

news you're not supposed to know

noseweek

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HOW THE HARKSEN ANGELS SING!



You lie!
You bugger
you lie!

I'm le-e-eafing
on a jetplane,
don't know
ven I'll be
back again...

Women in Parliament – the honeymoon's over

Saambou • Investec • Swersky • Standard Wank

letters

battery of 'Abe' continue to be peed on.

Cathy de Jongh, George

**These are expressions of emotion, not fact -Ed.*

He'd be the last to admit it, but there's a tender side to Abe Swersky. After six years of custody litigation with other attorneys, I had been bankrupted by legal fees. Knowing my situation, other attorneys suggested I call on Abe Swersky! In the legal profession he is not only highly regarded as an attorney's attorney, but also for his compassion.

Mr Swersky took my case ... I can honestly say that I have received better service from Mr Swersky as a *pro amico* client than I have from others who have charged scandalous fees. Without sentimentality his concern was transparently for my child. In things that matter Abe Swersky is as tender as he is tough.

Judy Ticktin, Rondebosch

I was so happy to see that the devil's lawyer has fallen off his high horse. I am writing a story about what he did to me and my baby.

Lyn Falencikowski, Langebaan

Watch this space - Ed

Free from e

I see not much has changed since I resigned at eTV a year ago! You're wrong, however, when you suggest that Hoskens should step in and save the day: Hoskens (HCI) is the problem - Marcel Golding and Johnny Copeland are Hoskens! They stepped in at the time that Jonathan Procter was booted. Never mind. Time is longer than rope, as we used to say in the bad old days.

Anon, Anon

My sympathies to eTV staffers suffering under the 'fear and loathing' management style of Kanthan Pillay - but it's no surprise. Pillay pulled off the exact same manoeuvres during his brief tenure at the *Cape Times*. Pillay, as managing editor, and editor Ryland Fisher presided over the virtual collapse of that newspaper in a short but eventful two years from 1997 to 1999. Circulation plummeted from just under 60 000 to 40 000, while advertisers fled in horror. A productive newsroom was decimated as it split along racial lines and in a Stasi-like claustrophobia one had to be careful what one said, as informers squealed on dissenters to Pillay. Senior staffers left in droves. Sound familiar? Ever the one to look after himself, Pillay managed to jump to his buddy Marcel

Golding at eTV before he was pushed out of Independent Newspapers. Let's be shy and say he 'left under a cloud'. A forlorn Fisher was left with the *gebakte pere*, until, happily, his tenure ended a few months later. (He is now in PR!)

Once-Bitten-Twice-Shy, Gardens

Lawsuits

How in the name of God do you manage to stay in business with all the lawsuits against you? Good work!

Konstant van Huyssteen, Tamboerskloof
Thanks! As a matter of fact, as publications go, we don't have many lawsuits. Then most of those we do get, we send right back to Hell - or we put right what we did wrong. And that - usually - settles that. - Ed.

The DA here and there

God knows what is happening to the DA in the Cape. In this part of the world we are more civilised and the DA is doing a fine job on the council. We are thorns in the ANC flesh (not difficult). Our mayor, Nceba Faku (a glorious name!) has been forced to repay the R80 000 he misappropriated from his discretionary fund and is being sued, with four co-directors in a tyre company, for almost R2-million by the Eastern Cape Development Corp. This parastatal lent Faku and chums R1m to salvage the company, which went bang. He is in danger of losing his luxury home in Bluewater Bay because of the case. The ANC loathe him, but they don't have the guts to kick him out - but he'll go, it's only a matter of time.

Terry Herbst, DA city councillor, Port Elizabeth

Absardity

Absa approached me and asked me if I wanted a R25 000 overdraft facility on my account at a very reasonable interest rate. Why not? thinks I, it could be helpful. I filled in reams of forms. My banker was confident that the facility would be available shortly. Then I received a call. We have no credit rating on you, they declared. I'm a Brit expat who hasn't been in the country a year yet, say I. In that case, they say, we need some kind of surety. What kind of 'surety'? I ask. Well, a R25 000 fixed deposit would do it, they say. If I give you that, you'll let me have a R25 000 overdraft? I ask. Absolutely! Let me get this straight, I say, my voice falling to a conspiratorial whisper: If I give you R25 000, you're prepared to lend it back to me ... at a modest rate of interest? Umm... (far less confident now) ... well ... it's not ... really like that.

I know that they saw the absurdity of it, but they were clearly still offended by my laughter. You know what rhymes with Banker. [See page 14.]

Neil McFarlane, Rivonia

Thabo's friends

The company our president keeps (nose38) speaks volumes about him and his government. If Thabo Mbeki's presidential personality sucks (he knows this), he should have the wisdom to surround himself with people who will make him look good (he doesn't appear to know this). He doesn't appear to know what it takes to be a good president, either. South Africa needs leadership with a human face, not some academic philosophical lecture. Madiba come back. (By the way, I'm not white so I can't be racist.)

Chris, e-mail

Weapons 2000 / Poverty 1 (Hooray for weapons!)

Are world leaders aware that worldwide US\$25m is spent every minute on weapons, war, and other acts of organised aggression, whilst every minute 40 people die of hunger and other poverty-related causes? Are they aware that for every dollar spent on peace, two thousand dollars are spent on war? Are their voters aware of this, and do they approve? With sufficient awareness, the critical mass of opinion might prevail and this madness could be stopped.

Thanks for your help.

Tim Geraghty, Limpopo

Dear Harold

By the time nose39 arrived, I was, I admit, beginning to show withdrawal symptoms. As a restorative, I turned first to the back page for a quick fix of Harold Strachan. Yes! His genius for portraying the uncool nether regions of Durbs is fabulous. His command of the lingua franca of the dispossessed, not to speak of his bus companion from the US of A, is hilarious. As a self-confessed former revolutionary who seems to have been shunted off the train (maybe he jumped?) before there was any gravy, his clear regard for his fellow creatures shines through the moral, and other deficiencies of his living, breathing subjects. Harold is an institution. Long may he continue.

Peter Inkley, Gardenview

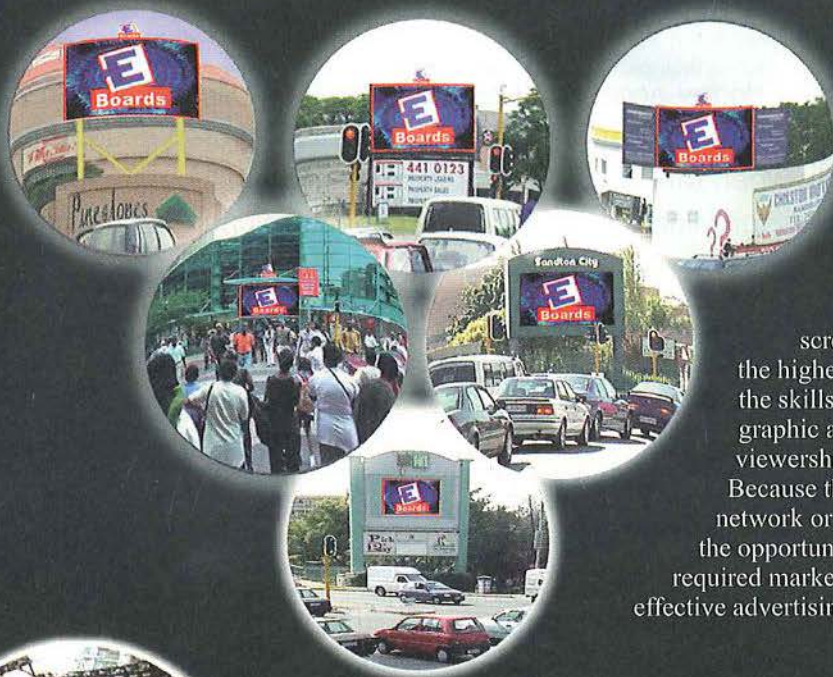
Standard Bank credit card fees

The letter in issue 38 is incorrect in that there is no R2,20 charge by the Standard Bank for credit card purchases. The layout of the 2002 price list is poor. This charge is for debit (not credit) card purchases, increased from R2,00 in 2001. In-store cash withdrawals are by far the cheapest way to draw cash. To draw cash at an ATM from your credit card or cheque account using a credit or debit card costs R2,35 for the first R100 and 90c per R100 thereafter with no maximum.

Roy Andrew, Rondebosch

You can't say
bankrupt
without saying *bank.*

E-Boards... see the bigger picture



E-Boards, through its quality product and dedication to service, has become the leader in outdoor electronic screen advertising. The electronic screen medium is one that combines the benefits of the old fashioned static billboard with the advantages of modern technology. The E-Boards screens are positioned so as to ensure the highest profile broadcast displays, while the skills of the E-Boards copy-writing and graphic art teams guarantee a captive viewership.

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This series of food court screens play host to more than 2.5 million people per month. The venues include front and rear projection screens as well as a series of 72cm flat-screen televisions all of which are prominently located in the food courts of the respective centres.

All of the screens host digital stereo sound as well as the highest quality video displays, creating the ideal venue for the promotion or launch of any service, brand or product.

The captive audience includes a diverse range of age groups as well as a combination of LSM 8,9 and 10 consumers most of whom spend between 25 and 50 minutes in the food court.

While enjoying their meals, customers are entertained by programming including sport, news, music and various satellite channels.

Opportunities for advertising range from TV style adverts to sponsorship of particular channels and broadcasts.

To ensure a high profile image for your product or service talk to E-Boards today and let your customers see the bigger picture

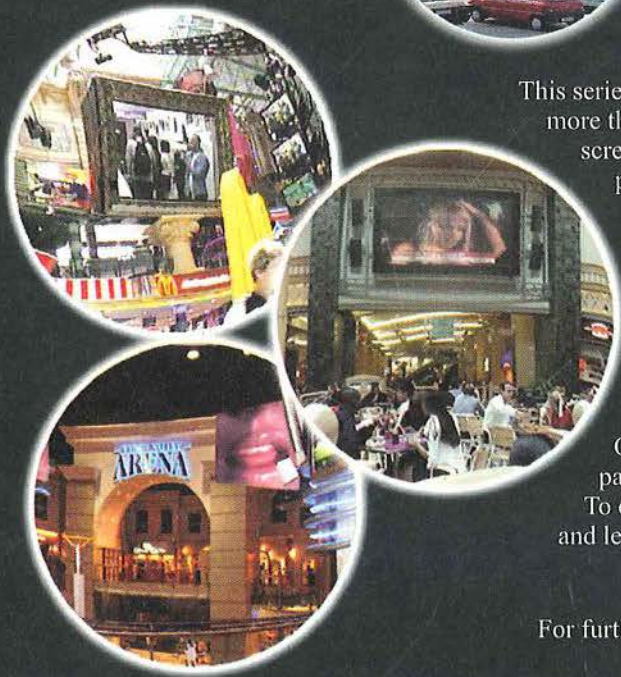
For further information regarding these or any other aspects of the E-Boards Company please feel free to contact us on the listed numbers.

Yours on an electronic screen

Stephen Hall

Managing Director - E-Boards (Pty) Ltd.

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SMALLS IN COURTS banking with Investec

Based on dodgy accounts it refused to release, Investec Bank liquidated Justin Lewis' company, Midtown Building System and then sought his personal sequestration. Only when threatened with a high court injunction, did Investec finally produce the accounts for Midtown – replete with phantom charges totalling hundreds of thousands, an unauthorised transfer for over a million and overstated interest and bank charges totalling several millions more.

PART 2

Thanks to the last minute disclosure of Investec's dodgy accounting, Justin Lewis succeeded in his defense against the bank's court application to have him declared bankrupt. (See part 1 in nose39.)

Subsequent to the court hearing, the forensic division of Price-Waterhouse-Coopers analysed the accounts on which Investec based its applications to have first Midtown, and then Lewis himself declared bankrupt. In their report the auditors calculate that, one way or another, Investec contrived to overstate Lewis' debt to the bank by over R4-million! [And that's dealing with only half the list of Investec's misdemeanours in the case. – Ed.]

Had Investec not cooked the books in this way, Midtown could not have been forced into liquidation.

The auditors' report is, by implication, a damning indictment of Investec's accounting standards and dishonest management style. It supports all the serious allegations contained in nose39.

For Lewis, PWC's report only served to confirm what he already knew: Investec had done the dirty on him. What he still didn't know was: why?

Lewis had obviously not been reading

his noseweek. If he had, he'd have known that Laetitia Peyper (head of Investec's Cape property finance division with whom he had negotiated the terms of Midtown's loans) had not simply 'moved on' as he'd been told by her successor, Robert Gottlieb.

Peyper had been accused of fraud, along with other senior members of the division, and been fired. We had reported all that a year before Midtown's liquidation was made final. No less than Investec's main *macher*, Hugh Herman

Lennie 'The Liquidator' Katz



(a former partner at Investec's closer-than-close attorneys, Sonnenbergs) had presided over the resulting 'in-house' disciplinary hearings.

Of considerable interest is Peyper's description, in subsequent court papers, of the situation within the property division at the time that Investec was managing Midtown's financial affairs.

'The Cape Town branch of Investec bank ... became a victim of its own success in that the administrative, credit and risk divisions became overloaded to the point of breakdown. ... Everyone omitted to heed the warning lights of overworking, deficient control and staff shortages,' she said.

Readers will recall that Lewis told the court during the bank's application for his sequestration that he had never received monthly statements from Investec on the Midtown account. In reply, Gottlieb insisted (under oath) that the statements *had* been sent out. Why, he had checked the address on file for Midtown himself! But, Gottlieb went on to say, the bank just happened not to have kept copies of any of those monthly statements that had been so diligently posted to Midtown. Curious that.

In her court papers Peyper told how

she had flown to Johannesburg to alert Glynn Burger (then Investec's head of credit, now MD) to the scale of the chaos. She'd also discussed the problems in her department, she said, with Herman and with Steven Koseff, then MD of Investec bank and now head of Investec International. They ignored her pleas for help.

And then, of course, when the bubble finally burst, they rushed to bring in their close friend Lenny 'The Liquidator' Katz from Sonnenbergs to clamp the mouths of all the property division's unhappy staff and clients.

A state of chaos in the property division of Investec may explain how problems first arose with the Midtown account; why the two-phase structure of the development was disregarded, why Investec overpaid construction company Group 5 by R800 000, why amounts were charged to the Midtown account with no supporting documentation or authorisation, and why those Investec statements, which Gottlieb had so dutifully sent out, failed to arrive in Lewis' postbox.

Chaos cannot, however, explain what happened after Gottlieb and Katz took over the property division: the surreptitious transfer of a massive debit between accounts, the charge of R1m in 'net profit' to Midtown and Investec's determination not to let Lewis see the accounts.

Least of all does it explain the devious little plan of seduction hatched by Gottlieb to draw another of Lewis's companies into his net.

But first a summing up is called for.

Investec appears to have been taken by surprise when Lewis managed to raise sufficient funds to mount a serious – and ultimately successful – defence to its application for his sequestration. Remember, Investec were prepared not only to liquidate Midtown on the basis of their cooked-up figures, but also to wipe Lewis himself out financially – which would have ensured that he was unable to take any legal action against them. (Even the nicest lawyers want fees up front, especially when they are being called upon to defend a potential bankrupt.)

Just how deviously the Investec men went about it emerges from the story of Keurbooms River Lodge.

Lewis owned various parts of the Keurbooms River development through two companies: Midtown owned the land and the holiday apartments, and a second company, Keurbooms River Lodge (Pty) Ltd, (KRL) owned the hotel at the

centre of the complex.

In its first winter of operations, KRL had a cash flow problem. Lewis was not particularly perturbed: things would turn around as warmer weather and Christmas approached.

As it turned out KRL did have a bumper Christmas season. But, alas, by then Lewis was no longer the beneficiary.

There was no financial relationship between Investec and KRL. But when, at the end of July 1997, Lewis' attempts to sell the Keurboom's River Lodge to a German hotel operator fell through at the last minute, he needed to quickly raise R97 000 to pay the hotel staff's salaries. Almost immediately, Lewis says, he received a telephone call – out of the blue – from Investec, generously offering to lend KRL the R97 000.

Lewis accepted gratefully and two days later the money was deposited into KRL's bank account. On the same morning, however, Gottlieb sent a fax to Lewis stating in part: 'obviously we now have a claim for the R97 783,67 directly against Keurbooms River Lodge (Pty) Ltd.'

The full significance of this note did not emerge until a few days later, when Lewis arrived at Investec's Cape Town offices to discuss the situation regarding Midtown. Imagine his surprise when he found that Gottlieb already had lengthy documents for the liquidation of KRL (and Midtown) ready, waiting for Lewis' signature!

It's clear that Investec's cooking of the

Stephen Koseff was MD at Investec Bank. Now he's monkeying around at Investec International. Ho ho ho.



books was no mere trifle or small mishap.

Lewis has tried repeatedly to discuss KRL and Midtown with Investec, but to no avail. In December last year David Nurek, Cape MD of Investec (another Sonnenbergs alumnus), wrote what appears to be the bank's final word in response to Lewis' approaches.

'I can only assume,' he wrote, 'that your intention is to intimidate us by threatening public disclosure of allegations which you consider may embarrass us in some manner. Please note that we will not be intimidated, nor will we be dissuaded from pursuing our legal rights and remedies to the full extent. The matter is in the hands of our attorneys who have been instructed to deal therewith strictly on its own merits.'

Nurek is no doubt confident the legal route will take years – OK for those with shallow consciences and deep pockets like Investec, but not so for its unsuspecting clients.

The bank's complacency may be misplaced. Lewis' legal advisers have told him that his prospects of success in a damages claim are good. His particulars of claim have been drafted and Midtown liquidator Robert Walters has issued summons against Investec.

Keep in mind that at the time of the liquidation of Midtown, Lewis was well advanced in the formation of a vacation club in partnership with various European Hotels. Midtown's profit in the Keurbooms development was to consist of 30 apartments that were to go into the vacation club pool.

Lewis calculates that Midtown's share of profits from the vacation club operation would by now have reached some US\$43m. In total, with interest and the loss of other assets, this brings Midtown's damages claim against Investec to a cool R800 million.

The case will give Lewis the opportunity to subpoena all documents and tapes relating to the investigation of Peyper. What a prospect!

Given the court ruling, the PWC report, and the evidence of cooked-up accounts, it may be prudent for the bank's auditors to reflect the R800m claim as a contingent liability in the bank's upcoming annual accounts. Unless, that is, Investec's balance sheet is drawn up with the same insouciance displayed in the drafting of its accounts for Midtown ...

It appears foreign investors may already suspect as much. *■*

Are most of

For a brief golden period between the Nationalists bigotry of apartheid days and the current rise of its Africanist counterpart,

the smart women

South African women found political space and recognition, most notably in Parliament. But, it seems, spring and summer

about to walk out

have passed and feminists in the halls of power are feeling a creeping chill. Some of the smarter MPs are eyeing the exits

on Parliament?

In 1995 a large contingent of South African women MPs, led by the Speaker of Parliament, Frene Ginwala attended the International Women's Conference in Beijing.

Triumphantly, they went to tell their sisters of our first democratic elections the year before, and to celebrate women's new status in the South African government, and their growing confidence and freedom.

Last month, a respected MP from the African Christian Democratic Party, Cheryllyn Dudley, was leaving the National Assembly when a male colleague jeeringly asked her to show him how to perform oral sex. This was apparently in response to her failed attempt, the previous day, to engage Deputy President Jacob Zuma in a debate about sex education.

Dudley lodged a complaint. Instead of drawing an immediate public reprimand from the Speaker, the lewd remark and the man who made it became the subject of a top secret, highly sensitive, internal Parliamentary inquiry. A bit pathetic, really, since everyone knew the Lout in question

was ANC MP Bangilizwe Solo. He disputed having made an offensive remark. A tame apology was eventually forthcoming. His wisecrack, however, immediately became the joke of the day for male MPs who retold it in the Parliamentary bars and caucuses. These are presumably the same MPs who mew when DA MP Sandy Kalyan

stands up to speak about HIV/AIDS.

What has happened since 1995 to so radically change MPs' attitudes? Might a change of president explain things? Could it be that the fragile egos of our male politicians can't handle intelligent, questioning women? Or has the excitement about gender equality simply faded before today's less principled *realpolitik*? Whatever the explanation, the hostile atmosphere has caused many independent-minded women MPs to reconsider their careers in Parliament.

Certainly, in 1994, there were tangible signs of a gender revolution in Parliament. Guided by the constitution and its own charter, the ANC entrenched the notion of equality between men and women and brought into Parliament an array of female talent. They insisted that, in the ANC, at least a third of seats should go to women. Attempts were made to make Parliament – with its many bars and urinals – a friendlier place for working women. Parliament now also got a creche.

The widely respected Dr Ginwala became South Africa's first female Speaker (although many still suspect

Dr Frene Ginwala



Benny Goot

her appointment was a ploy devised to give her the authority she wanted without the power she has clearly deserved). Baleka Mbete became her deputy. Four women took full cabinet posts, with others taking deputy cabinet positions.

Most women who came to Parliament before 1994 had sat in the public gallery, in extraordinary hats, looking adoringly down on their men. In the apartheid years, only three percent of those elected

without her husband's written consent. Parliament responded well. In the first four years numerous bills were passed, aimed at giving women more say in their lives and more protection from discrimination. Mechanisms like the Gender Commission were set up to police women's rights.

Women quickly found themselves able to move beyond 'women's' issues. Professor Christina Murray played a key role in drafting the Constitution, previ-

she wishes to seek a more satisfying career elsewhere.

Her steel-willed colleague, Pregs Govender, has already thrown in the towel. Govender headed a grouping of MP's called the Joint Committee on Improvement of Quality of Life and Status of Women. With some stealth, she planned hearings that highlighted the demand for anti-retrovirals by women living with HIV-AIDS, exposing to criticism the government's AIDS

Patricia de Lille



The Honourable Lindi Sisulu



Raenette Taljaard



to national and provincial government were female. Many laws discriminated against women. A few lonely heroines loomed large in politics: veteran parliamentarian Helen Suzman was one, Catherine Taylor another. Sannie van Niekerk was known in the corridors of parliament as the Dragon of Drakensberg, but with deference to her bust rather than for her political status.

Firebrand activist Winnie Mandela was already then demonstrating that a woman doesn't need to be in Parliament to keep the men in government on the edge of their seats.

Until 1994 the new women MPs quite naturally gave priority to 'women's issues'. Until then they had had very little help in fighting the sexism of South African society, epitomised by the shocking tolerance of rape and assault upon women. Cultural codes still required women to take second place, at home and at work. In some communities women could not inherit land. A married woman could not buy a car on HP

usually regarded as an exclusively male domain. Women addressed Parliament on safety and security issues, health, telecommunications and finance. Their opinions on all matters of state began to have some weight. But in the past year things have gone seriously awry and a number of independent-minded women MP's are signalling dissatisfaction with their progress in Parliament.

Senior ANC back bencher Barbara Hogan has slammed Parliament's failure to exercise proper oversight over the budget. As the Chair of Parliament's influential Finance Committee, Hogan appears to be losing faith in the institution's will to hold the executive to account.

'If we go into our heart of hearts, what influence have any of us really had in the numerous speeches that each of us has given on the budget? Very little,' Hogan said in the National Assembly.

Rumours are rife that Hogan is about to quit in frustration. With little support from the benches, it is said that

policy – and, most particularly, President Mbeki's dissident position in the HIV/AIDS controversy. Through the evidence presented at her hearings, and her committee's report, Govender was the only ANC MP to publicly challenge the government stance on anti-retrovirals.

Her public hearings and her attention to matters such as child abuse and rape have earned her acclaim – but not promotion. So, having transcended the scope of the ANC caucus, she's decided to move on.

A woman of a different sort, Winnie Madikizela-Mandela has not quit Parliament – she's merely boycotting it, while still collecting her salary.

Madikizela-Mandela emerged from the apartheid era a fighter on all fronts, but has nevertheless been subjected to the same restraints as the other women in Parliament. She's been a lot less inhibited than most, however, in her response: over the last eight years she's lost interest in an institution that appears no

longer to serve her populist purpose or grant her the status she so clearly thinks she deserves. She is rarely seen inside Parliament. She remains in contempt of the House Ethics Committee who wish – politely – to enquire why she has not declared an alleged ‘additional income’ of some R50 000 a month. She has simply ignored their summons.

Another marginalized activist is Sister Bernard Ncube, a Catholic nun. Revered by the ANC for being a woman of extraordinary principle, she rose in the ranks to the chair of the Ethics Committee, but quite clearly couldn’t take the pressure. She’s been dispatched to the West Rand as an Executive Mayor.

Her position has fallen into the lap of a male colleague, Luwellyn Landers.

The former ANC Chief Whip, Nosiviwe Mapisa-Nqakula, is an interesting

inated. Her questionable interventions late last year which helped weaken Parliament’s probe of the controversial multi-billion rand arms deal were the first sign that she was bending to the pressure. She no doubt proved her loyalty to the ‘big boys’ of the party but, in the process, lost many friends of principle across the party spectrum.

It’s not only in the ANC that independent-minded women MP’s are becoming restless. PAC MP Patricia de Lille openly signals that she is impatient with the constraints that Parliament and her Party place upon her. She wishes to serve the people in a way that would provide direct benefit. It is no secret that she believes she would be more effective as an Aids activist than as an MP, despite her profile.

Emerging DA star, Raenette Taljaard, is now at odds with her party for criti-

which appears to delight them – and bore their male colleagues.

‘We’ve passed a lot of legislation on paper that could change women’s lives for the better,’ says the same MP, ‘but how seriously are we working to get that implemented?’

Another woman MP believes women remain isolated from the serious power-brokers by locking themselves into small groups. ‘Women are not sufficiently involved in the tactical decision-making. They are often given heavy responsibilities, but they can’t break in to the *binnekring*, through the granite wall,’ she says.

Women battle to get portfolios beyond health and welfare. In that respect, Defence Committee chair, Thandi Modise is something of a phenomenon.

Modise has bravely attempted to hold the military to account, and has earned

Winnie Madikizela-Mandela



Barbara Hogan



The Honourable Thoko Didiza



case. Following the resignation of Tony Yengeni – currently facing fraud and corruption charges – she cracked the whip, and promised discipline, dignity and decorum. Five months later, she had been whisked upstairs, taking on the mundane portfolio of Deputy Minister of Home Affairs, in charge of publications and the government printers. She didn’t have enough time in office to as much as shake a feather duster in the old boy’s club. She, too, has been succeeded by a man.

Speaker Ginwala appears to be constantly under pressure – not least from her own party structures, all male dom-

inating its position on the floor-crossing bill. According to reports, she was forced to apologise to her caucus. Intellectually way ahead of most of her male colleagues, she, too, is said to want out.

‘It’s still very much a man’s world,’ said one female MP. ‘Those women who are in Parliament to do more than just be window-dressing, arrive earlier for work, leave later, and try twice as hard to get recognition.’

This may seem strange to those who watch the frequent debates and celebrations in Parliament praising the achievements of women. In these, women MPs engage in a ritual back-slapping exercise

the respect of generals and corporals, admirals and lieutenants. Yet she too, reportedly, is now feeling the chill from the Presidency. *[But then, maybe, she has also dared to feel less warm about the presidency? – Ed.]*

Many complain that while the ANC’s quota system has brought some women of talent and ability to Parliament, most women MPs are mere voting fodder, ‘bums on seats’ used to fill committees. These passive women say very little, save to promote the party line, usually articulated first by a man. Some don’t appear to understand the issues underpinning the bills they support.

And the real excitement is saved for the free lunches and teas. At Parliament splendid platters of sandwiches and fresh muffins are served at every committee meeting. There is seldom a public hearing without a free finger lunch.

'One of the important questions is how critically women engage in policy debates. Do they sit up and express themselves and do they get the backing of their male colleagues? Or are they merely there to service the party,' says an MP cheekily.

Certainly, cabinet does not seem to take issues that affect women as seriously as they ought to, despite the large number of women in the executive. Justice Minister Penuel Maduna and Safety and Security Minister Charles Nqakula are on record scoffing at statistics describing the scourge of rape and abuse. Police Commissioner Jackie

Preggs Govender



Selebi has taken pains to assert that the police can't implement the laws to protect women from domestic violence.

Women cabinet ministers have been strangely passive in the face of such provocation. Even the media circus around Minister of Health, Manto Tshabalala-Msimang's grim determination to deny pregnant mothers access to anti-retroviral drugs failed to rouse them into action. In fact, they have only once put out a joint statement – to defend their relationships with Mbeki, after sensational allegations were made about his love life [see nose31].

'We, female cabinet ministers and

deputy Ministers, have decided to take this extraordinary step to make our views known on a tendency among some male journalists and commentators that is assuming worrisome proportions ... Among the assumptions feeding the rumour-mill is the chauvinistic attitude that female citizens who occupy these posts do so as a result of favours extended to men in senior positions,' declared an outraged Minister of Public Service, Geraldine Fraser-Moleketi.

The ladies doth protest muchly. They may or may not have had to sleep with anybody to get their job, but the fact that they have important jobs, hasn't stopped some of their colleagues from indulging in sexual harassment. Many elected representatives show blatant contempt for women, including preying on the hired help around Parliament.

Several cases of sexual harassment have been hushed up in Parliament.

Last year, the Parliamentary press gallery was forced to write a letter to all political parties to warn their MPs and cabinet members to keep their hands off female journalists. This came after a particular incident, involving a senior cabinet member. Not one of the women MPs took up the issue.

Still, the women in Parliament can't be written off, even now. There are those whose consistency and inner strength come through under difficult circumstances. Agriculture Minister Thoko Didiza is impressive; Phumzile Mlambo-Ngcuka, the Minister of Minerals and Energy, Cheryl Gillwald, the Deputy Minister of Justice, Intelligence Minister Lindi Sisulu and Housing Minister Sanki Nkondo are no mere tokens. Sue van der Merwe has made it into the President's inner circle of advisers.

The ranks of women MPs are strengthened by people such as Fatima Chohan who is active in the Justice Committee, Dene Smuts who knows more about telecommunications than the ANC caucus, Anneliese van Wyk who makes intelligent and succinct contributions, Gwen Mahlangu who chairs the Environmental Committee, Rhoda Southgate who was one of the few MPs to scold the ANC on its stance on Zimbabwe. And finally, IFP MPs Harriet Ngubane and Sue Vos are both competent on a wide range of issues and are patiently attempting to steer their chauvinist party colleagues into the 21st century.

It is among women MPs such as these that the talk today is: to go or to stay?

Central to the debate is whether male MPs take them seriously enough to allow them to shape the course of politics. Ultimately, of course, the question is whether Parliament, under the reign of our President Thabo Mbeki in the year 2002, is still functional as an institution of debate and serious discourse between intelligent men and women.

Does the alliance between Thabo Mbeki's newly discovered Africanist power base and Afrikaner nationalists signal serious regression on the gender as well as the political front?

It is clear that many women who are in Parliament are asking whether they could not serve the people – and women – better elsewhere. Should they leave, they are unlikely to step back into stereotypical female roles: with the

The Reverend Sister Bernard Ncube



experience gained in Parliament they are sure to move on to personally more satisfying positions.

The danger is that their retreat from Parliament will signal defeat to the mass of South African women – and a return to an old, traditional and more private female role: barefoot, pregnant and intellectually numbed in some unhappy man's kitchen.

For that reason alone we would rather they 'stood their man' in Parliament.

However, should they still be determined to leave, we ask: as a courtesy to those who supported you, don't go silently! n

In January, at a formal enquiry into the insolvent estate of one-time millionaire Jan Walter de Witte, the insolvent's long-time attorney and business associate, Abe Swersky was questioned at great length about his business dealings with De Witte. Most particularly he was questioned about how, and on what terms, he came to own most of De Witte's assets, leaving De Witte ostensibly unable to meet his divorce settlement commitments to his ex-wife, Maria van Waasbergen.

Swersky had also been De Witte's attorney in the divorce and had helped draft the settlement agreement.

In nose39 we told how Maria van Waasbergen was unwittingly persuaded (by her ex-husband as represented by Swersky) to accept a mortgage bond over a property owned by one of her ex-husband's companies as security for her divorce settlement. This while Abe "suspected" that the bond was invalid. (It is invalid by law.) In the meantime Abe has become the owner of the company and the property and, if the bond is invalid, stands to benefit by over R3-million

Last year Van Waasbergen applied to the Cape high court to have De Witte declared insolvent because of his continued non-payment of the by now R6-million he still owed her in terms of the divorce settlement they had signed years before. Well-known forensic accountant, Eileen Fey, was appointed trustee of the insolvent's estate by the court. (She is also Harksen's trustee.)

Fey, with great speed, set up an enquiry in terms of the insolvency act to establish what had happened to De Witte's considerable assets.

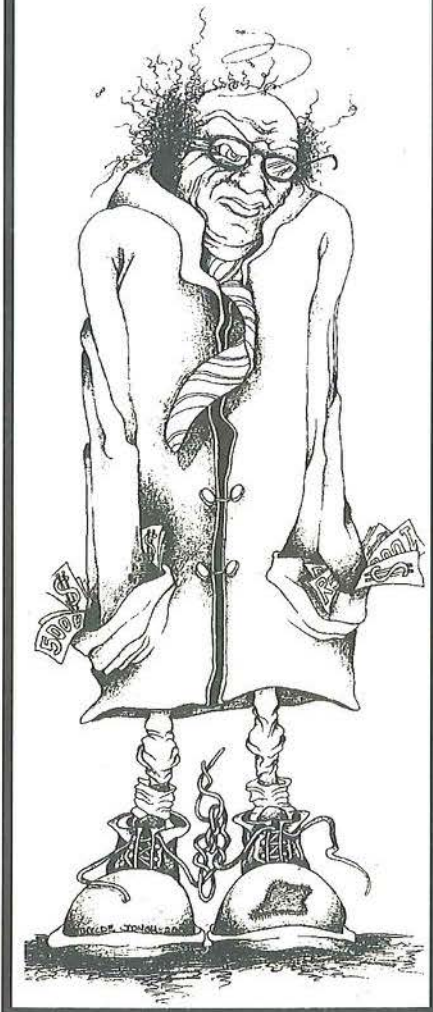
One of the first witnesses to be called for questioning was Abe Swersky.

At the enquiry Abe was prompted to repeat – under oath – what he had earlier declared in a high court affidavit: that to the best of his knowledge and belief his client Mr De Witte did not own any assets.

He also declared that "as far as he was aware", the insolvent [De Witte] had no claims against anybody which his trustee [Fey] might recover for the estate. [*Least of all, of course, any claims against Abe himself. – Ed.*]

Finally Abe insisted – with no reservation – that he had no information which would assist the estate in setting aside any disposition of its assets which it may have made to "a third party".

ABE SWERSKY THE FOLLOW ON



That much we related in nose39.

It soon emerged that, with these questions, Dieter Kulenkampff, Mrs Van Waasbergen's attorney, was setting Abe up for the interrogation that was to follow.

Apparently unknown to Abe, Ms Fey had visited the offices of Investec Bank with a Search and Seizure warrant, where she had discovered a file containing, amongst other things, a most interesting agreement that had been concluded between Abe, De Witte and the De Witte Children's Trust at the time when Abe took over all De Witte's major assets. (The trust has since been found to be bogus and its remaining assets have been seized by the estate. A. Swersky & Co drew up the trust deed, and Abe himself was a trustee.)

The existence of such an agreement had never been revealed to Van Waasbergen or, more seriously, Ms Fey, by either De Witte or Swersky.

At the enquiry Abe was presented with the agreement. He happily conceded that his obligation in terms of the agreement was to pay the Children's Trust R1 for the shares and loan account he was taking over in Jawa, a property-owning company that ostensibly belonged to the trust. In addition to the R1 he would also, he conceded, "take over the liabilities [*of the sellers*] as reflected in the agreement".

Kulenkampff: Just to be very sure: You acknowledge your liabilities under that agreement?

Swersky: I acknowledge that there's a binding agreement between myself and whoever.

Kulenkampff: There's no repudiation – if there's anything that affects those obligations, I'd like to know about it.

Swersky: Thus far I've not repudiated anything.

Kulenkampff: The sellers are the Children's Trust and Mr De Witte.

Swersky: He's not a seller, really.

Kulenkampff: Well, that's what the definition clause says – and you drafted the agreement, not so? When this agreement refers to sellers, it refers to both the trust and to Jan Walter De Witte.

Swersky: Correct

Kulenkampff: Now the way I read this agreement is that you undertook, in favour of Mr De Witte, that you would accept liability for the amounts claimable [from De Witte] by my

client, Mrs Van Waasbergen.

Swersky: It falls in the clause which dealt with the bonds ...

Kulenkampff: It says you must pay the amounts owed by Mr De Witte to my client, not so? ... Just for the record, you're taking very long to answer that question.

Swersky: I'm just looking at the clause.

Kulenkampff: You are accepting liability for [his] obligation to Maria van Waasbergen.

Swersky: That is so.

Kulenkampff: Have you paid that amount to my client?

Swersky: No

Kulenkampff: Why not?

Swersky: Because the payment to her would be dependent on her having a valid mortgage bond. [See nose 39 for an explanation of how Mrs Van Waasbergen was landed with a probably invalid mortgage bond as "security" for her divorce settlement in an agreement jointly drafted by A. Swersky & Co.]

Kulenkampff: [But] the agreement doesn't say "amount payable by Jawa [owner of the property over which the

bond was registered], it says "amount payable by Jan Walter de Witte. You owe the money to Mrs Van Waasbergen.

Swersky: In terms of that clause it would appear to be the case.

Kulenkampff: You drew the agreement.

Swersky: I did.

Kulenkampff: Now when is my client going to be paid, Mr Swersky?

Swersky: I beg your pardon?

Kulenkampff: When is my client going to be paid?

Swersky: I haven't had a demand for payment.

Kulenkampff: If she gives you a demand, you'll pay?

Swersky: I'll address the question.

Kulenkampff: No, no. I want you to tell me whether you're going to pay her.

Swersky: I won't commit myself at this moment. Your client has proved a claim against [Mr De Witte's insolvent estate] without relying on any indemnity from me or any undertaking from me, so if she proved a claim for R6 million [against the estate], she's got no claim against me. She hasn't relied on this.

Kulenkampff: Because she didn't

know of it.

Swersky: Send me a formal demand and I'll apply my mind to it.

Kulenkampff: I demand to know!

Swersky: I don't think so.

Presiding officer: Your final answer Mr Swersky?

Swersky: I'm saying no. If you want the answer: I'm not going to pay.

Kulenkampff: Why not?

Swersky: Because I reserve my rights.

Kulenkampff (to Presiding Officer): He's bound to answer any question which is relevant. It's very relevant to the estate to know why he doesn't want to fulfil the obligation he has to the estate.

Presiding Officer (to Swersky): Until when are you reserving your rights?

Swersky: Well I reserve my rights to tell you until when I'm going to reserve my rights.

Presiding Officer: No, Mr Swersky.

Swersky: I propose to consider my legal position in consultation with counsel, and after I've done that I will tell you what my position is.

To be continued. n

strategy

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'Hands off!'

says Standard Bank



The fact that all the patent lawyers in town are rushing to sue the youthful maker of T-shirts that spoof their corporate clients' trade marks, not only tells us that these lawyers have a shockingly poor sense of humour. More ominously, it suggests that some multi-nationals now consider themselves theocracies empowered to have 'non-believers' tried and burnt at the stake.

South African patent lawyers, practitioners of probably the most boring branch of law invented by man, have certainly discovered a new, exciting role for themselves as priests of the New Inquisition. Suddenly a student joke or a cartoon that poses a philosophical question is cause enough for a charge of heresy or treason. But there has to be more to it than fervour and excitement.

Why, of course! Multi-national clients pay for the services of local attorneys appointed to protect their patent and trade mark rights in US dollars – at New York rates! So send off that letter of demand and roll on the hours!

The country's major patent lawyers have rushed to hitch their wagons to this new gravy train. Thou shalt not take the name of thy lord god, Coca Cola, in vain! declare Adams and Adams, patent attorneys By Appointment. Thou shalt not mock our lord, Red Bull either, say Spoor and Fisher, patent attorneys of similar size and piety. Not to be left out, attorneys DM Kisch hastily pulled themselves erect to express outrage that someone might dare mock with *their* god, Viagra. So outraged are they about a very funny T-shirt that, in fact, emulates *Virgin Airline's* logo that they seem to have lost their grip on the English language when writing to the offending T-shirt maker: 'Viagra has developed a substantial repete or reputation in South Africa, and hence our client enjoys substantial goodwill therein. In fact, our client's trade mark has become well-

What can a
T-shirt spoofing
Black Like Me
products with
the logo
'Blacks Like Me'
reveal about the
state of our
public life?
Plenty, it turns out.

known internationally, including in South Africa, as you are no doubt aware. We have been instructed to demand from you, the following, which we hereby do: (a) that you immediately cease the aforementioned unauthorised use of our client's trade mark, Viagra, or any other

*Cause for a charge under the
Counterfeit Goods Act?*



use thereof?' Followed by (b), (c) and (d) in like vain.

Kisch & Co apparently have several like-minded gods on their books, including Colgate Palmolive's Black Like Me. On that front, they have demanded that the offender 'deliver up to us for destruction all unauthorised merchandise featuring our client's Black Like Me trade mark or trade mark confusingly similar thereto [and] provide details of number of offending garments which you have?'

Justin Nurse, a Rhodes business and journalism graduate, is the sole proprietor of Laugh It Off Promotions, selling T-shirts that parody corporate logos and slogans in the style of Canada's *Adbusters* (often featured in *noseweek*). But apparently the appetite for irreverence here in South Africa, and the reaction to it, are a little on the wild side.

Nurse's business enjoyed disastrously easy sales in the early days. Many of the buyers of his 'Standard Wank' T-shirts, produced last year, were Standard Bank employees. One Sunday in November *Rapport* newspaper carried an amused report on the subject. By 11 am on Monday morning (the next day), Standard Bank's attorney, one Mohamed Khader had organised for a Search & Seizure Warrant to be improperly issued in terms of Sec 7 of the Trade Marks Act (the section relates to counterfeit goods, which the T-shirts were definitely not) and had *six* teams of inspectors from the Department of Trade and Industry ready to launch simultaneous raids on six small boutiques in the Johannesburg area suspected of stocking the T-shirts.

The send-up T-shirt was funny – even Pretoria senior criminal court magistrate Musa Chauke who issued the warrant, laughed at the recollection of it, when we approached him for comment. It was obviously also appropriate.

The raiders, each accompanied by what the warrant termed a 'knowledgeable person from Standard Bank' succeeded

in terrorising the shop staff and clients, but found no T-shirts. They were sold out. Standard Bank's younger (and more enlightened) staff members had bought them all for a laugh.

We did not feel free to ask magistrate Chauke how he had so swiftly been persuaded that the outline of a hand on a penis was a sly attempt to mislead clients who actually wished to buy a T-shirt with a Standard Bank logo. (Imagine the shock when they got home!) But the incident has made us ponder the national level of common sense, when a legal system that cannot mobilise policemen and courts to promptly arrest and prosecute thieves, rapists and murderers, can overnight mobilise six teams of inspectors to launch simultaneous, stop-watch timed raids on clothing boutiques that have humourously offended some top-ar-se at Standard Bank.

Next came a letter from a 'VERY URGENT'-minded DM Kisch Inc, huffing on at Nurse on behalf of Viagra: 'Under the depiction of the trade mark [sic] VIAGRA appear the words 'Hard Times never felt so good', which wording is disparaging to our client's VIAGRA trade mark and product.' Huh?

In their zeal, the lawyers did not stop at parodies Nurse had actually committed. The 'Incredible Erection' T-shirt was not one of his. He got a thunderous letter about it anyway, from De Wet & Partners: the graphic in question was supposed to be 'deceptively or confusingly similar' to the registered trademark of their client, Incredible Connection.

In all these cases, the lawyers might only have sought a rationale to bill some hours. They didn't need to care how hard judges were likely to laugh at their formulations, because *they* won't be paying any costs awarded. The scary alternative is that they are convinced satire is a crime and a threat to multi-million-rand corporations. Horrors: they could even be believers in the corporate cult!

The tone of some of their prose suggests this. Adams and Adams, writing for South African Breweries, seemed to state that anything 'detrimental' to a trade mark's 'distinctive character and repute' could not, *per se, ipso facto*, be allowed. Oh. Negative comment is illegal? Or a sacrilege?]

The same firm of lawyers decreed on behalf of Coca-Cola:

Deliver-up [sic] to us for destruction all matter to which your CUNNILINGUS

mark ... has been applied.' Spoor and Fisher demanded with righteous rage that the false idol, the Dead Bull that apparently challenges the mighty Red Bull, lie in pieces: 'Hand over to our clients for destruction all articles of clothing bearing the offending marks for destruction [sic].'

Surely this can't be the view of adult South Africans, citizens of a constitutional democracy? If the legal department of SA Breweries is manned by adult South Africans, the answer must be yes. They have launched an application in the Cape high court against Nurse and Laugh It Off on behalf of South African Breweries International (Finance) B.V. (of the Netherlands Antilles, a well-known tax haven), owners of the Black Label trade mark. [Nifty! Could it be that SAB are siphoning off a pre-tax royalty fee on every bottle sold in SA to their little off-shore purse? When will the natives at Inland Revenue ever learn?! - Ed]

Nurse offers a far different philosoph-

ical view in his defence. Corporations are part of the political and not the sacral landscape, he says. An individual has just as much right to comment on a beer brand as on anything else. Humorous commentary is in fact a positive social force in challenging the questionable authority of commercial interests.

Nurse is backed up by an unusual affidavit from Tanxolo James Khohliso, a part-time gardener in Observatory and former mine worker and shebeen owner. SAB sponsored and supplied his shebeen, and hundreds of others, in spite of the lack of liquor licenses and the damage done to black communities by the aggressive marketing of particularly Black Label to that community as 'strong' beer, because of its higher alcohol content. Things are getting interesting. Within no time the whole world could be watching.

To be the fool or not to be the fool, that is the question. Or has Justin Nurse, wittingly or unwittingly, touched a more sinister nerve? *n*



Justin Nurse of Laugh It Off Promotions – getting more serious



Africa's lusty lively exploitation since 1652. No regard given worldwide.

Saambou the cover-up turns NASTY

A little-known aspect of Saambou's demise earlier this year is that the bank had until recently been systematically overcharging its mortgage bond clients on interest. Now, in the finest traditions of SA banking, comes the cover-up – aided and abetted, it would seem, by officials of the Department of Trade and Industry willing to abuse their powers and intimidate their critics. Meanwhile, Saambou's mortgage bond clients should be aware that the bank was ripping them off, and that the balances reflected as still owing on their monthly statements could well be drastically overstated.

The issue of banks overcharging interest has taken on a whole new urgency since Saambou's mortgage book was taken over by FirstRand. The big question now is: when FirstRand sends out the first statements on its accounts for Saambou bondholders, what opening balances will those statements show? The old overstated Saambou balances, or updated, corrected ones? Perhaps Saambou bondholders - traditionally teachers, nurses, policemen and other civil servants - are in for a very pleasant surprise. But in that case, who will foot the bill for the correction? And what kind of bill are we talking about?

According to Bellville-based financial consultant Emerald Van Zyl, nearly every Saambou mortgage bond that was in existence before September 1999 is overstated to some extent, because of the method that was used by the bank to calculate interest on the loans. Until that date Saambou was charging interest on the outstanding bond balance at the end of each month, for a month in advance. The interest rebates which should then logically have been due to bondholders for repayments they made before the end

of that month were, however, never credited to their accounts. In effect, these Saambou clients were being charged interest on their bonds at a rate which contravened the Usury Act.

Most banks in SA changed their method of calculating interest on mortgage bonds in the early 1990's, after a warning from then governor of the Reserve Bank, Dr Chris Stals. As Stals wrote to then minister of finance, Barend du Plessis: '... the most serious contraventions of the Usury Act by banks and building societies is the calculation of interest in advance without repayment from the day in which interest was paid in the month... the managing directors of the banks and building societies have been informed by letter dated October 1 1990 that the method of calculating interest currently used is unlawful... and I will raise the issue again at my monthly meeting with the institutions.'

Saambou, however, ignored that warning and, by its own account, carried on charging interest in advance without crediting rebates due to clients, until September 1999. Why did Saambou do it? Because the government officials responsible for enforcing the Usury Act allowed them to. In this way the bank collected millions each month in unearned interest.

Van Zyl became aware of the problem early in 1999 when he realised that his own bond with Saambou was not decreasing at the rate that he had expected. When he checked the calculations he discovered he had been overcharged on interest by some R50 000, a conclusion later independently confirmed by forensic auditor Greg Johnson.

Van Zyl only got the old stonewall from the bank. So he turned to the Registrar of the Usury Act, Lana van Zyl (no rela-

tion) whose responsibility it is to protect consumers against this kind of thing.

Registrar Van Zyl has repeatedly gone on record to say that banks that charge interest in advance, must by law refund the interest charged on repayments they receive before the end of the month. But she has been singularly unwilling to take action against Saambou, or even to comment on the particular case.

Van Zyl has made little progress in resolving his personal dispute with the bank. But he has become a thorn in the side for both Saambou and the bank's pals in the department of trade and industry. Since the beginning of last year Emerald van Zyl Business Consultants has submitted expert evidence in some 30 cases where Saambou bondholders were about to have their houses sold in execution for alleged outstanding bond debts. In each case, says van Zyl, the courts have ordered the sale to be stopped at the last minute, pending a full hearing of all the evidence.

The first full trial of one of those cases is scheduled for the end of August in the Stellenbosch magistrate's court.

In that instance pensioner Andreas April and his wife Maria were summonsed by Saambou for R46 000 that the bank claimed was in arrears on the mortgage bond on their Stellenbosch home. The Aprils could not raise that amount of money and the case was undefended. Judgement was awarded for Saambou and, in due course, the bank had a warrant issued for the sale in execution of the their home.

A few days before the sale was due to take place, Emerald van Zyl was retained by attorney Stephan van der Merwe of the University of Stellenbosch's legal aid clinic, to check the interest calculation. It transpired that, far from owing Saambou R46 000, Mr April

was actually owed R8 000 by the bank for interest it had overcharged him! The magistrate stopped the sale on the basis of Van Zyl's evidence.

'*Dank die Here* (Thank the Lord),' Maria April told noseweek.

In various radio interviews after the collapse of Saambou earlier this year, Van Zyl repeatedly pointed out the failure of the banking authorities to protect people like the Aprils.

Van Zyl believes that the failure of the Registrar of the Usury Act (an official of the Department of Trade and Industry) to enforce the Act, and of other banking authorities to ensure that Saambou followed proper banking practice, contributed to the collapse by undermining confidence in the bank. In February he wrote to the minister of trade and industry, Alec Erwin to that effect.

The response he got from Erwin was strange and not a little sinister. 'There has been negative reporting in the press to which I understand you enthusiastically contributed,' wrote Erwin, 'leaving an impression with the public that Saambou bank did not comply with certain legislative provisions . . . possibly contributing to the panic run.'

And then came the really ominous bit: '... I am also aware [of] and support the Consumer Affairs Committee in the investigations they have already launched into unscrupulous business practices that are actively misleading consumers into believing that they need not pay back their loans. These businesses do it for profit.'

This was the first indication Van Zyl had of the programme of persecution that was about to be launched against him. Shortly thereafter he was informed that Emerald van Zyl Business Consultants had joined that list of businesses under investigation by the Consumer Affairs Committee, another division of the Department of Trade and Industry, in terms of the Harmful Business Practices Act.

Notice of the investigation was published in the *Government Gazette* on April 2. Van Zyl immediately wrote to all his clients to suggest that they send any complaints about his business practices straight to the committee.

At a hearing in May, Van Zyl's attorney, Kobie Krause asked the committee whether any complaints had in fact been received from the public – usually a precondition for such an inquiry to be launched. He was told no. Krause then

The big question now is: when FirstRand sends out the first statements on its accounts for Saambou bondholders, what opening balances will those statements show? The old overstated Saambou balances, or updated, corrected ones?

wrote to the committee asking to be informed should any such complaints be received. To date he has had no reply.

Krause won't be drawn on the matter, but does say that the issue is 'the subject of pending litigation'.

Editor of *Sake Rapport* Curt von Keyserlingk has tried – unsuccessfully – to get answers from the committee to various questions he has about the investigation, among them whether there was a complaint against Van Zyl, and why the Committee appears to have ignored certain statutory requirements of the Act, by proceeding straight to the investigation stage under Section 8 (1) (a) (which allowed the committee to publicly announce the inquiry, effectively defaming Van Zyl) before having determined whether, *prima facie*, there is any merit to the complaint. (Assuming, of course, that there was a complaint at all!)

The only response to Von Keyserlingk's

Emerald van Zyl



questions from Committee Vice-chairman Professor Tanya Woker seems to be that she 'can't say' whether or not the committee broke the law – because the answer to that question is governed by a secrecy clause in the Act. [*On this occasion it's not the law that's an ass, it's the arrogant Professor.* – Ed.]

We, too, would like to know who initiated the investigation? We have our suspects, and Emerald van Zyl's clients are not among them.

Von Keyserlingk does not doubt that the investigation of Van Zyl is straightforward intimidation – by a state agency!

'It is a sad irony that you, who are supposed to protect consumers from unfair business practices, have associated yourself with apparently illegal attempts to victimise Van Zyl, whose work is to help consumers who are illegally exploited by banks,' Von Keyserlingk wrote to Woker.

The situation seems bizarre, at least until we revisit our earlier questions. Ask yourself: if the bonds are overstated and have to be adjusted downward, who will foot the bill? And roughly how much will it be?

The Saambou mortgage book is said to be worth R8bn. Van Zyl estimates that the total overstatement is at least 10% of that, probably more. So the total adjustment would most likely be somewhere between R1 and R2 billion – if the balances were to be corrected. That doesn't include the possible claims of Saambou clients whose mortgage loans were fully repaid during the 1990's and who do not form part of the R8bn current book.

FirstRand took over Saambou's mortgage book on terms that make it clear that they are not liable for any shortfalls. So if those bond balances have to be adjusted downwards to the tune of a couple of billion, Minister Erwin is probably thinking, the government will find itself called upon to pay up because of his department's dereliction of duty.

That, apparently, is enough to make Communist and erstwhile trade unionist Erwin's love for the proletariat fly right out the window. Particularly since he and his department appear to be under the impression that all the Saambou victims are middle class whites – by racist ANC reckoning, all eminently dispensable. DTI Director General Alistair Ruiters (Erwin's chosen man) hinted as much when, some time back, he wrote to the editor of *Rapport*:

continued on next page

'The fact that the majority of the South African population still does not have access to the formal banking sector, played a contributing role in the decision [by the DTI inspectorate] not to prioritise [the investigation of] alleged contraventions [of the Usury Act] by large financial institutions towards [sic] a small, well-educated minority group.'

(According to Ruiters, his inspectors were, instead, giving priority to contraventions by micro-lenders at the expense of the poorest of the poor – to very little effect, it now transpires.)

PS: A hint for Messrs Erwin and Ruiters: Mr April and many of the other Saambou rip-off victims, while they might be members of a small minority group, are not white ... Why not get Mr Rasool to tell them all to f-off on your behalf, when next he addresses a party rally in the Western Cape?!

And is that a juicy class action we see looming on the horizon?

Whether the Consumer Affairs Committee of the Department of Trade and Industry can actually produce a single dissatisfied client of Emerald van Zyl Business Consultants is one question. Van Zyl can certainly suggest many who are deeply satisfied with his services. One of those is Chris Joubert, former owner of the well-known Spier wine estate, and now the owner of various farms in the Stellenbosch area. In 1996 Joubert took out a sizeable business loan from ABSA bank. A few years later he worked out that the bank was overcharging his account on interest. When he brought the matter to the bank's attention ABSA offered to pay back R29 000. Unhappy with that offer, Joubert asked Emerald van Zyl to look over the account. Van Zyl found that the bank owed Joubert R132 000. ABSA now revised its sums and made a new offer: for R69 000. At a meeting at the Stellenbosch branch of ABSA earlier this year, Van Zyl explained his calculations to the bank. Once again, ABSA revised its calculations upward: On July 10 ABSA offered Joubert R127 000 – not, the bank was careful to add, that it in any way accepted that the amount calculated by Van Zyl and Joubert's auditors, Cecil Kiplin & Co was correct. Of course not! Joubert took the R127 000. 'My involvement with Emerald has been very positive,' he told noseweek. ■

What's the SABC's formula for Formula



In 1991, the SABC concluded a massively expensive 10 year contract with Bernie Ecclestone's Formula One Management company for the rights to broadcast all international Formula One motor races. That contract meant that the SABC had to pay \$7m (R70m) for the FO rights for 2001 alone!

Last year, when the contract was due for renewal, First Row Media (FRM), a Gauteng media consultancy headed by racing enthusiast Eberhard Samson, approached the SABC's sport department with a plan to improve its FO broadcasts. FRM proposed changes to the programme that would bring bigger audiences and advertising sponsorship for the broadcasts.

A budget for the plan (and for potential sponsors) could not, however, be fixed before the cost of the broadcast rights for the coming year had been established. Samson suggested his company could renegotiate the broadcast rights for the SABC at a vastly reduced annual fee. The understanding – now disputed – was that the SABC would pay FRM a commission on any reduction it achieved on the existing FO licence fee.

In November the SABC announced, to much fanfare, that it had once again got the rights to broadcast Formula One racing. Left unsaid was that this time the deal came at a substantially reduced fee. Now FRM is suing the SABC for a R7m commission on the \$5m (R50m) reduction in the annual licence fee that it claims to have negotiated.

In August last year Samson began negotiations with Formula One Management in London – and with Ecclestone personally. Ecclestone rejected his initial offer on behalf of the SABC of \$1,8m for next year's Southern Africa broadcast rights.

In his affidavit opposing Front Row's application for summary judgment, SABC Managing Director of Sport, Vuzo Mbebe admits that FRM approached the SABC offering to secure the broadcast rights at a 'preferential and beneficial' price, and that it would then be able to procure sponsors for the broadcasts.

Mbebe, who was executive consultant to SABC Group CEO Peter Matlare at the time of the negotiations with FRM, says the SABC told them that the maximum it was prepared to pay for the FO broadcast rights was US\$2m per year (down from \$7m in 2001). But Mbebe denies that the SABC agreed to pay FRM a commission on any reduction.

Minutes of a meeting between FRM and the SABC sport department on 20 September last year (Mbebe was one of those present) record that Formula One Management had rejected the offer of \$1,8m conveyed to it by FRM. It also records the SABC team's agreement to FRM upping the offer to \$2m.

SABC director Solly Mokoetle is minuted saying: 'If a new license agreement could be concluded with FOM, London,

SABC sport boss Vuzo Mbebe



in the area of \$2m, a portion of the savings compared to the existing contract would be rewarded to FRM.'

Later in the same minutes he is recorded as saying 'If FOM London would not accept FRM's offer, the SABC would not be able to increase its offer and the programme could go elsewhere.'

If these minutes are correct, then the SABC stuck to neither commitment.

According to Samson's account, on 26 September he had further discussions with Eccleston, when Eccleston told him to forward the offer for \$2m to London and that he would agree it. FRM sent faxes confirming this to both the SABC and Eccleston on the same day.

What FMR did not know at the time was that Mbebe from the SABC had flown to London and was going to visit Eccleston's office there the next day, to himself 'negotiate and conclude' an agreement for the broadcast rights.

Without telling FRM, Mbebe, acting for the SABC, concluded a deal with Formula One Management on October 2. But the fee had been increased from the \$2m which Eberhard had provisionally negotiated with Eccleston on September 26, to \$2.7m. This despite Mokoetla's earlier statement that if FOM wanted more, the rights 'could go elsewhere'. The R7-million increase just happens to equal the amount FRM says the SABC had agreed to pay it for concluding the deal.

On the same day, Mbebe took the extraordinary precaution of obtaining a letter addressed to himself and signed by Eccleston, in which it is stated:

'Dear Mr Mbebe

Further to our conversation, I can hereby confirm that a deal was never agreed with Eberhard Samson. In my last conversation with Eberhard, I requested

that he forward to us in writing his offer for our consideration.'

Something, apparently, then already hinged upon Mbebe being able to prove that Samson had not done the deal. Who got the commission, perhaps?

FRM's application for summary judgment was rejected and the case must now go to trial. In its plea, the SABC denies that it had any binding agreement with FRM, or, alternatively, if there was an agreement, then the SABC had only agreed to FRM 'making enquiries' regarding the Formula One broadcast rights and then to make a proposal to the SABC in this regard.

These enquiries, the SABC alleges, were to be made 'at FMR's risk' and 'any remuneration would have to be subsequently negotiated'.

In any event, the SABC alleges in its

plea, the agreement terminated when FMR had failed to come up with a proposal by 20 September. No explanation is offered for the apparently contradictory terms of the discussion recorded in the minutes of the meeting held on that day.

On November 23 the SABC announced the new contract for Formula One broadcasts as 'another feather in the cap for the SABC'. 'It forms part of our focussed strategy of delivering value to our audiences and advertisers,' the statement said. On the same day it was announced, in a separate statement, that Vuso Mbebe had been appointed MD of SABC Sport as from November 1. His previous positions include advisor to the Minister of Sport and CEO of the SA Sports Commission.

A trial date is still to be set. *n*

From Russia with no love

Lada Niva owners are moving to form a pressure group to 'force' Combined Motor Holdings Group (which owns outlets for Ford, Mazda, Landrover, Volvo and, until recently, Lada) to react to negative rumours about its back-up commitment to current Lada owners. Most unkindly they are raking up memories of CMH's 'Lada South Africa' launch campaign which, two years ago, sang the praises of the CMH group and assured potential buyers of the Russian 4x4 that it would be 'fully backed' by the group.

Promises, promises.

Now all the signs are there that CMH intends abandoning South Africa's 4000-odd Lada owners to a lonely fate. One of the more optimistic rumours around is that a Botswana based group is going to take over the distributorship. But in the real world, that seems unlikely.

'What if the spares run out? Some high-cost items such as ECUs are always sparsely stocked,' says Pretoria Lada enthusiast Dennis Kappetijn. 'Should things not work out, and we are left high and dry, then we must consider taking CMH on, both in court and in the market place. We could make life as miserable for them as they are threatening to make it for us.'

According to Kappetijn, CMH is cur-

rently selling off its stock at ridiculously low prices, severely affecting the resale value of Ladas.

'Demo' and new vehicles are being sold off for between R20 000 and R40 000 below list prices. Special discount deals are also being offered on tyres and rims bought in bulk. 'It looks like they are turning stock into cash before a pullout. A handover to a new distributor seems unlikely, since any new owner would require substantial starting stock,' Kappetijn says.

Lada owners can contact other enthusiasts through Johan van Staden at javs@worldonline.co.za or Willie Vos at mwwwvos@mweb.co.za *n*

Racing enthusiast Eberhard Samson



GUMSHOES DO A STICK AND PASTE JOB ON

SA intelligence

With South African intelligence structures in a state of terminal funk, South Africans have in recent years got used to a new name: Kroll Associates

The world's best known corporate security and investigations firm, Kroll Associates, has been linked to a string of state investigations and appears to have made itself useful as a nanny, or perhaps we should say au pair, for the ruling party in a few other ways as well.

For the past six months or so, all has gone quiet on the Kroll (SA) front, suggesting that President Mbeki has more recently decided, for whatever reason, to dispense with (at least most of) the US-based intelligence company's services. Were they costing too much? Were they not delivering? Or were they simply getting to know too much?

Kroll Associates was founded in 1972 in New York by Jules B Kroll, a former assistant district attorney of Manhattan with degrees from Cornell and Georgetown Law School. The firm began life as an upmarket private detective company, or as the *New York Times* described Kroll in 1985: Wall Street's Private Eye. The company's work focused on corporate investigations. During the 1970s and 1980s while the orthodox spy agencies concentrated on the Cold War, Kroll worked in what amounted to economic intelligence. During the 1990s as the US's CIA and Britain's MI6 among other national agencies announced that they were then primarily concerned with economic intelligence, Kroll Associates moved the other way and increasingly began to involve itself in international affairs.

In March 1991, Jules Kroll appeared

on CBS's *60 Minutes* and announced that his company had discovered more than \$10-billion removed by Saddam Hussein from the Iraqi treasury and stashed in bank accounts and front companies throughout the world. Between 1985 and 1991, Kroll Associates had quadrupled in size, with offices in London, Paris and Hong Kong.

Following the publicity attached to the discovery of Saddam's overseas assets, Kroll expanded its operations to include penetration of the organised crime networks of Moscow.

In a world in which contacts are everything, Kroll has nurtured loyalties and

friendships that seem to reach everywhere, *New York* magazine reported in 1991. 'Through his special brand of hard work and self-promotion, Kroll has acquired a clout that no other private-eye firm can match. Not only does each new case bring new contacts and sources, but the information in Kroll's files has long since reached a kind of critical mass at which the files alone become reason enough to hire the firm.'

And what exactly is in these files that might be so desirable to prospective clients? (Here the South African government might pause to ponder how desirable *its* files at Kroll might be to potential future clients of the agency.)

While Jules Kroll has taken pains to explain that his employees engaged in plain old investigative journalism – 'we work very hard at developing solid, accurate, and reliable information' – it would also be accurate to acknowledge that the company employs many ex-intelligence agents who retain useful links with their ex-colleagues stationed around the world.

A case in point is Andre Pienaar, until recently the head of Kroll Associates in South Africa. Pienaar is certainly a man with an interesting curriculum vitae. In the 1980s he was an officer in the SADF Special Forces' counter-intelligence section. In 1986, holding the rank of major, Pienaar was arrested and charged with supplying secret military information to one of South Africa's neighbouring countries – in effect, to the ANC's military wing. He was convicted

In 1999, Eurobusiness quoted a former Kroll associate's assessment of his ex-boss:

'The optimist sees the glass as half full, the pessimist sees it as half empty, but Jules will see it as a theft in progress.'

We need not wonder what he would have made of SA then.

and sentenced to seven years imprisonment. Following his release, he apparently played some role in Operation Lock, a privately funded and extremely controversial supposed investigation into ivory and rhino horn smuggling networks in Africa, which just happened to cross most of the war zones of Africa at the time. Most of the men employed on the project also just happened to be 'recently retired' members of British or South African intelligence or special forces units.

So, just what has Kroll been doing in South Africa? After the 1994 election, it quickly became apparent that the merger of the ANC and NIS intelligence agencies was going to be a Herculean task. In the context of South Africa's crime boom, domestic intelligence should have been preoccupied with assisting the police in containing organised crime. Whether from incapacity or inertia, this didn't happen.

Instead, the government announced in May 1998 that it had hired Kroll Associates to train members of the South African police, the National Intelligence Agency (responsible for domestic security), the South African Secret Service (which gathers foreign intelligence), and the prosecution services. Kroll worked with the NIA's own training academy on the programme.

It later transpired that Kroll had visited South Africa in 1997 on behalf of Western clients to weigh how much was being done to prevent the country 'going the same way as Russia' - i.e., becoming a kleptocracy. The prognosis had not been promising: Johannesburg was rated as one of the most dangerous cities in the world, on a par with Bogota and Algiers.

Among the senior Kroll associates who visited South Africa at this time were Norb Garrett (ex-CIA), Anthony Rowell (ex-MI6), Steve Vickers (ex-head of crim-

inal intelligence for the Hong Kong police) and Tom Cash (ex-head of the US Drug Enforcement Administration in Miami).

For three-and-a-half years, Kroll was everywhere. They became embroiled in the investigations into the Reserve Bank (1998-1999), trained the Scorpions (1998-2000), and investigated both the Strategic Fuel Fund (2000-2001) and the Post Office (2001).

The company's prospects in SA looked so good that, in July 2000, Kroll advertised in *The Guardian* in London for 'research associates' to be based in London with additional opportunities to work in Kroll's offices in Frankfurt, Paris, Milan, Moscow or Johannesburg. The advert reveals both the importance of the South African relationship to Kroll and the fact that the Kroll office in London is responsible for business opportunities in Africa.

In 2001, Kroll was employed by the UN Security Council to investigate UNITA's finances. Four months ago, the *Sunday*

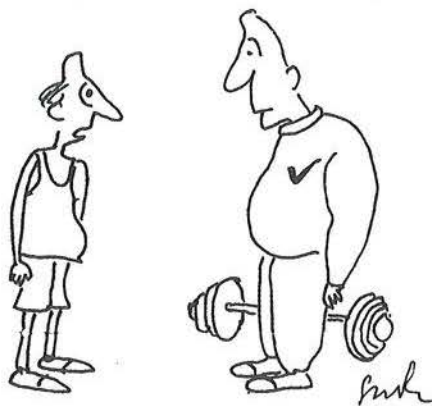
Telegraph reported that the British Foreign Office had hired Kroll to lead the hunt for President Robert Mugabe's assets.

With geopolitical expertise becoming an increasingly bankable commodity, Kroll's growth path seems assured, depending, of course, on its probity and its ability to police its own agents. Even before venturing into thickets such as SA intelligence, Kroll appears to have understood the primacy of being beyond reproach. The company has for years employed an in-house monitoring staff that polices the company's detectives. As Jules Kroll told *New York* magazine in 1991: 'Look, we're very careful about how we handle the stuff we come up with. Sometimes we don't even tell the client everything we learn.'

However, with a private company employing foreign and domestic ex-intelligence agents, the question of probity is set to remain with us, and perhaps take the odd florid turn as concentrations of intelligence grow. Compounding the concern is that Kroll is firmly in the rough and tumble of corporate competition. It has lost key staffers, in some cases to new start-up agencies, in others to the big six US accounting firms that are ramping up their own 'business intelligence' divisions. One can only assume that with these staffers go some of the files. No amount of internal policing can change that.

With company employees, both spooks and office types, moving about in search of the next best thing for themselves, South Africa theoretically faces the prospect of having its national intelligence data diced up and scattered around the globe, lodged with accounting firms, start-up spy agencies and, of course, the intelligence services of other countries. Perhaps even nose-week will get to know a thing or two from those files. *n*

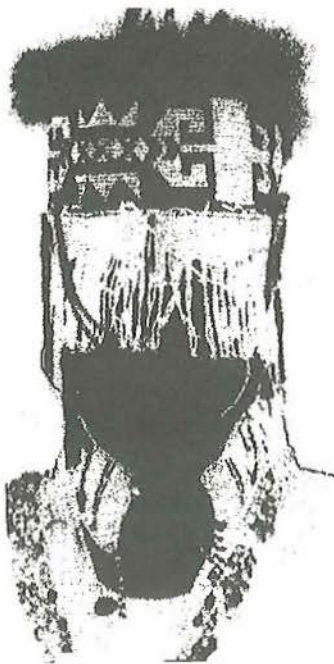
gus



Why is it that your warm-up routine leaves me stone cold?

Kroll was not merely engaged to do a year-long programme of seminars for the South African security forces. A few days before the government announced Kroll's appointment, two white South African men visited a professor of African politics at London University's School of Oriental and African Studies (SOAS). They told the professor that they worked for Kroll and that they were enquiring as to whether Sydney Mufamadi, the Minister for Safety and Security, might study for a degree in African politics at SOAS by post (i.e., from South Africa). The men explained that Mufamadi needed the qualification because he was likely to be made Minister for Foreign Affairs during the presidency of Thabo Mbeki. The professor politely suggested that Mufamadi should rather study at a South African university.

NOTES AND UPDATES



It's not just in certain DP and Nat circles that the Harksens – and their money – were once much sought-after. Here Jurgen and Jeanette rub shoulders with Graca Machel-Mandela's son at the Versace auction held at the President's residence in Cape Town in 1998. The event was strictly invitation only. Other guests included Kate Moss, Naomi Campbell, Minister Radebe and wife, Charles Spencer, Chris Barnard and Mia Farrow.

Not so many years ago advertisements appeared in the press for a certain Inyanga Dr Mashiza who was offering all manner of marvelous muti for sale.

Quote: 'If you need LUCK, then you will be amazed at what happens. If you are weak in sex or have a too small problem, then my secret powder will make you feel BIGGER and STRONGER.' You get the picture.

Dr Mashiza, pictured at left, claimed to have been trained 'by Very Wise Men in Transkei and Natal for many years', and to have cured many people all over South Africa.

Well, dear readers, it appears Dr Mashiza is at it again, once more curing people all over South Africa and making us feel BIGGER and STRONGER.

Because, as our early readers will recall, back in 1994 we revealed that behind the mask of Dr Mashiza lurked one Martin Feinstein, then director of ad agency Concept Marketing, who was running the muti-by-mail business as a secret sideline. Today Dr Mashiza-Feinstein is national director of the Proudly South Africa campaign. Back to dispensing more hokum to the gullible, some might say.

Clearly a man of many roles, Feinstein in fancy dress (top left) would fit in well at one of Dullah Omar's (tea) parties.

Bed and Bondage

With a twitching sensibility for the tourist who wants things 'just so' Liz Westby-Nunn publishes three illustrated directories – 'portfolio collections' – promoting over 800 b&bs, country places and retreats chosen 'for their ambience, atmosphere and warm hospitality'.

The *Portfolio B&B Collection* brochure kicks off with an old Arab proverb 'if you can't be a star in the sky, be a light in your home'. Aah, yes, and plumpy cushions to rest our weary noses!

Far less warm and fuzzy are the rates that Portfolio charges each member of its extended 'family' – between R11 000 and R40 000 per annum. A tidy sum for, say, a country B&B with a modest, erratic income from the let of only a few rooms. And one guesses that neither Arab hospitality, ardent bouquets, or any other form of bowing and scraping before guests can secure a place in Ms Westby-Nunn's precious book if that little cheque or stop-order is not in place.

Still, Portfolio dominates tourist accommodation marketing for a reason. Some say it can bring in anything up to 60% of a B&B's bookings. So when do noses start to wag? Well, the company has moved to seal its fiefdom by demanding, in addition to its already hefty charge for a listing in the booklet, a further ten or even twenty percent on all bookings via its new online booking system. Ms W-N is clearly no nun when it comes to money matters, and has astutely leveraged *Portfolio's* market position to compel her advertisers to sign up for her on-line booking service in order to retain their place in the Portfolio. This has provoked significant resentment and even 'unrest' from B&B owners who have perhaps till now been too inclined to cluster sheepishly 'below the salt' to catch what falls from the Portfolio banquet table.

Guest House owners are frustrated at having to pay both for their ads and then for the booking. Tourists, they claim, are

Ms Westby-Nunn instructs

South Africa's B&B industry owes no small thanks to the popular Portfolio of Places guidebooks that have promoted traditional South African home hospitality to an ever larger tourist clientele. Undoubtedly the converse is also true, and Portfolio of Places – a private company owned by Liz Westby-Nunn past Chairman of SATour – is certainly minting it from its position of dominance. But all is not sweetness, happiness and lots of money in the Portfolio fold. From behind the charming chintz curtains we hear the crack of a whip and murmurings of rebellion ...

directed through copious ads and pointers both in the print edition and on the website to the Portfolio Online booking system with its onerous commission structure. In this way the role and function of their own websites, e-mail addresses and telephone details is being usurped. B&Bs, they say, are being reduced to the status of suppliers of beds. And too much of their time is devoted to technicalities of the new booking system to which they are shackled. All to further engorge the ever-so-polite Ms Westby-Nunn's bottom line.

Guest houses say Portfolio decision-makers are inaccessible to them and that legitimate queries and grievances go unanswered. They also share a darker concern. Ms Nunn, it is feared, plays the Queen of Hearts at the Mad Hatter's party – disaffection or disagreeable murmuring in the B&B ranks is apt to be met with a swift 'Off with his head!'

Some notable recent expulsions from 'the list' appear to coincide with disputes with Ms Nunn, and smell suspiciously of perfumed revenge. In 2001, Papyrus Lodge mobilised Portfolio advertisers in donating monies to a fund, to finance legal fees for an interdict to prevent Portfolio from implementing its new compulsory online reservation system and fund setting up their own on-line booking service. Portfolio quickly changed its contract to undermine this looming challenge and frog-marched all its clients to the signing table. Papyrus was not invited back into the 2001/2002 *Portfolio Retreats Collection*.

At the same time, Karrad Guest House sought changes to the Hout Bay classification in the *Portfolio B&B Collection* to better reflect, as they saw it, the suburb's geographical proximity to the Cape Town city center. Portfolio refused. It also decided to expel Karrad's owner from the publication, despite having banked some of his cheques, inspected his property, and even approved the advertising copy for the next listing.

Karrad was forced to secure a court interdict to remain listed in the 2001/2002 *Portfolio* booklet. In her judgement, Judge Belinda van Heerden had the following to say:

'In my view, Portfolio's dogged insistence, right up to the day upon which these proceedings were launched, upon its right to remove Karrad's entry, for whatever reason, at any time before publication, justified Karrad's fears that she might still, prior to the looming date of publication, exclude the Applicant's entry from the booklet.'

But what's a year between friends? Karrad Guest House has not been invited back into the *Portfolio Collection* of B&Bs for 2002/2003.

More recently on the receiving end of Ms Nunn's wrath has been Whale

Cottages, run by Christiane von Ulmenstein (no sugarplum fairy herself when it comes to business). As organiser of an informal network of Camps Bay B&Bs, Christiane was instrumental in setting up a meeting with Portfolio management at which widespread dissatisfaction with the onerous commission fees for the new online bookings as well as various technical problems with the system were raised. She wrote the minutes of the meeting, recording some of the less complimentary things said about Ms Nunn's business. Despite a written apology to Ms Nunn, Whale Cottages has since been advised that it will not be invited to participate in the 2002/2003 *Portfolio* B&B Collection.

In a letter to members, Portfolio addresses each case: Papyrus, it says,

was expelled for trying to organise an alternate reservation system; Karrad had 'unilaterally' deleted part of the standard contract; and as for Whale Cottage, why Whale Cottage had simply attracted an avalanche of guest complaints.

Portfolio has conspicuously failed to supply Whale Cottage with documentary records showing the negative feedback. Nor, according to Christiane von Ulmenstein, had it inspected the Whale Cottage properties prior to de-listing. So could it be that, as Christiane claims, her outspokenness has been her ruin? The other two de-listings don't appear to harm this view.

Is the Queen of Hearts acquiring a taste for wielding the Big Stick? Indeed, it is said that greed is good, but hubris is divine. *n*

and Cadbury's chocs aren't so sweet either

Amidst the flood of 'Nigerian' scam e-mails, many South Africans would recently have been delighted to receive the following sweet e-mail:

Dear Chocolate Lover

Ever wanted to invent your own chocolate? Well now is your chance!

Cadbury has a fantastic new 'Chocolate Inventors competition' and the winning idea stands to win R50 000 in cash and a year's supply of chocolate.

So go to our web site now and get inventive. In order to win you need to think up a great chocolate idea, then write it down or draw it for us. Good luck!

The Cadbury Chocolate Team

Lorna X, came up with an idea that is so original she was sure it would win hands down. Hold it, said husband Don (a wise man), first let's go to the web site and read the Conditions of Entry.

And they did.

What they found there was a story-and-a-half, rather than the widely advertised glass-and-a-half. While the ad rap was sweet and milky, the terms tended more to the dark and bitter.

Particularly galling was paragraph 3.1.

It states: 'All entries [*i.e. not just the prize-winning entry*], remarks, suggestions, ideas, graphics, or other information communicated to Cadbury's through this site will forever be the property of Cadbury's .. without limitation.'

Every entrant is even deemed to 'cede, assign and make over' to Cadbury's any right to 'claim authorship or to object to any distortion, mutilation or other modification of the Submission'.

Paragraph 3.2 made just as unrewarding reading: Cadbury's will also not, it stated, be required to 'treat any Submission as confidential and will not be liable to anyone in any way whatsoever for any ideas (including product, or advertising ideas) submitted to the Site.'

More baldly stated: 'Cadbury's will be entitled to use the Submission for any commercial or other purpose whatsoever [*including selling it to another company*] without compensation to you or any other person sending the Submission.'

It gets worse. While you don't collect on the upside, you do collect all the downside. If Cadbury's collect any flak for filching your idea (maybe someone in Costa Rica happened to have the same delicious idea last night - and patent it this morning), you, not Cadbury's get to

carry the can for the court cases that follow. Because, it is stated in the Conditions of Entry: 'You warrant that in making any Submission you do not infringe or violate the rights of any third party'. You further acknowledge that you 'have full responsibility for the Submission, including its legality, reliability, appropriateness, and originality'.

Let's face it, Cadbury's have had the sweetest, tackiest chocolate idea of all: how to run a competition that gets you thousands of great chocolate ideas for the price of just one!

Don wrote a letter to the Cadbury's team. 'I think it stinks,' he told them. 'My wife's really wonderful, unique idea for a chocolate which is sure to be a smash hit WORLDWIDE is going to go to your main competitors, as soon as I discover who they are.'

Wait, dear reader. Be fair. Listen to what Cadbury's marketing director, Amanda Broughton had to say in response to Don's 'concerns'. Why, she told him, those who get their ideas filched by Cadbury's [OK, she didn't quite put it that way - Ed.] get other rewards (other than cash, that is). First, she told Don, they get 'an exciting opportunity to participate in the chocolate

experience'. That's not all! They may, even, have the opportunity to 'have their idea converted into a new product! And Wait, There's More! 'Cadbury may invest large sums in converting your idea into an enjoyable product which has the weight of the Cadbury brand - which is much admired worldwide,' Amanda wrote to Don. Wow!

According to Amanda, it's win-win all the way, even for the losers. They get to provide Cadbury's with valuable insight into 'what you, the consumer, would like Cadbury's to create so that you will ultimately have your preferred choice of quality products that fits in with your taste and lifestyle'.

Ultimately, Amanda concludes philosophically, any competition is a chance to win. 'That's the spirit in which Cadbury's

offered it.' [Indeed! - Ed.] And 'almost all consumers accept it in the same good way'. Except, of course, for Don, she noted with regret.

PS. Fair reporting requires us to inform readers that the Cadbury's competition website did offer an alternative to entering the competition.

We quote it in full:

'If you no longer want to receive any mail from us please unsubscribe here.'

PPS. When next CapeTalk Radio or Radio 702 promote the competition on one of their programmes, try calling in to voice your objection.

Chances are they will refuse to take your call. Gaye Davis refused Don's call. After all, you can't allow a caller to bite the hand that feeds you! *n*

Will somebody answer the phone!

I was having an out-of-body experience and almost astral travelled yesterday, so I centred myself with the help of my spirit guides and then the phone rang.

Sensing the negative vibrations, I threw the *I-Ching* and checked my numerology chart. I nearly had a primal, but my energy was blocked.

I did bioenergetics and self-parenting, took flower essences and ate an organic bran ginseng muffin, but my inner child wasn't feeling nurtured. To fix this, I ate a Rice Dream Frozen Pie, which, of course, made me hyper. To fix that, I practised the relaxation response technique I'd learnt at the Self Healing Angst Tree Defoliating Centre while listening to subliminal tapes. That left me feeling depersonalised, so I tried some polarity work, foot reflexology and past-life regression, then rebirthed myself and called Moon Beam, my body worker, to make an appointment for a shiatsu/reike / rolfing / Feldenkreis / Swedish / Japanese deep tissue massage.

Unfortunately, she flaked out and never returned my call, so I energised my crystals and did some positive imagery. Then I had a psychic reading at Mother Heart Love on the issue of my assertiveness so I could feel my radiance and have energy for my psycho calisthenics and inversion swing before my harmonic brain

wave synergy session. This made me more focused for my actualisation seminar, holistic healing class and dream workshop, which in turn made me clearer for my Gestalt behavioral cognitive transpersonal Ericksonian-Rechian-Jungian-Freudian session at the hot springs. But my aura was too weak for my trance channelling group, so I fasted until noon to recharge my chakras. At that point, I sensed my intuition was high and my cycle focused, so I switched on the ion generator to open up for my neural linguistic programming session.

My pyramid needed recharging before my guided synchronicity meditation, so I had craniosacral therapy, which aligned me for the fire walk from my tarot card reading to the sensory deprivation tank. However, what I truly needed was a meaningful relationship to mirror myself. My personal shaman and my guru were no help, so I went to the Intensive Whole Life Earth Rebirth Cosmic Expo Workshop to find someone who really knew what was going on.

That didn't help either, so I locked myself in a calcium coated Orgone Box and meditated until 9pm.

None of it really worked for me, so I rolled me a fat doobie, got baked and drank a six pack -and dude ... did I feel right with the world!

[Thanks to Gavin McFadyen, London] *n*

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H by A HAROLD STRACHAN

B D A B S



The only way to handle the habdabs and horries, says my daughter, who is wondrous wise, is to betake oneself in one's tekkies to the racecourse of a winters morn and there step out a three-kay circuit, swiftly swinging the arms, joyously hailing the hadedas at work on the worms and the maintenance lads at work on their tractors and things.

Should one go via the bot gardens and hail all harmonious nature round there, that would give one five fruitful kays and one would return a nicely adjusted girl or, in your case, grandfather.

Do you not notice, dear heart, I exclaim, I already am a nicely adjusted grandfather, caring neither feather, fig nor puff of smoke for the high priests of this world. But pray, dear child, what may these horries be that afflict your soul at the mere age of forty? These horries, she explains, occur at the time of REM sleep, when I dream of a bloody big asteroid the size of Durbs hurtling from the heavens to squash us all; and various idiocies like some Egyptian fundamentalist van der Merwe hijacking a hot-air balloon and flying it suicidally into the Great Pyramid of Khafre, that's the big one in the middle.

The habdabs are about poor kids without jerseys in winter and I haven't got sandwiches for them at the robots, and whom I should vote for since our government doesn't help – all that stuff I can't do anything about, know what I mean?

Well, you could vote for Tony Leon I suppose, say I, but that's much like the hot-air-balloon-and-pyramid nightmare,

know what I mean? My best scheme is to collect your *kleinboet* tomorrow and we'll establish this your healthful habit of daily strength-through-joy 'mongst the earth-worms and horse manure.

It's a fine ol' blusterous day as we set forth hotfeet along the ambulance track. We stop to mock a pied crow battling the turbulence, making a groundspeed of zero. I demonstrate how we students used to yodel in the Schwarzwald, letting the song fly down the wind. They have yarns about peddling plastic wrist watches at a Zimbabwe marketplace. Hilarious, I say. No, says Susie, the hilarius is the upper arm bone. No, that's the ridiculus, says Joe: that's why it's called the funny-bone. All is merry as a marriage bell.

At kilometre three or so we notice a little wooden Wendy-house thing up against the perimeter palisade of the course. Strange rickety structure, I observe, I wonder management allows it. Somebody's selling takeaways there, says Joe, and sidles over to see. An old bloke with a white beard smiles at us. Bunny chow, I got, he says. Roti with beans. Puri patha. Curry peas. Jawbreakers. Honey rings, all kind sweetmeats. Tuesday, Friday I got curry chicken.

But who do you sell it to? I ask; there's nobody here. You here, he replies. Course worker come here. Zulu fellow betting at Tote that side come here. Sometimes people in the street stick their hand through the fence. If I catch a nice fish will you curry it for me? asks Joe. Same time, he says. If you got old TV, VCR, anything, bring it, I sell it at the flea-

market Saturday. All my family unemployed, he says; my son fix it up nice, he sell it also.

How old are you? asks Susie. Seventy-six, says he. Oh, says she, that's the same age as my father here; don't you get a pension? Six hundred rand, says he, some change. Oh hell, I think, he's going to ask me what I get. What pension you got? he asks. No, I've got a veteran's pension. Ja, says he, how much? Three thousand six hundred, I reply, some change. But he's not envious or indignant. Tell all your friend, says he, when they want Indian foods, come here.

I notice Sue sitting on an old chair he has over there. Maybe her legs are sore from all the *Kraft durch Freude*. I move across to ask if she'd like a Coke or something, and notice she's weeping. Then I notice it's not from sentimentality, it's from rage.

So this is one of the parasite shopkeepers that fat-arse privileged prig sings about, says she. This is one of the plunderous foreigners in his envious racist category of undesirables, blocking decent black folks from entry into business and commerce. See this dude sitting with his bitter drooping fizzog in his nice big armchair there in the newspaper picture, gazing condescendingly down upon us. The humanitarian authority, puffed up with barbarous self-importance.

It might be less offensive if his art weren't so crude, says she. He's as musical as a rubber saxophone.

Well, she should know. It's her job. You should hear her playing Scarlatti on the harpsichord. *n*

smalls

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Sam Turecki, happy 70th birthday this past June 17! – from Merlyn, Jack & family [1943]
Quentin Hogge wishes to protest most strongly about everything [2019]
Darrel B-B, yes there are four women to every man in CT; instead of the Chalk & Cue, try Dutch on Saturday morning. – S,S, J&J
Edwin and Pat, thank you for being such great friends – AJ [10092]
Happy Birthday, Colleen de Klerk! I love you very much. – Patrick [9152]

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