

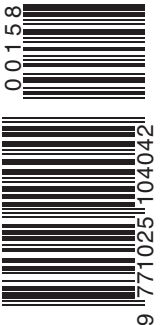
NEWS YOU'RE NOT SUPPOSED TO KNOW

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noseweek



158 DECEMBER 2012



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dream alone
is only a dream.
A dream you
dream together
is reality.”**

- John Lennon



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noseweek

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Letters

Xenophobic innuendo

I BENEFIT IMMENSELY FROM THE WISDOM OF *Noseweek* (especially Cde Harold) in the difficult process of coming to understand the people of South Africa.

An avid foodie, I was delighted by the beautiful photo page in *nose157*. Yes! I thought. Recognition at last of this charming Chinese couple who provide me with breathtakingly fresh vegetables here in Cyrildene. What I was not expecting was xenophobic innuendo. Yes, I admit that across the street from the Vegetable Lady, the Tofu Lady doesn't charge for the plastic bag when she sells you "six piece" Tofu for R10. And customers actually handle the food! Imagine that!

But "criminal economy"?

I'm no lawyer, so rather listen to the thousands of (mostly) white Joburgers who, at Chinese New Year, fill the streets after dark. Where else in Joburg will you find a street party where the crime-obsessed middle class feels safe? Their street sense doesn't seem to be telling them the Veg Lady is part of the "criminal economy".

Tony Flanagan
Observatory, Johannesburg

GUS



See editorial on page 6 and reports on pages 10 and 12.

■ Excellent article on the happee Chinese shopkeepers!

Muriel Hau-Yoon
Cape Town

Blighted landscapes

I AM THE EDITOR OF THE NEWSLETTER (BotSoc Chat) of the Bankenveld Branch of the Botanical Society of SA.

I especially enjoyed the article in *nose157* "Ivo gives some lurve to The Man", which advances several reasons against fracking of Karoo shale. As a geologist, I fully concur with those reasons. What I found disturbing was the sad picture of the Jonah Field in Wyoming with all those drills and producing sites. Is that what our Karoo will look like?

Dr Nick Grobler
Randburg

Best policy

SANTAM HAS NOTED THE REPORT ON ITS handling of insurance claims in *nose157* ("Ve haff vays...").

As SA's largest short-term insurer, Santam paid out 99% of all claims last year – totalling R12bn. In fact, we paid out 64 cents for every rand of net earned premium, against an industry average of only 58 cents.

With over 700,000 policyholders, Santam handles more than 40,000 claims a month, 97% of which come through the 24/7 emergency call centre to be digitised, indexed and subjected to a predictive analytics test that differentiates between complex and standard claims, allowing about half of all claims to be settled in 24 hours. Less than 2% of claims are referred to Censeo for assessment. Once assessed, a panel of claim experts at Santam decides on the correct course of action.

Only around 0.4% of all claims are repudiated on the basis of suspected fraud – no record to sneeze at, particularly in an industry where fraud exceeds R3bn annually. We stress that the LVA [layered voice analysis] is one of several tools for determining a

client's profile. No claims are rejected on the basis of the results of a LVA.

Donald Kau
Head: Corporate Affairs, Santam
Bellville

Lenny for a laugh

THE HILARIOUS RESPONSE ON MONEYWEB from Leonard Katz to disclosures (in *nose157*) about the sale of Cape Town's 15 on Orange Hotel: "Liquidator, lawyers deny wrongdoing" is matched only by *Noseweek's* response to his, on the same site!

I wonder whether liquidator Stephen Gore just pays Lenny's exorbitant fees without question, or demands a specified taxed bill appropriate for actual services rendered. Perhaps the Madam-Master should check it out? Then I ask myself: when the esteemed partners of ENS discuss a bonus for Taryn Solomon (née Gore), what are the chances that Daddy's 100-bar-a-month legal bill gets a mention?

Knowledgeable Person
Atlantic Seaboard, Cape Town

See page 19

All sorts like a good read

KINDLY DO NOT ASSUME THAT ALL THE readers of *Noseweek* who saw your one-sided advert – "Shout from the rooftops!! This space will get your message across to 50,000 well-heeled South Africans" – in previous editions (but absent from your latest *nose157*) are well-heeled.

Thank you for an excellent, much-needed investigative publication featuring "saints, sinners and rogues." Keep up the good work!

Roy Joubert
Pietermaritzburg

Predator problem made worse

IN RESPONSE TO ALL THE ADVICE THAT farmers have been getting from non-farmers about non-lethal predator management (*noses* 84, 115, 137, 153, 155, & 156), many experienced farmers reckon these non-lethal measures have actually increased the predator problem for the simple reason that, because their numbers are not



Jonah Field, Wyoming: see Blighted landscapes (facing page)

controlled, particularly jackal breed in ever-greater numbers. Then, when they have habituated to measures such as dogs, electric fencing and sirens, they overrun the farms.

Roelof Bezuidenhout
Steytlerville

Bezuidenhout's extended letter on the subject, originally addressed to the Cape Times, is on our website under Letters at www.noseweek.co.za – Ed.

Cultivating corruption?

A GOOD WHILE BACK YOU REPORTED ON THE local wrongdoings of fertilizer major Omnia (See *noses* 78, 94, 100, 116 & 119). Your readers might like to know that the company is now subject to investigation in Zambia for alleged tender rigging and/or corruption.

In late October the ZNBC reported that Zambia's Anti-Corruption Commission had sealed off Omnia's offices and those of another fertilizer supplier, Nuiombo Investments, also contracted by the government to supply fertilizer for the country's Farmer Input Support Programme.

Both companies are under investigation by Zambia's Competition and Consumer Protection Commission.

M
Lusaka

Impediments to Nedbanking

ANTICIPATING LONG END-OF-MONTH QUEUES at the banks, I took along two cheque books for two different banks. I had a simple plan: go into the bank that has the shorter queue, make a cash withdrawal and be on my way.

Nedbank had no queue to speak of. I presented my cheque. Hundreds or two hundreds? Hundreds please, I replied. Instead of putting the elastic band around the notes which he already had in his hands, the teller's eyes went suddenly cold. "This account is dormant," he exclaimed. Discussion proved fruitless, so I scanned around to see if there was some kind of candid camera thing going on.

I was directed to the enquiries counter. The additional 15-minute wait didn't help. I answered the

security questions correctly, my ID and cheque were in perfect order. It was explained to me that my account had become dormant and I must first make a deposit to unlock the system – R20 would do. Apparently, I had not been using it often enough to satisfy Nedbank. "I came here to withdraw money, not to deposit money," I replied. "You put the lock on, you take it off."

The enquiries counter man tried ever so hard to be as helpful: Would I like to speak to the manager? Obviously. Sadly, Nedbank designs its systems more along the lines of creating obstacles, than solving problems. The man came back empty-handed – sorry, the manager is not available. Say that again, not available? Are the people running Nedbank insane? I left and joined the queue at Standard Bank. I should have done that in the first place.

John Fetter
Bryanston

Hip happens

YOUR ARTICLE ON DEFECTIVE HIP replacements in *nose* 156 was great stuff, focusing on medical procedures but, I believe, could have been technically more informative for patients and attorneys alike.

The defective De Puy ASR, a second-generation product that was hastily launched to compete with other companies, technically differs considerably from other supposedly similar, but successful products.

On the topic of Medical Aids having legal recourse, a leading medical aid group [*Discovery* – Ed.] has instituted a system of "Preferred Suppliers" in the category of Joint Replacements. Effectively the choice of joint implant is prescribed by an unqualified organisation – leaving the surgeon without choice and unable to apply their professional judgement on the best option for the patient. When approached, the scheme claims its appointed preferred suppliers are reimbursed at an unlimited rate owing to the agreed "shared risk".

Should patients who are members of this scheme not be entitled to legal

recourse against the scheme which insists on preferred suppliers?

And why was this product only withdrawn from the South African market well after the US recall?

De Vos's reference to patients as "chancers" is somewhat harsh. As a professional, he should apply a better understanding, of human nature.

Richard M Walker
Port Elizabeth

See Noseweek's website, under Letters, for the full text of this letter.

Court off guard

SINCE MY RETIREMENT I HAVE TAKEN TO visiting the Western Cape High Court to while away the hours. I am generally dismayed and disappointed by the standards of advocates and am fully in agreement with Mr Nose's obvious disdain for them.

However, on Monday 22 October, the notorious advocate Nigel Riley was appearing before Judge Jeanette Traverso. Intrigued, I went to view the action. Despite my misgivings regarding Riley – based purely on what I had read in *noses* 153, 157 – I was captivated by him and his exquisite performance and skill.

He displayed all the qualities one would expect of a traditional barrister: a formidable presence in court, charismatic, obviously intelligent and entertaining to watch. He is unquestionably the finest proponent of the art of cross-examination I have watched, and destroyed the opposing party's witness quickly, with ease and a smile.

My opinion appeared to have been shared by the normally difficult Judge Traverso.

G Macintosh
Rondebosch

Which might explain why Riley allegedly succeeded in seducing a 17-year-old schoolgirl and then in persuading her to have a back-street abortion. And no doubt why the Johannesburg Bar Council is still to make a ruling on a complaint lodged against him by a client 22 months ago. We're counting. – Ed.

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Editorial

No Oscars for Project Spear

TWO YEARS AGO RESERVE BANK governor Gill Marcus featured on *Noseweek's* cover – as a wary mother hen sitting on a nest of eggs, all labelled Top Secret – and clearly about to hatch. The caption read: “Reserve Bank still hiding apartheid-era looting”. There’s not a chance in hell that she did not get to see it: not that she would have needed to – she had been personally briefed on the subject by experts in the field several years before that.

An extract from the story to refresh your memory:

The ANC government was told in a secret report how apartheid-era government operatives stole hundreds of billions from the state – and how vast sums could be recovered from those responsible, and from the European bankers who’d helped them hide the loot.

But mysteriously, the Mbeki cabinet and the Reserve Bank decided to do nothing about it. Why?

The shareholder reaction to attempts to gag them has brought to light an explosive intelligence report in which the Mbeki government was secretly given a detailed account of the extraordinary extent of frauds on the apartheid state perpetrated by the nationalist elite – frauds that their ANC successors have until now chosen to cover up for reasons that must still be explained.

The document prepared by UK investigators CIEX casts a whole new light on Thabo Mbeki’s and Trevor Manuel’s roles in setting up the 1999 arms deal as a major source of party funding: they had just been shown how, for more than a decade, their Afrikaner nationalist predecessors had done the same!

Headed “Operations on behalf of the South African Government 1997-1999” the document revealed that Cix was commissioned by the SA Security Service to investigate how public funds were stolen or otherwise misappropriated during the apartheid era, with a view to recovering some pretty substantial sums of money, most of it still hidden abroad. Their report contains a strategic plan, ‘Project Spear’, designed to do just that.

Cix’s first priority was to recover an illegal gift of R3bn-or-so that Absa Bank had secretly and illegally been given by the SA Reserve Bank. That gives Ms Marcus, a former Absa executive chairman, a reason for not wanting to talk about it. But what about the government? The ANC representatives about to gather at Mangaung? The voters? They would surely want it asked – and answered.

That thought brought Sylvia Vollenhoven, a producer of programmes for TV to

my door. She had read the *Noseweek* story, had prepared a rough TV script from it after talking to a few people in the know and had sold the idea to an SABC2 producer who was embarking on a series of documentaries to be called *Truth Be Told*. Vollenhoven had also learned that the Public Protector had resumed an abandoned investigation into the matter, so the timing was perfect.

I and others in the know were asked to participate. So too the governor and board members of the Reserve Bank. (They refused – in writing.) On-camera interviews began. All was ready to fly by August, and *Project Spear* was to be the launch programme scheduled for 23 September at 9pm. But it was postponed twice. One SABC senior now suggested the programme was “a platform for bitter individuals to advance hidden personal agendas”. Another noted: “The government is not going to take kindly to being asked, Why are we walking away from recovering so much money?” Indeed.

A long list of reasons for rejecting the film – after the SABC had spent R280,000 on producing it – was compiled by Veronica Barnard, Compliance Officer: Broadcast Compliance, Policy and Regulatory Affairs, SABC. Two are worth recording. The first: “The programme is, indeed, an unfair trial by the media ...lacks what is fundamental to fairness: cross-examination or, at least, questioning of the star [government and SA Reserve Bank] witnesses (who declined to be interviewed). The defence of reasonableness, within a democracy that values freedom of expression, can therefore not be sustained.”

The second: “The episode also indirectly promotes the print media *Nose Weekly* [sic]. This also goes against SABC Policy.”

Half a dozen of the participants and the film crew gathered for a viewing on 19 October to see the final product – and collect our Oscars. It happened to be national Media Freedom Day, which commemorates the day in 1977 when the *World* newspaper and a range of organisations and publications were banned by the apartheid government because they were raising too many questions.

It is 2012, and what have we got? An SABC that is still the government’s timid servant – and another government that believes it’s entitled to act in secret to the detriment of its citizens.

Happy Christmas. – **The Editor**

The Deliberate Retention of the White Supremacist Ideal in the Arrangement of 1994

GOLD REEF CITY CASINO AFTER 11 YEARS OF INVESTIGATION

ABRAHAM & SOLOMON KROK: *white compatriots/skin whitening cream profits*

Reuel Khoza: *our chairman - with black skin of course!*

John Kani: *our other chairman with black skin!*

Black Management Forum: *screw morals - check our black skin!*

Gauteng Gambling Board: *we keep white secrets!*

South African Judiciary: *cry the beloved country!*

African National Congress: *we bless white - kebble or krok!*

Overseas & Local Tourists: *they will never know!*

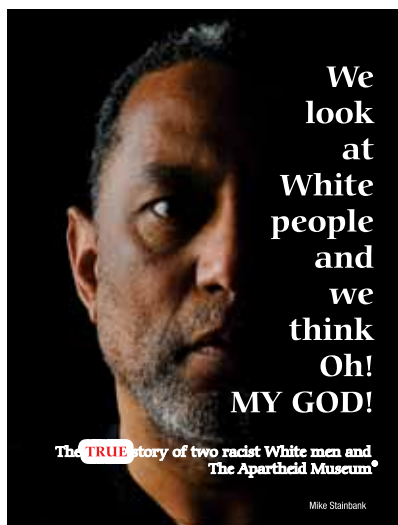
South African Human Rights Commission: *racism? what's that?*

Registrar of Companies: *what law?*

South African Media: *racist and so what?*

South African Government: *freedom park - still finding wally?*

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TOWARD A COGNITIVE UNDERSTANDING OF RACISM.

The Apartheid Museum (Pty) Ltd: Registration Number: 2009/007114/07 - The Apartheid Museum Foundation: Non Profit Trust - Registration Number: 089-968-NPO

Notes & updates

Louis Group stays mum over offshore collapse

THE LOUIS GROUP, A “FAMILY company, is well known for its extensive commercial property interests and the related “investment partnerships” and the investment management services it offers wealthy clients both in South Africa and abroad.

Go to the Louis Group website, and you’ll find a long account of the family’s history and Christian values: “We desire to live and behave according to biblical principles.” But there is curiously little financial information – a matter that in more recent years has become

of growing concern to at least some of its investors. Adding to their misgivings is they have yet to be shown the Louis Group’s audited annual reports for the year end 2011, let alone those for 2012. Why? No answer.

Louis Group (South Africa) is licensed by the South African Financial Services Board, but there has been no complaint from there, so maybe investors should all just relax and get a good night’s rest.

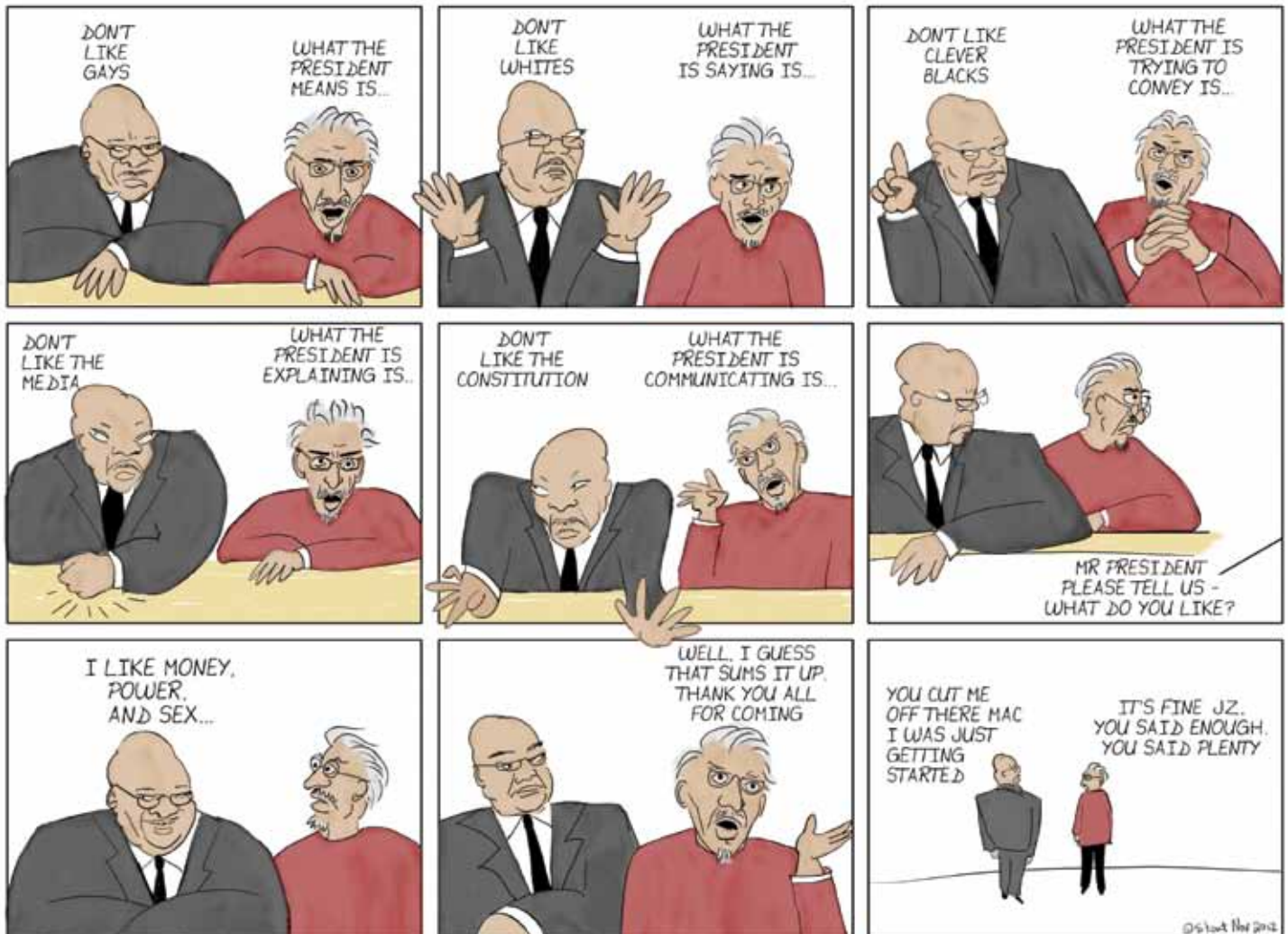
For good measure, Louis Group (IOM) Ltd, in the Isle of Man, is licensed by the Financial Supervision

Commission of that secretive haven for offshore money.

However, ironically – and known only to a select few – it is there that the storm clouds have been brewing since May, and where lightning finally struck last month, casting a flash of light on some strange and troubling goings-on in the group.

On 1 May this year, the Isle of Man High Court of Justice appointed Gordon Wilson and Michael Simpson of PricewaterhouseCoopers LLC as inspectors to investigate the affairs of Louis Group Structured Fund PLC

Stent



(The Company), registered there. The order was granted on the application of the island's Financial Supervision Commission.

Some extracts from the confidential reports they subsequently submitted to the court:

In their second interim report, dated 19 July 2012 the inspectors state that they "consider it to be likely" that The Company is insolvent and unable to pay its debts: "We have found evidence that The Company has probably suffered an almost total loss of investor capital due to its exposure to LGSPI, a British Virgin Islands company which appears to us to have engaged in unlicensed deposit taking in the Isle of Man.

"In so far as we have been able to ascertain, LGSC, the entity that The Company paid almost all of its capital to and which subsequently paid almost all of that capital to LGSPI, is also insolvent, and unable to pay its debts as they fall due."

They add: "It appears that the information that we have obtained during the course of our work has been sought for a number of years by parties interested in the company's affairs, [but that] this information has been purposefully withheld by those who knew the full facts about what was going on.

"Our findings, when they become known to the company's investors, as well as to the investors in LGSLN, a major investor in the company, will no doubt cause high levels of concern."

Later they report: "On 9 August 2012, we received correspondence and various documents from the legal representatives of Louis Group SP Investments and Louis Group International Europe.

"The correspondence contains representations about how certain monies were transmitted from the company (Louis Group Structured Fund PLC) to Louis Group Structured Capital (SC) and onwards to Louis Group SP Investments, Louis Group International Europe (IE) and various other parties. The representations are limited and, significantly, do not disclose the details that we have uncovered through our work.

"They also provided various documents that we have not seen before. These documents were purported loan facility agreements as well as purported assignments between SPI (as assignor) and SC (as assignee) and documents seemingly relating to charges in favour of SC concerning

shares in Louis Group South Africa.

"They have not provided all of the information that we asked for, nor have they afforded the access to third parties and third party documents that we sought, in order that we might independently verify the situation to our satisfaction. As a result, and having reviewed and considered the information provided, we have found no reason to change the findings and conclusions in our interim report.

In September 2012 there was a £1.5 million recovery from Louis Group SC, which seemingly allowed the company to pay its redeemed shareholder creditors in full. But the Manx inspectors remained unconvinced: "Serious concerns remain about the recoverability of the company's remaining assets, as well as its past activities, notably the investments in and out of the company by Louis Group SP International and the use of investor monies."

They also noted that investors in the company "are not fully aware of the financial position of the company," adding that "the ability of the company's investors to redeem their shares has been suspended since February 2010 and we consider it be highly unlikely that the suspension can or will be lifted."

More recently the inspectors received information from "two major investors" into the company who had become aware of their investigation.

"These investors who together had invested £5m (R70m), provided detailed witness statements concerning their investments and dealings with the company, as well as copies of correspondence with Louis Group representatives."

These showed that the investors "have been communicating with various people in the Louis Group since 2009, including Dr Alan Louis, regarding concerns that they have held about their investments".

The investors expressed "significant dissatisfaction" and made various allegations about misrepresentations and mis-selling of Louis Group financial products, including shares in the company.

On 4 October the High Court of the Isle of Man appointed liquidators provisionally to three companies in the Louis Group: Louis Group Structured Capital Limited, Louis Group International (Europe) Limited, and LG SP Investments Ltd (formerly Louis Group International Holdings Limited).

Louis Group (IOL) was placed under curatorship on the same day. ■

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ABOUT RED WINE
AND CHICKEN?**

**DON'T GET
YOUR FEATHERS
RUFFLED.**

**TALL HORSE
LOVES ROAST
CHICKEN AS
MUCH AS YOU DO.**



**Tall
Horse
MERLOT**

A different take on wine. f

14421/m/b/e

Not for Sale to Persons Under the Age of 18.

Spot the difference

Cheap copies of SA goods result in lost jobs and lost tax

THE OWNER OF A COMPANY CALLED Big Blue, which sells a variety of merchandise but is known particularly for its distinctive range of women's clothing, says the activities of Chinese merchants in South Africa – and one man in particular – are making life difficult for him and are putting the jobs of at least 400 people in jeopardy.

James Robertson approached *Noseweek* after reading (in *nose157*) about the proliferation of Chinese shopkeepers across South Africa. He complains that one of Big Blue's women's brands, Olka Polka, is designed, printed and made in South Africa. The range has a distinctly African look – the garments, made of mixed fabrics, feature both African patterns and complex hand prints – and the company produces some 500 items per design. The garments are sold through the company's own retail outlets in Pretoria, Cape Town and Joburg, as well as via independent retailers in areas where the company has no presence. Olka Polka garments sell for roughly R550, of which about R300 reflects the cost of manufacture. So, a fairly small but successful range of clothing.

However, a Chinese businessman who lives in South Africa is making life very difficult for Big Blue. (*Noseweek* has his name, but Robertson has asked us to keep it secret as various official inquiries are taking place.) What would appear to be happening is that this man buys samples of the Olka Polka range and sends them to China where exact copies are made, which are then imported and sold in 120 Chinese stores across South Africa, including shops in hubs like China City, China Mall and China Mart, and in smaller chain stores. The fakes are sold at bargain-basement prices – for around R110, and, wholesale, for about R60.

The wholesale price slays Robertson because it's even less than the price



Copycats Which is the original and which is the Chinese knock-off?



Big Blue pays for their fabric woven in South Africa, which costs R29 per metre. Another thing that riles Robertson is the scale of the counterfeit operation – he estimates that his rival has imported as many as 10,000 units of every one of the 20 Olka Polka designs he's copied – 20 times the quantity that Big Blue manufactures.

This swamping of the market with cheap fakes is a serious problem for Big Blue because not only is the company losing sales, but the fakes are putting the whole Olka Polka brand in jeopardy. Quite clearly no one wants to pay R500-plus for a garment if something that looks exactly the same is available elsewhere at a fraction of the price.

Gallingly, Big Blue is now itself being accused of being a rip-off artist by people who think the company is charging exorbitant prices. And they're not always persuaded that the copies are vastly inferior, and unlikely to survive more than a few washes. Says Robertson: "The fake garments are inferior fabric, inferior plastic prints, badly pat-

terned, and on see-through fabrics."

Adding insult to injury, some people who have bought fakes and found them to be badly made have returned them to Big Blue and demanded a refund.

The businessman does not use the

Gallingly, Big Blue is accused of being a rip-off artist by people who think the company is overcharging

Olka Polka name, which is a registered trade mark and easy to enforce. He uses names that include Welting and My Style. Says Robertson: "Other than leaving off the label, the garments are identical copies of our work."

Although Big Blue could possibly get design registrations for the various fabric designs, the sheer number and the short life-spans of the designs makes this impractical. So the company seeks to rely on the copyright that it has in the designs, a right which is unregistered and which can be difficult to prove.

After a considerable period of time, Big Blue has finally managed to get the authorities to take an interest and at the time of writing, were supposed to be raiding various stores selling the fakes and seizing the goods in terms of the Counterfeit Goods Act.

(South Africa's attitude to intellectual property rights is, fortunately for Big Blue, far less ambivalent than that of the country where the fakes are made, although South Africa's attitude to China is, many feel, the wrong side of deferential.)

Although Big Blue has also instructed its retail outlets not to sell any garments to the Chinese businessman he simply uses someone else to get the samples he needs. The company is also trying to educate its consumers and the wider public by attaching special labels and tags to Olka Polka products. And Big Blue's website discusses the Chinese fakes in this flag-waving call to arms:

"We assume that the goods are illegally imported, VAT and duties are not fully paid, and all the other realities of being a South African trader do not apply to them. There are no South Africans who benefit from this theft. Legitimate South African retailers are trading at a disadvantage, because we operate within the law...Our garments are made in South Africa, using South African-made fabric, designed and printed by South Africans and made up by more South Africans..."

"We are committed to our proudly South African home grown brand, and we are very proud of it. Please support this, refrain from buying stolen goods, report to us any retailer stocking these goods, point out to the wearers of these garments that they are exporting South African jobs by their actions." ■

High roller's spree ends with planeload of debt

FRENCH FINANCIAL WHIZZ KID JEROME Kerveil joined Société Générale in 2000, straight out of university, and worked at the bank's Paris headquarters where he excelled. In 2005 he was promoted to junior trader. Everything he touched turned to gold.

In 2007 the bank – which also operates in South Africa – anticipated that the return on hedge funds would drop, but Kerveil still managed to trade profitably. He ended up placing trades of up to €49.9 billion – several times the Société Générale's market capitalisation. This, somehow, didn't seem to grab the attention of his bosses.



Only in January 2008 did they discover, to their horror, that Kerveil had been trading recklessly – and successfully hiding his €5-to-€50-billion trades.

[While internal auditors no doubt were vigilantly ensuring that branch tellers across France weren't stealing the odd €50 here and there. – Ed.]

At the same time equity positions

were tumbling. The net result was a €5bn loss to the bank. (*Noseweek's* French correspondent lost €30,000 in a Société Générale hedge fund in that unfortunate period.)

Kerveil went on trial in October 2010 and was sentenced to an effective year's imprisonment – two years were suspended. He was also ordered to repay the bank.

His appeal was heard last month by the second-last court in the appeal chain, the Palais de Justice in Paris. Conviction and sentence were upheld, with the court concluding: "Jerome Kerveil was the sole creator, inventor and user of a fraudulent system that caused these damages to Société Générale."

However, even at the low European interest rates, paying the money back will be a daunting task for the hapless Kerveil. The French newspaper *L'Express* put it in perspective, saying that the amount to be repaid by him equalled the purchase price of 20 new Airbus A380 double-decker superjumbos.

They calculated that if Kerveil earned the minimum wage in France, and if he handed over all his earnings each month, it would take him 370,000 years to repay the debt.

Mr Nose was reminded of an apocryphal story concerning a man sentenced to life imprisonment by a South African court.

After the judge uttered the phrase, "Life in prison," the flabbergasted accused exclaimed, "Judge, Judge, are you serious, life... the rest of my natural life in prison?"

As the court arose, the judge was heard to mutter, "Ok, well just do as much as you can."

And so it was in Paris recently. As the court adjourned, one of the judges was heard to mutter "Vous devez payer autant que vous pouvez [Pay as much as you can]." ■

Joburg dumps on Bruma neighbours

Officials pass the buck endlessly as developers ignore the law, writes Helen Grange

PREPARED THE WAY FOR A R400M shopping mall near Bruma Lake, the developers have undertaken giant excavations for an underground car park, above which will rise their planned Oriental City. But their excavations have resulted in a mountain of topsoil which has simply been dumped on the adjacent pristine parkland next to the waterway.

Both the construction work and the dump are illegal – and the dump poses a serious threat to informal shack dwellers who have settled next to the stream. The area is regarded as one of Johannesburg’s green lungs.

The developer’s rezoning application has not been approved by the Johannesburg City Council because City Power says it has insufficient bulk supply to electrify the development.

Council spokesman Nthatisi Modinogoane said that the building control department was “not in a position to consider the application if adequate services cannot be provided for the proposed development”.

The council had ordered work to be stopped at the site (less than 24 hours after *Noseweek* made inquiries about it) and on a site visit conducted by an official from the department on November 14, it was confirmed that work “has indeed stopped”.

However, something that was rushed – to the relief of many – was the offensive excavation work which was halted by the council inspector less than 24 hours after *Noseweek* made inquiries about the site. But what about the damage already done to the environment by the excavations, and the danger posed by the resultant eyesore of a dump on public parkland?

When the council put the land up for sale by tender a year or two ago, it was valued in the tens of millions of rand. The sale did not go ahead for undisclosed reasons that are by now probably beside the point, since the land is



Living dangerously The dump from excavations at the Oriental City site pose a serious threat to shack dwellers, who risk a landslide from the mountain of earth

now rendered useless until the massive dump is removed. The obvious questions are: on what basis did the council allow the dumping, and who is going to pay for its removal?

Numerous attempts to get the council to shed light on the situation have met with a merry-go-round of buck-passing.

The Chinese consortium developing the mall, Dunrose Investments 224, maintains it has a deal with the council to dump its excavation soil on council land – as a “gift”!

Dunrose directors Feng Vin and Changhua “Jonathan” Qin bought the site for R46m in August 2010, having raised a R32m bond from Investec.

The company applied for the necessary rezoning in June, but despite there having been no resolution yet, excavators have been steadily dumping soil on the adjacent land for about three months.

Speaking to *Noseweek* anonymously, a spokesman for Dunrose said the council had given the company permission to excavate “while our rezoning application is being finalised”. “Regarding the soil, we are keeping it to be used in Bruma Lake. We agreed with council to donate it for Bruma Lake,” he said.

Attorney Peter van der Meer, from whose offices the dump can be seen, has been at the forefront of the fight to stop the development. To bolster his case, he hired a professional town planner, George van Schoor of GVS & Associates, to conduct a thorough investigation and write a report. Van Schoor found that the developers had “illegally commenced with construction”, citing the unresolved rezoning application.

The developers were also “in serious breach of the environmental legislation by excavating in a wetland”.

Yet until recently, building work and

dumping at the site continued unabated. Van Schoor's report, along with countless emails from Van der Meer, have been circulated to relevant city council officials since September, having little apparent impact.

A look at the email correspondence between Van der Meer and various Joburg council and Gauteng environment officials resolves little – even though it does concern a multi-million rand mall development affecting countless businesses and residents in the area.

On October 3, Van der Meer emails the chief building inspector for the area, Albert van der Walt, saying he finds it “bizarre that building activity of so blatant a nature can have been overlooked by your building inspectorate. The mountain of extracted earth, dumped indiscriminately on the wetland, is both an eyesore and an environmental disaster,” he states, asking for a response.

Here starts the run-around. Van der Meer passes the query on to another building inspector, Charles Mafafane, who in turn asks city operational manager David Mathinye whether an application for rezoning was submitted. Mathinye responds that it was, but that it can't be finalised until “City Power comments have been resolved”.

On October 10, Mafafane forwards this email to Van der Meer, who responds that this does not entitle the building to proceed, and asks that the illegal building activity be stopped.

On October 18 Van der Meer emails his query to three other officials: Linda Kühn, Joburg council's assistant director of environmental compliance monitoring; Lourens Badenhorst, director of enforcement and compliance at the Gauteng Department of Agriculture and Rural Development (GDARD); and Jane Eagle, assistant director of open space

planning in the city's environmental management department.

A week later he receives a response from Euphenia Shezi of GDARD to say simply that his complaint has been registered and officials from the enforcement unit will be “liaising with you in due course”.

Van der Meer writes back to Badenhorst, asking again, “has your inspectorate taken any action?”, pointing out that “as it is, considerable damage has been done by the illegal dumping, both on the wetland and adjacent council land”.

The following day, Godfrey Maluleke, environmental management inspector

Joburg council's blind-eye policy

DOZENS OF ILLEGAL BUILDINGS ARE being erected in the suburbs that surround Bruma Lake, including Cyrildene, Observatory and Bellevue. But a “blind eye” policy seems to preside, as getting even an acknowledgement of a complaint from Johannesburg City Council's building control department is unlikely.

In Cyrildene, a two-storey residential boarding house that can accommodate 25 people, or more, looms over one homeowner's garden, his privacy completely compromised. To make matters worse, the building is almost flush with the perimeter wall.

“I went to the planning department to have a look at the building plans for the block, but there are none,” says the owner – anonymously, in case of victimisation.

“The plan submitted was for a single, one-storey outbuilding. This is the second outbuilding to go up, and it's clearly being prepared for a third storey,” he says.

Correspondence between the owner and the council is, again, frustratingly evasive and inconclusive. After much to-ing and fro-ing over the year since he first engaged the city's building control department and department of development planning and urban management, the owner finally received a reply:

“This matter was referred to the Council Attorneys and extensive legal action has been taken. There has been a delay in the legal procedures due to the owner of the site submitting an application for the proposed development. The application is however not supported by the department,” writes Marietjie Reinecke, assistant director of land

use management for the development planning and urban management department.

DA councillor for the area, Alison van der Molen, says versions of the same answer to countless complaints of suspected planning and building violations is standard. “The council's legal department is sitting on a large number of complaints of planning and building non-compliance, but because no timelines for legal action are offered and nothing is seen to be done, the law is blatantly disregarded and illegal buildings just get erected anyway.”

A quick tour of the suburb reveals what residents are angry about. Expansive blocks that look like warehouses, boarding houses, office premises or guesthouses are peppered among established homes.

Derrick Street, or “Chinatown” as it is known, is particularly problematic, Van der Molen says, with cases that have been “sitting in the council's legal department for years”.

“The failure by the council to act is causing enormous anger in the community, not to mention the perception that bribery and corruption abounds in the department of development, planning and urban development,” she says.

Coincidentally, or perhaps not, five city officials employed in the building control department were arrested by the Hawks last month.

They are allegedly involved in a R10m scam entailing approving building plans in exchange for bribes over a 12-month period. Fraudulent receipts were generated and reflected on city records as valid proof of payment.

“Inspectors overlook blatantly bizarre building activity” – Attorney

in GDARD's complaints and referrals unit informs Van der Meer that the construction of a shopping mall doesn't fall within their legal jurisdiction, but that "administrative action" will be taken in respect of the stockpiling of the topsoil along the watercourse.

It's November 1, a month since his first email to Van der Walt, and Van der Meer is again asking about the unresolved rezoning application. Maluleke advises him to pursue this with the Joburg municipality, repeating that "we are busy with the administrative action" in regard to the topsoil.

By now, Van Schoor has established that Mafafane had issued an excavation permit to the developers. "I asked how he could issue a permit without discussing it with the town planning and environmental departments. He said that

it is not a requirement, that they only need input from JRA (Jhb Roads Agency) and Environmental Health," writes Van Schoor in an email to Van der Meer.

"I pointed out to him (Mafafane) that since the area is a wetland, environmental departments should surely be notified. He seemed surprised when I told him of the damage already caused, and undertook to issue an urgent stop order," explains Van Schoor. However, as Van der Meer points out, if any "administrative action" or stop order was issued, it is clearly being ignored.

Democratic Alliance councillor for the area, Alison van der Molen, says she's been informed by the council that permission was granted to Dunrose by Joburg's environmental planning and management department to move the excavation soil there.

"The council's plan is to use it later to backfill Bruma Lake and reinstate a free-flowing river," she says.




Van der Meer argues that all the soil can't be used for this purpose. "There is too much of it to use in such a small body of water."

And van Schoor has since stood by his report that the dumping area is a wetland. "That is why the developer's rezoning application is pending, because the bulk of the area is still a wetland and has to be properly delineated to accommodate the development."

The dump, meanwhile, is likely to be around for a lot longer than those affected can comfortably tolerate, because, as Van der Molen points out, "the problem is securing the budget to reinstate the river. And careful environmental studies have to be done. It can't be rushed". ■

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Toxic waste exudes political stench

The Zuma Precedent lets Thermopower off the hook, writes Bobby Peek

“THIS CASE GOES TO THE HEART OF THE GREED, neglect and the failure of accountability that is sparking uprisings across the country” – (*Mail & Guardian* Leader, “Choked up”, 24 July 2009).

THE QUOTE ABOVE – STILL AS RELEVANT three years on – refers to the environmental injustices visited upon the community of Clayville in Olifantsfontein by a government that has failed to take urgent and meaningful action against Thermopower Process Technology, a toxic waste disposal company that, apart from its local activities, imports toxic waste into South Africa.

Thermopower’s clients are among the JSE’s blue chip companies, namely Sasol, Monsanto, BASF and AngloGold Ashanti – to name a few. And, for good measure, add Eskom.

While the National Prosecuting Authority (NPA) and the Department of Environmental Affairs (DEA) are taking Thermopower to court, the Kwa-Zulu-Natal government has agreed to send the toxic mercury waste from Thor Chemicals in Cato Ridge outside Durban to Thermopower in Olifantsfontein for disposal.

Both the Olifantsfontein community and the non-profit environmental group groundWork – a subsidiary of the international NGO Friends of the Earth – appealed the decision in vain.

Along with Buhle Waste and Afrimedicals, Thermopower has also been linked to the shenanigans around the medical waste disposal tender in the Limpopo Province (featuring Julius Malema).

GroundWork’s director, Bobby Peek, has described the activities of Thermopower as “a time bomb of epic proportions: a dysfunctional company under legal scrutiny with serious political connections running about expanding its business while its present business is under serious question”.

Thermopower has had strong ANC connections since the scandal broke years ago. Alan Norman, known as the “ANC’s banker” and Smuts Ngonyama

have all been linked to the wheeling and dealing around this toxic waste saga.

This relationship has led to kowtowing by local ANC leadership, when in a letter to the company, the leadership responds with “greatest humility” and welcomes the company’s “cooperation” to engage on the local community. This engagement however, is a distraction from the court case, which is yet to be finalised.

Thermopower has been charged by the NPA and DEA for the following contraventions:

- both untreated and treated waste remaining on the site for a period longer than the permitted (three months);
- failure to dispose of some of the residue as legally required;
- burying residue in one of the buildings on site;
- disposing of residue in storm water drains;
- storing waste in leaking containers not properly labelled and sealed;
- treating healthcare risk waste and general waste together;



• not submitting charge papers to the authorities;

• not ensuring either that all residue generated in the treatment process was disposed of at a permitted hazardous waste landfill site on a regular basis or reclassified for delisting and disposal at a permissible disposable landfill site;

• and not taking steps to ensure all floors were cleaned and disinfected. Subsequent to these, additional

charges have been submitted by the NPA, which at the time of writing groundWork has yet to see.

Despite the detailed charges, the case was postponed for the sixth time on 13 November. The magistrate called for expert witnesses to give evidence.

GroundWork’s Peek said they were puzzled by the call because the original charges are uncomplicated – violations of which the company would either be guilty or not.

One reason the case has not yet been heard is the precedent set in the NPA’s case against President Jacob Zuma, where he contested successfully his right to make representation to the NPA before the case went to court. Citing this precedent, Thermopower has successfully bogged down the case away from public scrutiny.

While South Africa’s environmental legislation has advanced comparably, Thermopower is “able to hide behind complex legislative” processes, according to the *Mail & Guardian*.

“This is something that is common throughout South Africa when poor people deal with corporations abusing people’s rights and their environments, said Peek.”

● Bobby Peek is the director of groundWork, a subsidiary of the international environmental NGO Friends of the Earth. ■

A poor community's environment is abused by a corporation with connections

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When the pressure's on, South Africa can do it!

IN AUGUST NOSEWEEK REVEALED THAT tests commissioned by the National Cancer Association of South Africa (CANSA) had indicated that most South African-manufactured and several imported sunscreen products were "not optimal" in providing protection from the sun's UVA rays – known to cause melanoma, the most dangerous form of skin cancer.

CANSA has had these results since late last year, but the Pretoria laboratory that did the tests insisted its report be kept confidential.

At that stage it was estimated that importers and local manufacturers could take up to 18 months to bring products on to the South African market that meet the higher protection standards required.

But when the issue became public, thanks to *Noseweek*, South African retailers put on the pressure and now, only four months later, in time for the summer holiday season, a good number of producers have satisfied CANSA

that their products meet the new "Colipa" standard and offer the required level of protection from both UVA and UVB rays of the sun, for the periods of exposure specified on the packaging.

Pick n Pay enthusiastically steamed ahead and procured an Australian product that provides an even higher level of protection than specified for the Colipa test. We are proud that they have chosen *Noseweek* to advertise this product in celebration of our joint achievement.

Our congratulations also to all the other retailers and manufacturers who have made the grade. They are all listed here.

Ambre Solaire: full range of sunscreen sprays, lotions and creams for body and face; **BioEarth:** sunscreen lotions, in 150ml and 100ml containers and in sachets; **Eucerin:** Sun Face Fluid and lotion; **EverySun:** full Aquasport, Anti-ageing and Kids' ranges, & SPF30 lip balm; **IQ:** Daily Defence and Facial Stick; **Island Tribe:** Invis-

ible Spray; **Kool-A-Sun:** SPF40 Sunscreen Lotion; **Lipsano:** Lip Cure, SPF30; **Nivea:** full range of Moisturising sprays and lotions, Children's Lotion, Anti-Ageing face cream, Kids Swim&Play Sun Lotion, Light Feeling Lotions and Family Trigger Spray; **OnGuard:** Lotion; **Pure & Protect:** full range of Creamy Aqueous Lotions, Sprays, and Kids Lotion; **Reitzer Pure Sun:** Sun Protection cream & Lip Balm; **Safe Sun Project:** Sunscreen Spray; **SkinKids** Lotion; **Spar Sola:** Lotions, Clear Sprays & Kids Spray; **Mr Price Sundoctor:** Spray, Sun-drops, Sunscreen Lotion, 8ml sachet; **Clicks Sun Protect:** Spray, Invisible Spray & Scalp Spray; **Sunskweez:** Sunscreen Lotion, 5ml sachet; **Pick n Pay Sun Sure:** Spray; Sun Therapy: Cream-Spray or Lotion; **Techniblok:** Aerosol Spray, Lotion; **Tropitone:** extensive range of sunscreen products, from Milk Spray to Act-sport Gel to Dry Oil Tan Enhancer; **Vichy:** the full **Capital Soleil** range. ■




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Kebble's bid to nobble Noseweek

After seven long years, investigative journalist Barry Sergeant recently scrambled out of the baroque tangle that murdered fraudster Brett Kebble bequeathed SA. The results of Sergeant's gargantuan labours is the intensively researched volume *The Kebble Collusion* (Jacana).

It's a labour of love and hate. A guilty silence reigns over the tale. There has been a giant

cover-up of a R26-billion fraud. Vital questions remain unanswered.

The excerpt below features an intriguing episode involving Noseweek – which assailed the evil empire repeatedly and was the target of threats from the Kebble camp. Kebble was so enraged by Noseweek's attacks that he planned to set up a rival publication.

I'm a big shareholder in my own companies. I must protect my deals. I'm building. I get value out of my intricate structures. Simplicity of structure is for people who don't have to squeeze value. I do have to squeeze value. I'll give you a share and a debenture and an option all in one, and let me tell you there is nothing wrong with that, there is nothing wrong with that. In law and morality, that is upright, ethical, business. If people have trouble understanding it, that is truly not my problem. – Brett Kebble

KEBBLEKNEW TOO WELL THE DIFFERENCE BETWEEN RIGHT and wrong: it was at the same Inanda house that I had once sat with him, during one of his furious periods of looting, on the outside terrace, facing him and David Gleason, a publisher and journalist. Gleason had initially approached me on behalf of a “principal”; Brett Kebble, as always, was at his most charming. Somehow, this had translated into a formal approach. The two of them sat like mandarins; Kebble wanted me to set up a publication that would rival and outclass a certain periodical, *Noseweek*, which had over the years pilloried Kebble and his awkward “empire”. It was an extraordinary situation, all right. Kebble, who had long trusted that money could do most things, asked me to work on a pro forma budget for his wished-for publication, which he would then consider funding. Separately, Willem Heath, who did more work for Kebble as a lawyer than any other lawyer, had offered me a monthly retainer. The offer was based on information that I supplied to Heath, free of charge. I told Heath that I would continue supplying information, free of charge. Sitting with Kebble and Gleason, there was no discussion as to why Gleason had not volunteered to set up a publication on Kebble's behalf, but that was probably the catch in this very curious plan that had been hatched, apparently, by Kebble. To this day, it remains a mystery.

Kebble was always extremely sensitive about how he was regarded in his private life, not least the persistent description by his father Roger Kebble of Brett as his “other daughter”. Brett Kebble was also very sensitive about how he was portrayed by the media. He spent millions on fees paid to various experts in publicity, mainly during the latter parts of his career. This included seeking advice on details of his physical appearance; he would squeeze into slender slip-on shoes to try to create the impression that he was less bulky than his 140 kilograms, a hefty weight relative to his height. ■



With apologies to Aubrey Beardsley – Colin Daniels
adaptation was Noseweek's cover in December 2005



Are we bowvered?

Noseweek's detractors give vent

As editor of this publication, I regard it my duty to take note of criticism, whether kindly intended or malicious; directed at us or our stories. In the past month, Noseweek has been on the receiving end of some pretty rough, bare-knuckle stuff: the written equivalent of the muscle men slugging it out on WWE. Here are some of the big hitters. Where I could not resist commenting, I have done so in square brackets. Grab a beer and a seat on the sofa:

IN A RECENT LETTER TO MONEYWEB, attorney Leonard Katz ("Lennie the Liquidator") of Edward Nathan Sonnenbergs, better known as ENS, attacked *Noseweek* and our report (in *nose157*) about the sale of Cape Town's 15 on Orange hotel by his clients, the liquidators of a company called A Million Up, now in liquidation.

He wrote: "I have featured in a number of *Noseweek* articles over the years. These contained a number of defamatory and malicious allegations against me and ENS. I have not responded as I have always been of the view that it was a waste of time to engage with *Noseweek* as their articles are vindictive and clearly have their own agenda.

"The article on AMU plumbs new journalistic depths. It makes use of baseless speculation and rumour... It is difficult

to refute an allegation which has no basis whatsoever in fact ..."

He goes on to deal with some of the allegations: "It is completely untrue that Absa 'wants to buy in [the hotel] quietly'.

"After indicative bids for the property have been received, the liquidators will follow an open tender process. [*Which is good news.*]

"To the extent that it is implied that ENS is earning an agent's fee in regard to the sale of the property, this is simply not true." [*It wasn't so implied. We wouldn't dream of suggesting anything so low class. Lennie will undoubtedly be charging a legal fee commensurate with his status as a senior partner in Africa's largest law firm.*]

"The allegation [*by a Noseweek source*] that Stephen [*Gore, the liquidator*] 'deployed' his daughter to ENS 'so they will make a big fee and everyone laughs all the way to Absa Bank' is despicable, defamatory and untrue. [*See Letters for another view.*]

"Mrs Solomon has been with ENS for almost five years... She is not involved in any way with the AMU matter and Stephen had nothing whatsoever to do with her engagement by ENS some five years ago. Stephen has always followed the wishes of creditors in the realisation of assets. The insinuation that he would be motivated by his son, Richard Gore's employment is scurrilous and untrue.

"As regards the allegations relating to me, I find them too pathetic to warrant a response." [*Now visit www.noseweek.co.za and search 'Leonard Katz' to read*



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the many articles to which he refers; then judge for yourself just how great his forbearance has been. If you believe him.]

NEXT UP, ROAD ACCIDENT ATTORNEY Ronald Bobroff, reacting to our report (also in *nose157*) on the Discovery Health-sponsored court application to have him struck off the role of attorneys for allegedly having committed various money-grubbing offences. Like Lennie, Ronnie also chose to address his comments and complaints to the apparently more sympathetic *Moneyweb* readers – and even more forthright remarks to his “Dear Colleagues” on the council of the Law Society of the Northern Provinces.

First the latter: “You have no doubt seen the article due to be published in *Noseweek* on 1 November [*nose157*] which makes scurrilous allegations against me... As is always the case with that gutter publication, the article is filled with lies, half truths and malicious

speculation, designed to titillate its minimal subscribing readership. It is beneath my dignity or that of any respectable attorney to endeavour to respond to this gutter journalism, and you will note that I was not even afforded an opportunity to comment prior to publication. [*Our story was based entirely on affidavits filed at court. Bobroff’s answering affidavits have as yet not been filed.*]

“Defamation claims against *Noseweek* by numerous other leading personalities who were attacked, including the MDs of leading banks [*Horrors! Unthinkable!*], major private hospital groups [*Netcare’s kidney transplant programme?*] and others, have proved to be futile, as Welz, the publisher (a failed advocate with a passionate hatred of the Profession) [*an attorney, never in practice, actually – and some of my best friends are lawyers!*] forms a separate company to publish each month’s edition, which company is devoid of any assets, as is Welz, who has prudently hived all his

assets into trusts etc.”

[There’s 5% truth in that part, but since he’s an attorney writing to the Law Society, I assume he is stating 100% of it as unqualified, verified fact. If I were his client I’d be scared, really scared.]

To *Moneyweb* he had this to say: “This attack is part of Discovery’s ongoing efforts to wreak vengeance on me and my Practice for having exposed Discovery’s long-standing and ongoing non-compliance with the Medical Schemes Act.”

Bobroff goes on to explain that, despite the law requiring all medical aid funds to pay for emergency treatment as a “minimum benefit”, Discovery will not pay their members’ medical costs for emergency treatment of injuries incurred in a road accident – but is not telling their members and prospective members this in advance; they are left to make this horrible “discovery” as the ambulance delivers them to the hospital emergency room.

According to Discovery, its members

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3PM • GROOTE KERK



are not entitled to [claim from Discovery for] medical care related to road accident injuries unless they [first] claim against the Road Accident Fund (RAF) at their own risk and cost [which could mean a fortune in lawyers' fees and take years].

Further, Bobroff has it that members are forced – under threat of immediate termination of medical care – to sign an [according to Bobroff] unlawful undertaking that they will reimburse Discovery for any such medical expenses from the proceeds of any successful claim against the RAF – this undertaking often extracted/extorted from the member while he/she is in intensive care.

Bobroff may have a point there. He has incurred Discovery's ire by encouraging his clients, even those who have signed the undertaking, to refuse to reimburse Discovery from their RAF awards – and to pay him more, instead. It takes one to know one.

THE HIGHLIGHT OF OUR SATURDAY afternoon's entertainment on the WWE channel is undoubtedly the round sponsored by *Daily Maverick* where, in October, an article by Kevin Bloom and Richard Poplak appeared online. It was both sharply critical and viciously insulting of myself and of *Noseweek's* Chinese shopkeepers story (nose157). Since it was headlined "Nosedive: Chinese shopkeeper cover story a new low for South African journalism," it's fair to assume the *Maverick* writers were confident their own writing and insights represent a significantly higher creative – and, of course, moral – standard of journalism. Whatever the case, you're sure to enjoy their uninhibited use of abusive and voluptuously loaded language.

They described *Noseweek's* story as "a humid conspiracy theory wrapped in the guise of journalism, and when it isn't racist and xenophobic, it's plain wrong".

Somewhat surprisingly, given their own writing style, they take issue with *Noseweek's* "loose facts and downright dangerous perpetuation of stereotypes."

Our choice of headline, "Howzit China?", they say, heralds "journalism at its most banal, vile and vacant." [Be warned: theirs is not only banal and vile, but also self-promotingly righteous – and preciously humourless.] They go on: "Noseweek, that beloved pamphlet of self-proclaimed journalist-warrior Martin Welz, has in its latest issue taken racism and myopia to a level not often seen in South Africa's media space.

"The investigative exposé, a lesson in 'how not to do it' ...opens with the blanket contention: "[More] than 6,000 Chinese shops have popped up in every dorp of South Africa, effectively forming the country's biggest-ever chain store."

"Never mind the loose language like "popping up" [yup, like mushrooms], the loaded term "chain store" [Woolworths and Pick n Pay are loaded terms?] *Noseweek* appears to want the reader to believe that those 6,000 shops are somehow linked, part of an insidious plot hatched in Beijing. This insinuation is reinforced by the remarkably stupid strapline on the cover, "Here come the Chinese shopkeepers". [Sorry, should have been past tense.]

The vehemence of their attack had me baffled – until I reached their next sentence: "In the course of our own research – and unlike *Noseweek*, we've not only travelled South Africa looking into this phenomenon, but throughout the continent..." [Of course! *Noseweek* has trespassed on their territory! On their website I discover the pair are about to publish a book on the Chinese in Africa!]

Back to the conspiracy: "the striking thing about Chinese shop owners is their very disassociation from Beijing [stereotyping?], or any formal business

network in mainland China. The immigrant Chinese shopkeeper is notable for his or her ability to adapt to conditions almost anywhere, and a tolerance for risk that is culturally woven into coastal communities [a romantic notion, not a scientific fact, I'd say], Fujian Province in particular."

[China undoubtedly condones the migration – and benefits from it, whether it's planned, operated and financed from Beijing (which *Noseweek* did not claim), or, more likely, by recruiters, migration agents and wholesalers in Hong Kong, Johannesburg and / or Cape Town.]

But back to "Noseweek's detached and decontextualised prejudice: ... 'Suddenly there's a Chinese shop (maybe three) in every suburb, village and town in South Africa. Every single one. *Noseweek* has checked'." [A simple statement of fact].

But no, say the authors, it's a "non-sequitur", there's a "bone-crushing collision, between the hesitant parenthetical phrase 'maybe three' and the megalomaniacal certainty of 'every single one'".

[Besides some creative writing school in Iowa having a lot to answer for, does the fact there's now a Chinese shop in every dorp make me a megalomaniac?]

They top off with some nervous sarcasm: "Let's give Welz the benefit of the doubt. Let's assume he hired a journalist to drive through every suburb from Agulhas... ending in Zeerust." [Yes, there's a Chinese shop in Agulhas – and a few in Zeerust. And they've been welcomed in every "white" or "coloured" town and village in between. (We noted they had, as a rule, stayed out of black neighbourhoods where they might not be welcome. The two sad incidents which the *Maverick* pair relate in order to refute our point, occurred in the two places where they broke the rule, simply confirming what we reported)].

So, are we bovered? ■

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An inconvenient tribe

The amaMpondo fight the good fight against would-be exploiters of their green and pleasant land, writes John GI Clarke

WHEN PRESIDENT JACOB ZUMA accepted the determination of the Commission for Traditional Leadership in July 2010 – that the King of amaMpondo, Mpondombini Justice Sigcau, was not the rightful heir, it seemed to eliminate a troublesome obstacle to the government's ambitions to award Wild Coast titanium mining rights to an Australian company and their BEE partner, Xolco.

The commission found that a nephew, Zanuzuko Sigcau – a third-generation descendent of one of two brothers involved in a 1937 succession dispute – should have been king because, it said, the royal family ought to have opted for Nelson rather than his brother Botha Sigcau, both of whom had an equal claim. The matter was settled through the courts in 1944.

When Botha died in 1978, ironically, Mpondombini's uncle Nelson, who was still alive, was first to formally move that Botha's son Mpondombini should be king because, he said, his nephew Mpondombini and his Columbia University-educated Swazi-born wife, Queen Lombikiso Dlamini, had served

the amaMpondo devotedly for over 30 years.

Mpondombini challenged the commission through the courts and won what was to be the first round – securing an interdict to prevent Zuma from acting on the commission's Claims and Disputes determination pending a high court review.

The next round, in the North Gauteng High Court, was won by the pretender, when on 12 April, acting Judge AJ de Klerk dismissed King Mpondombini's application. He also dismissed an application for leave to appeal as did, in turn, the Supreme Court of Appeal. That hastened the matter to the Constitutional Court where the judges have been petitioned by King Mpondombini to grant leave to appeal. The matter has been set down for 21st February. Various interested parties are expected to apply to be admitted as *amicus curiae* (those who are not a party to a case but who can assist with information). The constitutionality of the entire Traditional Governance Framework Act (which has effectively empowered the executive to be a kingmaker) is at stake. The outcome has ramifica-



tions for the Traditional Courts Bill too in that, if King Mpondombini prevails as king, upon his death his daughter, Princess Wesizwe will become the Senior Traditional Leader as Crown Princess – which is unlikely to go down well with traditional leaders who show a strong patriarchal bent.

The incumbent royal family has shown itself far more sympathetic to the constitutional rights of their subjects than have a succession of cabinet ministers (all of whom have sworn an

oath to uphold the constitution) who have visited Pondoland over the past 10 years to try to persuade the amaMpondo that the mining scheme and associated toll road is what they need.

The royal house, however, has unflinchingly supported the communal land rights of their subjects. And the amaMpondo have withstood first Zulu, then colonial and apartheid conquests with legendary courage.

In 1886, when gold was discovered on the Witwatersrand, it was clear that a

source of cheap labour had to be found. The only way the Cape Prime Minister Cecil Rhodes could get the amaMpondo to make themselves available, was to compel them to enter the cash economy by imposing taxation that had to be paid in British currency rather than in cattle. This necessitated a surrender of their sovereignty, thus in 1894 Pondoland was the last African territory of South Africa to be annexed by the British Colonial Government. The amaMpondo, in contrast to the Tembu, Gcaleka, Xsibe, Mfengu, and Mpondomise clans, nevertheless retained functional autonomy. Forty-two years later, in 1936, Prime Minister Jan Smuts wrote that the Pondos had “retained their ancient tribal domains, and have not an acute land question such as obtains among other native tribes”.

In 1960 the apartheid regime attempted to rationalise land use in terms of the Tomlinson Commission recommendations and the imposition of the Bantu Authorities Act. Despite having co-opted the king and many chiefs, the Malan government faced rebellion from unarmed Pondo tribesmen. Eleven people were killed by police. Over 4,700 were arrested and 22 people were tried and executed.

As South Africa moved toward democracy, ominously, the Wild Coast’s heavy mineral deposits became increasingly valuable, especially the “space-age” titanium. It was no longer only the cheap labour of the amaMpondo but the vast titanium deposits buried in their ancestral lands that the mining industry wanted. The “land question” was about to become a whole lot more acute.

And there was no escaping the significant environmental impact of a



Picture: Julia Sestler

Up in arms Mbuthuma Sisters Zanele, Nacamisile and Nonhle at beach protest (left); and a section of the Wild Coast that would be ravaged by the proposed N2 shortcut (below)



Picture: John G. Clarke

mining venture. The well-organised environmental lobby had successfully defeated the bid by Richards Bay Minerals to extend its dune-mining ambitions to St Lucia. Even President Nelson Mandela had signed the “Save Saint Lucia” petition, which envisaged eco-tourism and the declaration of the St Lucia Estuary as a World Heritage Site as a better alternative.

The Wild Coast was in many respects even more meritorious for conservation status because the same deep gorges that had thwarted Shaka’s ambitions remain relatively undisturbed and thus host to one of the planet’s ever-diminishing centre’s of rare endemic biodiversity. Nearly 200 endemic plant species thrive in gorges cut over millennia by rivers that meet the sea in pristine estuaries.

But the mining entrepreneurs are only interested in the rich deposits of heavy minerals in the dunes between the estuaries – estuaries that would be unspoiled no more once the titanium deposits had been exhausted. Even Richards Bay Minerals – the fight taken out of them in losing the battle for St Lucia – opted in 1996 to relinquish the prospecting rights it owned for Xolobeni.

Enter entrepreneur Mark Caruso of Perth, Australia, coaxed by top officials and politicians into a deal that, on paper, made good sense. The government would grant him the prospecting rights up for grabs and guarantee him the mining rights if prospecting work and analysis of core samples confirmed the feasibility of a dune-mining operation – provided Caruso raised the funds on the international venture-capital market. He would also have to cut emerging black businesspeople into a BEE deal.

Caruso knew however that the financial feasibility of the mine hinged as much on efficiently getting the mineral concentrate to a smelter for export, as on fetching good prices on the global market. Also, the Eastern Cape government was under pressure to ensure minerals were beneficiated at a new smelter that would help revive East London’s harbour facilities. The city was quick to offer a prime site.

Crucially, mining would not be feasible if the ore-carriers had to use the crumbling N2 inland route via Kokstad, Mount Ayliff, Mount Frere and

Tsolo. East London was only 300km down the coast, and to make a journey of twice that distance via the inland scenic route made no sense.

The rugged geography of Pondoland and the history of the amaMpondo conspired to make the minerals unobtainable – unless engineers could flatten the topography, and politicians engineer the sentiments of locals to embrace mining.

Enter the canny (then) Transport Minister Mac Maharaj, who enjoined his director-general Nazir Alli to come up with a solution, which was to construct a new 100km short cut to re-route the N2 between Port Shepstone and Mthatha via the Wild Coast, running conveniently close to the proposed mining site, including four large-span bridges over the Mzamba, Mnyameni, Mntentu and Msikaba gorges.

Caruso was promised a road – with

A century of exploitation as poorly paid migrant labourers had left the amaMpondo with a jaundiced view of mining’s supposed benefits



Picture: John G. Clarke



Picture: Cheryl Alexander

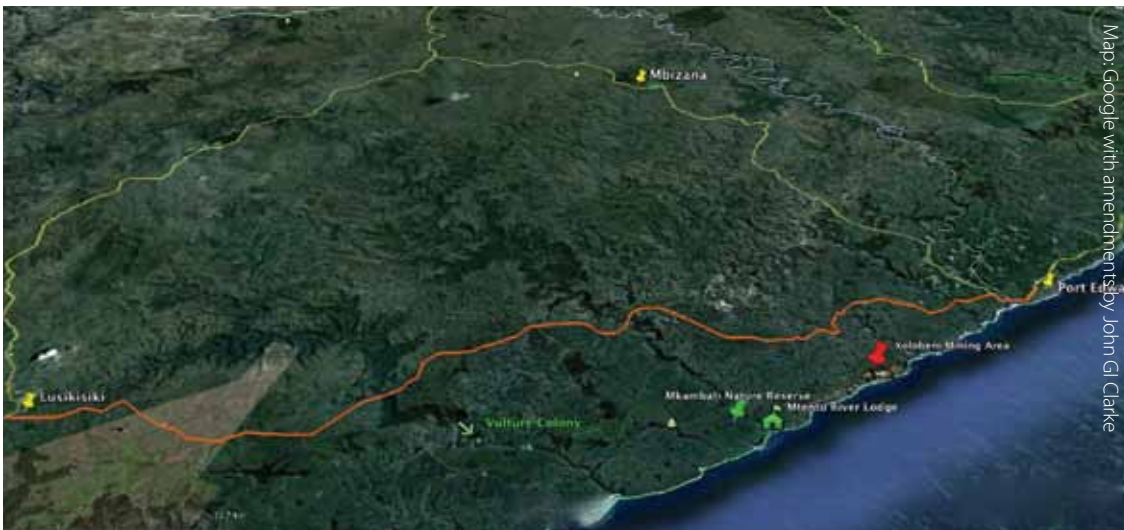
R18 million in seed capital from the DTI-controlled Export Development Fund – to enable him to float a prospectus in the venture-capital market via the Australian Securities Exchange, through a public listing, MRC Ltd (Mineral Resource Commodities).

It took some time and a change of political leadership from President Mandela to President Mbeki for the right institutional arrangements to be made. The National Roads Agency was born again as the SA National Roads Agency Ltd (Sanral) with Nazir Alli appointed as the proselytising first CEO who devoted himself to “harness the efficiencies of the private sector” in public-private partnerships to address infrastructure backlogs and spatial distortions of the apartheid era – the amaMpondo had been left with no modern industrial infrastructure to speak of and had only treacherous winding roads.

Alli began by packaging the N3 between Durban and Johannesburg as the first private tolling concession, entrusting it to his deputy Neil Tolmie, who resigned from Sanral to immediately take charge of the N3 Tolling Company (N3TC). It proved lucrative, not only for Tolmie; Maharaj’s wife Zarina received contracts from the N3TC, as did the notorious Shabir Shaik.

Flushed with pride in having stitched together the N3TC deal – while the Xolobeni Venture was incubated in secret – Alli set to work on what he openly proclaimed to be his lifelong ambition: to ensure the national road between Durban and East London was made shorter, safer and faster – in the process, uplifting the sorely neglected amaMpondo.

As a civil engineer, Alli had no



Road rage Clockwise from facing page: King Mpondombini Justice Sigcau and Queen Masobhuza Sigcau; the proposed N2 shortcut through the Wild Coast; and Amadiba youth leaders

shortage of eager professional engineers to turn to for the four bridges. They would be hugely expensive, but do-able if a private sector consortium could be seduced into a “Build Operate and Transfer” (BOT) deal.

In order to justify the capital expenditure and attract the interest of profit-minded private sector construction companies into another tolling concession, significant volumes of traffic would be required to use the highway. The case for the costly scheme could only be made if the co-conspirators could openly state that 30 large ore carriers per day would be transporting 40 tonnes of mineral sand concentrate each, on a 24/7 basis for 25 years, from Xolobeni to East London, and return empty by the same route.

That is how Caruso worked out the logistics – perhaps somewhat overstated – since one of his other business interests is Simto Australia, which specialises in procuring heavy earth-moving equipment. No such disclosures could be made, for to do so would arouse the suspicions of the strong environmental lobby that another coastal dune-mining operation was behind the scheme.

Behind the scenes Alli solicited an “unsolicited proposal” from a consortium of construction and engineering firms, unimaginatively named the N2 Wild Coast Consortium.

Realistically the only stretch of the N2 road that offered anything approaching the traffic volumes needed to make a tolling concession viable was the stretch between Port Shep-



stone and Durban – already tolled with a plaza at Port Shepstone. If the South Coast N2 could be embedded in a larger infrastructure scheme it could unlock a revenue stream that would make the short cut viable: motorists travelling between Durban and its southern satellite suburbs. Thus the N2 Wild Coast Toll Road was conceived, with a new toll plaza planned at Isipingo as a catchment for the money of the commuters whom Alli was convinced could be persuaded to part with hefty toll tariffs to help pay for the new short cut.

They weren’t. In fact opposition from KwaZulu-Natal residents was arguably the only contentious issue over which all five political parties represented in the KZN Provincial Legislature were united in opposing. Even the controversial former Durban City Manager Mike Sutcliffe stoutly refused to be converted by Alli’s mis-

sion to get Durban motorists to help him address the “extreme poverty” of the rural amaMpondo by cross-subsidising the promised jobs that the N2 short cut would bring.

More money would have to be found. Alli proposed breaking the rules and mixing Sanral’s two revenue streams: Treasury budget allocations and revenue from private tolling concessions. He manipulated the board of Sanral to approve the use of Treasury funds to pay for the four large-span bridges. (He’d arranged the board meeting at a time when the two board members who might oppose the decision, notably Treasury representative Andrew Donaldson, were conveniently absent. The other, chief financial officer Catherine Smith, was deliberately sidelined by Alli; she resigned.)

Alli made a critical mistake in assuming the amaMpondo wanted the bridges and the high-speed motorway.

It was pointed out to him by Cormac Cullinan – the attorney representing the Wild Coast residents who have applied to the high court for the environmental authorisation to be set aside – that his clients had much higher priorities for an allocation of R3 billion for road infrastructure than the construction of large-span bridges.

Director General of Mineral Resources, Advocate Sandile Nogxina, also misapprehended the sentiments of the amaMpondo towards the mining venture. He assumed that the jobs and other material benefits they were promised would more-than outweigh the protests of environmentalists.

Of course the ontological link between the mining and the toll road was a very closely guarded secret. It is possible Alli was not even aware of it. He had, after all, sought and found some noted environmentalists to endorse his plan to package the N2 Short Cut as an inland boundary for an imagined Pondo National Park to conserve Wild Coast biodiversity. Elephants could be reintroduced to a place that still remembers them. (“Pondo” means “tusk” and Mpondombini, “the two-tusked one”. Ironically, the tribal area where the heavy mineral deposits occur is named *Umgungundlovu*: Place of the Elephants.)

Whether or not Alli and Nogxina together hatched the elaborate deception of the environmental lobby is a matter of conjecture, but neither took the precaution of conferring with the residents whose land would be sacrificed for their respective schemes. Nor did they take the trouble to delve into Pondo history, for had they done

so they would have learned you don’t take land from the amaMpondo.

The N2 Wild Coast Toll Road scheme would indeed have solved the problems of geography, albeit with the illegal recourse to Treasury funds, but such practices have become commonplace under ANC administration.

Solving the problems of history were more challenging. More so because King Mpondombini insisted the development schemes could not proceed without a thorough and transparent consultation process. Only if the amaMpondo were able to see manifest benefits would the royal house support the schemes – notwithstanding any benefit to the national economy.

In 2004 Minister Marthinus van Schalkwyk led a delegation of three cabinet colleagues and the Premier of the Eastern Cape, Nosimo Balindlela (now the DA’s newest member) to consult with the royal house. Afterwards the government acknowledged there had been poor consultation and promised prompt remedy. Balindlela was the most emphatic. She became one of the first casualties in the ANC/Cope split. And deputy minerals minister Lulu Xingwana was also vocal in her insistence that consultation with the royal family and traditional leaders was obligatory in terms of new legislation. She was redeployed.

Four years later, with Buyelwa Sonjica in the Mining Ministry hotseat, she echoed the exact words that Xingwana had uttered in 2004 in her apology to the community in 2008. She was redeployed to the Environment portfolio and was then dropped from Zuma’s cabinet altogether a year later

– after she also recanted over other errors of judgement she had made about the Saint Lucia dune mining battle.

There were hopeful signs when Sbu Ndebele became national Transport Minister in 2009. He genuinely wanted to see the dispute over the N2 Wild Coast Toll Road resolved out of court (and the Gauteng e-tolling saga for that matter). Just when a breakthrough was imminent, he was redeployed to Correctional Services.

Presidents can redeploy, fire or otherwise dispose of cabinet ministers, but the prerogative of choosing or deposing kings and chiefs rests with those for whom the institution of traditional leadership matters most – the people who communally own the land.

Four years apart, both Lulu Xingwana, deputy Minister of Minerals and Energy and her successor, Buyelwa Sonjica, promised to redress the problem personally. Neither of them did so; nor did their successor, Minister Susan Shabangu. Perhaps they’ve been waiting for a king more amenable to the Xolobeni mining venture and the N2 Wild Coast Short Cut to be installed.

One need only look at the tribal politics at the lower tiers of the traditional authority system to epose the hidden agenda. The chief of the amaMdiba tribal authority, Nkosi Lunga Baleni, also faced a claim on his position, brought by the third wife of his late father (who died in 2002) on behalf of her minor son aged 10. Judgment has been reserved. But whatever the merits of the case, the fact that the claimant was accompanied by directors of Xolco (the BEE partner to the Australian mining outfit) makes it clear.

Behind the dune-mining venture, the N2 Wild Coast Toll Road and the traditional leadership challenges are fundamentally corrupt corporate and political interests.

But the amaMpondo have on their side the South African Constitution and a free press to publicise their predicament – and through which public sympathy and voluntary contributions can be sought to pay for the best lawyers.

● *John Clarke is a professional social worker who has been working with the amaMpondo for the past six years assisting them to claim their constitutional rights.* ■



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A crime too large to comprehend

T WAS THE MONTH BEFORE CHRISTMAS, and sentimental precedent decreed something soppy in the way of book reviews. But circumstances decreed otherwise.

Barry Sergeant's 469-page exposé of the Byzantine criminal shenanigans that were master-minded by the incredible Brett Kebble is hardly festive reading. But it has its fascination. And perhaps the pious yuletide reader will appreciate the moral aspects of the author's revelations.

In a sense, the wicked frauds perpetrated by the ingenious Kebble and his cast of accomplices are too big for South African comprehension and action. After all, can South Africa even afford to persevere with a thorough discovery of the enormous mining house villainies committed and, consequently, pursue just desserts for guilty tycoons and gangsters? The scale of the R26-billion fraud is clearly too daunting for officialdom to handle, preoccupied as it is now with political fraud charges and countercharges.

Besides, many of the *dramatis personae* fingered by Sergeant are powerful and influential players. The murder of Kebble in 2005 remains a mystery, and, like various other loose ends, is likely to remain so.

Author Sergeant has laboured mightily to produce the facts, and succeeded in collating a seriously detailed record. There is plenty of material to engage brokers and accountants, with a comprehensive index and graphs. It is not a beach book.

It does, however, contain enough human interest for those who wonder about the nature of the man who wrought such havoc in a relatively short period.

I can vouch for Kebble's notorious charm. At the home of mutual friends in Cape Town, some 15 years ago, this Michelin man would skip in, surprisingly light on his feet, to amuse and entertain guests with enthusiastic knowledge of fine food and music.

The darker side of his character was known to Sergeant, who spent time with Kebble, and developed a modicum of sympathy for the boy who never managed to please Roger, his

disparaging dad. (Kebble senior referred to his eldest son as "my other daughter"). Ironically, when Brett became powerful, father became jealous.

The Kebble Collusion is an apt title. Many financial institutions, lawyers and bankers would stand accused if all the facts were investigated. Much obfuscation has occurred in official and private circles. Sergeant makes it clear that he will have no truck with the "assisted suicide" theory on Kebble's death. It was a convenient murder.

The authorities have their priorities. Judging by the current succession of expensive commissions inflicted on the public purse, the truth of the Kebble disaster will never be probed in all its explosive elaborations. Which must be a huge relief to a lot of people, at various levels of society.

Sergeant has done South Africa a signal service in applying himself to a task that, in a principled and ideal world, should have been tackled by a dedicated, sophisticated team of official investigators.

His labours fly in the face of a host of powerful individuals who remain unpunished for their participation in vast villainy.

The authorities appear to have been overwhelmed by the prospect of entering the dizzying maze of deceit constructed by Kebble – and the possibility of meeting dangerous obstruction by establishment parties, both private and official.

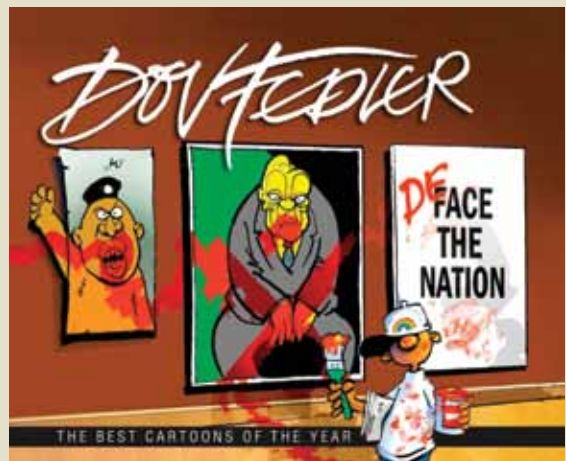
Many had begun to believe that the crime would be allowed to fade from the public mind without proper inquiry.

Sergeant, after diligent explanation, names the guilty. ■

THE KEBBLE COLLUSION
(Jacana)
by Barry Sergeant



Wise and witty, political cartoonist Dov Fedler, who regularly amuses and instructs *Noseweek* readers, has launched a book in time for Christmas. The title: *Deface the Nation* (published by Royston Lamond)





Gone phishing

IN THE US, THERE IS A CLASSIC saying, “only in America” – usually exclaimed about a stroke of luck and made more famous by the likes of boxing promoter Don King, who is accused of defrauding numerous boxers over the years, including Muhammad Ali and Mike Tyson.

So it would be appropriate if Umjindi’s own fraud accused, Paul Mpele, were to borrow that saying and exclaim triumphantly, “Only in South Africa!” following his highly questionable appointment as the municipality’s Chief Financial Officer. Mpele is under criminal investigation for various alleged acts of fraud and “other illegal activities” while he held the same position at the Thaba Chweu (Lydenburg) Local Municipality– from which he resigned in 2009.

Mpele was arrested by the Hawks on 15 October. He and three co-accused appeared in the Nelspruit Magistrate’s Court the following day to face charges of fraud relating to the alleged theft of R3.2 million from the Thaba Chweu Municipality. (Various more-or-less reliable sources inform me that the alleged theft was committed through internet banking, via staff pin numbers, over the Easter weekend in 2009.)

Mpele was released on R10,000 bail while two of his co-accused were released on R5,000 bail and the third with a warning. They are Kgabo Moloto (internal auditor), Connie Mabuza (former deputy director of budget and treasury) and Elvis Magange (chief credit controller).

Sources say Mpele’s 2009 resignation was nothing more than an attempt to escape investigation. The sources also say that Mpele and his cronies dabbled in “anything they could get their hands on – like the sale of municipal land, with 95 stands sold to a private buyer”.

Despite the cloud hanging over him, Mpele was first appointed as Umjindi’s CFO then promoted to acting Municipal Manager (MM),

an appointment that prompted the Umjindi Ratepayers Association to question the “appointment of an inexperienced temporary MM”.

MM Mpele then appointed deputy CFO Christo van der Westhuizen, as acting CFO – against regulations, since Van der Westhuizen is not qualified: he only has matric. That (acting) appointment has been reported to the national Treasury



which has deployed an official to clean up the municipality's mess.

Just how did Mpele secure the Umjindi CFO appointment in the first place? It seems the interview panel – which included Advocate Hugh Mbatha, Municipal Manager of Enhlanzeni District Municipality – knew at the time that Mpele was under investigation and they asked him about it during the interview.

Reportedly, his response was to insist he'd been framed. Moreover, he is also reported to have said: "I have

people looking out for me."

While numerous attempts to get comment from Mbatha were unsuccessful, the million-dollar question remains: how could a legal professional recommend someone for appointment to such a crucial position who is being investigated for misconduct allegedly committed while holding a similar position in his previous place of employment?

The Mpumalanga branch of the ANC Youth League (or a faction of it) strongly objected to Mpele's being

considered for the post. Vigorous objections were also raised by Umjindi's DA councillors during the council's ratification proceedings.

But Mpele – although reportedly not the top-scoring candidate – was the one recommended by the interview panel, and council ratified his appointment because of that.

"As far as we can see, his recommendation is mysterious," said a member of the Umjindi branch of the SA Municipal Workers Union.

Professionals this journo spoke to say that Mpele's B.Com (UKZN) and the eight-month municipal financial development programme he attended at the University of Pretoria hardly qualify him for such a senior position.

"The commerce degree is too vague. And the eight-month programme could maybe qualify him to be a clerk in the CFO's office but certainly not as the CFO," said a professional who frequently provides consulting services to the provincial government.

A senior director is required to have several competencies including leadership skills; strategic planning; knowledge of supply chain; municipal financial management; project implementation; and service delivery.

The Treasury has set municipalities a deadline of January 1 next year for all directors to provide proof of having the required skills. Umjindi Municipality asked for an extension but, say my sources, this was denied.

However, later a municipal official called to deny they were denied an extension. Pending confirmation from the Treasury, I'll stick with my sources.

Mpele, whose appointment is seen as nothing more than a political deployment, has been removed as acting MM since his arrest.

Mashaba and council Speaker, Vusi Mkhathshwa, "ran away" from answering questions about Mpele's appointment.

And in response to this mess municipal workers have taken to the streets and dumped sewage around the municipal buildings. It was disgusting. The message is clear: either Mpele goes or the workers are determined to, well, cause shit. ■



Marching orders

Protestors raise vigorous objections to Paul Mpele's appointment (left); and the object of their ire (below)





A three-stage schnoz

HA VE ON MY FACE THAT SORT OF structure you might call a three-stage schnoz, something like those three-stage Atlas rockets they used for shooting people to the moon, only instead of pointing heav'nwards this feature proceeds from twixt the eyebrows to the lips and teeth. The first stage sticks out at about 45°, the second at 30° and the final bit is roughly vertical, but please do not imagine this as being like that great flabby fatbag on the elephant seal, rather it is as the pointy refined nose of the elephant shrew. Indeed, if I had my nostrils right at the tip and prehensile muscles there like the elephant itself I should be able to put food into my mouth as does that beast. I should be able to play the piano whilst eating my lunch.

But people have got used to it round here. It's only now and then that small kids hide behind their mothers' skirts, Japanese tourists pretend they're taking photos of the hadedas at the Botanical Gardens Tea Terrace when the camera is pointing straight at my head, that sort of thing. And my son Joe thinks it's a classical Pythagorean type of nose, in fact, when on holiday in Athens he bought for my birthday a Greek fisherman's black cap like Desmond Tutu's; it goes well with the intellectual nose and dignified white beard. Says Joe. So now we're going to meet at the Musgrave Mall, upmarket for a special treat, this now being his birthday. I put on the cap and comb the beard a bit and take my classical Zulu *umsimbithi* walking stick and step out in a fatherly sort of fashion.

In the middle of the concourse stands a table with a white cloth and many small blue bottles of something to rub on your pubescent face. There stand also two nice young pink people without pimples, 17-or-so years old, students I should say, male and female, eager, with pamphlets about the face-mooty for passers-by. The girl is v. pretty with a golden ring

in her nostril and a ready smile, she trips up to me and displays her pearly teeth. You must be from Israel? says she. No, why? say I. Your nose, says she, and where are you from then? Venezuela, say I. Cedric, says she, this gentleman is from er... Cedric smiles too. Aah, Israel! says he, and what is your name, sir? Chavez, say I, Hugo Chavez. I Aztec. Joe appears. These my son, say I. Is name Jesus. Ho! Jeejee, say I, spik Aztec! Methyl Cyclohexyl Oleate, says Joe, Carboxymethyl Cellulose. Popacatapetl. Wow! says Cedric, what



does it mean? It mean your country ver beautiful, say I.

Joe smiles graciously, I tip the Greek hat to the lady in the gentlemanly Venezuelan manner, and we're off to the supermarket and there before us stands a table with Raymond Ackerman PnP Specials: teiglach and pomerantzen and all things Eastern European-looking and yummy.

We stand and gaze, and a plump *alte kakker* (old man) in a butcher's apron and velvet *yarmulka* comes along and very friendly says, Hey sorry fellows, this is the Kosher department, Halaal is over there – pointing – but the only halaal thing they've got in PnP just now is Hot Cross Buns.

Are you loopy or what? say I. That is a New Testament-type bun, what do you put on an Islamic bun, the crescent moon and the planet Venus? Oh no, says he, just half the cross, and you can't confuse it with the

Christian Bun because there's *tanz elachi* in there too and the aroma makes it immediately recognisable as a Kashmiri recipe. Well thanks, say I, maybe we should stick with the Kosher. Or maybe they've got some Pakistani Pomerantzen over at Halaal? says Joe. Where are you from? says the old bloke. Gaza, say I, we got out through a tunnel. He sits down. *Weh ist mir!* says he.

Joe smiles graciously, I tip my Greek hat to the *alter kocker* (old fart) in the conciliatory Tutu manner, we move off to Halaal Sweetmeats. We glance about. You know, says Joe, what I actually rather fancy is something sort of carnivorous, really chompy meat, let's go to where the ordinary

secular sausages are. And there indeed they are, waiting for us at Ready-Cooked Meals, glisteny-greasy, slowly smoking in a great heap and too yummy for words; we join the queue of overweight men all eager to get at the sizzling fat and ready themselves for cardiac arrest at the

age of 40. A miasma of vapourised cooking oil hangs all about, there in a seething great tub of the stuff are the chips, long, floppy, a bit crisp on the outside, golden, heavenly, and there stands a monstrous fat mama with a wire scooping thing at the ready. She smiles, we smile, she plunges it in the tub and scoops out a kg or so, pure cholesterol and carbohydrate such as made Scotland famous, and we're off to a bench in the park.

The Kosher *alter kocker* has entirely regained his composure. There he stands, grinning as we come by with our paper bags all translucent from the oil inside and the chips yummily sticking out the top. So you found what you want! he chuckles. Oh ja, says Joe, Glasgow's gift to mankind: pork bangers tomato sauce and slapchips. *Alte kocker's* face falls. But you said Gaza, says he, what were you doing there? Smuggling pork bangers, says Joe. A/k sits down again. Oyoyoy *weh ist mir!* says he. ■

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