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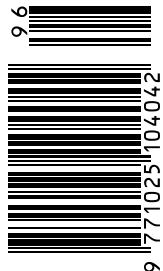
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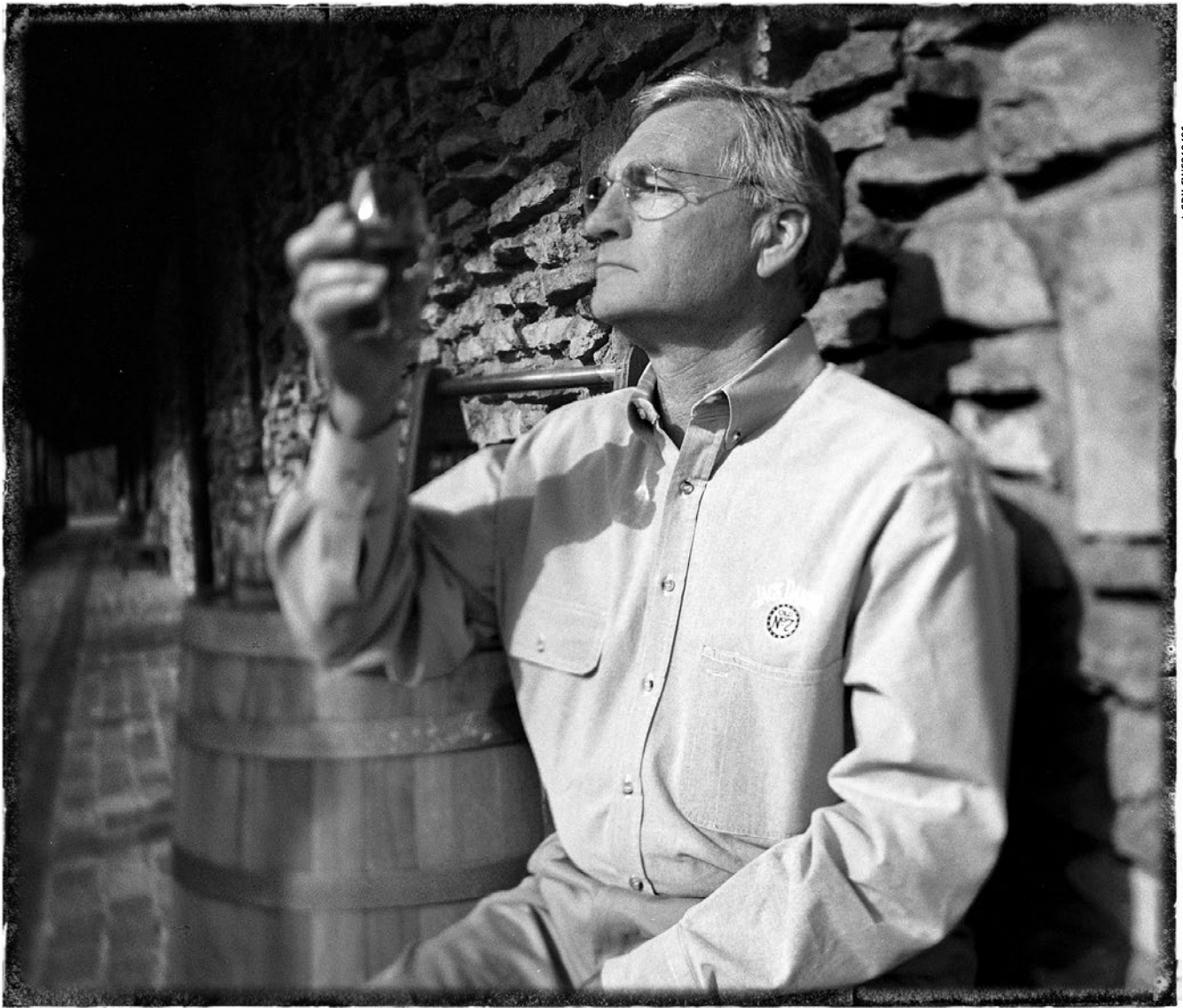
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OCTOBER 2007

noseweek squares up to FirstRand



Absa is at it – again France's part in the Rwandan genocide
Popcorn can wreck your lungs **Worms at the Mount Nelson**



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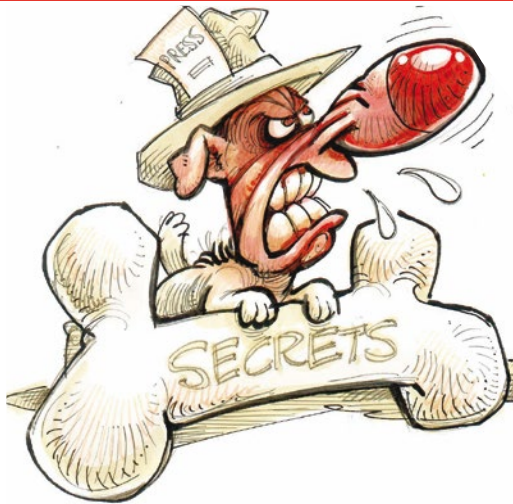
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noseweek squares up to FirstRand

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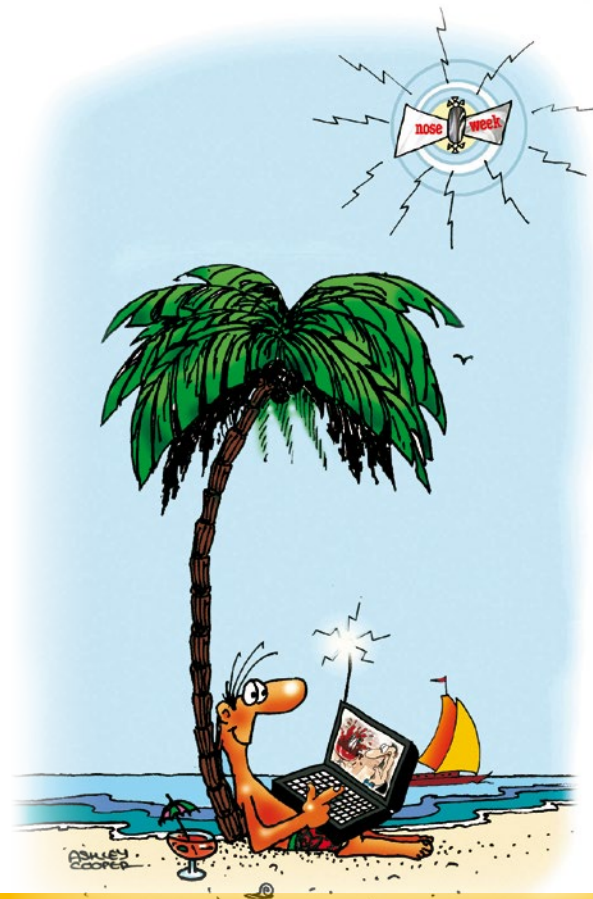
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Mr Nose has of late been writing to long-lapsed subscribers, threatening them with all sorts of dire consequences should they persist in their neglect of his organ. And then, typical of a man of his disposition, he concludes by offering them a small bribe to return to the noseweek fold. Large numbers have succumbed to Mr Nose's threats and blandishments, most offering apologies, many offering lame excuses. An example:

I stopped my subscription as my health was starting

I do not want my PC to end up in the pool, the bin or the neighbour's yard.

Gavin Hardy
Gallo Manor

Discovery's pile

That was a superb dig into a nasty pile of shit (Discovery Health directors' participation in FirstRand's "Ansbacher" frauds, *nose95*)!

Just to update you: Dr Maurice Goodman [one of the Discovery men identified in the documents as a participant in the fraudulent offshore scheme] is the chief medical officer of

theories, just like anyone who dares to question the sanctity of the acts of the USA.

Be a good boy now Mr Nose and keep that nose of yours out of their affairs or you'll soon be branded as a nut who belongs in the "cuckoo's nest".

Makes you think about the world we live in. Seems like re\$pect is all about wealth. Whatever happened to honesty, integrity and truth?

Are these just distant memories of a value system that once regarded these as the real virtues?

What should we teach the

ment of the Brummers, but under Educor nothing but a disgrace. They had only one thing on their mind and that was/is finances and financial management. It had nothing to do with education. That is the reason for their poor performance. They will never come right, and should simply close their doors.

Ben Heunes
By email

Art of coarse education

I was fascinated by your reports on the mess surrounding the "qualifications" offered by Damelin and Intec, since I had only just discovered that Damelin, Intec, and an entity calling itself HJN Training have been using the name of my company (George Fivaz and Associates) and our emblem, unlawfully and without permission, since 2002.

Our name and emblem are linked to courses for private investigators and security operatives, dishonestly suggesting that my company is somehow involved, with HJN Training, in compiling and accrediting these courses.

I and my company are in no way involved with Damelin, Intec or HJN, and it is totally misleading for them to suggest otherwise. It is clear that my name is being used to give status and integrity to certain courses.

I might add that we are not authorised to accredit courses or textbooks, and we are not a training institution. Our legal advisors have been instructed to look into the matter.

George Fivaz
Former Commissioner of the SAP, Johannesburg

Rat rates

I am a retired property professional with much experience of property valuation in the UK. These valuations were conducted for both market and income tax assessment. The report "The Rates Stuff" (*nose95*) disturbs me but does not surprise me.

A similar rushed exercise was conducted several years ago in England and Wales in order to rapidly update the property valuation base for local tax purposes. It

What should we teach our children – fortune at any cost?

to suffer. Every time I read how badly you treated those honest folk who were simply trying to put a crust on the table my blood pressure shot through the roof. It used to take me several days of new blood highs and lows, pills and spooks-and-diesel to get over your dastardly investive. My wife grew tired of rescuing your rag from the pool, the bin or the neighbour's yard.

Let's give it another try. The printed version, please, not the electronic version.

Discovery Health. I imagine that every profession has its rotten eggs.

Peter Kirsch

Shame. As Mr Hardy suggests, maybe he was only trying to put a crust on the table! – Ed.

Re\$pect for wealth

Your FirstRand articles bring to mind an old adage that behind every great fortune there's a great crime.

Or are these articles all going to be discounted as "conspiracy"

children – fortune at any cost?

Keep writing Nosey. Never a dull issue.

Seth
By email

Sad decline of Educor

As a former legal advisor (and employee) of Educor and its related companies I was not much surprised at the contents of your reports on its serious shortcomings [*nose95*]. Unfortunately many of the good and dedicated staff were retrenched or otherwise forced to leave, and in my opinion the abilities of many who stayed left much to be desired. It seems that people who did not understand the education environment or Educor's obligations (in terms of much of the legislation you mention in your article) were making important and wide-ranging decisions, the effects of which they either did not understand or care about.

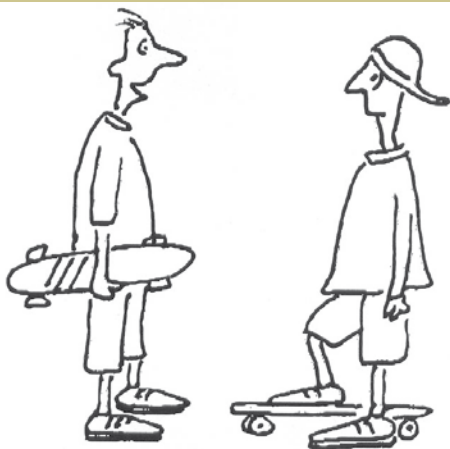
The musical chairs of non-stop changing excos and CEOs had to be seen to be believed. A formerly wonderful company has truly been destroyed by those entrusted with its well being.

Adrian Gary Skuy
Killarney, Johannesburg

Damelin should close its doors

Damelin was a well known name under the manage-

Gus



Gus

"Penis enlargement? How hard is that?"

Endgame

Scrabble is an odd game. It uses letters and words in terms of numeric scores and patterns. No attention is paid to meaning, semantics or word associations caused by intersection, juxtaposition or wordplay. During a scrabble contest, semantic left-brain skills

are suppressed in favour of right-brain numeric scores. At the end of each game scores are tallied, and pieces are swept from the board. No interest is generally expressed in their literary or psychological significance of the words on the board at end of the game.

Doctor Felix Player, Chairman of the Plumstead Friends of Freud Society seeks to change that. Just as the *I Ching* taps the unconscious, so does the choosing of letters and words to meet the non-verbal challenges posed by the game. He sees Scrabble as a new form of diagnosis or divination.

Clients are encouraged to photograph endgames and have them interpreted by an accredited Scrabbleman. Early results have been remarkable. The current Boland champion in his winning game included the words: mother, insect, eunuch, hate, uncle, excommunicate,

regret, forget, exculpate, protectorate and penetrate. When this was commented on by Dr Player he confessed in a flood of abreaction that his obsession with games began when as a five-year-old he secretly watched his mother playing a game of strip poker with her younger brother.

Gus Ferguson

was a disaster, leading to many absurd valuations and resulting in a great deal of political damage to the then government.

It is not yet too late for Ms Helen Zille to put the matter on hold pending proper consideration. She should charge 2007/8 rates using the existing roll and adjusting the rate percent if necessary. I urge her to do so or face the consequences at the next election.

Peter
By email

Medi-Clinic bill wasn't doctored

In response to Noreen Slyer's consumer gripe ("Padded hospital bill", *nose95*), Medi-Clinic's nursing director discussed the patient's care with her telephonically. After an investigation, a letter was written to the patient highlighting misperceptions and incorrect facts. Patient care was rendered according to nursing standards and at an appropriate professional level (Nursing Council does not prescribe staffing levels). The patient's account was audited and found to be correct.

Estelle Jordaan
Director Nursing
Medi-Clinic Offices
Stellenbosch

Water under the bridge

As *noseweek* was the first to report on the unhappy dispute between the chairperson of Randwater and myself and fellow board member Phiroshaw Camay, I think it would be only fitting that you get to report the final outcome.

It ended this way: The Minister and Rand Water

(1) Withdrew the termination of Phiroshaw Camay and my board membership backdated to 14 February 2006

and we were reinstated as directors of Rand Water,

(2) Rand Water paid us back pay in full from 14 February 2006 to 30 June 2007 (ie. 16 months),

(3) Rand Water paid to us a further quite substantial sum as damages for loss of office.,

(4) The Minister and Rand Water are to pay our legal costs.

It is interesting to note that neither Rand Water nor the minister of water affairs defended the action we instituted.

Mr Camay and I have informed the minister and Rand Water that we do not wish to serve as board members of Rand Water under its current leadership and have tendered our immediate resignation.

David Dalling
Somerset West

Bank's grave ripoff

Please investigate the marketing of funeral policies to the poor. Recently, an old-age pensioner on R870pm took out a funeral policy at a local bank. He was interviewed in his home language by a consultant, who told him it would cost R34 a month, and to deposit R100 for "costs".

The semi-literate man did not understand that the R100 was not a one-off payment and deposited R34 for 18 months at the teller, not the ATM.

In April, when the bank slips did not tally, his employer contacted the bank and learnt that the policy had lapsed in December as R34pm did not cover the costs. Head office had sent a letter to the client in December and he did not respond.

The outcome is that about R600 has been retained by the bank, who advised the client

to start a new policy.

Legally correct, maybe, but morally untenable.

Is this scene playing itself out thousands of times, all over the country? Any suggestions? Any redress?

Annette Doherty
Cape Town

Letters

Letters offered for publication in *noseweek* should be sent to The Editor, *noseweek*, PO Box 44538, Claremont 7735 or emailed to editor@noseweek.co.za. Submissions should be no longer than 150 words.

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“ The constant promotion of frequently artificial transactions breathes disrespect for the tax system, encouraging responsible corporate taxpayers to expect this type of activity to be the norm and to follow the lead of other taxpayers who have engaged in tax-advantaged transactions.

The result is an ugly race to the bottom.

The proliferation of arbitrary and contrived schemes also leads to a perception ‘the system is unfair’ ”

Quoted in SARS discussion paper on tax avoidance

FirstRand vs Mr Nose

BY THE TIME they read this, readers will have learned the outcome of FirstRand Bank’s urgent application to the Cape High Court to interdict *noseweek* from naming any of the bank’s erstwhile “Ansbacher” clients and their offshore trusts.

The names are contained in lists the bank “discovered” last year – together with hundreds of other documents – in response to demands by its opponents in a still pending Pretoria High Court action.

Readers will also know the court’s response to FirstRand’s description of *noseweek*’s recent damning reports, on the bank’s “tax efficient structures”, as “scurrilous and defamatory”.

But at the time of writing, we did not know whether we were free to publish as we had planned, or not: the hearing was imminent, we were determined to resist an interdict

– but printing could no longer be delayed if we were to meet distribution deadlines. But even at this



Bank’s claim to be interdicting noseweek on behalf of its ‘high net-worth’ clients gives new meaning to the term ‘class action’

stage of proceedings we have much to report about the case that will remain newsworthy, regardless of the outcome of the case.

Amongst the most immediate and outrageous; hardly 24 hours before we were to



Picture: AP Photo/ John Cogill

Irish eyes: Demonstrators outside the Irish Parliament in Dublin in 2002, against Irish politicians and businesspeople implicated in a 10 000-page report on tax evasion by clients of Ansbacher Ltd. The allegations were serious enough for Irish cabinet ministers to be recalled from their summer recess to discuss the findings. The full text of the posters reads: "One law for the rich, another for the poor; jail the Ansbacher Gang."

appear in court, and after four days of briefing and preparation, our attorney announced that he was withdrawing from the case – he'd discovered that to qualify for inclusion in FirstRand's conveyancing "panel", his firm had signed an agreement which precluded it from acting against the bank for anyone.

Many *noseweek* readers have reported similar unfortunate experiences, and many have suffered severe prejudice as a result.

Forwarned, we had asked our attorney, when we approached him, whether there might be a conflict of interest, with specific reference to his firm's conveyancing department. He made enquiry and returned to assure us that all was well, and that he was free to represent us. We have no doubt that he was at the time ignorant of his conveyancing partner's deal with the bank – and the dire implications for his firm's fee income should he act against the bank.

Most of the country's major law firms have been compromised by such deals with the major financial institutions. In effect, the banks have succeeded in ensuring that no opponent has access to fair legal representation in court.

As a result we face going to court with a new attorney, who will not have had time to familiarise himself with the case record. He will be there simply in

token fulfillment of the bar council's requirement that an advocate must at all times have a briefing attorney; an insult both to him and us.

To return to our dispute with FirstRand: In our earlier reports, which were based almost entirely on the bank's own documents, we alleged that a number of the "structures" the bank offered to its wealthier clients (described in one such bank document as those with assets worth R50m or more) in the period 1998 to 2002, had contravened various tax and other laws and may even have amounted to a conspiracy to commit fraud.

We also described – again based on the bank's own records – how extraordinarily careless and incompetent the bank's officials had been in devising the schemes and managing their clients' affairs.

These shocking reports, published over a three month period, produced little reaction from the other media and no public reaction from the bank. But then, in our last issue, we said, in a somewhat tongue-in-cheek teaser, that we intended publishing a selection of names from those lists.

Finally the pressure was on – apparently from the bank's own clients. Early indications were that important clients were demanding of the bank something in the line of "you got us into the mess,

you get us out of it'.

Even in the heat of the fray, senior FirstRand officials were still insisting – against all probability – that the bank was innocent of wrongdoing. Founder director and former CEO Laurie Dippenaar assured the *Mail & Guardian* that the "loop" structure they had sold Ansbacher and RMB Trust Services clients was merely "contentious", not illegal. The distinction between illegal tax evasion and legal tax avoidance was, he told the newspaper's reporters, a "grey area" in which lawyers as easily held one view or the other. Even tax evasion, in his view, did not "really" amount to a crime. They settled for it perhaps being immoral.

noseweek's contrary view is described as "scurrilous and defamatory" by RMB Private Bank CEO Sean Michael Farrell, in his founding affidavit supporting the bank's interdict application. So the scheme is declared legal by FNB, despite the fact that the country's best-known tax expert, Professor Michael Katz, declaring in various press interviews: "Loop structures have always been illegal."

And, it transpires, despite any number of laws that clearly spell out that such schemes break the law.

Here is what we discovered on a closer examination of exchange control regulations:

In September 2003 the SA Reserve Bank issued a circular (number D.405) to all banks in which it was stated:

"It has come to the attention of the Exchange Control Department of the Reserve Bank that certain private individuals, resident in South Africa, have entered into a transaction or a series of transactions the purpose, and/or effect of which is to export capital, directly or indirectly from the Republic.

These Transactions, which contravene the Exchange Control Regulations, invariably entail the formation, by (or at the behest of) a resident, of an offshore structure which, by a re-investment into South Africa, acquires shares, or some other interest, in a South African resident company or a South African asset."

The circular noted that the most prevalent of these schemes usually resulted in the so-called 74/26 structure. In such a scheme a South African resident directly, or indirectly, procures a non-resident company in which a non-resident trust acquires a substantial shareholding. The non-resident company or trust then acquires a 74%



shareholding in a South African company in which the resident holds the remaining portion.

"The South African resident would thereafter dispose of certain carefully selected South African growth assets to the resident company ..."

In short, the scheme described in the circular matches in every detail the "Duisberg" structure devised by FirstRand's Ansbacher division (as described in *nose95*).

The circular explains: "The Exchange Control Department of the Reserve Bank regards the above-mentioned transactions (and various derivatives) as a contravention of the Exchange Control Regulations, because they result in the direct or indirect export of capital abroad for the ultimate benefit of a South African resident; and of dividends arising from increased profits, revenue reserves and/or capital reserves accruing from the introduction of the assets to the resident company."

It was the prevalence of such schemes that prompted the authorities

to offer South African residents the opportunity to apply for amnesty from prosecution, provided they returned their offshore investments, together with the profits that had accrued offshore, within three months, and produced proof that they had settled up with the Receiver of Revenue.

Ironically, Ansbacher clients who repented were required to apply for the amnesty deal through the same bank that had devised the scheme, and operated it on their behalf – FirstRand – now in its guise as the pious "Authorised Dealer" acting for the Reserve Bank! The ultimate crook was now playing the policeman. [*How very South African!* - Ed.]

The fact that FirstRand managed the amnesty applications of its clients would no doubt have enabled it to decide what the Reserve Bank got to know – or not know – about its own role in the scheme.

This becomes a matter of public interest because the bank itself had a fair amount to lose: it did not qualify

for the amnesty.

In the unlikely event that FirstRand did confess all to the authorities

(unlikely, as the bank was still insisting that the scheme was legal in its interdict application against *noseweek*), we asked the exchange control department about it. A Reserve Bank official there recalled that FirstRand had submitted many amnesty applications on behalf of its clients, but could not say whether the bank itself had admitted its role. The head of the investigations department would have to tell us. (He did not respond to our calls and messages.)

The official did reveal that we would be most unlikely to find out if a bank was penalised for contravening banking laws, since the Reserve Bank has devised a nifty scheme that enables banks to hide fines for misconduct – the Reserve Bank routinely orders delinquent banks to "lend" the Reserve Bank large sums, interest free, for a given period. The lost interest constitutes the fine – and the bank hides the embar-

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**Have things
got so bad at
FirstRand that
it is defamatory
to suggest that
someone is a
FirstRand client?**

raising affair amongst loans and “other investments” in its balance sheet.

Finally, it is worth noting that the 2003 amnesty came with an important legal proviso: it was “not to be construed as giving legal effect, in the context of the Exchange Control Regulations, to the ostensible form of any Offshore Structure resulting from any of the foregoing transactions.”

In other words, FirstRand’s “Duisberg” structure was, and remains, illegal. Applicants were warned that failure to comply with the terms of the amnesty would expose those still in contravention of the regulations after the amnesty period ended, “to the full force of the law”.

In the Income Tax Act the description of what constitutes an illegal tax evasion scheme was to be found in Section 103; it is now incorporated in Section 80 of the revised Act. It is explicit and descriptive of the schemes that FirstRand’s Ansbacher division sold to its clients.

Both the exchange control regulations and the relevant provisions of the Income Tax Act specify penalties – fines and/or imprisonment – for contraventions. That, in law, makes such contraventions crimes, and the offenders criminals.

In our Common Law fraud is described as the unlawful and intentional making of a misrepresentation which causes prejudice to another.

Use this as a template for analysing the “Duisberg” scheme (fully described in *nose95*), and you quickly discover

that Duisberg and those “independent” Jersey trusts were misrepresentations intended to mislead the exchange control and revenue authorities, causing the country real financial prejudice.

In effect, the rich are robbing the poor.

So, what, then, about those lists of names? Mr Farrell contends, under oath, that publication of the names will be defamatory of the bank’s clients, and an invasion of their constitutional right to privacy. In fact he claimed, without any substantiation, to have brought the interdict application as a “class action” on their behalf.

The fact that the members of the class are said to be in the R50m plus bracket gives the term “class action” an entirely new meaning.

Our reply: surely it cannot be defamatory to identify someone as a client of a particular bank? We all identify ourselves daily as such when we write out a cheque, do an electronic transfer, or use a credit card. Have things got so bad at FirstRand that it is defamatory to suggest that someone is a FirstRand/FNB/RMB client? Is privacy at stake, or are we in fact talking about the secrecy essential to tax evasion schemes?

For a number of reasons *noseweek* remains committed to publishing names, not least because of the key positions many of those we have been able to identify hold in the corporate world – and in the FirstRand group itself.

Having already found most of the directors of Discovery as participants in the Duisberg “Loop” – and, on the face of it, in straightforward, onshore money laundering – what are we to make of the fact that the names of no less than five of the directors of another important FirstRand subsidiary, Ethos, feature on the Ansbacher trust list?

And what’s so secret/private about those offshore trusts? Who “owns” and operates them, and why might he or she not want it to be known?

What might our informed readership make of the lists of names, of their linkages and implications? We will return to the subject at the first legal opportunity.

In the meantime, dear reader, we look forward to receiving your generous contributions to our legal defence fund. It seems, one way or the other, that we’ll be needing it. **ZZ**



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I had a farm in Swaziland



The battle over a bequest has the character of an Out of Africa fable

Farm favourite: Wallie van der Walt wanted Kubuta (above) to become a New Age retreat centre

THE OLD MAN WAS 93 when he died on his remote Swaziland farm with its spectacular view of the Lebombo mountains that form the border with Mozambique.

Ten years on, an epic legal battle is still raging for ownership of this “little piece of paradise”. In the course of the fray, Wallie van der Walt’s dream that his hilly 214 hectares, called Kubuta, should become a New Age retreat centre was struck from his will by an unsympathetic judge. He found the bequest “too vague”. It will have to find fulfilment in another life.

At present Kubuta, 26km by gravel road from the nearest small town of Hlathikulu in southern Swaziland, is leased by OKH Farms, the agricultural arm of multi-millionaire Herman Steffen. The owner of another seven farms, commercial property and Swazi Air Express, Steffen is the land-locked kingdom’s richest man after the king.

But Free State farmer Gideon Willemse, who moved onto Kubuta immediately after Wallie van der Walt’s death in 1998 and was subsequently evicted at gunpoint by Steffen’s security guards, has sworn to oust the tycoon and reclaim the property – by fair means or, as it is alleged, foul.

The saga reads like an *Out of Africa*

fable: an eccentric and childless old widower in the bushveld; a crucial codicil to his will signed on his deathbed; an “adopted son” who is left nothing; executors stripped of their positions; and, enveloping it all, a multi-faceted court battle between Herman Steffen and Gideon Willemse.

By all accounts, Petrus Joubert van der Walt, known to one and all as Wallie, was an extraordinary man. He wore his grizzled hair in a ponytail, and after the death of his wife Violet, nearly 30 years ago, mended his tattered clothing with glued-on patches.

He drove a majestic black Austin Princess with a Rolls-Royce engine, and up to his late 80s piloted his Cessna 182 aircraft from an alarmingly short runway in front of his home. When he flew to Cape Town his wife considered it safer to take the train. As he approached 90 he decided to take up night-flying, enlisting the help of

his friend, Herman Steffen (the millionaire we have spoken of) to lay out landing lights – tins filled with paraffin and mealie stubs – on the airstrip at Steffen’s Big Bend sugar mill for his first attempt. The octogenarian pilot misjudged his approach and wrote off his landing gear. Soon after, doctors refused to renew his pilot’s medical certificate and he was grounded for good.

As his will confirmed, Wallie was a fervent follower of Alice Bailey, the early 20th century associate of Helena Blavatsky and the Theosophical Society. Bailey wrote 24 books, encompassing such subjects as reincarnation and karma, which she said were dictated to her through an “inner voice” by her Tibetan master, DK. DK claimed that in previous lives he was the Chinese philosopher Confucius; Lao Tsu, the father of Taoism; and Casper, one of the Three Wise Men.

Our story starts with a 75-year flashback to the small Free State hamlet of Memel and the arrival there of a five-year-old boy, the son of a missionary couple in Malawi (then Nyasaland). Young Rouvière Rens’s mother had died and his father dispatched him and his

older brother and sister to be cared for by their grandmother.

The grandmother took in boarders and among these was a young couple: Wallie and Violet van der Walt. Wallie was a science graduate from Stellenbosch, but worked in Memel as a motor mechanic. Violet was unable to bear children and the couple took a shine to young Rouvière, whom they called "Vierie". Although never formally adopted, Vierie accompanied the Van der Walts on holiday and over the years was treated as their own son.

Of relevance to this story is that their circle of friends in Memel included a farming family by the name of Willemse.

When Rouvière Rens was in his second year at Stellenbosch University, his foster father Wallie, who by then was farming in the Waterberg, persuaded him to leave the university and join him farming. In 1948 they spotted an ad in *Farmer's Weekly* for Kubuta, and moved to Swaziland.

Although only about 54 hectares of the hillside farm is arable land, Kubuta prospered under Vierie and Wallie, producing rich harvests of pecan nuts, avocados and bananas. In 1954 Vierie Rens married and built a house on the farm for his bride, Churie.

A couple of years earlier Van der Walt had gone into a deep depression and had told Rens he had nothing to live for; he was planning to commit suicide. Before you do anything drastic, pleaded the 26-year-old Rens, read this book.

It was that classic of the paranormal, *The Initiate*, by the British composer and chronicler of occultism and reincarnation, Cyril Scott.

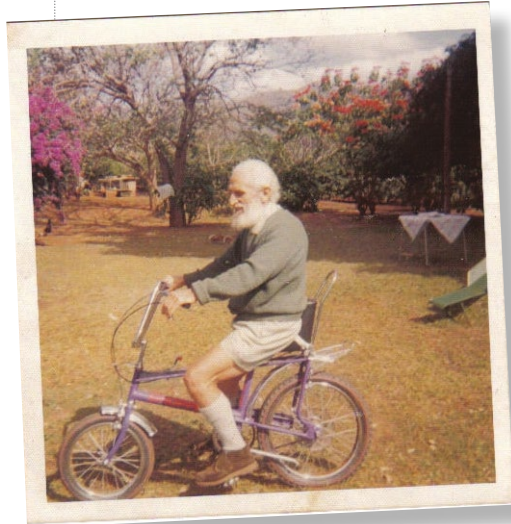
The book restored Van der Walt's will to live and led him to the works of Alice Bailey. "He actually went overboard," recalls Churie Rens. "Every person he met he wanted to convert to Alice Bailey."

After ten years at Kubuta, the Renses left for Piet Retief, explaining to the Van der Walts that they wanted their three children to attend an Afrikaans school. Their departure was devastating for Wallie van der Walt and it must have been a wrench for Rouvière Rens, who was strongly attached to the beauty of Kubuta and devoted to the Van der Walts. But Churie had had enough of the extreme heat and the black mambas that abound there. She was determined to start a new life for her family in Piet Retief – and never to return to Kubuta.

The Renses remained in the town for the next 33 years; Churie was a teacher

and Rouvière a freelance photographer on the local paper *Excelsior News*.

After struggling on at Kubuta on their own for a while, the Van der Walts rented out the farm and left for Newcastle, KwaZulu Natal, where



The wheel thing: Wallie van der Walt

Wallie founded Natal Brickworks and made a stack of money. (What happened with his South African estate is a story for another day.) "Wallie got people to run the [Swazi] farm for him, but it didn't go well," says Churie Rens. "Every time he passed through Piet Retief he used to stay with us and plead 'please go back'. This went on for years."

By 1993 a now widowed Wallie van der Walt was back on the farm, where a regular visitor was Gideon Willemse of the Memel farming family that Rouvière had known in his childhood. Willemse, now farming at Verkykerskop, also visited the Renses in Piet Retief and told them he might buy Kubuta. "Wallie came past and said he didn't want to sell his farm to this man," says Churie Rens. "I don't know why."

Van der Walt had now been joined at Kubuta by his former secretary at Natal Brickfields, an elderly lady named Johanna de Goede. She acted as his farm administrator, says Churie Rens, adding that "there was no romance" since "Wallie was so deeply into Alice Bailey".

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Churie Rens had retired from her teaching job in Piet Retief, Mrs De Goede phoned to say that Van der Walt wanted to see them urgently. On arrival at Kubuta they found an unwell Van der Walt, his mind wandering. "He said Gideon Willemse had been there again wanting to buy the farm and he didn't want to sell to Gideon," says Churie Rens. "The whole weekend he kept on imploring us to come, so in the end we said OK."

But Churie insisted on some strict conditions. By now her husband was in his 70s and could not do the farming. They would come and open up an eco tourism side, with bird-watching, hiking trails and the like. Van der Walt was enthusiastic, announcing that he would dam the Mhlatuze river that runs through the farm, for water-skiing. And, fatally as it turned out, it was the Renses themselves who suggested: "Seeing Gideon Willemse is so keen, why don't we lease the farm to him?"

Nothing about the Renses' return was put in writing. It was left, says Churie, that they would return to Kubuta the following weekend to "finalise the whole thing".

The next week they received a visit from Gideon Willemse, who brought with him a codicil that the fast-fading Van der Walt had just signed at Kubuta. Dated 22 January and typed presumably by his former secretary, Mrs De Goede, it stated: "The farm at Kubuta in Swaziland is let to Mr Gideon Willemse for 5 years (five years) at a nominal amount."

The codicil also included some generous bequests to Mrs De Goede: Van der Walt's investment with Old Mutual – worth R1,2m – a Volkswagen Kombi and all of his furniture and domestic appliances. There was no mention of anything to the Renses, either in the codicil or the main will made more than six years earlier, in which Van der Walt left his entire estate to his trust, called the ROC Fund Trust (ROC standing for Reappearance of the Christ). The income of the trust, he declared in the 1991 will, was to be used for "mainly the effective propagation of philosophy as detailed by DK in the works of Alice A Bailey".

Two days after signing the 22 January codicil in 1998, Van der Walt was dead. No doctor was called to the farm and his cremation was delayed until a doctor could be rustled up to certify, vaguely, that cause of death was "old age".

Although no start date for his tenancy had been stipulated, by March that year Willemse had moved onto Kubuta

If the judge orders the R1,6m consent order to stand and Willemse takes the farm in payment, the old couple's future there is uncertain

and started farming. The maximum lease that can be granted in Swaziland is three years, and Rens, named as executor of Van der Walt's estate (his co-executor being Gideon Willemse's brother Temba) finally consented to a three-year lease for Gideon, starting on 1 March 1999 at a rental of 5% of the farm's gross annual income.

The Renses took two years after Van der Walt's plea, and death, to return to retirement at Kubuta. And they found themselves in a precarious position on the farm. Although the old man had named Rouvière Rens an executor of his will, he hadn't thought to leave them even the house that Rouvière had built 45 years previously. Yet there they were, setting up their eco tourism project on 160 hectares of non-arable hillside, rocks and dongas, while Gideon Willemse, Van der Walt's old acquaintance from Memel and lessee of the entire spread, farmed the 54 arable hectares.

Willemse's three-year lease expired on 28 February 2002, but he stayed on at Kubuta, claiming the five-year lease bequeathed to him in Van der Walt's codicil. That lasted just five months – until who should reappear on the scene but millionaire Herman Steffen. Not quite in person; on 31 July a group of security guards employed by one of Steffen's companies, arrived and summarily evicted Willemse and his wife from the farm. It would later emerge that Van der Walt's "adoptive son", Vierende Rens, in his capacity as representative of ROC Fund Trust and resident executor of Van der Walt's estate, had quietly concluded a three-year lease of Kubuta to Steffen's OKH

Farms. And that Rens had issued the lease without the knowledge or approval of his co-executor, Gideon Willemse's brother, Temba.

This started the marathon run of cases – at least seven actions and motions – in the high court of Swaziland that continues to this day. In 2003 co-executor Temba Willemse brought a successful application to have Rens removed as executor. Acting Chief Justice Annandale found that Rens had not been "open and frank" with the court, and had furthered his own personal aims to the detriment of the estate. The judge questioned in his judgment whether Rens was not "perhaps in cahoots with others to have Willemse evicted from the farm to enable him (Rens) and those in favour with him to utilise the now improved farm".

Rens was removed as executor with immediate effect. But the judge also ordered Temba Willemse to resign as co-executor.

Temba Willemse had brought a simultaneous action seeking to have the ROC Trust Fund declared invalid. In his separate judgment, Judge Annandale found that the trust had indeed failed. The will's "vagueness and uncertainty as to what exactly was to be propagated" led to his finding that "the trust failed and did not come into existence". The problems, said the judge, were initially caused by Wallie van der Walt, who had drawn up a complex will for himself, using legal concepts he was not familiar with, and whose consequences he did not comprehend. The old man's estate should pass to his intestate heirs (his brothers, a sister and their children) ruled the judge.

Thus the ROC Trust Fund ceased to exist, scuppering Wallie van der Walt's dream that Kubuta would become a spiritual sanctuary for students of Alice Bailey. Rens's appeal against the judgment failed.

The new court-appointed executor of Wallie's estate was Mbabane attorney Fikile Mthembu. In 2005 Gideon Willemse won an application to have her removed. Judge JM Matsebula found that after Rens had concluded "a secret and illegal contract" to lease Kubuta to OKH Farms, Mthembu had done nothing to rectify the situation; instead she had entered into another lease with OKH Farms for a further four years.

Judge Matsebula ordered the Master of the High Court to appoint local attorney Cecil John Littler as the new executor.

The following year saw more odd developments. During his four years'

occupancy of Kubuta, Gideon Willemse's annual income had been unspectacular – as low as R51 063. In the fourth year, costs of R161 847 against income of R142 752 resulted in a loss.

After his eviction, Herman Steffen paid Willemse R76 087 for equipment and fixed assets at Kubuta. But now Willemse was claiming an additional R1,06m for "improvements" made at Kubuta. Plus, despite the dismal annual incomes, he wanted R250 000 and R300 000 in profits he said he would have made in two further years had he not been evicted. (He seems to have conveniently forgotten that he farmed for four years at Kubuta, not three). His total claim: R1,6m.

Willemse lodged a claim for the R1,6m against the new executor, Cecil Littler. And, in a deed of settlement signed on 17 September 2005, Littler consented to judgment.

Littler was thus faced with having to pay out R1,6m from an estate whose only asset was Kubuta. The ink on the consent judgment was scarcely dry when the executor directed the sheriff to attach the farm and sell it at public auction that December. Three days before the sale, in an urgent application to the high court, OKH was granted an interdict preventing the imminent sale.

The new executor had imposed a reserve of R2,1m, while Herman Steffen, for one, estimates Kubuta's present value as low as R1,2m.

After the ROC Trust Fund was declared invalid, millionaire Herman Steffen tracked down most of Van der Walt's intestate heirs and bought out their interests in Kubuta for a total of R120 000. So now, he says, he is the true heir to Van der Walt's estate and Kubuta – unless the consent order stands and the farm is sold by the executor.

Which leaves us with the present critical application before the high court of Swaziland – an application by OKH Farms to have the R1,6m consent judgment overturned and for Littler to be removed as executor. The case was heard by Judge Mapalala over three days this August and his judgment is pending.

In court papers on that matter, Ashley Cameron-Dow, farm manager on Herman Steffen's neighbouring farm of Mellowood, who has also been managing Kubuta, says that Willemse's lease did not allow for him to be paid for improvements and that his R550 000 claim for two years' lost profits was "false and smacks of an attempt to advance a fraudulent claim".

Why did executor Littler set a claimed grossly inflated reserve price of R2,1m in his thwarted attempt to sell the farm? To deter potential bidders from turning up, claims Cameron-Dow, leaving the field open for Willemse to take the farm in lieu of payment of the R1,6m consent judgment, and obtain Kubuta for the balance – a bagatelle R500 000.

And why did Littler consent to the judgment? "It was really a question of discretion," he says. "And one can perhaps at times exercise that discretion not quite as well as the next man. But at the time it seemed to be the best thing to do. We're now waiting for the judgment; we can't stand the suspense any more."

Millionaire Herman Steffen is the brother of Oskar Steffen, co-founder of the Johannesburg-based global engineering company SRK Consulting. Steffen says he's happy to let Rouvière and Churie Rens stay on, rent-free, at Kubuta. "These [other] people tried to get the farm in an evil way and I'm not going to allow it," he says. "I don't think I will lose control of it."

"Wallie van der Walt looked after Rens when he was young. Then when he died he didn't leave the farm to him, which was a bit strange to me. Well, it's my farm now and Rens is free to run his little sanctuary there."

However, if the judge orders the R1,6m consent order to stand and Willemse takes the farm in payment, the old couple's future there is uncertain.

Says Rouvière Rens, now 81: "Gideon Willemse is trying to get the farm, but I reckon he can forget about it. He's never without a court case going on. I'm not counting any more."

From Canada, where he's on a trip, 53-year-old Gideon Willemse confirms that if the judge permits the R1,6m consent order to stand he will say to the executor: "I'll take the farm; I don't want the money," he tells *noseweek*.

"We want the farm," he continues. "That's why we put up this whole fight all the time. We want to go and live there. I spent R1m planting all those trees, then they literally kicked me off with the help of this OKH Farms, you know, Herman Steffen. We had to leave the farm at gunpoint with that vigilante army of theirs."

Will he allow the Renses to remain on Kutuba if he wins the war? "Rens is the guy that actually kicked me off the farm," replies Willemse. "So it will depend very much on their attitude. I don't want to commit at this moment on what I would do with them." ■



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Today, tomorrow, out to get her

WHEN NOSEWEEK CARRIED the story of Dumisa Dlamini, Absa, and the missing R600m, you might have said it was hardly a typical case – who's got that sort of money to lose? But here's one to show that, big or small, Absa treats its clients equally badly.

Nadja Schafer has been with Absa for many years and has an account at the Somerset West branch. Nadja feels the bank has stuffed her around big time – so why not just move on? Well, as with abusive husbands, it's not that easy. As your relationship with your bank goes down the tubes, so does your bank rating – if your bank doesn't like you, others won't even touch you. And though Absa clearly doesn't care much for Nadja Schafer, she still holds a Gold Account – she was once a favoured client.

Nadja's life hasn't been easy. For 14 years or so she's been self-employed, running a management consultancy and a procurement business from her rented home in Somerset West. She's brought up two children on her own, the youngest of whom recently matriculated. For the past 12 years or so she's suffered from ME, a condition which, as she likes to point out, doesn't just mean the odd yawn, but a host of problems with the nervous system and muscles. She's learned to manage the condition, but was at one stage bed-ridden for nine months and she's been hospitalised on three occasions. The disease still leaves her bed-ridden at times, which is why she works for herself – she simply can't handle the strict routines of a regular job.

Business hasn't always been easy either. Some years ago a big client failed to pay an invoice and Nadja experienced cash flow difficulties. At first these were not major, but a bit of help from the bank could have meant the difference between success and failure – like a few days' grace where a payment needs to go through shortly before a deposit is due. But Nadja grew increasingly frustrated as her bank bounced cheques for piddling amounts, and charged her whopping penalties.

Now, unlike you, dear reader, Nadja no longer has a personal banker or portfolio manager to smooth those little irritations; she has to deal with whomever is available on the day, which almost invariably means some gofer who sees little dissimilarity



Sold down the river: Nadja Schafer

**Whether
they are big
or small,
Absa treats
its clients
equally –
badly**

between an arse and an elbow – this in an organisation which apparently has absolutely no organ (like a brain) providing a connection between the left and right hands. Which means that if you have an agreement with the bank you actually don't, because the person you spoke to doesn't update the system, and doesn't tell those automatons in credit control or the legal department, who keep churning out the letters, demands and penalties.

Nadja started defaulting on her bond and vehicle payments in 2002, and before long the bank was threatening to sell her house, although her arrears were never more than R6000. She had discussions with three employees of Absa's regional credit division in Cape Town – Paul Beukes, Rian Kotze and Bobby Kemp – but couldn't get it sorted out.

She then happened to meet Johan Bezuidenhout from Absa's private client division at a business breakfast, and told him her story. Bezuidenhout was shocked, and eventually proposed a package which would allow her, by selling her house privately (instead of at auction following a legal process) to clear her debts.

But, while she was still negotiating this deal with Bezuidenhout, the sheriff rocked up and attached her car, a second-hand Hyundai Sonata. Bezuidenhout managed to get the attachment reversed, but even this exercise cost her R2500 in legal fees. Nadja believes that the attachment was orchestrated by one of the regional managers who was pissed off by her “cocky attitude”.

A payment plan was agreed, with certain payments due on 30 April 2004, which she complied with. Nadja was confident she could honour the agreement because she had recently won a good consulting contract. The good times didn't last.

Absa's vehicle department began sending her letters saying she was in arrears on her vehicle payments. She assumed this was an error, but the letters kept coming so she wrote to Absa pointing out that she was up to date. As the letters continued to arrive she went to see Absa's Belville credit department. Look here, lady, they said, waving a document – which she describes as “complete gibberish” – this proves you are in arrears. Confused, she decided to return with documentation to prove she was up to date.

But she never made it to a new meeting, because the sheriff arrived to attach her car. She called her attorney, Johan Uys of Jacques van Niekerk, who called the bank's attorneys and told them that as his client lived 6km out of town on a smallholding she couldn't survive without a car. Tough shit. She can afford an attorney but can't pay her installments? Nadja had a contract with Legalwise.

On the basis that the attachment of her vehicle was based on an agreement which had been superseded, Nadja's attorney got an order requiring the bank to return the car – which Absa treated with its usual respect for court orders: it was completely ignored. We're appealing, said Absa. So no car – which in South Africa means no work. Nadja promptly lost her consulting contract, because she could no longer get to her client.

Nadja was in the poo again. Nadja's attorney kept sending letters demanding that Absa return the car and Absa kept ignoring them. Eventually Absa agreed to a meeting at which the Absa legal boys produced the aforementioned gibberish document, which now had even Nadja's attorney flummoxed. So Nadja took home copies of all the computer printouts, determined to work it all out.

And work it out she eventually did:

*Eventually Absa
agreed to a meeting.
The Absa legal boys
again produced the
gibberish document,
which now had even
Nadja's attorney
flummoxed*

the car payment she had made on 30 April 2004 had been allocated to the old debt and had not been reflected as a payment under the new agreement.

By now the damage had been done – Nadja hadn't been earning for some time and the debt was piling up. More negotiations took place until eventually, in November 2005, the bank sold the vehicle, which was then worth some R65 000, to clear her debt. The bank also agreed to withdraw her ITC listing – which it has never done.

And once again the letters started coming. Absa claimed that Nadja owed some R18 000 on her credit card account, which eventually grew to R20 000. Nadja was already repaying R500 per month, but the bank insisted on R2000 per month, which she couldn't afford. When she asked why the bank was being so tough on her, she was told it was because of her bad rating and poor record as a client. In frustration she wrote to Absa CEO Steve Booysen pleading with him to write off her credit card debt in lieu of the losses she had suffered. CEOs don't deal with such messy little matters, and she received a call from a lackey called Dick Gardiner, who promised to look into things.

Now we have no idea what Dick Gardiner looks like but we do know he don't look fast. In the time it took him to look, a lot of stuff happened. First, the credit card division issued summons against Nadja. She instructed her attorney to tell Absa that the matter would be defended but he failed to file an appearance to defend, and the bank took a judgment in late 2006. When Nadja found out about this she

phoned Gardiner, who told her he was looking into her bond account – which had been closed years earlier. In February 2007 Nadja received a letter from Absa threatening to attach her property if she didn't pay up. Nadja's attorney responded by saying that she was still negotiating with Gardiner. According to Nadja she had numerous discussions with Gardiner during this period but he kept saying he was waiting for some or other file.

Then some good news: in March 2007 Nadja's procurement business landed a plum contract to sell the assets of the Van Riebeeck Hotel in Gordon's Bay. Nadja sells assets on the instructions of a client, then takes the proceeds into her account and pays the client what has been realised, minus her fee and expenses. After the Van Riebeeck Hotel sale, she deposited into her account two payments totalling some R250 000, as well as some R50 000 from two smaller contracts. Her account was suddenly in credit to the tune of some R300 000. But not for long.

Within a week, Nadja received an SMS from Absa saying that R20 000 had been deducted, no reason given. Nadja made frantic enquiries, only to be told that the amount had been set off against what was owing on her credit card.

Can a bank assume that money in a customer's account belongs to that customer and set it off against money owing to a different division of the bank? Not according to an official at the Ombudsman for Banking Services whom Nadja spoke to, a certain Don. Besides, insists Nadja, Absa well knows that she puts client money into her account. Her attorney also gave the bank proof that the money belonged to third parties.

Nadja again took the matter up with Gardiner, but his boss, Kammy Naidoo, who Nadja describes as someone who tells you to go to hell in such a way that you actually look forward to the trip, now entered the picture. Kammy backed the credit card department's decision – after all, you owed them money and we have a judgment, he told Nadja. To rub salt in the wound, another R2000 disappeared shortly thereafter, which Nadja can only assume was to cover legal costs.

Now she's in a real pickle. Having paid the Van Riebeeck Hotel, she can't raise finance to pay the other two clients. There you go: with Absa today, tomorrow, out to get her.

Absa declined to comment on this story. **W**

French kiss of death

FOR DECADES BEFORE the 1994 genocide, Rwanda, the tiny central African country only slightly larger than Gauteng, was famous only for its mountain gorillas that drew millions of tourists for short visits. But all this changed when nearly a million Tutsis and moderate Hutus were massacred in what the West readily declared was an ethnic war.

For 13 years after the genocide, organisations and countries came forward to apologise for sitting back while the massacre unfolded; the UN was the first to admit liability for failing to send in enough peace-keepers to protect women, children and the weak.

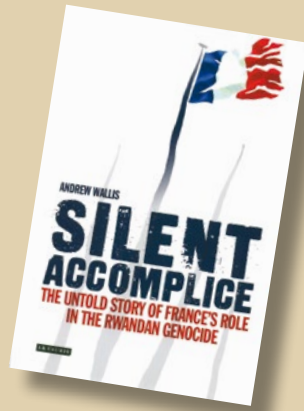
One prevailing conception has been that the genocide was triggered by the downing of a plane flying former president Juvenal Habyarimana from peace talks in Dar es Salaam, but new evidence proves otherwise.

In his book, *Silent Accomplice: The Untold Story of France's Role in the Rwandan Genocide*, Andrew Wallis, a freelance journalist and a researcher at the Department of Peace Studies, University of Bradford, exposes the darkest secrets of the genocide.

In his preface Wallis comments: "My interest was heightened when I discovered that behind this Rwandan government (of Habyarimana), with its increasing catalogue of human rights abuses, lay the unconditional support of a permanent member of the Security Council and a nation (France) that prided itself on democracy and the 'rights of man'.

"While in France individuals and pressure groups such as *Survie* have worked tirelessly to bring the truth to light, the English-speaking world has largely ignored the collusion of 'one of its own' in this shameful matter."

The shameful matter Wallis is referring to is the revelation that between 1990 and 1994, France sent more than \$24m worth of arms to Habyarimana's government. And, in the same period, President François Mitterrand, in his quest to see France reestablish itself in central Africa, offered specialized training to Habyarimana's Interahamwe militia – which later committed most of the killings.



Mark Thomas
reviews

Silent Accomplice: The Untold Story of France's Role in the Rwandan Genocide

by Andrew Wallis

(Publisher: IB Tauris)

Despite having been a Belgian colony, by 1990 Rwanda was a fully fledged member of "La FrancAfrique". The attacks mounted by English-speaking Paul Kagame's Rwanda Patriotic Front, mainly from Uganda, were thus feared as involving a possible takeover by Anglophone influences.

"It is no longer excusable for Western nations to write off African conflicts as 'ethnic wars', and to rekindle the usual racist arguments that such violence is to be expected from 'uncivilized' and 'black' peoples," writes Wallis.

One man who has suffered enormous trauma as a result of the genocide is the Canadian General Romeo Dallaire. The general, who was in charge of the small UN Force in Rwanda, has repeatedly and publicly admitted to his own failure to save those who were killed.

Wallis quotes from the general's 2004 speech made when he returned



Gruesome evidence: Remains of victims at the church at Nyamata, where more than 7,000 perished

to Rwanda to mark the tenth anniversary of the genocide. "The world is ruled by a belief that will permit other genocides. The superpowers had no interest in you; they were only interested in Yugoslavia. Thousands upon thousands of soldiers were sent there, and here I barely had 450. The guiding principle was that in Rwanda it's tribalism, it's history repeating itself.

"In Yugoslavia, it's different. It's ethnic cleansing. It's European security. It's white. Rwanda is black. It's in the middle of Africa. It has no strategic value. And all that's there, they told me, are people, and there are too many anyway."

What the general was never told was that among the Interahamwe militia were highly trained French Special Forces who were providing logistical support (channelling the arms, including the machetes used in the killings and training). Wallis reveals that it all began in 1981 when Mitterrand was elected to the Elysee Palace.



Lucky few: Survivors of Bisesero, where French troops abandoned the Tutsis to the militia killers

He writes: "For his son Jean-Christophe, his father's election to the Elysee in 1981 was like winning the lottery. Within five years, this little-known journalist was parachuted into one of the top jobs in France. Six years later, he ignominiously left the post as head of the presidential Africa Cell after insinuations of corruption and malpractice. By the end of the decade, he was under investigation for illegal arms trafficking and money laundering; he spent Christmas 2000 in a prison cell."

After dropping out of university at 23, Wallis reveals, Jean-Christophe (nicknamed *Papa m'a dit* – Daddy told

me) worked briefly on a kibbutz before trying a career in journalism with Agence France-Presse (AFP) before his father appointed him to head the African Cell at the Elysée, where part of his work was advising his father on the so-called "black continent".

The book shows pretty clearly why Kofi Annan, as UN Under-Secretary General in charge of humanitarian affairs, could do nothing. It further explains why the other members of the Security Council took their time before declaring that what had happened was genocide.

In his conclusion, Wallis quotes from President Jacques Chirac's 16 July 1995 speech to mark the first annual memorial day for the Jews deported and murdered under the Vichy regime: "On this day [in 1942] France, the country of light, and the rights of man, land of welcome and refuge, carried out an irreparable act. Abandoning its word, it delivered its protected people to their torturers. These dark hours have sullied our history forever and are an insult to our past and traditions... we must recognise the fault of the past and the faults committed by the state."

Says Wallis: "It remains to be seen when a president of the French Republic will ever have the courage to make the same speech about Rwanda." ❏

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School of hard knocks

AFTER OUR EXPOSÉ of the underhand operations of Media24's Educor (*noses94&95*), readers may have expected Intec and Damelin correspondence colleges to come clean on whether or not they are actually pursuing accreditation for their courses and diplomas. Readers might also have expected snow in January.

Soon after *nose94* hit the news stands, our sources reported that one of Media24's senior executives had announced: "At least the story has only been covered by *noseweek* – which is not read by our target population."

But Educor executives were none too happy when SAfm picked up the story, broadcasting it to a wider populace that the education group would prefer were kept in the dark. Soon after the broadcast, at a meeting of senior Educor staff called by Media24 CEO Hein Brand, Brand announced that Educor was closing down "after realising that the requirements for accreditation were unachievable".

But another source tells *noseweek*: "That was meant for the media. Our

Was a Media24 announcement that it was closing down Educor just a smokescreen?

bosses believed that one of us was talking to the media and they wanted to feed this closure message to people like you, with the hope of keeping you off our backs."

Educor has also terminated the services of Jan S de Villiers, while retaining another Cape Town firm, Cliffe Dekker Attorneys, to handle legal issues pertaining to Educor, starting with Elizabeth Hancock's Academy of Learning SA (*nose95*). Apparently attorneys at Cliffe Dekker hurriedly called Hancock in to discuss "the way

forward to resolving the former learners' issues". In attendance was Adrian Morris, Educor's acting CEO, while Hancock represented AOL SA.

Although the meeting seemed to reach a workable conclusion – Educor undertook to release enough funds to AOL SA to facilitate the pending certifications and to cover Hancock's legal costs – the chances of this happening are very slim. "Our executives didn't want additional pressure from Hancock," says our source, "Since your August report there have been so many refunds that we can't afford to pay Hancock or others like her. If it can be delayed by making her believe that something is being worked out, all the better."

Hancock herself tells *noseweek*: "I would love to talk, but I've given a verbal undertaking to Educor not to disclose what we discussed. If this means that the learners' issues will be addressed, I'll honour it. There are thousands of individuals whose fate depends on whether Educor keeps its word."

Does that mean Educor made some promises? "I can neither deny nor confirm that." If promises were made, they may not be kept – *noseweek* is aware of several previous pledges made by Educor on this issue.

Educor has also now announced a new venture with one of South Africa's top rugby administrators, Willem Strauss, director of the Blue Bulls Rugby College, which will see Damelin offering a sports business course. The incorporation of an acclaimed sports promoter comes as no surprise: like Prof Jakes Gerwel, and Dr Steyn before him, Strauss makes a wonderful strategic partner.

While Educor is busy with legal negotiations to avert any reduction of income, the Department of Education is taking its time to act on behalf of the victims. Education Minister Naledi Pandor promised *noseweek* a statement, but over a month later nothing is forthcoming from her office. Pandor's media liaison officer, Lunga Ngqengelele, tells us: "The Minister's statement will be released when it's released. All I can tell you is that she has instructed the DG, Mr Duncan Hindle, to work on it."

And while politicians are dining with



"I just have to create a few loose ends for other people to clear up, and then I can get out of here."

Naspers executives, frustrated and disappointed students need more than fighting spirit to get their money back. Tim Knight registered with Damelin Centurion for a diploma in golf directorship and club management after quitting his job in the Eastern Cape as general manager of a dairy. Tim's alarm bells went off a few months after paying over R33 000 to Damelin. "I was very disappointed at the quality and standard of the lecture materials, and raised these concerns with various lecturers at Damelin Centurion as well as with the course coordinator. I was not at any time told that the course was not accredited."

It was only after he wrote his final exam that Tim discovered that the programme wasn't accredited as he had been led to believe. He then joined a group of parents and other students in demanding a meeting with the Educator administration – where it was admitted that the course had no official accreditation. In fact, at the time of these students' admission in 2004, Damelin had not yet submitted any formal request to Umalusi for such accreditation.

Tim Knight was lucky; his attorney wife, Jorja, took the media giant head on, and after months of correspondence, Tim got back the total amount he had paid. He didn't, of course, get compensation for being led up the garden path.

Others have not been that lucky. Several of Tim's classmates are having running battles with Educator as it drags its feet, saying that each case has to be examined on its own merits since the students have different contracts. Some have been refunded only half of what they paid.

Setumo Stone, who registered to study radio production with Intec, sent them an email demanding his money back after discovering soon after parting with R3000 that the course was neither accredited nor of any real value. Though previous attempts had come to nothing, when Setumo informed Educator that he was heading to *noseweek* he got his entire course fee refunded.

noseweek now has a list of hundreds of former learners who are seeking their money back after discovering they'd been suckered. The list seems to grow every day.

Petrus Jacobus (Jaco) Blomerus parted with R45 000 to study sound engineering with Damelin Mowbray after being told that the qualification would earn him an international diploma from The College, Bournemouth & Poole, in the UK. No sooner had Jaco made the payment than he learnt that Damelin had no affiliation with the said UK college.

noseweek has a list of hundreds of former learners who are seeking their money back after discovering they'd been suckered. The list seems to grow every day

Contacting the UK institution directly, he discovered that Damelin was still only negotiating to use The College's logo on their diplomas. Finding that the "course" consisted of little more than disjointed notes from textbooks, Jaco pulled out. He is now in London waiting on tables to pay back the loan he took out. Says Jaco: "I can't begin to tell you how disgusted I am with Damelin. And no-one seems to be doing anything about it."

Jenien Kruger is yet another victim. "I am not a big fan of Intec. They try to trick you in every way possible. I enrolled with them in 2006 but never got to submit even a single assignment. I was sent the wrong books, my account details were wrong, I was given the wrong information with respect to cancellation etc etc. I have been trying to cancel my contract with them for months, but every reason I supply for cancellation is not good enough. And when I fax them something, it either doesn't go through, or, if my fax machine says it did go through, they claim they haven't received it. I am so fed up it's not funny." ■

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Pushing the boundaries

For the past year pills targetting the same part of the brain as Ecstasy, with similar effects, have been openly on sale in South Africa

T SOUNDS TOO GOOD to be legal. Or safe. A pill that lets you “push the boundaries and enjoy a mind-altering experience with all the energy to match”. That promises to deliver “feelings of intense happiness sweeping over (you) from head to toe”.

Since November last year, pills making these very claims have been sold openly in bottle stores and tobacconists around the country. They are commonly known as party pills, and manufacturers claim they are a safe, non-addictive alternative to alcohol and illegal drugs, as long as you are over 18 and follow the directions on the pack.

The main active ingredient is the compound benzylpiperazine (BZP) which targets the same serotonin receptors in the brain as Ecstasy and amphetamines, and produces similar effects. BZP has already been banned in the US, Australia, the UK, Japan, Denmark and Sweden, and is heading for a similar fate in New Zealand, birthplace of the party pill.

The legal status of the drug in South Africa is unclear. Although the Medicines Control Council (MCC) has declared BZP “undesirable”, it has yet to make any firm ruling on its legality.

The party pills available in South Africa are distributed by Hard Out Distributions, which says it has registered the product as a complementary medicine. The company provided *noseweek* with copies of their applications for registration, but no evidence that these had been successful. The MCC was unable to confirm or deny Hard Out’s claims.

Hard Out director Vashti Leach-



Cartoon: Meg Jordi

man said her company had followed all the legal requirements “to a T”, but had “voluntarily” stopped importing the product from New Zealand pending clarification from the MCC.

The company has also been hit by a warning issued recently by a Cape Town laboratory, Drug Testing Africa, which claims urine tests on three party pill users came up positive for amphetamine and methamphetamine, known locally as tik. The distributors have threatened to take Drug Testing Africa to court over the allegations.

“Our pills are made under strict conditions in a government-approved facility in New Zealand and each batch is rigorously tested,” Leachman said. “It’s common for BZP to produce false positives for amphetamines. But there is nothing illegal in our product.”

She said research had shown that party pills were safe, and were being used as an alternative to hard drugs and drink. “They are a drug-harm minimization solution. They are non-addictive, and safe if used properly.”

Some studies seem to bear this out. Research conducted in 2006 by Massey University in Auckland found that a third of people who had taken both party pills and illegal drugs in the previous year had given up the banned substances completely. Of those who still took illegal drugs, 45% preferred to take party pills.

A comparative risk analysis by the independent Consumer Link organisation produced less dramatic figures, but still found that up to 10% of users had given up or reduced

We have no idea what the long-term effects could be. Without further research, it's impossible to assess whether BZP is a potential ally in the war on drugs, or an agent for the other side

their consumption of alcohol and illegal drugs as a result of the pills. The authors concluded that party pills produce fewer adverse health effects than alcohol, are less likely to result in physical injury, provoke aggressive behaviour or cause traffic accidents, and create far fewer issues of dependency or loss of control. It found no evidence that BZP acted as a "gateway" to harder drugs.

Since they first went on sale in 2000, party pills have become the fourth most popular drug in New Zealand after alcohol, tobacco and cannabis. The Massey University survey found that 20% of 13-to 45-year-olds had tried them.

Although New Zealanders consume party pills at a rate of 200 000 a month, there have been few reported cases of severe reactions, although there have been a small number of hospital presentations for agitation, vomiting, seizures, heart palpitations and possible kidney damage.

The only death to be associated with BZP anywhere in the world is that of a Swiss woman who combined the drug with Ecstasy. Consuming the pills with other drugs seems to present the biggest danger.

The packaging for Hard Out's A-Class Party Pills is quite clear on the risks. "WARNING: THESE PILLS HAVE VERY STRONG EFFECTS", it says in big letters.

"DO NOT MIX WITH LARGE AMOUNTS OF ALCOHOL."

In smaller letters, however, it says "DO NOT consume alcohol". It also says: "DO NOT mix with any medicines, drugs or other products containing BZP. DO NOT underestimate the powerful effects. DO NOT exceed stated dose."

Unfortunately, not everyone reads labels or follows their advice. Various studies in New Zealand suggest that up to 30% of users don't even look at the instructions, half of them take more than the recommended dose and two-thirds have mixed the pills with alcohol. There is also evidence that some children as young as 14 are taking BZP.

In South Africa, while selling the pills through liquor outlets may offer some protection to children, it doesn't exactly reinforce the no-drinking recommendation. But is banning the way to go?

The man who discovered the potential of BZP and developed the first party pill is adamant that it's not. In the late 1990s, Matthew Bowden was a crystal meth addict. Desperate to kick the habit that was killing him, he asked a neuropharmacologist to help him find a safe substitute. They came up with piperazine, a compound which seemed to offer all the joys of speed and E, but without the nasty side-effects, including the possibility of arrest.

Bowden weaned himself off meth, and is now a successful businessman with his own party pill manufacturing and marketing company. He is also chairman of the BZP advocacy group Social Tonics Association of New Zealand (STANZ).

He says the research proves that "party pills are serving their purpose as a safer, legal alternative to illegal drugs".

STANZ supports the strict regulation of BZP and claims that if the drug is forced underground, it will be far more difficult to monitor and control.

Party pills are clearly not harmless. They cause dangerous reactions in some individuals and the hangover has been described as "like 24-hour flu". Experts also have no idea what the long-term effects could be. Without further research, it's impossible to assess whether BZP is a potential ally in the war on drugs, or an agent for the other side.

Unfortunately, in the current climate of drug-hysteria, clear thinking and calm judgment are in short supply. So get your party pill hangover now, while stocks last. **Z**

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Pop goes the wheezer

IN MAY, *Gristmill*, a well-respected US environmental news website, drew attention to the remarkable fact that food-industry workers are literally dying from exposure to a key ingredient in microwave popcorn, which is very popular in America and is becoming increasingly popular in South Africa.

The food additive diacetyl (responsible for that “buttery note” in nuked popcorn and also in margarine) emits noxious fumes when heated – which, in high concentrations, can literally destroy people’s lungs. Exposure to diacetyl has been decisively linked to a condition known with chilling accuracy as “bronchiolitis obliterans” – an irreversible lung disease usually found only in survivors of serious fires.

In the May article, the author posed the question: are consumers of microwave popcorn – as well as home cooks who sauté with margarine – possibly exposing themselves to serious lung damage? Turns out they may well be – but until now US federal agencies, known in the past for their rigorous controls, don’t seem to have given an unpopped corn kernel about it. The latter discovery is probably the most disconcerting for consumers who have, until recently, come to rely heavily on their government agencies to look out for their health and safety.

David Michaels, a professor at George Washington University, head of the Project on Scientific Knowledge and Public Policy, and a former Clinton Administration public-health official to boot, points to a recent case of bronchiolitis obliterans found in a patient who ate microwave popcorn daily.

The patient’s doctor, Cecile Rose of the prestigious National Jewish Medical and Research Center in Colorado, issued a blunt letter describing the case, dated July 18, to all the big US public-health agencies. Their response, according to Michaels: dead silence.

Concludes Michaels: “It appears that the Bush Administration’s efforts to destroy the regulatory system are succeeding; the agencies seem unable to mount a response to information that a well-functioning regulatory system



Cartoon: Meg Joridi

**Noxious fumes from
fake butter in
microwave popcorn
could be wrecking
your lungs**

would immediately pursue. The agencies aren’t even trying to connect the dots.”

Meanwhile, Liz Borkowski, a colleague of Michaels at the Project on Scientific Knowledge and Public Policy, says that the group has tried to get the EPA to release results of its study on popcorn-related diacetyl emissions, even issuing a Freedom of Information Act (FOIA) request.

The result? Dithering. “They did send us a lot of documents in response to our FOIA request, but classified the study itself as a non-releasable record,” says Borkowski.

While the EPA is hiding the study from the public, it has released it to the microwave popcorn industry, the *Seattle Post-Intelligencer* recently reported. The results must have been scary. One major maker, Pop Weaver, has removed diacetyl from its product, citing the EPA study as the reason, the *Post-Intelligencer* reports.

Others, however, have chosen to continue exposing workers and consumers to diacetyl. As the *Post-Intelligencer* makes clear, the additive “remains in widespread use in thousands of consumer products, including the microwave popcorn brands Orville Redenbacher and Act II.” (The latter brand is widely available in South Africa.)

Now the Project on Scientific Knowledge and Public Policy is campaigning to convince public-health agencies that their real constituency is the public, not the food industry.

For more information, go to: www.gristmill.grist.org.

■ *noseweek’s* intention in publishing this story is not to feed paranoia or to suggest that the occasional consumption of a pack of microwave popcorn could kill you – but rather to alert consumers to the junk that certain major food processing companies see fit to dump on unsuspecting consumers, and to encourage intelligent consumers not to buy them. And to note yet another example of the shift in public institutions from serving the public at large, to secretly serving only certain powerful (and invariably wealthy) interests in society. **■**

Notes & Updates



DR GORVALLA

The show goes on

F

OLLOWING OUR REPORT (*nose93*) on the shenanigans surrounding the inclusion of Pat's Transport as a vendor at UWC, the Minister of Education's office has issued an instruction to review the whole transport tender process.

An official at the Western Cape Department of Education tells *noseweek*: "Your report implied that Patricia Gorvalla is using her proximity to the Minister to gain favours at the university. But I can assure you that the Minister has never been aware of this."

Patricia Gorvalla, needless to say, will not be taking the matter lying down, and her agents in the affair are sure to be working hard behind the scenes to ensure that Pat's Transport is firmly ensconced as a transport provider at UWC.

One of these Gorvalla agents seems to be Manie Regal, the UWC executive director of finance and operations who apparently owes his position to her intervention. As reported in *nose93* Regal's signature appears on a letter confirming the place of Pat's Transport on the vendor list – after the company was officially excluded by the tender committee – but it was signed while he was out of the country on a family holiday.

Regal was originally hired as a restricted funds manager by Graham Botha, then executive director, finance. When Botha resigned in January 2004, the University Council advertised for a replacement, and Manie Regal was appointed to act in Botha's place until a

proper appointment was made.

Nobody at the university, not even the rector, Prof O'Connell, could confirm how many applicants responded to the advertisement. Neither could they say how many were called for interviews. But it does appear that one particular board member, Patricia Gorvalla, had already identified Regal as a suitable replacement: she and O'Connell pushed other board members to appoint Regal officially. This pushing and shoving lasted a year.

The major objector to Regal's appointment was the chairperson of the University Council, Sheila Tyeku, who thought he was too young and inexperienced to take on complex high-level financial management, and she feared in particular that Regal might be manipulated by more experienced and business-minded individuals.

Despite Regal's intervention reinstating Pat's Transport onto the list (after the task team had rejected her bid), it seems that departments (especially the nursing department) which had been unhappy with the service provided by Gorvalla's company simply stopped using it. But when Pat's Transport questioned why, they were told that the company wasn't on the list. This

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led to a letter being written to Regal by O.N. Gelderbloem, a senior manager of Gorralla's St Patrick's Investments (Pty) Ltd (the Department of Trade shows this to be a close corporation and not a Pty, with Gorralla as sole director).

Gelderbloem writes: "I personally came to you in early January this year regarding the difficulties we were experiencing around our company's listing as a transport vendor with UWC. It now seems that despite the assurances you gave and the letter issued by you to this effect, there are deliberate attempts to remove Pat's Transport from your listing."

The letter continues: "We have learned that the University Community was again informed by the Procurement Office we are no longer listed as a vendor, thereby nullifying the letter you issued to us."

"Another concern is the list of transport companies now on the University's

vendor list. The University is well known for its role in transforming our society and assisting those from previously disadvantaged backgrounds. If we are asked to compete against companies such as Golden Arrow, the university's policy of transformation in this area must be brought into question."

Soon after Regal received this letter, he reportedly ordered the reinstatement of Pat's Transport into the vendor's list and cautioned his staff against discussing the issue, even amongst themselves. He was then reportedly reminded that there was no contract with Pat's Transport – even if the company appears on the vendor list, no-one is obliged to use it.

Prof Khanyile, the head of Nursing and whose department uses more transport than others, reportedly told Regal that she would not be using Gorralla's services, since her allegiance is to her

students and the public. She reportedly warned Regal that no amount of pressure was going to force her to use unreliable transport for her students.

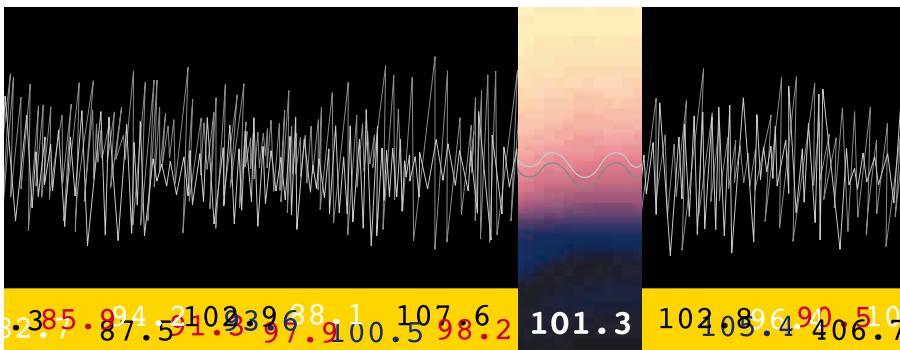
noseweek is also reliably informed of difficulties various vendors experience with getting their invoices settled. All the vendors who talked to *noseweek* pointed fingers at Thelma Adams, with one saying: "She's a small god in finance and the more you complain to Regal the more your payments are delayed. Sometimes you are even threatened with exclusion from vendorship."

A source within UWC alleges that Thelma does administrative work for "Aunty Pat", as she calls her. "She would even summon various departments to hurriedly process Aunty Pat's claims, and take them directly to her. She also signs receipts for her."

Another staff member reports: "Patricia's sight is fading and she cannot drive at night and that's another role Thelma plays; she drives her around to evening meetings especially to those functions organised by the Department of Education."

She is alleged to be the one who disclosed to Gorralla the details contained in other bidders' tender details (*nose93*). Thelma declined to talk to *noseweek*, but, ironically, suggests we speak to Gorralla "if we have any problems".

calm in chaos



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MANDELA ART

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 scam longa est

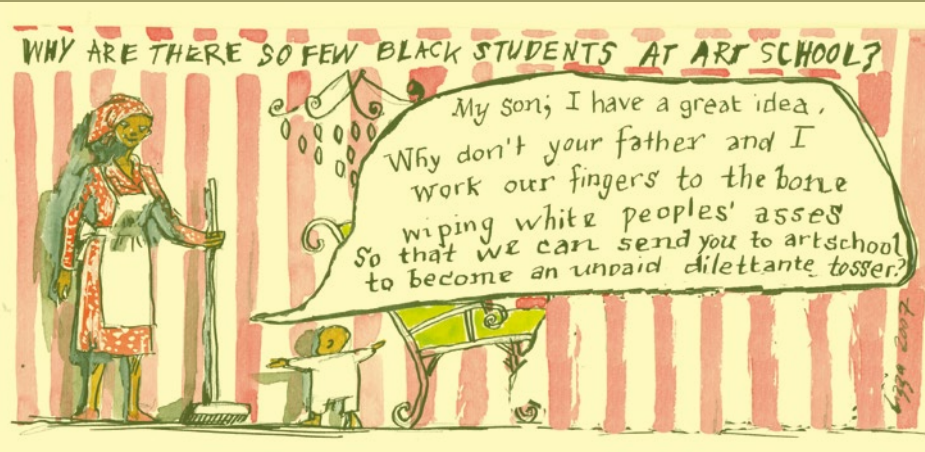
W

HILE AFRICA'S MOST
 famous artist reportedly spends much of his twilight years hiding out in Maputo, his late masterworks, having been

rejected on the local scene, are now up for grabs at the Alexander Gallery in La Jolla, San Diego (California).

Nelson Mandela's "art" was the subject of great controversy several years ago (*noses48,49,66,67*), after smart-alec "concept marketer" Ross Calder set in motion a scheme involving easily reproducible artworks by the world's most famous, and certainly most (only?) endearing, politician.

Among other events, the debacle saw



the end of Madiba's relationship with his lawyer of 20 years' standing, Ismail Ayob, and the sudden jump to public attention of artist Varenke Paschke, who "tutored" Mandela in drawing.

It became clear that the original "Hands Series" were actually drawn by graphic designer Trish Roux, based on concept sketches by Ross Calder, and that the "Robben Island Series" would never have come about without Paschke's own "guiding hand".

noseweek also discovered how it was that the 87-year-old liberation veteran could have "signed" the thousands of works being marketed as his final aesthetic testimony – Calder had ordered a handwriting machine capable of repeating any signature for as long as its owner feeds it ink and electricity. It was never proved that this was how the deed was done, but experts have noted that it would have taken at least three continuous months of signing to complete the job – at a point where the "artist's" time was being very carefully managed, not least because of his increasing frailty.

The final upshot of the affair, in this country, was the issuing of a high court order forbidding the sale of art works in South Africa, or abroad, using the name of the great man.

All this seems to be news to Richard Lubner, who was provided with the art works by none other than Ross Calder, and who has now supplied them to the Alexander Gallery. Lubner insists that Mandela did sign the works, and says that each of the many thousands of lithographs on sale comes with a "certificate of authenticity" signed by Calder himself. Those familiar with today's art world will be wondering if this isn't yet another conceptual art event on the theme of infinitely faking the fake.

Lubner appears to be an Australian-based South African (though he

could well be a South African-based Australian...or a Mongolian-based Estonian...), and says: "This gallery is dedicated and focuses purely on selling artworks that Mandela himself has done."

The matter caught the attention of California-based *10News*, which has made it the subject of a short documentary. The *10News* team learned that the high court order, besides saying that sellers may not claim that Mandela has authorised the sale of the works, identifies by name the very works on sale in La Jolla.

The news video also features South African cultural struggle stalwart and respected novelist Achmat Dangor, then lecturing at Harvard, firmly declaring that Africa's most famous artist is really a retired statesman, who would be very upset to learn that a new round of dupes are being enticed to fork out thousands of dollars that will never reach the children he once thought he'd be helping by getting involved in the scheme in the first place.

Vive l'art! Vive la resistance! Vive le cash!

GLENRAND SETTLEMENT

Thembi gets paid

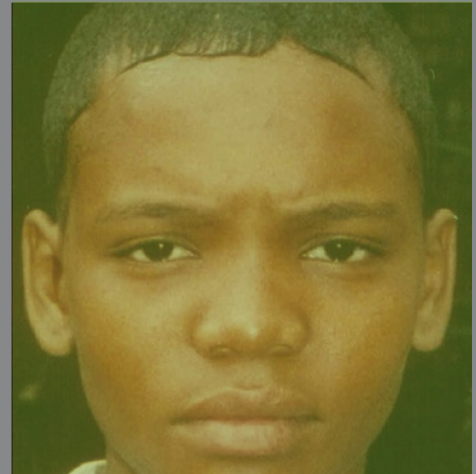
AT LAST, GLENRAND MIB has finally agreed to pay out for injuries 16-year-old school-girl Thembi Mgcina suffered when she was struck by a car in her East Rand township when she was eight (*noses* 76, 78, 88, 94). Well, better very late than never, we suppose.

On 24 August, three days before the Johannesburg high court was to hear

arguments over the disputed quantum, Glenrand's attorney Clement Shirilele, of the Joburg firm Maluleke, Msimang & Associates, proposed a settlement meeting with Thembi's lawyer Anthony Millar.

A figure was agreed – on condition that the amount would remain secret. Why the confidentiality clause? Well, it was much less than attorney Millar and Thembi's family were hoping for. (In case you're interested, the agreed payout is around R250 000, plus costs).

Glenrand became involved in the claim following the disappearance of Thembi's former attorney, Admiral Khoza. Khoza had accepted a totally inadequate settlement of R54 000 from the Road Accident Fund, and vacated



Thembi Mgcina

his Joburg city-centre office without passing on the payment to his young client. New attorney Anthony Millar eventually retrieved R36 209 of it for Thembi.

Millar filed an optimistic new claim for R4m against the Attorneys Insurance Indemnity Fund, which covers all attorneys, although the fund's liability is limited to R1m. Glenrand handles all professional indemnity claims on behalf of the fund.

The estimated costs included in Thembi's secret settlement are considerable – at least R500 000, and double the R250 000 award that will go to the teenager, who suffered serious head and leg injuries in the long-ago accident. Thembi's *pro bono* attorney, Anthony Millar, however, won't get the whole R500 000; there will be shell-outs to doctors who prepared copious reports on the lass's injuries and their likely effect on her future.

The worms turn

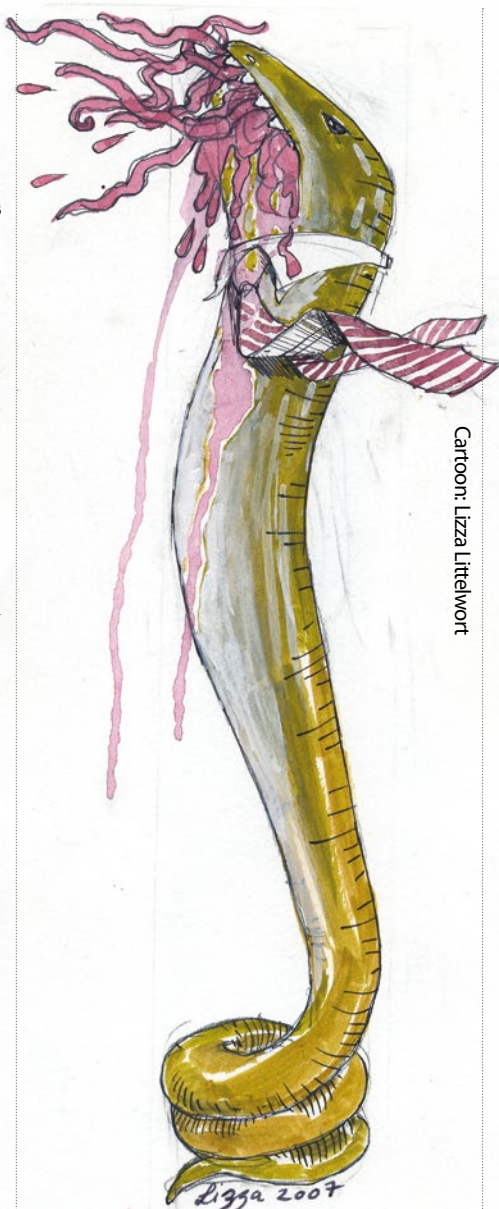
A corporate giant in the US is using the legal system to try to put a fledgling competitor out of business

WHEN THE MOUNT NELSON Hotel in Cape Town got into worm-poo farming last year this wasn't just good news for the plants in the international hotel's elegant gardens, or the experimental beginnings of a new range of organic sauces for their famous R150 hamburger. At a dinner for 150 guests from the media and the tourism industry, the hotel introduced its worm farming operations as the first stage in developing and marketing itself as an international green hotel.

Vermicomposting (compost from worm castings) may be on its way to revolutionising how we recycle organic waste – if people can love the worm enough to keep bins full of them in their homes. It's just beginning to catch the imagination of urban greenies who fancy the idea of feeding their organic leftovers into a compact apparatus from which they can tap high quality plant food, thanks to the digestive efforts of *Eisenia foetida* and *Eisenia ardenii* earthworms. The gentle worms' sweet-smelling waste can be chalked up as a saving on expensive plant foods.

The Mount Nelson called in the help of local eco consultancy FullCycle, who specialise in alternative waste management and disposal, and who market a version of the home worm farm. FullCycle's Mary Murphy says the earthworms they sell are grown at FullCycle's own farms. "Lots of people are interested," says Murphy. "but the awareness isn't really there yet. People are little bit worried that something so complicated could be so simple."

So far no South Africans have begun marketing worm poo itself, but lest anyone be thinking seriously about it, the experience of a small US company may provide food for thought – or at least for a little precautionary strategising. Domestic fertilisers are after all



Cartoon: Lizga Littlewort

fairly big business, and in the US represent billions of dollars in sales.

TerraCycle Inc began producing and marketing natural plant fertilisers a couple of years ago, packaging a worm poo-based liquid in brightly-labelled used cooldrink bottles. The company was founded in 2001 by a bunch of under-25-year-olds whose business ethic has led them to setting up operation in an "urban enterprise zone" in crime- and unemployment-riddled Trenton, New Jersey. The TerraCycle website includes an essay on "eco capitalism" which displays rather more of a left-liberal bent to it than the diatribes provided by Jim Hagedorn, CEO of Scotts Miracle-Gro, the domestic fertiliser giant that is challenging TerraCycle's very right to exist.

"What I like about this company is we kind of said 10 years ago that we're going to take over the world. And we did," said Hagedorn in a 2005 interview. "Now it's important to drive it to the next level."

Scotts, as the leading US plant food producer, sees annual sales of over \$2,5bn, compared to around \$130m for TerraCycle. But the eco-capitalist company clearly poses a threat to the aggressive Scotts, which has introduced its own range of organic fertilisers – though worm droppings don't yet feature in any of their plant menus.

Scotts' chief charge concerns TerraCycle's product marketing – they claim that TerraCycle's plant food packaging features the same range of bright yellow and green as its own products. That TerraCycle claims its product to be superior to that of "a leading synthetic plant food" also worries them. Scotts has given TerraCycle a 50-page letter of demands: they want information on every product, copies of all their press releases, copies of all emails regarding customer relations and so on.

The lawsuit is costing TerraCycle plenty, and may set them back several million dollars. The company is fighting back on the basis that hundreds of other garden-food products are marketed in the same range of colours Scotts claim for their own, and point out that Scotts have sued 20 companies in the last ten years.

"I'm worried we may have poked the giant in the eye," says TerraCycle's Albert Zakes, "And now he's going to come



Worms at the Mount Nelson Hotel, Cape Town with friend

I kind of want to be at war all the time and people aren't always comfortable with that

Jim Hagedorn, CEO of Scotts Miracle-Gro

out of the cave."

Jim Hagedorn sees business as "economic warfare", and describes Scotts as "a competition-machine, not a garden-fertiliser business". "I kind of want to be at war all the time and people aren't always comfortable with that," he says.

With the upcoming lawsuit getting its share of media attention in the US, and TerraCycle launching its own Web-based campaign around the confrontation, the worm-poo company's sales have jumped significantly.

Regardless of the strength of Scotts' legal claims, consumers are likely to perceive the lawsuit as a corporate giant using the legal system to try to put a fledgling competitor out of business.

"The best case outcome is that there is so much publicity generated and so much negative will generated towards Scotts that they drop the lawsuit," says TerraCycle CEO and co-founder Tom Szaky, who is described as "a twenty-five-year-old Hungarian-born refugee college drop-out".

Meanwhile, back home, FullCycle probably represent the leading edge in new solutions to domestic waste disposal that are based, as their name indicates, in understanding whole cycles of human and natural interactions. "Between 21% and 40% of municipal solid waste in South African cities is organic (by weight) – up to 45% if you include paper and cardboard. If the soil component of this waste is included, more than half the waste sent to landfill can be used as a growing media for plants," says Mary Murphy.

The Mount Nelson Hotel isn't the most likely base of operations for the upcoming eco capitalist wars, but you never know. ■

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Exceeding expectations



Mark of Fifa

GET USED TO IT – 2010 is going to dominate our lives for years to come. As reported two months back, Fifa has applied to have various names and emblems registered as prohibited marks under the Merchandise Marks Act. If the application succeeds, no one will be allowed to use them in relation to any business. The names and emblems seem to fall into three categories:

Those that are justified, like the official logo and its constituents.

Those that are debatable, like SA 2010, RSA 2010 and AFRICA 2010.

Those where Fifa is having a laugh, like 2010 and World Cup.

The good news is that South Africans have been objecting. Now it's up

to Trade and Industry Minister, Mandisi Mphahlele, to finalize the list. Who knows how long this process will take.

However, Cipro, the DTI department responsible for trade-mark registration, does have a number of trade-mark applications on file which incorporate these words and emblems. So what to do? Kick for touch of course.

Cipro has issued a public notice saying that until the government makes its decision about which names and emblems are to be prohibited, all trade-mark applications which contain one or more of the words and/or emblems will be suspended.

Not too unreasonable a decision – but galling for those who have been waiting for years for their trade-mark applica-

tions to go through. And whose marks might feature:

VANCOUVER 2010 (Winter Olympics)

2010 COMMONWEALTH GAMES
INTERNATIONAL CONFERENCE
OF ACTUARIES 2010 CAPE TOWN
(Take back what we said about dull football)

2008 DUBAI WORLD CUP (horse racing)

WORLD CUP SKATEBOARDING
2007

JOUBERTINA JUKSKEI JAMBOREE 2010

THIRD WORLD CUP MANUFACTURERS

(OK we made up the last two)

Let's hope the government moves on this. **TM**

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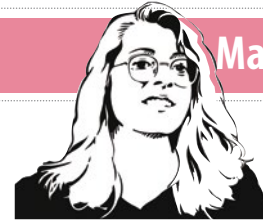


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Mind your language

SOMETIMES WONDER what I would have thought had someone told me about the Internet back in “the old days”... you know... back when all we had for communication were Stone Age tools like the telephone and postal service. The exchange might have gone something like this: “You’re still using a telephone? How primitive!”

”Huh?”

“You should use the Internet.”

“What’s that?”

“Instead of talking, you type.”

“Isn’t that what we did before we had telephones?”

“Clever dick... the Internet is instantaneous.”

“Is it beamed directly into your brain or something?”

“No, idiot. You use a computer.”

“Are these computer things cheaper than a telephone or a postage stamp?”

Needless to say, I’d have been hard to convince.

But now, like all dedicated surfers of the Net, I am well aware of Internet chat rooms, matchmaking services, blogs, etc. As the whole world is rapidly becoming addicted to this new medium, I am enthusiastically going along for the ride... with one exception.

What’s the Internet doing to the English language?

Don’t get me wrong. I’m not Conan the Grammarian. But I do see good sense in basic punctuation, grammar, spelling and word choice. And I’ve come to the conclusion that the Internet culture encourages its users to resort to a bastardised use of language that is even more upsetting than it is insidious. The old forms and formalities of written communication are being supplanted by a shorthand form which is rapidly becoming about as useful for nuanced communication as Esperanto.

At the top of the list of offences is the now common practice of “verbing”.

I first noticed “verbing” several years ago. What’s “verbing” you ask? It is the practice of taking a perfectly serviceable noun or adjective and using it to express an action. “Access” is my favourite example. It was one of the first “verbed” nouns to enter the vulgate following the dawn of the computer age. When I was younger, “access” was something gained, given or granted. A noun. Now it more often refers to something one does. Example? Name one function of a computer that is not “accessed”.

Don't get me wrong. I'm not Conan the Grammarian. But I do see good sense in basic punctuation, grammar, spelling and word choice

This poor, unfortunate and unsuspecting word has been verbed... and it has been verbed to the point that its corrupted use is now probably more common than the use that The Flying Spaghetti Monster (*nose83*) intended for it.

I would be remiss in my pedagogical duties if I did not expose the villain in this tale of linguistic genocide. Stick with me. I’ll get to the point soon.

Remember the nerdy guy back in high school who aced algebra and got that dreamy look in his eyes whenever someone brought up the subject of differential calculus? Did you notice how he and his slide-rule were generally regarded as extremely intelligent despite their inability to comprehend the necessity of subject-verb agreement or the self-defeating nature of the double-negative? Remember the maths whiz who hated word problems almost as much as he misunderstood Shakespeare?

There’s your villain. He and his friends developed computers and the Internet. They were the first to cruise the information superhighway. It was their world long before they were forced to share it. As we liberal arts types were gradually seduced by the sirens of cyberspace, we unwittingly entered a culture invented and dominated by those who were much more comfortable with numbers than with words. If you think I am overstating my case, take a quick look at your computer screen. How do you turn your computer off?

By clicking on the “start” button? Case closed.

So, my suggestion to all is to reject the culture of the computer geek. We may enjoy his gifts without also assuming his cavalier attitude toward the expression of ideas that can’t easily be reduced to binary code.

Please repeat after me:

I will employ a salutation and a complimentary close in my emails.

I will write in complete sentences.

I will refrain from using solitary letters to represent words.

I will recognise the difference between nouns and verbs and use them accordingly.

I will restrict myself to the use of the gerund when feeling creative.

I will restrict the use of emoticons to my correspondence with small children.

Remember, all it takes for evil men to triumph is for good men to do nothing. The progeny of the English-speaking world is depending on us. I know I can count on you. **■**



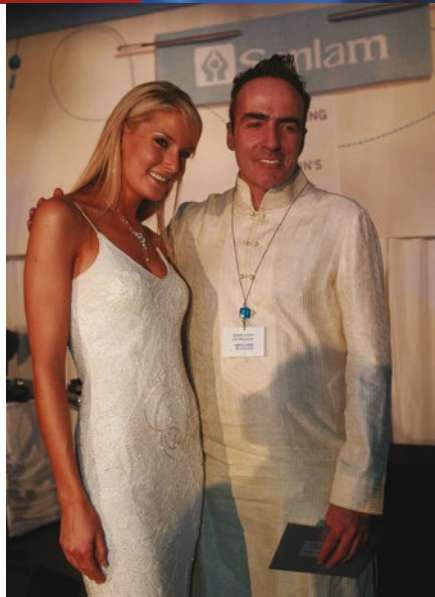
Pictures: MikeLambPhotography.com



Clockwise from top left: Sanlam Fashion Journalism Award winner Tamara Rothbart with Stoned Cherrie designer Khensani Manganyi; CODA's Yolanda Yawa and violinist Rayelle Goodman; and finalist Adam Levin with Miss SA 2006 Megan Coleman

GAUTENG IS NOT TOP OF MY travel list. But when you've been shortlisted for an award, it's nice to be there, even if you have to fly yourself up. The Sanlam Fashion Journalism Awards turn out to be a bit of a let-down however. Not because I don't win, but because the evening isn't about fashion or journalism at all. It's about Sanlam's sponsorship of SA Fashion Week. Regrettably few journalists and few edgily-dressed fashion types. Mainly wall-to-wall Sanlam, which means glamour is in short supply and the best-dressed prize goes to a male finalist, Adam Levin, the *Aidsafari* author, who in his aristocratic Asian silk garb looks like *A Passage to India* leftover.

A stretch limo ferries us from the Hilton dinner to the tail end of Sanlam SA Fashion Week at the Sandton Convention Centre. Considering the hype that has always accompanied this event, it turns out to be surprisingly low-key. Worse, it ends with a whimper, everything dismantling itself around us as we exit the last show, our



heads full of the delicious male fashions of Strangelove, a Gauteng design duo who're so gloriously off the wall they should move to Cape Town.

Naturally I pick up a whiff of scandal. Patrice Motsepe, who's on the Sanlam board, was due to be at our table but he's not here tonight. Conflicting interests. He and his wife Precious now own the country's rival four fashion weeks. Patrice used to be on good terms with Lucilla Boozyens, who's run the Gauteng show for 11 years, until he bought up the competition shortly after picking her brains in what she took to be an innocent chat. You don't get to

Elle fashion editor Chris Viljoen and Elle editor Jackie Burger



be South Africa's richest black man by playing by the rules.

I end up making a weekend of it, visiting a few Jozi buzz places. Trouble is you can't do it without driving through the Jozi streets, most of which were dug up yesterday to accommodate the Gautrain. It's a city reinventing itself. No wonder the drivers are twitchy. Half haven't got licences anyway, and the other half drive with their eyes tightly shut so they won't see themselves being flattened by an overturned cement truck, like that poor woman last week.

Thank heaven for *The Lion King*. It's giving them all a respite from their woes, and they're so grateful they're giving it a standing ovation each night. Tonight is its 100th performance, yet you still struggle to get a ticket.

The Durban blonde in the seat next to me came up with her family, and they couldn't even sit together. But she's so excited she becomes positively orgasmic when the lifesize elephant ambles down the aisle, and when Pumba the warthog appears on stage she behaves as if he were Mick Jagger.

It's a great show. Though the singing is occasionally patchy, and the storyline thin, as a consistently entertaining visual spectacle it's the best South



pieces


Africa has seen. Which is why I can't help feeling irritated. Large, sense-of-occasion musicals like this need a theatre designed for them. This is the only one in Africa, and by rights it should be in Cape Town. Toerien originally planned it as part of Century City's entertainment complex, along with a casino and Ratanga Junction. That was blown out of the water when the casino bid was won by the empowerment boys and instead went to Goodwood. So now the moms of that low-income neighbourhood are throwing their housekeeping money into GrandWest slot machines, and Cape Town has lost out on the upcountry trippers who organise their holidays around *The Lion King*.

Not that Gauteng ever does things small-scale. I eat a meal in what must be the world's biggest gluten-free gourmets' nosh parlour, a 3000 sq metre warehouse that was once a Delta dealership where every Jozi boykie got his

secondhand Opel.

O'Crumbs is the brainchild of that scourge of the northern suburbs, the famously loudmouthed Alan Stricke. After 34 feisty years supplying diners at the Fisherman's Grotto, and later Cento, with great meals not aimed at improving your physical condition, Stricke now reigns over a multifaceted kingdom that's all about what's good for you. Thankfully however, the restaurant fare still tastes deliciously ruinous for your health, with his wife Val still in the kitchen. She's the agreeable face of the business, recently seen on the BBC food channel with Ainsley Harriot.

It's a dodgy location, on the Main Road in Edenvale, that looks like a 24-hour pizzeria. But behind is a vast space with communal tables, a bakery and deli stocking every foodstuff imaginable that's free of wheat, lactose, sugar, preservatives etc.

Even the catering section here thinks big. They made a cake for MTN's 10th anniversary that was 18 by 18m and weighed 5,7 tons. It was not cheap. But, in Stricke's view, considering how much the cell phone company spent on advertising, scaffolding etc, plus the fact that two of the city's biggest bakeries let them down two weeks before, a million rand for a cake was not a lot. Especially since it was sold for charity. 

The Sanlam Fashion Journalism Awards turn out to be a bit of a let-down. The evening isn't about fashion or journalism. It's about Sanlam's sponsorship of SA Fashion Week



Fashion by Strangelove (above); and Sanlam Fashion Week programme director Dion Chang (below)



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Drink yourself green



DURING THEIR miserable summer the Brits have been sadly learning that climate change has some unexpected jokers up its sleeve, and doesn't necessarily mean they'll be able to take off their shirts in Hyde Park more often, or grow shiraz on the Sussex Downs. Meanwhile, we in the Cape winelands have also been having a lot of rain and cold – which, seeing as it's winter here, is great for the vines: it allows them to get a good rest before the hard work of summer. Just so long as it ends sometime; writing in mid-September there's no sign of it doing so, and I can't bring myself to sing my usual September song about all being well and happy in the vineyards, cellars and retail outlets. The song must be postponed; like spring.

So let's turn to things of the mind. Read any good back-labels recently? It sometimes seems unfair that winewriters should be mocked and scorned for our descriptions of wine. It's usually the producers and their marketers who do the real damage to language's fragile reputation as a tool in the service of truth. Sometimes, though, I also shudder when confronted with the nonsense that can substitute for a vaguely useful wine description.

Take this purple nonsense from a recent edition of the generally sober Platter Guide: "beautiful flesh resting in sumptuous folds of powdery tannin, fine-toned structure reverberates with finesse". It's just a damn Merlot at issue, though the piled-up metaphors and sensuality summon an image of what the muscular hero might expect to find when bursting in on a swooning heroine's boudoir in classic Mills and Boone style. We can, I suppose, gather that it's a nice Merlot, but I wonder if we know more than that – especially as sumptuous folds and reverberating flesh surely suggest something other than the finesse.

Nonetheless, apart from such lurid flights of fancy, winewriters usually try to justify their dubious calling by being semi-informative. Many of them are not actually paid to be flattering about a wine even when it shouldn't be admitted to decent company, or decent mouths, while writers of the average back label are, I suppose, trying to justify their dubious calling by fantasies and fibs, if that's what's needed to prompt a sale.

That's why we get so many label notes

Sometimes
I shudder
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that can
substitute
for a vaguely
useful wine
description

hauling out the same whimpering clichés, to obscure the reality of the dull commercial blend within – though the same descriptions only too often also serve fine wines. It's a world where all winemakers are passionate, all grapes are picked at optimum ripeness and reflect the glories of their portion of soil and landscape. The wine, with overtones of this and undertones of that, will mature well, but of course it's delicious already, and perfectly accompanies everything from pizza to roast beef, taking in chicken and sushi on the way. When really the dish that would serve it best might well be murderous vindaloo curry, or thousand-year-old eggs.

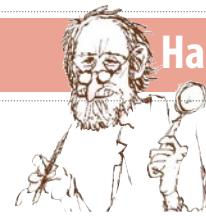
In comparison with such exhausted improbabilities, it's refreshing to see the deflation on the back labels of the Versus wines, that lower-priced range in white, red and pink. On the red, for example, we find: "This is where they usually put those really pretentious descriptions of nutty overtones and aromas of old leather sandals. We'd rather you just enjoyed the warm and uncomplicated flavours of this wine." On the white: "This is the bit where they tell you what the wine tastes like and what you should eat with it. Does anyone ever read that stuff? So just enjoy the wonderfully uncomplicated Versus White."

There's another good thing about Versus (and it's not the producer's name, which is The Company of Wine People, whose arch, self-conscious tweeness always makes me shudder, especially when lacking capital letters, as they prefer it). The wine is now going to come "unplugged" in well-designed two-litre pouches – much more chic than a cardboard box.

The handle on the pouch makes it easy to carry, it's light and space-saving (easy to squeeze into a picnic basket or a shopping bag), the tap seems to work – and the producers say it's leakproof. Most important, the contents can be recommended as eminently swiggable, and as really good value at around R40 per two-litre pouch..

What's more, the funky packaging means, according to the producers, a much smaller carbon footprint and much less wastage than two glass bottles would occasion – so drink up and do your bit for those wet English summers and Cape winters. **W**





Oy vay!

THE CASUAL EYE Aaron's dog is an unremarkable beast in every respect, except, I should say, for its generally unkempt appearance and the shagginess of its coat. Aaron too is unkempt; this dog is his companion, lives with him in the house next door. An unassuming couple, on Friday afternoons they take the air in Berea Park where Durban's stall-holders bustle about with folding tables and tents and things for the Saturday flea market. Also there is a nice big football pitch there for the local kids to romp on, and sundry beds of neatly tended flowering shrubs, a place of contentment for a man and his best friend. They smile.

And there, one Friday, Aaron comes across the rabbi, bowed, broken, staring at the ground as he shambles along, shaking his head, sighing. What's with the sighing and examining the shoes? says Aaron. Somebody died? Oy vay! he replies, Rabbi Mandelbrot is coming down from Joburg tomorrow to deliver a guest sermon, you know what an important man he is up there, hey? So you know what happened today. What happens happened. The cantor comes and puts a note in my hand saying he's got laryngitis and can't even speak, never mind sing tomorrow. Oy oy oy! Shakes his head.

Cheer up, says Aaron...ummm... you may find this hard to believe, but my dog here has a fine singing voice. Excuse me one moment. He bends down and consults the dog. Stands up and says It will give him great pleasure to help out. Don't mock me, says the rabbi. But he's so desperate he'll try anything. However unorthodox. So the dog gets up in the synagogue and sings the liturgy. Sings with the clarity of a bell. Sings with such sincere passion the women are dabbing their eyes, certain men are having difficulty joining in song or prayer because of the lumps in their throats. With a catch in his voice the visiting Rabbi Mandelbrot makes a point of sincere congratulation. You see what faith will do.

All is peace. But the very next week the rabbi reappears in the park, with a note in his hand saying OY VAY! OY VAY! I myself have contracted laryngitis from the cantor and will be unable to deliver the sermon tomorrow. I know this sounds strange, but we are truly desperate. Do you think your

*Don't mock me,
says the rabbi.
But he's so
desperate he'll
try anything.
However
unorthodox.
So the dog
gets up in the
synagogue and
sings the liturgy*



dog could manage such a thing? Aaron bends down and consults the dog. Stands up and says Nothing could make him happier. So the dog gets up in the synagogue and delivers a sermon of such moral beauty the women are clutching each other for fear of fainting away, big strong men are sobbing unashamedly and blowing their noses on their hankies. At the end of it there is deep silence but for the sound of the congregation catching their breath.

All is peace again in the park. But the rabbi is back a week or two later. Anxious this time. Oyooyo, do I have tsoris? Family in Israel have persuaded me to move there, but now the committee can't agree on a replacement and anyway the community to a man but especially a woman says it wants your dog. It is very unorthodox and very embarrassing. Do you think you could speak to him about it? Aaron bends down and consults the dog. Stands up and says No. He says no. The rabbi is nonplussed. The committee has authorised me to offer a good warm kennel without fleas, and bones three times a week, and good health care from a vet. Aaron bends, consults.

No, says he, he doesn't want that.

Oh dear oh dear, says the rabbi. Well I'm sure the committee would agree to a small built-on room with a proper bed and electric blanket and daily bones and a good salary, say now a hundred rands a month, remembering that there is only one working day a week. Aaron bends down, consults.

No, he says no.

But the rabbi is back next Friday. I explained things to the committee, says he, who thereafter engaged in serious consultation with recognised spokespersons amongst the congregation, and they have authorised me to offer title deeds to a suitable house, with a maid, medical aid contract with a vet of your own choice, a substantial salary, say ten thousand rand for a start, early retirement with a generous pension and an open account at Dirk's Meat Mart for whatever cut or bone may take your fancy, you may order by phone

for free delivery. Aaron consults the dog.

No, says he, he doesn't want that.

Heavens above! the rabbi exclaims. For pity's

sake! I mean...I mean...What MORE can we OFFER? I mean please please speak to your dog again and ask him WHY, WHY? Aaron bends down and consults the dog. He stands up. No. No, he says he wants to be a doctor. **■**

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Tinus and Gabriel de Jongh paintings bought, sold and valued. Art prints sold. dejongh@yebco.co.za or call Tinus de Jongh 021 686 4141.

Secondhand plastic pallets bought and sold www.premierpallets.co.za or 083 756 6897.

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South African Motor Racing Prints 1960s to 1970s. Previews emailed. davidp@wol.co.za.

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LEGAL, INSURANCE & FINANCIAL

Muhlberg Attorneys, nose IP, 011 465 5600 or 083 947 0903. mail@muhlberg.co.za.

Other matters taxpayers are not supposed to know: Visit www.nbntu.co.za. Be informed.

David Machen (CFP) at Astravid Financial services cc for good financial advice. Call 031 262 8287.

WANTED

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