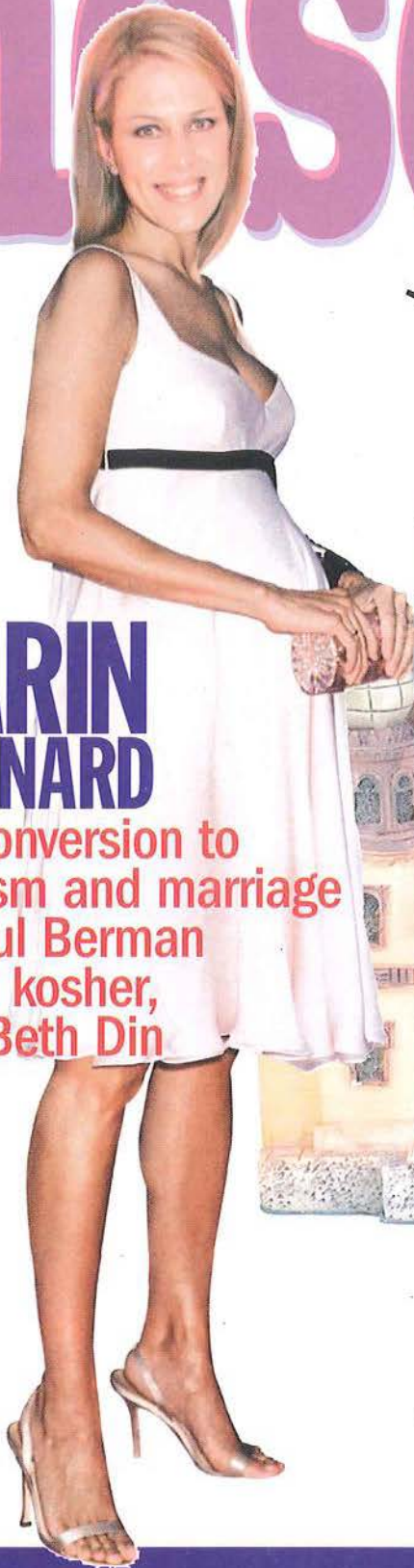


news you're not supposed to know

noseweek

Oct-Nov 2002 Issue 41 R19.80 (inc VAT)



*Please, Mr Segal,
please make it legal,
please make it legal,
for me! ♪*

KARIN BARNARD

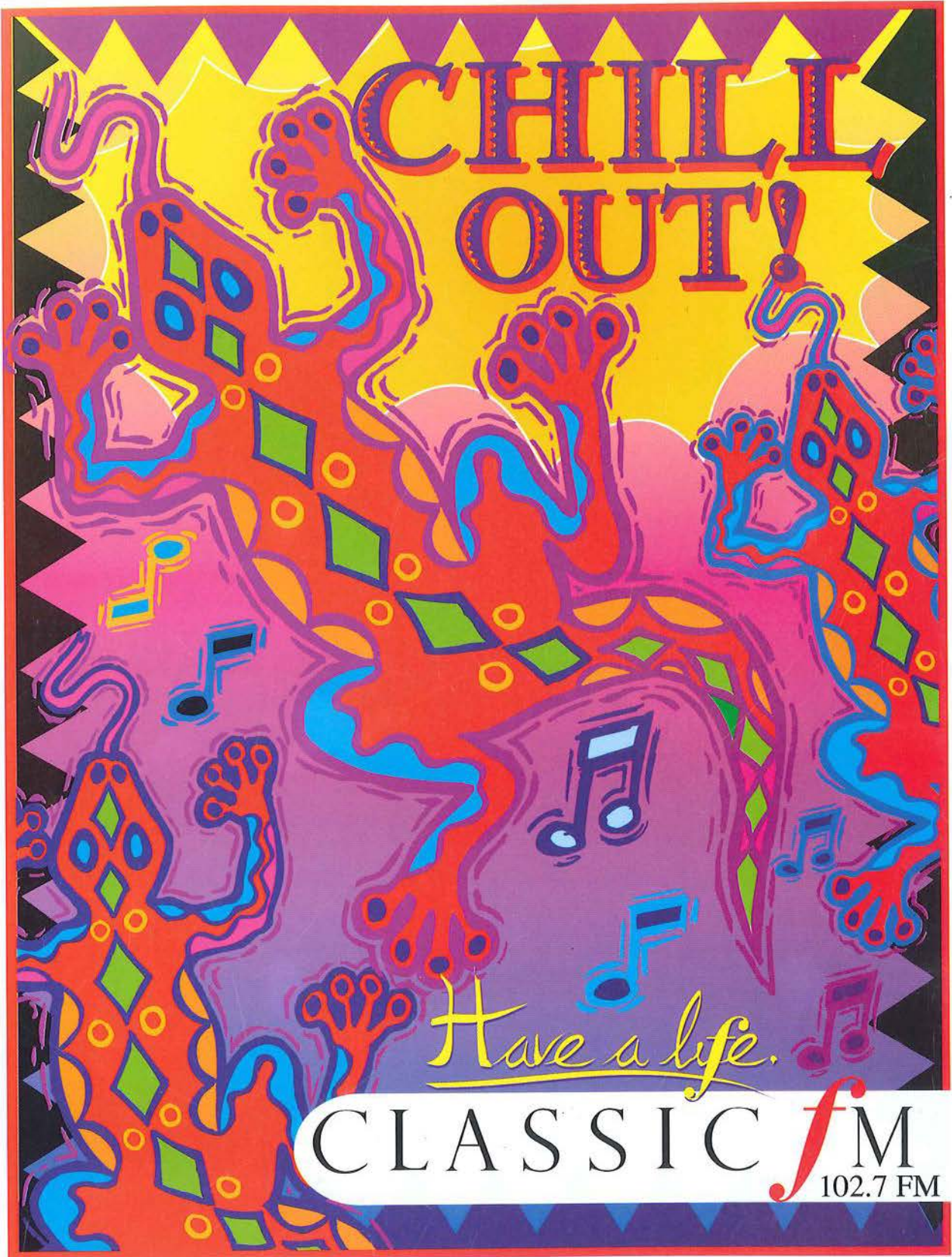
Her conversion to Judaism and marriage to Saul Berman aren't kosher, says Beth Din

SHLENTER IN THE SHUL?

Johnnic cuts staff to give three bosses a R12m bonus

Saambou: what's the Reserve Bank hiding?

How Pretoria failed to get the world's tallest skyscraper
What Aussies think of SA immigrants ■ **Land reform disaster**
Poison at the Post Office ■ **Plus Swersky, Investec and more...**



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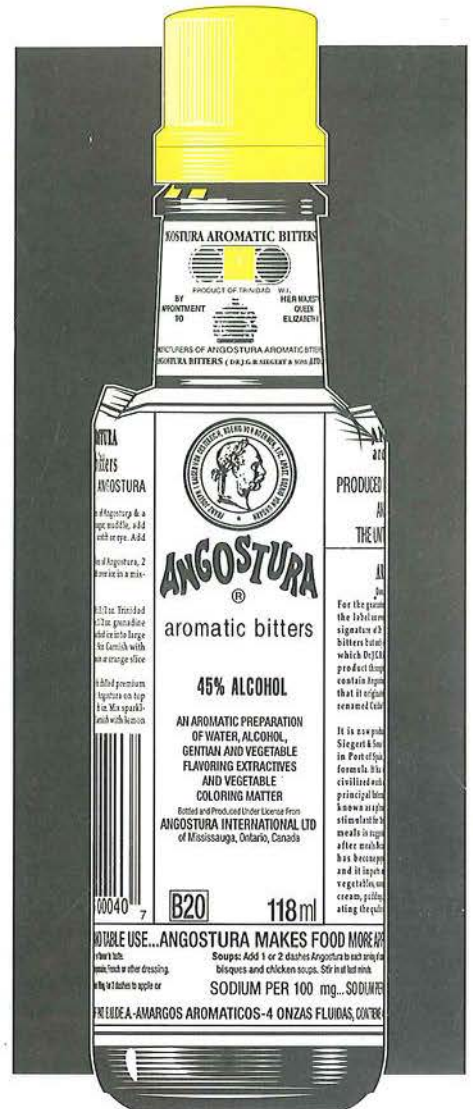
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In and out of bed with Liz

As a regular *noseweek* reader, I was disappointed in your article "Bed and Bondage", which reported on the "stick wielding" tactics of Liz Westby-Nunn.

I have owned a guest house which advertised in her *Portfolio Collection*, as well as having been employed by the company to assess its [sic] establishments.

I was amazed you gave the guides and Liz no credit for having positioned SA's accommodation industry in the international arena.

The *Portfolio Collection* has become the one grading system travellers can count on. I have seen shabby, badly run establishments pull up their socks very fast after a visit from *Portfolio*, and we're all the better for it.

Jenni Saunders

Getaway Travel, Cape Town

We regret we have had to report you to the Apostrophe Society (where we have habitual offender status). As you appear to be a disciplinarian yourself, you will be pleased to learn we have seen people pull up their socks – as far as the correct use of the apostrophe is concerned – very fast after a visit from the Society.

For the record: our story commenced with a large-type paragraph which read: "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." You missed it? – Ed.

■ So pleased to read your article on *Portfolio* and Liz Westby-Nunn. I think you were kind to her. I advertised in *Portfolio* for three years, enduring 25-30% rate increases every year – which they always attributed to "rises in the cost of imported paper".

I declined to go into the last edition because I have only two rooms, our wine business was growing, and we did not want to grow the B&B. In a flash, Ms Westby-Nunn removed us from the *Portfolio* website – before our year had run out, despite their contract clearly stating the site is included in the price.

I now advertise in the *Greenwood Guide*, which is better than *Portfolio*. The UK-published *Greenwood Guide* costs the equivalent of R3 500 as opposed to *Portfolio's* R22 000. The quality is superior, as is their website.

Sue McNaughton
Graceland Vineyards,
Stellenbosch



Peabody

*To B&B or not to B&B?
That is the question.*

Harmful business practices

I'm amused to have received from you on the same day two documents which refer to me. In the one, *nose40*, I am referred to as an arrogant ass. In the other – a letter requesting I renew my subscription – I am described as "one of those special South Africans that not only values but is prepared to actively support an independent press". Rather insincere, what?

As far as Mr Emerald Van Zyl [The interest recalculation who revealed that Saambou has knowingly overcharged its bond clients for more than a decade, defrauding them of a billion rands or more. – Ed.] is concerned, the Consumer Affairs (Unfair Business Practices) Act of 1988 makes it a criminal offence for those involved in the Committee to discuss these matters with the press before the investigation is completed. This is obviously necessary in order to protect the business interests of those who are being investigated by the Committee. [Come on! You're talking to *noseweek*, remember! – Ed.]

I am not sure why it is alleged that the Committee acted unlawfully. Section 8(1) (a) of the Act reads as follows: "... the Committee may on its own initiative, and shall on the directions of the Minister, make such investigations as it may consider necessary..."

Section 8(4) states that the Committee "shall by notice in the Gazette make known any investigation which it proposes to make in terms of subsection (1)".

Professor Tanya Woker
(Vice-Chairperson, Consumer Affairs Committee, DTI)
School of Law, University of Natal, Durban

Regrettably, your support of noseweek has not prevented you from continuing to make an ass of yourself when it comes to your position as a quasi-judicial functionary of the Department of Trade and Industry. The phrases "on its own initiative" and "on the directions of the Minister" in the Act, in our law automatically imply "with good reason" and

don't mean that your Committee or the Minister may act at whim, maliciously or simply to cover their own asses. The conflict of interest implied by your role and that of the minister in the Saambou / Emerald van Zyl matter is so shocking as to amount to an abuse of power. No self-respecting lawyer would tolerate such a situation. That is the overriding legal issue – which you choose to ignore, in the apparent belief that Section 8 of the Act is an adequate figleaf with which to hide your shame.

That Trevor Manuel and Alec Erwin should play a shady role in your Committee's actions is understandable, if inexcusable. It is in their political interest to cover up their connivance and incompetence: politics is a brew where scum is expected to rise to the top. But you?

See our Saambou story on page 9. – Ed.

Nauseous Weak

The article entitled "Hands off! says Standard Bank" in *nose40* gave me cause to reflect.

What good clean fun to tarnish others' trade marks. It rivals defacing statues and damaging artworks. Standard Wank with an accompanying picture. Ho, ho, ho. What a hoot!

Forget the nice profits from riding on the back of, and corrupting, others' valuable trademarks. No, that is not the point. It is all about raising a laugh (at someone else's expense) and giving vent to one's right to freedom of expression.

Trademark proprietors really are humourless fuddy duddies. They cannot even see the funny side of having their valuable brands, built painstakingly and at enormous cost, debased (Coke's trademark was valued at R738-billion in 2000).

As for those dull trademark attorneys who do their utmost to give effect to their clients' instructions – how unimaginative and bourgeois.

Doubtless you live in a nice suburban house. Given the

tenor of the article, obviously you would regard it as lots of fun if someone emblazoned your walls prominently with "Nauseous Weak". The value of the houses would surely not be diminished.

But, fear not; it is unlikely to happen, for it is still considered honourable to respect the integrity of private property, as banal as this may be.

O H Dean

Waterkloof Ridge, Pretoria

Rather than "reflect", perhaps you should think. We did not deface a sculpture, your home or Mr Coca-Cola's house. Justin Nurse made a pointed joke on a T-shirt, to be worn by anyone who chooses to. He made a modest profit, we hope, on a few of the shirts. Nothing like the super-profits Standard Wank, Coca-Cola et al happily make defacing the countryside with billboards carrying their logos. Nauseous Weak - now there's an idea for a T-shirt. We note the email was from j.eagar@spoor.co.za. Could this bear any relationship to the trademark attorneys Spoor & Fisher mentioned in the story? - Ed.

Standard wankers

So the big Corporates are rolling out the artillery to gun down Justin Nurse of Laugh-it-off Promotions (*nose40*). Surely they've got better things to do? As for "patent" attorneys, they promise to be bigger wankers than just "ordinary" attorneys! Justin, keep up the good work. I love it!

Sam Muller
Port Elizabeth

Just Ronnie?

nose39 depicts Ronnie Kasrils as the only Jew in SA who supports the Palestinians and opposes the continued occupation of Palestine. This is frightening if it's true. I would prefer to think you misrepresented the truth rather than believe that every single SA Jew, bar one, would deny an entire nation their birthright.

'Joe Smith'
Durban

Let them eat land!

Readers who see a justification for the ultimate right-wing nightmare in our story on the land issue on page 11 will have missed the point completely.

All land occupied by humans was probably once occupied by someone else. More often than not it can be said to have been "stolen" from the previous occupants. An argument can always be made for a score to be settled. In Jonny Steinberg's remarkable new book, *Midlands*, a journalist investigating a farm murder in Natal asks a local: "Why [do] people want to kill each other here?"

The reply: "They want the bush back. Like it was before the whites arrived."

But then, of course, we know for certain that the Zulus were not the first occupants of today's KwaZulu-Natal. As certainly their predecessors did not leave happily - assuming they were left alive to leave.

For some helpful perspective, recall that scarcely 70 years ago Afrikaner nationalists, too, were declaring that all Afrikaners were *boere* who wanted "their" land back. It was a historically sentimental view at best, but it won an election. The state made thousands of "agricultural" smallholdings available to poor whites, where they were supposedly going to keep a cow, plant a

small orchard, grow vegetables. All most of them produced was children and a few rusty car wrecks. Poverty remained endemic until they got a state-funded education and a (probably state-funded) job in the city.

South Africa is filled with conquerors and victims, with victories to cling on to, or defeats to avenge.

In the 1990s, we finally saw the bigger picture: we all depend for our survival on the same piece of land.

To suggest that black South Africans might "return" to some sort of rural idyl that in reality never existed, is not merely sentimental; it is politically dangerous.

The poor, like everybody else, simply want their spot in the sun: a place to live, enough food to survive and the skills and means to earn a better living. It is fair to assume that as few black as white South Africans want to be farmers. They elected the current government to provide housing, support for the poor, education. Taxation is one of the more obvious ways of achieving such a redistribution of wealth. As a response to the clamour of the poor, the slogan "Let them have land!" has as little moral and political integrity as Queen Marie Antionette's answer to the cry of the hungry mob: "Let them eat cake!"

A helping hand for Saambou

Encouraged by the banks, the Department of Trade and Industry has for several years been actively attempting to discredit interest recalculators and discouraging the public from making use of their services. While there were some delinquent practitioners, most interest recalculators were simply trading on the discovery that banks often secretly overcharge their clients, some of them to ruin.

These businesses only failed because the banks dug their heels in, hiring lawyers to make sure it would be beyond the means of any victim to bring a High Court case against a bank to conclusion, no matter how accurate the interest recalculation's advice.

That, of course is the sort of situation where, in theory, a democratic state would intervene on the side of the powerless against the the powerful. Instead the Consumer Affairs Committee of the DTI aggressively prosecuted interest recalculators, while the department itself took a policy decision not to enforce the Usury Act against banks. It's an ugly story.

As a result, the state now has a direct financial interest in keeping the Saambou victims in the dark. Advised by our old friends Sonnenbergs, the Treasury has been a secret party to the "settlement" negotiations for that very reason. Now see Letters (opposite) and Pages 7 and 24. - **The Editor**

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Some choice cuts at Johnnic

It must have been a tough call for the bosses at the highly profitable company that owns the Financial Mail and Business Day, when they decided to sack 25 staff to save R10m – and then pocketed R12m in bonuses!

At the beginning of this year, 25 journalists and support staff at *Business Day* and the *Financial Mail* were forced to take “voluntary retrenchment” after directors of 50% empowerment owner Johnnic demanded staff cuts at the publications to save R10m.

It would have been nice if the then executive directors of Johnnic Communications had set a better belt-tightening example. Instead there were those mysterious loans totalling R17.5m that chairman Paul

Edwards, executive director Irene Charnley and financial director Jacob Modise (see box) dished out to themselves.

The loans, tucked away on page 77 of Johnnic's 2001 annual report, were described as investments in unlisted companies. Preference shares were listed as:

- R3.6m in Isivuno Investments (Pty) Ltd;
- R1.2m in Bunker Hills Investment (Pty) Ltd;
- R4m in 51 Harrow Road, Sandhurst (Pty) Ltd;

- R3.9m in I Charnley (Pty) Ltd;
- R2.4m in Modise Hospitality Dainfern (Pty) Ltd; and
- R2.4m in Modise Hospitality Atlantic Beach (Pty) Ltd.

This year Edwards and Charnley took these generous loans with them to unbundled M-Cell, where Edwards was briefly chief executive officer until being replaced by Phuthume Nhleko. Charnley is now M-Cell's commercial director.

Why didn't Edwards come clean from the start and declare the handouts

Their reasons to be cheerful: Parts 1, 2 and 3

PAUL EDWARDS hails from that bastion of the working class, Birmingham in the UK. When he was nine, the family moved to Rhodesia. After going to Milton High in Bulawayo, Paul taught sport for Ian Smith's Ministry of Education.



He later enrolled for an MBA at UCT's business school, graduating with distinction in 1982. He spent seven years in the East, working for billionaires Rupert Murdoch, Chinese media mogul Li Ka-Shing and Malaysia's Ananda Krishnan.

In 1999 he was head-hunted to become Johnnic's CEO. He did sterling work reorganising the shambles. Clearly he also felt he had some personal financial catching up to do.

■ Note to Big Bad Uncle Bob: With R1.2m recently lavished on improvements to this old colonialist's Zim bolt-hole, the property (address supplied on request) might make a nice acquisition for Mrs M's property portfolio. – Ed.

IRENE CHARNLEY, former scourge of the capitalist fat cats, obviously found it less bother to join her former class enemies than to beat them. The ex-unionist rose fast at the National Union of Mineworkers



where she was mentored by Cyril Ramaphosa and created union provident funds for pensionless black mineworkers. She now sits on the Johnnic Holdings board which

Ramaphosa chairs.

A hint of her fat cat aspirations came last year in a question- and-answer session with *The Sunday Times*:

Question: “What did your union negotiations teach you about capitalist bosses?” Answer: “You can be better than them. If you understand their business better than they do you'll always outsmart them.” So she has. And the workers too.

JACOB MODISE is now based at Johnnic Holdings, where he is responsible for flogging the group's non-core assets. These do not, naturally, include his tasteless Dainfern snuggery.



were for Johannesburg mansions and holiday homes for himself, Charnley and Modise? For Bunker Hills Investment read Edwards's retreat in Zimbabwe and for 51 Harrow Road, his Jo'burg pad. At least half of Modise's millions were for a mansion in the exclusive Dainfern walled residential complex north of Johannesburg. Charnley collected R3.9m for her not-so-humble abode.


Johncom boosted revenue by 19% to R3-billion in the year to March 31. Pre-tax profit soared from R29.3m to R212.3m.

The lucky trio of Edwards, Charnley

The loans, tucked away on page 77 of Johncom's 2001 annual report, were described as investments in unlisted companies

and Modise didn't do so badly at Johncom this year either.

The 2002 Johncom annual report (to March 31) lists emoluments to Edwards of R10.8-million, of which R7.7m was a bonus; R4m to Charnley, of which R2.7m was a bonus; and R3.4m to Modise, of which R2m was a bonus.

The bonuses alone total R12.4m. A couple of million more than the R10m they demanded be saved by staff cuts at *Business Day* and the *Financial Mail* 



Saambou: What's the Reserve Bank hiding?

There's a very discreet buzz in Johannesburg's banking circles that the Reserve Bank is sitting on a secret report said to contain evidence of massive wrongdoing by top executives of failed Saambou Bank.

An early draft of the phantom 600-page report, drawn up after months of investigation by forensic investigators at KPMG, was apparently complete at the end of July. One who has seen it confides that it names Saambou executives and details how hundreds of millions of rands were moved in highly questionable, if not illegal, transactions.

However, at a meeting around the end of July with the KPMG investigators, Reserve Bank officials are said to have hummed and hawed when confronted with the damning evidence, before sweeping it all under the carpet by saying that further investigation was required before action could be taken.

Which seems odd, since the report's main allegations against specific individuals are apparently clearly documented.

So why the cover up?

If the Reserve Bank is indeed in



Photo: Sunday Times

Reserve Bank governor Tito Mboweni

big stink reflect adversely on their price tags – or scupper the sales completely?


So far the blanket of silence has worked. In the many weeks that the secret report has been kept under wraps Louw has been able to flog off Saambou's asset-based finance division, Planet Finance, (to Imperial

It is the duty of governor Tito Mboweni and his once so courageously outspoken deputy, Gill Marcus, to place the report before the public, not to speak of handing it to the director of public prosecutions

possession of evidence of apparently illegal actions that could have hastened the collapse of Saambou Bank, surely it is the duty of governor Tito Mboweni and his once so courageously outspoken deputy, Gill Marcus, to place the report before the public, not to speak of the director of public prosecutions, without any delay at all?

Another advocate for silence, according to our mole, is Saambou's curator John Louw (who just happens to be employed by KPMG). It seems that Louw doesn't want a big scandal breaking while he attempts to flog off Saambou's remaining assets. Might a

Bank, for R838m); African Bank Investments has snapped up the R2.8bn personal loan book for around R1.25bn; and FirstRand will pay R984m for 65% of Saambou's R1.4bn lower-end housing finance book.

We intend examining the "secret" report in great detail and will, at the first possible opportunity report to our readers, so that they can determine who the Reserve Bank is serving with its silence – the public interest, or one less honourable 

State helps Saambou defraud the poor: Page 18



Pic: Sunday Times

For Karin Berman – flanked by celebrity friends Shadow Twala (left) and Gloria Arendse – marriage seems to bring controversy. Her previous one, to heart-surgeon Chris Barnard, drew comment because of the huge age gap between the couple.

Not made in heaven

The Orthodox Jewish authorities in SA have refused to recognise the quickie conversion and marriage of Karin Barnard, fuelling a row that threatens to split the SA Jewish community

Karin Berman (formerly Barnard), who converted to Judaism before marrying construction tycoon Saul Berman, has been told by South Africa's Orthodox Jewish authorities that they do not recognise her conversion or her marriage as valid under Jewish law.

Not only is Karin not Jewish, says the community's judicial authority, the Beth Din, but Saul will be excluded from holding office in any Orthodox synagogue for marrying "out of the faith". The child the couple is expecting

will not be recognised as Jewish.

There are undoubtedly questions over how Karin converted to Judaism, but many members of the Marais Road synagogue in Sea Point, where the newlyweds were warmly received, believe the Beth Din is being unnecessarily harsh and is using the incident to bring the whole Sea Point community, which it sees as "too liberal", to heel.

Indeed, when asked to comment, a spokesman for the Beth Din pointed to the "wishy-washy and chequebook Judaism" practised by prominent members of the Sea Point synagogue.

Karin's conversion is one of several cases where the status of a couple accepted into the Sea Point congregation, is now being challenged.

The Beth Din is clearly on the warpath and determined to "clean up".

Perhaps anticipating such an attack, the executive committee of the Green and Sea Point Orthodox Hebrew Congregation in August proposed that the congregation disaffiliate from the Union of Orthodox Synagogues of South Africa and establish its own, independent Beth Din. Until now neither side has actually dared cross the Rubicon.

Saul Berman was, until last year, a prominent member of the committee of the Green and Sea Point Hebrew Congregation – the largest, and probably the wealthiest, Jewish congregation in the southern hemisphere. His brother Paul is editor of the congregation's newsletter and the family sponsors many of the community's projects.

Karin did not undergo the conversion course offered by the local Beth Din. This requires strict adherence to all kosher rules and attendance at regular lectures over two years. Instead, shortly before their marriage, she and her fiancé travelled to Paris. There her conversion to the Orthodox Jewish faith was certified by Edmond Amsellem, a rabbi whose Orthodox credentials were supported by testimonials from the Chief Rabbi of Paris and the Sephardic Chief Rabbi of Israel.

From Paris the couple made for Rome, where they were married by a Rabbi Rosen, who says he accepted everything as kosher based on an introduction from Rabbi Steinhorn of Sea Point. (Saul Berman has since told the Beth Din that Steinhorn, who is his uncle, had nothing to do with it.)

But all was not kosher. It transpires the testimonials offered by the Paris rabbi, who so quickly and kindly admitted Karin to Judaism, were rather old. Very old. In fact, they were withdrawn 20 years ago, when he was officially discredited for having certified conversions for a fee.

Another well respected couple in the Sea Point congregation to have earned the Beth Din's wrath are businessman Mayer Abdolaziz and his convert wife, Ruth.

The Beth Din demanded that Mayer substantiate his wife Ruth Howarth's conversion and their Orthodox marriage. The documents he produced to certify her Orthodox conversion and their marriage were reportedly iffy. For example, three places for the wedding were shown: Cape Town, Paris, and Israel. On one document, one place is crossed out and another substituted for it.

It transpires that the Abdolaziz couple were another of Rabbi Ansellem of Paris's "customers".

The Beth Din, with the support of Chief Rabbi Harris, has severely reprimanded the controversial but hugely popular rabbi of the Sea Point congregation, Rabbi Elihu Steinhorn, for apparently condoning, perhaps even facilitating such "corrupt" conversions.

Steinhorn, who has for a decade been at loggerheads with the Beth Din and chief rabbi, has also been warned he could be expelled as a rabbi for allowing men who have married such "converts" to participate in the rites of his synagogue. For example, Mayer Abdolaziz may no longer be allowed to read from the Torah during services at the Sea Point shul.

Other consequences of "corrupt conversions" might be the withholding of circumcision from a couple's male children and Bar or Bat Mitzvahs as well as Orthodox weddings.

noseweek is reliably informed that, in addition to Berman and Abdolaziz, the surnames Solomon, Hirsch and Florence are among those on the Beth Din's hit list.

Many see the Green and Sea Point congregation as the last outpost of "liberal Orthodoxy" as traditionally practised at the Cape. All other congregations have fallen before the flood of "fundamentalist pietude" washing south from Johannesburg.

There is some truth in this, but the members of the Beth Din don't, in fact, lend themselves to such easy categorisation. Perhaps it's simply a question of clergy doing their job, versus a laity which, has a diminishing need of them.

An estimated 1200 members of the Sea Point congregation attended the August meeting called to vote on the resolution to disaffiliate. At the last

minute, after a letter from Chief Rabbi Harris was read out to the congregants in which he declared they would be barred from all things Jewish throughout the Orthodox world if they dared to disaffiliate, the resolution was withdrawn by one of its original proponents, Judge Dennis Davis. It could well be reintroduced in six months time, if an accommodation isn't reached between the warring factions.

South African Jewry has until now stood out as particularly cohesive. Latvian and Lithuanian Jews made up the overwhelming majority of immigrants,

'Your Rabbi continues to invite non-Orthodox speakers such as Dr. T Reisenberger [Israeli-born theologian at the University of Cape Town], who officiates at Reform same-sex marriages'

— Chief Rabbi Harris

representing the stricter, more observant Jews who had had no taste of the assimilation or the liberal religious movements of Western Europe. Unusually, it is about 80% Orthodox. (The US has only 13% Orthodox; the majority of US Jews belong to Reform congregations.)

Around 60% of South African Jewish children attend Jewish schools, something unheard of outside Israel. While assimilation to South Africa's secular world is today well advanced, the Jewish community is also under stress: decimated by emigration (20 000 since 1994, which has reduced the number here to well under 100 000) and turning inward because of violent crime and the unpopularity of its strong Zionism.

This may explain why membership of the Orthodox community is cherished by people who, in their lifestyle and ideology, have not been Orthodox in decades.

The reasons for conversion to Judaism are many, but the overwhelming majority convert in the course of getting married. If you wish to marry an Orthodox Jew and have the marriage

recognised by the community, you *must* convert.

The present controversy would not exist if not for the stringency of Orthodox conversion. An Orthodox rabbi, when approached, must try to talk the potential convert out of it. This person may be directed toward the status of Bnai Noah, "Children of Noah", or righteous gentiles. The rationale is that nobody needs to be Jewish.

Non-Jews can be acceptable to God through their adherence to seven simple rules, including refraining from murder and from cruelty to animals. The 613 commandments that apply to Jews are another matter. "Better a good gentile than a bad Jew," the saying goes. But even very worldly people want to stay Orthodox, and they want spouses who are also Orthodox. In most cases, it is a fiancée who needs to convert. But many men, formally Orthodox but long secularised, don't like the tedious process this demands, especially since they have to participate.

A conversion programme includes lectures in the Hebrew language and scriptures. In South Africa, the norm is 70 hours of lectures over a two-year period.

The prospective spouse of the prospective convert, unless already a fully observant Orthodox Jew, must attend lectures too. Attendance at Friday and Saturday services is strictly enforced for both, as well as kosher — Orthodox kosher. No prawns or cheeseburgers, and their kitchenware must be carefully deployed to keep milk and meat separate. The couple can't sleep together, of course. Activities on Friday night and Saturday — driving a car, for example — are limited.

Males not circumcised must submit to



Beth Din chairman Moshe Kurtstag (left) and Chief Rabbi Cyril Harris

Cooking up a storm

The popular Rabbi Elihu Steinhorn, who has fallen foul of the Beth Din because of his approach to Judaism – as he appears in 'Rosh Hashanah 5763', a publication edited by Saul Berman's brother Paul and produced by the Green and Sea Point Hebrew Congregation



Cooking with the Rabbi

Rabbi Steinhorn shares with you some of his favourite yiddische recipes

CHOLENT
and meat bones

a ritual operation – a prick to draw blood by a traditional mohel before a medical circumcision can be performed.

A member of the Beth Din (who did not want to be quoted by name), described a number of early dropouts from conversion courses as “wealthy people whose attitude was ‘I can write a cheque and get what I want – even from God’”. As they left, some of the dropouts indiscreetly mentioned that they had discovered easier ways of converting, which is how the Beth Din got wind of what was up.

The Orthodox hierarchy claims there is a worldwide network for corrupt Orthodox conversions (which may seem to the non-religious to be among the more exotic contraband on offer internationally).

Though the normal process is certified, probably all that happens is the sale of a document, in the manner of a mail-order diploma. Edmond Amsellem in Paris, and rabbis Jeffrey Wartenberg and Eli Wanunu in Washington and New York respectively, are among the accused.

The chief sentiment in the Green and Sea Point congregation about the conversions seems to be that they are being used to coerce the community into stricter observance. The children of the controversial converts are the hostages, prone to barring from important rites, and perhaps even from their schools.

One leading congregant (who also wished not to be named) deplored the Union of Orthodox Synagogues’ “myopic,

unlearned” position. He said it ignored the way Rabbinic law had evolved to be flexible in compassionate response to social change. He also accused the authorities of selective enforcement: “They have let slide identical violations in favoured synagogues,” he said.

As for who is to be rated a “bad Jew”:

‘Modern Orthodoxy, with its openness to the world and its humane adaptability in applying the laws, is under threat in South Africa from a “Taliban” of right-wing fundamentalists’

– Rabbi Steinhorn

in 2000 the liberal Reform Rabbi David Hoffman (like Steinhorn, an American) was chosen as a speaker for an inter-sectarian Holocaust Memorial observance. Orthodox clergy fought to have the honour rescinded and, when they failed, several boycotted the event.

This sent much of the laity into rebellion. “It’s not as if Hitler persecuted Jews

on a sectarian basis,” was one remark about the episode.

It is not clear just how much force, practical and moral, any particular decree from any particular centre can have. As one critic observed: “This isn’t the Catholic church.” This is also the position of Rabbi Steinhorn. He protests that “conversion is the least of the issues.” The controversy is about “broad philosophical issues” and “the very nature of what is an Orthodox Jew today.”

“Modern Orthodoxy, with its openness to the world and its humane adaptability in applying the laws, is under threat in South Africa from a “Taliban” of right-wing fundamentalists,” says Steinhorn.

He cites alarming signs from Johannesburg, like the separation of men and women at recent wedding celebrations in congregations that never did this before.


The Orthodox governing bodies have already had many clashes with the popular Rabbi Steinhorn, culminating in the withdrawal of his credentials in 1999 – but this was patched up.

Now the Union of Orthodox Synagogues has identified “continuing violations” of its rules and is professedly not going to take any more of his “waywardness”.

Chief Rabbi Cyril Harris has read the congregation the proverbial Riot Act, telling them their Rabbi has facilitated “corrupt” conversions, and that certain circumcisions are unlawful. (They were performed by doctors, not a mohel, “on children whose Jewish status is doubtful”).

“Your Rabbi continues to invite non-Orthodox speakers such as Dr. T Reisenberger [Israeli-born theologian at the University of Cape Town], who officiates at Reform same-sex marriages,” thundered Rabbi Harris.

He also accused Steinhorn of ordaining a rabbi of Reform persuasion and “giving honours to persons who have betrayed the Torah by marrying out of the faith”.

And so the battle lines are drawn. We wait to learn and become wiser 

What happened to the promised land?

The government's land redistribution programme is simply creating rural slums while destroying some of the country's most viable commercial farms

Throughout Southern Africa – Zimbabwe, Namibia, Botswana and now also in South Africa – the cry is “Give us our land back!”. It's a serious issue, worth serious attention.

But, in all those places it is also quickly identifiable as a convenient panacea to be offered to a hungry, homeless and jobless populace by modern democratic governments who have failed to deliver on their election promises to the poor.

It could, as in Zimbabwe, be the ruin of us all, black and white (see editorial).

Just how politically incorrect it is to raise questions about the programme emerged when the Agricultural Employers' Association (obviously white) wanted to present a paper raising their concerns at the National Land Tenure Conference held in Durban in November last year. Several weeks before the event, they were told by officials of the Department of Agriculture that the conference programme was already “full”.

Just how you can hold a national conference on land tenure without involving organised agriculture in the programme would puzzle most people – unless, of course, the real agenda is something entirely different: not land reform, but political opportunism.

At the conference itself, the farming delegation was not given the opportunity to raise the subject from the floor either.

So, several months ago, they sent a copy to Agriculture Minister Thoko Didiza asking for her comment. So far the minister has not responded.

True to our mission to report what

others would rather you didn't get to know, here is just some of what the Agricultural Employers' Association had to say in a paper drawn up by its director of legal services, Dr Philip du Toit.

The report describes the government's land redistribution policy as ‘an abysmal and dangerous failure ... it is destroying farms, destroying productive capacity and destroying confidence in the future. If events are allowed to proceed as they are at present, South Africa will have to import food within a few years.’

Since the inception of the Restitution of Land Rights Act 22 of 1994, the land reform program has precipitated insecurities within the broader agricultural community, writes Du Toit.

The complexity of structures for establishing policy and implementing it have made matters worse. Land redistribu-

tion and reform policy is administered by the Department of Land Affairs (DLA), the Commission on Restitution of Land Rights (CRLR), and the Land Claims Court (LCC). Complicating the picture further is the role of various provincial divisions of the Agricultural and Rural Development Corporation, a parastatal body that inherited responsibility for various commercial farming projects from various “homeland” governments.

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The Association declares itself sympathetic to the needs and aspirations of the landless and the poor, but says that current government policy is doing very

little to meet those needs while squandering the resources needed to do so.

The problem is not, as many think, the resistance to land reform from white farmers, says Du Toit. Last year a survey by Markinor showed that 63% of white farmers were ready to cooperate with land reform.

Nor is there a shortage of land for distribution. The state itself owns millions of hectares which could easily be used, even excluding so-called Trust Land [*which the government would really rather no-one discussed right now, but watch this space –Ed.*]

At any given time at least 25% of SA's farm land is up for sale, much of it at fire-sale prices. Most commonly, either the farmers have run into debt or their children don't wish to farm and have left for the cities. (The Land Bank alone owns hundreds of farms it has bought in

over the years from farmers who could not repay their loans.)

The problem, in practical terms, is that current policy entails giving productive farms to people with no experience, or even interest, in farming. The government's own statistics indicate that the overwhelming majority of South Africa's disadvantaged black population do not aspire to becoming subsistence farmers. When given the option, 70% of applicants for restitution of land rights have opted to take cash compensation, rather than land.

Du Toit acknowledges that land own-

ership is an emotional and contentious issue. "But we need a rational not an emotional approach to the problem", he says. "Where land has been doled out simply for the sake of redistribution, disaster has frequently followed."

It is the examples which he then quotes which, presumably, made the organisers of the conference so uncomfortable. Here are just some of them:

At the Zebediela Citrus Estate in Limpopo Province, more than 565 000 citrus trees grew on the estate when it was sold to the government in 1974 and became an asset of the Gazankulu homeland. It was reputed to be the world's largest citrus estate – and one of the most profitable, producing a harvest worth R30m a year. The irrigation scheme at the project is one of the most sophisticated in the world.

With the dissolution of the homeland structures after 1994, Zebediela was taken over by Limpopo Province's Agricultural and Rural Development Corporation. Managers with up to 40 years' farming experience were retrenched (at great expense) and replaced by people with none. It has been reported in the press that not one of the new directors appointed to the Zebediela and nearby Lisbon estates could read a financial statement.

Today the estate is rife with mismanagement, theft and corruption. The original 2 260 planted hectares has diminished to 850 hectares. Because no fertilisers and pesticides were used, more than half the trees have died. Only 10% of yields have been marketable.

A loss of R35m last year followed a loss

Sabi-Sabi, but for reasons of historical confusion belonged to the Gazankulu Fruit Company, and is now also controlled by the ARDC.

By last year the estate was on the point of liquidation. The phones were cut because the estate owed Telkom R23 000. While there was no money for pesticides and fertilisers to save thousands of mango trees, a consultant appointed by the province to do a "viability study" was paid R300 000. Representatives of the Department of Agriculture did not bother to attend a Lisbon Estate creditors' meeting.

The famous Gillemburg Citrus and Cattle Farm had an annual citrus harvest worth R14m. The ARDC has bled this farm dry, using its cash resources to fund crèches and pre-schools. It sold livestock from the farm to pay its own head office personnel and electricity bills (having already used government funds intended for drought relief for the same purpose). Now the Minister of Land Affairs has given the 25 000 hectare estate to 724 black families. (A nearby white farmer bought the remnant of the famous stud herd for a song.)

The government paid nearly R5m for



**Agriculture and Land Affairs
Minister Thoko Didiza**

ranching impossible for years. The sheep and cattle pens have fallen into disrepair. There were 500 pigs left alive but they were in such a state of starvation, they had begun to eat each other. (The other pigs had clearly been eaten by someone else). A local farmer was called by the SPCA. The chief was happy to sell him all the surviving pigs for a modest sum of cash.

Another 285 projects managed by the ARDC have not shown a profit for the past five years. Last year the Development

Bank of SA was threatening to cancel R62m in agricultural loans to nine of these projects, potentially devastating the lives of 5 300 emerging farmers in Mpumalanga.

"These examples alone should awaken this country to the potential for destruction of SA's commercial farming activity through government policy," says Du Toit, "but there are many more."

Even the restitution process is frequently carried out in an illogical fashion says du Toit.

A Putfontein community received compensation at the time of dispossession of their land, in the form of land elsewhere and monetary compensation. The community is well settled on the land it received as compensation (from the apartheid government). By means of an agreement between the claimants and the state, the state paid millions to buy back their original land in order to restore it to the community. Now the community has their original land back – as well as the land received as compensation. This while many thousands have received no compensation at all, and squatters who invade state land are evicted.

At Mabaalstat the tribe owned 7 000 ha. Upon removal by the apartheid government it received 17 000 ha of prime agricultural land elsewhere, says Du Toit. Now the tribe is claiming back the original 7 000 ha, although the chief has testified in court that he will not relinquish a centimetre of the 17 000 ha.

Where land has been doled out simply for the sake of redistribution, disaster has followed

of R30m the year before. Hundreds of thousands of cartons of oranges and lemons have not been harvested. Workers have not been paid. A lemon yield worth R8m was last year left to rot. Many of the fleet of 50 tractors are in disuse and hundreds of employees have been retrenched.

The Lisbon Citrus and Mango Estate was once the largest producer of mangoes in Africa and boasted an annual turnover of R24m. It exported 1.2 million cartons of mangoes and 800 000 cartons of oranges annually.

This estate is in Mpumalanga near

a 2 750 ha Mpumalanga pig farm – where 2 400 pigs were sustained by state-of-the-art feeding equipment. The farm was a going concern, with ample water, fertile ground and modern sheep and cattle feeding pens. The state handed it over to the stewardship of a local traditional leader. Nelson Mandela presided at the handover, where he predicted the farm would be the "breadbasket of the community".

Today it is in total disarray. Squatters have moved in and community cattle roam to graze, infecting the soil with diseases that will make commercial cattle

All the calamities described, along with the severe implications for agriculture and justice in South Africa, says Du Toit, are due to a fundamental misconception at the heart of the land reform policy.

Demands for land are often in reality demands for a place to live and make a home. It is this need that the government should be trying to address. At present in the majority of cases those to whom farmland is given aren't farmers, and have no intention of farming. For example, in Kuruman the state bought six 1500 ha dairy farms for occupation by black families – as many as 600 families to a farm. Each family received a R6000 startup allowance from the government. But none has made any

attempt to farm. Instead all farming equipment has been sold and the farms have been rented to neighbouring white farmers.

Black farmers who do try to farm are not given follow-up help. Six black farmers bought a farm at Steynsburg at the specific suggestion of the Eastern Cape department of land affairs – only to find there was no water on the farm. Within two months the families had returned to town. All their subsidy grants have been lost. What the state lost we don't know.

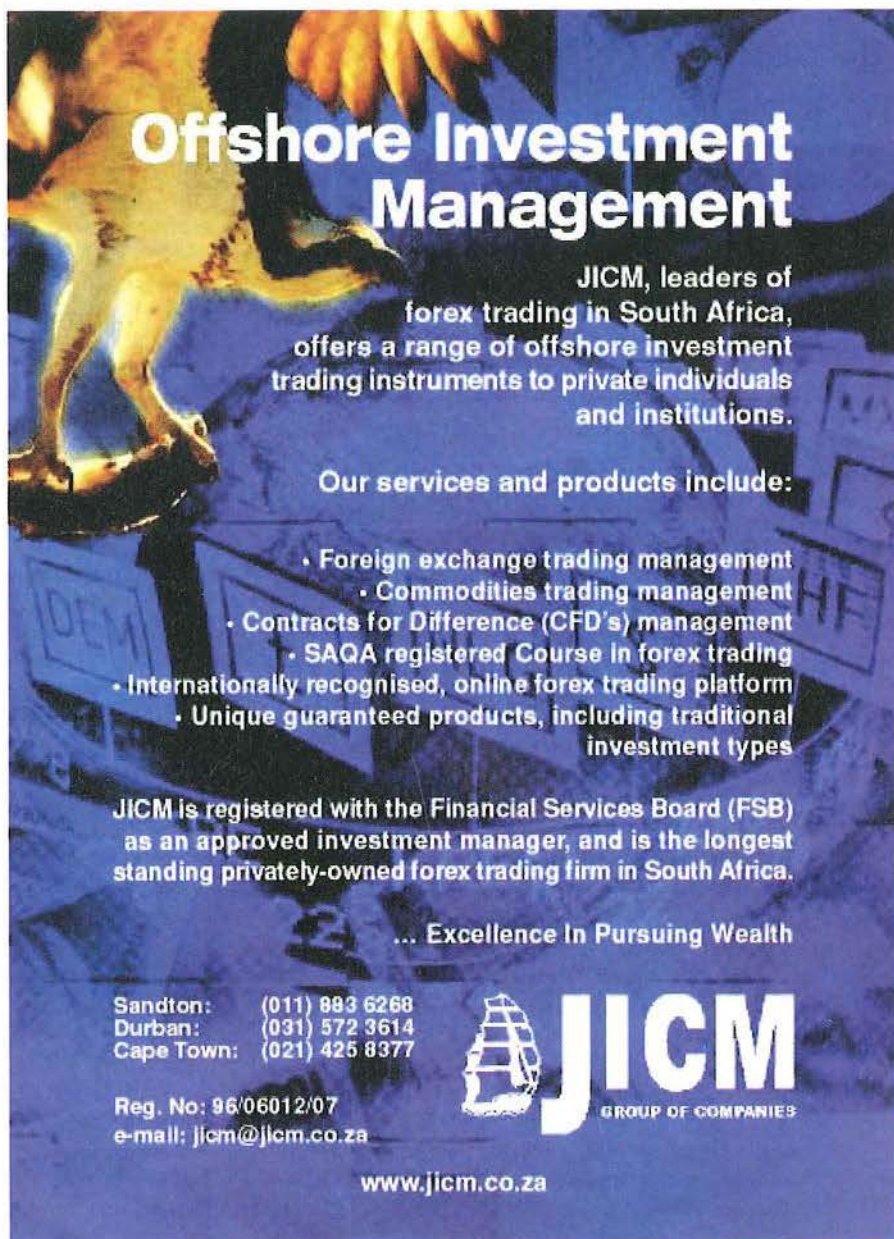
There are success stories, but they are few. Often enough failures are made to look like success stories. A Lusikisiki project was recently trumpeted as having produced its first harvest, which it

indeed did. But the government had pumped R1.5bn into the community's projects, while the harvest brought in only R127 000 – less than one-tenth of a percent return on its investment!

A redistribution of farmland can never achieve a significant redistribution of wealth in South Africa, given agriculture's modest contribution to GDP (only 4% and shrinking), says Du Toit. What it can achieve, however, is the destruction of commercial farming.

True, without land you cannot farm, but the main asset value of farming is not locked up in the land, but in the skill and enterprise of the farmer who manages the land. **EZ**

To be continued



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Find the leak at Orkney

Municipal manager B R Elisha sent the following memo to all personnel of the Southern District Municipality, Gauteng, on 11 November 2001. (Our copy came from somewhere else.):

"Information which could otherwise only be obtainable from the municipality and which cannot be deemed for public consumption has reached the media and other unauthorised persons. This information has been used to damage the image of the municipality as well as put it into disrepute. Adversely [sic] or inadvertently, information is being provided to such persons/institutions and can only lead to mistrust amongst ourselves.

"An employee shall be guilty of misconduct if he discloses information acquired in the course of his duties without the prior consent of the council. I must inform you that there is an ongoing high level investigation taking place [into who the leak is]. Please ensure that you do not leave important documents on your desks at knock-off time. Also be sure to lock your office as people might get unauthorised entry thereto."

Irresistible, isn't it? The Southern District Municipality was recently created to provide bulk services to a number of smaller municipalities in the region, for example Orkney (as in "Orkney snorkie"). What information could such an innocuous public institution possibly have which "cannot be deemed for public consumption", we immediately wondered? Maybe the Auditor General might like to take a copy for his file, as a reminder to find out **EZ**

AUSTRALIA'S NEW BOAT PEOPLE



Judging by immigration figures, white South Africans love Australia, but, tragically, this appears to be unrequited

The *Bulletin*, Australia's leading weekly news magazine, last month carried a two page feature which began something like this: Newlands, Cape Town, on a windy Tuesday night – about 40 anxious people have arrived at the Holiday Inn for a free seminar on “relocation” destinations Australia, Canada and New Zealand. The temperature rises as Andrew Kerr, a New Zealander who is manager of Network Migration Services, addresses them, fuelling the panic with his figures. Last year, his Johannesburg based firm relocated about 500 families, 320 to Australia, 43 to New Zealand and the rest to Canada. Kerr says a senior policeman has told him the police in South Africa are processing emigration clearances for around 200 people daily. Will they make it or won't they? They tot up

their scores – English fluency, for example, will get them 20 of the 115 points they need for Australia, and having family there earns a precious 15. Kerr tells them he's not going to stay around in SA himself, and the temperature rises again. Of course, he loves it here but, with no disrespect meant, there's no way he's going to bring his four-year-old daughter up in Johannesburg because he wants her to be able to ride a bike in the street. Emigrating via Kerr's outfit costs between A\$8 000 (about R45 000) and A\$20 000 (about R115 000) per family. Kerr's cut is about A\$3 000 and for this he organises everything, from the skills assessment Australia requires to airport pickups. He'll hold your hand, he says, because emigration is so traumatic.

That Australia's leading news magazine should give the matter so much

attention should come as no surprise. In 2000, according to the Australian Bureau of Statistics, about 81 000 South African-born people were living in Australia. There are more now: in February this year alone, 600 “new boat people” arrived (not the tragic Vietnamese in their leaky junks, but the South Africans who, first thing on their arrival, buy a new boat, as the old joke goes). (A recent variation is the “deckchair people” – check out Bondi beach, and inevitably those with their bums raised off the sand, sitting in a circle, are South Africans.)

Australia is seen by South Africans as South Africa minus the problems: all the sunshine, beer and rugby minus the crime and racial tensions, a laid-back, easy, happy-go-lucky place, perhaps a bit rough around the edges, perhaps a bit over-regulated, but you can't have it all. In some ways it is that, a safe and happy place where a child can, indeed, ride a bicycle in the street and where people can turn their attention, guilt-free and without fear of dispossession, to matters like a nice house (hopefully with a harbour view), a good private school for the little ones, the creation of a safe nest.

But at the receiving end, what do Australians think of the South Africans? Boat people, deckchair people, these provide a clue.

Surely South Africans, as they expect they will, seamlessly and discreetly melt into the woodwork? After all, they speak English, most are white, they are sport-crazy like the Aussies and they like barbies (braais) – on paper, the perfect fit. But while they leave SA





with the best of intentions, declaring they will make Australian friends and integrate, that they will not clump together or live in a South African ghetto, this isn't what's happening.

Sorry, you chaps – you stick out like the proverbial sore thumb. *Soulmates*, the latest play of Australia's most famous contemporary playwright, David Williamson, is sprinkled with jokes at the expense of white South Africans, who are described by one character as looking "either like sex gods or a cloning experiment gone horribly wrong." A recent documentary on national television, made by one Mark Radomsky, a new migrant from Johannesburg, recorded in painful detail the process of his own family's departure from SA, down to the tearful farewelling by his little boy of the family maid and dog. South Africans, with their "ag shame" (shame for what, and shame for who?) and their "see you jis now" (huh? does that mean now or later or whenever?) are suddenly everywhere.

Australian journalist Neil McMahon says it's an image problem: "Ask Australians about South Africans, and the words egocentric, materialistic and status-driven come up. Arrogant comes up every time. We are dealing, of course, in those sweeping generalisations that attach themselves to any sizeable migrant group. Australia is a nation brimming with arrivals from almost every land on earth. The melting pot inevitably calls forth its own

shorthand: the industrious Chinese, the flamboyant Mediterraneans, the lazy Kiwis, the whinging Poms. All of which contain a kernel of truth, but which can only ever be part of the picture. As one Sydney friend put it, 'I hear about arrogant South Africans, but I only know nice ones.'"

Michael Diamond, a South African-born psychiatrist who emigrated in

'Ask Australians [about South Africans], and the words egocentric, materialistic and status-driven come up. Arrogant comes up every time'

– Australian journalist Neil McMahon

1978, has had many South Africans needing therapy for adjustment problems.

Australians began to take note of the strange new group in their midst, he says, when the trickle became a flood in the mid eighties: "They were quite taken aback. They saw a lot of people who were aggressive, very entitled. Arrogant is the word. I saw a lot of South Africans who couldn't understand why they were running afoul of people."

Diamond puts it down to the gulf

between a country built on rigid conservatism and divisions of status, "militaristic and hierarchical" – and Australia, whose national ideal he maintains is still intrinsically egalitarian. (This despite a Liberal government which in recent years has presided over a drastic reduction in social services, the quality of free health care, massive cutbacks in public education funding, and reactionary environmental and refugee policies.)

Most Australians will tell you they know a South African they really like or respect – they're hard workers, you know, contribute a great deal ... some are even very philanthropic. But scratch the surface and the resentment is burning away.

Unlike people fleeing, for example, genocide in Indochina in 1975, South Africans are (largely accurately in the 1980s) seen as a privileged minority fleeing the possibility that democracy might threaten their absurdly comfortable existence, a position for which Australians do not have much sympathy. (Now it's crime they say they're fleeing, and Australians are more inclined to be sympathetic.) Quite unlike Australia's other great waves of immigrants – the Vietnamese and Cambodians in the 1970s, the southern Europeans after World War Two – the South Africans are educated, mostly English-speaking and often wealthy. So, unlike most newcomers, who take the jobs at the



bottom of the pile, and are resented for even that, the South Africans are frequently high profile. And no, after a brief initial spurt, they often do not try to blend in.

We're talking here of English-speaking, white South Africans. Typical of SA's fractured society, the Afrikaners who've emigrated to Perth and the coloured elite who've made the western suburbs of Sydney their home have somewhat different profiles – but that's a subject for another day.

The *Sydney Morning Herald* last year ran a major news feature on the new power networks shaping Australia, "the Asian tycoons and South African deal-makers." While the Asians were seen as low key operators, one of the "most successful new networks in Australia, the South African lawyers and entrepreneurs" were described as "bold, confident and sometimes brash... [they] could not be more audible or visible."

"The South African retailers and lawyers who arrived in Australia in the late 1970s to 1990s came with money, academic qualifications and the confidence of a privileged upbringing... Not content with dominating retailing and the law, the South Africans are moving onto the boards of arts companies, including the Art Gallery of New South Wales, where (David) Gonski is president of the trustees and the Australian Film Finance Corp, chaired by [Geoff] Levy." Gonski is chair of Coca-Cola Amatil and director of retail conglomerate, Westfield Holdings and, with Levy, owns a consultancy which advises people like media magnate Kerry Packer, Australia's richest man and Frank Lowy, Australia's second richest man. Among other stellar South Africans mentioned are the chief executive of the upmarket department store David Jones, Peter Wilkinson, and Ian Miller whose company recently

bought the fashion chain Katies. Both chains are household names in Australia.

In Sydney, says McMahon, South Africans head for the north shore suburbs with their big houses, big

gardens; almost exclusively white, moneyed and professional. "To drive through the area – especially a suburb like St Ives – is to imagine a little slice of northern Johannesburg plopped on the other side of the world. The local delis sell biltong, boerewors and Mrs Balls, and you can worship with the SA rabbi at the SA synagogue, or walk through the shopping centre and hear 'ja' instead of 'yeah' and 'howzit' instead of 'G'day'."

In Sydney's more hip east, they have made a dent too. For example, at a very popular coffee shop, a gang of people who have been meeting for years for brekkie (in Australia, everything is abbreviated, uni, pollie, journo, smoko, typo) has virtually disbanded, driven off by a South African invasion. Most mornings, it's the wives rolling up in

'They speak more loudly than is appropriate in any given situation. They are oblivious. They are rude to waitresses and treat them as if they are servants'

their 4X4s, BMWs and other fancy cars after they've dropped the kids off, the stereotype anorexically thin, complete with streaked hair and torn designer clothes. They talk in clipped voices which cut the air the way soft Australian tones never do, about their renovations, about how bad things are in SA (but also about how many Qantas frequent flyer points you need to get back there) and where to get the best bagels, the best shoes and the best haircut – be it from a generous desire to share the treasures they have unearthed or a need to show off.

On Saturdays, it's hubby day: a lump of about 15 men roll up on their fancy bicycles, hot and sweaty and helluva male, join some tables together and take over. They try to be polite to the waiters, but generally don't make eye contact, or overcompensate by

being almost too heartily familiar. Says a local of his "former favourite café" and its new habitués: "They speak more loudly than is appropriate in any given situation. They are oblivious. They are rude to waitresses and treat them as if they are servants. They talk about business deals, how to get cheaper products and services. They stick to themselves, except for the wives at lunch, who don't mind who overhears details of their intimate lives." "And," says his friend, "on the beach they are bigger, hairier..."

Those South Africans aware of the problem tend to over-react. "I become obsequious in my dealings with shopkeepers, employing a small voice with far too many pleases and thank-yous in a desperate effort to disprove the stereotype," says one immigrant housewife.

It's not all bad news. Says a less irritable Aussie: "Basically they assimilate and get on with it. I know they embrace only certain bits of Australia – and they do this embracing in numbers, like at the beach. Their umbrellas, portable chairs etc. mark out patches of contentedness. The sort of South Africans who have emigrated here do jobs that make money or are respected. There seem to be two types: the really self-interested and the public-spirited patrons of the arts. I think it may be a question of education. I would like to see a wider cross-section of South Africans here. The post-colonial world is for everyone to consider."

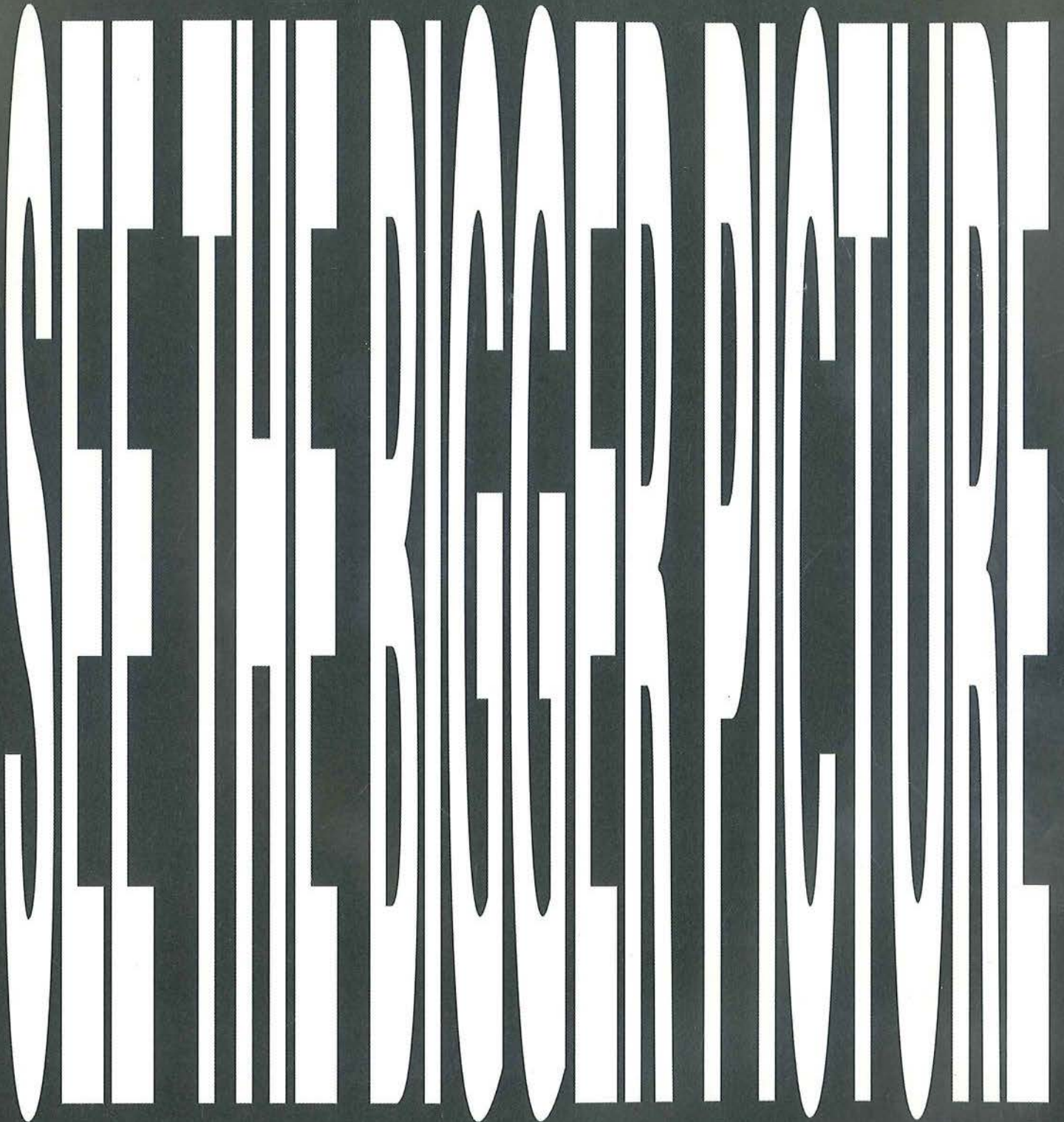
Often there is a grudging admiration for South African determination. Australia has notoriously been a country where the "tall poppy syndrome" prevails. In the interest of a "level playing field", of being "just a regular bloke", high achievers, particularly in the arts and academia, are cut down – causing its own wave of migration to America, Canada and Europe where they are better paid and appreciated.

Australians pride themselves on their neutrality, on their 'she'll be right, mate', 'she's apples' attitude, on their mildness. Chill is the word. Intensity is derided, strong views are shunned, with the result that people can seem bleached out. Perhaps Australians could benefit from an infusion of South African drive and energy. "Or p'raps," as one Australian friend put it to a whinging South African, "You South Africans need to get out a bit more." **17**





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State helps Saambou to defraud the poor

Thousands of small-scale clients have been, and continue to be, brazenly taken for a ride by banks aided by accountants, lawyers and the government

All is becoming clearer by the day. The Treasury, Minister of Finance, Trevor Manuel, the Department of Trade and Industry and its minister, Alec Erwin, the Reserve Bank and major players in the banking industry have brazenly conspired to defraud thousands of low-income Saambou bond and micro-loan clients of a billion rands or more.

Leading firms of accountants and lawyers have helped to stitch up the deal.

From now on, it seems, gangsterism is to be a feature of our government and our financial community.

In *nose40* we described how Saambou had for years, to September 1999, systematically overcharged its mortgage bond clients, in spite of formal warnings it had received 10 years earlier from the governor of the Reserve Bank and the Registrar of Banks that it was acting illegally.

The question was whether FirstRand, having recently taken over Saambou's mortgage book, would correct the balances on the monthly statements of account to be sent to bond clients.

The answer, it has since emerged, is no. FirstRand recently sent out its first set of statements to ex-Saambou mortgage clients. Sad to say, the statements reflect the old inflated balances.

FirstRand did nevertheless take the opportunity to trumpet in radio ads that it wouldn't be changing any of the terms and conditions of the bonds. But then of course, Saambou didn't change them either - it simply failed to honour them.

A "scheme of arrangement" for creditors, drawn up by the Reserve Bank appointed curator will effectively rob the victims of any rights of recovery

they might have had. The scheme was approved at a meeting of Saambou creditors in Johannesburg on August 5, and the curator has subsequently had it confirmed by the Johannesburg high court. In effect, the authority of the court has been used to cast a veil of judicial respectability over the whole sordid business.

Herman le Roux, an ex-deputy director in the department of Trade and Industry who was responsible for administering the Usury Act, describes it as "the biggest cover-up in the history of SA banking".

Le Roux has been advising a number of the Saambou victims, including members of the National Union of Mineworkers of SA. He has since been informed that he too is under investi-

It seems gangsterism is to be a feature of our government and our financial community

gation by the Consumer Affairs Committee of the Department of Trade and Industry, in terms of the Harmful Business Practices Act.

Readers will recall that Emerald van Zyl, a Bellville-based financial consultant and expert in banking interest, also found himself under investigation after trying to bring the issue to the attention of Saambou bond-holders in various radio and newspaper interviews after the collapse of the bank. In a letter to *noseweek* from Professor



Pic: Benny Good

**Minister of Trade and Industry
Alec Erwin**

Woker, deputy chairman of the Consumer Affairs Committee "investigating" Le Roux and Van Zyl (see Letters on page 4), the professor by implication admits that the investigations were not prompted by complaints from clients. The Committee has itself initiated the inquiries or, more likely, has done so on instructions from Minister Erwin. The conflict of interest and potential abuse of power by the minister and the committee then becomes obvious.

Van Zyl is now suing Erwin - in his capacity as Minister of Trade and Industry and head of the Consumer Affairs Committee - for defamation. He claims in his summons that the investigation and publication in the Government Gazette that he was under investigation for "harmful business practice" was done with the intention to defame him and to damage his reputation with his clients and the general public.

The investigation into Le Roux's "business practice" is just as suspect, as Le Roux is not conducting any business at all. He has been advising Saambou micro-loan clients who were ripped off by the bank free of charge.

These victims are going to need all the help they can get if they are to have any chance of recovering their money. It appears from the "scheme of arrangement" that claims by Saambou bondholders (that their bond debts are inflated) will be governed by the scheme agreed to by creditors at the August meeting.

Yet there was no-one present at that meeting of creditors to represent the interests of the mortgage bondholders. Van Zyl says that he first learnt of the meeting five days before it took place – but that the documents he needed to represent his clients were only delivered to him by courier in Cape Town two hours after the meeting had begun in Johannesburg.

According to a claim form since faxed to Van Zyl by Saambou's legal division, the scheme stipulates that any claims (including by mortgage bondholders) must be submitted to the curator by no later than October 30. Claims submitted after that date will be disqualified. It seems safe to assume that only a tiny minority of the 60 000 or so Saambou bondholders will be able to compute the size of their claim, and submit it by the due date. For one thing computing the claim takes a reasonable amount of exper-

Borrowers take things into their own hands

Employees of the Ceres Municipality who took "micro" loans from Saambou, resolved at a recent meeting in their town hall to stop their repayments until Saambou provides them with their loan contracts – and with a copy of the purported debt insurance policy for which they have been charged a hefty premium.

On the latter point, we and they have reason to believe there was no such insurance policy and that the "premium" was a fraudulent way of charging a usurious additional interest on their already expensive micro-loans.

tise. More importantly, as Le Roux told *noseweek*, "about 95% of the Saambou bondholders don't even know that they have been defrauded and have a claim".

And for those who do manage to submit a claim, as both Van Zyl and Le Roux will be doing on behalf of a handful of victims, there's another catch. The claim forms make special provision

Saambou has for months simply refused to respond to these legitimate demands, and it's the only action they can afford to take which might push Saambou to action.

In Johannesburg, trade union NUMSA has advised its members to do likewise, for the same good reasons.

Meanwhile DTI spokesmen are frantically "advising" Saambou clients of the perils of this course of action – of course! [*As if lawyers and the courts are a sensible financial course of action for these poor people to take.* –Ed.]

for claimants to sign away the right to claim against any third party – such as FirstRand (who will, no doubt, continue to collect the inflated bond debt) and the department of trade and industry (which should be liable because of its gross dereliction of duty and, more recently, its participation in the conspiracy to cover up the fraud).

But all may not be lost. Notwithstanding the neat finesse of the deal, the question remains: will FirstRand be able to legally enforce those inflated bond balances inherited from Saambou? What will happen if Saambou clients take FirstRand to court simply to have the balances on their bonds corrected? The answer, we imagine, will not be too long in coming.

As a reminder of the gravity of the matter, readers will recall the case of Mr Andreas April. Mr April, a Stellenbosch pensioner, is contesting a judgement obtained by Saambou against him for R46 000, the amount Saambou alleged he still owed on his bond.

A warrant obtained by the bank for the sale in execution of his home was only stayed when, assisted by Van Zyl and the university of Stellenbosch's law clinic, he was able to demonstrate to the court that he owes Saambou nothing – in fact, the bank owes him R8 000! The trial – the first at which Saambou's method of calculating interest on mortgage bonds was to be challenged – was to have taken place in August, but was postponed at the request of attorneys acting for Saambou's curator.

With hindsight we now ask ourselves: was the curator possibly playing for time, to avoid the sort of negative judgement that might have sunk the scheme of arrangement he wished, ever so innocently, to present to the Johannesburg high court for approval? [?](#)

'About 95% of Saambou bondholders don't even know they have a claim'

**Fine
Music
Radio**



To be continued

Poison plot at the Post Office

In April *City Press* in Johannesburg carried the following remarkable report:

The life of SA Post Office CEO Maanda Manyatshe is in danger. City Press can reveal an attempt was made to poison him last month as a result of his massive anti-corruption drive. The attack left him semi-paralysed.

A Directorate of Public Prosecutions spokesman was quoted as saying that a "high level probe" into the incident was under way. The spokesman however refused to say where the poisoning had taken place or what kind of poison had been used, saying the matter was "highly sensitive".

City Press reporter Elias Maluleke had nevertheless managed to glean a remarkable amount of detail from his "insider" sources in the Post Office.

They told him they believed poisoners were hired by people he was investigating regarding an Airports Company contract.

He had apparently been lured to a venue "in the northern suburbs of Johannesburg", by people who claimed they wanted to give him more information about corruption.

There, according to Maluleke, "Manyatshe was served a lethal drink with snacks". He collapsed and was left for dead by the poisoners who took his laptop computer containing sensitive information "concerning corruption at the Post Office" and "contact numbers of whistleblowers".

City Press claimed the unfortunate Manyatshe was then rushed to the Sunninghill Hospital in Sandton. He was bedridden for more than a month as a result of the poisoning.

Now, dear readers, there is plenty that is curious about the *City Press* report. Why did the world learn that the

CEO of the SA Post Office had been poisoned by villains only a full month after the incident? Why was it not headline news on national TV? Where was Manyatshe's highly paid senior general manager security and investigations, Mamatho Nedsiande, when he was out on such a high-risk mission? And why in all these months since April have we heard nothing more from the Director of Public Prosecutions?

We don't know the answer to all those questions, but we, too, have managed to glean some more interesting details.

For a start, the poisoning did not take place in the northern suburbs of Johannesburg. It took place on Sunday 10 March in Manyatshe's room at the Capital Protea Hotel in Van der Walt Street in Pretoria, where he had booked in the day before.

When hotel staff discovered him unconscious in his room at mid-morning, an ambulance was summoned to take him to the Medforum Hospital in the capital, where at 11am Dr Zietsman in casualty admitted him for "gross accidental poisoning by and exposure to other and unspecified drugs".

The hospital admission form also records that the patient "could not speak".

That evening, for reasons we can only speculate on, he was transferred to the Sunninghill Hospital in Sandton, where he was admitted at 7.23pm. On Sunninghill's admission form, the diagnosis of Mr Manyatshe's condition is recorded as "Investigation overdose".

Since then Post Office staff have been cautioned not to "spread stories" about their CEO. His company secretary has been suspended and his personal secretary has been transferred to another post.

What's up, doc? ☒



South African Post Office CEO Maanda Manyatshe

Pic: Sunday Times

Now Abe faces R8m claim

Things are not going well for Abe Swersky and his one-time millionaire divorce client Jan de Witte.

South Africa's favourite divorce attorney – our Abe – has received a personal bill for R8.3m from De Witte's ex wife, Maria van Waasbergen. He has been given seven days to pay up or else.

De Witte has also had the trustee of his insolvent estate take away all his household goods – antique furniture, crystal, silver and art works – that he thought he had safely put in the name of a trust.

Maria and Jan were divorced in March 1994. Abe represented Jan in the proceedings. In terms of the divorce settlement Jan was in due course supposed to pay Maria the few millions of rands he still owed her.

But on 30 June 1994 Jan and his attorney, Abe purportedly entered into a "deed of donation and trust", effectively creating a trust and donating all de Witte's assets to the trust. When Maria came to collect she found him empty-handed. Jan was officially bankrupt.

For years they managed to stump Maria's every attempt to recover her money. Until this year.

But now, regrettable for Abe and Jan, Maria's attorney has tumbled to the fact that the trust was all a sham.

In a weak moment Jan admitted under interrogation: "Why did I want a trust? Because I had many women in my life who were my wives, three of them ... so I put [all my assets] in a trust. That way I got Maria van Waasbergen off my back."

Maria's attorney has also discovered that the trust document, signed by both Jan and Abe, was back-dated by a year. (It nominated as beneficiary by name and date of birth a child who was only born months after the purported date of signature. Oops!) Both Abe and Jan acted as trustees without court authority, making it all invalid.

And then there's the small matter of R3m in donations tax that they forgot to pay the tax man ☒

To be continued.

Screwings and doings at Investec

Investec has fired Robert Gottlieb, the man in charge of the bank's smash 'n' grab approach to Midtown Building Systems (*nose39 & 40*). We'd like to think Gottlieb's demise had something to do with our exposé of his nefarious banking practices, but those appear to be par for the course at Investec. No, Gottlieb's problem is that he is being sued for paternity by his ex-secretary. Obviously the poor man got confused and forgot that it was the customers he was supposed to be screwing.

As reported in *nose40*, the liquidator of Midtown, has issued summons against Investec Bank for R800m damages, based on Investec's misconduct in handling the Midtown account. Investec has given notice of its intention to defend the claim, and is expected to file pleadings containing a detailed outline of its defence within weeks.

In an attempt to shine even more light on the matter, Lewis will shortly be applying to the master of the high court for an enquiry into Midtown's liquidation, which will allow for the direct cross-

Obviously the poor man got confused and forgot that it was the customers he was supposed to be screwing

examination of Investec executives.

Many of the issues to be raised at the enquiry have already been canvassed in our series on events at Midtown. One curious aspect we haven't looked at is the haste with which Investec, as sole creditor, sold the assets of Midtown and the Keurbooms River Lodge to itself – in the form of wholly-owned subsidiary, the Investec Property Group (IPG), shortly after the liquidation.

One reason Lewis agreed to the liquidation of Midtown (before changing his mind) was that he had been assured by Gottlieb that he would have the opportunity to buy the assets out of liquidation. Sounds reasonable. After all, surely the bank's only interest is to recover

the sums they claim to be owed?

Lewis was confident the assets of Midtown and KRL were worth far more than the R12m Investec claimed they were owed.

Shortly after the liquidation was finalised however, just as Lewis – supported by the people who had invested in units at the Keurbooms River Lodge – appeared to be raising the necessary funds, Investec rushed to court to obtain the court's authorisation to sell the assets to IPG. The basis for the bank's urgency was the claim that they had a buyer for the assets lined up whose offer would soon expire.

At the court hearing it was notable that Investec Bank, the liquidator, IPG, and the on-buyer were all represented by the same firm of attorneys, Sonnenberg, Hofman Galombik.

Investec had gone to great lengths to discourage other bidders, to the extent

that Robert Austin, then chairman of the Keurbooms River Lodge Trustees, wrote to the bank pleading for "sanity" in the bank's approach to the disposal of the assets. "Robert Gottlieb has taken the position that we the unit holders should stand down on our offer," wrote Austin, who later refers to Gottlieb's assurances he will outbid the KRL investors.

Investec's application was unopposed and was granted. The bank immediately sold the assets of Midtown and KRL to IPG for R3.5m – a far lower price, Lewis says, than he and the Keurbooms investors were prepared to pay. IPG then on-sold the assets to their arranged buyer for R10.3m, making a quick profit of R1.8m.

Why this roundabout way of doing things? Why did the bank apparently not want the highest price? Theories abound. Hopefully the insolvency enquiry will bring clarity ☐

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Cowboys and Indians

A father and son duo, descendants of Sioux warriors, are on the warpath against the South African government, who they are suing for a whopping R2.6bn for wrongful imprisonment after their lofty scheme called Project Africa (that included erecting the world's tallest building in Pretoria) collapsed in an unseemly heap

Readers may have forgotten the California-based father and son duo, Clint Graves snr and jnr, who anticipated President Thabo Mbeki's African Renaissance plans (most recently code-named Nepad) by several years, when in 1998 they put forward their own ambitious scheme – Project Africa.

The imaginative plan of the septuagenarian American architect and his entrepreneur son was going to cost \$1bn and create 85 000 jobs.

It included:

- The world's tallest building – a 104 storey skyscraper in Pretoria – costing \$500m;
- A 520-bed hospital in KwaZulu-Natal (\$300m);
- A 22 500 ha game reserve, casino and conference centre in Mpumalanga (\$50m); and
- A \$32.5m diamond and garnet mining venture on the Limpopo River. (After dredging the mighty Limpopo for gems, jnr says the the plan was to “beautify” the area with honeymoon cottages, liquor stores and motels along 47 kms of isolated riverfront).

Only fly in the ointment: they had brought no assets with them to SA, and were virtually penniless. Not to worry, the ocean diamond mine would gener-

ate \$400m from a mysterious European trust to kick-start the project. And so it might have done, had not the Alberton branch of Standard Bank called in the cops after being asked to send an inter-bank “Swift” message to the IndoSuez bank in Geneva, confirming the mine as security for the \$400m.

The imaginative plan of the septuagenarian American architect and his entrepreneur son was going to cost \$1bn and create 85 000 jobs

Father and son were arrested by members of the Office of Serious Economic Offences on April 16, 1998. It was alleged they had created a Diamond Reserve Certificate showing that an ocean diamond mine off the Western Cape had reserves of 1.5m carats, and had attempted to use the certifi-

cate to raise US\$400m from a European trust.

It was nearly 20 months before the first evidence was heard against Graves jnr in Johannesburg's regional court on December 6 1999. The trial was then postponed about 10 times before the state closed its case on December 11 2000.

The state's case fell apart when Absa's prime bank instrument fraud expert Willem Ahlers told the court that the Diamond Reserve Certificate could never have been a negotiable instrument.

Acquitting Graves jnr on all charges on March 16 2001 magistrate Vivian Hawkins said he had found no intention to defraud and nobody had suffered prejudice.

Now whopping US-size damages claims totalling R2.6bn have been filed against three top government stalwarts following the awaiting trial imprisonment of their pair.

Father and son are hoping it's pay-back time for Justice Minister Penuell Maduna, Minister of Safety & Security Charles Nqakula and the National Director of Public Prosecutions Bulelani Ngeuka.

Particulars of claim drawn up by advocate John van der Berg and filed

TALL TALES

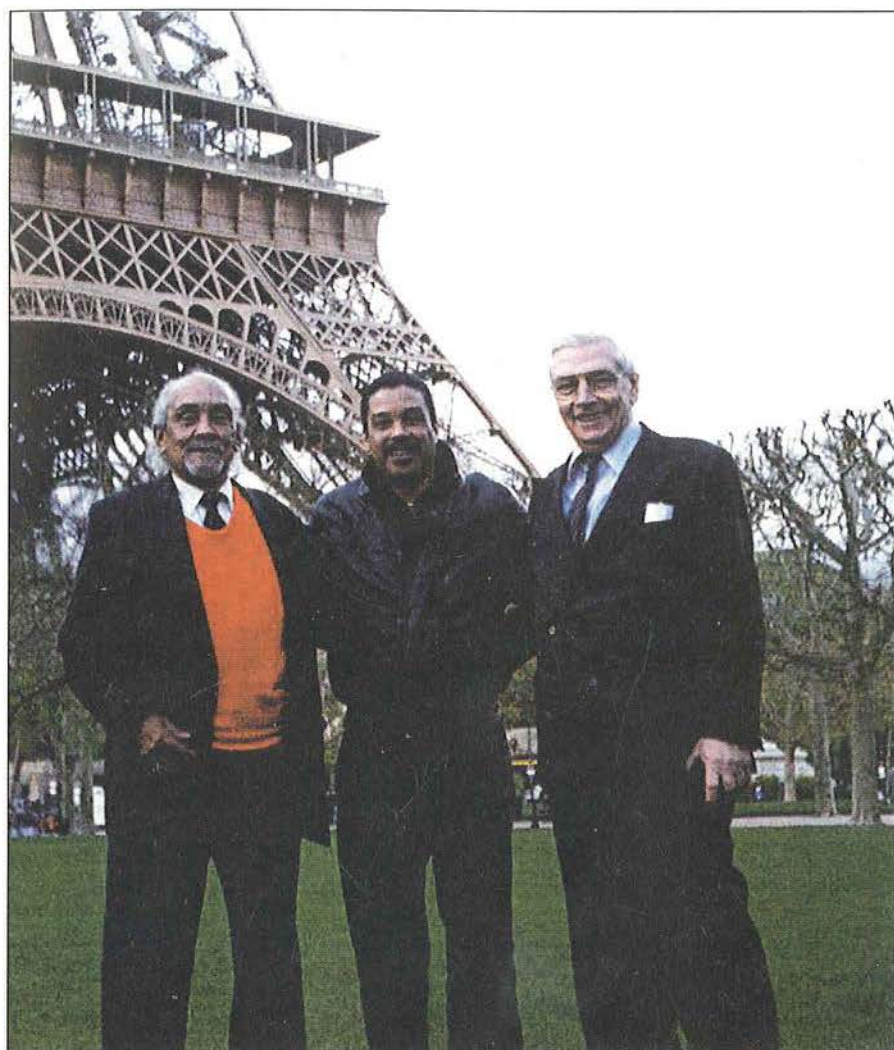
Clint Graves jnr flanked by his dad (left) and 'Uncle Jacques' in front of the Eiffel Tower. The visionary father-and-son pair now operate from a cramped apartment in Fontana, California, as Urban Research Ltd. Are they innovative international project brokers or simply have-plans-will-travel conmen with spectacular ambitions? As Denis Davis used to say, you be the judge.

Their CVs are dazzling. Clint snr (Urban Research's president and CEO) lists as his architectural achievements New York's Saratoga Race Track, the Sunrise Hospital in Las Vegas, the Orange County Jail complex and Union Bank Plaza in downtown LA. In Africa he cites a project to dredge the Niger river through Nigeria, Niger and into Mali; and hotels in Nigeria.

There's an intriguing entry: 'Various imports/exports (rubber/precious metals/gemstones and Benin art) from Nigeria and West African countries'.

Clint jnr (co-founder, general partner and executive vice president of Urban Research) states he was 'part-educated' at the Sorbonne. Under 'pending projects' his CV lists developments worth \$125m in California.

In the 1980s, jnr states, he was 'contract external auditor for random spot checks of \$1bn corporate accounts' with clients including Hughes Helicopters and the US Army. 'Has the skill and ability to balance \$1bn accounts to the penny,' his resume states modestly.



in court, demand for Graves jnr:

- R15m for deprivation of liberty;
- R20m for impairment of *fama and dignitas* (reputation and dignity);
- R1.28bn for loss of earnings; and
- R300 000 legal expenses.

Total: R1.3bn.

Graves snr is seeking a slightly more modest R1.28 bn.

But it seems the colourful couple is unlikely to see its day in any high court in SA. For entering into the spirit of these telephone number claims, the Office of the State Attorney is demanding that before things proceed further, father and son must pay R6m into court as security for costs.

In court papers the State Attorney notes the "extraordinary high amount of the claims" and declares that the nature and extent of the factual and legal issues necessitates estimated costs of defending the actions.

These include:

- In view of the allegations of

wrongful arrest and detention, the police docket must be "properly perused" to show that criminal proceedings were justified. The docket, says the State Attorney, comes to 26 lever arch files which will take a minimum of 20 days to peruse, at a cost of R480 000.

■ The state's inquiry proceedings are contained in 10 additional lever arch files, with 3000 pages of documents. A minimum of seven days is needed to mull through these – at a cost of R168 000.

■ The bail proceedings, which contain "vital information", total 400 pages. The State Attorney reckons these can be perused in one day – at a cost of R24 000.

■ The question of quantum, which will involve "many experts" to deal with the intricacies of on and off-shore diamond concessions, prospecting and mining, will take 20 days and cost R480,000 in consultation and prepa-

ration costs.

■ The state's expert witnesses will cost a minimum of R200,000. And photocopying of at least 50,000 documents at R1 a page will eat up another R50 000.

■ As for the trial itself, the State Attorney thinks it will run for at least 30 days, at a "conservative estimate" of R720 000.

For the impoverished but vengeful Graves snr and jnr, sitting fuming in Fontana, California, the state's move to force them to pay R6m, which they haven't got, into court as security, under Rule 47 of High Court Practice, has come as a body blow.

"They want R6m for the bond to hire lawyers to study an old case," says jnr. "I've got to pay for South African government lawyers to study a case they've already lost!"

The Graves pair had hoped the threat of negative press publicity would hasten Maduna, Nqakula and

Ngcuka into a settlement offer. The father and son's SA legal adviser, a Cape Town-based non-practising advocate named Granville De Villiers, indicated to Enver Daniels, the state's chief legal adviser, that \$50m, then \$20m, finally a rock bottom \$15m, might be acceptable. Daniels' response was a curt rebuff: they are going to trial.

The Graves are Red Indians, descendants of warriors from the Sioux and Cherokee tribes. And now they're donning their warpaint.

Graves jnr says he's briefing a Las Vegas lawyer to bring a \$260m claim against Maduna, Nqakula and Ngcuka in the US District Court. He adds that there will also be another claim, for \$5.6bn, filed against them at the International Tribunal for Criminal Justice in The Hague.

"One way or the other they're going to pay," says jnr. "I want to settle this thing right now. I've been home 18 months, my father going on for four years. But I'm not going to settle for less than \$50m."

Pesky lawyers, of course, always push to be paid. For the R2.6bn actions the Graves had advocate John van der Berg and attorney Ebrahim Holt. But when the R6m failed to materialise for security, both these worthies withdrew from the case.

The deal with them had been that they would share 10% of any awards with legal adviser De Villiers. De Villiers says now that if there's a settlement he will give Van der Berg and Holt 1% each, another 1% to repay helpful friends – and keep 7% for himself.

De Villiers says he tried to persuade Graves jnr to be more moderate in his claim. "R2.6bn is an enormous amount of money. These type of figures are common in American actions, but I explained to Clint that no court in South Africa would award that kind of money.

"I'm looking for about R50m, R60m maximum, in settlement. I don't think it's fair that the State Attorney is asking for R6m security against costs. I think it's a delaying tactic. They know they made a ball-

sup incarcerating Clint and his father. I would have expected them to say: here's R40m or R50m – take it or leave it."

While all these legal marathons are under way, Graves snr and jnr are turning an innovative eye to scooping

'The authorities made a ballsup incarcerating Clint and his father. I would have expected them to say here's R40m or R50m'

– Granville De Villiers, the Graves' lawyer

another bundle of loot out of SA.

The ongoing enterprise revolves around the planned importation of Russian crude oil for the very government they're busy suing. Jnr and De Villiers are shareholders of a newly

registered SA company called Taeus. And with the help of a black-owned company, Petro Energy, and little-known Accrue Petro-Oil International, Taeus hopes to haul in millions of dollars in commissions.

The liquid fuels industry empowerment charter has laid down a 25% black ownership of SA's oil industry by 2010. This has led to a plethora of aspirant black oil tycoons and new black-owned oil companies – some good, others of dubious quality.

Petro Energy, with luxurious offices in Sandton, has as its chairman Bheki Langa, who resigned as Telkom's deputy chief operating officer in July 2001 following an investigation into allegations of mismanagement. The boards of merged state-owned oil company Mossgas and Soekor had approached Langa for the position of CEO of the new entity, but their offer was suspended.

What many of the new black operators lack is international oil contacts. Enter "Uncle Jacques", a Belgian businessman named Jacques Declercq, who's the third shareholder of Clint Graves' Taeus. According to jnr, Declercq is also "chief administrator" of the shadowy European trust that was going to shell out \$400m to kick-start Project Africa. The trust's funds, explains jnr, come out of Russia.

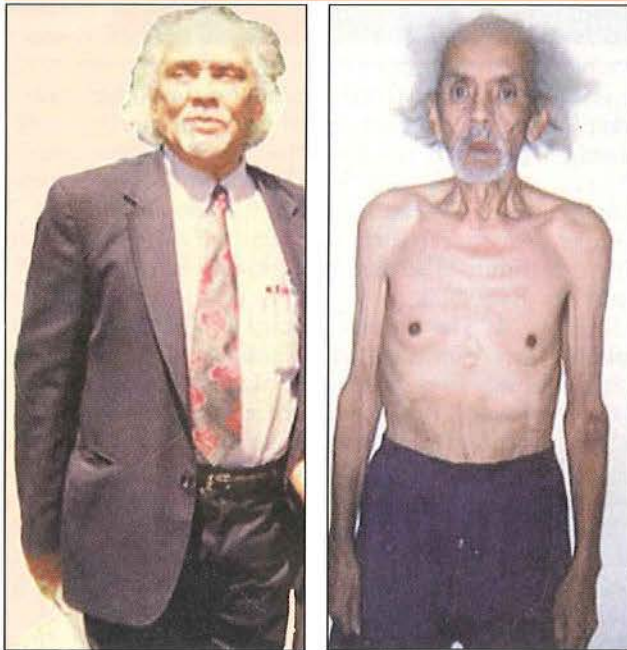
So Declercq's Moscow contacts were mobilised to persuade LUKoil, Russia's oil giant, to sell Russian crude to Accrue.

Says jnr: "Accrue said they'd like 20m barrels a month for 16 months, then 40m barrels a month for up to five years. After that we roll over a 15-year contract bringing the whole thing to 20 years peaking at 80m barrels a month."

Are these figures credible? Even 20m barrels a month seems ambitious, considering that total crude oil imports into SA average only around 13.5m barrels a month.

Jnr says LUKoil agreed to supply a more modest initial 20m barrels a year. But he claims that on the day the

WHAT SA PRISON FOOD CAN DO



BEFORE AND AFTER: Clint snr weighed in at a decent 85kg (left) before leaving for South Africa in 1988, but after a stint at Modderbee prison had shed more than half his weight.

contract was to be signed last month in Russia the gremlins struck, as they seem fated to in ventures involving this bizarre father and son.

On September 12, as Sergei Kukura, a vice president of LUKoil was driven to work in Moscow, armed men wearing the uniform of militia officers held up his Mercedes saloon, gave his driver and bodyguard "sleep inducing" injections and drove off with Kukura. LUKoil's press office confirmed the kidnapping.

Kukura was released and found wandering along a country road, dazed, on September 26.

The kidnapping has caused a slight hitch to the plans of Graves jnr and Uncle Jacques. "The SA oil deal is still on," maintains Declercq from his home in the Belgian village of Redu, in the Ardennes. "I'm not Clint jnr's uncle; that's just a joke. I have the contacts with the Russians; Accrue Petro-Oil International in SA buys the oil for Petro Energy. Clint's the middle man, getting a commission.

"Now everything's been delayed because of this kidnapping."

Clint jnr's law adviser-turned-busi-

ness partner De Villiers explains: "Petro Energy is a black empowerment company and they were looking for oil on behalf of their buyers, Accrue Petro-Oil International.

"I told Petro Energy I've got a contact

Men in the uniform of militia officers held up his Mercedes saloon, gave his driver and bodyguard 'sleep inducing' injections and drove off with Kukura


in Europe that can source Russian oil for Accrue. Petro Europe doesn't have the contacts that we have. Through Uncle Jacques we have contacts into the Russian Ministry of Oil. Taeus

would just take a commission."

Back at 8550 Citrus Avenue in Fontana, California, 47-year-old jnr says he's going round the bend in the family's cramped two-roomed apartment. His aunt, a wheelchair-bound paraplegic, has one room. Jnr shares the second with his parents, sleeping on a couch.

"We've lost the ranch," he sighs. "My grandfather bought it in 1961 for \$5000. Dad took a \$150 000 second trust deed to pay lawyers' fees. He defaulted, and the ranch was sold for \$500 000, of which we got nothing."

Graves snr, who's 76 on October 27, says: "I weighed 187lbs [85kg] when I left for SA. In Modderbee prison I was down to 90lbs [40kg]. Now I'm 125lbs [57kg]. Sleeping on that concrete floor in prison damaged my muscles from the waist down, so I walk sort of shuffly now.

"My doctor wanted to put me in a wheelchair. I was with the US Rangers in World War Two and told him where he could put that idea. You know what he said next? He recommended I use a walker with wheels! Me, a walker! Son, has the world gone mad?" 

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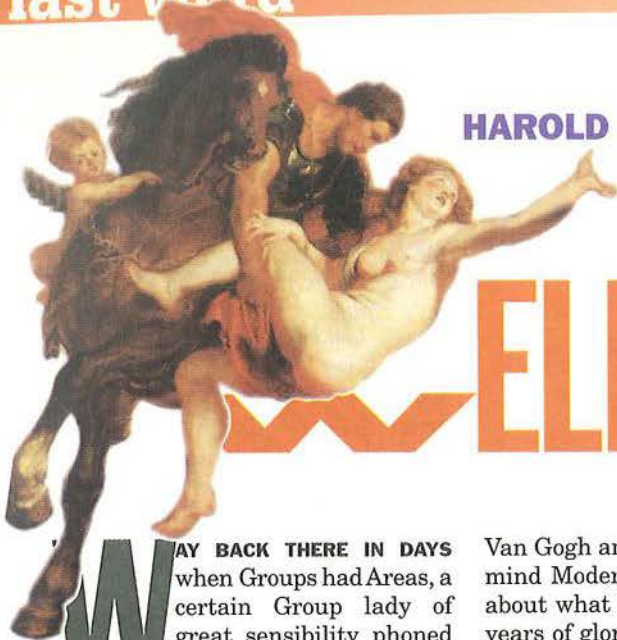
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HAROLD STRACHAN gallantly rides in to save the day with his take on Modernbloodyart

WELL ISN'T IT?

WAY BACK THERE IN DAYS when Groups had Areas, a certain Group lady of great sensibility phoned the Professor of Fine Art, Pietermaritzburg, Jack Heath of exemplary sensibility, and asked him please if he would come to her Area some Saturday morning, to address a small club of zealous easel painters on something called Modernart. He, dirty rotten swine, declared that Ah, sorry, on Saturday mornings he had commitments which he could under no circumstances

Van Gogh and Gauguin pictures. Never mind Modernbloodyart, say I, let's talk about what happened at the end of 500 years of glorious European oil painting, before the bloody avant garde got hold of it: the Cubists and assorted smartarse egocentrics and narcissistic butterflies.

My hosts don't mind a few expletives, they go with – you know – the artistic persona.

Well, not all glorious, say I. What about the Flemish painters, delighting in the forms and light and colour of nature, and how they got suffocated to death by

Cubists being so dof as to say Cezanne reduced all nature to the cube, the sphere and the cone, and this reveals his lack of passion? When Cezanne in desperation told his bourgeois portrait subject to sit like an apple it was from sheer despair at the colourlessness of the man. How to find a system of forms to handle the vast visual passions of this world?

THEN, OF COURSE, THERE'S GAUGUIN. He's something else. He is the original existentialist; the writers and philosophers came after. They were all of them hampered by the inelasticity of the word. To write about it is like trying to explain Mozart's music in words to a deaf person.

There's nothing static in Gauguin's figures. They're still. That's because he has no need of dramatic body language to press any story line, any message, and painting is the art of immobility anyway. Here they stand in landscapes unromanticised but glorified in the luminous colours of the tropical Pacific; find your own meaning to what we're doing here, they say, define your own emotions. No need for Gauguin to tell us these colonial island communities are shattered by poverty and syphilis imported from France. He's not a sociologist, he gives us our passionate planet straight, and the creatures inhabiting it: people, dogs, horses.

Gauguin always said, never finish a painting, stop when you've said enough, and I do that now. A longish silence follows, and the sensitive Group lady says Is it?

Hell, woman, think I, is that the best you can do after all my effort? But then I think further Hang on, arf a mo, that is actually the ultimate existentialist statement:

The verb to be, a noun and a question mark. ■

How did Van Gogh get to the guts of Flemish painting after 400 years when he was stoned most of the time, and schizophrenic nogal?

dishonour, small sandwiches and cups of tea notwithstanding.

Well, I knew well enough what his honourable commitment was: to a bottle of gin on his nice lawn, clothed in rugby shorts and a shady hat, and I knew this because I'd honoured it with him often enough. But never to worry, quod he to the artistic lady, I know *just* the man for you, loves talking, loves sandwiches, I'll send him along.

Loves Modernart.

What resistance to such tyranny? He is head of department, I am as low as you can get in the department without actually being on the cleaning staff.

I arrive in Woodlands suitably clad in dabs of oil paint all over a pair of jeans, and tousle up my hair a bit. I have a great pile of slides and a carousel projector in a cricket bag. I am welcomed with such warmth I start feeling sorry for Jack and his mere bottle of gin, the sandwiches and tea notwithstanding. We fix up a bedsheet on a picture rail with drawing pins and I get set to shoot off a series of Cezanne and

Rubens' fat writhing Italian women falling on top of them, and the dreadful wriggling spaghetti compositions of the Italian High Renaissance, and the sepulchral Marmite backgrounds that Rembrandt got from there?

AND THE DEAD IDEOLOGICAL HAND OF the counter-reformation. The loss of joy. Well, joy survived, as does our species. Look at this Watteau, say I, and this breathtaking classical landscape of Poussin, and how's this Ruisdael for a moist Dutch seascape, and out of England's pastures green suddenly emerges Constable and then, and then, for sheer joy of paint can you equal Turner? I click on *Rain, Steam and Speed* and everybody gasps. They gasp even louder when we get to Monet's water lilies.

But now the Big Three, say I. How did Van Gogh get straight to the guts of Flemish painting after 400 years when he was stoned most of the time, and schizophrenic nogal? It's too spooky to say it ran in his Dutch blood. And can you imagine the

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