (France) buys Nkobi Investments' 10 shares in Thomson Holdings (SA) for R500,000 – 50 times the price at which similar shares had been issued to Thomson International the day before, later leading Scorpions investigators to suspect that the price may have been inflated to generate R500,000 for Zuma.

● **10 November 1999:** Thetard meets with Perrier and Shaik in Paris (at Shaik's request) to discuss "JZ". Thetard asks Shaik to obtain a "clear" confirmation of the request from "JZ" or, failing that, for an "encoded declaration" from Zuma "validating" the request that had come to them via Shaik in September.

● **25 November 1999:** The cabinet authorises the Department of Defence to sign the final arms procurement contracts. Defence Minister Joe Modise then nimbly resigns from the cabinet and parliament [*There is a great deal of evidence to suggest that he was a major recipient of bribes related the deals*], so the contracts are signed by his successor a week later.

● **11 February 2000:** Schabir Shaik writes, in his capacity as executive chairman of Nkobi Holdings, to Alain Thetard of Thomson-CSF: "I refer to our understanding re Deputy President Jacob Zuma and issues raised. I will appreciate it if you can communicate to me your availability to meet." Thetard, in reply, scribbled his willingness at the foot of the letter.

● **11 March 2000:** Thetard, Shaik and Zuma meet in the morning in Thetard's room at the Marine Parade Holiday Inn in Durban. Afterwards, Thetard sends an encrypted note to his boss Perrier in Paris, telling him that at the meeting Zuma had given him the "clear confirmation" he required "in an encoded form".

He goes on: “May I remind you that the two main objectives of the ‘effort’ requested of Thomson are: Protection of Thomson CSF during the current investigations (Sitron) [*SA Navy’s codename for its corvettes project.*] Permanent support of JZ for the future projects. Amount: 500K ZAR per annum (until the first payment of dividends by ADS.)”

This last statement is the second bit of evidence to suggest that Zuma had a hidden stake in Nkobi/ADS. Advocate William Downer of the Scorpions concluded that Zuma had made a request for a R500,000-per-year bribe and was complicit with Shaik and Thetard in “some prior plan”.

In the months that follow, according to Shaik’s notes, he continues to make payments on Zuma’s behalf, mostly for flat rental and his children’s school and university fees. (The Scorpions traced payments totalling about R90,000 over a three-year period, of which Zuma appears only ever to have repaid R15,000.) Significant, but nothing like the R500,000 promised by Thomson.

● **July 2000:** The Auditor General (AG) completes a “regularity” audit of the arms acquisition process. The audit finds that all was not regular.

● **31 August 2000:** Shaik writes to Thetard reprimanding him for not answering his calls over the previous three weeks about “matters requiring urgent attention”. Such as the “very important matter” raised with Perrier in Paris several months earlier; the matter that “he [*Perrier*] had sanctioned, for implementation by yourself.” [*Which can easily be interpreted as “Where’s the money you promised JZ?”*]

● **15 September 2000:** The Auditor General submits his report on the arms acquisition process to parliament’s Standing Committee on Public Accounts (Scopa). His conclusion: there have been “material deviations from generally accepted procurement practice” and the explanations provided by the Department of Defence are unsatisfactory. The audit dealt mainly with the awarding of contracts to the five primary defence contractors. Thomson’s (and Nkobi’s) ADS was one of them. The AG recommends a further, special, investigation into alleged irregularities relating to sub-contractors (ADS was one, too). Scopa votes unanimously including its ANC members headed by then ANC MP Andrew [*Feinstein*] to support such an investigation.

● **6 October 2000:** Shaik writes again to Thetard: “Two weeks ago you undertook to call me back from your Mauritius office… Herewith a list of matters urgently requiring our attention.” Number five on the list: “The matter agreed by ourselves in Pretoria… over breakfast. My party is now saying that we are renegading [*sic*] on an agreed understanding… I share the sentiment with my party that he has been let down; this is particularly unpleasing given the positive response from Mr Perrier, [*in consequence of which*] my party proceeded to an advanced stage on a certain sensitive matter that was required to be resolved.”

● **15 October 2000:** Zuma addresses the World Anti-corruption Conference in Durban. He speaks about “regaining the moral high ground.” “Even as we conclude this conference,” he declares, “an act of corruption is being committed somewhere in our country….” He has a message for those who thrive on corruption: “We have the will to deal with you decisively.”

● **November 2000:** A year has passed since Shaik first met with Thetard to discuss “JZ’s” request for a fee in return for protection. He again arranges to meet with directors of the French arms supplier, this time in Mauritius. He takes to the meeting a file containing newspaper articles on the growing controversy surrounding the arms deal (one is headlined, “I smell a very big, dirty rat here!”) and the Scopa hearings at which even the ANC members, led by Andrew Feinstein, (reportedly encouraged by Zuma) are calling for further investigation of the 1999 arms deals. [*For background on this, see note below.*] In Mauritius, Shaik, Thetard and others discuss “damage control”. According to investigators, “Shaik expressed his concern about the possibility of further involvement in the investigation by the Heath Investigation Unit.” [*Clearly a not-so-subtle implied threat – just in case the French thought they did not need Zuma’s protection*. – Ed.]

● **8 December 2000:** Inkatha Freedom Party MP Gavin Woods, chairman of Scopa, in fact writes a confidential letter to President Mbeki, urging the involvement of Judge Heath’s Special Investigation Unit (SIU) in the arms investigation. During the Christmas parliamentary recess, many behind-closed-doors meetings are held between senior ANC and government members to discuss how best to deal with Scopa and the growing arms controversy. Deputy President Zuma plays a leading role.

● **19 January 2001:** Woods gets a reply to his letter – not from Mbeki, but from Zuma. There has been a sudden about-face: In it, Zuma now accuses Woods of “misdirecting himself” and storms about Woods’s “assumption that our government, the transnational corporations and foreign governments are prone to corruption and dishonesty”!

“The government will …act vigorously to defend itself against any malicious misinformation campaign,” he tells Woods. Despite Woods’s letter having been confidential, Zuma copies his reply to all the contracting parties in the arms deal and their local representatives. (To ensure that they note his efforts to protect them?) The government’s website still hosts the letter.

Heath is fired, but other agencies continue to investigate the arms deals.

● **March 2001:** Advocate William Downer is designated by the Scorpions to conduct a preliminary investigation.

● **24 August 2001:** Downer is designated to probe the “suspected commission of offences of fraud and/or corruption …involving the prime bidders/contractors and/or sub-contractors for the supply of armaments.” Thomson and Nkobi’s company ADS is among the contractors and sub-contractors named in Downer’s brief.

The Durban High Court issues warrants authorising Downer’s unit to seize documents from the offices of all the Nkobi companies and the homes and offices of Schabir Shaik and Colin Isaacs, financial director of the group.

● **9 October 2001:** The Scorpions team seizes scores of files at the offices of Nkobi Holdings and at Schabir Shaik’s Yarningsdale penthouse on the Marine Parade.

So much for that *Noseweek* report in August 2003. Now read the current charge sheet in the Zuma case and you’ll find it all there as well.

To complete the picture, re-read *After the Party*, Andrew Feinstein’s account of how, when as ANC MP and member of SCOPA, he was encouraged by Zuma, behind the scenes, to argue and vote at Scopa for further investigation of the arms deals, only for Zuma to suddenly, a month later, turn publicly hostile to the move.

Disillusioned, Feinstein resigned from Parliament and the ANC. Later, when checking the chronology he discovered that Zuma’s about-face happened almost immediately after that notorious encrypted fax was received from Mauritius: Feinstein had been used to effectively blackmail the French defence suppliers into performing on their promised bribe.

Feinstein is listed as one of the witnesses to be called by the prosecution in the resumed criminal trial. – **The Editor.** ■


# Rainmaker gets his bonus… but the R4bn mystery deepens

## Top salesman at Old Mutual and his line manager – who both quit after being deprived of their bonuses – settle, on eve of CCMA hearing

Old Mutual has finally agreed to pay out a substantial chunk of the R1.1-million bonus that its rainmaker, super-salesman Qinisekile Dhlamini, should have received for steering Anglo American Platinum's R4-billion pension fund into the arms of Old Mutual's SuperFund.

In *nose*240 we told how Dhlamini – known as "Q" to colleagues in the financial services industry – quit his R1,131,120-a-year job at Old Mutual Corporate after his superiors decided to carry over the substantial new Amplats business from 2018 to the following financial year – in the process, significantly reducing the bonus he might have earned for that year.

This was disastrous news for Dhlamini, who had already earned his maximum 2019 bonus (another R1.1m) after having secured R6bn in new business for SuperFund from Siyanda Resources and Coca-Cola, both of them scheduled to arrive in Old Mutual's hands only in 2019. This meant that his R1.1m from the Amplats deal was gone for good.

The development was equally distressing to Dhlamini's line boss at Old Mutual Corporate, Vivek Panday: the contrived Amplats carry-over to 2019 would cost him a bonus of R550,000. Both men resigned and immediately declared a dispute with their employer.

The dispute was first referred to arbitration by the CCMA and, if that failed, the next step would be a public hearing in the labour court. The arbitration process was to be scheduled to culminate in a meeting presided over by the CCMA commissioner on 7 October, just after *nose*240 was published online. Which may or may not have jolted Old Mutual into the – secret – pre-hearing settlement that they hurriedly concluded with their two ex-employees.

After the settlement, the once-so-grateful Dhlamini and Panday went incommunicado and it was left to their attorney, Kevin Allardyce, to provide *Noseweek* with a stark one-sentence statement: "The matter has been satisfactorily resolved between the parties."

A reliable source tells *Noseweek* that Old Mutual has paid out. "Not in full, but they got more than a half each." That means comfortably more than R500,000 for Dhlamini and in excess of R275,000 for Panday. We get to the implications of such a settlement in just a moment.

> **The bosses at Old Mutual Corporate are incensed at the disclosure of their alleged manipulations**

Meanwhile, Jana Marais, media relations manager at Amplats, tells *Noseweek* that, nearly 11 months after the deal to transfer their pension fund to Old Mutual was struck in November last year, the R4bn accumulated kitty in the Amplats Group Provident Fund has still not been paid over to Old Mutual SuperFund.

Only their current employees' monthly pension fund contributions have been transferred, month to month, since December 2018.

"The transfer of members' investment balances will occur [*only*] once the section 14 process has been approved by the Financial Sector Conduct Authority," said Marais on 11 October. The media manager added: "We have not experienced any challenges with the (continuing) monthly payroll transfers to the Old Mutual SuperFund."

*Noseweek* asked the Financial Sector Conduct Authority (FSCA) to explain the long delay in approval. "Our records reflect that all the transfer applications relating to this matter and submitted from 1 January 2018 to date have been approved," reads the regulator's statement. "None of the applications were put on hold due to incorrect values."

In clarification, FSCA spokesperson Sandile Xaso later added: "We currently have no outstanding section 14 transfer application relating to the two parties.

**This has a direct impact on the members of retirement funds, who placed their trust in Old Mutual**

As of 16 October 2019, we have not received any application in respect of a R4bn transfer. Accordingly, there cannot be a delay if no application has been received."

So why is Amplats holding back the members' R4bn kitty, going on for a year after it concluded a transfer deal with Old Mutual? And why have they in all this time, not applied for FSCA approval of the transfer? Why try to mislead *Noseweek* by implying that the FSCA is responsible for the delay in transferring R4bn in pension fund's accumulated capital to Old Mutual?

Executives at Old Mutual Corporate were incensed at *Noseweek's* disclosure last month of their alleged bonus manipulations. And the October settlements to Q Dhlamini only flowed after a direct order from the top. But any hope that this was a happy ending was blown apart on 8 October by a bombshell email to *Noseweek's* editor from Amplats.

Before recounting its contents, a reminder to readers of the key allegations in last month's story:

- The Amplats deal was concluded in the last quarter of 2018, the "take-off date" being 1 December 2018.
- Q Dhlamini, with 22 years in the financial services industry – who had worked tirelessly for two years to pull it off – was due the maximum allowed bonus for the year, R1.1m
- Following a telephone conference with representatives from Amplats on 29 November 2018, Glynis Pattison, general manager of distribution, said she would prefer the deal to flow in 2019, as her 2018 business targets had already been met. When they complained, Pattison assured the salespeople that for their bonus purposes, however, it would still count for 2018. But within days, that assurance was thrown out the window.
- On 14 December 2018 Amplats ran their payroll and a figure for pension fund deductions payable to Old Mutual was arrived at. Then it was discovered on 17 December 2018 that, due to a technical error at Amplats, Old Mutual was overpaid by R200 million.
- The payroll was run a second time on 30 December 2018 and the correct amount was transferred into Old Mutual Corporate's bank account on 31 December 2018. However, because 31 December 2018 was a half day followed by a public holiday, the funds were only invested into the investment portfolio account on 2 January 2019.

This was the thrust of the Dhlamini/Panday version of events. In exhaustive interviews we took both men separately through the facts and figures and were supplied with copies of their previously sworn affidavits.

Their accounts were supported by a document prepared a couple of months ago by the pair's attorney, Kevin Allardyce, after a pre-arbitration meeting with Old Mutual representatives. In it Allardyce laid out the facts as recounted above in a minute listing containing 24 "Common Cause Facts", ie 24 points on which both sides were apparently agreed.

Our detailed questions to Old Mutual Corporate spokesperson Charlene Murphy about those "common cause facts" received merely a general response: "Old Mutual can confirm that the matter brought to the CCMA by two former employees was satisfactorily resolved between the parties."

Whether or not Old Mutual agreed to those "common cause facts", one may logically assume that Old Mutual would not have settled Dhlamini and Panday's claims with a substantial payment if there had been no merit in their claim.

**OM Group chairman Trevor Manuel**

Amplats, in its above-mentioned bombshell memo to *Noseweek* editor Martin Welz, was more responsive, offering however a completely different version of their pension fund's travels. In it, media relations manager Jana Marais states:

- The transfer of members from the AGPF (Amplats Group Provident Fund) to the OMSF (Old Mutual SuperFund) took place on 1 December 2018. There was no "carry-over to 2019" by either party as reported. [*Logically, if this is true, the two men should have been entitled to their full bonuses for 2018.* – Ed.]
- No payroll run took place on 14 December 2018… In 2018, employees were paid on 19 and 20 December. Payment to the Old Mutual SuperFund was made on 21 December 2018 in the amount of R31,346,006.61.

[*Who, then, invented the story about a second payroll run, allegedly resulting in payment to Old Mutual only having taken place on 31 December?* – Ed.]

More points in Amplats spokesperson Jana Marais's complaining memo to *Noseweek*:

• There was no error in the amount paid over in December 2018. Reporting that a payment of over R200 million more than the first annual premium was made, is blatantly false.

• No transactions were reversed related to the first payroll run in December 2018.

If Amplats's account is correct, then Old Mutual's offer of anything less than the full bonus amounts due to Dhlamini and Panday for 2018 in settlement of their claims in questionable.

*Noseweek* asked Dhlamini and Panday's attorney Kevin Allardyce for an explanation. Where had his clients' version of the story come from? Had they invented it? Allardyce declared himself "incredibly surprised" to hear Amplats's version of events.

**The settlement preempted a CCMA hearing involving Old Mutual and their two former employees**

"I'm not sure who you're talking to at Amplats, but my clients told me that all the personnel, the major personnel that they dealt with at Amplats, have actually moved on," said the attorney. "The people who would be in the know are probably not there any longer."

(Not so, says Amplats: "Two members of the five-member panel overseeing the process have left the company and their vacancies have been filled. The transfer was executed with the highest corporate governance principles.")

Regarding his clients' newfound reticence, attorney Allardyce said "Q" Dhlamini was "nervous to chat because of this restriction, the usual [*secrecy*] crap that goes into a settlement agreement". And 42-year-old Vivek Panday was unable to take calls as he is in hospital, in ICU, where he is expected to remain for at least a month after falling into a bath of boiling hot water.

So what really happened in this bizarre corporate tale becomes an ever-bigger mystery.

A controversial scenario was offered by Vivek Panday before his accident. "The general manager of distribution for Old Mutual Corporate, Glynis Pattison, has often applied pressure on salespeople to manipulate processes to move assets (either lump sums of cash, or monthly contributions) to OMC after a deal was closed, within certain financial years," he claimed. "The deal values range from R200m to R2bn+."

Panday continued: "The key element in this exposé is that Glynis Pattison, OMC managing director Clement Chinaka and finance and strategy general manager Monet Villet have been complicit in this practice of applying pressure on deal-makers for the business to manipulate the movement of money, without clients' explicit knowledge and/or permission.

"This has a direct impact on the members of retirement funds, who placed their trust in an organisation that exploited that trust to benefit a few privileged employees of Old Mutual."

We asked Glynis Pattison if she had any comment about Panday and Dhlamini's claims. Our written request posed these questions:

• Was the December Amplats payroll reversed because of an overpayment of around R200m by Amplats?

• Did she carry the Amplats deal over to 2019 because she had met her 2018 target?

• Was this carrying over of deals done regularly at Old Mutual Corporate?

Pattison's response: "All media queries need to be directed to our media office."

In response to our questions to Old Mutual – sent *before* their settlement – Elna Erwee, Sales Executive at Old Mutual Corporate issued the following statement: "We can confirm that there is an ongoing case with the CCMA involving Old Mutual and two former employees Vivek Panday and Qinisekile Dhlamini and that this case concerns bonus payments. We can further confirm that the rules of the sales bonus scheme involved have been applied consistently, without exception, and that the former employees have been treated fairly in this regard.

"Old Mutual has acted in accordance with its policies and procedures and is still to put forward its case with the CCMA. We respect the former employees' decision to have their matter arbitrated at the CCMA and we must allow the CCMA process to be finalised."

Shortly thereafter, however, Old

**"Q" Dhlamini**

Mutual chose to conclude a settlement agreement with the two men just before a CCMA hearing could take place.

Still evading *Noseweek's* detailed questions, the Old Mutual spokesperson then issued this follow-up statement: "Old Mutual can confirm that the matter brought to the CCMA by two former employees was satisfactorily resolved between the parties."

In the light of Amplats's version of events, the settlement might have been satisfactory for Old Mutual, but was it fair and honest?

And then the R4-billion question: Why, 11 months later, is Amplats still hanging on to the pension fund's capital? And why did they feel the need to mislead *Noseweek* with an ambiguous explanation?

Only when confronted with the FSCA's categorical statement that they had not received a transfer application from Amplats, did Amplats confirm that they have yet to apply.

What's really going on here?

● Old Mutual holds 1% of Amplat's shares, a stake around R10 billion. A prominent Old Mutual director, Nombulelo Moholi (she sits on three OM boards: Life Holdings, Emerging Markets and Group Holdings) was appointed to Amplats's board in 2013. – **By Jack Lundin**

## *Attorneys and liquidator become the . . .*

# Ham in the shamwich

### Liquidated pig farm lands those involved in the swill after undervaluation

In a botched "strategic" pig farm liquidation, a Pietermaritzburg liquidator, Africa's largest law firm ENSafrica and sundry bottom feeders have been found not only to have effectively expropriated land without compensation from the rightful owner, but – in their haste to cover their tracks – they were also found to have invented a "tacit lease" agreement with the land owner in terms of which, so they claimed, their mere presence on the farm substituted for any rent they might have been obliged to pay.

All this is revealed in a preliminary report commissioned by the Pretoria High Court Master's Office, filed in September.

Section 381 (3) of the Companies Act empowers the Master to "appoint a person to investigate the books and vouchers of a liquidator" if there is "reason to believe that a liquidator is not faithfully performing his [*their*] duties and duly observing all the requirements imposed on him [*them*]".

The investigator, Pretoria-based Theo van den Heever of D&T Trust has found that Pietermaritzburg liquidator Pierre Berrangé with the help of ENSafrica insolvency attorney Adam Lombard (department head: Lennie "the Liquidator" Katz), commandeered and then leased out the Vryheid pig farm in question for over four-and-a-half years, rent free, and must now cough up anywhere between R2.1m and R14m in rent, with immediate effect. The discrepancy in estimates of the outstanding amount relates to just how much the land is valued at – now estimated at multiples of what the liquidators and their valuators had suggested it might realise on a forced sale.

And the investigator promises even more findings are on the way.

The liquidators have also been told to produce a first liquidation and distribution account, as it has been alleged that certain valuable assets disappeared, while others were sold for far below their actual value.

Van den Heever said that even when it became clear to the liquidators and to the main creditor, FirstRand bank, that the farming company in liquidation had no right to occupy the land rent-free, the company stayed put and continued to collect rental from the tenants they had installed – and who resisted eviction attempts by the trust which was the actual owner of the farm.

[*How else were they going to pay their lawyers' fees?* – Ed.]

The liquidation is the result of a bitter divorce between Renata and Thomas Volker. The Volker family once ran the successful Penvaan Group of Companies that operated piggeries, cattle farms, a meat wholesale business, a feed-manufacturing plant and timber plantations, generating a total turnover of over R100 million per annum.

As previously reported in *Noseweek* (*nose*219&227), the feud began in 2010 when Thomas Volker wanted out of their 20-year marriage after finding a new love interest.

Renata Volker was entitled to 50% of the estate which she had valued at R40m. Meanwhile Thomas Volker had it valued at just R12m. By March 2013, Thomas and his legal team – divorce lawyer Gert Vonkeman and KwaZulu-Natal advocate Eddie Lotz – had cooked up a plan to dismantle the successful family business in such a way that would leave Renata penniless.

They were successful. The plan – according to Renata's court papers, which also named liquidator Pierre Berrangé as playing a role in the planning stages – was for Thomas to eventually regain control of the land. Both Berrangé and Thomas deny the accusations.

Step one of the alleged plan was to put the company into liquidation. To trigger this, Thomas sent an unsolicited letter to the biggest creditor, FirstRand bank, claiming the company had no cash. They in turn brought in ENSafrica to apply for liquidation and nominated Berrangé as liquidator.

By mid-2013 the farming companies

**BEFORE AND AFTER: From a working pig farm, to a shell of its former self**

had been placed in final liquidation.

This is all covered in court records spread over several years and in multiple courts from Paulpietersburg to Pretoria and Pietermaritzburg.

However, the Achilles heel of this contrived liquidation was that while the Penvaan Group of Companies owned the businesses on the farm, the land was owned by the Penvaan Property Trust (PPT). Ironically the trust was set up by Thomas in better days, in such a way as to protect the land from just the type of seizure he was himself now trying to orchestrate through the liquidation.

And not only was the trust anything but insolvent – it was also controlled by his now bitter ex-wife and their disenchanted sons who ended up with the majority vote, as trustees of the trust.

Investigator Van den Heever has clearly concluded that the liquidation was not kosher and notes that the business had been "successful, profitable and solvent" before the meat was deliberately ripped from the bone.

Once the liquidation was completed the liquidators not only continued to run the businesses on the farm but actively sought a buyer.

"The fact that PPTrust was a separate entity was ignored by the liquidators, as they offered the property for sale, despite the fact that PPT was not sequestrated and they were not the appointed trustees," says the Master's investigator in his report.

Matters proceeded as far as Berrangé's installing the proposed purchaser to run the farming operation at its own cost, while the feed mill was let and rental was levied.

"This continued beyond October [*2017*] …I have received no indication that provision was made in any of the agreements for rental to be paid to PPT."

One of the big sticking points in the liquidation was that the trust land stood as surety for the farming business. Or so it was thought. In 2014 the liquidators and FirstRand bank tried to enforce this surety claim via the High Court in Pietermaritzburg, but the court rejected it after finding that the surety document was fatally flawed as it had only been signed by Thomas, who was then a trustee of the trust, and not by his co-trustees Renata and the third independent trustee.

Van den Heever conceded that it was "normal" for liquidators to assume that the land and businesses were "inextricably intertwined".

"To dispose of the business without the land being available was impossible due to the fact that by its very nature, the infrastructure necessary to conduct the businesses of feeds and estates adhered to the land. The fact [*the court finding*] that the surety claim of FirstRand bank was unenforceable against the PPTrust should have caused a quantum shift in the approach by the liquidators.

"It would however appear not to have changed the position of the liquidators as the proposed purchaser remained on the farm, operating on the agreements concluded by the liquidators. There was still no payment of rental to PPT," wrote Van den Heever. He said that when the family business was in operation, it had no formal lease agreement with the trust but did pay a nominal amount – that was essentially done for VAT reasons.

"The liquidators, through their attorney Mr Adam Lombard of ENSafrica, then sent a letter wherein they put up the terms of a "tacit lease". This letter seeks to put forward the terms of a lease whereby certain obligations were placed on [*the farming business*] which would benefit PPTrust and that no rental would be paid in lieu of these "services" rendered to the trust.

"Due to the clear and unequivocal evidence in the 417 Inquiry by Mr and Mrs Volker that there was no lease,

**This massive mansion was somehow valued at R500,000**

and as I could find no other evidence supporting the terms of this 'tacit lease', I remain of the view that there is no lease and no lease on the terms proposed by Mr Lombard," reported Van den Heever

Quite what services the supposed tacit lease provided for appeared to be equally unclear.

He said, in "the law of landlord and tenant… you have to pay, even if there is not a valid lease".

"They allowed the proposed purchaser to occupy the property. They rented out the feed mill to a third party. They continued the farming operation. It could not be said that they did not utilise and/or have beneficial occupation of the farm owned by PPTrust."

He said rental charged to a third party for the utilisation of the mill was not paid to the trust and the fact the liquidators installed a third party to trade the businesses for their own account did not mean the liquidators were not obliged to pay rental to the trust.

"Although the liquidators could have initially believed that as long as FRB is happy with the arrangements as the holder of the cession of the rental income, this clearly changed in 2014 when it was found that FRB has no direct claim against PPT, yet they continued to occupy the premises for another three years and successfully resisted attempts by PPT to evict them from the premises."

He said the rental income was the only source of income for the trust which in turn had suffered "substantial hardship by receiving no rental".

As previously reported by *Noseweek*, so intent were Thomas, FirstRand bank, Lombard and Berrangé on liquidating the trust that they dug up a debt against Renata, a previous cost order against her by FirstRand bank as a result of ongoing litigation, to have her sequestrated in 2016. The plan – so Thomas admitted to a meeting with creditors where he also claimed Berrangé and the auctioneer Peter Maskell were short-selling his assets – was for Renata to be removed from the trust and for him to use his casting vote against the independent trustee and elect pliable proxies.

Except, once again, the Thomas of yesteryear had outsmarted the Thomas of today. Specifically, he had written into the trust's founding document that family got first option to be appointed trustees. Thus, his three sons, who had sided with their mom, joined the trust and voted against the plan. Thomas resigned from the trust.

"I would submit that at the very least, rental… is immediately due and payable subject to a formal independent quantification," said Van den Heever.

Bar outstanding litigation where the liquidators are claiming the trust has been unfairly enriched to the tune of R16m because of the immovable assets constructed by the trading farming company on the land, Renata continues to live in the matrimonial home – which cost approximately R12m to build and is designed to be a boutique hotel. Bizarrely, Penvaan Group of Companies' auditor told the 417 Inquiry that it was valued at just R5m, while a valuer acting for the liquidators said it wasn't worth more than R500,000 and should be knocked down in order to prevent unauthorised occupation of residential property.

The residential property was included in the R16m claim which is being driven by ENS.

These immovable assets, except for the house, have been stripped by the liquidators and damaged by the tenants. The liquidators claim this is wear and tear. This is disputed and the trust is also seeking damages from the liquidator's liability insurance.

Van den Heever's inquiry has also revealed stark anomalies in how the liquidators valued the entire property, as revealed in how much they were prepared to sell it for. First, they wanted to offload it for R4.5m and they also obtained a forced-sale valuation of the land at approximately R10m and at one point received an offer of R30m which, incidentally, is what Mills Fitchet Valuers, acting for Renata, valued the property at. The latest offer to purchase is R18m.

"As this is a preliminary report, further findings may follow once the liquidation and distribution accounts have been lodged. I, however, believe that the rental is due and payable as a cost of administration," concludes Van den Heever.

Someone's bacon is going to be cooked. *Noseweek* will keep you updated.

* *To be the meat in a sandwich is to be in a difficult situation caught between two people (Collins).* ■

# Tshwane council shamed over role in airport's neglect

## Truant Tshwane MMC says there are plans to rehabilitate crippled Wonderboom National Airport after favoured managing company bails out

Since Noseweek's report about the mismanagement of Wonderboom National Airport that has been run into the ground, things have unravelled at speed, with several new developments including requests for the Mayor of Tshwane to intervene urgently. Wonderboom was once South Africa's third-busiest airport with an average of 220 planes landing and taking off each day – a number that has reduced to just 60 a day.

Tshwane MMC Sheila Lynn Senkubuge

### Another plan

Tshwane's MMC for Roads and Transport, Sheila Lynn Senkubuge (DA), failed to respond to questions *Noseweek* sent her last month about the airport's management. Instead she hurried off to tell a local knock-and-drop newspaper, *Rekord North*, about the city's plans for its once-proud asset: "We are going to commercialise the airport… that's what our intention is and our long-term plan."

For many of her colleagues in the Roads and Transport portfolio committee it is still a mystery as to how and where the MMC got this information, because she has not attended a single oversight meeting in 18 months.

Under the heading "Wonderboom Plans are finally unveiled" *Rekord North* of 4 October reported that Senkubuge had told them the municipality would soon be appointing a "transactional advisor" to manage the airport on behalf of the city.

"Commercialising Wonderboom Airport is most definitely not a new idea," says Lex Middelberg, a former DA councillor and now the chairperson of the Tshwane Money Matters Caucus. In fact, it was stated in the council-approved Airport Development Plan of 2004 and has been attempted since then through various appointments and investigations.

Middelberg says numerous transaction advisors were appointed for this purpose, but when the results were ready for final council approval, everything ground to a halt. The appointment of a certain Sizwe Ntsheluba, accompanied by a comprehensive community involvement process, was made in 2004/5. The proposal was to establish a municipal entity but when the final council report was submitted in January 2006, the process was adjourned.

Then a company, Blue Square, was appointed to undertake detailed studies as required in terms of the Municipal Systems Act. This process took three years. A report was eventually submitted and approved by the council in November 2010. Feedback was given to the mayoral committee in September 2012. In mid-2013 the University of Pretoria was appointed as transaction advisor to give effect to the council resolution taken almost three years earlier. A sum of R10m was set aside for the implementation process.

*Noseweek* has established that the

university was far advanced with the implementation process when it was stopped after having been paid close to R8m. The university was then replaced by another company, City Insight, apparently to execute the processes. Each of these appointments was made at huge cost with no end result.

Middelberg questioned why the University of Pretoria was not given the support of top management to complete the process for which they were appointed – and which had been approved by the council.

"Why is yet another transactional advisor to be appointed? What about the processes prescribed by the Municipal Systems Act? And where is the community participation that is required in terms of the same sections?"

These questions were also sent to MMC Senkubuge and to the chairperson of the Roads and Transport oversight committee Elmari Linde, as well as to Tshwane's media spokesperson, Lindela Mashigo. None responded.

## 'Coup' overthrown

The Wonderboom Airport Coup (*nose*240) will soon be over. Shortly after the story appeared in *Noseweek*, Professional Aviation Service (PAS) threw in the towel. The company will be wrapping up its disastrous tenure at the end of December.

MD Rob Garbett confirmed that he personally delivered PAS's letter of resignation to Tshwane Mayor Stevens Mokgalapa. Garbett told *Noseweek* in an email that he had voiced his objection to the abusive way the company was being treated. (Presumably this related to the company's difficulty in securing payment for its services.)

The airport has rapidly deteriorated since 2017 when PAS, an aviation security training company, arrived at Wonderboom, having been appointed for 12 months at first, then reappointed twice on the back of requests by Tshwane officials to deviate from supply chain management regulations prescribed by the Municipal Finance Management Act. With its third contract came a 300% increase in fees while contractually there was no difference in the service it was supposed to deliver.

The dire situation at the airport, as exposed in our October issue, *nose*240, piqued the interest of the Auditor

**Wonderboom National Airport**

**Fuel tankers stand empty**

General, the Public Protector and civil rights organisation Outa. Officials from the Civil Aviation Authority also arrived unannounced and the airport failed their inspection.

## Fuel shortage

Whoever takes over daily running of Wonderboom National Airport should urgently attend to the recurring shortage of aviation fuel and the means of delivering fuel. The present model – a bakkie pulling a small trailer – is a recipe for disaster, which further intensified during the past two years with Professional Aviation Service (PAS) managing the airport.

While PAS has been marketing itself as a CAA-accredited aviation security training organisation, it seems to have little knowledge of the strict compliance requirements and processes applicable to aviation fuel provision. The company's lack of understanding of local government legislation and supply chain procedures and policies does not help either. As a result the metro – as the airport licence-holder – has not been in a position to provide aviation fuel to locally based or visiting aircraft operators for some time. Tenants say they experienced no shortage of aviation fuel prior to 2010. Up until then, Shell, and in later years Air BP, were appointed as bulk aviation fuel providers. Air BP's contract ended in July 2010 and the airport management initiated a new tender process well in advance.

Even though Air BP owns the fuel bay infrastructure, two other companies, EML Engineering and Energy Africa, won the tender. From then on aviation fuel delivery was haphazard. As the suppliers were now middlemen, fuel prices skyrocketed to the extent that Wonderboom Airport fuel was known in the aviation industry as being the most expensive aviation fuel in the country.

That was when fuel was available at all.When these contracts ran out the airport management requested that middlemen not be considered again and that, due to the risks involved, a direct bulk aviation fuel supplier be appointed. However, the municipality's supply chain management ignored the request (or, rather, insisted on appointing a BEE company). As a result the roads and transport department cancelled the advertised tender and requested that EML Engineering's contract be extended, but this was declined.

By September 2013 the tenants were told to provide for their own fuel needs. Through their attorneys they then approached city officials about the problem but received no response.

By December 2013 airport management was granted an emergency solution by the municipality's top management to buy aviation fuel from a company called Tsholetso Projects. But because the previous tender was never cancelled a new contract could not be entered into. In October 2015 Air BP finally received their appointment letter after the airport management succeeded in getting a deviation report approved and was able to override the prescribed regulations of the Municipal Finance Management Act.

By 2016 fuel delivery and availability were still a constant problem and the airport's budgets were inappropriate.

Most shockingly it emerged that the municipality's top management had transferred the available aviation fuel budget to an unknown ledger account, leaving the airport management without any budget to order fuels.

In August 2017 Tshwane council, by then under a new administration, eventually approved a carefully considered model for the supply of aviation fuel to Wonderboom. It had all the requirements, contractual arrangements and implementation procedures in place and would have commenced in February 2018. But in November 2017, untouchable city official Nava Pillay simply informed tenants that the Roads and Transport Department would no longer manage Wonderboom and that his so-called Rapid Intervention Team would be taking over. It was then that PAS was parachuted in to manage Wonderboom – without any previous experience of managing an airport. By February 2018 aviation fuel provision at Wonderboom was a mess again – and it has been a mess ever since.

At the beginning of this year strongman Pillay told an airport meeting that he had asked for a new aviation fuel tender to be compiled. But ten months on, nothing has happened and the airport tenants are still responsible for providing their own fuel needs and assisting visiting aircraft that do not know about the dire situation.

In all this time the ten aviation fuel bay officials appointed for the new fuel supply model, have been doing nothing, as no fuel is available at the bay. Currently the airport tenants bring aviation fuel to Wonderboom Airport to supply aircraft at hangars in the restricted maintenance area.

The Avgas and Jet-A1 fuel comes from tankers parked on a dusty stretch of land a few kilometres away from the airport. Tenants phone them to order fuel which is delivered to the hangars by a bakkie pulling a small tanker-trailer.

The practice is uncontrolled and unsafe and in all probability does not comply with Civil Aviation Regulations.

**– Susan Puren**

# Hawks, Reserve Bank and SARS all looking for 'developer'

## Numerous allegations of fraud by duped investors in Mauritius beach hotel project spur on authorities to investigate

REMEMBER THE HIGH-FLYING Mossel Bay woman who made promises of prosperity and an idyllic island existence to credulous friends and family who took share options in her hotel project in Mauritius (*nose*233)? Well, eight months on she is still at it, making threats and/or promises to those who dare to question her about the project. But there's a glimmer of light on the horizon.

The Hawks, the Reserve Bank and SARS are now queuing up to interrogate Miranda Hartzenberg-Meyer (or variations of that name: with or without a hyphen, or Meyer Hartzenberg, or plain Meyer) and it could only be a matter of time before the long arm of the law catches up with her.

Hawks spokesperson Lieutenant Colonel Philani Nkwalase has confirmed they are investigating several fraud allegations against her.

Hartzenberg-Meyer has left many people in South Africa and Mauritius disillusioned and out of pocket as none of their investments in Clear Ocean Hotel and Resort Ltd (COHR) have materialised so far. The R5.4-billion hotel project, formerly known as the Sheraton St Felix, had been due to open its doors next year but the first sod has yet to be turned.

In the past six years an estimated R100 million has been invested in the enterprise through Hartzenberg-Meyer's network of trusts and companies in South Africa, the Seychelles and Mauritius. She registered Pelangi Trust and Pelangi Resorts Holding Ltd in the Seychelles about ten years ago. Her children are reportedly the beneficiaries of the trust, which is the main shareholder of the holding company.

Miranda Hartzenberg-Meyer

At the same time another company, Clear Ocean Hotel and Resort Ltd, was registered in Mauritius, with Pelangi Resort Holdings as its only shareholder. At the time of registration Hartzenberg-Meyer was the director of Clear Ocean and, as required by Mauritian legislation, a Mauritian citizen – Ricky Boodhoo – was appointed as the local director.

To secure funding, Hartzenberg-Meyer sold 15% of the shares in Pelangi Resorts Holding to Francois Conradie, a businessman from North West. A special-purpose vehicle, Boutique Grand Surface Company (Ltd), registered in Mauritius with Conradie as the only shareholder, was used. Through this company Conradie also acquired a 30% share in Clear Ocean Hotel and Resort. He was appointed as a director of both Pelangi and Clear Ocean and recently told the online news platform *Maroela Media* that he stood to lose R50m if the development failed to go ahead.

Apparently without Conradie's knowledge, Hartzenberg-Meyer obtained further funding by selling shares in the holding company, for around R20m, to another four investors based in the Western Cape. As a result, her shareholding in Pelangi Resorts Holding dropped to below 50%.

About 50 smaller investors also paid around R150,000 each for a 25% share option in as many special-purpose companies; subsidiaries of Pelangi Resorts Holding that would provide essential services when the hotel opens its doors. The companies were referred to as Pelangi Service Providers (PSP) and included: human resources; marketing; a

**Fenced-off land**

nursery; a hair salon; a fitness centre and a variety of other services.

Most of these smaller investors were faithful friends and acquaintances of Hartzenberg-Meyer who believed her when she said funding for the project had been obtained and that a 60-year land lease had been secured.

The extra bonus was her promise of residency and work permits for each family for a relatively small investment. It sounded like an ideal opportunity. And, to pay for the share options, most of the Pelangi Service Providers (PSPs) increased their mortgages, withdrew their pensions or borrowed the money, which they either deposited into Hartzenberg-Meyer's Phoenix Trust bank account at FNB or directly into one of her offshore bank accounts.

Referring to money, she wrote to Conradie on 18 October 2016 (translated from Afrikaans): "All of this comes from my South African account and was moved through different names with forex because I could not move more than R2m per year."

Moving huge amounts of money offshore became possible by using the PSP investors' foreign exchange allowances. The investors were instructed to apply to the Reserve Bank to get their full discretionary allowance while, in fact, they only needed and used a portion to buy the share option. The balance of the allowance was used by Hartzenberg-Meyer, who gave Quin Treasury – an authorised forex dealer in Stellenbosch – the mandate to act as the intermediary. On 13 July 2017 Hartzenberg-Meyer sent a summary of these transactions to her co-directors, Conradie and Boodhoo, showing she had already moved R17.6m to her offshore accounts.

In the accompanying email she said: "…we have a few more registered directors DISCRETIONARY ALLOWANCES which we can use [*sic*]."

Quin Treasury's manager, Gerhard Nieman, told *Noseweek* that he realised something untoward was taking place and stopped acting as the intermediary in November 2017. "I have warned her continuously that her business model with regards to the Pelangi share options exposed her to possible mismanagement of funds that could lead to both civil and criminal action," he wrote to Conradie (in Afrikaans) at the time.

The PSP investors say that in hindsight they realise the share option was nothing more than a scheme to extract money from them and use their own discretionary allowances to move Hartzenberg-Meyer's money off shore. "She knew from day one that the promises she made were blatant lies," said one investor.

Apart from using investors' allowances Hartzenberg-Meyer also collected an estimated R9m from the PSP investors. Most of them want their money back but are ashamed to admit publicly that they fell for the alleged scam. Very few of the PSP companies were even registered and did not exist at all. The same "company" was also often sold more than once to different investors.

"The sale of the share options was done by misrepresenting critical information," says a PSP investor who prefers not to be identified.

With the selling company based in the Seychelles, the PSP companies based in Mauritius and Hartzenberg-Meyer in Cape Town, it will be extremely difficult and costly for them to challenge the legality of the agreements in court.

Meanwhile in Mauritius, the government has extended the deadline for the start of the hotel's construction three times because the project could not attract funding on time and because the necessary permits were not in place.

During question time in the Mauritius parliament on 8 May 2019, the current Housing and Land Affairs minister, Purmanund Jhunroo, made it clear that no further postponement would be granted. The last deadline was June 30 this year but, once again, it was missed.

While researching this story both Hartzenberg-Meyer and Conradie claimed there was a new funder on board and that the project would finally get off the ground. They were, however, not willing to supply *Noseweek* with the name of the company.

The investors say they have been hearing the same old story for years and that previous potential financiers have got cold feet because of the impending legal action by creditors involved in the project over the past six years.

Hartzenberg-Meyer says her company's documents and licences are in order but the Mauritian government is dragging its feet in issuing a clearance permit.

Maybe they have a good reason for that.

**She knew from day one that the promises she made were blatant lies**

In Mauritius it has long been suspected that the country's former environment minister, Deva Virahsawmy, was in some way involved with the company that previously held a lease agreement for the land that Clear Ocean later obtained. In 2015 the island's police apparently investigated Virahsawmy's role as part of a comprehensive investigation into corruption involving state land during the previous government's prior to 2014.

It has been claimed that Deva Virahsawmy was the minister who approved the Environmental Impact Assessment (EIA) for the previous leaseholder, Midas Acropolis, with whom Hartzenberg-Meyer says she has always had a joint venture.

In an email dated 22 October 2014 she wrote to her co-director, Francois Conradie, that only he and she and two other people knew about their arrangement with Deva Virahsawmy. "No one else may know," she said.

"Deva is doing incredible work for us. He is again pushing the revised EIA with figures and the water-plant through in the month before the election. I am [*re-?*] paying him with full confidence because we would never have managed it on our own."

Could it be that money was changing hands to get the EIA licence?

In an email that Hartzenberg-Meyer wrote to Conradie on 17 April 2018 she referred to $16m to be paid to Deva. Later on in the email she threatened Conradie that several people would go under if he did not help her over the "last hurdle". Among the names that would "go under" are Deva and "Soodhun".

It is not clear who Soodhun is, but the former Housing and Land minister who awarded the 60-year lease to Hartzenberg-Meyer (and resigned later) was Showkutally Soodhun.

The Western Cape investors and Conradie met in Cape Town in February this year, for the first time, to try to figure out how much money each had paid to Hartzenberg-Meyer and her companies and trusts and what the further financial obligations were. The minutes of the meeting refer to one such obligation that had to be fulfilled. It reads as follows: "The ex Minister (Deva) would be paid $15m when funds are in."

The Mauritian citizen protest group AKNL [*"Stop Stealing our Beaches" in Mauritian Creole*] says everything is starting to make sense to them now.

Deva Virahsawmy's son-in-law, Dharmesh Naik, runs a financial management company called Ocra, which has branches in Mauritius and the Seychelles. In the Seychelles, Ocra has the same address as Pelangi Resorts Holding Ltd.

Hartzenberg-Meyer sent several emails to *Maroela Media* to try to stop their story. She did not answer the questions sent to her but sent more than seven emails with threats and insults and vague explanations about her business deals. She claimed the Mauritius government gave her the land for the hotel after Midas Acropolis, with whom she had the joint venture, withdrew from its contractual obligations. She denies that she hired or asked Virahsawmy to do any work for her.

"Every consultant, professional or partner with whom we do business has legal agreements with terms that are clearly set out and signed."

Hartzenberg-Meyer also claimed that she had informed the Mauritius government about "the false allegations" in this story. As we went to press the Mauritius High Commission advised *Noseweek* that the lease for the land was cancelled on 22 August 2019. – **Susan Puren** ■

# The ANA games: Iqbal versus everyone else

## Newspaper mogul throws a Survé ball at his news agency employees

At the end of October, Iqbal Survé will close down the domestic newswire service of the African News Agency (ANA) he founded four years ago when the South African Press Association (Sapa) collapsed. The demise of ANA is a telling footnote in Survé's desperate fight against creditors, fiscal authorities and the Mpati Commission of Inquiry into the Public Investment Corporation (PIC). His aides have been spinning it with claims that the company is to be transformed into a "content curation and syndication platform with global reach".

Whether Survé truly believes that the venture can successfully compete with Bloomberg and Reuters, without producing a paragraph of original content, is moot. Nobody else does.

Nonetheless, money has been committed to new offices in Lagos, Nairobi and Cairo, according to media statements made in early September. At the same time, local staff members were sent section 189 retrenchment notices informing them the company was financially doomed in an oversubscribed local media market that had no uptake for domestic wire copy.

In reality, it had been dealt a blow from within the Survé stable itself, as Independent Media, controlled by Survé, abruptly cancelled its subscription, resulting in a revenue loss of around R1.1 million a month. *The Citizen* reportedly also failed to renew its contract after ANA tried to hike its already high subscription fees.

In response, ANA staff faced with retrenchment demanded to see the company's financials. The human resources team tasked with negotiating the layoffs happens to work for Independent Media. The team's response was that the demand was out of order because ANA was not a public company and therefore not obliged to disclose it's financial records.

Survé then changed his mind on the rationale for retrenchments: the company was in fact in good financial health, he said, but needed to exit the South African news market swiftly to pursue far more lucrative opportunities in Africa.

A spokeswoman for Survé volunteered that the money for a smooth rollout of these operations was available within ANA's accounts, and not those of Sekunjalo.

All this came at a time when Survé's companies are under intense scrutiny and the PIC is suing him for the return of R4.3 billion-plus-interest that it invested in Ayo Technology Solutions in 2017.

What can be deduced about ANA's finances is that in July the bottom line was boosted by tens of millions of rands as ailing Independent Media paid two years' worth of subscription arrears. Furthermore, Ayo is transferring R38m to the company's business team for a "marketing" project – presumably an offshore marketing project.

It is also not clear what remains of a R357m investment in ANA by the China-Africa Development Fund, in return for 5% of the company.

All along, ANA's editorial operation has been run on a shoestring and in April 2018, at the time of the failed Sagarmatha Technologies listing, about two-thirds of the capital was still on its books, yielding substantial interest.

Here, perhaps a reminder to the reader that Sagarmatha is the holding company of a bundle of e-commerce outfits into which Survé injected ANA. It is also where he planned to dump his heavily indebted Sekunjalo Independent Media, through which he owns 55% of Independent Media, publisher of most of South Africa's English daily newspapers. (The Government Employees Pension Fund holds 25% of Independent directly, and a Chinese consortium has another 20%.)

Survé famously hyped Sagarmatha as Africa's first start-up "unicorn", in a bid to secure strong private share placements ahead of a listing designed to raise R7.5 billion which would have helped to cover Independent's loan obligations. ANA's valuation at R2.7bn was used as a drawcard. This time, the PIC refused to be drawn in and the JSE eventually rescinded approval for the listing because Sagarmatha missed the deadline to file its annual returns.

Last month, two weeks into the retrenchment process, ANA's chief financial officer Lisa de Villiers, a chartered accountant, resigned with immediate effect in protest at being denied access to critical financial information. Chief executive officer Grant Fredericks, who had opposed the retrenchments, followed suit and is understood to be considering legal action because the notices of retrenchment were sent out in his name.

In letters and meetings, staff continued to insist that they could not consult properly on job cuts without sight of the books but Survé continued


Iqbal Survé

to stonewall. Eventually, the acting CEO seconded from Sagarmatha, Valentine Dzvova, told employees their questions had been sent to the company's lawyers for reply.

By then, Survé's public statements about investing extensively in new African operations had drawn the attention of investigators looking into Ayo's related party company deals and raised red flags about asset stripping. The Mpati Commission, which devoted a substantial part of its PIC probe to the machinations that secured the asset manager's support for Ayo, asked questions about fund transfers. Again, answers were not immediately forthcoming.

Last week the Financial Sector Conduct Authority (FSCA) raided the offices of the Survé family's Sekunjalo Investment Holdings, which controls equity firm African Equity Empowerment Investments (AEEI), the parent company of Ayo. The FSCA was looking for information relevant to its investigation into Ayo's alleged contraventions of Section 80 of the Financial Markets Act, relating to prohibited share trading and market manipulation. It secured an Anton Piller court order, allowing search and seizure of documents and other evidence without prior notification – and only granted where persuasive prima facie evidence of wrongdoing exists.

Survé responded by calling the raid a conspiracy which, he alleged, involved Minister of Public Enterprises Pravin Gordhan, the DA (through an alleged friendship with Judge Patric Gamble who granted the search order), and the Government Employees Pension Fund. Sekunjalo owes the latter R1.2bn which is in arrears on the loan that funded his acquisition of Independent Media.

(The judge issued a subsequent statement through the Office of the Chief Justice, saying: "Judge Gamble does not know Minister Pravin Gordhan and has never met him in either his official or personal capacity. Neither the Minister nor his department were, in any event, parties to the proceedings.")

The bluster almost managed to overshadow the facts: the FSCA officials heard out Survé's rant and then carried out their search as planned.

Meanwhile, Survé had responded to ANA staff demands by tweaking the rationale for the proposed retrenchments: the company was in fact in good financial health, he said, but needed to exit the South African news market swiftly to pursue far more lucrative opportunities in Africa.

It took his lawyers a fortnight to produce a cryptic and bleak graphic of expenses versus revenue and which ignored questions about the company's assets and liabilities. There was no mention of the Chinese investment.

Soon after that, Survé, in a bind between the dictates of labour law and his reluctance to open the books, also changed his mind about the need for job losses. There would be 17 new positions, potentially a post for each member of ANA's editorial component. However, they may have to accept salary cuts and relocate. Crucially, their job descriptions would no longer include news writing.

It was a staggering about-face on ANA's founding statement about a planned wire service reporting on African news for Africa. Now, the reporters were written out of the narrative. They asked where the new syndication business would find South African news content. Independent Media's staff writers.

According to employees, the conversation went along the following lines.

"So, if Ramaphosa were to resign, we don't phone for confirmation, quotes and comment etc?"

"No."

"We have to wait for Independent and put out their story?"

"Yes."

"But why are you going to rely on a media partner that is technically insolvent?"

"No comment."

ANA's marketing and sales teams were brave enough to warn that they knew firsthand that clients wanted original copy from the agency's writers. Moreover, one said, the problem was not the market as such, but that Survé had personally alienated all the media houses that were subscribers or those poised to sign up, by insulting them, one after the other.

There is a backstory here: Survé's potential nemesis, the Mpati Commission which is due to report to the president at the end of October. Survé ordered ANA to stop covering the commission's public hearings soon after they began in January because the editorial team refused to let his loyalists at Independent vet their copy.

If there was any doubt as to the slant of the news that the agency will syndicate in future, it disappeared as Independent's titles splashed the farce of Survé's telling FSCA manager Nomsa Banda: "This is not going to work guys, there are media freedom issues here."

On the same day the FSCA raided Sekunjalo's offices, ANA staff were sent 17 job adverts. In the end, all positions were based in South Africa, answering the rhetorical question as to whether the new bureaux in Africa and the expansion strategy were real or an exercise in editorial interference and exporting capital. – **By Staff Reporter** ■

# Now it's killer Quantum Toyota ambulances

## Shocking accidents reveal how vehicles have been illegally converted from panel vans

An estimated 3,000 ambulances transporting patients on South Africa's roads – and at least 1,333 – are illegally converted Toyota Quantum panel vans that are not allowed to carry more than three passengers – all three of whom should be seated in the front. But provincial health departments are acquiring these structurally unsafe ambulances through official tender processes without realising they will never pass the stringent safety measures of the original manufacturer, Toyota Japan.

The reason is that the panel vans are designed and built to transport parcels, not people. There is even a sticker in the back compartment of the Quantum panel van warning: "Do not put your feet or seat on this platform. It is only for parcels."

Yet, Toyota South Africa is selling hundreds of panel vans, knowing full well that they will be converted into ambulances, transporting both patients and crew who almost always will number more than the legal limit.

In order to turn panel vans into ambulances, extra windows are cut out of the carcass, which weakens the body of the vehicle. Extra weight is added by installing a cabinet and at least one seat as well as fitting up to two beds in the rear cabin without reinforcing the floor. Several additional mountings and attachment points for equipment are also fixed to the side panels.

Ultimately all these changes negatively affect the road-holding capacity of the vehicles, says Hennie de Beer who also filed a complaint with the Public Protector in 2012 about the illegally converted Toyota Quantum panel van taxis. De Beer had been Absa's national manager for taxi finance but resigned when he realised panel vans were being illegally converted and financed as taxis. See "The killer Quantums stalking SA's roads" (*nose*226).

Current Public Protector, Busisiwe Mkhwebane, released a report in March this year in which she found that the Department of Transport had failed to remove panel van taxis from South Africa's roads. The findings caused a major stir in the taxi industry but Mkhwebane's report contained very little about the ambu-

**Ambulanceman, Ishmael Leeuw, died when the illegally converted panel van ambulance rolled outside Barkly West**


**The licence disc says it is an ambulance but the P in the VIN number indicates it is actually a panel van**

**Hennie de Beer**

**Chris Hunsinger**

lance industry, even though she had been made aware that there were similar problems.

Barely three months after the report was made public, Northern Cape Premier Dr Zamani Saul announced that the province had purchased 63 new ambulances. *Noseweek* has established that 33 of them have already been delivered.

Gauteng ambulance builder Angelo Kater and Hartmann Emergency Care in KZN confirmed that these ambulances were all panel van conversions. They were adamant that the National Regulator for Compulsory Specifications (NRCS) had given authorisation years ago and that Toyota South Africa was fully aware that this was being done.

"Toyota South Africa even supply us with the panel vans," they both said.

Rainer Hartmann forwarded a certificate issued by the department of transport that showed he was registered as a builder of vehicles but it did not show which makes or models were authorised.

Angelo Kater had received a letter from Toyota South Africa stating that his application to become an "accessories and conversion supplier" was successful. A second letter sent in 2010 by the NRCS to Angelo Kater stated that a Toyota Quantum panel was successfully homologated.

Nowhere is Toyota Japan mentioned in any of these documents.

In 2010, while testifying before a standing committee in Parliament, the then president and CEO of Toyota South Africa, Dr Johan van Zyl, was asked if he could confirm whether Toyota Japan had ever issued a certificate for a panel van to be converted into a passenger transport vehicle. His response was brief and compelling: "They have never done it."

Van Zyl later added that Toyota South Africa Motors (TSAM) would have had to apply to Toyota Japan for such a permit, but that it would never be issued.

"This vehicle is not designed to carry passengers, it is designed to be used as a load-carrying vehicle," he said.

In December 2018, TSAM's current CEO, Andrew Kirby, said on the eTV programme *CheckPoint* that it was the government that had legalised the otherwise-illegal conversion of the panel vans.

"We will never endorse it. Toyota Japan will never allow us to endorse the conversion of a vehicle of that nature."

However, TSAM's public relations manager Mzo Witbooi says it is "standard practice for them to sell panel vans that are then converted to ambulances" because there is no standard factory to build ambulances.

Quite confusingly he then reiterated TSAM's stance that Toyota Japan has never given permission for panel vans to be converted to passenger-carrying vehicles.

"In the case of taxis, these conversions are rendered unsafe and illegal but this does not apply to ambulance conversions."

De Beer says it is incomprehensible that TSAM distinguishes between a panel van taxi and a panel van ambulance. "Both are carrying paying passengers and Regulation 250 of the Road Traffic Act says paying passengers may not be transported in the goods compartment of a vehicle."

He says the short wheelbase passenger vehicle is the only Toyota Quantum that can be legally rebuilt into an ambulance.

"Panel vans are, however, much cheaper than a minibus and the profit is therefore significantly higher because the unsuspecting buyer thinks they are getting the more expensive legally converted vehicle. This could be a case of tender fraud, because it would mean buyers have been cheated over the years by several millions," says De Beer.

In 2017 NRCS chief inspector Neil Sewamber, acknowledged in a letter to the Northern Cape Department of Transport that he did not ask Toyota Japan for authorisation because at the time the ambulance in question had already been rebuilt.

"Approval for the conversion was also a matter of urgency for the Department of Health," Sewamber wrote. He went on to claim that the panel van was actually a variant of the short wheelbase passenger vehicle and could therefore be legally rebuilt.

De Beer says one model is definitely not a variant of the other. "One is a passenger vehicle and the other is a panel van and they are differently constructed and patented."

The NRCS did not respond to phone calls but on their website the process for approval is clearly defined.

"To homologate a vehicle, a sample must be provided for evaluation. Furthermore, the application must be supported by a large number of documented evidence provided by the original manufacturer. This should include inspection and test reports prepared by the authorities and recognised laboratories."

Chris Hunsinger, the DA's shadow minister of transport, has written to his counterpart, Fikile Mbalula, about the illegally converted panel vans, asking him to act immediately on the matter as it compromises road safety every day and places millions of road users in unimaginable life-threatening situations.

Ambulances are allowed to exceed the speed limit in an emergency and ambulance drivers receive advanced training for these situations. But it is of little use if the driver has to keep a structurally unsafe panel van ambulance on the road at high speed.

In the case of a road accident, the occupants of illegally converted panel van ambulances are often thrown out of the vehicles because the doors and windows pop out as a result of the weakened structure. They often suffer serious head injuries because the roof of a panel van is not strengthened. The equipment that breaks away from their attachment points become projectiles that can seriously injure the occupants.

One of the illegally converted ambulances purchased by the Northern Cape in June this year, overturnedoutside Barkly West in August after the driver lost control of the vehicle. The ambulance only had 30,000 kilometres on its odometer and apparently had been serviced the previous week.

**This could be a case of tender fraud, because it would mean buyers have been cheated over the years by several millions**

A paramedic, 49-year-old Ishmael Leeuw of Pampierstad, was killed and two nurses, Ronnie Keeme and Caroline Matloko as well as driver, Richard Sekunkwe, were injured. Leeuw and one of the nurses were sitting in the back of the ambulance. He was apparently thrown from the ambulance when the sliding door burst open on impact.

Hunsinger says it is estimated that as many as 80% of Toyota Quantum ambulances, employed by provincial hospitals in the country as well as those in the private sector, are illegal panel van conversions. He says a private ambulance service in Rustenburg recently complained to him that they had unwittingly bought six such ambulances.

"It is extremely worrying that these vehicles have obtained operating licences from the Department of Transport and the NRCS. If the Department of Transport does not act, illegal ambulances will continue to find their way to the country's health services."

De Beer says Toyota South Africa and the Department of Transport are both able to recall the illegally rebuilt Quantum panel van ambulances. "The question is, why don't they do it?" – **Susan Puren** ■


**The Premier of the Northern Cape, Dr Zamani Saul, is seen handing over some of the panel van ambulances in Kimberley**

# A chemical attraction

## Prof Kelly Chibale talks about the bonds he has formed through his illustrious career which began in an impoverished Zambian township

"I SEE MOLECULES EVERYWHERE – IN hair, in clothes, in everything. It fascinates me that you can look at a molecule's chemical structure and modify the bonds and structures to modify the properties of molecules. Then those new structures can be used for something terrible, like bombs, or for something wonderful, like foods and medicines."

Sitting in his office at UCT, Chemistry Professor Kelly Chibale, founder and director of Africa's first integrated drug discovery centre, UCT's Holistic Drug Discovery and Development Centre (H3D), spoke about his love for organic chemistry, which started during his childhood in Zambia.

"I simply fell in love with it. It was just like the way I fell in love with my wife Bertha. When you fall in love, you don't plan!"

He related how, despite his background of extreme poverty in Zambia – and some serious setbacks in childhood – he was exposed to an excellent education system which made all the difference to his life.

"At high school we had an excellent chemistry teacher. The government of Kenneth Kaunda brought great teachers from countries like the UK and India, really educated people. They became role models.

"When I look back, I know I was born to be a chemist."

Nearly ten years ago Prof Chibale founded UCT's H3D, which hosts more than 60 people, including staff and post-doctoral scientists. It is effectively run like an innovative pharmaceutical company albeit within an academic environment. In 2017 it became the first African centre to lead an international team that discovered and put an antimalarial drug into Phase II human clinical trials. This drug is being watched closely globally as it has the potential to cure, block transmission and protect from malaria in a single dose.

Today, Chibale is a member of the Royal Society of Chemistry; he holds an A rating by the SA National Research Foundation which means he's recognised internationally as a leading scholar in his field; in 2018 he was named by *Fortune* as one of the top 50 World's Greatest Leaders.

But he believes his most significant achievement to date lies in efforts to establish the H3D African Drug Metabolism and Disposition Project – otherwise known as the African Liver and Microbiome Project – which was launched earlier this year. Anticipated as a game-changer in African medicine, the project aims to lead to tailor-made medicines and more appropriate drug dosages and dosage intervals for different African populations.

In our interview, Zambian-born Chibale described his childhood as the son of a single mother raised in extreme poverty. He spoke about his determination to overcome the hardships of his youth; his conviction that drug discovery in Africa can, apart from finding medical solutions, create thousands of jobs; and about his commitment to confront Afro-pessimism.

Opening up about his faith, Prof Chibane quoted the words of the French biologist, microbiologist and chemist Louis Pasteur, one of his role models and a believer in God: "A little science takes you away from God; more of it takes you closer to God. The deeper you go into science and medicine the more amazed you are at the work of the Creator. Science can explain something that cannot be explained," Pasteur wrote.

Prof Chibale, who has been at UCT for 23 years, also discussed his role as warden of student residence Smuts Hall, a position he was awarded in 2015 at the height of the Fees Must Fall movement. (He lives with his family in the warden's lodge, not far from his office.)

"Nobody could have prepared us. I guess God saw it fit that I was the right guy for the job."

He spoke of his connection with the students – and about the recent developments on campus relating to gender-based violence. "Many students can relate to my underprivileged background once they find out about it. My message for them is that if they want things to change in their own lives and in the institutions they inhabit, they must get involved – don't lash out – and focus on the opportunities. Nobody has a monopoly on suffering.

"The recent developments highlight the appalling rate of gender-based violence (GBV) in South Africa and on university campuses. I've seen male students and staff appraising their attitudes and actions – a new unity, solidarity among female students, resulting in more women students


Professor Kelly Chibale

having the courage to bring their concerns to the fore."

Chibale also spoke about his friendship with Neville Isdell, UCT alumnus and former chief executive and chairman of Coca-Cola, who last year donated about R18 million to H3D. The donation is being used to set up a five-year Neville Isdell Chair in African-centric Drug Discovery and Development at H3D. Prof Chibale will hold the chair, which includes the directorship of H3D. His task is to provide leadership in establishing platforms that allow the customisation of medicines to the needs of the African patient population.

"The money will be pivotal to the discovery of new medicines in the centre," said Chibale.

The work on the African Drug Metabolism and Disposition Project is even more important than its studies into malaria because this is "not even about the disease," said Chibale.

"People talk about precision medicine, or personalised medicine but when you talk about Africans, the African in southern Africa is not the same African as in East Africa. Africans are probably the most genetically diverse population. South Africa alone is one of the most diverse countries from a genetic perspective. This is not about race but genetics and genetic differences.

"In general, when you compare the number of clinical trials that happen globally – when you test potential medicines in people to see whether they work and are safe – less than 2% of these happen in Africa. This means the African patient population does not contribute to the data because the medicines are not trialled properly on this population. It's a neglected population from this perspective. As Africans we are not getting the full benefit of these trials. The bottom line is: What is the dose or dosing regimen that will be optimal for you as an individual and in this context as an African individual or African population?

"The medicines we have always used on this continent, which have gone through human clinical development, are never optimised for the African patient population. Most medicines are studied in clinical trials in volunteers and patients in the global North – the dosing regimens (dosage and dosage intervals) are optimised there, and then the therapies are brought into Africa."

**Professor Chibale and a wall of achievements**

The funding from Isdell for the African Liver Project will, importantly, look at the variability in the way African populations respond to medicine as a result of genetic differences in the different forms of the enzymes that metabolise the drugs in the liver. On the other hand, the African Microbiome Project focuses on the microorganisms in a particular environment (including the body or a part of it) in the African population.

"Humans depend on a vast army of microbes to stay alive: a microbiome that protects us against germs, breaks down food to release energy, and produces vitamins. Microbiome diversity impacts metabolism, efficacy and side-effect profiles of medicines."

Prof Chibale said he hopes the centre's work could eventually lead to customised medicines and better drug dosage for various African populations. His work in this area, too, is attracting global attention. He paid warm tribute to Isdell, "my greatest CEO role model, who came out of retirement and saved the Coca-Cola company".

Isdell, who started his studies at UCT in 1961, became known as a formidable first-team rugby lock. For years he has been a patron of the UCT Rugby Football Club. He is currently its 13th president.)

He and Isdell have become good friends, he says. "I met him in 2016. I'd read about him. We discovered we had lots in common when we first met. Neville was born in Ireland and, like me, came from humble beginnings. He moved to Zambia aged eight. He married and began his career with Coca-Cola in Zambia. So we both started our lives in Zambia. The second thing we have in common is Smuts Hall, where he was in residence as a student and where I am warden. Thirdly, Neville has a foundation aimed at eliminating malaria in the SADC countries, supporting the poorest of the poor and working with community leaders. His donation is going to make a massive difference. We are constantly in touch."

During the interview, Chibale spoke about how, more than a decade ago, he had a vision for an integrated drug discovery centre. Highly aware that, as an academic, he was unprepared for such a large enterprise, he spent a mini-sabbatical at pharmaceutical company Pfizer in the UK, to learn how drug discovery and development works, before commissioning a business plan for H3D.

His dream was to create an infrastructure that had not existed before in Africa, an integrated platform, "because, discovering a medicine is not the end of the story". He explained: "We can be trying to solve malaria one day and working on another disease another day – cancer, diabetes. For me, it's about laying a foundation in terms of infrastructure, building the technologies and a critical mass of skilled scientists.

"In Africa to date we've had the two extremes: we do clinical trials because that's where the patients are, and we do basic science research in a lab. There's been nothing translational vis-à-vis innovative drug discovery, which is what we are doing here. My dream was to expand our capacity so that the skills and technologies are transferrable from disease to disease.

"It's always been about being able to create the infrastructure so that we can do it again and again. For me it's also about creating jobs. There is huge potential to create jobs in science in Africa. We could create hundreds of thousands of jobs, depending on how we grow the industry."

The centre's drug discovery for malaria started years ago with the task of identifying molecules that can kill the malaria parasites, starting with a library of about 35,000 molecules. The researchers moved from the test tube to testing which active molecules could kill malaria parasites in a living animal.

Fast forward to 2012 when a compound initially identified by Prof Chibale's team as a frontrunner – a molecule with the code MMV01007, or the James Bond molecule, as they called it – had been optimised to be tested in humans, drawing widespread attention.

Prof Kelly Chibale and his wife Bertha

In 2014, Phase 1 trials began on the molecule now known as MMV390048 at UCT. In 2016, the first volunteer infection study in healthy subjects using the human malaria parasite induced blood stage malaria (IBSM) model was conducted in Australia (because of the lack of facilities in Africa). This is where a small number of healthy volunteers are infected with a strain of the malaria parasite that can be treated with established medicines and then treated with the trial drug. These studies found that the drug was well tolerated by people and that it treated malaria.

In 2017, a Phase 2 study of the new drug kicked off in Ethiopia. The results will determine whether the drug can be tested in larger groups of malaria patients in Phase 3. If this drug is able to treat malaria as well as existing treatments, it can be licensed for use, combined with other medicines.

Prof Chibale's pride in this development in particular relates to the fact that this is the first time an international team led by an African enterprise has taken a molecule from screening to clinical trials.

The H3D centre also does research into drugs for tuberculosis, antibiotic-resistant microbial diseases and neglected tropical diseases exemplified by schistosomiasis (bilharzia) .

When it was established in 2010, the unit had five academic postdoctoral research scientists. Today it comprises more than 90 researchers, including staff, postdoctoral research scientists and postgraduate students, has an annual budget of around R70m and attracts experts in drug discovery from around the globe to its cutting-edge facilities.

The unit has a range of partnerships, including with the Bill and Melinda Gates Foundation; Medicines for Malaria Venture; Celgene; Merck; Novartis; and the South African government. What Chibale is most excited about is that the H3D is training a new generation of African scientists specialising in a range of areas from chemistry to biology and pharmacokinetics.

"We happen to be based at UCT but essentially we operate like an innovative, cutting-edge pharmaceutical company. This is unusual, even by world standards. We don't have an

**A younger Kelly in grade 9**

innovative pharmaceutical company on this continent."

If H3D stays on track, Chibale believes it could mean the end of seeing Africa as a place just for conducting human clinical trials for Western researchers. "A centre of excellence like this, doing its own research, could spearhead a pharmaceutical industry focused on the needs of Africans."

Chibale calls himself a Scientific Leader. His vision is for H3D to be the leading organisation for integrated drug discovery and development on the African continent. "It is high time Africans started doing it for themselves. As Africans we like to blame the politicians and others for everything (albeit blame needs to be apportioned) but who is stopping us from doing innovative things? This is the problem. What's stopping us from seeking our own solutions."

Prof Chibale and his wife Bertha have three sons. Bertha runs a catering company in Cape Town called Hearts and Tarts.

Chibale is a soccer and boxing fan. He supports Liverpool in the English Premier League and Barcelona in La Liga

● Next year, H3D will host the 4th H3D Symposium to be held in Africa, which will coincide with the 10th anniversary of the launch of H3D. Its theme will be "Celebrating a Decade of Infectious Diseases Drug Discovery and Development". – **Sue Segar** ■

# Inspired by his mother to work hard

KELLY CHIBALE WAS BORN IN 1964 TO Elizabeth Malekano Chanda and Harrison Chibale in a remote village called Muwele in Northern Zambia. His father died when Kelly was two months old and his father's relatives disinherited his mother.

Elizabeth left her sons, Harold, then two, and Kelly, with her mother who also lived in Muwele, and moved to the copper belt, where she found work as a nursing assistant in Kitwe. Her sons later joined her in the township home she shared with other families in Kitwe. The brothers attended Mitanto Primary School, an hour's walk – barefoot – from home.

His mother's new partner regularly beat her up in front of the children. Kelly and his brother moved around, to different relatives in different townships. He failed grade seven and was sent back to the village of his birth to stay with his grandmother.

"That failure was a huge wake-up call. I realised nobody could afford to look after me."

Despite the hardships of his childhood, he remembers being "not a sad child at all" and I have scars on my knees to show you how playful I was. I played soccer, swam with my friends and loved boxing, making friends all over. This life was all I knew. You can't miss what you've never experienced."

After making a concerted effort at school to catch up, he got into the Mungwi Secondary School in the Northern Province of Zambia. Under then president Kenneth Kaunda education was free and teachers were good. "As a boarder, we were often hungry, but we did have electricity and running water, it was like a hotel," he said.

As each term wound down he would wait for a letter from his mother to hear which township he should make his way to. The one he dreaded the most was called Kabulanda (Sadness) where conditions were dire.

When he was in his third year of high school, his mother found a room to rent in a house in Kitwe's Kamitondo township which, although it had all the problems of the others, "at least it was our place".

Now a hardworking student, Kelly started hanging out with the "clever" kids, often waking in the early hours to study by the light of a home-made Koloboi lamp.

His mother – who was often away, buying and selling tyres or clothing to earn money – "will always be my biggest inspiration and my role model of hard work".

While at high school, the young Chibale fell in love with chemistry.

After school, in 1983, he applied to go to the University of Zambia, then the only university in the country, but was rejected – as he was by various other institutions, including a college which trained forest rangers. "I did not meet the entry requirements."

Stuck in the "prison" of the township with nothing to do – and surrounded by poverty and gangs – he felt ashamed, lost and depressed. He had appealed to the vice chancellor of the university on humanitarian grounds – and a few months later heard that he had been admitted to attend the University of Zambia in the school of Education. But, still obsessed with chemistry, he tried several times to move to a science degree and eventually got permission to take two extra courses in pure science. Chibale graduated from the University of Zambia in 1987 with a BSc Ed (with a distinction in Chemistry).

He then got a job at Africa's largest explosives company, Kafironda, as a development chemist, playing a supervisory role in a large plant. The explosives were used for underground blasting in the copper mining industry. "That job comes back to haunt me each time I apply for a US visa – because they always ask whether you've ever worked with explosives!"

While working at Kafironda, in 1988 he met the woman who would become his wife, Bertha Nawila, while attending the Mufulira Baptist Church. "She was the one who had the real explosive effect on me!"

While working at Kafironda, Chibale applied to do his PhD at Cambridge University, and after several rejections he was invited to go to Zimbabwe for an interview for a Cambridge Livingstone Trust Scholarship in 1989. "It was my first time outside Zambia. Harare was then such a beautiful city."

He got the scholarship and headed for Cambridge in 1989 as a PhD student in the Chemistry Department, having proposed to Bertha before he left. She had started training as a teacher in Zambia and agreed to join him once her studies were completed.

"The move to Britain was a culture shock on many fronts. I realised how disadvantaged I was. I struggled. I had not done Honours – but went straight from a BSc to a PhD. This was where I really toughened up. I worked seven days a week. I realised I had to go through the undergraduate syllabus and take up some first year courses, just to catch up."

While his peers enjoyed a great social life, Chibale did nothing but work. His professor, Stuart Warren – who had to urge Chibale to stop calling him "Sir' – was a source of constant encouragement.

In the interview, he recalled how, one Saturday, while working in the lab, he had "lost it" in a haze of confusion about an experiment he was meant to master. "I was meant to end up with a white crystalline product but every time I did it I ended up with an oil. I took off my lab coat, hung it up and got on my bike. I was crying and wailing uncontrollably while I was cycling. I wasn't ashamed about how I looked. I was so depressed."

He visited his supervisor on the Monday morning and explained his problem. "I told him that every time I do the experiment I end up with an oil which I throw away. He was in tears from laughing … it turned out the appearance of the molecule did not matter. Its environmental conditions would determine whether it was a crystal or an oil."

Chibale managed to get his PhD in synthetic organic chemistry in three years. ■

MICHIEL **HEYNS**

# Greg Marinovich: Shots from the Edge

Greg Marinovich maintains towards the end of this fascinating but distressing book: "I have never been a neutral or so-called objective journalist or documentarian. I believe this to be impossible, given the baggage we all carry as individuals and as members of various groupings."

Yet, of course, Marinovich's normal medium – photography – is generally regarded as more objective than, for instance, the written word: the French word for a camera lens – *objectif* – would seem to emphasise this aspect of photography. Thus part of the fascination of this book is in reading the written reports of an observer more versed in the relatively "cool" medium of photography. How does the unblinking regard of the camera lens translate into the written word?

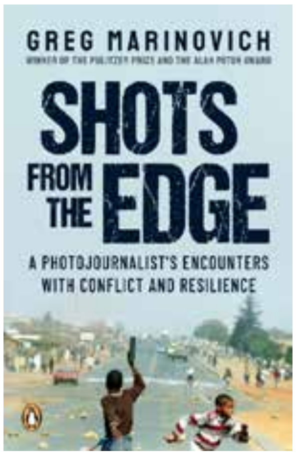
In spite of Marinovich's denial of neutrality, his take on the scenes of 'conflict and resilience is generally unflinching, unsentimental, descriptive rather than evaluative. He lets facts speak for themselves, horrifying as they often are. There is nothing callous or matter-of-fact about his reportage, but he doesn't dramatise for effect. He seems to feel, honourably, that it is not for him to emote about the sufferings of others.

Indeed, I can think of only one instance in this book of Marinovich's emotions intruding upon his observation, as he listens to a young woman recalling her appalling experiences: "Despite the calm, sing-song way in which she recounted events that no adult should ever experience, much less a child, tears kept welling in my eyes and sometimes my throat was too constricted to speak, so I just grunted."

Marinovich's subtitle offers resilience as well as conflict. It is true that somehow many do survive their (passive) part in the conflict with dignity and fortitude. But for the most part these are tales of unredeemed suffering, testifying mainly to the bloodlust of humans, when hatred, whether xenophobic or intra-ethnic, is unleashed and validated in the name of some ideology, belief, often superstition – and this is as true in South Africa as in Angola, Mozambique, Saudi Arabia, Uganda or Somalia.

The only constant seems to be the relentless violence visited by groups of people upon other groups, or even within their own group, upon wholly irrational grounds. Thus, in the horrendous Somali civil war, "Somalis discriminated not on the colour of a person's skin, but on the softness of their curls – or, as the locals put it, Bantus had hard hair while Somalis had soft hair". In country after country, ethnic differences that would be invisible to an outsider form the rationale for large-scale exterminations.

Sadly, the supposedly quintessential African quality of Ubuntu is not much in evidence, in Africa or elsewhere. One moving exception is the case of the two Sierra Leonean friends who have been left, by the boy soldiers terrorising the area, with one hand between the two of them, "their friendship giving them strength to persevere through the pain, the fear".




**SHOTS FROM THE EDGE**
**by Greg Marinovich**

Another instance of some vestige of human fellow-feeling is in the soldiers at a South African border post who offer their rations to feed the starving child of a Zimbabwean refugee, the officer in charge admitting to having "abused refugees in the past" until "the shared humanity of the Zimbabweans was suddenly made clear to him".

But these are the rare exceptions to a near-universal spectacle of brutality and bloodshed. Yet, perhaps understandably, Marinovich tries to find some consolation in the very fact that modern means of communication have made possible the dissemination of the knowledge of these atrocities: "it is this exhausting forward thrust of technology… which brings a measure of hope to these catastrophic times. Even as we are swamped by information and images… and as sad and upsetting as such images and information can be, they do what journalism is meant to do. We cannot deny that we know what is happening, and knowledge is power."

This seems to me a somewhat desperate consolation, given the uses to which "the forward thrust of technology" has also been put, especially in the form of social media. Ignorance and prejudice, as much as knowledge, can thrive on the internet. If I were to find in this book some shred of hope, it would rather be in the fearless, indeed reckless, pursuit of the truth, appalling as it mostly is, by people such as Greg Marinovich, and the honesty with which it is reported, for the rest of us to deal with as we dare.

In her novel, *Double Vision*, which is partly about the moral complexities of war reporting, Pat Barker uses as her epigram three of Goya's captions to his terrible series of prints, *Disaster of War*, in which he recorded the atrocities of Napoleon's troops invading Spain: "One cannot look at this. …I saw it… This is the truth." And that seems to be Marinovich's rationale too: much as he recoils from what he witnessed, the fact that he saw and that it is the truth is a kind of moral compulsion: in our post-truth world, it is more crucial than ever to bear witness to the truth, however hopeless the project may seem. As another of Goya's captions asks: "What more can one do?" Or, as Marinovich concludes his book: "To be there and to be truthful is, sometimes, just enough." ■

BHEKI **MASHILE**

# Letter from Umjindi

# Open letter to the Minister of Land Reform

DEAR MINISTER, YOUR DEPARTMENT recently sent us into a mental tailspin, to say the least, when we were hit with letters informing us that not only would we not get long-term farm leases but that you were terminating the leases we already have, or more accurately, do not have, since you have been working on the new lease policy since 2014, and that's a long time.

Yes, Minister [*Thoko Didiza: Agriculture, Land Reform and Rural Development*], five years is a long time indeed – especially for a document that is crucial in order to access finance for running a farm.

But Ms Didiza, you already know or should know that the lack of this crucial document, be it a lease or title deed, will hinder our ability to access capital, thus seriously hampering any production efforts. In fact, hampering production efforts is being diplomatic. It will make it virtually impossible. And yes I will agree with the department when it wrote that its decision was based on the "underutilisation of the property". Just as I am sure you will agree with me that undercapitalisation will result in underutilisation.

With that said, Honourable Minister, we are relieved to have been informed by officials here at the Mpumalanga Department of Land Reform and Rural Development that they have decided to review this matter and come up with a positive way forward for all concerned. Let's just hope this review does not take another five years.

Now then, Minister, I have a simple request that I am sure will resonate with my fellow emerging farmers: that this land reform programme should be looked upon with simple, plain common sense. Herewith, just a few pointers:

1) It should be accepted that most, if not all, farms allocated to beneficiaries are in need of a reasonable amount of capital injection. An official from the Land Bank in Nelspruit, while assessing the farm over which I am frustrated, estimated that on average our farms would need at least R1 million in capital injections for them to have a fighting chance at sustainable cash crop production. And that does not include your department's Recapitalisation funding.

2) As it is already prescribed, the Department of Agriculture should be in the forefront of overseeing and, moreover, providing the necessary assistance towards production.

Unfortunately, if my local satellite agriculture office in Barberton is anything to go by, the hard-working and caring officials there find themselves all too often in the difficult position of having to say "sorry we can't help you, there is no money to fix the communal tractor," or "sorry we can only provide one 50kg bag of sugar beans to each of you". (That is not even sufficient to sow one hectare.)

Where do the funds allocated to the Department of Agri disappear to? Because every so often one will read in publications such as *Business Day* that agriculture has had so-much of a cash injection. Again what happens to the money – whatever amount it is?

For sure that question should be posed to the Department of Agriculture, not to you guys. Then again, perhaps you are the ones who should be posing that question.

After all, they are your partners in this land reform process, are they not?

**Minister Thoko Didiza**

3) These farms need to be looked upon for what they are: businesses. And, as such, any assistance given should follow the widely accepted general rule of thumb that, on average, a business will take three-to-five years before it achieves sustainability, let alone makes a profit.

To think that your department's average injection through the recap fund has been in the region of R300,000-to-R500,000 for production, which should include implements, tools and labour inputs. It was clearly insufficient for these small commercial farms, and even a gross miscalculation, based on the obvious miscalculation that success would only be achieved as of the first harvest.

Well, we know what they say when you assume: you make an **se of yourself – and of me (no disrespect intended, Minister). That is just the way it is when one goes on assumptions.

One could go on and on making various points, but doing so would venture into the area of insulting your intelligence. For crying out loud, the Deputy President himself, Mr DD Mabuza, readily admitted to Parliament that "these farms have not been given the necessary financial support they needed and this has led to many failures".

But hey, there is support from various corners, be it SAB, Old Mutual or the DTI, to name a few. And let's not forget about the R1.5 billion (plus-minus) injected by the World Bank through our Land Bank. But because of your department's five-year-long lease policy revision and now threatened termination, this support has meant nothing for most of us.

With all the above said I suppose one should, as already stated, be relieved that this matter is being reviewed. Now one hopes it is being reviewed applying common sense, common business sense. Which shouldn't take more than an hour or two to apply. ■

VIV **VERMAAK**

# Pub stories: The Triple Snotklap

He gently patted the crimson abrasions on his cheeks, wiping some blood on his overall, and explained: "There was a first *klap*, 'Ker-twa!' Then a second! Then a third!" Jan's re-enactment of the scene looked like someone conducting an orchestra with a flat hand. "I remember staggering around a round table in the corner, with five chairs around it."

"It looked like he was dancing," laughed Piet with a nostalgic grin. "The sound reminded me of when we cracked the whip to herd cattle on the farm: 'Petaf! Petaf! Petaf!'" Piet shook his head.

"Jan was looking for it, though. I told him to back off the guy, but you know what an attitude, a *houding,* Jan has."

"I probably deserved the first one," Jan confessed. "Maybe the second one, but the third *klap* was unnecessary. I was already on the floor."

*Houding* or not, I demanded to know what Jan could possibly have said to deserve a Triple *Snotklap*.

"Jan told Big Ben he was getting fat."

"Oh Lord," I said and offered to buy Jan a beer.

Jan retreated into the corner with his *houding* and his beer, mumbling something about "freedom of speech." Piet took centre stage, regaling the late afternoon shift with the events of the day.

He kicked the story off with their vodka-infused watermelon breakfast and built it up to a dramatic peak with the Triple *Snotklap* at the Bowls Club.

It was better entertainment than DSTV.

My thoughts drifted as I watched the sun set over the pub. Sunsets can be quite vivid here, because of the pollution from the factories. I wondered whether "Freedom of Speech" was an argument in Jan's case. Or Penny Sparrow's for that matter. Or Charlie Hebdo in France? Or anyone saying anything, ever? Did it even matter that the comment Jan made was factually correct?

Everyone in the pub agreed that Jan deserved all three of his snot-clouts, not because he was wrong about Ben's burgeoning *boep*, nor because he did not have the right to say it, but because he knew his statements were causing offence and likely to trigger a nasty reaction.

Jan agreed. "I should have backed off when I realised I was hurting poor Ben's feelings." Charlie Hebdo did not take such a conciliatory tone. Their *snotklap* proved fatal.

"Freedom and rights *se ma se moer*!" declared Piet, the double brandy kicking in. "When you come to the East Rand, there is no freedom. You have to choose to be 'free' or to be dumb." He used the word "*dom*". "One can't always have both."

There is a reason we call Piet "The Professor".

I guess you have to ask yourself whether you want to exercise your "rights" and walk out with a broken leg and a bruised eye. Or do you back off and have a bruised ego? Other factors come into play: the mood, the audience, and the relative size of the opposing sides. In Jan's case, it was a watermelon-stained *dronkie* on one side; on the other, a bearded behemoth of a man with a notoriously bad temper.

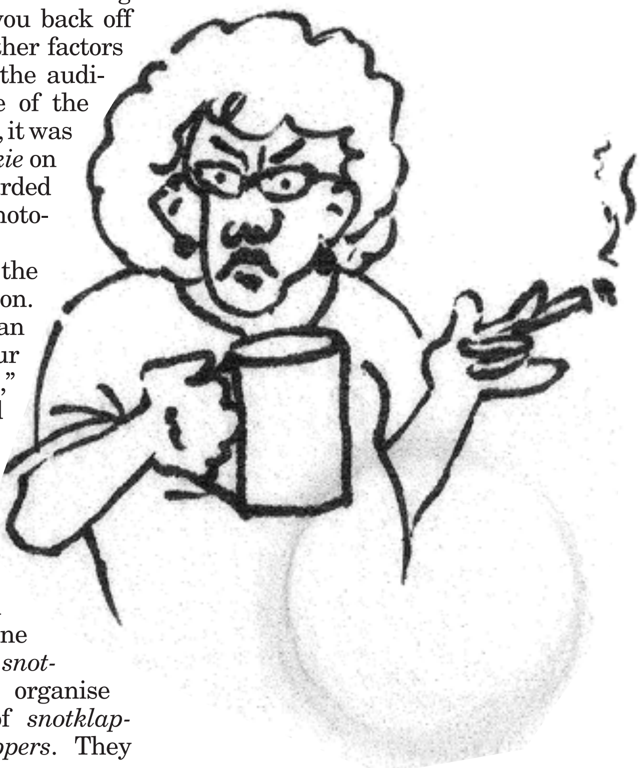
Jan might still have won the crowds with a great oration. If he had come out with an "I have a dream," or a "Four score and seven years ago," maybe he would have had a chance, but a "*Jirre*, Ben, if you get any bigger you'll look like your mother," was simply not going to have the crowd cheering.

Please do not make light of Jan's *snotklap*. A *snotklap* can lead to someone avenging the original *snotklap*. Soon, people could organise themselves into groups of *snotklappers* and counter-*snotklappers*. They could become gangs, or if very organised – national armies. Words matter. Cartoons matter. Actions matter.

"Freedoms and rights are for sissies," concluded Piet. "Opportunities and choices are for the peoples of Germiston. We all have an "opportunity" to say what we want, but so does the guy who disagrees with you. Similarly, you don't have the 'right' to do anything, you have a 'choice'. Don't get all surprised if someone gives you a *snotklap* or shoots you in the head."

The sunset had run its course. It started pink, turning a bright red and finally blossomed into a deep purple – like Jan's cheeks.

I bought Jan another beer. I felt sorry for him. But, maybe, I figured, The Professor had this one correct: Every time you leave your house, pretend you are walking into a bar in Germiston. You could just survive longer that way. ■



Smalls ads must be booked and paid for online. Book at:

**www.noseweek.co.za**


## LOCAL HOLIDAY ACCOMMODATION

**Klein Bosheuwel** Bishopscourt, Klaassens Road, 200m from Kirstenbosch Gardens Rycroft gate. Tranquil B&B in an acre of gardens. Call 021 762 2323; www.kleinbosheuwel.co.za

**Arniston** Stunning seafront home perched on cliff top overlooking beach. Breathtaking position and panoramic sea views, 5 bedrooms, 3 en-suite, serviced; 082 706 5902.

**West of Mossel Bay** Cape Vacca Private Nature Reserve off a variety of superior self-catering options including a tented camp. Call Jane 083 647 5281.

## LOCAL PROPERTY FOR SALE

**Nosing around for property** in Langebaan or the West Coast? Call Melanie Mouton-Creugnet; 079 378 0000 or melanie@sothebysrealty.co.za

## LOCAL PROPERTY TO RENT

**Rondebosch lovely cottage,** cozy with beautiful finishes. Safe off-street parking behind gate. Spacious and charming with a private back courtyard and own entrance. One large upstairs loft bedroom, small kitchen, shower and lounge downstairs with doors opening onto courtyard. Built-in cupboards and storage space. Whole cottage is surrounded by gorgeous plants and flowers. Close to shops and located close to Rondebosch Common. Pre-paid electricity. Very friendly and caring landlords. Available from 1 December 2019 at R9,500.00 per month. Call Sue 083 300 7558.

**Plettenberg Bay** Secure flat in prime position. Walk to beach and shops. 2 bedrooms 1 bathroom. Email cherylodello@icloud.com or Call Cheryl 083 252 9847.

## FOR SALE

**Tinus & Gabriel de Jongh** paintings bought, sold and valued for estates and insurance; 021 686 4141; dejongh@yebo.co.za; www.tinusdejongh.co.za

**Plastic pallets** bought & sold. (New international legislation for exporting on wooden pallets! ISPM15); www.premierpallets.co.za or 083 756 6897.

**Tent Pro cc** sells new army tents (5x5m and 10x5m) and dome tents. Go to www.tent-pro.co.za or call Philip 082 537 2894.

## LEGAL, INSURANCE & FINANCIAL

**Lawyer.co.za** is a new website for members of the public with extensive information about lawyers and the law in SA. Research the law, or find a law firm. Also available in Afrikaans at www.prokureur.co.za

**Certified Forensic Document** Examiner / handwriting expert Cape Town. Signatures forged? Disputed documents? Visit www.fdex.co.za

**Jurgens Bekker Attorneys, Alberton** Commercial and litigation. Call 072 011 3670 or email megan@jurgensbekker.co.za

**Jurgens Bekker Attorneys, Bedfordview** Commercial and litigation. Call 083 294 9995 or email jurgens@jurgensbekker.co.za

**Jurgens Bekker Attorneys, Cape Town** Commercial and litigation. Call 078 989 2957 or email shelley@jurgensbekker.co.za

**Jurgens Bekker Attorneys, Kempton Park** Commercial and litigation. Call 072 424 3177 or email louis@jurgensbekker.co.za

**Jurgens Bekker Attorneys, Pretoria** Commercial and litigation. Call 082 776 8650 or email johnre@jurgensbekker.co.za

## WANTED

**Rugby Programmes and tickets.** Top prices paid. The older they are the more valuable. Private Collector. Call Hymie 082 990 4705.

## SERVICES

**The Vine School** values every child as a person, not a product. apply@thevineschool.org.za or call 021 6963220.

**French lessons** (Jhb) or translations (countrywide). Sorbonne-degreed native French speaker from Paris. For more information call 071 356 8279; or email christine.vaissiere@icloud.com.

**Peter Grewe Opticians** Amazing package deals to suit everyone. Call 021 591 1433.

**We buy Rolex watches for cash!** Call Kenny on 082 552 0774.


### SMALLS ADS

The deadline is the 24th of the month, two months prior to publication.

Ads are prepaid at R200 plus VAT for up to 15 words, thereafter R15 per word plus VAT.

Please note that multiple (long-term bookings) are now available online.

### BOXED ADS

Boxed ads are 6cm (1 column) wide, and are charged at R900 for the first 3cm and R250 per additional cm (length) plus VAT. Payment is due within 30 days of invoicing.

Please contact ads@noseweek.co.za to book or phone 021 686 0570.

### DISCLAIMER

Although Noseweek does reject obviously questionable ads, it can't run checks on every ad that appears in the magazine. The magazine doesn't endorse the products or services advertised and readers are urged to exercise normal caution when doing business with advertisers.

# IT'S EASY TO SUBSCRIBE

Never miss an issue...Free delivery...Enjoy big savings

**ONLINE** Subscribe at **www.noseweek.co.za** or email **subs@noseweek.co.za**

**PHONE** Call **021 686 0570** with your credit card or fax **021 686 0573** or **0866 773 650**

**PLEASE NOTE:** Cheques are no longer accepted in payment.

Apart from having SA's top investigative magazine delivered to your door, you could also win one of five Ken Forrester wine packs. Subscribe now and stand in line to score.

**CONGRATULATIONS TO THIS MONTH'S WINNERS:**
Mrs WJ Kirsipuu, Gardens; Mr EA Struwe, Pretoria; Edmund Szudrawski, Pietermaritzburg; Madelon Tusenius, Oranjezicht; Marinus van Ettinger, Muldersdrift.