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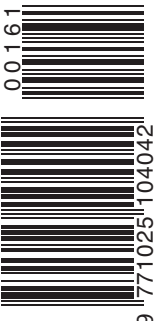
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161 **MARCH** 2013

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What's cooking? Sasol's plans to dump toxic waste into our compost could have us all glowing with ill health [page 8](#)

4 Letters

5 Editorial

6 Notes & Updates

38 Smalls

COLUMNS

31 Books

34 Sport

36 Letter from Umjindi

37 Last Word



Not cricket [page 34](#)

FEATURES

13 JM Coetzee a disgrace, says UCT prof

Novelist Imraan Coovadia is fed up with the idolisation of the Nobel Prize winner

18 A history of violence

Convicted hostage-taker and murderer David Protter is back and armed to the teeth

22 Leopard killers dodge the law

Dog packs tear rare big cats apart for hunters' profit and entertainment

24 Nuclear watchdog lacks bite

Radioactive spillage triggers alarm over SA's 'mickey mouse' regulator

28 Moonlighting medics cheat hospitals

Patients dying because of specialists' greed, says health minister

30 Not too quick to judge

Their lordships tear a strip off tardy colleague

32 Diary of a wayfarer in London

How to make the most of 48 hours in the Big Smoke

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Letters

Bone pickers Not guilty as charged (below)

BAR COUNCIL

Who guards the guardians?

IN JANUARY LAST YEAR *NOSEWEEK* READER Jaron Tobias lodged a complaint with the Johannesburg Bar Council (see *nose153*) concerning the alleged misconduct of both the advocate who appeared for him, Tobias, as the plaintiff, Nigel Riley, and the defendant's advocate, G D Wickens, in a case heard in the South Gauteng High Court.

Over a year-and-a-half later, he sent the Bar Council a note asking about the outcome of their enquiry. No joy. Another six months on, he asked again. Here is the meaningless reply he received (on 11 February) from the secretary of that gathering of legal worthies:

"As I recall I said I would inform the Secretary and Chairman of the Professional sub-committee of your query on the status of the matter. I have done so. Once there is any further update on the matter you will be notified. Pam Irvine"

We will continue to record the days, weeks, months and years that pass as a measure of the Johannesburg Bar Council's shameless cowardice when it comes to policing its own. – Ed.

PREDATORY HEALTH CARTELS

Not guilty as charged

NOSEWEEK'S ARTICLE, "THE COST OF predatory health cartels" (*nose159*) made allegations around collusive, unethical and illegal behaviour by most private health sector players (health-care providers and suppliers of medical products in particular). Although the article admits that "there are companies – if few and far between – that refuse to conduct business in an unethical and illegal way", it attempts to establish a veiled association between Mediclinic (and other companies) and questionable business processes.

Mediclinic states categorically that we do not sell information or shelf space to pharmaceutical industry players, nor engage in any form of rebate or discount (on invoice) system with suppliers of medicine or medical devices. Since 2004, Mediclinic converted to a "Net Acquisition Price" (NAP) model for all its pharmaceutical products. This means the prices charged to patients or medical schemes for pharma-

ceutical products are exactly the same Mediclinic pays for these products and makes no profit on them.

In addition, Mediclinic has worked to actively reduce equipment placement in our facilities, which now stands at less than 1% of total acquired capital equipment. Mediclinic does not and has never entered into any contractual arrangements around the purchase of associated consumables. All consumables associated with any "placed" equipment are purchased at the prevailing market prices.

There is a difference between the public and private sector medicine prices because the private health sector purchases medicines at regulated Single Exit Prices (SEP), while the public sector is not subject to this regulation and is allowed to put out tenders for the supply of medicines.

Lastly, the article incorrectly states that the Department of Health relies on a budget of R42 billion to provide care to 42 million South Africans. Mediclinic supports the principle of greater access to affordable healthcare through the introduction of NHI and while there is a comparative inequality in spend, public information from the Treasury shows that in the 2011/2012 financial year, public sector health expenditure amounted to R122bn.

We trust this will address any misconceptions created by the article and would like to request an opportunity to respond before publication in future.

Jessica Saunders

Mediclinic Southern Africa
Stellenbosch

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Editorial

The cost of Zille's free ride

IN MY PROFESSION, BEFORE WE START getting too smart, it's always worth remembering that the Afrikaans poet Breyten Breytenbach generally referred to *joernaliste* – journalists – as *hoernaliste*.

I recall it here only because the recent uproar about DA leader Helen Zille's visit to the Guptas for tea (and a "secret" donation of a couple of hundreds of thousands of rands to her party) also brought to mind that 100-year-old anecdote attributed to George Bernard Shaw:

GBS: Madam, would you sleep with me for a million pounds?

Actress: My goodness, Well, I'd certainly think about it.

GBS: Would you sleep with me for a pound?

Actress: Certainly not! What kind of woman do you think I am?!

GBS: Madam, we've already established that. All we're haggling about now is the price.

Why is it that I doubt that Zille would have bothered to join the Guptas for tea to celebrate a mere R1,000 donation? But the really serious question raised by the unhappy situation is different. Surely the DA leader – and most certainly her advisors – knew that the Guptas are famously, notoriously, supporters and financiers of the ANC (and whoever happens to be President). So why on earth, did they think, would the Guptas want to make a secret donation of a few hundred thousand to the DA?

Perhaps one needs to have read something about the history of the Sicilian mafia to know the answer: in the post-war decades the mafia always generously shared their criminal takings with the overwhelmingly dominant Christian Democrats – but then "took out insurance" by giving lesser, secret donations to the Socialists as well.

The insurance was not primarily against the Socialists' winning the next election (an unlikely prospect most of the time); it was to ensure that if they discovered the Catholic government's financial involvement with the mafia, they'd have to think again before exposing it.

They were themselves compromised.

Did Zille seriously not stop to ask herself, why would the Guptas be willing to make a secret donation to the DA, other than as a means of compromising the major, most threatening opposition party – and, by persuading her to come to tea – her personally?

Secret corporate donations to political parties are secret levers of power. The phenomenon has reached such scandalous proportions in the United States that citizen movements have sprung up all over – on the internet and from city to city and state to state – furiously campaigning to have such donations prohibited and to expose both the secret donors and the public representatives they have compromised or "bought".



Shaw thing

Solutions range from placing legal limits on political campaign budgets, demanding publication of all political donations above a certain amount, prohibiting corporate donations altogether – or having the state fund all registered parties that have a qualifying minimum number of members/supporters.

In the meantime, concerned citizens should openly contribute to the funds of the party of their choice, rather than waiting for the usual free ride, "thanks to our corporate sponsors that have asked to remain anonymous".

A free ride always comes at a hidden price.

The Editor

Notes & updates

Drag act. Nissan tries to wear claimant down by delaying response

IVAN VISÉE WAS VERY HAPPY WITH HIS Nissan Pathfinder (*nose140*) until he wanted to drive it to Cape Town. In preparation for the trip, he asked CMH Nissan in Midrand to give the vehicle its 120,000km service.

During the service they phoned to say there was water in the gearbox oil. Had he driven through any rivers lately? No? Ja well no fine, then. So they simply replaced his gearbox oil – at a much inflated price – and sent him on his way.

Visée headed for Cape Town, only to have the engine blow up 60km short of the Mother City.

Droomers Nissan in Paarl offered the unappealing choice of either waiting three months for them to recondition the engine and gearbox or to install a new engine – at a staggering cost. Since the difference wasn't that much, he opted for the new engine.

Once Droomers had taken out the engine to replace it, he realised that the gearbox and engine damage had resulted from a leak in the gearbox oil cooler.

Surely, once CMH Nissan realised he hadn't driven through water, they should have done a pressure test on the only other possible source of water in the oil, namely the cooler? This runs into the radiator and circulates the oil through the cooled water of the radiator. Their failure to do so and pick up the leak was cardinal in causing the subsequent blow-up.

Visée contracted forensic scientist and negotiator Dr David Klatzow to engage with Nissan SA. Klatzow met Nissan's representative and their attorney in Durban.

Their attitude was "cavalier", says Klatzow and they clearly "couldn't give a damn". Their best offer to Visée was a derisory R20,000 refund on an almost R200,000 bill. They blamed Visée for not having picked up the fault earlier – while excusing their own supposedly professional dealership for not having detected it.

Shortly before *nose140* went to press, CMH Nissan upped their settlement

offer to R60,000, which was rejected.

The following month (see *nose141*) an even more detailed account arrived of the same problem – and the same consistently off-hand treatment from Nissan – from another reader in Pretoria. Richard Ashman learned that water-cooler leakage into the gearbox is a common Pathfinder problem.

He also discovered that Nissan's



Their best offer was a

derisory R20,000

refund on an almost

R200,000 bill

standard way of dealing with the problem was to stubbornly not deal with it. And now we have the ultimate proof of this.

On Klatzow's advice, Visée took his complaint to the consumer affairs department of the Retail Motor Industry Organisation (RMI) for adjudication. The RMI immediately called for a re-

sponse from CMH Nissan, which came as a bundle of documents from their attorneys, Pearce, Du Toit and Moodie of Smith Street, Durban.

As is entirely proper, the RMI forwarded the bundle to Visée for his reply.

In the bundle (careless Mr Pearce!) was a letter dated 3 October 2011 from attorney T K Pearce, addressed to his client, CMH Nissan franchise manager Geoff Gray on the subject of Mr Visée and his Pathfinder complaint:

"I remind you that we agreed to follow the strategy suggested by Stuart Jackson (CMH's financial director) and that is to sit back and allow the matter to wind a long process through the court system should they reject our offer," said the letter.

It continues: "With that strategy in mind, I think that for now we should not even respond to their last letter. In the last paragraph of that letter they call upon us to make a 'proper offer'. No doubt in time we will receive further correspondence from them reminding us that they are waiting for us to improve our offer [...] In short, I am going to try to wear Mr Visée down by dragging the matter out. He must understand that his quick solution is to accept our offer."

In January this year Klatzow called CMH's Mr Gray for an explanation. "Regarding the letter written by our Attorney T K Pearce," began Gray's response, "I would like to apologise for the wording used and can assure you that it was not and will never be our intention to delay resolving this case.

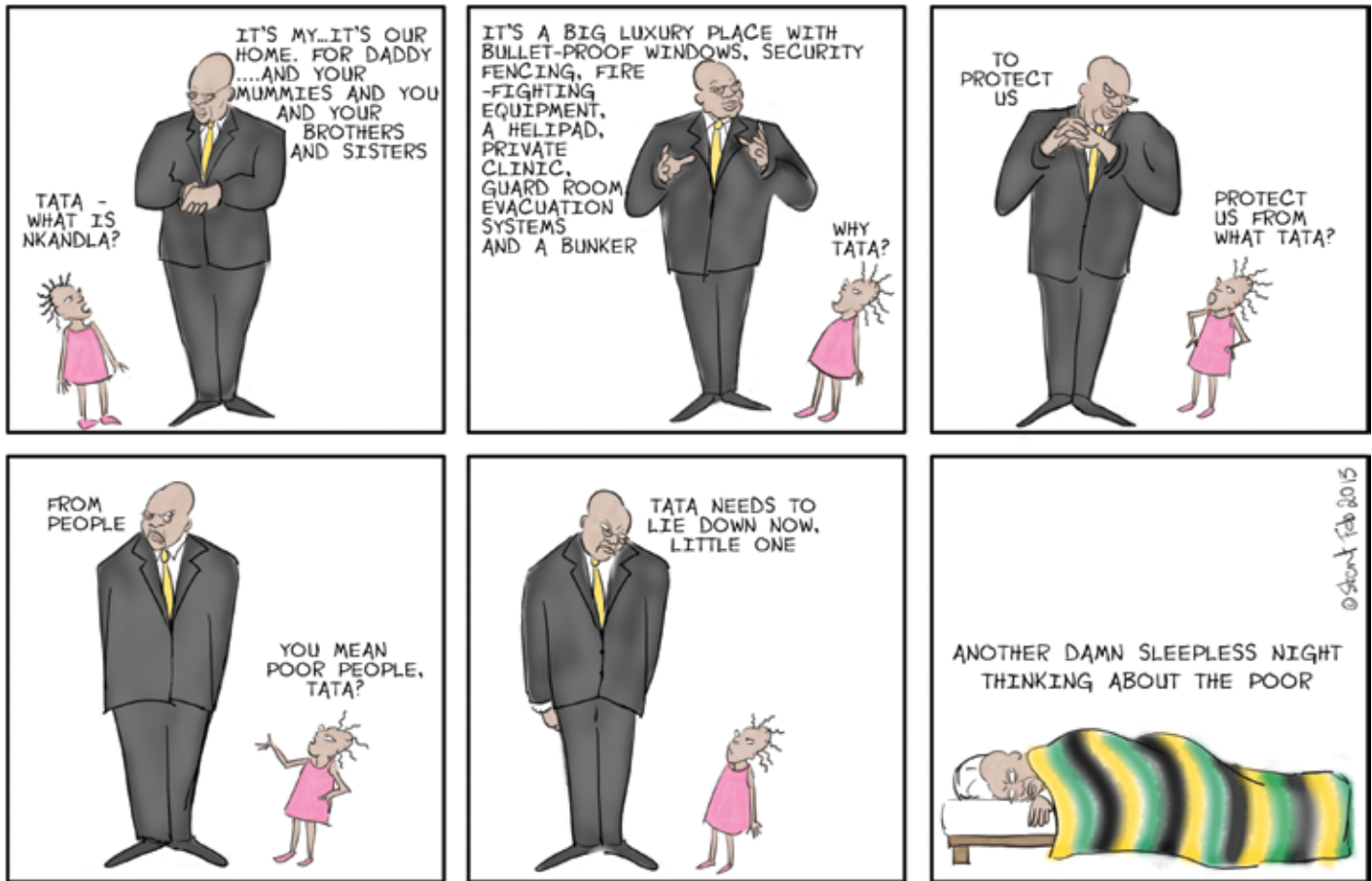
"During our discussion on Friday you stated that the amount required to settle this claim is R234,289.28 and that this is not negotiable.

"You have rejected our offer of R60,000 and we therefore can't reach agreement.

"Based on the fact that we cannot reach agreement the only way forward is for the matter to continue through the normal legal process."

Klatzow had "extreme difficulty" in believing CMH's "pious protestations". So does *Noseweek*. ■

Stent



Pension surpluses. Sorry Mr Mostert

TONY MOSTERT OF A.L. MOSTERT & CO Attorneys has written to *Noseweek* to address a number of allegations relating to him and his firm in *nose160*. Some of these allegations were false and defamatory, with serious prejudicial consequences for Mostert and his firm's reputation. *Noseweek* apologises for the incorrect allegations and they are unconditionally withdrawn. Any negative innuendo with regard to Mostert is similarly withdrawn.

For a full unpacking of the story, see "Tony Mostert calls for an apology – and gets it" in the online edition of *nose160* (free access). In brief:

- *Noseweek* had contended that, despite hundreds of millions of rand having been recovered, nothing had to date been paid to pensioners of the various pension funds under Mostert's curatorship. While not wrong, the contention was misleading. Insofar as it might have implied that the curator was inappropriately hanging on to these substantial sums, it was doubly misleading.

Days after publication of *nose160*,

Old Mutual Corporate wrote to confirm that payments of surplus benefits to "stakeholders" in eight of the nine pension funds had in fact commenced in August 2012. By 28 January 2013, the total already paid out amounted to R255.3m. A balance of R541.5 million still to be distributed remained invested with various financial institutions.

- However, the frequent references by other media to payments being made to "pensioners" were equally misleading. Despite the pensioners' cause having been the driving – and emotive – reason repeatedly given for the whole curatorship and surplus recovery exercise, the sums paid out over the past year have not gone to pensioners. They were paid to former members of the funds who had left them prior to retirement.

Pensioners did not share in the largesse since the overwhelming majority of them received everything they were entitled to – and more – when their pensions were transferred out of these funds more than 15 years ago.

The supervising actuary, Dr Erich

Potgieter, confirmed that former members are also the only ones who stand to share in the remaining surplus funds, in terms of the apportionment scheme approved by the FSB.

- There are a substantial number that remain unpaid but they are regarded as untraceable, or are owed such small amounts that it is uneconomical to hire tracing agents to find them.

The likelihood is that a major part of the recovered millions will eventually be used for a further distribution to stakeholders – or be forfeited to the State.

- *Noseweek* significantly overstated the total recoveries – they amounted to R940 million, not R1.2 billion – and also overstated the total amount paid to Mostert & Co in curators' and legal fees: *Noseweek* estimated R400m, Mostert states the correct total as R204m and sets out the facts of his eight-year administration of nine pension funds to support his contention that the fees were more than reasonable and that he has done the job under difficult conditions as quickly as humanly possible. ■

Sasol cooks up plan to dump deadly waste into food chain

SA's synthetic-fuels producer has a lot to hide: illegal toxic emissions into the atmosphere, a proposed move of its HQ to the United States – and spreading its toxic waste about, disguised as organic compost.
Mark Thomas reports

YOU TRY YOUR LEVEL BEST TO watch what you eat or feed your family, often willing to pay much more for a healthier option.

But how would you feel if that organic fruit and veg you hoped would keep the doctor away had been cultivated with “organic compost” deliberately contaminated with deadly poisons as a convenient way for Sasol to dispose of its toxic waste?

Sasol and its innovative coal-to-liquid fuel technology that kept the country on the road, so to speak, when apartheid made South Africa an international pariah, has for years been knowingly emitting highly toxic gases from its incinerators in Secunda and Sasolburg – in contravention of its emissions licence.

A *Slate* magazine feature on Sasol in 2006 called it the Exxon Mobil of South Africa, “though its annual sales of about \$10 billion are around what Exxon Mobil does in about 10 days”. Journalist Daniel Gross wrote: “With 30,000 employees, including the largest number of PhDs of any company in the Southern Hemisphere, Sasol is one of South Africa’s largest employers. It produces about 38% of South Africa’s fuel needs and accounts for about 4.4% of the country’s GDP.”

Sasol’s business of converting coal and natural gas to liquid fuel uses German technology called the Fischer-Tropsch Process (FTP), a chemical reaction that converts solid coal into gas which, combined with hydrogen under high pressure and temperature, produces synthetic crude oil. But in the process, large quantities of toxic waste are also produced that need to be safely disposed of – generally by incineration, which is not only costly but which simply transfers most toxins into the atmosphere.

As Sasol’s environmental scientists were working on finding a cheaper alternative to incineration at Secunda in Mpumalanga in 2007, on the other side of town, an employee of Lounic’s Timber World, 39-year-old Petrus Marthinus Swartz, registered a company called Sola Fidei Manufacturing (SFM) cc, of which he was sole director, giving his home address, 27 Rembrandt Street, Sasolburg.

By 2010 he was in frequent contact with two Sasol managers at Research and Development – Wynand Kruger,

Principal Safety, Health and Environment Practitioner (and in charge of the composting project) at ChemCity, Sasol’s enterprise development arm, and Dayanand Rajaram, a general manager at Synfuels.

Sola Fidei was given access to various chemical analyses of Sasol’s “bio-sludge” conducted by private labs.

Since ChemCity is mandated to assist upcoming entrepreneurs, Sasol brains proceeded to help Swartz prepare his business proposal. In July 2012, using the data and assistance provided by

In a secret recording of the meeting, at least two or three people can be heard objecting to the composting project on the grounds of public safety

Sasol, Swartz presented his “Commercial Proposal” aimed at helping Sasol use its toxic waste in “organic compost” that would be manufactured for Sasol at a cost of R4.24m a month.

Swartz wrote: “A feasibility study was initiated to evaluate the viability of manufacturing organic compost from bio-sludge in an effort to develop a solution which is economically viable and environmentally compliant.”

His so-called feasibility study was in fact undertaken by staff at ChemCity.

The proposal is based on a potentially misleading chemical analysis undertak-

en for Sasol by a company called Multi Disciplinary Plant And Soil Consulting (Pty) Ltd, whose directors are Dr Jacobus Arnoldus Janse van Vuuren and Professor Andries Stephanus Claassens. This company too was registered in 2010, around the time that Sasol and Sola stepped up their correspondence.

In his proposal, Swartz lists the two plant and soil scientists – Van Vuuren and Claassens – as part of his team.

Claassens, however, told *Noseweek* that, although he had conducted numerous assignments for Sasol, he knew of no such person as Swartz and “at no point was our company asked by that company to do any work for them”.

He said that if any toxic material were allowed into the compost, the State Registrar of Fertilizers (Maluta J Mudzungu) should be held responsible. (Pass the buck, round one).

But, in his proposal, under “Final Product Classification” Swartz states: “The classification was acknowledged by Multi Disciplinary Plant And Soil Consultants, especially Dr Arrie Janse van Vuuren, who also consults to the Registrar for Fertilizers, Composts, Soil and Growth Enhancers, under Article 39.”

May one assume that the registrar is unlikely to question an application bearing the endorsement of scientists who regularly consult for his office?

When *Noseweek* pointed out the specific analysis quoted in Swartz’s proposal, Prof Claassens said he had conducted similar work for Sasol Synfuels – and not for anyone else.

Asked why the analysis only addressed the issue of heavy metals in passing – it concentrated on Selenium while ignoring a variety of other toxins in Sasol’s bio-sludge – the professor said: “We only test for what the client has asked for; we couldn’t go beyond the requested tests. In this particular case, as plant and soil experts, we were asked to analyse and assess if the product (sludge) we had been provided with could be beneficial to plants.”

Claassens said his company was not responsible for collecting the samples that they analyse – the client does that. He conceded that his company would have no means of verifying the origin of the samples.

Although Claassens was asked to analyse sludge supposedly from Sasol’s refineries, he said he had not tested

for the hazardous elements that are routinely traced in bio-sludge – such as Arsenic, Vanadium, Thallium, Cadmium, Uranium, Barium, Mercury, Hexavalent Chromium, and Fluoride, among others, that could compromise public health if they entered the food chain. Sasol executives who had commissioned the analysis did not ask the scientists to test for these elements.

Swartz's proposal was approved.

The compost would be used for:

- Fertilizer to grow bulking material for further compost manufacture (using “a waste stream of Sasol Nitro” to help cultivate bulking matter);

- “Land rehabilitation (Sasol mining); Ash dump rehabilitation (Synfuels); Fertilizer for all grass land around Sasol's plants (Sasol Group); and Fertilizer for Sasol's “eco parks”;

- Agricultural Fertilizer “for commercial farmers in Secunda” and “for small farmers in and around Secunda”.

The proposal was given the green light even though several scientists recorded their objections at technical alignment meetings.

In a secret recording of the first such meeting, on 2 August last year, at least two or three people present can be heard objecting to the composting project on the grounds of public safety. One is heard to cite a 1992 research report done for Sasol by Dr Willem Schultheiss of Onderstepoort Veterinary Institute in which hay that was cultivated using Sasol sludge was fed to livestock. The meeting breaks into laughter when the speaker says that the animals died of fluoride poisoning.

(When contacted by *Noseweek*, Schultheiss, no longer at Onderstepoort, said he was unable to comment on the research as he had done it on contract for Sasol. “You will have to ask them about that,” he said. When *Noseweek* put it to him that all the animals had allegedly died, all he would say, was: “Not quite”. Immediately after our call, Schultheiss called his friends at Sasol to warn them that *Noseweek* was on their case. He has reason to be nervous; see his

damning report on *Noseweek's* website.)

Regardless of the concerns expressed, managers at the meeting – identified as Lorraine Rota and Dayanand Rajaram – simply ignored the objectors and moved on to other business.

Noseweek has copies of documents proving that Sasol's top management was aware of the toxicity of the sludge they were proposing to include in the “organic compost”.

Several routine laboratory tests conducted on waste samples collected over several months, both prior to and after the commissioned tests, clearly showed the presence of undesirable but not legally impermissible quantities, as well as dangerous levels of several other toxic elements besides selenium. Sasol's Secunda operation alone produces this hazardous waste or bio-sludge at a rate

of 27 tonnes an hour. This works out to 19,440 tonnes a month requiring disposal – a figure that keeps going up, according to another Sasol researcher's 2007 report.

In that report, Sundika Ragoonandan, a water and environmental technologist attached to Sasol Research & Development, noted; “The estimated annual volume of sludge produced increased drastically from 4,000m³ in 2002 to 65,000m³ in 2006. The latest figure (2007) is estimated at 30,000m³.”

For decades, Sasol has incinerated its waste with a licence issued under the Atmospheric Pollution Prevention Act, No 45 of 1965 – and it was last renewed in 1999 by the Chief Air Pollution Control Officer. Come 2015, Sasol will have to comply with the subsequent, tightened, Act.

Sasol's black ops against Greenpeace

FOR ITS CAMPAIGN AGAINST EMISSIONS of dioxin and other pollutants in Lake Charles, Louisiana (to where it is rumoured, Sasol is planning to move its headquarters), Greenpeace found itself on the receiving end of Sasol's dirty tricks.

In 2010, the environmental activists sued Dow Chemical and Sasol North America for corporate espionage.

Greenpeace had submitted that Sasol's subsidiaries through hirelings – public relations firms, Ketchum and Dezenhall Resources and private security firm Beckett Brown International (BBI) – had “conspired to and did surveil, infiltrate and steal confidential information with the intention of pre-empting, blunting or thwarting” Greenpeace's environmental campaigns.

Their accusations included trespassing on Greenpeace property, infiltrating its offices, meetings and electronic communications under false pretences and/or by force, and by these means, stealing confidential documents, data and trade secrets from Greenpeace.

BBI, a firm composed of former secret service agents and police officers, and the public relations firms expanded their espionage to Green-

peace's office in Washington, DC after infiltrating their Louisiana operations. In DC, for two years, the operatives stole thousands of confidential documents and pursued other methods of intrusion and surveillance against Greenpeace and its staff.

The environmental group only got to know of Sasol's activities in April 2009 when investigative journalist Jim Ridgeway, published a story in the magazine, *Mother Jones*, questioning why a private security firm spied on Greenpeace and other environmental outfits. Finding it initially unbelievable that they had been spied upon and their system hacked into, Greenpeace launched their own investigation and upon being satisfied the report was true, filed the law suit.

However, on September 9, 2011, Judge Rosemary Meyers Collyer, an appointee of George W Bush, dismissed Greenpeace's court action, stating that the environmental organisation's complaint failed to establish a direct connection between the alleged federal criminal acts and any injury Greenpeace could have suffered. She further wrote: “The racketeering counts would be dismissed for failure to state a claim.”



If Sasol, South Africa's worst polluter, is unofficially exempt from complying, it makes a mockery of the law

The licence (see *Noseweek's* website) clearly indicates the permitted concentrations of various hazardous substances, referred to as "particulates", which have to be less than 120mg/Nm³.

But that's not what Sasol has been releasing into the environment – particulates have been way over the limit.

In a 2010 memorandum based on research by Mohapi Moreki, fellow scientists Blanche Ting, Maite Ruth Terblanche and their supervisor, Dr Karl Heinz Riedel, reminded management of the terms of their incineration permit: "The fact that incinerators are approximately 30 years old has given rise to the following concerns:

- "Stack emissions exceed the legally permissible values. The incinerator plant is currently emitting an average of 550mg/Nm³ particulate matter into the atmosphere. This was calculated by averaging out the results of several isokinetic sampling tests. The current permissible limits allow a maximum of 120 mg/Nm³."

- The report pointed out that the new *Air Quality Act No 39 of 2004* which replaced the 1965 law, tightened various loopholes that polluters like Sasol had previously exploited. Ting and Terblanche noted that the new legislation requires an initial reduction in the limit to 50mg/Nm³ to be met within five years, to be further reduced to 10mg/Nm³, to be complied to within three years.

"This situation directly threatens the licence for the Secunda plant to operate," the report said.

- "The effluent from the off-gas wet scrubber is thickened and produces a slurry, namely, Thickener Underflow. Current practice is to route the Thickener Underflow to the process water dams. The practice may be leading to contamination of the environment depending on the quality of the slurry.

- "The incinerator ash is currently being stored temporarily in a 90-day storage area. When a sufficient quantity has built up, it is collected and trucked to the Ash Heaps, where boiler and gasification ash is disposed of. The stored ash poses a health risk in that it creates dust during windy weather conditions, furthermore rain can result in mobilisation of heavy metals into the surrounding environment."

Riedel, Ting and Terblanche's memo said "heavy metal content is low in relation to the compulsory limits for preliminary sludge classification". It was noted that the concentrations of Antimony, Barium, Selenium and Vanadium in the centrifuged sludge are above the recommended limits for preliminary sludge classification.

Incinerating the sludge reduces volumes of waste, they said, and the ash can be used to make bricks. However, it is not only expensive but the ash has the "potential presence of metals, organic pollutants and dioxins in air emissions, residual ash and wastewater emanating from Air Pollution Control devices".

The two scientists concluded, among others, that even though the bio-sludge posed no microbiological hazard, it was "hazardous, due to a high concentration of Selenium"; that "the incinerator ash has a waste risk profile of high hazard due to Arsenic leaching"; and that "the incinerator underflow is hazardous due to Arsenic and Selenium".

If it's well known that Sasol has been in breach of their toxins incineration permit, then why has the Department of Environment Affairs allowed them to continue with their poisonous ways?

Industry experts and several Sasol staff who spoke

to *Noseweek* on condition of anonymity pointed to the fact that Sasol is responsible for between 35%-40% of the country's crude oil needs. Therefore, shutting down incinerators, even for a month, would ground the entire operation and necessitate sourcing the equivalent quantity of crude oil from elsewhere, they said.

In a memorandum sent to their environmental scientists in 2010,

If SA's single worst polluter – and the country's biggest emitter of greenhouse gases (21%) is unofficially exempt from complying, it makes a mockery of the law.

Back to the "organic compost" alternative to incineration: after Prof Claassens dissociated himself and his company from Sola Fidei's proposal, *Noseweek* tracked down the would-be compost-maker, Swartz.

He objected to *Noseweek's* having spoken to Prof Claassens. "You had no right to contact him. He is a member of our team." Asked how Claassens could be part of a team he said he had no knowledge of, Swartz demanded to know how or from whom at Sasol, we had got the copy of the proposal.



He ignored the question of whether his compost manufacturing plant would be based at Sasol's Secunda refinery.

And "How much was the professor paid for his work?" proved such an offensive question that he put the phone down. Soon afterwards, several people called *Noseweek* seeking authentication about the journalist who had been making inquiries about "the Bio-Sludge for organic compost".

The following day, January 29, there was a flurry of activity at Sasol offices (in Johannesburg and Secunda). Candice Odell, assistant technology manager responsible for the environment – the same person to whom Swartz's proposal had been submitted – was the first to go on the defensive, sending out an email, "Important Communication" addressed to key staff involved in the bio-sludge scheme.

She warned them *Noseweek* had been contacting various people "who have knowledge of the EIBH [Environmental Improvement for Bio-sludge Handling] project – specifically with respect to the option where we are looking at composting of bio-sludge."

Odell concluded her email by urging staff to refer all queries from *Noseweek* to herself or Martin Ginster, a specialist at Sasol on water and environment.

Two hours after that, an Alex Anderson sent *Noseweek* an email saying he "handled all things related to media" for Sasol and asked about our deadline.

An hour after sending us the email, Anderson was introducing himself to Sasol staff in an email: "By way of introduction, I'm the Group Media Manager at Group Communication... This particular journalist is resourceful... If you are contacted, you can simply refer them (sic) to myself." He informed the staff that he had contacted *Noseweek* and asked about our deadline.

But that wasn't all, an hour after Anderson's memo, Sharon Mladina, Process Engineering Function Manager at Sasol, was dispatching warnings to the same staff.

She wrote: "We have been notified by Technology Management that some of our employees have been contacted by outside press associations to enquire on some of our projects/technologies.

"Please note, the protocol is to direct these requests to the Corporate Affairs group or the Technology Management functional representative... Not adher-

ing to this and disseminating sensitive information to outside parties is a breach of your employment contract and can have serious repercussions."

A crisis meeting – part of which was held remotely – was called to address *Noseweek's* inquiries – at which it became clear that the management wasn't too concerned about the "organic compost" story. They seemed to believe *Noseweek* was fishing around for information on even more damaging matters – presumed to be Sasol's toxic emissions and the rumoured proposed move of Sasol's headquarters from Joburg to Louisiana in the US.

It was subsequently decided that security of confidential information would be heightened and a communiqué was to be prepared for Anderson to send *Noseweek* to make us appreciate all the "great things" Sasol has done for the country.

Too late; *Noseweek* already had all the proof it needed outlining the various environmental violations. Calls to their scientists were simply to ask for comment on what we already knew they have been up to.

When Anderson's prepared reaction came, it read quite well: "The report compiled by Sola Fidei on a Sasol Synfuels Sludge Composting evaluation currently in your possession is a proposal only and not the technical report, and is on only one part of a project that is currently in the pre-feasibility stage to establish the viability (technical, commercial and legal) of composting bio-sludge.

"It is important to note that this is a draft report and the final technical report, containing a full-spectrum analysis and updated proposal issued by Sola Fidei, contains significantly more information.

"Sasol's relationship with Sola Fidei is through Sasol's enterprise development division that focuses on supporting entrepreneurs in the chemical and related industries, while promoting development of new technologies.

"Sola Fidei was subject to various internal evaluation and governance processes before being selected as the suitable vendor for this phase of the project," said Anderson.

Back to the officially approved proposal that Anderson decided to claim was a draft, the only toxin the experts seemed prepared to identify was Seleni-

A crisis meeting was called to address Noseweek's inquiries, at which it became clear that management believed the questions were a fishing expedition on more serious matters

um (whose concentration – at between 180-400mg/kg – ludicrously exceeds the permitted 15mg/kg). To reduce the levels of Selenium, the project's proposers recommend using more bulking matter.

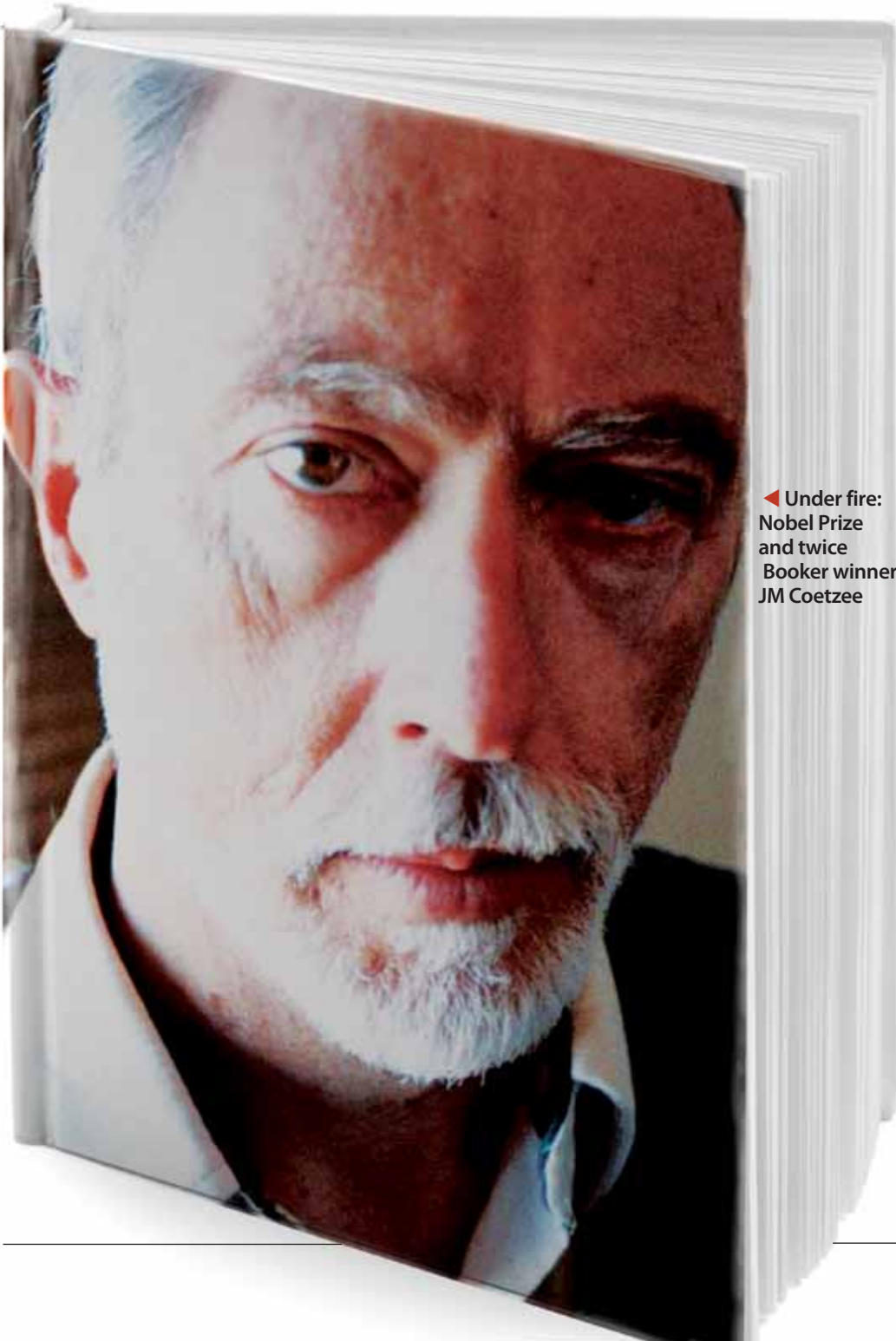
But the amount required to dilute the mixture sufficiently would be massive – and that's without factoring in all the other toxins, including deadly uranium, mercury and fluoride.

Sola Fidei didn't have to bother about what it did not know about, so their solution was to get Sasol to allocate them "a minimum" of 3,000 hectares of local Sasol land for their bulking materials – land leased to commercial farmers who, Swartz proposed, be given two-years' notice, after which they would hand it over to "Bio-Tech Farming, an affiliate of SFM (Sola)" to plant and grow the bulking material.

What may not have been made clear in the proposal is the fact that this Bio Tech Farming company is not just an affiliate of Sola It's another briefcase company, Bio-Tech Farming Solution (Pty) Ltd registered last year, shortly before the proposal was sent to Sasol.

Bio-Tech lists Swartz as its sole director and its business address, the same as that listed for Swartz and Sola. ■

UCT prof throws the book at JM Coetzee



◀ Under fire:
Nobel Prize
and twice
Booker winner
JM Coetzee



Novelist and academic Imraan Coovadia (above), has attacked the 'religious awe' that surrounds the South African Nobel Prize winner



THE UNIVERSITY OF CAPE Town’s academic dovecote has been set a-flutter over a scathing attack on Nobel Prize novelist J M Coetzee by one of his former colleagues at the university.

Imraan Coovadia, associate professor in UCT’s Department of English Language and Literature, and also a successful author (Sunday Times Fiction Prize), has triggered a fierce debate and caused much embarrassment at the university by publishing an essay that questions many aspects of Coetzee’s life and work, including his decision to leave the country.

The focus of the controversy has been Coovadia’s barely-veiled accusations that Coetzee fled South Africa because he is afraid of blacks, that he isn’t always the great writer he’s invariably cracked up to be and that Coetzee’s admirers have turned worship of him into a “religion” that has effectively stultified literary criticism in South Africa.

The essay, *Coetzee in (and out of) Cape Town*, was first published in an electronic journal from the Philippines, *Kritika Kultura*, then reprinted in a recent collection of Coovadia’s essays, titled *Transformations*. In it, Coovadia paints a picture of a self-mythologising racist, who retreats behind a forbidding pair of initials, is known for his cryptic communications and his silence – and a man who

owed South Africa more. The impression created in the article is that by emigrating to Australia (Coetzee left for Adelaide in 2002, a year before being awarded the Nobel Prize for Literature), he did what any number of white South Africans afraid of the new black South Africa have done over the past 25 years.

Discussing the range of “theories” on Coetzee’s reasons for emigrating, Coovadia wrote that “none of these theories make him come out well”. He also slated Coetzee’s determined mysteriousness about his decision to leave – and his banal reason for choosing Australia: “I was attracted by the free and generous spirit **To page 16**



IMRAAN COOVADIA (RIGHT) IS A WRITER AND DIRECTOR of UCT’s creative writing programme. His most recent novel is *The Institute for Taxi Poetry* (2012) and a collection of essays, *Transformations* (2012). In 2010 his novel *High Low In-between* won the Sunday Times Fiction Prize and the University of Johannesburg prize.

He has published a scholarly monograph with Palgrave, *Authority and Authorship in V.S. Naipaul* (2009), and two earlier novels. His fiction has been published in several countries and he has written for many publications here and overseas.

His research interests include eighteenth and nineteenth century English and American literature, and contemporary fiction.

On grumbles, God and going

IN HIS CONTROVERSIAL ESSAY COOVADIA explained why Coetzee's move from Cape Town to Adelaide – “an undistinguished provincial capital in southern Australia, with a population of a million-and-a-quarter” – had an “unsettling” effect on South Africa.

“Why Adelaide?” he asked. “London had long been the first stop for well-heeled expatriates. The Committee on Social Thought at the University of Chicago was the place Coetzee called his intellectual home, in a slight to the University of Cape Town... Coetzee's dreams of retirement... had once included building a house and living out his days in the Karoo... Australia, on the other hand, is popular for a certain class of emigrant from South Africa with certain expectations. Australia also has beaches and sunshine and is blessed with the English language. The test to which Coetzee puts many of his protagonists, an encounter with importuning brown and black outsiders, is far more difficult to pose in more homogeneous and secure Australia.”

“To choose Australia, for many white émigrés, is to reject South Africa, without making any further decision about culture or language, maintaining oneself in a kind of white familiarity.”

Coovadia described Coetzee as a man who “provokes grumbling... and equal measures of fondness and bewilderment, directed as if against an intermittently attentive patriarch.”

“Those close enough to him to talk, but not close enough to be loyal... offer the same round of complaints: his manners at a dinner party where he keeps completely silent, his controlling habits as a holiday companion, his treatment of women, and his ...painful but suppressed experience as a parent.”

One critic in Cape Town, said Coovadia, identifies Coetzee's “ferocious determination as a self-canoniser”: “The young writer (Coetzee) wanted to insert his own name onto the bookshelves beside Conrad and Dostoevsky...”

Sarcastically describing Coetzee as a man who, “like T S Eliot, transcends the mere test of reading,” Coovadia continued: “In the series of narratives and non-narratives and fictional memoirs since *Disgrace*, one senses that the almost unbroken critical reception is that given to a master and to the successive instalments of a new testament, rather

than to any particular book which might stand or even fail on its merits. Coetzee has become a religion rather than a source of literary experience.”

Coovadia says Coetzee is remembered in UCT's English Department “for having made everybody depressed, as I was told on the day of my arrival”. Equally cutting is his anecdote of how, in 1973, although outside the US “and entirely obscure”, Coetzee was singled out for scorn in the *New York Times* for his “preposterous computer-driven study of the frequency of short and long words and phrases in Beckett's literary language”.

“Two years later, the small amount of federal funding which assisted his graduate research won a Golden Fleece Award, a prize created by a Wisconsin senator to expose the most flagrant misuses of the public purse.”

Coovadia also referred to “the almost non-existent” relationship between Coetzee and fellow Nobel Prize winner Nadine Gordimer who, “Jewish and secular, even turned down the Jerusalem Prize, in accordance with left-wing orthodoxy she has shown throughout her career and which counts in her favour as the sign of love for a cause. When the same prize was offered to him on Gordimer's refusal, Coetzee turned up in Jerusalem in 1987 to collect, lending his moral probity to the Israeli occupation.”

Coovadia recalled how, on the publication of *Disgrace*, Gordimer pointed out that its author showed more sympathy for dead dogs than for humans.

In his more recent novels, there are almost no situations “new to Coetzee's prose and almost no tonal range. There is unwanted desire and then there is only shame... This Coetzeean shame, a tacit claim of moral authority, is as far past its due date as Flora Finch's flirtatiousness in *Little Dorrit*...”

Concluded Coovadia: “In the end it wasn't enough to leave the new South Africa as Saul Bellow left Chicago behind or Tolstoy fled to the train station or Shakespeare left London, for reasons which are identifiably human. There had to be a mystery to Coetzee's departure and within the mystery an absence, and with the absence a problem of epistemology, as if Churchill's description of Stalinist Russia as “a riddle wrapped in a mystery inside an enigma,” were a principle to speak and live by, instead of a place you would rather avoid.” ■

**STILL WORRIED
ABOUT WHITE
WINE AND BEEF?
DON'T WORRY,
TALL HORSE
CHARDONNAY
LOVES STEAK
JUST AS MUCH
AS YOU DO.**



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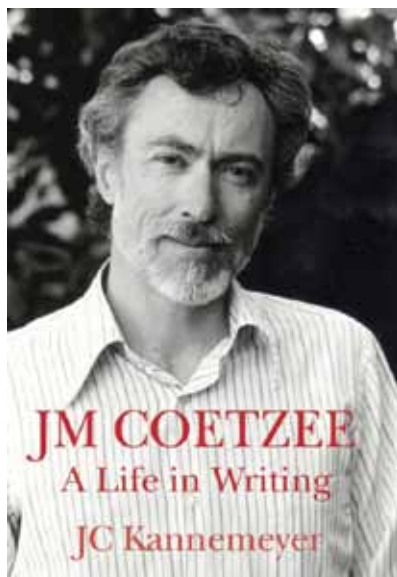
from page 14 of the people, by the beauty of the land itself...” – presumably in contrast to the author’s feelings about South Africa.

“Supposedly Coetzee, an ardent cyclist, couldn’t cycle any more in Cape Town because it had become too unsafe.

“Supposedly he wanted better medical care than was available in South Africa. Supposedly he had been offended by the government’s criticism of *Disgrace*, a novel in which a white woman is raped by three black attackers and then prepares to marry one. It was true that the (Mbeki) government and others criticised the racial stereotyping in *Disgrace*, not to say the suggestion that guilty white South Africans offer their daughters to be raped as part of their historical redemption. But it is a tender conscience that can survive racial tyranny, censorship and near civil war, only to succumb to Thabo Mbeki’s literary criticism.

“As Coetzee’s partner, Dorothy Driver, who joined him in emigrating, has been known to say: ‘John and I are too tender for this country.’”

Digging the knife in further, in December, Coovadia wrote a scathing review in the *Mail & Guardian* of the late Stellenbosch academic John



Kannemeyer’s biography on Coetzee, describing the book as badly written, starstruck, sycophantic and made up of “whitewashed facts”.

“The fact that Coetzee’s career coincides with the high point of dispossession and subordination of tens of millions of human beings is visible only on the perimeter of this biography,” Coovadia wrote.

“In Kannemeyer’s account, apart-

heid is brought home to Coetzee at the university when the students are forbidden to join a march on De Waal Drive. And before that? Did he never see a sign on a beach? Did he never pass a segregated bus stop or see the handcuffed men in the back of a Black Maria?”

Coovadia also lamented in the review that, while Coetzee’s “moving and turbulent fiction” might have been the most interesting in the world between 1981 and 1999, “...since his emigration, his subsequent works, in my judgment at any rate, have not even been the most interesting in a given week”.

Why, for 50 years, while millions of South Africans had no freedom at all, did Coetzee yearn to “take his freedom from South Africa,” he asked.

Coovadia also suggested that Coetzee had failed to engage in transforming UCT’s Department of English Language and Literature, which he left in 1999.

Finally: “By writing *Disgrace*, which assigns the role of the newly oppressed to the former oppressor, and by choosing Adelaide over Cape Town, John Coetzee did as much, and in my view, much more to undermine the morale of white South Africans trying to find an accommodation with the majority than he ever did to undermine their pre-1994 oligarchy...”

Interviewed by *Nosweek* in his Oranjezicht home, Coovadia said the article – “not written as a strictly academic piece” – arose from his trying to make sense of “a series of impressions, thoughts and feelings I had about Coetzee”.

“There has been something absent in the last few works of Coetzee since *Disgrace* in 1999 – and yet his works have been greeted as if they were new gospels,” said Coovadia.

“Since then, I have felt like an atheist at a church festival and that is what I was trying to reckon with.”

Coovadia’s article drew outrage from upstairs in the Humanities block – from Ian Glenn, head of Film and Media Studies, who went to Coetzee’s defence in a piece published on the website Litnet.

Glenn began by claiming that Coovadia had “done himself no favours” by having his work published by “an obscure Philippine

And the winner is...

“BY 2010, AT LEAST ONE OF COETZEE’S Australian ‘hosts’ that he had found to be so ‘free and generous in spirit’ had tired somewhat of his presence,” said Coovadia in his essay.

“Australian novelist David Foster who won the Patrick White Award for Lifetime Achievement, had used the prize-giving occasion to ask: ‘What Patrick would have said of an individual who, having received the Nobel Prize and two Booker Prizes, to a value of around \$1.5 million, and who, so far from setting anything aside for the benefit of his less illustrious colleagues, continues to put his hand up for every literary prize on offer? Well, some people got no class.’

“Foster even suggested Coetzee had

put his work up for so obscure a prize as the Randwick City Council Award for Literature. Foster’s accusation was so bizarre and colourfully worded ...that I checked. Randwick Council, a local government unit in the east of Sydney, reported the entry of ‘more than 100 works of fiction...’

“Shortlisted for the \$10,000 prize were: *Siddon Rock*, by Glenda Guest, *The Household Guide to Dying* by Debra Adelaide, *Parrot and Olivier in America*, by Peter Carey, and *Summertime* by J M Coetzee, which had been shortlisted for the Booker and named best Australian novel of the year at the New South Wales Premier’s Literary Awards. Carey had won the inaugural Randwick Award.”

journal which does not seem to have sub-editors.” He went on to accuse Coovadia of “cheap irony”, and being out to “make mischief and wound” Coetzee.

Coovadia responded on Facebook, describing Glenn as a “minor myth-maker”, who is “famously territorial as the main source of (sometimes unflattering) stories about Coetzee”.

That triggered an increasingly scurrilous Facebook exchange which included speculation about who at UCT might have been the model for the protagonist in *Disgrace*, the fictional twice-divorced David Lurie, who has been fired from his position as an academic for sexual misconduct with a student.

The public row between Coovadia and Glenn was dubbed by an academic from one of UCT’s more dignified departments as “the battle of the creeps”.

Interviewed by *Noseweek*, Glenn labelled Coovadia’s pieces hostile and full of “unattributed sources” and rumour-mongering. He contradicted a number of the points and anecdotes, saying Coovadia was “spectacularly wrong about the claim that Coetzee was alarmed by ANC violence.

“What I find unacceptable is that he simply manufactures evidence and relays unverified gossip, I assume. I also don’t think it is good company policy to piss in the soup,” Glenn told *Noseweek*.

“As for the David Lurie speculation, I would join a long list of people seen as the original. I wish I could feel flattered but if you are seriously interested in my views on Lurie, let me direct you to what I have written (see *Gone for Good* and a piece on the film version of the novel) where I point out who the ‘real’ David Lurie is...”

But Coovadia does not regret a thing: “It is good for the debate around literature and culture. I get a jolt out of the endless series of non-explanations Coetzee gives about his emigration and how impossible it is to explain.

“I believe Coetzee’s strength as a writer is connected with some of his weaknesses. In fiction, he has the strength of not offering obvious solutions or suggestions and rather posing things in complicated but interesting ways... but in life that’s actually a defi-



Victoria Square Fountain in JM Coetzee’s adopted home, Adelaide, South Australia

cit. He knows quite well... and could have imagined the effect [his emigration] would have had on the country and I find the application of the same method of evasion and circuitousness... very unsatisfying.”

He added: “South Africa is a country which sets you back to first principles all the time, about money, property and privilege. It doesn’t necessarily teach you to be a saint, but it means that

if you want to live here properly you need to rethink your existence quite often, or at least be aware of it in ways you don’t have to in other countries.

“Coetzee’s real genius is how to kind of live on in our heads as a kind of absent father and maybe this is what a truly great writer does. He has this ability to possess us from afar – and not for very good reasons. In a weird way, it has allowed him to possess large parts of our literary culture,” said Coovadia.

So, was it anger towards Coetzee that prompted his article?

“I don’t know if I am pissed off with him. I am more interested in the reactions to him and around him than in Coetzee himself. But I do think he could have afforded us more loyalty, more attachment. I don’t think it would have been hard for him to offer the country more love than he did.”

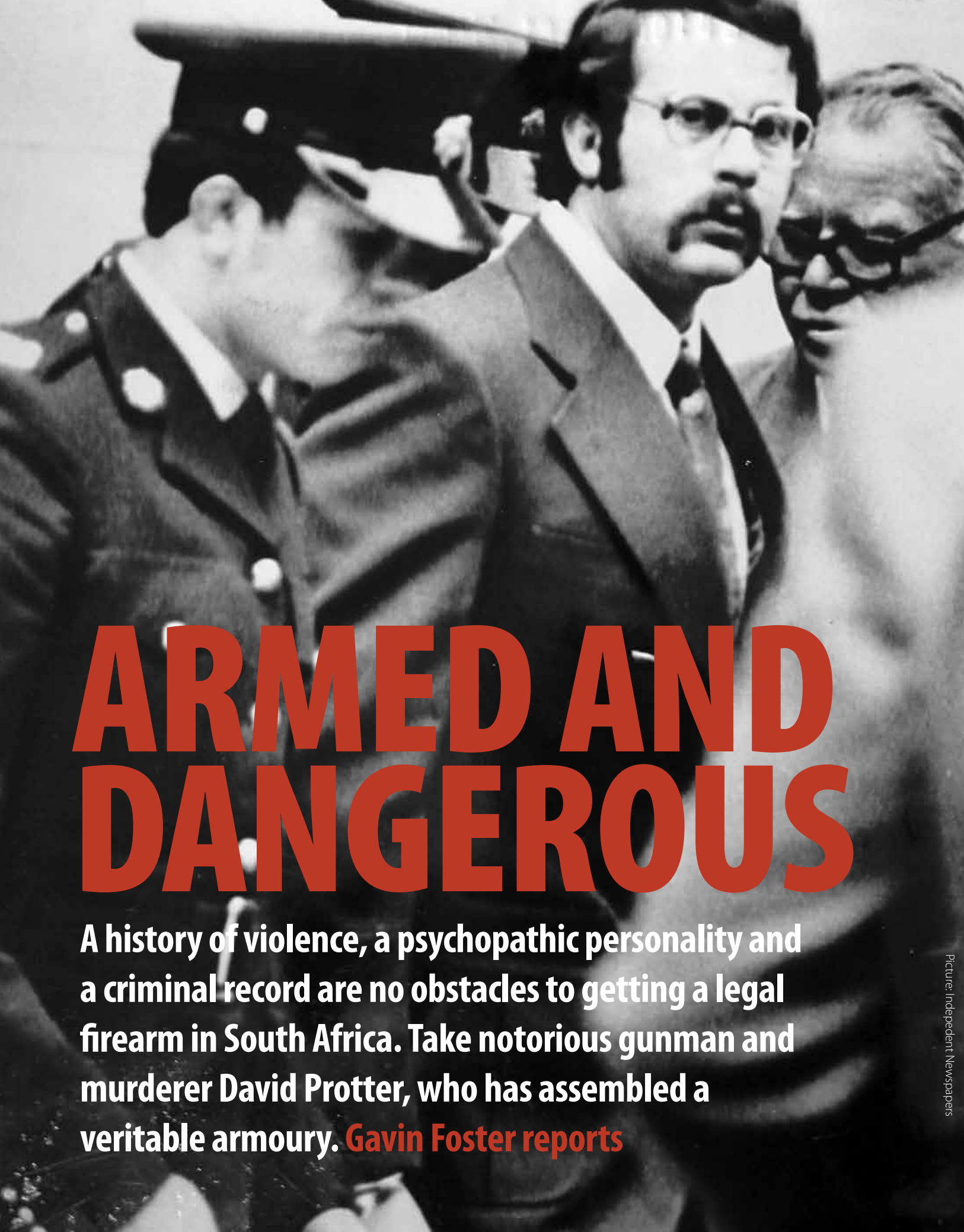
Does Coovadia love South Africa? “Parts of it, nobody loves it unreservedly. You can care for parts of it and want to prosper and maybe want to die here, which Coetzee clearly doesn’t.”

Does Coovadia want to die here?

“Yes, but not right away.”

Noseweek attempted to contact Coetzee by email at Adelaide University but had no response. ■

I get a jolt out
of the endless
series of
non-explanations
Coetzee gives about
his emigration



ARMED AND DANGEROUS

A history of violence, a psychopathic personality and a criminal record are no obstacles to getting a legal firearm in South Africa. Take notorious gunman and murderer David Protter, who has assembled a veritable armoury. **Gavin Foster reports**

AFTER THE FOX STREET siege that rocked South Africa in 1975, psychopathic murderer and kidnapper David Protter was sentenced to 59 years in jail. But he served only 15 years and today is back, wielding his power as “the colonel” in charge of his own security firm – with an arsenal of weapons at his disposal.

When it comes to getting his hands on firearms, Protter is tenacious. In his book, *The Silent War – South African Recce Operations 1969-1994* author Peter Stiff tells how, when Protter got a job as a security guard at the Israeli Consulate, he was issued with a .22 Beretta on a consular licence. That wasn't quite what he'd had in mind, so he demanded something bigger – a .45 Colt.

The consulate agreed on condition he acquired a South African firearm licence for the weapon. Protter took the gun on a temporary permit while he waited for his application to be processed. His licence was refused – a rare occurrence for a white male in 1974 – but Protter kept the weapon as well as the Beretta and nobody followed up on it. When he took the entire consulate hostage on Monday 29 April 1975 it was with these two weapons, as well as two fully automatic 9mm Uzis that he later used to machine-gun pedestrians in Fox Street, resulting in the wounding of 45 civilians. By then he'd shot at close range and killed the consulate's chief of security.

At his trial Protter was found to be a clinically certifiable psychopath, and the diminished responsibility attributed to his mental condition was all that saved him from the gallows. Instead he was sentenced to a total of 59 years' imprisonment on one count of murder, 45 of attempted murder, 18 kidnappings and three offences under the Arms and Ammunition Act. Most of the sentences were to run concurrently, so he was expected to serve an effective 25 years.

He was also declared unfit to possess firearms, though nobody seriously expected he would ever be in a position



Facing page: David Protter arrives at court under police escort, following his involvement in the Fox Street siege

Left: Staff outside Protter's security company offices in Tzaneen

to apply for any. His brother, Charles, who played a small role in the siege, was jailed for five years, half of which was suspended.

A 59-year sentence isn't always what it seems, though. Protter was unexpectedly released after 15 years, thanks to good conduct and a State President's 12-month remission of sentence for first time offenders.

Fast forward to 1999, when Protter's application for a Walther 9mm Parabellum pistol licence was rejected. He ap-

pealed the ruling and somebody in authority either didn't do their homework, or strings were pulled, because his declaration of unfitness was reversed and the licence was issued in February 2000. On 24 January 2001 he was granted two more licences, for a 7.65mm CZ pistol and a Protecta 12-gauge shotgun. He still has those today, along with any weapons licensed to the various security companies he's registered.

Noseweek approached Martin Hood, a lawyer specialising in firearm law, to ask how a man with such a history could possibly be considered fit to own firearms.

“Under the old act that was in force at the time, there was no provision for competency certificates and the police were allowed much more discretion than they are under the 2004 legislation,” says Hood. “He should not have got a licence if anybody had done their job properly but unfortunately it wasn't then legislated that there were minimum requirements. It was purely at the discretion of the police and if you knew the right people you could get a licence.

“It would be a lot more difficult today because the new act has very specific conditions that must be complied with before a competency certificate can be issued. The regulations clearly provide



Protter was declared unfit to possess firearms, though nobody seriously expected he would ever be in a position to apply for any

that, where a person applies for a competency certificate, if they have certain categories of criminal conviction, or if certain key indicators exist, such as mental instability or an inclination towards violence or drug abuse, the police must conduct a proper enquiry, including the use of medical professionals to determine whether that person is fit to be granted a competency certificate.

“Unless a person has been pardoned for a murder or other serious offence involving a period of imprisonment without the option of a fine, in my view that person should not be granted a competency certificate or a firearm licence without a thorough background check.”

Hood said that in the US such a conviction would automatically disqualify a person from owning a firearm.

DAVID PROTTER METICULOUSLY PLANNED and executed his invasion of the Israeli Consulate on the 5th floor of Hershleigh Building in Fox Street. As a low-level security guard who regarded himself as a superbly gifted security operative, he complained repeatedly, first to his local superiors and then to their head office in Israel, about what he perceived to be lax security in the Johannesburg office.

When his complaints were ignored, he set up an unauthorised security exercise to prove his point. On the evening of Sunday 28 April 1975 Protter, wearing camouflage clothing, gained control of the consulate by tying up the duty officer and locking him in the strongroom. The next morning he instructed his brother in the foyer to allow only two of the consulate staff to enter at a time, so he could overwhelm them. The reason, he said, was that he had orders from Jerusalem to search the staff and catch a suspected spy.

The consulate’s head of security, Major Giora Raviv resisted, so Protter killed him. He later claimed to have fired in self-defence but this was dis-



David ‘The Colonel’ Protter rides the range

regarded because the Israeli was shot once in the back and twice in the chest at close range. At the trial the senior state pathologist said evidence suggested the first shot had been fired into the man’s back at a range of less than a centimetre.

Having cowed the staff, Protter made them crawl across the floor at gunpoint to have a good look at Raviv’s body to dissuade any of them from trying to escape or fight back.

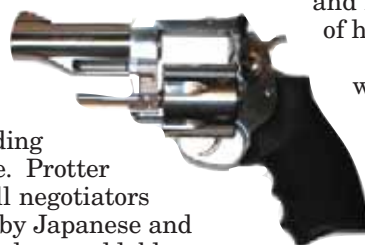
After the sounds of shooting were reported the authorities got involved, with police and the military surrounding the building in force. Protter made his hostages tell negotiators they were being held by Japanese and Lebanese terrorists who would blow the building up if there were any attempted rescue – he showed them a fake bomb to support his story.

Tension mounted, and at midday Protter started machine-gunning the shoppers below with an Uzi. Dozens were wounded, many seriously.

At Johannesburg General Hospital victims were laid out first on trolleys, then on the floor as numbers mounted. Had Protter got his hands on an assault rifle rather than a sub-machine-gun firing pistol ammunition, there would have been many more deaths, and victims’ wounds would have been much more severe.

Protter eventually surrendered early on Tuesday morning.

PROTTER WAS OBSESSED WITH BEING A security expert. He tried to join the precursors to the South African army’s Recces, the Hunter Group, and was eliminated early in the selection process. He attempted to join the police reserve and was rejected because he was mentally unstable. He went to Israel and tried to become a paratrooper. After he was rejected on the same grounds he took to wearing an officer’s uniform around town and regaling people with tales of his heroism.



When the Yom Kippur war broke out in 1973 Protter, back in Johannesburg, disappeared for two weeks before resurfacing with a bandaged shoulder and blood-stained tunic, saying he’d been

wounded in action.

A later medical examination found no evidence of this, and his mother was reportedly convinced he’d never left South Africa.

Despite his rejections, Protter made grandiose claims of having served in and been a key part of all the military and police structures that had turned him down.

Protter bought a 900cc Kawasaki motorcycle and decked it out with lights, sirens, two-way radios, fire extinguishers and a rope ladder and, wearing a military-style uniform, prowled the streets of Hillbrow in 1974 as a self-proclaimed Crisis Squad.

What he got up to at this time no-



body really knows. Then he got a job at the Israeli Consulate in Fox Street.

During his trial Protter was sent for psychiatric evaluation. Evidence was led that he had been a lifelong bully, and even his parents, whom he'd told that he'd killed and would kill again, were afraid of him. He frightened his mother by throwing a knife into the ground near her foot, and rode straight at her on his motorcycle, swerving only at the last moment.

Dr Max Feldman, who had known Protter for eight years, said Protter was a seriously disturbed personality whose psychopathic tendencies had been suppressed for many years, eventually coming out in the Fox Street incident. In his opinion, Protter was a psychopath before he reached the age of 18.

After hearing the evidence flowing from Protter's 28 days' mental observation, the judge agreed.

IF DAVID PROTTER HAD MOVED TO Tzaneen in 1974, the Fox Street siege may never have happened, because the town where he now lives has given him all he ever wanted – he's revered by many of the locals because of the way he's cleaned up the district.

On 20 July 2003 he appeared on *Carte Blanche* in a feel-good story about the ex-convict who runs a crisis care centre, offers security for cash deliveries to-and-from banks and provides an armed-response service for homeowners.

He told interviewer Devi Sankaree that he had been decertified as a psychopath by the Supreme Court, and regurgitated the absurd story that he had merely followed the orders of "an Israeli general" when he carried out his "security exercise".

The court hadn't believed him, but Sankaree apparently did.

Protter now patrols Tzaneen on a BMW 1200cc motorcycle festooned with lights, sirens, two-way radios, first-aid kits and, most likely, a rope ladder. He carries weapons openly and wears a red beret and a paramilitary uniform dripping with insignia. On his epaulettes are flashy arrays of brass signifying an officer of high rank, and his vehicles look very official, with lights and badges galore.

Some locals call him Rambo, but his

Community Crisis Centre website refers to its director as "Colonel" Dave Protter.

The Tzaneen community newspaper, *Look Local*, ran a story in July saying that the town's inhabitants want Protter to be declared "Honorary Sheriff" because of his good work. He's chairman of the local community policing forum and is "very often first

on the scene at a traffic accident, a farm attack, a forest fire or a home injury".

Three months later the same newspaper ran an appeal for businesses to contribute to a fund to support their honorary sheriff in his efforts, among others, to clear up the local drug dealers whom the police seemed unable to get off the streets. ■

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Trained dogs tear endangered leopards to pieces – for sport

Legal loophole allows well-heeled clients to dodge preservation laws and pay R120,000 a pop to hunt with hounds

IT'S NOT JUST ILLEGAL POACHERS WHO ARE decimating our rare and treasured wildlife. Look no further than Neill Gellman, a semi-retired lawyer from Germiston, who is presumably not making enough money in these depressed economic times, so a man's gotta do what man's gotta do to make ends meet.

According to his advert on Facebook, Gellman spent all his school holidays on a large farm in the Baviaanskloof, in the Eastern Cape where, assisted by dogs, he shot his first leopard at the age of 15. Children were desensitised at an early age in those macho times when, he claims, the government of the day paid farmers £20 per leopard shot and £10 for each rooi-kat. Jackal came cheaper, at £5 each.

This led to leopard being hunted almost to extinction and accorded Appendix 1 status (Most endangered species) by the International Convention on International Trade in Endangered Species (CITES). The Cape Leopard has also made the TOPS (Threatened or Protected Species) listing.

According to one report, more than a million animals are sport-hunted in South Africa every year – more being shot in the Eastern Cape's Baviaanskloof Mega Reserve and World Heritage Site than in any other province.

Research undertaken by the Landmark Foundation indicates that there are only about 35 territorial leopards remaining in and around about 350,000 hectares of the greater Baviaanskloof/Groendal and Stinkhoutberg conservation areas. Hunting them is unlawful, decidedly barbaric and ecologically ruinous.

The CITES listing deprived farmers of this blood sport and handy source

of income. However, with lawyers not lacking in creativity when it comes to exploiting loopholes, Gellman has found a way to beat the system and relive the good old days of his childhood.

His internet advert, which markets cut-price leopard hunting with dogs, concedes that shooting a leopard is prohibited – unless you can prove it is a problem animal, that it has killed sheep, goats or calves. Should the latter be “proven” by a farmer, he can get a permit. He does not have to shoot the leopard himself but can designate the job to somebody else, provided the hunter is a South African citizen or permanent resident.

And – this is where the devil is in the detail – it is not very difficult to “prove” that a leopard is responsible for the killing of a farm animal, especially if the farmer could not be bothered to kraal his animals at night or make use of additional methods of animal husbandry. These include using Anatolian Shepherd dogs and alpacas, available technological aids as well as employing shepherds – methods used with success by several farmers locally and in Namibia.

The ruling that the hunter has to be a South African citizen is also easy to circumvent. After all, who is there to check who actually shoots the animal?

The reality is that one dead leopard is apparently worth more than 300 live sheep. With offers of up to R250,000 per animal for the commercial hunt of leopards by foreign hunters, local landowners have inundated regional conservation authorities with requests for “destruction permits” of so-called problem leopards.

The Eastern Cape provincial authorities appear more than willing to



oblige. They not only have internal policies that condone the commercial trophy hunting of a damage-causing leopard in order for the farmers to recoup their losses, but appear willing to issue such permits *a poste priori* (after the deed.)

No prizes for guessing that all the



Spot the animals: (left) picture proudly posted on biggamehoundsmen.com, an international website dedicated to hunting with dogs, by a contributor who goes by the handle "African" from Limpopo; and (below) hound with recently killed leopard



Cape leopards are in danger of being classified as problem animals. Gellman admits as much in his advert when he says: "Your permit to shoot the leopard does not necessarily mean that you have to shoot the leopard that killed the sheep, or whatever. In practice this means you can shoot any leopard you

come across on the farm."

A clever – if unethical – marketer, he adds a further unique selling proposition: "the exhilarating experience of hunting with a trained pack of dogs supervised by a Coloured dog handler who is also a very experienced hunter".

Gellman's added incentive is that

his hunts in the Baviaanskloof come much cheaper than the going-rate elsewhere: R120,000 per leopard (as opposed to approximately R144,000). And he guarantees no kill, no pay.

Gellman enthuses, "as a result of the prohibition on leopard hunting, the area is now teeming with leopards".

Killing a rooikat (caracal) will set you back a mere R3,000. And, for the sake of convenience, he says, there are also taxidermists in nearby Humansdorp, should you require their services.

This is all in contravention of TOPS regulations which clearly specify that the management of a leopard hunt has to be done by the department/managers of a protected area or a person other than a hunting client. Dogs may only be used to flush out, not hunt.

There have been several instances of the system being circumvented.

A 2010 report in Port Elizabeth's *The Herald* newspaper describes a leopard attack on a farmworker on a citrus farm in the Hankey area.

He was said to have been out hunting caracal with a pack of dogs. While the dogs were flushing out a caracal from a bush, he says, a leopard jumped out and attacked him. He claims his life would have been lost had the leopard not been shot by a hunter who had accompanied him.

To this, Dr Bool Smuts, director of the leopard advocacy group Landmark Foundation, responded: "The foundation has been conducting studies in the greater Baviaanspoort area since 2004. From what we know, three leopards have been killed on this farm over a two-month period. We suspect illegal hunting is taking place there."

Smuts said he believed that the leopard was being hunted and had attacked the dogs in self-defence. "It is highly improbable that a leopard would have attacked them if it had not been provoked," he said. "I suspect they were tracking the leopard when it ran into the bush for cover."

Smuts stressed that a leopard would only attack if threatened. "I am certain this animal acted in self-defence," he said.

Police spokesperson Warrant Officer Marianette Olivier said an animal attack had not been reported to the police, while a senior nature conservation official said an investigation was under way. ■



Can we trust our nuclear watchdog?

The immediate cause of the disaster at Fukushima may have been a natural one, but the official report to Japan's parliament says the ultimate culprit was weak regulation – a lesson South Africa cannot afford to ignore

IN APRIL LAST YEAR, THEN HEAD OF South Africa's National Nuclear Regulator (NNR), Advocate Boyce Mkhize, described his organisation as "mickey mouse". Addressing Parliament's Portfolio Committee on Energy, he warned that the safety of the country would be at risk unless the NNR, the body tasked with protecting us from the errors, oversights and misdeeds of the nuclear energy industry, were given a much bigger budget.

Before the year ended, and months shy of his full contract, Mkhize resigned to pursue "private business interests" outside the nuclear sphere. He has failed to return calls from *Noseweek*, so we cannot be certain that his departure was directly related to the cartoonish character of our nuclear watchmouse.

But Mkhize is known as a chap of some ability and ambition, so hardly the kind to stick it out in a thankless, dead-end job without the power or money to fulfil his mission. And the NNR's mission is a tough one, more suited to a Mighty than a Mickey if we're talking mice.

According to the NNR Act, the regulator bears ultimate responsibility for "the protection of persons (the public and workers), property and the environment against nuclear damage". And that doesn't mean just making sure Koeberg doesn't blow up.

The NNR is responsible for policing the entire nuclear chain, from the mining of uranium to the storage of the radioactive waste. It is also supposed to regulate the emission of radioactive pollution from non-nuclear sources like gold mines.

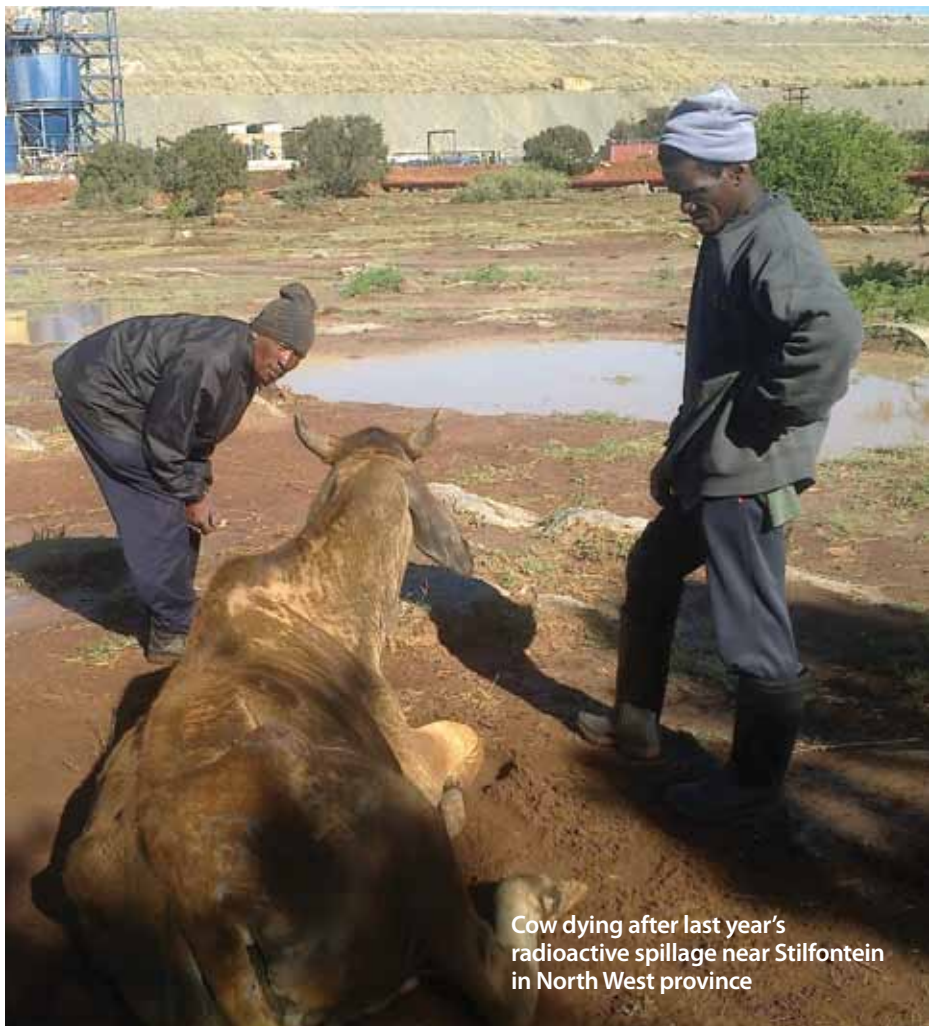
A huge and highly technical business,

it's a big ask for a body that gets just over R30m from the Treasury – and the rest of its modest annual income of R125m-odd "for services rendered" to the very companies it is supposed to be monitoring: the owners and operators

of nuclear sites and activities.

(Although, all the pleas of poverty did not stop the regulator from spending R79m buying its head office last year.)

The funding model isn't the only string to which the supposedly inde-



Cow dying after last year's radioactive spillage near Stilfontein in North West province

pendent NNR is attached. It is also answerable to the Department of Energy (DOE) which prides itself on its enthusiasm for all things atomic.

Add to this a culture of secrecy and a disdain for public opinion, and you have a recipe for disaster. Ask Japan.

One outsider who knows better than most how the NNR works is respected environmental justice activist Mariette Liefferink of the Federation for a Sustainable Environment.

Liefferink served as civil society representative on the board of the regulator from December 2009 until last April, when she resigned in frustration and despair. Every attempt she had made to raise issues of public concern – from the contamination of workers at the Koeberg Nuclear Power Station to the contamination of whole communities and landscapes on the West Rand – went down like a heavy metal balloon and sank without a trace into the plush carpeting of the NNR boardroom.

“All they wanted to talk about was HR and corporate governance, not the plight of people living on radioactive land,” she says.

Liefferink’s frequent appearances in the media and her NGO work, which is by its nature critical of the nuclear industry, were regarded as acts of disloyalty by her NNR colleagues.

They appear to have become increasingly paranoid. “Even as a member of the board, I was asked to submit a Paia (Public Access to Information Application) when I wanted information about the regulator’s operations.”

One only has to read between the lines of Liefferink’s emails to her colleagues to understand what pressure the unfailingly diplomatic, but unflinching activist was under.

“I was very uncomfortable in that situation. I was perplexed about what my role was supposed to be. In the end I decided I could achieve more outside that particular forum,” she says tactfully.

As if to illustrate that point, Liefferink’s Federation for Sustainable Environment has since laid charges against the NNR, the DOE, Anglo Ashanti Gold and its subsidiary, Mine Waste Solutions for failing to stop the ongoing spillages and leaks of radioactive waste into the Wonderfontein-spruit catchment area.

As Liefferink says, if the regulator can’t control the release of low-level ra-

The sound of silence

AMONG THE VALUES ESPOUSED BY THE National Nuclear Regulator in its corporate communications, along with “Professionalism, Integrity, Excellence, Valuing our People and Teamwork”, is “Openness and Transparency”. Are they having a laugh?

If a board member like Mariette Liefferink had trouble getting information from the NNR, imagine how hard it is for members of the public and the press.

Since 2005, Earthlife Africa and the South African History Archive have been pressuring the NNR to provide a full record of accidents and incidents at nuclear facilities, as it is obliged to do under the Act. It is due to their efforts that the public eventually learned, after a decade of silence, about the appalling conditions that prevailed at the nuclear waste dump at Vaalputs in the mid-90s.

But how much more we don’t know, we don’t know.

A 2011 report by Greenpeace described the culture of our nuclear regulator as “increasingly opaque, despite the question of Stakeholder Engagement being one of its strategic focus areas with highly paid top managers assigned to this portfolio”.

“For the past five years, specific public questions put to the NNR have remained ignored... instead [the public] is increasingly referred to the cumbersome process under the Protection of Access to Information Act.”

Even a matter of such vital public interest as the emergency plan for Koeberg, which should be drummed into the heads of every school child in Cape Town, is treated as a mystery entrusted only to those of the inner sanctum. When the anti-nuclear lobby group Koeberg Alert Alliance asked for a copy, Boyce Mkhize himself wrote to tell them the plan was classified as “confidential”. It took two years, two unsuccessful Public Access to Information Act (Paia) applications and an appeal before the plan (last amended in 2008) was eventually

made public in late 2011 (and revealed to be hopelessly inadequate and out of date).

In *Noseweek’s* experience, even the most innocuous questions are met with suspicion and are subject to inexplicable delays. At the time of going to press, *Noseweek* had been waiting more than a month to hear when the regulator would appoint a new CEO. A request for information about the NNR board remains unanswered, as does an appeal for a phone interview with the acting CEO, Thabo Tselane.

It took half-a-dozen emails and almost a week simply to discover who was taking Mariette Liefferink’s seat on the board – information which came not as a direct email reply, but as a press release for mass distribution. All it said was, Mr Samuel Kabelo Kakoma had been appointed as civil society representative, nominated by the SA National Civic Organisation (Sanco).

Noseweek later learnt that this decision had been taken during a cabinet meeting seven weeks earlier, on 5 December (eight months after Liefferink’s resignation) but it was clearly not considered worthy of a public announcement by Environmental Affairs or NNR.

Or perhaps they didn’t want to draw attention to the fact that the supposedly non-partisan public representative is a member of an ANC-affiliated organisation who, by his own admission, knows nothing about nuclear technology. Civil society groups specialising in nuclear matters had assumed their own nominee, Koeberg Alert Alliance spokesperson Peter Becker, would get the nod.

Noseweek asked the regulator and Environmental Affairs to explain the selection process and criteria used to choose board members, but they have yet to respond. Neither have they, nor Sanco, found themselves able to provide a copy of Kakoma’s nomination.

None of our business, clearly. ■



Mariette Liefferink

dioactive waste, how can we trust it to deal with the more than 1,000 tonnes-and-counting of really hot stuff piling up at Koeberg and Pelindaba, or the far more voluminous pile of low and intermediate waste stored at Vaalputs in the Northern Cape? Also, how will it cope with the mountains of additional deadly garbage that will have to be dealt with if Eskom's plans for six new reactors ever materialise? Not to mention the safe operation of reactors and the emergency response should something go seriously wrong.

It illustrates the disdain with which the industry and the government regard the NNR and nuclear safety generally, that the regulator has not been invited to contribute to the early planning of the new nuclear build, as it should have been according to the law.

As Boyce Mkhize said in his "mickey mouse" address in April, the organisation needed to be involved in assessing the sites as well as the design of the plants "to make sure the problems identified in the Fukushima nuclear disaster in Japan were addressed".

Of course, he meant physical problems, not the fundamental flaw identified by the Japanese: "regulatory capture" by government and industry.

Until that is addressed, it doesn't matter whether the regulator is Mickey Mouse or King Rat, it cannot be trusted to do the job we need it to do – now more than ever. ■

Accidents will happen

THE NUCLEAR REGULATOR IS OBLIGED by law to record the details of every nuclear accident and incident, store it safely for 40 years, and "on the request of any person", make it available. So Noseweek requested – and is still waiting.

Meanwhile, here follows an incomplete list of the occurrences that we do know about, which illustrates some of the things that can and do go wrong:

Koeberg Nuclear Power Station

1809 An earthquake measuring an estimated 6.5 on the Richter scale rocks the Atlantic seaboard from its epicentre in Milnerton.

1976 Construction begins on South Africa's first nuclear power station just north of Melkbosstrand.

1982 MK operatives plant explosives around the almost-completed plant, causing damage to the tune of R500 million and setting the project back 18 months.

1984/5 Koeberg's two reactors go into full operation.

1985 Less than a year later, the entire station is shut down after a nuclear alert blamed on faulty pipes.

1997 In two separate incidents in March and May, workers are exposed to radiation above permitted limits.

2000 A new report warns that by 2015, it will take 19 hours to evacuate the rapidly developing 16km-radius emergency evacuation zone.

2002 In August, Greenpeace activists in rubber dinghies invade from the sea, scale a five-storey-high pumphouse and hang a giant protest banner from the roof.

2003 Eskom stops publishing the record of radioactive cesium and strontium emissions from the station.

2005 On 11 November Koeberg undergoes an emergency shutdown, later blamed on the insufficiency of an "important chemical".

On 25 December, one of the plant's six generators packs up. A stray bolt in the rotor is blamed, but Eskom's official report says it was a "foreign magnetic body" which had disintegrated and therefore could not be identified. The report also blames "inadequate procedures", "inadequate oversight", "inadequate consideration of lessons learnt from previous incidents" and "insufficient experience and training".

2006 In February, a "controlled shutdown" of one of the reactors causes blackouts across large areas of the Western Cape.

In November a fault in the steam-control system causes a turbine to shut down.

2007 A parliamentary inquiry finds that routine emissions from Koeberg of radioactive strontium-90 and Cesium-137 exceed European safety standards.

2009 In April, while one reactor is under-going routine maintenance the other mysteriously shuts down.

2010 In March, both reactors have to be shut down after leaks are discovered in coolant pipes.

In September 91 workers are contaminated by radioactive cobalt-58 during a refuelling and maintenance procedure. The NNR promises to investigate, but has yet to publish its findings.



Radioactive spillage floods farmland, in the Stilfontein area in North West province, during December 2012

2011 The NNR finally releases the 2008 Koeberg Emergency Plan

2012 Eskom announces that Koeberg's lifespan is to be extended from 40 to 60 years. Apart from the installation of new generators there is little indication of how the plant is to be kept going until 2044.

The storage pools for high-level radioactive waste, originally designed to accommodate between five and 15 years of used fuel (the figures vary), have already been re-racked to stuff in double that amount or more.

Vaalputs nuclear waste dump

1986 The depository for low and intermediate level nuclear waste in the Northern Cape opens for business, much to the chagrin of the locals who were neither consulted nor informed about the nature of the installation. A truck carrying the very first consignment from Koeberg breaks an axle and ends up in a ditch.

1996 The NNR closes the facility temporarily after discovering 55 licence violations. These include a failure to control radioactive effluent or protect workers from contamination. The depository's entire process of storing nuclear waste is found to be inadequate. These failings were only made public 10 years later, after sustained pressure from civil society groups.

1997 Casual workers hired to remove leaking nuclear waste containers from a trench are not given protective clothing.

2009 An NNR official tells an International Atomic Energy Agency conference that the technology at Vaalputs is "outdated and ageing".

2012 April The NNR suspends deliveries to Vaalputs after a routine inspection finds a container above the permitted radioactive limit.

Pelindaba research facility

1990 A nuclear incident contaminates parts of the Safari-1 reactor. The radioactive junk is packed into containers and buried in a trench at the on-site waste dump.

1995 Hundreds of workers are ordered to retrieve the containers, many of which have now corroded. The workers are not equipped with protection other than boots and paper face masks. The licence-holder, the Nuclear Energy Corporation (Necsa) still refuses to

accept responsibility for the illness and deaths which follow. The surviving victims have now taken their case to the public protector.

2007 In November, four armed men breach a 10,000 volt fence and walk about a kilometre to the control centre where they shoot manager Anton Gerber in the chest and steal a laptop. Gerber survives. No-one is arrested. An inside job is widely suspected.

2009 On 16 March, Necsa declares an emergency and evacuates staff after abnormal levels of gamma radiation associated with Xenon and Krypton gases are detected.

2012 On 28 April, an "unsuccessful breach of security" occurs at the facility. Necsa, which is required to report the incident to the NNR within 72 hours, fails to do so for 10 days. The public has no idea what happened.

Wonderfonteinspruit nuclear wasteland

1886 The first gold is discovered on the Witwatersrand.

The rest is a history of rapid wealth creation and development on the one hand, and a slow-building environmental and human catastrophe on the other.

Hundreds of thousands of tons of uranium, initially a waste product of gold mining, are estimated to lie in the mud and dust of the tailings dams and dumps of the West Rand.

For 125 years, this radioactive toxin has been leaking into the environment at an ever-increasing rate, blighting the landscape and the lives of the local inhabitants.

In the last few decades, another source of radioactive pollution has surfaced (literally) as uranium is leached from un-mined ores into the acid water flooding abandoned mines. The whole toxic and radioactive mess is now threatening to spill into major water sources.

According to the Minister of Energy, Dipuo Peters, radioactive contamination from mines falls outside the remit of the NNR, no matter what its mission says.

See the next Noseweek for an update as Mariette Liefferink challenges that opinion in the North Gauteng High Court, where she has laid criminal charges against the minister, the NNR and a mining company for the continuing radioactive pollution of the Wonderfonteinspruit catchment. ■

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Moonlighting doctors short-change state health care

Health Minister says patients are dying because of specialists' greed: 'I'd far rather clamp down on allowing work outside the public service than employ dishonest professionals who are never there anyway'

A QUARTER OF SPECIALISTS employed at the Nelson Mandela Academic Complex and/or Walter Sisulu University in Mthatha augment their state salaries by moonlighting. Over the course of six months last year the cheats earned between R6,500 and R126,000 extra.

This has come to light through a forensic audit of Eastern Cape health facilities which resulted in the auditors recommending a further probe into at least one of the doctors, a professor who was paid R781,867 by six medical aid schemes the auditors reviewed.

Regulations governing Remuneration for Work Outside the Public Service (RWOPS) stipulate that doctors must seek permission to do work privately if they are employed by the state.

The professor's application had listed 15-17 hours of private work per week, however the auditors found no evidence he had used the private hospital theatre that would have been the likely venue for his extra-mural ops.

The moonlighting practices of the Mthatha specialists mirrors widespread abuse of the RWOPS system which was introduced by the government in 2000 as a recruitment and retention tool to encourage and promote research and the development of skills.

Health Minister Dr Aaron Motsoaledi disapproves of the system. He says patients are actually dying because of specialist greed and that high mortality rates at certain hospitals correlate alarmingly with high RWOPS-abuse. He says he would far rather struggle



to fill specialist vacancies caused by a clampdown on RWOPS than employ "dishonest professionals who are never there anyway".

A chief specialist in the public sector earns a gross annual salary of between R1.4 and R1.6 million (including commuted overtime of up to 16 hours per week). A specialist with more than 10

years' experience can pocket R1.163m. Professional theft, the minister calls it, and he is about to clamp down.

"On top of complaints of corruption in government, here you have professionals stealing from the public and the nation. We're going to have to probe and review the entire thing; it's just not on," said Motsoaledi.

A 2004 Public Service Commission probe into RWOPS abuse in Gauteng determined that more than half the specialists owned private practices and that those specialists and registrars who were left to pick up the slack were “overloaded, angry and resentful”.

The investigation found that RWOPS led to high absenteeism, abuse of sick-leave privileges, high stress levels (headaches, insomnia, fatigue, heart problems and endocrinal disorders), low morale, fewer services offered and long patient queues. It also uncovered, “aggression, resignations, group conflicts and group coalitions, abuse of medical-aid facilities and an abuse of state assets to treat private patients”.

The Mthatha probe showed that in several cases the time applied for by specialists was inconsistent with the consulting times posted outside their private surgeries. And the auditors uncovered some misleading applications Theatre-time records of the favoured private hospital showed that one consultant worked within the hours stated on his application form for just 11 out of 91 procedures conducted over the six-month review period. A professor is recorded as having performed nine of his 96 RWOPS procedures out of applied-for hours. A cardiothoracic surgeon performed 13 illegitimate procedures (outside of applied-for hours) out of the 51 that he performed privately – earning him R49,736 over and above his state salary in six months. One gynaecologist earned R123,271 for nine procedures over the six-month review period, only one of which fell within the applied-for times. Of 54 specialists working at the Nelson Mandela Academic Complex and/or Walter Sisulu University, 30 had practice numbers (some no longer in use), a check with the Board of Health-care Funders (BHF), revealed.

Dr David Mbokota, head of the South African Medical Association’s (Sama’s) Specialist Private Practice Committee, says that RWOPS, on top of affecting service delivery, meant that registrars were not being properly supervised therefore lacked sufficiently honed skills. He’s certain that RWOPS abuse contributes significantly to the national 2011/2012 Health Department’s patient litigation bill of R1.4 billion. Mbokota says RWOPS should be banned. “You’re either in private or public [practice], not both... They’re actually working

full-time in private and doing part-time for the state, instead of the other way around.”

KwaZulu-Natal’s health department chief, Dr Sibongile Zungu, said more than 250 doctors in that province were being probed for RWOPS abuse. Many were also abusing their paid leave to earn money privately. Disciplinary charges and repayment of losses incurred by the state were in the offing for “these greedy money-chasers raking in millions extra a year at public expense”, said Zungu.

Former Eastern Cape health chief Dr Siva Pillay questioned why anyone earning more than R1m a year would want to earn more and deprive poor people of a service. He said the RWOPS application forms had a major loophole in that, if there was no official reply within 30 days, it was tacitly accepted that the specialist had permission.

Health Ombudsman Mboneni Bheki-swayo said the weakness in the system was that no-one monitored compliance and adherence.

Professor J P van Niekerk, Dean of Medicine at UCT, pointed out that RWOPS was actually ethically neutral; “it all depends on how it’s managed”.

Dr Lara Nicole Goldstein, of the Division of Emergency Medicine, University of the Witwatersrand; and the Department of Emergency Medicine, Helen Joseph Hospital, broke a long-standing collegial silence in a letter to the SAMJ in September, saying: “Some specialists justify this (RWOPS) theft from the state by maintaining that the health system would fall apart if they were to leave. That may be so – but surely they

should be honest enough to declare the hours they’ve actually worked and only get paid for those? Would that not help our failing health system, which could re-distribute the funds saved to other more useful resources; medication, equipment and staff?

In a subsequent issue, a KZN physician intimately involved in a “flying doctor” outreach programme, Dr Robert Ian Caldwell, wrote uncompromisingly: “These are criminals. Stick a couple of them in jail – that would stop the rot overnight. These are not derring-do cat burglars or romantic Robin Hoods. These are the hoods who rob the poor to satisfy their greed. Nail them.”

● *The author has deliberately not named specialists under preliminary investigation, believing that, due to the endemic nature of RWOPS abuse, it would be discriminatory to single out individuals at this stage.* ■

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Judge, lest you be judged

Court tears a strip off tardy M'lady

WHILE THE DICTUM “JUSTICE delayed is justice denied” is frequently quoted, it’s rarely taken seriously by South African lawyers. Even some judges seem to ignore the dictates of justice.

In 2005, group of men entered a shack at a village in Gauteng where two women and three children were sleeping. They shot and killed the women. The police were quickly able to arrest the three assailants, Disco Myaka, Lungisani Mahlabane and Sifaneleyana Ndlovu, because, unknown to them there had been a third woman in the shack who had hid in a cupboard. The shack had been illuminated from light outside, so she was able to identify two of the intruders, Myaka and Ndlovu. She heard the voice of a third man in the kitchen when he shouted, “Let’s go!”, but she did not see him.

Judge Nigel Willis, sitting in the South Gauteng High Court in 2006, found the three men guilty of murder and sentenced them to life imprisonment. In 2008, they decided to appeal

to a full bench (of three judges). The appeal was heard only three-and-a-half years after that, on 11 April 2012; seven years after the men were arrested. Judges Neels Claassen, Kathy Satchwell and Lucy Mailula presided.

The delay was because the trial recordings were lost. Eventually the missing parts of the record were reconstructed from trial notes and exhibits.

One would have thought that now at last matters would proceed with extra momentum but they did not do so.

own “observations” about Judge Mailula’s failure to produce a judgment as required.

While tearing a strip off Mailula, both judges stopped short of referring their judgment to the Judicial Services Commission. (They appeared to be unaware that Judge Mailula was merely living up to her reputation: in 2010, when interviewed by the JSC for the position of deputy judge president of the Gauteng high courts, she faced tough questions about two criminal appeal judgments, both of which took her more than three years to deliver.)

There is precedent for appeal judges proceeding in the absence of an intransigent colleague. In the Pharmaceutical Society case of 2005, Judges John Hlophe and Jimmy Yekiso petulantly delayed handing down a decision in an application for leave to appeal – until the Supreme Court of Appeal lost patience and intervened

without their say-so. Judge of Appeal Louis Harms gave them a tongue-lashing, saying: “Much more than a matter of courtesy is involved. By such conduct the administration of justice is hampered – and may be seriously hampered – by an arbiter of justice himself, whose responsibility it is to render it effective and not add judicial remissness to its already irksome delays.”

Of the latest such case, a high court judge, who wishes to remain anonymous, told *Noseweek*: “Ironically, Mailula is one of a select group of judges who travelled overseas to observe courts that have efficient case-management systems, with a view to implementing them in South Africa to improve service delivery. Clearly Judge Mailula has scant regard for the decisions of higher courts or for the people she purports to serve.”

● The Judicial Services Council has, itself been taking ages to bring Justices John Hlophe and Nkola Motata to book in respect of complaints against them. (*Which might explain why Judges Claassen and Satchwell did not bother to refer the latest such case to the JSC for consideration and wisely just got on with the job themselves.* – Ed.) ■



Judge Lucy Mailula

When more than one judge hears a matter and they agree on the merits of the case, the most senior judge nominates which of them will write the judgment. In this instance, Judge Claassen appointed Judge Mailula to write it. Days, weeks and months passed and she had still not written the judgment.

As was later recorded by Judge Satchwell: “I understand from the senior presiding judge [Judge Claassen] that he has made a number of approaches to the judge assigned to write this judgment... He has received no indication that any judgment has been prepared or is under way.”

The appellants’ attorney had written to Judge Claassen on 26 July, delicately asking when a judgment might be expected. They followed it up with a telephone call to his registrar.

Without a response from Judge Mailula, there could be no date for handing down judgment, so Judge Satchwell grasped the nettle and wrote a judgment for Judge Claassen to consider.

He agreed with her that the trial judge, Judge Willis, had applied his mind correctly in sentencing the three to life. Judge Claassen wrote a separate judgment – but only to record his

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Singing the blues. Roger Lucey's journey back from rock bottom

THE COVER PORTRAIT DEPICTS ROGER LUCEY AS a cross between Rasputin, the Mad Monk and Charles Manson. Dramatic, but a bit harsh for a well-meaning, talented bloke who has survived wild excesses and picaresque adventures to produce a startlingly honest autobiography. He may be the victim of a memorably abusive father, sadistic priests, Special Branch spies, music industry creeps and vicious Yugoslavian war-zone nasties, but hey, Roger is alive and surprisingly well.

In a sense, he represented a particularly vulnerable 1970s community of white South African youth who, often unconsciously, anticipated political change. Idealism and excess ruled in a giddy whirl. Particularly in the muso world, where forbidden mixed-race social contacts confirmed the spirit of revolution.

The book opens and closes with references to a government spy, Paul Erasmus, who eventually confessed to deliberately ruining the young Roger's burgeoning career, precipitating a torrent of consequential woes. Mind you, woe started early in the life of the Durban imp whose dad was in the habit of beating his mother. And his father's raffish friends, included a big game hunter who liked to play with 10-year-old Roger's winky.

School was not an unmitigated disaster, as the boy showed athletic promise and enjoyed some renown. With his black friend, Jabula, the slightly older son of a domestic worker, they charged about the Durban suburbs, doing what boys do.

When not abusing his wife, Dad would get up to spectacularly harum-scarum adventures. As a photographer, he owned a Globe Swift two-seater plane useful for aerial shots. He made headlines by flying to Europe with a friend, travelling up the east coast of Africa. The return trip took 21 days and 31 fuel stops.

Roger recalls Durban exploding with musical activity in the '70s. Church halls, sports clubs and warehouses echoed to the sound of mostly British and American hits, but bands that could claim their own songs in the repertoire were perceived as a cut above.

The leading rock band, Freedom's Children, had a loose musical association with the Afro-jazz pioneers, Malombo Jazzmen. When they played together at the Durban City Hall, the black musicians dressed in overalls, with buck-

ets and mops offstage. The idea was that, in case of a police raid, they could seize the mops and claim to be cleaners. Thus apartheid.

Lucey realised that his dependence on copious use of cannabis had become a problem. He used it to blur his fear of his violent father, of compulsory army service and bleak job prospects because of a lack of education.

His early songs were loud, raucous and angry, protesting against society, state and church. He says: "The biggest reward of this newfound form of expression was that it brought an enormous sense of satisfaction and a feeling of belonging to a musical fraternity that, despite its antisocial image, earned the respect of my peers."

Inevitable army service came, with its longueurs and shocks. A friend, caught in possession of dagga, was placed in the tender care of Colonel Aubrey Levin, psychiatrist in charge of Greefswald, of Truth and Reconciliation infamy who, today, is being investigated by the Canadian authorities for alleged sex crimes. The friend became an embittered ruin.

After a brief, fruitless attempt to break into music in London, Lucey returned to find the townships on fire. It was 1976.

Roger married the beautiful and intelligent Sue and they soon produced a baby girl. And Lucey produced his influential album *The Road is Much Longer*. There were disputes over including some anti-government songs, and lawyers insisted on cuts. An SABC head of programmes said he liked the songs but could not allow them to be broadcast because they "might corrupt the morals of the youth". Police confiscated copies in shops and owners refused to display the albums.

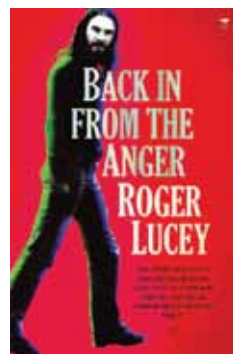
Years later, in the *Mail & Guardian*, the spy Paul Erasmus described police raids on Lucey's home, how they tapped his phone and intercepted mail. Erasmus admitted threatening club owners and venue managers who associated with the long-haired musician.

Subsequently, as his career crumbled, drugs and disappointment came close to destroying Lucey's mind.

Last year Lucey received an MA scholarship to Duke University in the US.

He sang his own songs, full-throated, at the Cape Town launch of his extraordinary autobiography. ■

BACK IN FROM THE ANGER
(Jacana)
by Roger Lucey



Diary of a wayfarer in London



The spire of St Martin-in-the-Field soars above Trafalgar Square

THE SOLE PURPOSE OF THIS MIS-SIVE IS to excite jealousy in the hearts of readers who have suffered less-than-joyous holidays in recent times. Okay, let's not have any violence – we also offer a little practical advice on what to do between serious meetings in London.

If you yearn for fun and games beyond the boardroom, go prepared. A little sensible foresight, and a dash of luck, could make all the difference between pacing lonely as a cumulus, instead of distilling a bit of the good stuff.

Smart travellers make prior arrangements for room and entertainment; they search out their interests via the internet, checking on what's upcoming and make reservations,

thus saving hours of messing about in queues. London is an exhausting town if you're not ready for the adventure.

We all know the formidable Dr Johnson's dictum that anyone tired of London is tired of life. Well, if your stay is brief, and you want to make the most of it, then it's a good idea to be close to the beating heart of the city.

Being well-heeled is an advantage. Rich is even better. If you're in either category, you could head for the perfectly situated Draycott Hotel in Cadogan Gardens (owned by a South African outfit, and favourably reviewed in *nose152*). Otherwise, sundry South African country clubs have useful reciprocal sporting, dining and accommodation arrangements with

leading London establishments, from Lord's to the traditional grandeurs of the Travellers.

But there are a few decent beds with convenient access to transport to be had at more modest rates, sometimes via outfits like lastminute.com and roomorama.com.

It would be a fool's game trying to list the myriad human activities, sporting, academic, artistic and exotic, that London offers.

Instead, we offer hopefully informative incidents from the diary of a prepared wayfarer who stayed in a self-catering Mayfair flat, owned by a South African outfit. That's Mayfair as in the U.S. Embassy, *Le Gavroche* (oysters anyone?) with shoals of Maseratis circling the block. Oh, and it's conveniently sited across the way

from Hyde Park, for stretching limbs cramped by conference tension.

Herewith some items from an arbitrary smartypants itinerary: Intelligence Squared is a flourishing brains trust operation, operating internationally, in which famous personalities are interviewed in the presence of live audiences. It costs about £40 for a ticket to be in the audience.



Renowned prickly novelist V S Naipaul attracted a lot of press when he featured, since, not unlike Prince Philip, he is intolerant of fools.

He of the liquid prose sat and

purred like a dangerous Persian cat, baring his claws only just sufficiently to warn off impertinent inquiries.

A reference to the bitter literary feud between him and writer Paul Theroux brought on a stately attempt at providing the facts: He had heard it reported that Theroux had greeted him at the Hay literary fest, "...but I did not recognise the man who held out his hand and said 'I have missed you'."

This "finest prose-writer of his generation", pressed to express admira-

Greg pointed at George: "He's a homo." Unflustered George replied: "No I'm not. I tried it once, but I didn't like it"

tion for other authors, allowed that he respected the hard clarity of 16th Century Spanish writing.

Mischievous questioner, aware of Naipaul's alleged belief in male dominance: "Hard as in masculine?" Silence.

Female questioner: "Do you think that there are female writers who are your equal?"

"No. Not my equal. Women... always become sentimental".

Next day, the dailies had a field day stirring up the feminists with Naipaul's remarks.

Get hold of the impressive Intelligence Squared programme well before you arrive in London. Consult info@intelligencesquared.com.



On the crowded Underground, after Intelligence

Squared, two pink and round gents settled themselves carefully in their

seats. Perhaps they had taken a little sherry. The bigger man said: "My name is Greg, and I'm 29." His mate chirped: "And my name is George, and I'm 33". Greg pointed at George: "He's a homo." Unflustered George replied: "No I'm not. I tried it once, but I didn't like it".

The German tourists stared fixedly ahead.

St Martin-in-the-Fields, off Trafalgar Square, is the Queen's parish church, and clearly HM has required a major tidy-up in recent times. The interior is ablaze with gilded Georgian splendour, the huge royal coat of arms flaring above the altar window (the one with the bulge where the WW2 bomb only just failed to burst the glass). A fine venue for a remarkable concert.

After a sustaining cup of soup in the friendly crypt café, the audience trooped upstairs to hear the brilliant flautists **Sir James and Lady Galway**, with the Brandenburg Sinfonia. They played Elgar, Cimarosa and Mozart. And *Danny Boy* as an encore. Larger members of the audience forgot the pain of tiny Georgian

pews. Not a dry eye.

Sir James has entertained Queen Elizabeth's guests at Buckingham Palace, the US President's guests at the White House, at the Nobel Peace Prize ceremony, and at the World Economic Congress at Davos. Some whistler.

Keep an eye on What's On for the St Martin concert programmes.



Drinks at the Athenaeum. It pays to have kind resident English friends. Cherish

them, particularly if they are members of such noble institutions as the Athenaeum, the handsome old sandstone palace near the Duke of York's column. Once upon a time it was the favoured place of ease for bishops, but nobody is wearing gaiters any more.

Next door is the Travellers, with its deceptively modest entrance (note a sketch of Cape Town's Mount Nelson Hotel in the foyer). The staircase handrail is oddly shaped. Rumour has it that Talleyrand, the great statesman, insisted on a ridged grip because he had a gammy leg and needed to propel himself aloft.

The diningroom-cum-library is coolly elegant (reportedly the late Queen Mum's favourite dining spot). Maybe the exquisite lamb noisettes had something to do with it.

Overheard on the bus: disobedient little girl insists on pressing the Stop button repeatedly, ignoring her mum's feeble cries of "Stop it, Sophie".

Bus driver: "Sophie, how old are you?"

Sophie: "Five."

Driver: "Well, if you want to make it to six, you'd better

behave."

London is liquorice all-sorts. All human life is here!, as the old *News of the World* used to crow. But the choice is yours.

So there's no need to spend your downtime staring out of the window in London Town when a little forethought could provide much pleasure.

● *Email inquiries about that self-catering Mayfair flat should be addressed to ddn@iafrica.com* ■





Transformation. Maiden overs could take on a whole new meaning

A MEMBER OF SOUTH AFRICA'S commentariat suggested in a recent column about racial transformation in sport, that local cricket administrators had "not endeared themselves" to football fans by scheduling a one-day international against New Zealand on the same day as Bafana Bafana's opening game of the 2013 Afcon tournament.

It seemed an odd thing to say, rather like suggesting that McDonald's has not endeared itself to KFC fans by selling McDonald's at McDonald's outlets instead of selling KFC. But it was also representative of a certain kind of thinking that is prevalent in South Africa, namely, that elite international sport is not part of the entertainment industry but rather a social upliftment project managed by NGO workers in green and gold uniforms. In short, it holds that watching Bafana Bafana and the Proteas are part of a process of nation building, something akin to a human right rather than an expensive luxury.

If you believe this, then of course it is unfair that socially uplifting cricket overlapped with socially uplifting football. More importantly, if you believe that sport is a tonic for the nation, rather than a break from reality, then the issue of transformation, inclusivity and representivity becomes very important indeed. After all, if the Springboks are an embodiment of the aspirations of South Africans, or serve as some sort of international representative, then it is embarrassing and insulting that they are overwhelmingly white.

However, if you believe that our sports teams somehow represent the nation, I'm afraid your standards are depressingly low. If the Proteas or the Springboks genuinely represent South Africa, then colour me emigrated. After all, who could bear to live

in a nation that is 100% male, has a very limited education, is only employable between the ages of 19 and 34, is blindly obedient to Head Boy types and deeply moved by B-grade Al Pacino monologues full of ooh-ra cliché?

But matters of taste aside, the debate around demographic representivity in South African sport remains mired in double-speak and fuzzy thinking. Many pundits believe very deeply that our national teams should mirror our society. They claim that people want sporting heroes with whom they share a common history, a common present, who look the same as them. They believe that little children growing up in a township want to see Springboks

If a black male spin bowler burst on to the scene with the talent of Shane Warne, he would be fast-tracked into the Proteas. If a woman arrived with the same talent she would face a barrage of litigation, red tape, disdain, and outright verbal abuse



who grew up in a township too.

All right, let's go there. Let's play the demographics game, and field a fully transformed, fully representative sports team that is a statistical microcosm of South Africa: one in which half the players are women; a third are younger than 14; a third of the female players and 10 percent of

the male players are morbidly obese; and a quarter of the players do it for no pay whatsoever because they are officially unemployed. And so on and so on, through the last census, each new statistic making a further mockery of this ludicrous lie that a team of super-fit middle-class men is somehow representative.

Yes, I am being disingenuous. I know perfectly well that when we talk demographic representation, we're using a safe-word for racial redress. And I must hasten to add, such redress is essential. Any group that has been systematically squashed, repressed, ignored, abused, disempowered, derided and excluded must, if we are moral people, be given a hand up to make amends for being beaten down. If that group is in the majority, then this is even more important.

Because race dominates what passes for a national debate in South Africa, most would assume that the repressed, ignored and excluded majority of the previous paragraph were black South Africans. It would not occur to most readers that they might equally be women. Those who fight the transformation fight are considered to be pundits, thinkers, and liberators. But anyone who suggested that there needed to be eight women playing the Springboks would be howled down as a lunatic.

Why? If we are talking about one formerly oppressed group being fast-tracked to the top, why is it ludicrous to talk about another currently oppressed group getting the same treatment? The answer is that the entire debate has claimed some sort of higher moral ground and yet has been co-opted by men and can therefore never be entirely objective and inclusive.

If a black male spin bowler burst on to the scene with the talent of Shane Warne, he would be fast-tracked straight into the Proteas. If a woman arrived with the same talent (and there is absolutely no reason why a woman couldn't spin the ball as far or have as much control) she would face a barrage of litigation, red tape, disdain, and outright verbal abuse – and that would be before she'd even be allowed to play in a lowly domestic franchise team.

I am not saying this to diminish the need to get black players into our national teams. I provide it merely to

underline that we need to be far more intelligent – and inclusive – in our efforts to right social wrongs through sport.

For example, we need to discuss the widespread assumption mentioned earlier that people want to watch sports stars who are like themselves. I believe that this is fundamentally untrue. Watching sport is a process of projecting one's own dreams onto winners who are gracious and consistent enough to carry those dreams without dropping them too often. If those winners look like us, then the projection is easier to do. But if they don't look like us, it doesn't matter. It is the charisma, skill and greatness of the champion that is important – his or her capacity to carry our hopes – rather than their socio-economic, racial or even religious history.

This is why a mostly white country like the United States can idolise a black Michael Jordan and a black Tiger Woods, and why thousands of little white Pretoria boytjies, whose racial attitudes might make your blood run cold, can have posters of Bryan Habana all over their bedrooms. It is why poor coloured kids in Mitchells Plain or Kimberley can adore a rich white kid in Manchester like Wayne Rooney. And it is why poor Muslim children in Durban can festoon their schoolbooks with pictures of a Hindu Sachin Tendulkar, who grew up pampered and privileged.

The truth is that we don't want to watch people like us, because people like us would provide very poor sporting spectacles indeed. We don't want to watch 15 obese, sick, underage, un-athletic wage slaves play the All Blacks. We want to see the fastest, the strongest, the fittest, the most aggressive, and the most skilful.

Yes, it would be helpful for the wounded majority if more of those supermen were black like them, or had also come from nothing in the township to bestride the globe. And yes, there are ways of stacking the odds in favour of developing black cricket and rugby stars, if politicians are willing to stop trying to paint the prize-winning Protea a more acceptable colour and start tending to the soil and the seed from where that flower came.

But until then, we'll just have to put up with excellence in whatever shape or form it takes. ■





Dirty dancing. Abandoned post office is den of iniquity in leafy Barberton



Picture: Bheki Mashile

THERE HAVE BEEN QUITE A FEW POP songs over the years paying tribute to those letter carriers who have a stellar reputation for delivering our mail through sleet, snow and rain.

Oh, sorry, that's the American scenario. In Mzansi, we have to say "through blazing sun, strikes (unless it's the postmen of course) and rain" as well. In fact, given the conditions that our dedicated letter carriers must endure to deliver summonses, bills and miscalculated municipal rates bills, it's only right we should sing the praises of these trusty messengers.

It is not they who should be blamed for the postal service having been reduced to the bearer of bad news only. These days, all good news is sent via the super highway.

It's sad we've slowly lost the human touch – and miss out on the joy – of receiving a hand-written letter or a precious birthday or Christmas card you can display with pride.

However, Barbertonians are very pissed off, *gatvol*, *sikwate* blind (very angry) at the postman. Maybe not the actual man who battles the elements and the dogs, but certainly at his

employer. You see, somebody decided a few years ago to relocate the Barberton Post Office to a privately owned retail complex.

So now Barberton is stuck with a monstrous bunker of an old post office building that is an eyesore in the middle of our beautiful, mountain-framed town. The PO is now hidden away in the Eureka Centre because the old monstrosity had become too costly to maintain. Fair enough. But it is not fair that (extremely reliable sources have told me) numerous offers to purchase have been rejected, resulting in an eyesore so irritating it would make pool chlorine feel like soothing eye drops.

Aesthetics aside, the building has become home to vagrants and a rubbish bin for passersby. Speaking of which, what is it with my black people with littering? They do it all the time, for example with empty cans or bottles chucked out of car windows. I can't stand it. But check out their lawns or the street in front of their homes.

Be they "black diamond" houses, RDPs or even shacks, you won't find so much as a candy wrapper there, yet they have no qualms littering pub-

lic spaces. I'll never understand the mindset. Boy, do things like this make me miss the USA!

Back to the postman. Few locals can understand why the post office gave up its own building to move into a privately owned complex – most probably at an extremely high monthly rental.

We all know that landlords love government tenants – just ask former police top dog, Bheki Cele. (Loved his style, by the way – the Havana hats, cigars. Very cool.) But the monstrosity in our midst, besides sheltering vagrants and collecting rubbish, has contributed to the growth of prostitution in our "moral" little Town. And I use the word "moral" lightly – the stories I could tell about "morals" in Umjindi would make me the Larry Flint (notorious American porn publisher) of Barberton.

The community's demands are simple: "Yewena (hey, you) Mr Postman, do something about this monstrosity, eyesore, litter-infested vagrant's den, and prostitutes' quickie joint. Why the hell don't you sell the bloody thing?"

"You can, after all, make it your contribution to the fight against human trafficking." ■



Know your place 'ksê

OF COURSE EVERYTHING ON GOD'S Earth has a time, a place and a purpose, it goes without saying. It just gets a bit complicated finding what is where and when, that's all, because there's a cube in the equation, see? I mean, for everything you find probable in this Life there are 26 improbabilities, 3^3 , $3 \times 3 \times 3 = 27$ in all. That's why you go to church. God alone knows what the next second of time holds for us all. Dubya Bush went to church and learned that Saddam Hussein was about to nuke the United States within 45 minutes and the rest is history.

But we are a secular state, our 1910 constitution laid down that we should not let th' Almighty do all the thinking, and that's why the P E Municipality in 1960 called on Sam Konig as consultant in the matter of a new sewage system for the new Block E of their Dreamtime Bantoe Habitat otherside their Caucasian habitat.

Sam was a sociologist, forsooth, and how he became so smart a facilitator as to facilitate the separate but equal facilities for black and white bowel-relievers is one of God's great mysteries. The law said one was not allowed to mix black and white turds on their way to the bog-farm. In fact there should be two separate but equal bog-farms. Furthermore, when faeces were recycled on such ethnic bog-farms to God's own pure H₂O, such as astronauts used for making tea, they should never be conveyed to the Indian ocean in a common ethnical pipe. Indeed, if ever there should be a South African in space, he should never be obliged to make his tea from recycled Negro poo.

Alas! I lost track of Sam. He was sent to a kibbutz to see about digging buckets of crap into God's good earth Chinese-style for growing pumpkins and he never came back. I went off to boep and almost never came back. Trouble in boep was they didn't know where to put me. I couldn't go to Robben Island, that's where the Bantoes

His notes are so good the police wouldn't believe he'd made them, so he took them to his workshop and made one before their amazed gaze



were, and I clearly couldn't go to Pta Central, that's where SA's 1,000 worst white criminals were and I would teach them bad habits and... and in the end they just stuck me in the Prison Madhouse along with an ou, name of Tobroek, who also had got into high-velocity-explosives-type politics. I was given a New Testament Bible and told to think about Jesus for a year. He was given an Old Testament and when I asked for the Old Testament too because of its excellent English I was told, No, I would use it for purposes of *draadtrek*, which is to say onanism. I'll try not to, said I, and anyway what about Tobroek, he's got the Old Testament hasn't he? Ja, said they, but he's a Jew, he can *draadtrek* himself unto death as far as we are concerned. Ja, said I, Adolf Hitler could have saved himself a lot of Zyklon B and a very bad reputation if he'd just rounded up all of Europe's male Jews and stuck them in forced Old-Testament-reading camps, hey? What? said they. They'd never heard of Zyklon B. Nor A. Hitler.

Well, Tobroek sits solo with Moses for a year down his end of the Madhouse corridor and I sit solo up mine and have a crack at thinking about Jesus, but truesgod after a couple of weeks it occurs to me that it's not the meek that inherit the Earth, it's those

with access to capital. Also I remember an old Methodist neighbour from my youth who drank much dop on the quiet, and one day when I hit 16 and had my first experience of love on a midnight rugby field he said to me with some envy, Yes, young man, Heaven's all right, but Hell's the place for pals. So I sit in the Madhouse, set to and think about the Devil. How to make a pneumatic cannon you can load at a filling-station free-air pump, with a coke bottle projectile you can fill with petrol at the fuel pumps. For Peoples' Warfare. I'm just about ready for field trials one morning when my cell door slams open and a *bewaarder* says *Trek aan jou baadjie, kom!*

You don't ask where you're going in boep, so I put on my jacket and step outside and there stands ou Tobroek in his and they chain us up hands and feet and Tobroek says They're going to send us to Robben Island. They didn't, of course, they took us to the other end of the prison compound and voila! there stands a brand new boep they've built just for us white political *bandiete*. But we never had political prisoners in SA, only prisoners found guilty of threatening the security of the state. Lovely. There are about 20 of us now, of every known opinion, red to infra-red and left to sinister, and we're allowed to talk to each other. Yakyakyak, talk talk talk, and then suddenly one day a new *bandiet* appears whom none of us recognises from any organisation lawful or unlawful, and we're all terribly suspicious that this is a plant.

But it isn't, this is a top-technique counterfeiter of banknotes and they really don't know where to put this gent amongst the country's crims. His notes are so good, says he. The police wouldn't believe he'd made them, so he took them to his workshop and made one before their amazed gaze. This one appeared as exhibit A at his trial, and when after six months the whole melodrama ended except the tidying up, they realised it had simply disappeared. Entirely. But everybody knew it was the judge who had nicked it.

Alas! We lost track of him too. They entirely disappeared him. Maybe they built another brand-new boep just for him. ■

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Jurgens Bekker Attorneys, Bedfordview Commercial and litigation. Call 011 622 5472; jurgens@jurgensbekker.co.za

PERSONAL

Congratulations to Swellendam Streichers who have birthdays in January and February – Love Sheipet.

FAREWELL

John Commins, an ardent Noseweek supporter and subscriber since 2006, died at his home in Cape Town on 2nd January, after a robbery.

He was a previous CEO of Plate Glass, started Timber City and Glasshopper and had numerous other business interests.



As a well known and widely admired Capetonian, having made a name for himself playing cricket for Western Province between 1961 and 1968, he will be sorely missed by his wife Cherie, daughter Donne and son Greg and their families.

SMALLS ADS

The deadline is the 24th of the month, two months prior to publication.

Ads are prepaid at R150 plus VAT for up to 15 words, thereafter R15 per word plus VAT

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Boxed ads are 6cm (1 column) wide, and are charged at R250 per cm (length) plus VAT.

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Please contact ads@noseweek.co.za to book or phone Adrienne 021 686 0570.

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