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noseweek

116 JUNE 2009

The next shock: SA's mall meltdown

Artifice at the Kebble art auction Can Zuma pull it off? Mielies and megalomania Dream holiday house turns into nightmare


R.W. JOHNSON
SOUTH AFRICA'S BRAVE NEW WORLD
THE BELOVED COUNTRY SINCE THE END OF APARTHEID

noseweek

JUNE 2009 ISSUE 116

COVER STORY:
The next shock: South Africa's mall meltdown page 7

Cover hijacked!

No Dr Jack on the cover of *nose*115? Colin Daniel does an okay job, but has nowhere near the powerful punch of the doctor. Is the doctor OK?

Royston Lamond
Cape Town

He's OK and will be back shortly. – Ed

Disgusted!

The African National Congress has noted with utter disgust a report entitled "ANC's tender touch" published in *nose*114 [and 115].

The ANC would like to place on record that it has:

■ No knowledge of the tender mentioned in the article [a R152m tender granted to Valor IT by the Department of Trade and Industry relating to an upgrade of the information technology employed by CIPRO]

■ Not received any money in respect of this tender as claimed in the report.

The ANC calls for an investigation to establish the veracity of the allegations. Action should be taken against anyone found to be guilty of any offence.

We warn against anyone using the ANC's name for any such purposes.

Jessie Duarte
National Spokesperson for the ANC

We are most relieved to receive your assurance on this point, as, I am sure, our readers will be. We look forward to learning the outcome of the mooted enquiry. – Ed.

"Your snotty remarks about US-manufactured cars leave a bad taste"

■ I think the *nose*115 cover illustration by Colin Daniel is really very good. I love the detail and had a really good chuckle at the characters portrayed. I much prefer this detailed style to that of Dr Jack and Dov.

Jack
Illovo

Of one thing we are certain: noseweek readers have opinions – and don't hesitate to express them. – Ed.

Gus

Looking for the GPS shop

Healthy advantage

Delighted to see your article on the Green Point Stadium management contract – although not surprised.

Now take a closer look at the management contract with the Sports Science Institute of SA – initially under the management of Morné du Plessis' own company, Sports Plan, and then, after he was bought out, managed by SAIL. Morné's original contract allowed for a share of profits; SAIL was smarter: its management subsidiary, Navitute, gets a percentage of the Sports Science Institute's turnover.

Seems these healthy guys know how to structure management agreements to their own healthier advantage.

Another Gatvol Taxpayer
Cape Town

Statistical improbability

Heart-warming as it is to learn that Glenrand's share price had fallen "152% to an all-time low by this January" (*nose*115), your assertion strains credulity. Had the share price fallen a mere 100%, it would have been on offer at zero. Anything beyond that would have meant that vendors were offering money for buyers to take the shares off their hands. Even for Glenrand shares, that's unlikely to happen.

I suppose we should be thankful for small mercies, though: at least you did not refer to Glenrand shares suffering a "whopping" 152% price fall.

Bruce MacDonald
Rondebosch

Journalism involving percentages and statistics, you may have noticed, is a cocktail that must be shaken, not stirred. The sentence should, of course, have read: "The Glenrand share price fell 85% to an all-time low of 62 cents by this January." Anyway, to err is human – so now you know: we're human. – Ed.

Moved by Baby Michael

As a long-time subscriber, I have frequently been impressed with the exposures you have done that others have avoided. To date, I haven't put pen to paper, but "Baby Michael" has moved me to write and compliment you on your investigations. I congratulate you on your courage to expose the truth and your ability to entertain people such as myself while doing so.

Stan Anderson
Port Elizabeth

We would be lying if we did not say we are thrilled and grateful for kind letters like yours. Thank you. – Ed.

■ In response to the article on Baby Michael in *nose*115, I wish to correct some errors and clarify my organisation's position.

Firstly, Ms le Roux is not a "commissioner of Child Welfare South Africa". Child Welfare South Africa is a national NGO. Ms le Roux is a magistrate in the Children's Court in Randburg, and by dint of her job, a commissioner for Child Welfare for that district.

Our Maureen Coetzee was not "dispatched to Avril Elizabeth" by the commissioner. She did call on them to explain the legal restrictions on the publication of information on children involved in Children's Court processes. The Children's Court is a closed court in which no-one is up on charges; the emphasis is on addressing the child's needs and, where possible, rehabilitating the family. Information which identifies the child cannot be published without official consent. Details concerning family members of children in care are confidential and it is in most circumstances unethical and illegal for a social worker to share such information, except where required in order to deliver the necessary professional services to the child and family, or by order of a court. Similar restrictions apply to health care workers and psychologists.

Our organisation provides services to parents who abuse their children, with the aim of breaking the cycle of abuse which tends to be perpetuated from generation to generation. Prosecution and punishment is not our function. If one is in the position of regularly having to investigate tragic cases of abuse of children, as we are, it becomes all too clear that these are a continuation of earlier, similar tragedies which befell their own parents in early life. This does not excuse abuse but it does help us to understand it and to find ways to prevent it. In some cases we can help abusive parents to change their behaviour and redirect their lives. But for this to occur they have to be able to trust us. Participating in hate campaigns against them will not help. Cruelly, the children themselves become stigmatised in such processes. Also, these children feel very deeply the negative attitudes of others in society towards their parents.

The provisions in the existing Child Care Act and the incoming Children's Act regarding the confidentiality of information are there to protect the children. We all need to respect them.

Jackie Loffell
Advocacy Coordinator
Johannesburg Child Welfare Society

True. But "silent diplomacy" has seen two minor girls impregnated – one a case of rape – and two infants seriously disadvantaged – one grievously brain damaged: four young lives imperilled or destroyed. Maybe prison is appropriate in these circumstances? – Ed.

Shitty cars?

The comments about "shitty cars", "poor resale value", "poor mpg" and other snotty remarks in the "advert" (*nose*114) about US-manufactured cars leave a bad taste in the mouth; they are definitely not based on facts about current General Motors products.

A few examples:

■ GM has received numerous prestigous awards from international judges from around the globe during 2008 and 2009.

■ GM sales worldwide were up 3% in 2007, marking the automaker's second best global sales in its 100-year history. In 2008, GM nearly doubled its sales in Eastern Europe and was top seller in the 2nd largest car market in the world, China. No company can do that if they sell "shitty" cars

■ When it comes to fuel economy GM vehicles are market competitive. The Chev Cobalt XFE and Pontiac G5 XFE, at 37 mpg, achieve a better fuel economy rating than the Toyota Yaris and Corolla and the Honda Fit.

I am a GM employee, but I am writing this in my personal capacity.

Rudi van Deventer
Port Elizabeth

Your loyalty is admirable. Point is: US car manufacturers have continued to lose market share to imports – and, if all is so rosy, why did they require a multi-billion dollar bailout by the US taxpayer? – Ed.

Give the bank a break

I obtained a Standard Bank credit card for buying things on the internet, but ended up hardly using it. As a result I continued to pay the annual account fees without being aware that the card had expired in October 2007.

When I eventually tried to use the card on 5 May 2009, the transaction was rejected as the card had expired.

Standard's card division confirmed that my account is "all in order", but nevertheless rejected my claim for reimbursement of card fees for 2007 and 2008. A small enough matter, but one of principle, nonetheless: I want to know how the bank justifies the fraudulent deduction of fees for a card that has not been valid since October 2007.

R Fabby
By email

This time – can you believe it! – I'm with Standard Bank. You had the approved facility for all that time. But you had allowed your card to expire. Cards expire for very good security reasons, as I am sure you will concede. Either ask for a fresh card, or close the account if you no longer need it. Then drop the matter: you're wasting everyone's time and energy. – Ed.

Our Mutual friend

Old Mutual had its AGM in London and didn't set up a South African conference link-up, thereby conveniently avoiding having to answer questions from local shareholders, particularly Allan Greenblo and Theo Botha. Julian Roberts, OM's group CEO, says the decision not to pay dividends – the big issue – was necessary to cover more losses in the US. *Business Report*'s headline read: "Old Mutual starves SA unit to pay for US loss".

Now I checked with the FSB about the status of OM, because I noted that it has been buying up substantial local investment companies lately, namely ACSIS and Futuregrowth. I was told that everything was in order. Is it??

Pam Herr
Sun Valley

My guess? No. – Ed.

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Stormy weather

WANT TO KNOW WHICH WAY the wind blows in South African politics today? Whether to expect fair weather or foul? The manner in which three issues are resolved will, I believe, serve as a barometer: President Zuma's defamation case against cartoonist Zapiro will measure tolerance of criticism and dissent; Judge Hlophe's set-to with the Constitutional Court will measure our tolerance of unprofessional conduct by those in high office; and the NPA's ability to bring police commissioner Jackie Selebi to trial will measure the new administration's commitment to effective and independent law enforcement. If we get a negative reading on any of them, prepare for radical climate change.

And what to make of that weird confidentiality agreement concluded by our Ministry of International Relations and Cooperation (the former Department of Foreign Affairs) with one Tessa Beetge, recently jailed in Brazil for drug trafficking? I do not know if Beetge was an innocent, tricked into carrying 9kg of cocaine in her suitcase. I do know that she would never have been in South America at all, were it not for the involvement of a certain Sheryl Cwele, whose day job is that of director of Health and Community Services at Hibiscus Coast Municipality (wherever that may be). So Sheryl's a public servant. She's also married to Siyabonga Cwele, Intelligence Minister at the time, and now minister of State Security. He may not, of course, know what his wife does in her spare time. Then again, maybe he does.

Mrs Cwele exchanged dozens of emails, letters and text messages with Beetge before her arrest. But the communications manager for Intelligence Services, Lorna Daniels, says the minister's wife "does not want to speak to the media about it".

Beetge's father, Swannie, told Independent Newspapers of a threatening phone call in which he and his wife were warned not to say anything to the media which might incriminate Cwele. "We were told it would be in our interests to say only good things about Sheryl," he is quoted as saying.

So, who does that confidentiality agreement bind? International Relations says it prevents *them* from telling the public anything about Beetge's trial in Brazil. Beetge trying to gag International Relations? But she has alleged that Cwele set her up. Her family want Cwele's involvement investigated. It doesn't tally.

The Cweles are powerful people in The Party. Our guess is that the confidentiality agreement is the idea of International Relations, and Tessa Beetge agreed to it because she doesn't understand the realities here. International Relations is, theoretically, charged with protecting the interests of South African citizens abroad and, from her prison cell, Tessa Beetge may see them as her only friends in a far-off land. But International Relations is also an arm of an ANC-controlled government, which doesn't like its members' misdeeds to be exposed.

So where, on the balance of probabilities, do the priorities of International Relations lie? With the plight of Tessa Beetge, for whom not much more can be done anyway? Or with The Party, whose members are so often in need of protection because they are so often guilty of shady behaviour?

SPEAKING OF SHADY BEHAVIOUR: So Sasol has agreed to pay a penalty of R188m – the highest settlement reached with the Competition Commission to date – after the commission found that Sasol and fertiliser majors, Omnia and Yara (previously known as Kynoch), had formed a cartel, resulting, inter alia, in Sasol becoming the sole wholesale supplier of an important fertiliser product, limestone ammonium nitrate (LAN).

Sasol's 2008 compliance review uncovered still further collusive practices between the three, including price fixing, market allocation and collusive tendering in the period 1996 to 2004. OK, by now, as far as Sasol is concerned, it's par for the course.

It's JSE-listed Omnia that's the new bad boy on the block. Readers will recall that, two years ago, Omnia caused serious harm to citrus farmers, pineapple growers and the poultry industry by cynically supplying them with contaminated agricultural chemicals it had bought cheaply in China. Now, in the continuing proceedings before the Competition Tribunal, Omnia and Yara still deny having colluded with Sasol, but it is fair to assume this is simply because they have yet to arrive at a penalty settlement.

While all this was happening, the Asset Forfeiture Unit moved to freeze assets worth over R23m belonging to Danalutchmee Latchman, a former salaries accountant at Omnia. These included fixed properties in Lenasia, three liquor businesses, 13 motor vehicles and 18 bank accounts. Ms Latchman is accused of stealing R23m from Omnia over a period of time.

Maybe she was merely doing her best to fit in with the corporate culture in which she found herself?

The Editor

SA's mall shakeout

Tenants can't pay the rent and investors stand to lose their money as the commercial property market implodes

WHEN GENERAL GROWTH PROPERTIES, the second largest shopping mall operator in the United States, went bust in April commentators started talking of mall finance as a real estate time bomb waiting to blow. Several international banks expect to take yet another knock as this second round of "toxic" loans comes home to roost.

In SA the picture is equally dire. Returns on retail property last year hit negative territory in real terms for the first time since 1995.

Here too, not long ago, banks were falling over each other to lend money to developers building shopping malls and lifestyle estates that have mushroomed in small towns, suburbs and coastal villages throughout South Africa. Witbank, Kimberley, Potchefstroom, Soweto, Midrand, Pretoria and northern Johannesburg were just some of the areas that saw a frenzy of mall construction and expansion in the past few years.

Today the bankers are wondering how they got it so horribly wrong. An artificial consumer-spending boom – fuelled by credit recklessly lent by the same banks – raised expectations that property investments would keep yielding big returns. Today such expectations have been replaced by the looming spectre of massive write-offs.

Valuations and the formulas used to predict rental incomes have become more and more complicated – a salesman's dreamland that bears little or no relation to reality. Nevertheless, exactly these valuations and projections are used to persuade banks, pension funds and individual pensioners to invest in commercial property. At the same time, law enforcement by agencies such as the Financial Services Board grows weaker and weaker.

The outcome is dramatically demonstrated by the failure of a Pretoria suburban mall, Zambezi Retail Park, where most of the tenants have gone bust and hundreds of small investors have received no income for the past year, and stand to lose most of their investment. (See *Bel Air's going concern*.)

Even at the prestigious Melrose Arch in Johannesburg, which has just added a R1bn shopping mall (that includes SA's first three-storey Woolies), new tenants are negotiating lower rentals than the owners had planned. Because development funding valuations are based on projected income streams, this translates into a higher default risk for investors who put up the money, including Nedbank.

The equally glamorous V&A Waterfront in Cape Town also has high-end tenants clamouring to renegotiate the terms of their leases. But the new owners, Dubai World (and their joint-venture

partners, London & Regional) are not to be found at their waterfront offices, having departed for Dubai some months ago. Rumour has it they're also in a cash squeeze.

Absa's decision to lend R850m to a tottering real estate empire, consisting mainly of illegally-built malls owned by the notorious Theodosiou brothers, must go down as one of the last great acts of reckless lending before the financial crisis turned bankers into the tight-fisted bunch they are today (*noses*93&111).

The Theodosious' mall developments have ignored every legal, economic and urban planning rule and regulation in the book. They are constantly at war with their unhappy tenants – and their unhappy bankers.

Three months after (equally controversial) Sharemax bought the Commarro Crossing shopping mall in Oakdene from the Theodosious, they were faced with a demolition order from the city council planning department, and had to hurriedly, and unexpectedly, spend tens of millions making the complex comply with the law. (Sharemax have since sold it, in a property "package", to Old Mutual, whose shareholders and policyholders are now taking the pain.)

Absa, which takes great exception to *noseweek* using the term "reckless lending", says its first loans to the Theodosious' Universal Property Professionals (UPP) group were approved in 2006 – before they became notorious. But, in fact, the bank advanced most of the money a lot later, when they were infamous. The finance needed by UPP's companies was extended and restructured from time to time, until 2008 – but throughout that time ABSA received not a cent in monthly interest or capital repayments. Interest at prime plus 2% was clocking up at R11m a month, bringing the debt to R1.014bn by the end of April.

UPP is owned and managed by the Theodosiou brothers, Dimetrys, Tony and Sedrick, and holds the companies that own, developed, and managed various illegally-built shopping malls.

By mid-2008 the brothers were running into serious financial difficulties. The two projects that consumed the lion's share of the Absa loans – Lone Hill Shopping Mall and Bel Air Shopping Mall, both in northern Johannesburg – were bringing in less than R5m a month in rentals but costing over R15m a month (including interest) to run.

It was fast becoming clear to Absa that UPP had neither the means, nor desire, to repay their debts. After attempts to restructure the loans failed, Absa decided in November last year to apply to liquidate Bel Air Mall and Immobili, the companies that own the two malls.

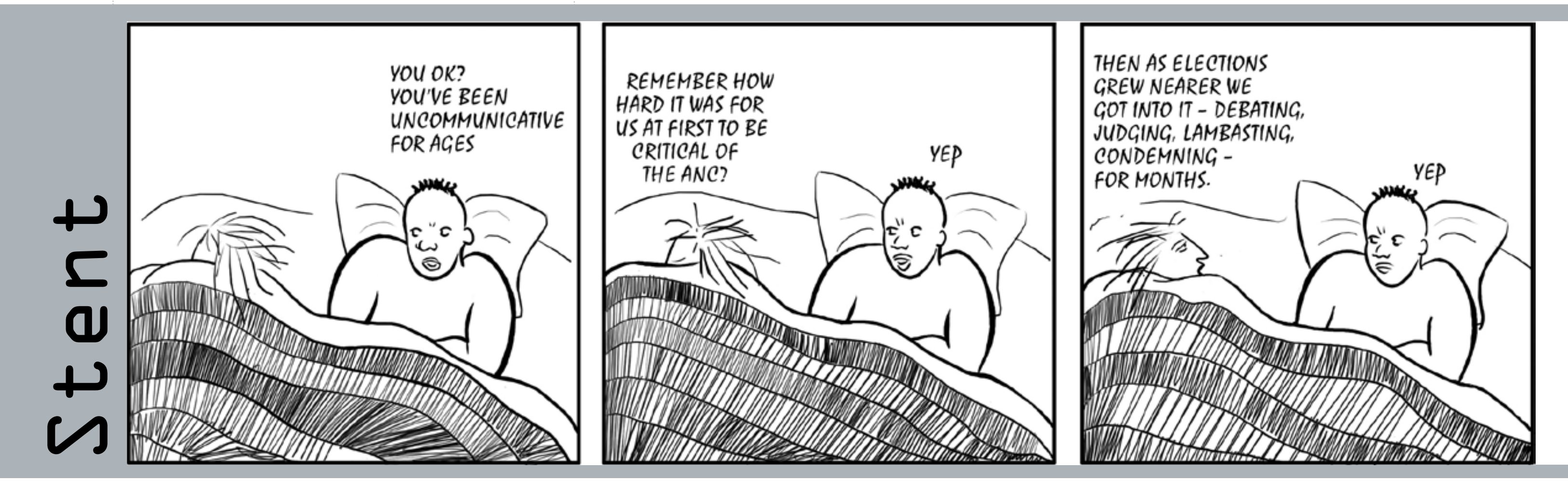
Absa says there are no fewer than 12 winding-up applications for UPP companies pending before the Pretoria High Court, but it considered Bel Air and Immobili urgent because the malls were haemorrhaging money and there was no evidence that the Theodosious would be able to pay their growing mountain of debt. (They were also using company funds to continue living in style – a stop order from Immobili's Absa account, for R75,000 a month, paid for three luxury Mercedes Benz and a Toyota Hilux.)

The Theodosious tried several tricks to drag out the case, including introducing a bogus buyer for their malls, one Jabulani Tshaka, a former education department official who now works for Telkom. Tshaka had supposedly offered R800m for Lone Hill and Bel Air, but when he was required to produce a R220m deposit it transpired he didn't have two cents to rub together and had various judgments for debt recorded against his name (see *noses*93&111).

On 21 January Judge Sapire granted a provisional liquidation order. Predictably, the Theodosious are opposing. Their new lawyer, Henk Strydom, declined to discuss the case but promised to respond in writing at a later date. He did, however, hint that UPP's new defence strategy related to alleged competition law violations by Absa, involving the bank's new joint venture partners in property investment, Retail Africa. (Retail Africa are best known for their exotic Irene Mall, and their role in the expansion of Melrose Arch.)

Absa's application to place the Theodosiou companies into final liquidation is set down for a two-week trial to begin at the end of July.

Absa WON'T tell *noseweek* how much money it stands to lose or what provisions it has made for potential losses. Some of its officials claim the bank won't lose a cent. They say all the Theodosious' loans are well secured, with personal sureties signed



The landlord has padlocked the door to stop the tenant from absconding with his stock at night

by all the directors and shareholders. The minute the liquidations are finalised, Absa will go after the Theodosious personal assets and income streams.

But this obscures several important details. The Theodosious do say their assets exceed their liabilities, citing their interest in Kyalami race track and the farm it is built on. But they fail to disclose that this is subject to court action by Imperial Bank, which, if successful, could deprive them of all their rights.

Most important, though, is the fact that income streams from the malls are considerably less than what the Theodosious initially claimed when presenting a case for their Absa loans. This, combined with a general downturn in consumer spending, and the property market collapse, means the malls are, in any event, worth a lot less than projected when the money was first advanced.

By the time Absa went to court in November, it admitted that Bel Air's market value had dropped from R495m to R280m (R254m if there were a forced sale) and Lone Hill's from R600m to R400m. Conditions at the malls have further deteriorated since then, with reduced rental incomes probably justifying valuations a third less again.

And, even at these values, buyers aren't exactly queuing up, especially if, as in the case of Bel Air, they must spend several hundred million more on refurbishments to attract the volume and calibre of tenants and shoppers needed to make it viable – and to compete with the nearby and more successful Northgate Mall.

The best Absa could do – if it had the in-house expertise and cash to spare – would be to take over and rehabilitate the malls, and hope the property market and consumer spending recover in time to attract a buyer at the right price. But it is unlikely to recover its ever-escalating losses any time soon. In fact, right now most mall owners are on a roller coaster to hell.

There are several reasons why sinking R1bn into Lone Hill and Bel Air mall was a bad call, many of which Absa should have known. For a start, most lenders would consider it imprudent to loan big money to parties they'd already taken judgments against to recover debts. At one stage, in 2001, Absa even applied for Dimetrys Theodosiou's sequestration – yet, five years later, they were rushing to lend his companies hundreds of millions.

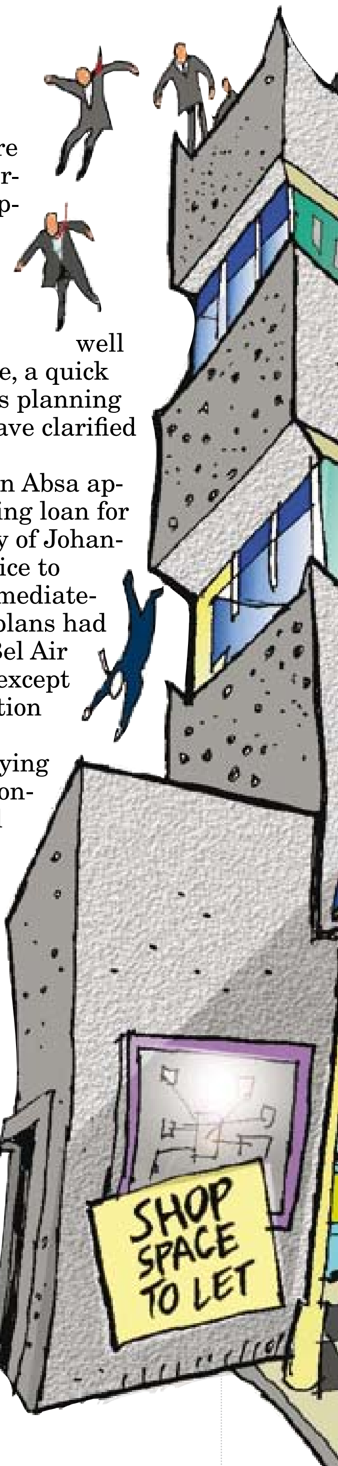
Even more puzzling is that Absa claims it wasn't aware of the controversy surrounding planning approvals for the Theodosiou malls when it decided to advance the money. Besides the fact that it was well publicised at the time, a quick phone call to Joburg's planning department would have clarified matters instantly.

Early in 2006, when Absa approved its first building loan for Bel Air Mall, the City of Johannesburg issued a notice to halt construction immediately, because building plans had not been approved. Bel Air ignored the notice – except to speed up construction work.

After initially applying to interdict further construction, the council later backed down, saying building plans subsequently submitted were approved retrospectively. This simply opened the floodgates to more illegal developments.

There was always going to be compensation for the council in the form of a handsome rates income from the properties. The only trouble is, the Theodosious never pay the rates and are years in arrears.

The latest twist is



that the restaurants in Bel Air Mall, including Cattle Baron, Doppio Zero and the Keg, have been operating illegally for over two years. This came as a nasty shock to the restaurateurs, who received notices in April ordering them to stop trading. It turns out the mall's application to allow restaurants to operate hasn't been approved by council, because the Theodosious are yet to address several concerns raised by residents.

Bel Air liquidators D&T Trust have since struck a deal with the council, which has agreed to put legal action on hold until a planning committee decides whether to accept D&T's proposals to address residents' concerns.

While this saga was dragging on, a similar drama played out at the Theodosius' other white elephant, at Lone Hill (*noses*93&111).

Here extensions were being built without approved plans and in contravention of several regulations. In 2006 the council successfully interdicted the brothers from continuing to build illegally at Lone Hill. When this was ignored they received a suspended jail sentence in 2007, which seems to have done the trick.

The case was widely publicised in the local and national press, yet Absa somehow missed it all and kept its money flowing.

There are also plenty of disgruntled contractors around who could have given Absa some telling insights into how the Theodosious do business. One told us that their *modus operandi* with Lone Hill and Bel Air was to pay engineers, architects and landscapers a small fee on engagement, then renege on settling mounting bills. Attempts to sue for outstanding payment were met with lawyer's letters threatening counter-suits for poor workmanship and breach of contract. "You end up on the back foot, having to defend your reputation," a source says. "That's why most people cut their losses and walk away."

Another white elephant that fortunately never saw the light of day was Mall on 14th Avenue, planned next to the MTN headquarters in Roodepoort, just off the N1 highway.

A notice in *Farmer's Weekly* of farm sales recorded at the deeds office shows that the 26ha farm, Weltevreden, was sold to Mall on 14th Avenue for R120m. UPP's promotional blurb, under the heading "Projects that commenced in 2007", boasts of recent rezoning for retail, and authorisation to build a new off-ramp directly into the mall's parking area. Completion was anticipated in October this year.

But not much has happened since 2007. The land still has the same battered palisade around it, and is overgrown with trees and shrubs. Absa understandably, is "not comfortable" discussing Mall on 14th. The reason, it declares piously, is a pending winding-up order and "banker/client privilege".

What Absa doesn't mention is that the bank was a joint venture partner with UPP on Mall on 14th – but pulled the plug when they realised who they were dealing with, after reading a profile of the Theodosious in July 2007's *nose*93.

Before the Wind Investments 193, near Krugersdorp, also an Absa-Theodosiou joint venture, is in a similar predicament.

THE IMPACT on mall tenants of the financial and legal shenanigans has been devastating. Bel Air, which promised 25,000sqm of "upmarket elegance", resembles a construction site. Tubing and raw masonry lies exposed next to shops that are still trading. Everywhere owners and sales assistants wait listlessly for clients who never come. Very few people shop here.

On the upper level, rows of shops stand empty, either because they were never occupied or because

Bel Air's going concerns

Going...

■ **Dream Nails** (beauty salon): Owner was led to expect bustling nightlife and planned to invest R2m in a hair salon and coffee shop. "They promised me the sun, the moon and the stars. I got nothing." She wants out, but is tied to a three-year lease.
■ **Adventure Academy** (outdoor gear): Owner sank his personal savings into the store, the first of a chain of six planned. Gross turnover can't cover one salesman's salary. Wants to leave but fears stock will be impounded.
■ **Zany Dolls** (clothing): Makes R300 a week but pays R20,000 a month in rent. Owner expected Indian restaurant, gym, cinema, but none materialised. "Bel Air is becoming a ghost town." Threatened with legal action when she asked to cancel her three-year lease.
■ **Rawson Properties**: First six months the mall did marketing and promotions, so business was okay. Now it's slow, yet rent went up from R311 to R400 per sqm, plus utilities. The mall has no money to fix aircon. Owner spearheaded rent boycott. "We just wanted a fair deal. But all we got was broken promises."
■ **Blockbusters** (DVDs): Turnover can't cover R37,000 monthly rental and utility bill. Air conditioner doesn't work but never fixed. Armed robbery in broad daylight despite paying for security. "We are caught in the crossfire," says owner. Now he wants out.
■ **Bel Air Jewellers**: Has had two armed robberies. Started chain smoking from stress. Wants out but tied to three-year lease.
■ **Cellsecure** (cell phones): Previous tenant collapsed last year. No customers and wants out.

Going...

■ **Cattle Baron**: Spent R6m on stylish fittings although mall isn't zoned for restaurant trading; struggling to make ends meet with trickle of diners.
■ **Liquor City**: No clients; one till working.
■ **MTN franchise**: No customers.
■ **Clicks**: Few customers; battling.
■ **Musica**: Low turnover; sales assistants sit around all day.
■ **Wimpy**: Few customers; running at a loss; staff look bored.
■ **Reggies**: Business slow; want to pack it in.

Gone...

■ **Royal Rugs** (carpets): No customers. Employee stabbed because of poor mall security. Owner couldn't cancel the lease so he started moving out his stock. "There were several robberies during working hours. I couldn't take it anymore." Security guards escorted him back with his last consignment and locked the store. He's never been back.
■ **Naughty Company** (babies' clothes): Shop locked; tenant gone after trading for two months. Previous tenant fled after installing shop fittings.
■ **Indique Importers** (Indonesian furniture): Shop locked; tenant left with half the stock.
■ **Flower Shop**: Shop locked; tenant gone; premises demolished.
■ **Cape Town Fish Market**: Was open less than a month; shop locked; tenant left.
■ **Engel & Volkers** (real estate): Shop locked; tenant left.
■ **Waffle On** (food): Shop locked; tenant fled the country.
■ **Art on Bel Air** (art supplies): Shop locked; tenant left.
■ **Greenfields** (restaurant): Shop locked; tenant left after six months.
■ **London Pie Company**: Shop locked; tenant left after four months.
■ **St Elmos Pizzeria**: Shop locked; tenant left.
■ **Go Sushi**: Shop locked. Tenant left.
■ **Busimax Computers**: Shop locked; tenant left.
■ **Harvey Travel**: Shop locked, tenant replaced by ethnic hair salon.

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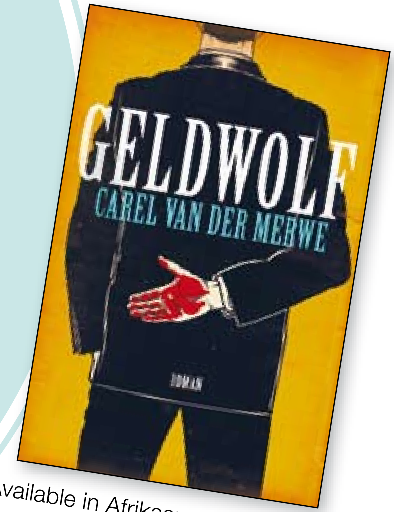
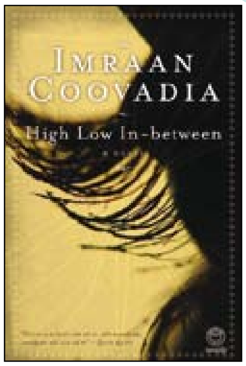
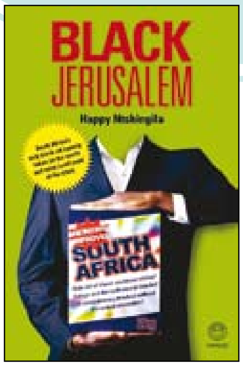


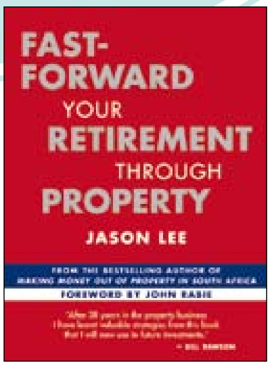
Available in Afrikaans as Geldwolf



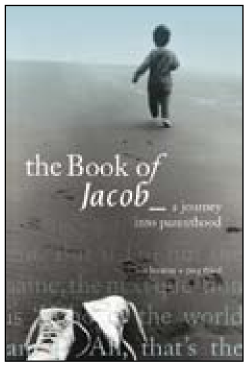
High Low In-between
Pestilence in a time of contradiction. The fault lines in the denialist new South Africa brilliantly explored through a troubled Indian family.



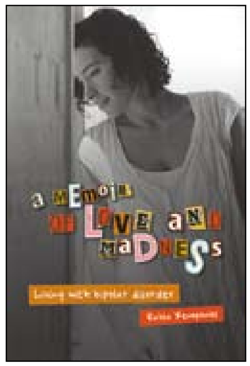
Black Jerusalem
A funny, poignant and compelling look at the energy of a man determined to succeed at what he loved most: advertising.



Fast-Forward Your Retirement Through Property
A must-read for first-time property purchasers and experienced investors alike who are looking to retire comfortably at their chosen age.



The Book of Jacob
A well-written, candid and often amusing book that reveals how one's expectations of parenthood are not always met.



A Memoir of Love and Madness
A rare personal account of bipolar disorder that provides a deeper understanding of a condition few people know much about.

RHS RANDOM HOUSE STRUIK Many houses, **one home**
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tenants have fled. Many tried to leave with their stock in the middle of the night, but were intercepted by security staff. Recently a carpet store owner was frog-marched back to his store by seven armed guards after he tried to drive off with some of his goods. Like many others his store's doors have been chained and locked by the guards, and he's never been back.

To preserve the illusion of a functioning shopping mall, which is crucial if they want anyone to take it off their hands, the Theodosious have been scrambling around trying to find new tenants for vacated stores. Generally this has meant trading down, at discounted rents. Art shops become cheap hair salons.

Original leaseholders, many of whom sank their savings into fitting out these stores, signed up for exorbitant rentals, convinced it would be worth it because of the volume and affluence of the expected clientele. Before signing they were promised the mall would have a cinema complex, a Virgin Active gym, bustling nightlife, a banking quarter and 90% occupancy. None of these have materialised.

"If this mall was running at full occupancy the rent wouldn't be a problem," says DVD store owner Sergio Mauricio, one of few remaining tenants still paying rent. "But none of their promises came true."

Centre management is another major bone of contention. Several tenants complain that the air conditioning is continually on the blink, and say that lapses in security, for which they pay R780/month, have resulted in a spate of attacks and armed robberies in broad daylight, including two at a jewellers and one at Furniture City.

"On voting day [in April] there was an armed robbery in the morning and security was nowhere to be seen," says Mauricio, who's been robbed himself. "When we went with the cops to check the security tapes they weren't even recording."

Zeinab Hoosen, who owns clothing store Zany Dolls in Bel Air, experienced it all before at Lone Hill. "There the Theodosious promised an Indian restaurant, a cinema, the lot," she says. "Only the gym was built."

Lone Hill's upper level resembles Bel Air's, with rows of empty padlocked stores, and ceilings collapsing in some areas. A massage parlour is offering discounts: two clients for the price of one.

Hoosen was among Lone Hill tenants the Theodosious convinced to open another store in Bel Air last year, a decision she deeply regrets. "I trusted their promises, but Bel Air is an absolute disaster."

Like others desperate to cancel their leases, she's discovered she's contractually bound to pay high rents for three years, and has signed personal surety. "If you ask to cancel you get threatening lawyers' letters." Despite the lawyers' letters, 40% of Lone Hill mall and 60% of Bel Air are now vacant.

Many of the remaining tenants have now decided to band together and organise protest actions to get their cause publicised. "While Absa is having a pissing contest with the Greek boys, we're caught in the crossfire," as one puts it.

Most of those who've stayed can't afford to pay anyway. Now they're getting threatening letters of demand for rental arrears from the Theodosious' property management company, Universal Retail Holdings, kept on by the liquidators to run the properties. D&T's Theo van den Heever sees nothing wrong in letting the company that ran the malls into the ground keep their old job. "We deem it prudent not to interfere with existing arrangements until we obtain expert advice."

D&T has appointed property consultants JHI to conduct a due diligence, with a report expected this month. This will include recommendations on how the mall should be run, with or without the Theodosious.

Dimetrys Theodosiou didn't want to discuss the liquidations, or whether he believes the brothers are being treated unfairly by Absa, who after all conducted a due diligence before disbursing their massive loans. But he promised to respond to detailed questions, which *noseweek* looks forward to – especially his views on speculation that the brothers intend fleeing to Cyprus, where they've apparently stashed a substantial fortune, if Absa successfully liquidates them and comes after their Kyalami income and personal assets. n

Sold down the Zambezi in Pretoria

WITH TENANTS up in arms and investor returns looking doubtful, Zambezi Retail Park, on Zambesi Drive in the Pretoria suburb of Derdepoort, is becoming a ghost mall. If you brave your way past the prostitutes, drunken shebeen revellers, petty thieves and raw sewage spewing onto the entrance lane, you'll find most stores closed and empty, with "To Let" signs in the windows.

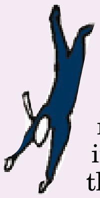
A far cry from the dream sold to investors and tenants a few years back when the retail park was being built as part of a three-phase roll out, touted to rival Pretoria's mega mall, Menlyn Park. The sales pitch by Dividend Investments was sweet enough to persuade over 400, mostly elderly, investors to part with R116m to purchase the newly-built mall as part of a property syndication scheme.

Scarcely a year later, Dividend Investments was experiencing "cash flow" problems and merged with another property investment company, City Capital, which would supposedly provide the needed cash. The new entity, called Capital Investments, claimed to be managing a combined syndicated property portfolio worth R1.2bn.

"From there it was downhill all the way," says Chris Blaauw, former general manager of Dividend Investments, and an investor in the Zambezi Mall syndication.

For various reasons the relationship soon soured. The ex-City Capital directors discovered that the ex-Dividend Investments directors had over-sold and over-promised on financial returns to their investor clients – and had used investors' money to make illegal, interest-free loans to themselves. The auditors were refusing to sign off the books and had reported the matter to the Financial Services Board (with no result).

Dividend Investments CEO Etienne Carstens is said to have skipped the country to Angola, while the remaining directors and staff resigned or were fired.



The ex-City Capital directors continued, apparently by default, to manage the merged portfolio of properties. But not for charity. The mess, they claimed, justified upping their management fee, so they ended up pocketing most of the diminishing rental income from the mall. To hide this from their investors, they raised a mortgage on the property and used the loan to subsidise the monthly payments to their investors – who did not realise that they were now consuming their own capital.

A circular distributed by equally controversial financial advisory company Avocado Investments claims: "Capital Investments set about charging the investors huge management fees. Then the same directors, now acting in their capacity as directors of the client property-syndication compa-

nies, approved these fees."

Zambezi Retail Park slumped in value. The investors are stuck with a white elephant which has no potential buyers at any price.

According to Chris Blaauw the retail park is now valued at R70m at most; it could be as little as R50m.

"We haven't received any return on our income, and the property is deteriorating. Most of the people who invested are pensioners who are dependent on it for an income. And, in terms of the latest valuations, they will be lucky if they recover half their original investment."

Today, the mall is a mess. Tenants are going under or moving out; a legal war has erupted between some tenants and the managers. News Café threw in the towel because of the raw sewage patrons had to wade through and because nothing was being done to resolve the centre's problems.

Says Alan van der Westhuizen, general manager of the restaurant division of Four News Developments, which franchises News Café: "When we signed up we were shown plans with the entrance of the centre on the main road. It wasn't to be. Customers had to use a back entrance, which was a big deterrent.

"Initially there were going to be big anchor tenants and a nice mix of stores. That too did not happen. And there was a big security risk. News Café had to spend a lot of money on security and on entertainment to generate traffic. This was ultimately not financially viable.

"You ended up with a whole centre full of disillusioned tenants who had put hard-earned money into an investment that came to nothing."

Undeterred, Sharemax is developing a new mega plaza – called Zambezi Mall – on the adjacent property. Sharemax's investors have put up R900m for the construction, persuaded by Sharemax's assurance that it has a pension fund – unnamed – lined up and willing to buy the completed mall for R1.2bn. This too is a syndicated property project involving the investments of hundreds of elderly investors.

Johan van der Vyver, a Pretoria attorney representing 14 tenants from Zambezi Retail Park, says store owners have been cheated. "When rental contracts were concluded certain promises were made, including the construction of a direct entry from the main road, Zambesi Drive," says Van de Vyver. "My clients were promised that there would be no competition in the vicinity.

"Now Sharemax has started developing next door, dwarfing our centre. The main road entrance wasn't built. [Sharemax's mall faces a similar problem: no direct access is allowed onto the passing expressway, Zambesi Drive.] The sewerage wasn't connected, so the street is full of effluent because the property has French drains. [The same problem awaits the new mega mall – on a mega scale: there is no municipal sewerage system in the area.] Rent was calculated in alignment with Menlyn Park because my clients were promised that four or five new residential developments with about 10,000 houses would be built in the vicinity. Needless to say this hasn't happened."

Van der Vyver is demanding new 12-month contracts for the tenants he represents, with a 50% discount, subject to promises being met and that the centre is cleaned up and effective security is provided.

From an investment perspective, it's not just shareholders who have been shafted. Many of the tenants put their life savings into the promise of a retail park that would bring them riches. People like Pieter van Schalkwyk, who opened a security store in the retail centre. Van Schalkwyk has packed up his shop and walked out of the centre in protest, losing his R800,000 investment.

"My biggest concern was safety," he says. "There is only one entrance to the retail park, which is against regulations. What happens if there's a fire or chemical spillage or similar disaster?

"Though there have been armed robberies at the centre, the police have been unable to access video footage of the incidents. The robbers are aware of this and Spar has been robbed three or four times. News Café was frequently the victim of crime.

"When I signed the lease I was told that 60% of the tenant mix would be national tenants," says Van Schalkwyk. "The only anchor now is Spar. News Café has left, McRib has lost their franchise, Speedy Exhausts is about to leave, while Joshua Doore and Computer Corporation cleared out long ago."

It's not just the raw sewage that's causing a stink at Zambezi Retail Park. See *noseweek's* next issue for more about that. ■

Unless you're into chocha mocha...

MR NOSE RECENTLY MADE some interesting discoveries about wine drinking in the northern provinces, when he crossed the Hex River mountains on business. Everywhere you go, you're served the same, commonly advertised brands. That's just so you don't think your hosts have bought some cheap Chinese import, because as far as most northerners are concerned there are really just two types of wine: red and white. No, not true – three. There is also a very popular type of chocha mocha, apparently made from burned oak and wine – a favourite with the ladies. (It's set to do for the wine market in the 2000s what Lieberstein did for it in the 60s.)

Not a word, anywhere, about exclusive boutique wines. So lunch and dinner are rather monotonous affairs, with no talk about the wine on the table. Mr Nose was so glad to get home! He fondly opened a bottle from his small collection of exclusive wines and studied the label; studied the nose; savoured the flavour... and phoned a friend. (By the way, several readers have asked Mr Nose to start a wine club. Sorry, but we can't, as too often we can only trace 25 cases or so of a special wine, and that's not enough for a wine club.)

Last month Mr Nose followed up on an anonymous call which led him to the Goede Hoop Estate of Pieter Bestbier. While visiting Pieter's cool cellar, Mr Nose noticed, in a gloomy corner, a forlorn-looking pallet with 60 cases. Pieter casually mentioned that it was a 1997 Cabernet Sauvignon – which rang a bell. Wasn't this wine voted one of the top 10 reds of the decade? And that was a roaring success at the Nederburg wine auction in 2003? Yes!

A deal was struck and a bottle immediately opened. Fantastic. Unbelievable for a 12-year-old. A bottle was sent to Bill Cooper-Williams, *noseweek's* independent wine taster. His comments: Colour: Nice dark centre showing browning at edges. Nose: Full, earthy, berry nose. Nuances of violets, beetroot and cloves. Tannins firm. Good balance. Palate: Very dry; full in mouth. Earthy, slight nuance of tobacco, firm fruit, spicy. A mouth full of pleasure! Can still keep two to three years. Bill awarded it 16 out of 20.

The beauty of this wine lies in the low alcohol content of 12,5 %. What a relief to be able to enjoy a whole bottle without repercussions of the sort you sometimes get from a 15% wine. It reminded Mr Nose of the days when KWV Roodeberg came with low alcohol and a beautiful label. In the 90s alcohol content went haywire. Any readers out there who share Mr Nose's appreciation for low-alcohol quality wine – now's the time to get some.

We will supply you with a six-bottle case of Goede Hoop Cabernet Sauvignon 1997 for R595 (delivered anywhere in SA). This offer qualifies *noseweek* for non-profit-organisation status. To order; have your credit card handy, then go to www.noseweek.co.za, click on the wine ad – and follow the instructions from there.

Once it arrives, remember the rule – drink half now, keep half to build up that small exclusive cellar with wines you're not supposed to know, for Christmas and New Year. Remember, 1997 is described in the SA Wine Industry Directory as "an exceptionally cool season. Lengthy ripening produced elegant wines". That is exactly what you get in Goede Hoop Cabernet 1997. A tip: the "1997" is printed very small on the label, so it wouldn't do any harm to mention it at the table. Then sit back and enjoy the ensuing conversation.

PS: If you really want to do something special for your friends, and have a fun evening, phone Bill Cooper-Williams and let him arrange a real wine tasting for you. He enjoys it too. He qualified as a Cape Wine Master back in 1986. Phone Bill on 071 678 4826.

Place your order at www.noseweek.co.za or phone 021 686 0570

DA sits on Gordon's Bay cemetery report

Picture: Mark Thomas/noseweek

Controversial former councillor Anton Fuchs cosied up to the DA at the 2009 election

THE MAYORAL COMMITTEE of the DA-controlled Cape Town city council has refused to make public a report it commissioned on the desecration of Gordon's Bay's old "coloured" cemetery. However, the single paragraph of the report that the city has allowed *noseweek* to see confirms various damning revelations made in the original story on the matter, published in *nose*109.

The council's insistance on keeping the full report under wraps, however, lends credence to the suggestion in *nose*109 that then DA councillor Anton Fuchs oversaw the "clearance", rezoning and sale of the cemetery land to a local property developer.

Fuchs, once a senior provincial NP man, was elected as New National Party city councillor in 1994. He became a DA city councillor when the NND amalgamated with the DP to form the new party – but jumped ship to the ANC during a floor-crossing "window" prior in 2004. (His opponents in the DA suggest this was when he learned that he would not be nominated for re-election by the DA in the election scheduled to take place later that year.)

His presence at the DA's table at the Gordon's Bay voting station on election day, suggests he cosied up the DA again in the 2009 elections.

Are there indications of 'financial generosity' on the part of developers?

Gordon's Bay DA supporters are now whispering that if the party fields Fuchs as a ward candidate in the next municipal elections, the party will lose the ward – such is the antagonism to a man apparently infamous for non-delivery (and, possibly, racial insensitivity).

Helen Zille, when still mayor of Cape Town, ordered an official investigation into the matter shortly before the original *noseweek* story appeared. Some five months later Zille's spokesperson, Robert Macdonald, called *noseweek* to say that private consultants had confirmed that sections of the prestigious Harbour Island apartment development had indeed been built on land that had previously formed part of the cemetery, and that graves had indeed been unlawfully dug up.

Councillor Gerhard Ras, delegated to coordinate the city's investigation, then emailed *noseweek* a single paragraph (no 5) of the iKapa Enviro-plan Consultants' report. This declares that the subdivision of the land sold to the developer of Harbour Island "was based on an incorrect assumption that the visual absence of grave mounds represented vacant cemetery area".


Picture: Mark Thomas/noseweek

Councillor Sheeham Simms with relatives of dead whose remains were illegally removed from the cemetery

The party who made the "incorrect assumption" is not identified in the short extract, nor is it explained why we should accept that it was an innocent assumption, rather than simply a disregard for the coloured dead and their families

It does, however, go on to say that the assumption, of itself, should not have led to the subdivision, which would have required "a prescribed cemetery closure procedure, removal of title restrictions application, rezoning, etc., including a requirement that affected persons and communities be notified thereof".

Noseweek was getting ready to send flowers and a big thank-you card to Ms

Zille for going the extra ten yards, when word came that the mayoral committee thought the public (and especially a certain investigative journal?) might misunderstand the full report. Councillor Ras told *noseweek*: "The report remains confidential until such time as the true facts regarding the violation of the graves at the Gordon's Bay cemetery have been established".

Now whenever *noseweek* doesn't have the "true facts", we simply ask more questions – or repeat the old ones. But the council weren't interested. Did the report implicate anyone in particular? No response. Would Mr Ras comment on the rumour circulating in the council that the Ikapa report cost the city around R2m? Ditto.

So no point, then, in asking if the consultants looked into how the subdivision of the cemetery had been justified by the DA sub-council at the time. Or whether the developer and/or his associates had shown "financial generosity" to the party before or since.

Noseweek was about to abandon hope of getting closer to the truth, when an email arrived from Alexander Acavalos – the same Acavalos who some years back somehow gained possession of a prime council-owned property on the Gordon's Bay beachfront – it now accommodates a popular Spur steakhouse – for the ludicrously low rental of R10 per month. His email confirmed this, but asserted that the rental is "a nominal amount set to establish the leasehold security for the municipality".

Acavalos claims that he "bought" the leasehold agreement from a previous lessee, a "Mr De Larey", and explains that, when he took over the lease, the property was "a beach tavern adjoining a third-rate ablution block". (The only lease document that could be traced names only Mr Acavalos and his cc.)

Acavalos goes on: "It must be borne in mind that it is private development capital that encourages progress. If it wasn't for that, Gordon's Bay would have been left with many eyesores.

"My Spur restaurant would still [be] a dilapidated old building right on one of South Africa's prime beaches, housing a toilet block in such a state of disrepair it actually became a health hazard.

"Similarly if it wasn't for my co-developer and partner Mr De La Fontaine, where Harbour Island stands today, with 600 prestigious units, there would still [be] an unsightly sewerage farm right on the beachfront."

Sewerage farm? Others thought it was the cemetery where their loved ones are or were buried.

So, has Alexander Acavalos got toilets on the brain? Or is he echoing what the council might have declared at the time of the subdivision?

Either way, thank you Mr Acavalos – city investigators now know where to ask, should they indeed wish, as they say they do, to establish the whereabouts of the bones illegally excavated from the graves. n

Noorjehan Abbass

NOSEWEEK HAS PREVIOUSLY described the story of Cape attorneys Fairbridges and the serial thief they long employed in their trust department, Noorjehan Abbass, as unbelievable. Now we have been shocked to learn that Ms Abbass may have been murdered. Her body was discovered near Zeekoevlei, Cape Town, on 13 May.

According to unconfirmed reports, she was bound or handcuffed. She had for years done the accounts for various trusts administered by Fairbridges, stealing millions in the process. Only a month before her death, R2m was recovered when the Goodwood house she bought and renovated with the money was sold. The firm itself has drawn a veil of secrecy over the whole affair. n

Paradise Lost

Pam Golding artist's impression of a Paradise Palms house

What seemed like a dream holiday house development in Mozambique has turned into a nightmare

IT SOUNDED TOO GOOD to be true: clear fly-fishing waters, unparalleled scuba diving reefs, snorkling, serene bird-watching by day and star-gazing at night. Above all, the "peace and serenity" of an unspoiled beach lifestyle. All this was on offer by developer Conrad Pretorius to purchasers of beach-front stands at his Paradise Palms development in rural Mozambique.

High profile Pam Golding Properties was given an exclusive mandate to sell the 23 plots that were the first phase of a planned six-phase development, with a total of 148 stands along a 25km strip of land that is backed by an estuary and faces the sea, near Quissico, some 100km south of Inhambane.

The equally high profile Nelspruit law firm of Du Toit-Smuts & Mathews Phosa Inc. (chairman Mathews Phosa, treasurer-general of the ANC) was appointed to hold purchasers' money in its trust account.

Pam Golding Properties put Paradise Palms onto its website that listed a fast-growing selection of buys in Mozambique. Some 20 purchasers duly signed on the dotted line for beach sites in phase one at Paradise Palms. But by the end of last year the project had ground to a halt and Pam Golding Properties had a considerable amount of egg on its face.

It had emerged that Conrad Pretorius, a South African living in Mozambique, doesn't have rights to the land that his Zveee View Limitada company has been offering at Paradise Palms. And the estimated R10m in purchasers' money deposited in the trust funds of Du Toit-Smuts & Mathews Phosa, and a second law firm in Mozambique, has been spirited away.

One of the investors, Johannesburg commercial property developer Mark McKenzie, teamed up with three friends to buy a 1.5ha stand at Paradise Palms. "We paid for the land first, roughly R500,000, and then we would have paid for the development of a house in tranches thereafter – another R1.5m," he says.

"In the documentation handed to us by Pam Golding Properties there is an official-looking document which alludes to 40ha of land which is owned and controlled by Zveee View Lda. The document affirms ownership of land."

Around June last year, says McKenzie, strange stories started emerging. "The developer had run out of money; his wife had beetled off with the loot. We then discovered there was no money left in the two attorneys' trust accounts. Both of them had been cleaned out – possibly R3m

Map of the development taken from Pam Golding's website in Mozambique and R7m in Nelspruit."

A meeting of the stand buyers was held at the Hurlingham home of businessman Mike McNeil. A Mozambique lawyer was there, as well as a man described by one and all only as "a Mozambique national". The Mozambican duo delivered a bombshell message: Zveee View Lda doesn't own the Paradise Palms land; Conrad Pretorius has no control over the land; the investors therefore don't own their stands or the houses that some of them had started building on them.

Says McKenzie: "This Mozambique national told us that he controls the land. Now we're being put over a barrel by this fellow. He says: 'Pay an additional R2.5m to me and you can have it'. I suspect the developer [Conrad Pretorius] and this Mozambique guy are in cahoots."

In fact, as explained in *nose*113, under Mozambican law, only the state officially owns land, and leasehold is granted to developers only after due process (and, presumably, due "sweetening"). In Mozambique "ownership" of land is far from a straightforward matter of handing cash to an owner.

The investors have formed a home owners' association with Mike McNeil as chairman. "We all feel strongly about Pam Golding's role in this," says McNeil. "They sent us a letter that was completely pathetic, saying they're agents, they've got nothing to do with this, they've done their bit.

"But they haven't. They haven't investigated whether that land was actually owned by the developer or not. We're at a very sensitive point in our negotiations. We have to get these people in Mozambique to sign a document. Then we pay them off in order to get our property back. We're prepared to pay the R2.5m [R2m to the Mozambican and R500,000 for legal fees] over and above what we've all paid in, to get rid of the problem."

Pam Golding Properties denies it was remiss about the land and the rights at Paradise Palms. Says spokesperson Chris Immelman: "According to the facts we ascertained, and documents we obtained (which include the required certification from the Mozambican government registry), Zveee View has the rights required for the development and for the sale of units to the public.

Immelman continues: "We became aware of the disputes between Zveee

An estimated R10m in purchasers' money deposited in the trust funds has been spirited away

View and purchasers, and, although we were not obliged to do so, we made every effort to facilitate the resolution of those disputes. We have at no stage had any control over trust monies, because the developer and the purchasers elected in the sale agreements said that the monies would be dealt with by the attorneys.

"We take the view that we are not liable to the purchasers and we have put that view on record."

Paradise Palms developer Conrad Pretorius was introduced to Du Toit-Smuts & Mathews Phosa, the largest law practice in Mpumalanga, by his sister Mrs Marinda Bolt, who works there as a secretary. Mathews Phosa, who came on board in 2001, remains its chairman, in addition to his work as treasurer-general of the ANC.

Founding member Adriaan Smuts tells *noseweek*: "None of the purchasers in the [Paradise Palms] development were clients of our firm. All the contracts between the purchasers and the developer were drawn by a firm of attorneys in Mozambique, MGA – Advogados & Consultores.

"We received the 'purchase price' and/or development costs from the purchasers in trust on behalf of our client, the developer, and these were paid out and disbursed as per instruction from the developer. We cannot disclose the amounts so received and/or disbursed, as that information is privileged.

"We can state that we were led to believe that MGA attorneys and the Pam Golding agency in Mozambique investigated the developer's rights into the property in question."

Smuts says that his firm has been informed by an attorney acting for the purchasers "that a Mozambique national who is a director of Zveee View Limitada now claims ownership of a portion of the land developed by the developer".

He confirms that Marinda Bolt introduced her brother Conrad Pretorius to the firm, but will not allow *noseweek* to interview her. "She's employed by this firm and any questions must be directed to us."

Where might we contact their client, Mr Pretorius? "We understand he's in Mozambique at the fateful development, where he can be reached," replies Smuts. Could they kindly provide his phone number or email address? No response.

Is Mathews Phosa aware of the situation regarding the firm's trust account? This question draws an angry response: "We take exception against the innuendo contained in your last email ... and wish to categorically state that our trust account always has been maintained in a responsible manner in terms of the law." *n*

There's gold in them thar oils

Brett Kebble, alert to self-enrichment opportunities, may have gutted the JCI art collection treasures and replaced them with low-value works

LAST MONTH'S AUCTION, amidst a swill of champagne and hype, of 133 paintings said to belong to the personal art collection of slain mining tycoon and con man extraordinaire Brett Kebble, was not to be missed – at least not by *noseweek*. The full-colour catalogue's title begins "The Highly Important Auction of the Prestigious Art Collection of...".

Stanley Pinker's Trapeze in the Sky

Senior executives from Kebble's old fiefdom, JCI, were also in attendance, driven by much the same suspicion and curiosity. Bingo! Wandering around the pre-auction viewing at Summer Place, one-time home of colourful Italian oil shyster Marino Chiavelli, the JCI crew recognised a number of paintings that had once adorned the walls at JCI, as part of the corporation's decades-old art collection.

As equally colourful auctioneer Graham Britz, of Graham's Fine Art, was announcing that sales at the 7 May auction had achieved a grand total of R53.8m (inclusive of buyer's premium), JCI chief executive Peter Gray was telling *noseweek* that he is ordering a forensic investigation to track down the provenance of suspect paintings sold at the auction.

"Previously, nobody ever really knew what was Brett Kebble's art and what was JCI's," says Gray. "But now we have the auction catalogue, we have found that people at JCI recognise several as having once hung in our building. They always took it for granted that these belonged to the company."

Gray says that a forensic investigator will follow the audit trail of the suspect items and secure invoices issued at their point of purchase. "We've become very interested to see if they ever went through our books. If they did, we will issue summons and claim [the amount that each item went for at auction] from the liquidators."

Kebble's insolvent deceased estate faces R2bn-worth of claims from creditors. We put it to one of the trustees, Hans Klopper, that paintings belonging to JCI were auctioned as part of Kebble's personal collection. "That's a bit of a loose way of putting it," said Klopper. "Through the assistance of forensic accountants, we determined the source of payment for each painting. It might have been part of the corporate collection, but technically it was paid for out of his estate, and therefore forms a part of the estate. That is the only criterion: who paid for the painting."

Above: Pieter Wenning's Still Life with Bottle, Vase and Blooms; left: Brett Kebble

In an astonishing admission, Klopper adds: "Maybe it was paid for indirectly by ill-gotten gain. Let's assume that he [Kebble] got his hands onto ill-gotten gains, which we all know is common cause. The fact that the origin of the funds was JCI or other people's coffers is irrelevant. The fact of the matter is the final payments for the paintings were made out of his banking account."

Did any of the 133 works you auctioned come from the JCI collection? we asked auctioneer Graham Britz. "They're all part of the Kebble estate," maintains 48-year-old Britz. "There was never a clear understanding as to what belonged to the corporations and what belonged to Kebble. There were negotiations with the various mining houses; there was a little settlement with Randgold on one of the Battiss works, for example. So we went and collected the work there."

Roger Kebble, father of the late Brett, says he has no views about the auction. "It's stuff that's been confiscated by the liquidators and they're selling it," he says. "To my mind all of that art belonged to Brett. I think the corporate stuff was sorted out independently."

But then again, maybe not. Mark Read of Everard Read Gallery sold many paintings to Brett Kebble, and he recalls with a shudder the "hopping and skipping" that went on over the invoicing for each Kebble purchase. "We had so much trouble; about nine different invoices per picture," says Read. "They had to be invoiced to a company, then he'd say no, do it to another.

"Finally the invoices went to either him or JCI, though there were other little companies that came up now and then. I just remember having to keep my wits about me in case we involved the wrong people. He was always changing his mind. I finally couldn't take the phone-calling, so didn't do any business with him for the last couple of years of his life."

Read says he has kept the Kebble invoices, but after *noseweek* told him that JCI, for one, would be fascinated to examine them he declared that his business with clients was confidential and the invoices would be destroyed.

All of the one-time Kebble companies – JCI, Western Areas and Randgold – had their own art collections; JCI's had been in existence for decades before Kebble arrived on the scene. "Kebble inherited quite a big portfolio of art when he arrived in 1997," says Gray. "Back in the 1980s and 1990s JCI was a big supporter of Battiss, for whose paintings we paid about R200 a piece. We paid R200 for a Pemba, too – which we've still got. Kebble bought a lot more."

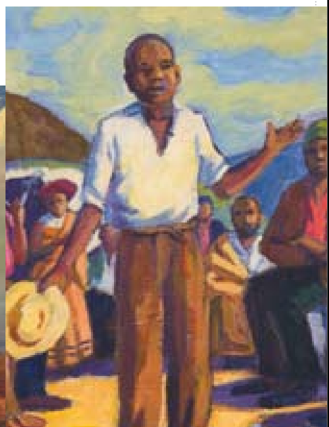
Gray has a theory that Kebble, ever alert to some new self-enrichment possibility, may have gutted the JCI collection of its increasingly-valuable treasures and replaced them with low-value works. "You do a swap and take out the one that has become enormously valuable. There are so many tricks he could have used."

By the time valuer Antony Wiley was brought in to price the JCI collection in 2006, there was little left. Wiley, says Gray, considered that in many cases the frames were worth more than the paintings.

"I don't think we have more than 20 pieces of reasonable value left," says Gray. Today these are kept locked away at JCI head office in Sandton, although the chief executive has a couple by John Meyer, the celebrated portrait and landscape painter, hanging in his office.

Kebble's trustees "reclaimed" a couple of pictures from the collection of Western Areas. "We came to an arrangement because they could produce proof of payment for certain of the items, and on certain of the items they could not," says Klopper. He says the two paintings that were handed over were a Battiss and a Purser.

Left to right: Pieter Wenning's Riverbank, Newlands; Green Point Lighthouse attributed to Thomas Bowler; and detail from Village Scene with Elders by George Pemba



Two Maggie Laubser faces: the portraits were originally back to back on the same board

Noseweek has identified three paintings that in 2006 were hanging on the walls of JCI's corporate collection, and which were sold as part of Kebble's private collection at last month's auction. They are a massive (184 x 182cm) Walter Battiss, *The Drought Breaks, The People of Zookfontein*, which fetched a hammer price of R420,000; George Pemba's *Dancing and Singing Figures*, which went for R280,000; and another Pemba, *Village Scene with Elders*, which went for R450,000. Whether *The Drought Breaks* was the Battiss handed back in the "arrangement" with Western Areas, Klopper could not say.

Scratching around in this decidedly murky scene, *noseweek* then discovered that 10 of Kebble's paintings had in fact quietly been put up for sale at Graham's Fine Art back in March 2006, six months after Kebble's death.

The 2006 exhibition was called Between Foothold and Flight, and there was no ballyhoo, no braying that here was your chance to acquire a part of Brett Kebble's famed collection. The 10 were distributed randomly (tucked away you might say) throughout the exhibition's 116-page catalogue.

The 10 included such gems as Pemba's *Village Scene with Elders*; two works by Battiss: the hitherto mentioned *The Drought Breaks* and *Reflections in a River*; Pieter Wenning's *Riverbank, Newlands* and *Still Life with Bottle, Vase and Blooms*; Stanley Pinker's *Trapeze in the Sky*; and Volschenk's *The Valley of the Kaffirkuils*. All 10 reappeared at last month's auction, where nine sold, fetching a collective hammer price of R3.9m.

We asked Graham Britz to explain how they came to feature in his 2006 exhibition. "I don't see the relevance of that," he began, clearly embarrassed by the question.

Who put them up for sale then? Finally Britz gives the answer: it was Kebble's widow, Ingrid, who tried to sell those 10 paintings back in 2006. But, says Britz, the trustees of Kebble's insolvent estate pounced before the sale, informing him that the pictures were part of Kebble's estate. "They were withdrawn from sale," says Britz.

It seems that after that episode Britz formed an alliance with the trustees. In "the interests of the estate", and at the request of the trustees, he says he stored and insured the 10 paintings, and "worked with the forensic auditors to find the missing works that could be with other dealers or friends".

Which brings us back to last month's auction and the little matter of Lots 85 and 86: two works by the much-acclaimed Maggie Laubser, *Portrait of a Young Boy* and *Portrait of a Man*. Not many at the auction realised that originally these two oil paintings were back to back on a single board, although Liz Delmont's catalogue blurb does state that the portraits were "painted on two sides of the same piece of board. They have now been separated into two independent works".

Asked about this back-to-back business, and when the board was split, auctioneer Britz says: "I wouldn't know that, actually. They've always been separate as far as I know."

When the paintings were back to back on a single piece of board, they belonged to the late journalist Denis Godfrey and his wife (100 years old on 13 June). They had acquired the board from the artist. In October 1997 Stephan Welz & Co, in association with Sotheby's, sold it for R6800.

The work ended up at Meyer Grobbelaar's Stellenbosch Art Gallery, and it was Grobbelaar who asked Somerset West restorer Peter Spence to split the paintings.

"It's a very tricky procedure, but if you're looking at the prices of these things it becomes worthwhile because you end up with two for the price of one," says Spence. You literally slice through the layers of the board with a scalpel."

Grobbelaar says that it was in the late 90s that he sold the now separate works of art to Graham Britz, for around R45,000 for the two. Britz presumably sold the pair to Kebble and at last month's auction he put a top estimate of R700,000 for the *Boy* and R600,000 for the *Man*. The *Boy* went for R450,000. Although Britz opened the bidding for the *Man* at a hopeful R300,000, there were no takers – unsurprisingly for this dull work, which Laubser hadn't signed, and had clearly rejected by painting a new picture on the reverse.

Last, but not least, among the party tricks that accompanied the auction, is one that may surprise the new owner of Lot 21, the oil-on-canvas *Green Point Lighthouse*, advertised as the creation of Thomas Bowler. The undated, unsigned painting, which had been extensively restored, fetched R150,000. But Bowler, a watercolour artist who came to South Africa in 1834 as a footman to the Royal Astronomer at the Cape of Good Hope, didn't paint this picture.

When *Lighthouse* was last seen in public, at auction in 1996, it was declared to be by landscape painter and explorer Thomas Baines, well known for his pictures of the Victoria Falls. The painting was auctioned for R130,000 by Stephan Welz, as part of the Mostertsdrift collection. Welz confirms that the paintings are one and the same.

Graham Britz has done handsomely out of last month's auction. Graham's Fine Art collects 10% plus VAT from the buyer (buyer's premium). There is also a seller's premium, a percentage of the hammer price, payable in this case by the Kebble estate. *Noseweek* has established that this is also 10%, giving Graham's Fine Art 20% of the auction's hammer-price total of around R48.2m – a handy R9.6m.

There remains a small question: who gets billed for the R5m-worth of razzmatazz that preceded the sale?

And it has long been rumoured in Johannesburg art circles that the cream of the Kebble/JCI corporate collections – the best of the Laubsers, Prellers and Battisses – was spirited off to London shortly after Brett Kebble's death, to be discreetly sold beyond the reach of the trustees of his estate. South African art does well in the UK these days – in February Maggie Laubser's *Indian girl with poinsettias* fetched £276,000 (R3.5m) at a Bonhams auction; Alexis Preller's *Still Life with crocodile* fetched £132,000 (R1.7m).

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Issue 116

Picture: Graeme Williams

OUT DAMNED MINE!

An entire community on the Cape West Coast has united to fight plans for an open cast mine which would destroy their rural way of life, writes Hilary Venables

'**MYN VERDWYN!**' (mine be gone!) is the battle cry across the Moutonshoek valley on the Cape West Coast, where the entire community is in revolt against a plan to dig a huge open-cast tungsten mine that would spell doom for their prosperous agricultural settlement.

And since Moutonshoek is not only spectacularly beautiful, but can also boast that it has no unemployment or crime, no poverty or social tensions, no housing shortage, no prostitution or tik, and that all the kids are in school, there's a lot to fight for.

The community, as well as independent experts, and even government officials, say the mine, with its slag heaps, slimes dams, blasting, dust, water demand, chemical processing plant and heavy vehicles running 24/7 will render the area completely unsuitable for farming. And when the operation shuts down after 20 years or less, the fertile land will have been degraded to a sterile, toxic environment beyond rehabilitation.

It's not just the people of Moutonshoek who stand to lose. So do the farmers, workers and residents who live along the Krom Antonie river, the perennial and pristine water source which meanders from the valley through highly productive farmland all the way to the coastal flats, where it provides 60% of the fresh water flowing into the internationally protected Ramsar Verlorenvlei wetland at Elandsbaai.

So, bearing in mind that the country is facing a water crisis, food shortages, massive unemployment and a wetland emergency (never mind that our constitution guarantees all citizens a healthy environment and that we have Acts of Parliament to back it up), who in their right mind would apply for a licence to prospect, let alone mine, in Moutonshoek?

Or perhaps the application isn't that crazy, given the enthusiasm shown by the Department of Minerals and Energy for mining in other unsuitable places, like the Wild Coast dunes (*noses*94&97) and Mpumalanga grasslands (*nose*110).

Especially if you happen to be as well connected as major diamond dealer Trevor Pikwane and former Kimberley municipal manager Phemelo Sehunelo, the men behind Bongani Minerals (Pty) Ltd. But, as happened with Xolobeni Sands and Wakkerstroom, both the mining company and the department seem to have underestimated the strength of local feeling.

When Bongani sent a team to Moutonshoek in April, as part of the mandatory public consultation process, the meeting had to be moved from the schoolhouse to a barn to accommodate the hundreds of angry objectors, some of whom had come from as far away as Verlorenvlei. Bongani's environmental consultant, Aubrey Withers, was repeatedly heckled by locals who said he was wasting his time because they would never accept any form of mining in their valley, ever. "*Hoe kan jy slaap in die aande*?" (How can you sleep at night?") one objector asked.

Withers was jeered and accused of lying when he said he did not know how much water the mine would use. When he tried to reassure the crowd that the land would be rehabilitated after the mine closed, he was challenged to produce one example of where such rehabilitation had been successful.

Mining company representative Johannes van der Walt and business consultant Dr Jonathan Bloom got equally short shrift when they tried to make a case for employment opportunities.

Members of the audience said that, contrary to Bloom's findings, there was a labour shortage in the valley – not an unemployment problem. In any case, the mine would provide fewer than 400 jobs for locals, while the farms employ more than 500 permanent staff and 600 seasonal workers.

Dr Bloom was forced to admit that he had never been to the valley before, and was unable to answer the women who asked what would happen to them, since all the mining jobs were for men.

All the delegation could say was that the community's concerns would be addressed as the application proceeded.

This was scant comfort to the crowd who have had enough dealings with Bongani to make them wary of its bona fides.

For this is not the first time the company has tried to get its hands on Moutonshoek tungsten. It made its first application, for a prospecting licence, in September 2005. But the process was flawed from the outset. Instead of being informed by means of a Section 10 Notice from the regional manager of Minerals and Energy, as required by law, the affected landowners got the news in a letter from Bongani.

An Agriculture official said that the mining application was a shambles

They submitted their initial objections to the department a month later, but got no response from the authorities. Instead it was Bongani which took it upon itself to inform the landowners that they'd missed the deadline for submissions.

But as the landowners pointed out, the law allows objectors 30 days from the issuing of a Section 10 notice and no such notice was issued. Realising that the locals were going to get awkward, Bongani sent consultant geologist An Cornelissen to the valley to try to persuade them of the benefits to the area of an open-cast mine.

After driving around trying to whip up support among the labourers, Cornelissen went to meet the landowners in an attempt to win them over. Judging by the minutes of the meeting kept by the landowners, he went about things in a very odd way.

First, he told the assembled farmers the mine would be "the size of Phalaborwa" (apparently the widest man-made hole in Africa). Then he said that the Olifants, Berg and Krom Antonie rivers would all have to be dammed to supply the mine with water.

"Mr Cornelissen said that the government would have to do it, as tungsten was a strategic mineral. He said that in fact all irrigation farming from Moutonshoek to Elands Bay and Clanwilliam to Vredendal would cease, as all the water would be needed for the proposed mine."

The farmers, already aghast, were even more shocked when Cornelissen began speaking to them in the language of another era. According to the minutes, the geologist said that if the farmers didn't agree, he would get support from "those lazy workers like Jan for example, that [sic] does a bad job, and you guys have many of them that's [sic] really quite useless,

Picture: Heather Morgan

Racehorses, wine and rooibos are among Moutonshoek's foreign currency earners because he is really quite slow and lazy. He is perfect for driving my bulldozer. I'll offer him R4,000 per month".

The minutes continue: "[Cornelissen] said such people would support his application and thus the government would simply expropriate the land. The owners in the application area would be remunerated and the adjacent farmers would simply have to leave without remuneration as, in his opinion, farming in the entire valley would not be possible because of the dust."

Not surprisingly, the meeting didn't go Cornelissen's way. One of the farmers present was Bennie van der Merwe, whose property is adjacent to the proposed mining site. Van der Merwe, who breeds racehorses, grows citrus and is also the local vet, has found himself thrust to the forefront of local opposition by virtue of being the son of a former advocate.

"Like everyone else, I'd rather be running my practice and looking after my farm than spending my time fighting this mine. But what choice do we have?"

After the meeting with Cornelissen, Van der Merwe went directly to the provincial authorities. He spoke to officials at all four departments directly concerned – Minerals and Energy, Agriculture, Water Affairs and Environmental Affairs – and met a lot of sympathy among ordinary officials. Someone at Minerals advised him to fight "tooth and nail"; another at Agriculture described Bongani's application as "a shambles". An official at Water Affairs complained that her department had not been approached for comment.

Even the top Minerals and Energy man in the province, then regional manager of Mineral Affairs Sipho Ndlovu, told Van der Merwe a "grave error" had been made, and promised to look into it.

Nothing happened for months. Then, in January 2006, Van der Merwe was summoned to a meeting of the Regional Mining Development Committee – a cross-departmental body which is obliged to consider all objections to mining applications. Van der Merwe and another farmer, Kosie van Niekerk, presented their case, including the minutes of the Cornelissen meeting, which raised a number of eyebrows.

Afterwards, officials from various departments told the farmers that the situation was "out of control" and advised Van der Merwe to "get a lawyer".

A lawyer was duly consulted and a legal letter dispatched to the DME.

Nothing was heard for months. Then suddenly, to their delight, the objectors were informed, via a third party, that Bongani's application had been rejected.

But a few months later, the mining company was back with another application. In a sudden attack of transparency and procedural correctness, Bongani called two public meetings at Moutonshoek, in September 2006.

This time, the mining company arrived with a heavyweight political delegation, comprising the mayor of the Bergriver municipality, Jeff Swarts, and four other councillors. Bongani was represented by our old friend Cornelissen and Phemelo Sehunelo.

Picture: Graeme Williams

According to Van der Merwe their plan to divide the community along socio-political lines backfired.

"Bongani failed to convince anyone that the application should be supported, especially the employees who were there in numbers. They said they want to stay where they are and develop as farmers. They do not want to be miners.

"At first, Jeff Swarts and the councillors were very hostile to the meeting, but when we exposed the inconsistencies about how many people were going to be employed, they started to have second thoughts."

Van der Merwe said that after the meeting Sehunelo had shouted to the workers: "See – these whiteys don't want you to get anything in life, they want to keep it all!" He was ignored.

(Later, a neighbour related that he'd seen the Bongani crowd entertaining the mayor and councillors at the Spur in the nearby town of Piketberg.)

To counter the Bongani public relations machine, Van der Merwe and Kosie van Niekerk gave their own presentation to the full Bergrivier council in October.

"We went through all the inconsistencies in the process in detail and the fact that jobs would be lost, particularly to the women."

The presentation was well received and won a significant new convert in the person of ANC Youth League activist, Billy Claasen.

Claasen, a former farmworker whose family lives in the area, arrived at the meeting with a mandate to support the mine, but changed his mind when he heard the effects it would

Tungsten-tied

THE TUNGSTEN under Moutonshoek, known as the Riviera ore body, was first prospected in the 1970s by Union Carbide and Anglo American.

The small low-grade deposit was not considered viable until recently, when demand, particularly from China, drove the price of tungsten to new highs.

That demand, and the price, have now slumped, making Riviera a far less attractive prospect, particularly as the cost of mining continues to increase.

Used for things like drill bits and armour-piercing weapons as well as for less important things – like making your cellphone vibrate – tungsten remains sought-after and new finds are rare.

Geologist An Cornelissen says the Moutonshoek deposit, insignificant in global terms, is the country's first, and perhaps only, chance to become a producer of the metal, if only for a decade or two.

Picture: Graeme Williams

Sign of dissent: A protest banner adorns a signboard at the turnoff to Moutonshoek

have on the agricultural community and food production. His revised opinion was not appreciated by his political masters and he was subsequently thrown out of the party. He has since joined COPE.

Realising that it was going to get nowhere with the community, Bongani's next amazing trick was to apply for the right to prospect in the road reserve, which, being state property, would exclude any private owner from objecting.

The landowners objected anyway, so in January 2008, another hearing was called of the Regional Mining Development Committee.

Van der Merwe was given 48 hours' notice to attend, and rushed along with a lawyer in tow. During the meeting the new regional manager of DME, Vincent Tswalo, told him it was the department's policy to let applicants "have a go, even if their application was procedurally somewhat flawed", as the department was keen to know as much as possible about the country's mineral resources. Van der Merwe said their presentation preceded the one by Bongani, and they were not allowed to sit in on the miners' session. Nor were they allowed to see the minutes of Bongani's presentation.

Nothing more was heard until 15 May when the landowners were informed that the prospecting right had been approved. Once again, the news came from Bongani, not from the authorities.

Van der Merwe and his neighbours spent the next eight months putting together a legal case and organising a united opposition to contest the decision by means of a judicial review. The group included the Krom Antonie Water Users' Association (which represents all farmers and has the status of a local authority), the Krom Antonie Conservancy, the Moutonshoek Employees' Association (representing farm workers) and Wilgerbosdrift Stud (owned by Mary Slack, nee Oppenheimer).

The first date available for the review was 29 April 2009, which presented a problem for Bongani because its prospecting right was due to lapse on 4 April. No problem, in fact. All the mining company did was drop its application for prospecting rights and skip straight to an application for full mining rights.

The DME accepted this new application for consideration in March this year, in spite of assuring the objectors that no Bongani application of any sort would be entertained until the outcome of the judicial review was known. Not surprisingly, the local community has lost all faith in the process and is insisting that the application be rejected outright and that the area be declared no-go for any development other than agriculture.

Landowners' attitudes towards Bongani are now so hostile that they have refused to allow specialist consultants to come onto their land to conduct the environmental and social studies required for the application.

As a result, the mining company's preliminary scoping report had to rely on desktop studies and computer modelling to assess the potential impact of the mine. Even so, the results are not heartening. The report lists just five "opportunities" offered by the mine, most of which, like employment, are contested by the locals.

These uncertain benefits are more than offset by the 19 "constraints", including the damage to farming, the strain on water supplies, the impact on sensitive local vegetation and the downstream effects, particularly on the Verlorenvlei wetland.

Bongani's Aubrey Withers insists that it's early days, and that a huge amount of work still needs to be done before any decision is made.

But the objectors are not reassured. The cost of the application will run into hundreds of thousands, if not millions, of rands – not an investment any company would consider without a reasonable chance of success.

Bitter experience has convinced the people of Moutonshoek that science and human welfare are easily trumped by corruption, incompetence and greed.

And they've made it clear they are not prepared to stand by and see their entire way of life, going back 300 years for many families, annihilated, so that a few well-placed fatcats can make a quick profit. ■

Mielies and megalomania

Seed companies, like banks, are willing to take insane risks in the pursuit of market domination, writes Adam Welz

AS REPORTED LAST MONTH hundreds of local maize farmers have suffered significant crop failures this year, as a result of partial pollination failure in three varieties of "transgenic" (aka genetically-modified) maize grown from seed produced by Monsanto, the US-based agribusiness giant. The company has hastily assured farmers it will compensate them in cash for their crop losses, and estimates that his could cost them at least $42m (nearly R380m).

Pollination failures have happened before, with non-genetically-modified, "vanilla" mielies, but rarely, if ever, on this scale. Monsanto would like the world to believe that the present failure was an unfortunate accident that befell a company which has done everything right, that plays by the rules but got hit by a random and unforeseeable problem – as happens to any company in the normal course of business. That's possibly fair enough – as far as it goes. But what are the rules of this game, and how "normal" are Monsanto's business practices?

A look at some basic numbers and rudimentary facts raises some deeply worrying questions:

■ Nico Hawkins, head of Grain SA, the grain farmers' representative organisation, says that about 2,421,000 hectares were planted to maize in the current (2008/9) growing season. Of this, 1,488,000 hectares (about 61%) were planted to white maize, which is used to produce mealie-meal, among other things. The three problematic Monsanto white maize varieties were planted over about 300,000 hectares, i.e. a massive 20% area of this year's white maize crop to these three varieties alone.

Monsanto claim that last year they controlled 36% of the maize seed market in the USA, which grows approximately 40% of the planet's maize supply. It's likely that they control a similar percentage of the local market.

Monsanto's nearest competitor in the US, Du Pont, which produces Pioneer Hi-Bred transgenic seed (also sold in South Africa) had 30% of total sales in the US last year. This means that only two companies control two-thirds of the US maize-seed market – in other words a very few companies are responsible for supplying the seeds for an enormous chunk of the world's food supply.

■ The seeds concerned were certified by SANSOR, the South African National Seed Organisation. SANSOR certifies hybrid seed by ensuring that the two parent lines look like they should, according to the written definitions of each variety. SANSOR doesn't genetically test seeds, and are not required to check the performance of any plants grown from the hybrid seed through a full growing cycle. In other words they check that the ingredients are those specified in the recipe, but they can't tell whether the cake will rise or what it will taste like. SANSOR says this is the norm at the top seed-testing institutes around the world.

Monsanto admits that some maize fields have suffered 50% losses

■ Although Monsanto say their genetic engineering wasn't responsible for the current crop failure, it is known that transgenes can be unstable and can cause all sorts of strange and subtle problems in the genomes into which they're inserted. When *noseweek* asked Monsanto whether they would make plant samples available to independent laboratories to check for transgene stability, they ducked the question.

The company has yet to announce exactly what caused their plants to produce less pollen than designed. They've twice refused to explain this to *noseweek*, preferring to supply a

An actor – most definitely not the CEO of Monsanto – demonstrates world domination laundry list of generalised hypothetical possibilities rather than a straight answer.

An industry insider says it appears that Monsanto simply don't know: "They've got scientists from all over the world frantically working on it but they haven't yet told anyone anything."

The Department of Agriculture, which is supposed to monitor and oversee such matters, has been largely silent thoughout the saga, allowing Monsanto to investigate the incident on its own. Farmers who are due to receive compensation say they will be signing non-disclosure agreements in exchange for the money – which Grain SA's Frank Hawkins says is par for the course in the seed industry. The farmers I spoke to, happy to receive an easy payout, aren't keen to delve further. So much for transparency.

■ As reported in *nose*115, Monsanto admit that the problem began in late 2007 when they decided to reverse the "male" and "female" parent lines of the three affected hybrids, to increase seed yield. This resulted in faulty seed, which was harvested in early 2008 and sold to farmers for planting in late 2008. Pollination failures were first noted in February this year, when the cobs were approaching harvestable size. Because the problems hadn't become apparent by the 2008/09 seed production season, Monsanto went ahead to produce more seed with the same parent lines in the same roles used in 2007/08. Clearly, Monsanto don't bother, before releasing it on the market, to test the seed resulting from reversals of male and female lines through a full growing cycle. This meant that for two years in a row Monsanto produced dodgy seed for their most popular South African white maize varieties. Monsanto are apparently prepared to take massive gambles for the sake of profit.

SOUTH AFRICA IS A SMALL PLAYER in the global maize business. Although the seed varieties that showed pollination problems were planted across 300,000 hectares, the problems were (for reasons unknown) only seen on about 75,000 hectares, or about 5% of the total area devoted to white maize. The drop in yield will probably be relatively small, insignificant in international terms.

However, by Monsanto's own admission, some fields suffered more than 50% losses. Rumour has it that some fields were 80% non-productive, although the company would not confirm this.

Consider this: What if Monsanto's American seeds had shown similar problems? They're produced and tested to the same standards as South African seeds. What if the world's largest maize producer, and key maize exporter, had awoken one morning to find that millions of hectares of mature maize plants weren't going to yield the expected crop? Food riots, and possibly starvation across the globe, would not be far behind.

The world financial crisis showed what happens when a few giant institutions control massive chunks of the market and play by slack, usually self-written rules, away from parental supervision. The seed companies, it would seem, are no different from the banks, bundled-mortgage dealers and hedge funds; they're hell-bent on dominating markets and taking insane risks with other people's futures.

Neither the US government, in thrall to a giant agribusiness lobby, nor ours, stuck in a stupor of incompetence and ham-fisted secrecy, seem even vaguely interested in changing that.

The world – by pure chance – has dodged a bullet with the words "food crisis" engraved on it. We may not be so lucky next time. ■

ALL IN THE GENES

THE THREE MONSANTO hybrid white maize varieties that have failed to pollinate properly in this year's growing season (DKC77-71R, DKC78-35R and DKC78-45BR) have been genetically-engineered to be resistant to Monsanto's Roundup herbicide. This makes weed control easier; farmers can spray a field with Roundup and the weeds will die, but the mielie plants will be fine. This saves a lot of ploughing. In addition, DKC78-45BR, a "stacked gene" variety, has had a gene sequence from a poison-producing bacterium, Bacillus thuringensis, inserted into its genome. Known as the "Bt gene", this gene sequence allows the maize plant to produce Bt toxin, which kills the corn stalk-borer, a serious crop pest. Plants with the Bt gene thus produce their own pesticide.

Where's there's a will, there's a way

SUE-ANN LAZERSON, widow (as third wife) of the late Ivor Lazerson, a leading Johannesburg divorce lawyer, is still embroiled in a battle with the executors of the notoriously abrasive attorney's estate, seven years after his death in June 2002.

As told in *noses*46,47,56,63&75, the farmer's daughter from Colesberg, on the advice of her lawyer, controversially launched actions for divorce and maintenance against the 64-year-old Lazerson as he drifted in and out of a coma in what turned out to be his final few weeks. Lazerson responded with a codicil to his will, made four weeks before he died, directing that his wife be disinherited and receive no money from his estate.

The executrixes of Lazerson's will are his daughters by his first marriage, Dana and Lindy Lazerson. Virtually from the moment she married their father in 1990, both were sworn enemies of Sue-Ann. Since her husband's death Sue-Ann has been locked in vicious battle against the sisters, and against Ivor Lazerson's former law firm partner, attorney Kim Meikle, who is the administrator of his estate.

Sue-Anne Lazerson

Armed with an administration of estates diploma from Unisa, Sue-Ann Lazerson is rejoining battle to retrieve money from her late husband's estate

The battle has cost Sue-Ann Lazerson dear. Gone is the willowy chic blonde photographed back in May 2003 for *nose*46; gone is her trendy cottage in Johannesburg's Orchards, from where her luxury, co-ordinated clothes business dressed the rich wives of the city's northern suburbs. At 57, Sue-Ann is now decidedly matronly, with a toned-down wardrobe to blend with the locals at her downmarket home in the rather more humble suburb of Kensington, east of the city.

But her ardour in her crusade to oust Dana and Lindy Lazerson as executrixes, and attorney Kim Meikle as administrator, of Ivor Lazerson's estate is undiminished. To boost her efforts she studied, and has now won, an administration of estates diploma from Unisa. Her plan: to become the estate's executrix.

After Lazerson's death, Sue-Ann launched an action under the Maintenance of Surviving Spouses Act. As the case dragged on, she was unable to produce the R789,000 owing on the bond on her Orchards cottage, and in January 2005 was forced to downgrade to Kensington. Painted a lurid yellow, her present abode does have Oregon floors and pressed ceilings, but it is a far cry from the one-time matrimonial home in Orchards and the Cape holiday pad at Chapmans Peak.

On 17 May 2006 Sue-Ann signed an agreement under which she agreed to accept R2.3m in settlement of her claims against Ivor Lazerson's estate (although there is a clause entitling her to 20% of any hidden assets she might thereafter discover).

Payment of the R2.3m was made with an initial tranche of R500,000, followed by a further balance of R1.8m, which Sue-Ann says was based on a valuation of the Chapmans Peak apartment. The luxury three-bedroomed apartment, she claims, was valued early in 2005 at R1.795m. Sue-Ann, whose plea for the house had been rejected by the Lazerson sisters, says she accepted this as its correct valuation and took the R1.8m tranche in lieu.

No sooner had she done so than Cape

Waterfront Estates put the Chapmans Peak Drive "cliffside stunner" with "dramatic bay views" on the market at just under R4m. And on 20 June, just one month after Sue-Ann signed the settlement agreement, it was sold to Johannesburg advocate Josias Reyneke and his wife for R3.6m.

Cape Waterfront Estates' Margaret McKenzie says: "We had nothing to do with valuing the property at that price [R1.795m]. I don't have that valuation on record. It could have been the municipal value. There's no collusion, there's no misrepresentation. We sold the property for the price we valued it at, full stop."

After a death, the executors of an estate are expected to file a liquidation and distribution account with the Master's Office within six months – one year maximum. Sue-Ann claims that attorney Kim Meikle did not file a first L&D account for Ivor Lazerson's estate until May 2005, nearly three years after being appointed administrator. She says that, in all, Meikle filed five L&D accounts between 2005 and 2008. The first four were rejected by the Master and the fifth, filed last December, is now under scrutiny.

Faced with this dismal performance, on 5 October 2007 the Pretoria High Court's assistant Master Michael Mabuela ordered the removal of Dana and Lindy Lazerson as co-executrixes for failing to perform their duties. His letter states a grim penalty: "Any remuneration to which you would have been entitled, is disallowed".

Attorney Kim Meikle filed a Motion for Review in the Pretoria High

The late Ivor Lazerson with daughter Lindy

Dana Lazerson

Court, where Judge Jooste promptly reinstated the sisters as co-executrixes. (The state attorney who was to have represented the Master of the high court in the matter, failed to turn up for the hearing.) Comments Dana Lazerson: "She did have us removed, but we were immediately reinstated."

Sue-Ann questions Kim Meikle's and the Lazerson sisters' figures in the various L&D accounts. She says the sisters have stated on oath that their father's art collection was worth just R7,000. Sue-Ann maintains that Lazerson's collection of 20-odd paintings included one by either Irma Stern or Maggie Laubser, plus an Ephraim Ngatane valued in 2006 at more than R200,000, and a Gregoire Boonzaier.

Hogwash, declares Dana Lazerson: "Art collection? What art collection? I don't know what you're talking about." You valued it at R7,000. "Well then, that is the value."

In Kim Meikle's fifth liquidation and distribution account the estate's gross value is stated at R6.9m, and that, after liabilities, it is insolvent. Sue-Ann reckons it is far from insolvent and that when Ivor Lazerson's "hidden assets" are uncovered its true value will be nearer R20m.

Comments Dana Lazerson: "A court agreement was made with [Sue-Ann] in 2005. She was given permission to find any overseas assets, [so] why doesn't she find them?"

Sue-Ann's battle plan is still to have Meikle and the Lazerson sisters removed as the estate's administrator and co-executrixes, get herself appointed executrix and return to court to seek an increased final-settlement offer for herself. She complains that, of the R2.3m settlement she accepted back in 2005, lawyers' bills and the repayment of loans swallowed up R1.2m, leaving her to live on an income from the balance of a paltry R7000 a month. "I need at least R35,000 a month," she says.

No Free lunches (or listings)

AT A GLANCE the internet-based World Business Directory (WBD) appears to be a useful global business-listing service. In fact it's a vehicle for yet another scam. Over 500 companies worldwide have been billed by WBD for around £1000 each, for a service most of them thought they were getting free.

Besides, the online directory itself isn't much use: anyone researching business contacts would be better off doing a straightforward google search. But it does look enticing to people who receive the WBD listing form by email, and, because WBD already has their company details, thinks they're applying for a "free update".

At the top, the form states that "Updating is free", and without reading the small print below, which explains the costs, victims rush to assume that they are simply updating their already listed information. Nice trick.

Isn't it curious that people still don't read the small print? On the other hand sticking "Free!" labels in the right places clearly helps to induce a special kind of befuddlement.

EU Business Services Ltd, who run the WBD, have been trying their luck in this country for a couple of years now, and have hooked a bunch of fish, including Proudly South Africa. All are refusing to pay. In fact only a handful of companies across the globe have paid up, and despite threats from EU and a Netherlands-based debt collector, no-one has been taken to court.

The WBD is among dozens of "transnational directory" scams, many of which are operated out of bases in Europe. According to European Parliament member Richard Corbett, who has been spearheading a campaign against directory scamsters, they change names and locations regularly, moving on as soon as the relevant authorities close in. Corbett mentions, among others, European City Guide, Construct Data Verlag, Deutscher Adressdienst GmbH and NovaChannel. He advises anyone who has applied for what they thought was a free listing not to pay.

Noseweek first received a WBD form in early 2008, and, as WBD already had *noseweek's* details, filled in the form as an update, and returned it with a note to say we weren't interested if there was a cost involved. No more was heard from EU Business Services. But in 2009, after the same "update" form again arrived by email, and was again filled in and returned with a note concerning costs, *noseweek* found itself being billed for £980. The invoice also warned that "late payment" would lead to additional charges totalling £133.

EU is a UK-registered company, listing its address as Rosden House, Old Street, London. However emails to their victims originate from locations across Europe. Those sent to *noseweek* arrived from Bucharest in Romania, while banking details provided are of a Dutch Postbank.

According to Grant Brook, who has dedicated a website to warning people about WBD (www.stopwbd.za.org), this is standard procedure for such scamsters. Brook says EU has no legal grounds for taking its victims to court, and says companies shouldn't give in to threats.

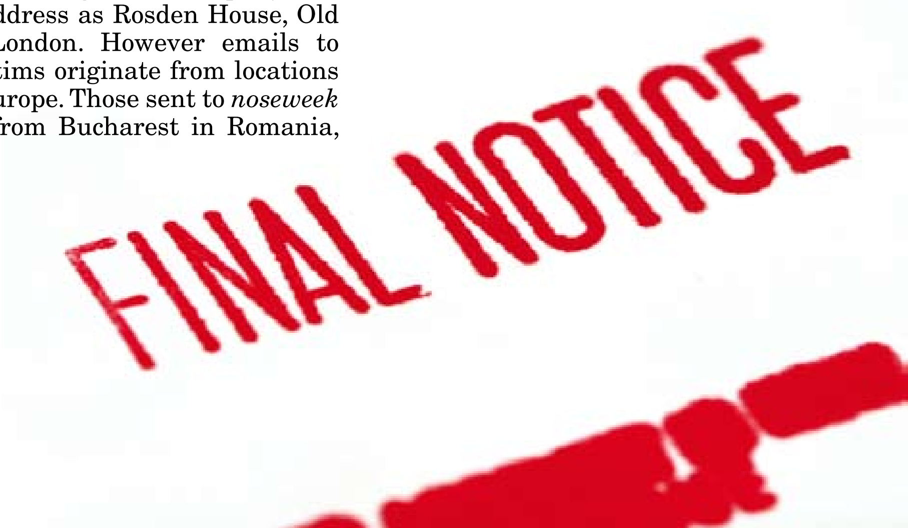
Last October Democratic Alliance spokesperson on trade and industry Dr Pierre Rabie wrote to Minister Mandisi Mpahlwa, requesting an investigation into the WBD scam, but six months down the line the Ministry has yet to respond. Neither did the Ministry respond to *noseweek's* queries.

Proudly South Africa marketing executive Dalene du Preez, who filled in the WBD form, has also warned the organisation's members not to fall prey to EU Business Service's enticements or threats. Like every other victim, Proudly South Africa has been bombarded with demand letters and threats of legal action.

"The threats of legal action or of debt collectors are empty," she says. "I told WBD to proceed with their legal action. I signed for 'free listing'."

When *noseweek* contacted EU Business Services their accounts manager, a "Ms Cristina", wrote to say: "Sorry, you signed a three year contract for insertion into our database for £980; you have to pay." *Noseweek* suggested she take a walk, and politely enquired as to why she was communicating from Romania, and not from their listed London address. Another letter of demand arrived a week later.

Sorry "Ms Cristina" and Co – *noseweek* made it clear from day one that paying R12,000 to be listed on the internet isn't really an option.



The American Board of Independent Medical Examiners in conjunction with the Road Accident Fund presents

ABIME
American Board of Independent Medical Examiners

TRAINING ON THE AMA GUIDES 6TH EDITION

BACKGROUND:

An accident victim wishing to claim for General Damages under the Road Accident Fund Act, 1996 (Act 56 of 1996), as amended, will be required to be assessed for bodily injury for the purpose of establishing whether and if so to what degree the bodily injury results in an impairment of the Whole Person, as contemplated in the **"AMA Guides".**

"AMA Guides" *means the American Medical Association Guides to the Evaluation of Permanent Impairment.*

A medical practitioner will assess serious injury using the evaluation methods contemplated in the "AMA Guides".

WHY YOU SHOULD ATTEND:

1. A medical practitioner will assess serious injury using the evaluation methods contemplated in the "AMA Guides" **– legislative requirement**.
2. You will qualify for **16 CPD points** for the training program
3. If you write the exam you will receive a **prestigious accreditation** from ABIME (USA).
4. **The training is a prestigious international qualification** on the use of a **uniform evaluation system** in assessing serious injury that is comprehensive and fair.
5. You will be equipped with the **skills to assess serious injury** in terms of the AMA Guides 6th Ed.
6. You may be able to claim the cost of the training (attendance fee and text book) as **general deductions allowed in determination of taxable income**.
7. The RAF received **267 133** claims and finalised **216 513** personal injury claims in 2008. We expect doctors throughout South Africa to be inundated with requests for assessments of serious injury well into the future.

EDUCATIONAL OBJECTIVES:

At the conclusion of this learning activity, participants should be able to:

- Perform an independent medical evaluation based on the AMA Guides 6th Edition.
- Explain and present the differences between impairment, function and disability.
- Discuss the critical steps involved in the impairment evaluation using the AMA Guides in clinical practice.
- Describe the knowledge content related to the AMA Guides 6th Edition.
- Discuss new developments in the AMA Guides and explain the main differences between the various editions of the AMA Guides.
- Relate clinical data to case issues and perform evaluations
- Perform musculoskeletal permanent impairment ratings according to the AMA Guides 6th Edition.
- Explain the use of internal medicine, pain and psychiatric chapters of the AMA Guides.

The Marshall University School of Medicine Division of Occupational and Disability Medicine will conduct the programme and designates this continuing medical education activity for qualification for a certificate in AMA Guides.

THE COURSE WILL BE PRESENTED BY:

The training will be conducted by **Mohammed I. Ranavaya, MD, JD, MS, FRCPI, FFOM, FAADEP, CIME, Professor and Chief, Division of Occupational and Disability Medicine**, Marshall University, Joan C Edwards School of Medicine Diplomate American Board of Preventive Medicine Board Certified, Occupational Medicine USA. Prof. Ranavaya is the associate editor and primary author of several chapters of AMA Guides 6th Ed.

COURSE LOCATION AND TIMES:

Non-medical Practitioners – Claims adjudicators, insurers and attorneys

Date: **26 June 2009**
Venue: Gauteng – Garden Court OR Tambo International Airport, No. 2 Hulley Road, Isando (3km from the airport)

Date: **3 July 2009**
Venue: Durban – Garden Court Marine Parade, 167 Marine Parade

Date: **10 July 2009**
Venue: Cape Town, St George's Hotel at St George's Mall

Cost: R 2 600 per delegate (at all venues)

Medical Practitioners – Doctors, surgeons, etc.

Date: **22 June till 25 June 2009**
Venue: Gauteng – Garden Court OR Tambo International Airport, No. 2 Hulley Road, Isando (3km from the airport)

Date: **29 June till 2 July 2009**
Venue: Durban – Garden Court Marine Parade, 167 Marine Parade

Date: **6 July till 9 July 2009**
Venue: Cape Town, St George's Hotel at St George's Mall

Cost: R 8 000 per delegate (at all venues)

On registration the ABIME will provide you with elective options to write an exam and pre-order the AMA Guides 6th Ed text book.

16 CPD points will be awarded.

Please provide names and contact details to attend this prestigious medical training program.

FOR REGISTRATION

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To register for the course please contact:
Ms Remofilwe Mokgoko
Tel: 012 – 429 5634/5220/5155/5606
Email: ama6@raf.co.za

Registration closes one week before training starts in each region.

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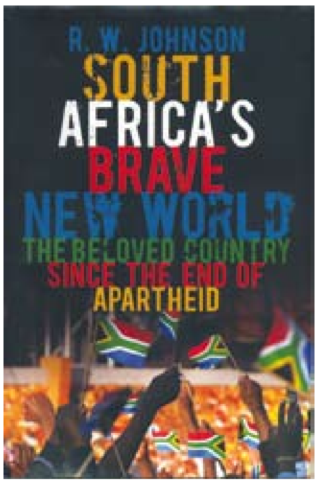
COVER • COMPENSATION • REHABILITATION

Can Zuma pull it off?

GERALD SHAW reviews two recent books about the state of the nation, and our prospects, on the eve of Msholozi's presidency

After Mandela: The Battle for the Soul of South Africa (Random House Struik), by Alec Russell
and
South Africa's Brave New World: The Beloved Country since the End of Apartheid (Allen Lane) by RW Johnson.



AS THE ZUMA PRESIDENCY begins, his conciliatory and reassuring style is calming the troubled spirits who have been wondering what the future holds. Yet doubts and reservations about the man remain, with good reason.

Two rather different books just published illuminate the recent South African past and suggest possible outcomes. Both books tell much the same story of the decline and fall of Thabo Mbeki, and both are useful aids to understanding. *Financial Times* correspondent Alec Russell gives a concise and lively account, judicious in its judgment of the Mbeki years. The tale told by RW Johnson, an Oxford academic turned journalist, is long, gossipy and insightful and not always judicious.

The English-language newspapers led the cheering when the Mbeki presidency began, and many journalists, including the present writer, gave Mbeki an easy run for rather too long. Because, under Mbeki things began to fall apart. By 2006 an estimated three quarters of a million whites had emigrated, most of them between the ages of 20 and 40. Many were skilled workers or professionals; many cited crime and affirmative action as reasons for going. AIDS deaths multiplied. By December 2000 the *Cape Times* was declaring that South Africa's quiet diplomacy on Zimbabwe had failed.

Archbishop Tutu was among the first to note that a stifling conformity of thought had taken hold of the ANC, and was infecting wider society. When Jeremy Cronin, a courageous intellectual and a senior SACP leader, spoke out against Mbeki's Zimbabwe policy, he was sharply whipped into line.

Mbeki, using "deployment" as a tool of control of the ANC, the public service, the SABC, and parastatals, increasingly took power into his own hands. The fear of falling foul of Mbeki became pervasive in the ANC. In the country at large his racial nationalism became apparent as the hasty, ill-considered application of affirmative action took its toll in the loss of skills, poor service delivery and politicisation of the public service.

The ANC had always been a broad church in which lively discussion between liberals, nationalists, Christians, muslims, and communists had been the norm. Mbeki's oppressive leadership style was stirring up acute resentment inside the movement.

A tolerant non-racialism had been the dominant culture of the United Democratic Front, the ANC's surrogate on the home front, which played a significant part in bringing about change. Yet the UDF was smartly disbanded by the returning exiles, led by Mbeki. Cyril Ramaphosa, a potential rival, was "deployed" into business. Ramaphosa and two other leading internal activists, Mathews Phosa and Tokyo Sexwale, were accused of conspiring against President Mbeki in a "plot" to oust him. The allegations were baseless and had to be withdrawn. Phosa and Sexwale, at the time premier of Gauteng, followed Ramaphosa into business.

Eventually a corrupt, faction-riven ANC began tearing itself to pieces. Finally, at Polokwane, Mbeki, to his astonishment, was ousted as ANC president, and subsequently "recalled" as president of the Republic.

This in broad strokes is the story told in these two books. The success of the Mbeki presidency's macro-economic policies had at first masked the potentially disastrous impact of the man's divisive racial nationalism. At home and abroad, his standing remained high – until his AIDS denialism, the Zimbabwe tragedy, out-of-control crime and over-hasty affirmative action began to strike home.

But what finally cooked Mbeki's goose in the ANC was his ruthless, autocratic management style. The ANC-in-exile had absorbed from Moscow more than just the rhetoric of Marxist revolutionary economics. They had also been profoundly influenced by Lenin's doctrine of "democratic centralism". Marxist economic policy was abandoned by the ANC after the fall of the Berlin Wall. But the influence of Leninism remained pervasive in Mbeki's strict top-down style, inhibiting broader discussion in the ANC concerning differences of approach to policy and its implementation. Russell's account is an authoritative survey of the Mbeki years, recognising Mbeki's positive achievement as well as his crucial failures. Russell had come to South Africa to cover the Mandela presidency. He was at first very impressed with Mbeki and the ANC. On his return in 2007 he found that the rainbow nation had lost its sparkle. As a seasoned *Financial Times* correspondent, Russell doesn't sound all that convinced that the country will come right. He sees South Africa entering a new age of uncertainty and finds that the ANC, after 15 years in power, is losing its way.

RW Johnson had, from the start, a pretty jaundiced view of the ANC, and of Thabo Mbeki. As a former man of the left himself, he no doubt knew his Lenin. Like Tony Leon, also castigated at the time for his abrasive anti-ANC stance, Johnson can now claim some kind of vindication.

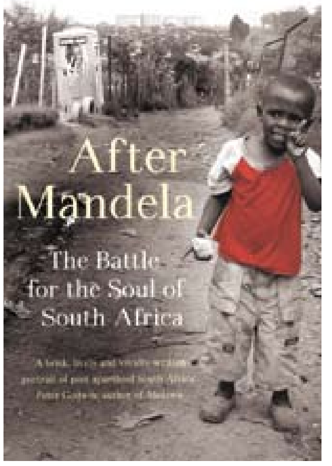
Less inhibited than Russell by claims of fairness, Johnson lays into the ANC and some of its key figures, such as Kader Asmal. He acknowledges Mandela's moral stature, but belittles him as politically naive. Archbishop Tutu, and the Truth Commission, he treats in scathing fashion – although at the same time he does use the TRC report as a handy source for hammering the ANC.

Will Zuma fill the leadership vacuum? Writing from the perspective of the end of the Mbeki era, Russell and Johnson can only give limited impressions.

Russell sees him as an authentic African leader, a man who listens to his people and understands their concerns, and does not necessarily let the niceties of Western political convention stand in his way. Zuma is engaging and mellow, in contrast with Mbeki's chilly, remote public persona, but the populist Zuma is inclined to say what his audiences want to hear.

Noting Zuma's impressive record as a peace-maker in KwaZulu Natal, and elsewhere, Russell says that Zuma also knows when to jettison diplomacy. "There is a steely fist under a velvet glove." But, in view of his own embarrassments over his relationship with his financial adviser, would Zuma be strong enough to lead on issues of good governance?

And how will he resolve the differences in the ANC over economic



policy? After all, he won the leadership of the ANC with the support of the SACP and the unions, who want a shift to the left and an end to Mbeki's business-friendly policies.

Russell concludes that if South Africa is lucky, Zuma will be its Ronald Reagan. He will make the country feel good about itself and leave the business of governing to technocrats. There is another, less reassuring scenario, however: the growth of a "Big Man" personality cult that will mask the country's growing social and economic problems.

Russell feels that the chances are slim of Zuma being able to curb the growth of crony capitalism, as spawned by BEE. Johnson pursues a similar theme at length, but also singles out the corporate giants for blame in the BEE fiasco. Much of the initiative for BEE lay in corporate hands, he argues. The big companies were keen to prove their own progressive credentials, he says, by selling off assets to empowerment partners. As Johnson sees it, this was often also a cover for a policy of disinvestment and diversification abroad, with Anglo-American leading the way.

Russell does not see Cope and the DA seriously threatening the ANC's hold on power. The ANC will be in charge, he says, and it is the ANC that will have to change, a verdict with which Johnson concurs.

Russell concludes that unless the ANC can change direction it will find itself, in a decade or so, presiding over a sclerotic dysfunctional state.

Johnson's 650-page blockbuster relies very heavily on newspapers, and the *Mail & Guardian* in particular, to give a densely detailed account, crammed with interesting and sometimes alarming facts and figures. He is an adventurous and immensely readable writer – he says, for example, that the still unsolved assassination of Robert Smit and his wife was ordered by then State President Dr Diederichs. Johnson names the assassin, and claims he was subsequently murdered for his pains.

The main thrust of Johnson's book, however, is a devastating account of ANC misrule under an insecure, paranoid Thabo Mbeki, who Johnson sees, not without reason, as presiding over a sort of institutional implosion. The broken-backed state and the abysmal quality of governance need not be fatal, Johnson argues. But he believes that South Africa can only work as a multi-racial country.

If the ANC would revert to its non-racist tradition it would employ human resources on the basis of merit, regardless of race or ANC connections. This would be fiercely resisted by the black elite, which has come to feel that it has a natural monopoly of all leading positions in the public sector, he says. But the ANC, with its huge majority, could easily face down such complaints, Johnson believes. And the interests of all, including the poor and the black middle class, would be better served by public institutions and service delivery that worked.

The general conclusion indicated by these two books is that if the ANC does not change direction the future does not bear thinking about. My own feeling is that reform of the ANC is certainly possible, given time and courageous leadership. Whether Jacob Zuma is the man to provide it remains to be seen. A quiet but determined shift in the direction of a professional, non-political public service would be a good sign.

Zuma's Cabinet appointments and re-structuring plans indicate a good beginning, by and large, stripping out dead wood and making imaginative yet appropriate appointments across the ideological spectrum. There is much to suggest that Zuma means business when he says he will not tolerate laziness or incompetence.

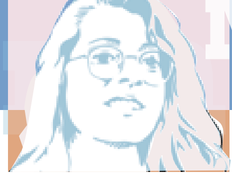
We will see.

Win these books

Noseweek readers are invited to enter a simple competition to win a copy of **After Mandela** or **South Africa's Brave New World**.

All you have to do to stand a chance of winning is name one of the authors and email your entry, with name and address, to: news@noseweek.co.za

Winners will be informed by email. Five copies of each book are on offer. Prizes will go to the first ten correct entries drawn by the editor. Correspondence will not be entered into.

Web Dreams  **Marike Roth**

The long haul

My husband Pat says this all sounds like an extended metaphor for my illness, but I didn't intend it that way. I'm just fascinated with mountain climbing, writes Marike Roth, having just learned that her leukemia has returned with a vengeance

I'VE NEVER BEEN A FAN OF SPORT. This goes beyond indifference: the mere sound on the tube of a rugby crowd grates on my nerves, like fingernails on a blackboard. I am proud to say that I have never learned the rules to any game played on a field or court.

But I once climbed Table Mountain. No kidding. Some "friends" persuaded me. Will it be a long climb? Not really they assured me. No cliffy type places to scare the bejesus out of me? Nooo. I was young and naïve and off I went, on a whim, with the wrong shoes and a togbag of inadequate supplies.

The journey turned out long and arduous, the togbag dug into my shoulders, I got stones in my sandals and my chocolate melted. Each time we reached a peak there was one more ahead, and yet another, and another. All too often I found myself in foolhardy proximity to a life-threatening precipice. In all – since I'm totally devoid of masochistic tendencies – it was a fairly miserable experience.

All the same, when we finally reached the top, I was exhilarated to find myself looking down on creation. I'll also admit that it gave me a sense of achievement, and I allowed myself to indulge in the sin of pride. Granted, this was small reward, given the trials and acrophobia experienced during the ascent. But in retrospect, though I've never hiked up a mountain again, I'm glad I did it. Once.

These days I have taken up "virtual" mountain climbing – and of peaks much scarier than Table Mountain. I spend my time in the company of people hanging off the side of Mt Everest, for example, all from the comfort of my computer chair.

Admittedly, I do suffer a little resentment, watching people putting themselves in harm's way simply to prove something to themselves and to undergo an adrenaline rush or three. There are already far too many unavoidable dangers and pitfalls in life, without voluntarily adding to them. Actually extreme mountaineering seems a little trivial, even insulting to those of us who experience our adrenaline rushes right where they are meant to be – in the midst of ordinary life's "fight or flight" situations.

And don't even mention bungee jumping. People who dive off high bridges with rubber bands around their ankles need psychiatric help. Don't bother to debate me on that one. I won't be listening.

All the same here I am, admitting to a fascination with mountain climbing, which began several years ago when I read Jon Krakauer's account of the disasters that befell a couple of Mt Everest expeditions in 1996 (http://outside.away.com/outside/destinations/199609/199609_into_thin_air_1.html). And alongside the disdain I've expressed for those who insist on dangerous hobbies, I cannot deny entertaining a certain admiration for those who doggedly pursue a dream – any dream.

This year the brother of a dear friend joined a commercial expedition climbing Everest and he has posted an ongoing weblog of his quest (www.giladstern.co.za). Such weblogs have become, if not commonplace, at least easily found on the web (www.vmeverest09.com/).

The *Discovery Channel* has also posted a blog of New Zealander Russel Brice's 2009 commercial expedition (http://blogs.discovery.com/everest_2009/). This expedition will eventually be televised as the third season of the ultimate reality show *Everest*, following the 2006 and 2007 seasons. (The 2008 expedition was cancelled due to political intrigue.)

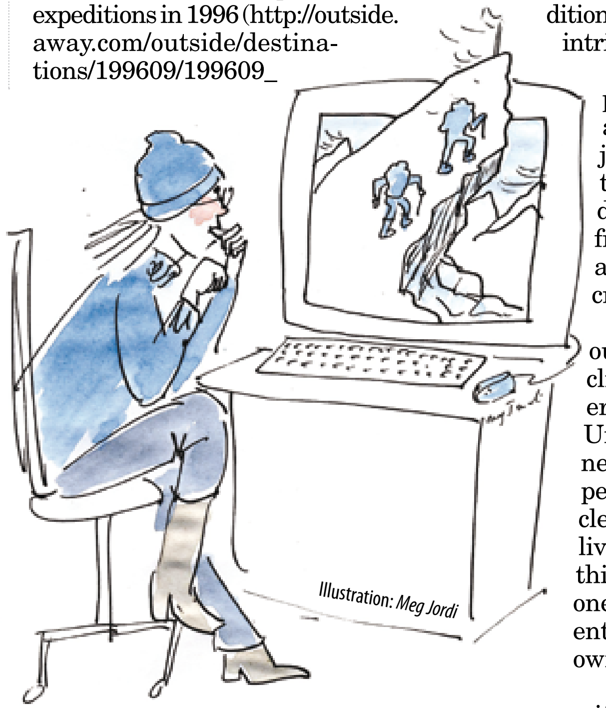


Illustration: Meg Jordi

In the end I can't really explain my fascination (or my ambivalence) with the subject. Instead, I offer a shortcut to the top of the world: a 360 degree panorama of the view from the summit of Everest, at www.panoramas.dk/fullscreen2/full22.html.

It's also necessary to remind ourselves that some people climb the equivalent of Mt Everest every day of their lives. Unfortunately, observing one's neighbours defeat unavoidable, perhaps life-threatening, obstacles in the course of their daily lives just doesn't deliver anything like the vicarious thrill one gets from watching people enter the "death zone" by their own choice.

It shouldn't be that way, but it is.

Rainbow Nation

MRS LIGHTFOOT STANDS watering the lawn in front of the flats like a squat mauve-tinted English middle class female garden gnome. Also crabby; she wears her mouth upside-down as on that classical Greek theatre mask, symbolising Tragedy as opposed to Comedy. Her lower teeth are constantly exposed, for hissing. She resents everything; resentment to Mrs Lightfoot is not an emotion, it is an activity, it is as training in a gym is to an athlete. As a drip in an intensive care ward it sustains her; without constant resupply she would not survive another day. Give her this day her daily *kvetch*. They have destroyed everything decent! cries Mrs Lightfoot. Agreed! I declare, banking being fundamental to the entire capitalist structure you would think the world's bankers would display a bit of common sense along with decency, wouldn't you, and not be so driven by greed as to wreck the world's economies, and as for that scoundrel Bush who lied to his people... I am talking about Jacob Zuma! she snarls. The ANC! They have utterly betrayed the country since 1994!

Mark my words, says Mrs Lightfoot after some serious deep breathing with her eyes clamped shut, so as to regain equilibrium, he is going to declare a one-party state and himself president for life. But he didn't get his two-thirds majority, did he, say I, and does he want to anyway? Oh-h ye-es he-e do-es, she sneers, and you can bet on it. Well, say I, a certain Russian political analyst name of Eulabia Sweetlips Kalashnikova bet me R1000 Thabo Mbeki was going to declare himself dictator for life because SA was in the same Stalinist league as N Korea, but he didn't did he, and I suppose the cheque is in the post, hey? Tell you what, I'll wager you R1000 on Jacob Zuma.

Illustration: *Harold Strachan*

Mrs Lightfoot is not what you might call a digitigrade creature, daintily walking on its tippy toes like a klipspringer

Mrs Lightfoot is not what you might call a digitigrade creature, daintily walking on its tippy toes like a klipspringer, say now, or a springbok, creatures which might be blown a bit off-balance by a sudden puff of breeze. She is what is known as a plantigrade beast, a bear; the entire lower hind leg being one great heavy foot, both heels and toes lie stolidly on the earth as she stands fully 5ft 4ins erect and surveys the morbid miasma of ANC evil about her. Never mind wagers and things, Mrs Lightfoot turns her hose pipe on spray and squirts it towards the hedge. Just look at that rainbow, she laments, see how flat it is from all the heavy metals in our water these days, mercury and lead which are slowly killing off our brain cells one by one, and do they care? She curls her upper lip hideously. Not while there's corrupt profit to be made, thank you; rainbows used to be nice and curved, but that was before 1994. You could even get a circular one. No you couldn't, say I, unless you were at 30,000ft altitude with the sun dead behind you and a wall of cumulus cloud in front, and you don't get clouds at 30,000ft anyway. Mrs Lightfoot turns her attention to the passing traffic, never mind the cumulus clouds and things. They can't even run a decent bus service, she laments, the last bus here was half-an-hour late and it stopped with a front wheel in a big hole in the road where rainwater had washed away the sand underneath, then the engine wouldn't start and they didn't know how to fix the engine or the road. I tell you, nothing has worked since they took over. But who, pray, Mrs Lightfoot, might They be? say I. Jacob Zuma isn't in charge of Durban's buses, nor is the ANC in charge of God's rainbows. But such sophistries get you nowhere with Mrs Lightfoot. I tell you, says she, the country is failing before our very eyes. The voting public is too ignorant to see it.

Suddenly I remember a certain quandary one of the major airlines had a few years ago. Certain of the flying public refused to fly in certain of their aircraft, though these were the usual run of Boeings and Airbuses, and only after much puzzlement and market research they found it was because such travellers just didn't believe women could fly, and the company had a number of very senior female pilots. This certain public couldn't point out exactly which women couldn't fly, of course, it was just a common-sense intuition based on sound inductive reasoning: if we've never seen women flying before that means it's genetically unnatural and we shouldn't be seeing it now.

And similarly there's Mrs Lightfoot's Natal Crown Colony Community of *Kvetchers* who perceive there's a certain category of citizens who genetically don't know how to govern. They won't point out exactly which category doesn't know this thing, but they're there all right, and before they were in charge the country wasn't failing and now it is. The truth is before your eyes. South Africa awake! ■

Smalls

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