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take the
Olympics
for a ride

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NOW EVERYONE
HATES ME!

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She dragged
China into
the 20th
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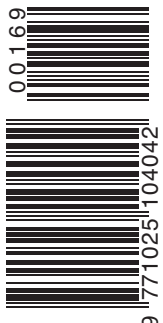
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Letters

Hard lesson for the prof

ON THE FACE OF IT, THE STORY ABOUT Matthew Lester's house is a simple one. He broke the rules, and the court has ordered that he comply with the law by demolishing what he built. *Noseweek* applauded the verdict as "good news" (nose168). I agree. However, the situation bears further analysis.

Lester is not your average *moegoe*. He is one of those most advantaged of human beings, born into a highly educated family, and himself highly educated. He'd probably be a member of Mensa if he had the time to indulge in such things. So what on earth possessed him to spend so much money on building a dwelling that was clearly in contravention of the laws?

He had every reason to believe, from numerous precedents, that the laws could be flouted. Countless people before him have built what they wanted, broken every rule in the book, and got away with it. It comes as a shock that the court has stood firm in this instance. I almost feel sorry for him.

There must be numerous non-compliant buildings under construction or on the drawing board, and a lot of lawyers who are preparing to argue for the exceptions that the courts must grant to allow these buildings to stand. Can we believe that from now on the law will be consistently applied, and the lawyers – and builders – will fail in their pleas? Or is the Lester case an exception?

On the advice of E M Forster, I offer only two cheers for the judges. The third is reserved for the day – if it ever comes – that we have consistency.

Ron McGregor
Cape Town

See page 15 for case no. 2 – Ed.

Rub His Lordship's nose in it!

MEMBERS OF RATEPAYERS' ASSOCIATIONS in seaside dorps find few irritations worse than an idiot playing Lord of the Manor on a 1,500m² plot.

My congratulations to the residents rubbing His Lordship's nose in it. Perhaps SARS should be on the look-out



for an attempt by the Taxation Studies Professor to claim a rebate for demolition expenses.

Piet Erasmus
Fish Hoek

Sharp sharp

IN YOUR REPORT ON DR PERCY MILLER ("The unkindest cut", nose168), he is referred to as a neurologist. A neurologist is a physician who does not do surgery. Miller is a neurosurgeon.

Chris Neser
Pretoria

Drilling down derivatives

I HAVE BEEN FOLLOWING YOUR ARTICLES ON GT247.com and Purple Capital with interest. I, too, [like Brendon Johns, *Letters*, nose168] am in this industry and have spent two years drilling down on how these derivatives and futures-trading platforms operate. The results are astounding.

There are not many regulated brokers who can provide true STP (Straight Through Processing) deal tickets and the South African public must ask the right questions before taking on a provider with the odds geared at 95% against them.

May I respectfully then ask: why is *Noseweek* promoting iForex in their online banner-advert space, as they are also not regulated in SA?

Hilgard Human
By email

Thanks for drawing this to our attention. The ad was placed by Google. We have put a block on that and a host

of other forex trading sites, whose ads will no longer appear on our site. – Ed.

Sweet deal with bitter aftertaste

I WOULD LIKE TO COMPLIMENT YOU ON YOUR latest edition, particularly regarding the skulduggery going on in Pietermaritzburg [*Paris Dlamini is a sweetheart*, nose168]. Quite unbelievable! I don't know what we'd do without you.

Martin Flavell
Pietermaritzburg

Hook and line hard to swallow

SURELY WE ARE MISSING THE POINT IN THE debate about whether GM foods are good for us or not. If they were good, the producers/manufacturers would be shouting it from the rooftops and there would be special sections in supermarkets proudly promoting GM foods. As it is, they deny it and hide it. I've bought items from Woolworths that warn: "This may contain a GM component". If manufacturers are ashamed and afraid to declare openly what they are hiding in our food, then there must be something wrong with it.

Sally Perry
Somerset West

See page 26, "Colombia seeds". – Ed.

Long march to every dorp

THE FLOOD OF CHINESE IMMIGRANTS IS phenomenal, with more young families arriving all the time, opening new shops, and all with newborn babies. In a small run-down dorp like Springfontein, a young Chinese man has bought the local supermarket plus the block of buildings in which it is housed. Now there are at least three new families. None speak English.

The same has happened in St Francis Bay. In Humansdorp, Chinese businessmen are buying up blocks of buildings. This has to be happening, as *Noseweek* was first to report, in every city, town and dorp throughout South Africa and in neighbouring countries. How about a follow-up story?

Berry
Johannesburg



Taking aim... Leave our guns alone (below)

Leave our guns alone

YOUR GUN CONTROL ARTICLE IN *NOSE* 168 was spot on. We have a hideously complex and expensive Firearms Control Act (FCA) which has tied gun owners in knots but serves no good purpose in terms of crime control.

The FCA is, like all gun laws, politically inspired. The clearest example can be seen in the UK where the inexorable progress to prohibition can be tracked from 1920. It is instructive that the cabinet deliberations that led to the British 1920 Act were not released into the public domain until the 1980s. The ostensible rationale was crime control – at a time when crime in general was low and armed crime all but non-existent. The cabinet discussions were about the possibility of the Bolshevik Revolution spreading to the UK, and the recently established labour union movement flexing its muscles. But that couldn't be admitted.

Each tightening of the screw thereafter was on some pretext that didn't hold water. The 1968 amendments were a savage increase, pushed through in a wave of public revulsion at the murder of three police officers in London. A green paper tabled in 1973 proposing a ban on semi-automatic rifles was rejected as fundamentally undemocratic, but was revived virtually unchanged in 1987 after the Hungerford massacre, and passed easily.

The common thread is that each step to prohibition was not, as the government claimed, the response to a

demonstrable need; it was the opportunistic use of these crimes to push through undemocratic legislation that could not have passed otherwise.

At a conference in Johannesburg in 1998 I personally extracted the admission from Pat Mayhew, representing the British Home Office, that the UK controls have nothing to do with crime.

So what are they for? I got no answer. Indeed I was not allowed to press her for one by the gun-hostile Institute for Security Studies moderators.

The FCA is politically inspired. The ANC wanted a complete ban, Azhar Cachalia told the Goldstone Commission. But, he said, it would be politically impossible to impose it at a single stroke; it would have to be incremental. That was pretty much confirmed by the then chairman of the Safety and Security Portfolio Committee, Mluleki George, who declared: "This bill is not about crime. You can't control criminals. This bill is about making it as difficult as possible to own licensed firearms, and to drastically reduce those legally owned.

Thus, the sheer complexity that has made life so difficult for SAPS was deliberate. It was based on the Canadian model, then the most complex law of its kind. It has since been repealed because of its horrific cost for no benefit. There is no sign of our government doing likewise.

The anti-gun lobby – then represented by the late Sheena Duncan – claimed that the FCA was needed

because the 1969 Arms and Ammunition Act "needed simplifying". But now that we have something far more complex, Gun Free SA has not called for it to be simplified. Adele Kirsten declares it a mess, but you'll find that she will not support any simplification because that would make firearm owners' lives easier.

The SAPS has a thirst for absolute control – of honest citizens, that is, not criminals. If compulsory training and competency certificates are such a good idea, why does no other country impose them? GFSA "sold" them to the government as another useful barrier to firearm ownership. We were told the idea was to licence the individual, and took that to mean licence the individual not each gun. We got both. We have told SAPS its administrative burden and our lives could be considerably eased by licensing the individual then simply registering the guns. (That's how everything else works, from a driver's licence to a licence to practise medicine.) But that would put the right of decision in the hands of the citizen, while SAPS wants to decide what firearms we own, if any.

Bottom line: we have a costly, complex and undemocratic system, against which all attempts at something better have hit a brick wall. But thanks for your article, it has at least shed some light on the matter. The key point is that it's not so much about firearms as the nature of governance and the relationship between citizen and state.

Dick Boothroyd

GOSA Executive Member
Somerset West

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Editorial

Challenging the status quo

THE FACT THAT WE FEATURE THE DA'S leader in Parliament on our cover, is not an indication that *Noseweek* has thrown in its lot with the DA, although we do remain profoundly critical of the ANC because of its indulgence of criminality at all levels of the party, and for that reason recommend to all and sundry to cast their vote elsewhere in the coming elections.

We are not aligned to any party: we value our independence too highly. It is essential if we are to be able to speak truth to power, whoever may wield it.

The profile of Lindiwe Mazibuko is but one in a series of profiles of people who wield power or influence in public life that *Noseweek* has already published, or still intends to publish. The focus is on people who, although in leading positions, have remained just a name, a face and a one-line quote in the press. It is, I believe, with some justification that we pose the question on the cover "Who is this woman?" Turn to *page 18* to find the third dimension: a woman whose depth of character and extraordinary background and upbringing make her uniquely equipped to understand and represent the full diversity of South African society.

This month we have great pleasure in reporting the successful outcomes of two court cases involving two readers who have entrusted their stories to *Noseweek* in previous issues. The success they, and we, seek is simple – and yet so unbelievably difficult to achieve: justice – starting with a fair hearing. So there is cause for celebration.

Too often *Noseweek* is the only place where those who have suffered injustice at the hands of the powerful get a fair hearing, and see the perpetrator confronted.

The so-called justice system takes years and costs the fortune of a lifetime, more often adding to the injustice suffered by the victim, rather than alleviating it.

The way banks and other financial institutions for years have routinely exploited these features of the system to their own advantage, amounts to yet another abuse of power.

The extent to which senior lawyers, the law societies, Bar councils and, with rare exceptions, even the courts have remained blind to the situation, or continued to pre-

tend ignorance of it, amounts to connivance in the abuse and is a measure of the extent to which they themselves have been corrupted.

Who needs a lawyer when you have truth on your side?

Not too long ago, that would have been a foolish question; a pathetic expression of wishful thinking. Scarcely yesterday judges spoke only to God, only advocates spoke to judges and only attorneys spoke to advocates (in legal Latin). Ordinary mortals took their chances by putting endless numbers of coins in the slot machine known as their attorney's "trust" account.

But, it seems, there is real transformation in our high courts with the arrival of a new generation of judges – many, but not all of them, black – who were reared in a democratic era, closer to the ground, and whose social sense and conscience has not been corrupted by years of lucrative briefs from banks and other corporates that are used to buying their way through any situation.

"Robust common sense" (an old phrase gaining new currency in our courts), common decency, common fairness and the common man are, here and there, at last getting a hearing. As in the two judgments we report in this issue: that of Judge Shokoane in the case brought by Absa Bank to seize the home of retired navy captain Teboho Tommy Molotsi (on *page 10*), followed by that of Acting Judge Wright in the case brought by athletics coach and administrator Laraine Lane against Sascoc (on *page 12*).

At the final hearing of his case, Captain Molotsi appeared without legal representation: his lawyers pulled out midway through the case as it was compromising their relationship with Absa – a shockingly common occurrence that has yet to attract comment from a single judge. The untoward influence of banks on our judicial system remains a taboo subject.

Both Mrs Lane and Captain Molotsi, immediately after succeeding in their cases, made a special point of calling *Noseweek* to thank us for our moral support in having told the world their tale when no-one else would listen.



I am sure you will share our pleasure in the moment.

The Editor

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Notes & Updates

THREE YEARS AGO AUSTRALIA PASSED a law requiring all cigarettes to be sold in uniform olive green packs featuring graphic images of mouth ulcers; with brand names in small print only; and with no logos. The new law was challenged but Australia's highest court recently declared it constitutional. On hearing this news, South Africa's Health Minister Dr Aaron Motsoaledi announced that he would like to see the same thing happen in our country.

Professor Owen Dean, who occupies the Chair of Intellectual Property Law at Stellenbosch University (funded by Johan Rupert, just saying) immediately leapt to the defence of the tobacco industry. An equivalent South African law would be unconstitutional, he opined, because it would amount to an expropriation of (intellectual) property. He warned that the government would have to pay huge sums in compensation to the tobacco companies.

Not so, said retired Appeal Judge Louis Harms in a speech at the University of Pretoria earlier this year. A plain-packaging law would "probably pass constitutional muster here too, as the law involves no acquisition of property". He added: "The Constitutional Court recently refused British American Tobacco (BAT) leave to appeal a decision of the Supreme Court of Appeal, which held that the law which prohibits tobacco advertising is a justified limitation of the right of freedom of expression."

Which is not to say that Harms approves of a plain-packaging law for cigarettes. But before doing his bit in defence of the tobacco industry, and



Motsoaledi plans to smoke out Big Tobacco

Top lawyers step out to defend cigarette manufacturers and argue that enforced plain packaging is a bad idea

as a mocking concession to "the age of apology and transparency" that we live in, Harms made a declaration of interest: "Although I do not hold a brief for the tobacco industry, we do own a few BAT shares – not that BAT would notice, considering that it is the company with the second-largest capitalisation on the JSE."

Harms went on to reveal that he's a non-smoker who believes that trade-

mark laws are both valuable and socially and commercially important, if not absolute. And, he said, he dislikes living in a "nanny state".

His speech, from then on, was political correctness *se moer*: He told his audience that the main threat to monopoly rights like intellectual property came from "sometimes myopic vocal groups known as civil society".

He warned: "On the horizon looms a



potential threat to trademark-law in the form of plain packaging legislation... it will begin with tobacco products but there is a real likelihood that it will spread to other products.”

(Horrors! Has he been reading Naomi Klein’s *No Logo?* – Ed.)

He dismissed any praise for the Australian judgment as “quite clearly [coming from] a passionate anti-smoking fanatic”, but agreed there was a likelihood that the new Australian law would be emulated elsewhere: “Early copycats predictably will be the EU and South Africa.

“We have to accept that the state has assumed the right or obligation to decide which desires are acceptable and that one should live one’s life according to its dictates.”

Abandoning the legal attack, he dished out some *realpolitik*. Referring to the “inherent tension between health and state income”, he noted – “without being too cynical” – that when it comes to governments choosing between restriction and prohibition... the reason why they don’t ban tobacco outright is because “they don’t wish to forego the [tax] income.”

He went on to trot out facts and figures of the type that tobacco companies always have readily to hand: cigarettes are amongst the most counterfeited products; the leader of the attack on the Algeria oil facility in January 2013 generated the money he needed from cigarette smuggling; smugglers don’t pay excise taxes; the South African government earns R32 billion per annum from tobacco-related taxes; but a further R8bn is lost as a result of smuggling.

His conclusion: just as Prohibition consolidated the hold of the criminals over the US illegal alcohol industry, and the war on drugs has increased the power of the drugs cartels, so any measures that make it more difficult for trademark owners to stop the trade in counterfeit cigarettes will lead to an increase in smuggling and a decrease in government revenue.

A plain packaging requirement – which would dilute trademark rights – would have such an effect, he said. “It’s the law of unintended consequences,” Harms declared.

In other words: you may want to do the right thing Dr Motsoaledi, but you can’t. There’s the challenge. ■

Leisurely reconstruction

ON 10 SEPTEMBER, THE CONSTRUCTION Industry Development Board (CIDB) assured Parliament’s Portfolio Committee on Public Works that it was “in the process” of appointing an investigative team “to kick-start” its probe into the 15 construction companies that had admitted three months earlier, in June, to having engaged in collusive tendering on government contracts worth tens of billions of rands.

Most of these companies are still registered on the CIDB register of contractors, which grades and categorises its members on their ability to carry out construction projects – a prerequisite for qualifying for any major government contract.

In its September report to Parliament, the CIDB stressed that its code of conduct prohibited contractors from engaging in collusive practices. “Collusion, by its nature, is exclusionary and therefore undermines the development and transformation of the construction industry,” the CIDB’s acting CEO Hlengiwe Khumalo piously intoned.

All good and worthy... but hadn’t Mr Nose heard all of that said a fair long while ago? Yes, on 25 June, two-and-a-half months earlier, the CIDB had issued a press statement in which it announced that it was setting up its own inquiry into the conduct of the bid-rigging construction firms.

Engineering News reported on the same day: “The industry regulator said it was currently [*sic*] in the process of constituting an investigation team and a presiding officer for the inquiry, and had not yet decided on the nature of sanctions to be imposed, as this would pre-empt the outcome of the formal inquiry.”

It is clear to Mr Nose that what the CIDB needs is a good kick in the rear end, in order to “kick-start” its inquiry. But then again, it occurs to Mr Nose that there is no better place for the conspirators in the construction industry to continue their conspiring than in the CIDB, where they are –



CIDB acting CEO Hlengiwe Khumalo

and have always been – the dominant members. As was so well explained in *nose167* (“Big boys forever!”): the CIDB was created ostensibly to ensure that an unregulated industry with a fair number of cowboys in it was firmly regulated – in the public interest, naturally. But, in effect, its main function was to secure the uncontested dominance of the established industry giants.

Expecting the CIDB to prosecute Murray & Roberts for tender collusion, fraud and racketeering is rather like expecting the NPA to prosecute President Jacob Zuma for racketeering and corruption. Fat chance.

What, dear reader you might do, is make sure you are registered as a voter so you can vote in the coming elections. And, in the meantime, boycott the e-tolls: Tolcon is a subsidiary of Murray & Roberts. That way, they may eventually get the message: You screw us, we screw you. ■



Absa continues to speak with forked tongue – despite court ruling

Bank's evidence in Molotsi case makes no sense, says judge.

By Mark Thomas

RETIRED SA NAVY CAPTAIN Teboho Tommy Molotsi has emerged the victor in a hugely unequal court battle with Absa Bank, who wanted to repossess his home.

Acting Judge G Shakoane of the South Gauteng High Court handed down a landmark judgment on September 30, in which he dismissed Absa's application to seize Molotsi's house for alleged non-repayment of a mortgage debt.

And the bank was ordered to pay costs, which included the expense of various earlier court postponements when, one after another, Molotsi's attorneys abandoned him midstream, declaring that representing him compromised their relationship with the bank. [See *Editorial on this recurring scandal*. – Ed.]

Towards the end of the matter, at the final hearings in March this year, Molotsi appeared unrepresented by lawyers.

The case against Molotsi was instigated in 2010 when, based on a mere statement of indebtedness by a bank official – a long-standing practice that has seen many, usually poor, people lose their homes on falsely claimed debt amounts – the court granted judgment by default against Molotsi.

As in so many cases, he had in fact not received notice of the summons, so did not appear in court on the appointed day to challenge the bank's case.

Immediately he learned of it, Molotsi briefed an attorney and succeeded in getting the judgment rescinded and the case proceeded then on an opposed basis.

Molotsi's story was reported in *nose167*. In summary: Molotsi took

early retirement in November 2008 and used his provident fund payout to settle all his debts, including the full outstanding amount on his home loan account with Absa.

Two significant things happened shortly afterwards: Absa told Molotsi that, unaccountably, it would take months for them to return his title deed. (To date they have not done so.) Then on one of the many days when he called the bank to inquire about the title deed, the bank consultant, Elize van Jaarsveld, gave him the unexpected news that he was entitled to a rebate of R90,000 for early settlement of his bond.

Delighted, he said he would immediately use R60,000 to settle his daughter's student loans. In April 2009 Absa transferred the R60,000 to Molotsi's

Capitec account, followed by a further R30,000 transfer in May 2009.

But three months later he received the first nasty letter from Absa demanding that he settle outstanding arrears on his bond account. And so the saga began.

The rest of the story emerges from Judge Shakoane's written judgment:

Absa's problems began from the very first line of its court application: the bank official who drew up the affidavit on which the bank's court application was based, was not properly authorised to make an affidavit on behalf of the bank, and therefore did not have the authority to launch the application on behalf of the bank, technically invalidating it from scratch.

Having noted this, the judge nevertheless proceeded to assess the merits of the bank's case – and found them dismally wanting. In his words, he found the bank's evidence to be “contradictory or showing of confusion, not substantiated by any tangible, credible and/or acceptable evidence or explanation and, therefore, untenable.

“The [bank's] records have gone ‘somewhat awry’, such that what was said by one consultant is not known by another consultant and/or the records section of the applicant. The respondent can certainly not be made the victim of these problems on the part of the applicant.”

Molotsi's claim that the payment of R137,063.58 he had made to Absa in November 2008 was in settlement of his mortgage, Absa had not only admitted – or rather, not denied. This was confirmed by the fact that, from November 2008 until the date of the

Absa denies that there has been any impropriety on the part of the bank's staff



institution of court proceedings years later, Molotsi had received no bank statements or other correspondence regarding the bond. This too had not been disputed by Absa. "In fact, the bank did not even attempt to deal with this allegation in its replying affidavits," the judge said.

Molotsi's explanation for the two direct transfers totalling

R 90,000 that Absa made several months later to his Capitec account, was that

an Absa official had told him it was a rebate for early settlement of his bond, the judge found entirely credible, particularly since the bank had made no

effort to tender contradictory evidence on this point.

When it came to the amount that Absa claimed it was still owed by Molotsi, the judge said the bank's evidence "did not make sense, or was simply self-defeating".

[The judge's analysis of different figures presented by the bank in various documents in support of its claims, is itself confused and incorrect, but this does not detract from the merits of the judgment.

Noseweek's careful audit of the figures reveals only one disturbing fact: Absa was charging Molotsi close on 50% interest per year on the fresh amounts it advanced him after he had settled his bond – without any formal agreement having been concluded and without any Fica requirements having been met by the bank.

No wonder they were reluctant to provide the court with a detailed accounting! – Ed.]

The judge noted that, as a credit provider in terms of the National Credit

Act, the bank was not entitled to deprive the respondent, Molotsi, as a consumer, of his protection in terms of the Act, or the protection afforded him by section 26 of the Constitution.

In short, the money advanced to Molotsi as a "rebate" was in any event not covered by the mortgage that existed to cover a loan that had been settled in full. Absa could not prove otherwise.

The judge's ruling was short and sweet: "The bank's application therefore stands to be dismissed."

A very emotional, overjoyed Molotsi immediately called to give his thanks to both *Noseweek* and our readers for their moral support.

Absa's communication office, which appeared to have been reading from a different judgment, said: "Absa is studying the judgment in this matter and will take a firm view as to its intended course of action shortly. In the interim, we can confirm that neither the judgment, nor the Respondent's opposing papers suggest impropriety on the part of Absa staff." ■



Stent

Laraine Lane triumphs in Sascoc conflict

AFTER A FOUR-YEAR BATTLE, LARAINÉ Lane's honour and dignity as a sports coach has been restored – by the Gauteng High Court. Lane, a board member of Athletics South Africa (ASA), suffered hugely as a result of Leonard Chuene's mishandling of the 2009 Caster Semenya gender-testing affair. Following Semenya's participation at the World Champs in Berlin, the ASA's mother body, the South African Sports Confederation and Olympic Committee (Sascoc), instituted an urgent inquiry, the Collins Commission. On 4 November 2009, Sascoc followed Advocate Michael Collins' recommendation and suspended the entire ASA board. Lane's suspension came in the form of a letter from Sascoc president Gideon Sam the following day, in which he said she would face a disciplinary enquiry.

Two months later, Sam emailed Lane saying she would be contacted "shortly" about her disciplinary hearing, that would be conducted by the same advocate, Collins. This pleased Lane because Collins had told her at the inquiry that she had done nothing wrong. And a separate Deloitte investigation into the ASA's finances found that, although there had been financial irregularities by Chuene and two others, the rest of the board (including Lane) were not implicated.

Although Chuene and his two fellow crooks were eventually dismissed, Lane and the other board members remained in limbo. This meant that she could not work in athletics (or any other sport for that matter) in any capacity. She is an athletics coach and a counsellor. Worse were the snide remarks that all the entire ASA board must have been looting the ASA.

Lane pestered the ASA and Sascoc in vain for the promised disciplinary hearing. Sascoc even refused a request for arbitration. So she took her case to the Public Protector, the Human Rights Commission, the Minister of Sport, and even tried President Jacob

Zuma's hotline. Nothing happened. So Lane eventually brought a High Court application.

Judge Gregory Wright's judgment in the case of Laine v Sascoc and ASA on 18 September this year was short and sweet. Sascoc's decision to suspend the board had been an administrative action by an organ of state or juristic person [created by law] and its board members were entitled to fair administrative action, he said. The rest was pretty much common sense and natural justice. Because Sascoc held "wide powers to fulfil its functions, thousands

It's been a tough battle, but justice has been done

of athletes, coaches, medical staff... and others are impacted..."

The judge concluded that "Sascoc's decision of 4 November 2009 falls to be set aside for want of notice to Ms Lane and a fair hearing. The fact that thereafter Sascoc's General Assembly purported to ratify the decision of 4 November cannot assist Sascoc."

Judge Wright said he did not regard himself bound to follow an earlier judgment by Judge Tsoka (in an application brought by Chuene), in which that judge held that Sascoc's action (in suspending Chuene) did not amount to the exercise of a public power.

"I am not bound by his decision as I feel it is clearly wrong," Judge Wright said in his judgment.

So Sascoc's decision to suspend Lane from the ASA Board was reviewed and set aside. Lane was also granted an order declaring that she can participate in any sporting and athletic activities as manager, coach, selector, counsellor or other role.



Winner: Laraine Lane

WHEN LARAINÉ LANE WAS suspended from Sascoc, even her own family started looking askance at her. "I felt as if I was getting the punishment without having committed the crime. I approached a number of journalists to try and tell my story – but they were just not interested in exposing anything to do with Sascoc.

"Many were only concerned with getting their accreditation – and a trip – to the Olympics and other international events. They didn't want to jeopardise all the favours. Journalists often have to go to international sporting events under Sascoc's jurisdiction."

Lane approached *Noseweek* "because of its amazing record of bravery in exposing corruption".

"It was only when I went to *Noseweek* that I felt people were listening to me objectively. I can't tell you what it meant to get those two articles into the magazine.

"Although I won the court case, it has cost an enormous amount, which is for our personal account. And taxpayers' money has been squandered by Sascoc, which could have sorted this out with one email."

Now Lane would really love to get back into coaching, which is her real passion. "But Sascoc has applied for leave to appeal. I'll have to wait for the outcome before I make any decisions."

Lane, who grew up in Port Elizabeth and moved to Johannesburg in her twenties, has four adult children and

five grandchildren. She grew up in a family where strong values were everything. “We were highly aware there were many disadvantaged people in the world and that it was important to get involved and try to rectify society’s imbalances. That was the way to get the most meaning out of life”

Both her mother and aunt were arrested for their views. “My grandfather, Dr Adolph Schauder, cleared the slums of Korsten and facilitated the building of more than 30,000 houses for disadvantaged communities in Port Elizabeth. He developed the concept of the site-and-service scheme.”

Lane got into coaching “by accident”. She’d studied art and sculpture and sang for the SABC. She only got involved in athletics when she started running with her children, who joined the Wanderers Club in 1975. Within no time she was running marathons and swam the Midmar Mile nine times. “All average performances,” she says.

Highly aware that Wanderers was open only to white athletes, she noticed one evening, not long after the June 16 uprising, a group of teenagers watching the youngsters training.

“Later I was approached by two adolescents, Elliot Faku and Cad Caiphus Vilikazi, for a lift to Alexandra Township. Helping them with transport became a regular occurrence.”

When she next visited Wanderers, she asked the coaches if the two youths could join their groups. “They laughed in disbelief, before refusing. One suggested I train them myself.”

And so began a voluntary middle-distance coaching career at the Wanderers that lasted until 1985.

“I learned to coach from the books I purchased ...”

The early years of promoting racial integration in athletics were fraught with difficulty and danger, says Lane.

“Few remember the draconian Pass Laws. When athletes failed to arrive for evening training sessions, I’d discover that they’d been arrested for not having a pass. This resulted in frequent trips to police stations.”

A fellow coach referred to the athletes she trained as “Mrs Lane’s k...s”

She moved to a voluntary coaching position at the University of Witwatersrand, where she trained both university and township athletes until 1992, before being appointed a Nocsa

(Sascoc) selector for the Barcelona Olympic Games in 1992, and, subsequently taking up her position with the ASA.

“I love athletics and my country, but being patriotic does not embody condoning abuse,” she says.

On the same day that Lane won her court case, she heard that her grandson, Ben Tainton, had been promoted to the top ten in *Idols*.

“He lives in Noordhoek and has never had any kind of formal singing or guitar lessons...”

“We drove straight from the court case to the Moreleta Park auditorium to support him.”

“I didn’t believe I could have such luck. I thought either Ben would get into the top ten or I’d lose my case. It’s been the best week in my life. We are so proud of him!” ■



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Mdluli judge castigates Phiyega

IRRATIONAL, UNLAWFUL, TROUBLINGLY “below the standard expected of a senior officer of this court” – the words of Judge John Murphy of the North Gauteng High Court describing the actions of some of the most senior prosecutors in the country.

Judge Murphy also found that the former SAPS National Commissioner had taken “unlawful” orders from “someone beyond him” to withdraw murder, kidnap, intimidation, corruption and fraud charges against the suspended commander of the SAPS Crime Intelligence unit, Lt. Gen. Richard Mdluli. And that the current commissioner, Riah Phiyega, had tried to deceive him.

(*Noseweek* first revealed the full extent of Mdluli’s alleged corruption 18 months ago, in *nose150*.)

In response to an application brought by the civil rights group, Freedom Under Law, the judge ordered the National Prosecuting Authority to reinstate and prosecute all the charges.

While this judgment has been widely reported, its implications on another critical front have passed largely unnoticed.

The prosecutors who decided to “unlawfully” and “irrationally” let Richard Mdluli off the hook, were the same ones who simultaneously were ordering the suspension and prosecution on charges of murder and racketeering of 28 members of the SAPS serious crimes unit based at Cato Manor in Durban. Several of them had played a leading role in investigating the charges against Mdluli and other top-level criminals with political connections.

A court application in which the policemen claim the decision by the NPA to bring the charges against them was not supported by any credible evidence and was therefore irrational and unlawful and should be set aside is currently pending before the High Court in Durban.

Meanwhile, Advocate Petrus Coetzee, acting for the family of one of the police unit’s alleged murder victims, deceased taxi boss Bongani Mkhize, has drawn attention to the irony that, while the State is prosecuting the Cato



Thoshan Panday

Manor cops for allegedly murdering Mkhize, it is at the same time opposing an action brought by the Mkhize family for R2.3 million in damages against the Minister of Police for the alleged murder – on the basis that the shooting was lawful.

In the civil case, the State is claiming that the police fired because Mkhize had pointed a firearm in their direction.

At the time of his death, Mkhize was sought on several counts of murder and police had information that he was planning to have a witness in a murder trial killed.

Another irony is that the Cato Manor policemen want the State to pay their defence lawyers. They contend that when they shot at suspects they were on duty and had acted lawfully. But State Attorney Krish Govender has turned down their request, claiming it would be a “conflict of interest” for the State to fund the accused policemen’s defence when another organ of state is prosecuting them.

“Of course we are going to use the Mdluli judgment. It shows the conduct and character of the people who prosecuted us. It shows that they are predisposed to being dishonest in order to assist criminal enterprises. It shows they have no respect for the rule of law. It shows that our criminal justice system has been taken over by criminals and is being abused by criminals. That is our case,” said one of the accused Cato Manor cops.

That policeman also dropped a bombshell: they have begun proceedings to

present “spy tapes” as evidence in their defence. These are recorded conversations between allegedly crooked policemen, prosecutors, an award-winning journalist at a weekly newspaper, and Durban businessman Thoshan Panday. Panday is a business partner of President Jacob Zuma’s son, Edward, and has been accused of attempted bribery and corruption in connection with various police tenders.

During Panday’s bail application it emerged that police had been intercepting Panday’s telephone conversations.

Police attempted to oppose Panday’s being granted bail, on the grounds that the recorded conversations included an attempt by Panday to hire hitmen to bump off KZN Hawks commander, General Johan Booysen, who was spearheading an investigation into his business activities.

Two of the Cato Manor policemen told *Noseweek* that the intercepted conversations included discussions between Panday and members of the *Sunday Times* investigations unit.

One of the two showed *Noseweek* his notes made at the time he listened to the recordings. According to the notes, the journalist told Panday “You must get hold of the docket for Howick case number [*unclear*].”

The notes also record that, within hours, Panday had phoned a policeman at Mountain Rise Police Station and asked him to get hold of the docket, saying that “his boy” had told him the docket would help him “fuck up” Booysen.

According to notes made about another conversation, it starts with banter about Panday’s wanting to hire a prostitute for the journalist, then the journalist asks, “Have you got the DVD?”

Panday is known to have told journalists at the time that he had a DVD of Booysen drinking champagne and smoking while watching suspects being executed by his policemen.

He has never been able to produce the DVD.

Booyesen, a competitive cyclist, is known to loathe smoking. ■

Punji Naidoo (front right) with members of the ANC Women's League (and others) demolishing her illegal B&B, brick by brick



Finally, the courts are ordering errant home owners to demolish illegally erected buildings and extensions.

By Gavin Foster

THE SUPREME COURT OF APPEAL'S ruling (*nose168*) that Rhodes University tax professor Matthew Lester must demolish his illegally built R8-million mansion at Kenton-on-Sea, comes as a breath of fresh air for many homeowners. They have had illegal, tasteless monuments to opulence forced on them without consultation with neighbours.

Eastern Cape courts have been tied up with many such cases for the past decade, but two long-drawn-out sagas in Port Elizabeth finally look like being resolved in favour of the law-abiding.

Both involve arrogant, opportunistic guesthouse owners who bought residential properties, built on extra rooms without planning permission, infringed upon building lines, and then used every trick in the book – plus a few new ones – to sidestep court orders while filling beds and raking in the cash.

Both also make the Nelson Mandela Metropolitan Municipality and the Eastern Cape Provincial Government look inept and possibly corrupt, because public servants have gone out of their way to help the guilty bypass the law.

Wilma van Rensburg and her husband, Philippus, have lived in Summerstrand since 1989. Both are trustees of the Hobie Property Trust which owns their residence at No 4 Sixth Avenue on erf 104, as well as Wilma's Guest House, further up the same street. Back-to-back with their home is No 3 Seventh Avenue, on erf 105, that consisted of one main building and a single garage.

In 1996 well-known PE businesswoman Perapanjakam "Punji" Naidoo's Shan Trust bought the house in Seventh Avenue, and soon afterwards gained special consent from the municipality to operate it as a four-room guesthouse. Then, in September 2002,

the Shan Trust applied for a further departure from the zoning regulations, to expand her guesthouse capacity to 11 rooms.

The Hobie Property Trust and five other neighbours objected in vain; in July 2004 consent was granted.

From day one, Naidoo and her trust had carried out building alterations and extensions without any approved plans and ignoring building lines.

When she applied for consent the second time, there were already three double-storey buildings on her plot, one with an outside staircase leading to its roof. And the guesthouse had been operating with all 11 rooms occupied by students long before the municipality approved the additional departure-from-zoning in 2004.

The Hobie trustees put on their boxing gloves and turned to the courts. The details of the various High Court and Supreme Court of Appeal hearings involving the Hobie Trust, the

Shan Trust, the municipality, the Deeds Office and the Eastern Cape MEC for Housing, Local Government and Traditional Affairs are highly complex but in December, after six years and more than a dozen trials, the end seemed nigh, when Judge John Smith of the High Court in Port Elizabeth ruled against the Shan Trust, various members of the Naidoo family, and the Nelson Mandela Metropolitan Municipality, finding them in contempt for ignoring an earlier High Court order.

Six years earlier Judge Johan Froneman had ordered that the offending buildings should be demolished within 60 days.

Judge Smith said: "The respondents have been relentless in their attempts to contest Judge Froneman judgment and have tenaciously pursued almost every conceivable legal (and for that matter, political) remedy to have it set aside." He referred to a petition circulated by the Shan Trust canvassing support for an approach to Parliament to quash the demolition order once they realised that they had exhausted all possible legal avenues.

"The respondents' assertion to the effect that their non-compliance was not wilful also sounds hollow and unconvincing in the truculent and contemptuous statements contained in the petition," he said, agreeing with the Hobie Trust's contention that the actions of the Shan Trust were based on disdain for the learned judge and the judiciary in general.

He quoted from their petition: "The legal system with prejudicial judges has failed us completely in not allowing us a fair hearing. Judge Froneman elected to give his judgment without knowing all the facts, especially entertaining untruths as indicated in the annexures. When I heard that he was on the verge of being appointed as a Constitutional Court Judge I phoned the hotline of the President. My question was how a judge can be in the Constitutional Court who has no compassion... He is a racist..."

Judge Smith said the respondents' non-compliance with Judge Froneman's order was wilful and *mala fide*. "It has... been particularly brazen and egregious... based on boldly stated disdain for Judge Froneman, the legal system, and prejudicial judges..."

He pronounced the four Naidoo



Punji Naidoo's daughter Shashi, a TV presenter and model, is one of four members of the Naidoo family declared to be in contempt of court and given six-month suspended sentences

family members – one of whom is celebrity model presenter of e.tv magazine show *20Something* Shashi Naidoo – all guilty of contempt of court, saying the only suitable punishment was a term of imprisonment. He sentenced each to six months, softening the blow by suspending the sentence for two months from the date of his judgment. If they complied with Judge Froneman's order and demolished the buildings within that time, they would stay out of jail.

The trustees of Hobie mistakenly thought their decade-long battle with Shan was finally won, but Perapanjakam Naidoo apparently thrives on lost causes.

(She featured in *nose166* after having teamed up with convicted serial fraudster Dries Marais, who stole a farm from EP Property Holdings by dint of a fraudulent title deed in his son's name. Naidoo elected to fund the Marais legal battle against the true owners in 2009 for a share of the spoils, and when they lost their last-ditch stand in April 2012, Judge M J Louw made a landmark ruling on litigation funding in South Africa: "Naidoo in effect has taken over, is associating herself with and promoting and defending conduct which, to her knowledge, has been found by the ar-

bitrator to be fraudulent... Naidoo is not a pure funder... it is just for her to be jointly and severally liable with Tobias Marais for any costs order against him.")

Naidoo was into this risky scheme smack-bang in the middle of her travails with the Hobie Trust, where she lost just about every trial with costs.

In the Summerstrand affair she could not even be restrained by a suspended term of imprisonment. On 20 February, the last day of her 60 days' grace, she rushed back to the high court where Judge E Revelas granted her another extension until 31 March. On 3 April this year the *Herald* ran a story under the headline "Guesthouse demolition begins". It said: "Brick by brick, the ANC Women's League, Cope and the UDM helped a Summerstrand family demolish part of their guesthouse..."

The Women's League's Nancy Sihlwayi called on President Jacob Zuma to intervene, "She has to demolish her wealth, but white people are in paradise," she told the paper. "The colonisers of our country are free".

The rent-a-mob demolition crew must have become bored, because on 4 June, Hobie again dragged (Perapanjakam) Naidoo into court in an attempt to get the Smith judgment and arrest warrant implemented.

An apologetic Naidoo told the court she had started demolishing the buildings but could not afford to pay a contractor to finish the job.

Judge JM Roberson pointed out that the Hobie Trust had been very fair in agreeing to two earlier extensions since the Smith judgment that was also intended to vindicate the honour of the court and the legitimacy of the judicial system.

Nevertheless he felt that a brief extension until 15 July 2013 would do no further harm to the honour of the court, but ruled that "the extension until July 2013 constitutes the final extension that will be granted."

Most of the Access Guest House has now been razed, but rubble lies piled up on Erf 105.

Perapanjakam "Punji" Naidoo in the meantime devotes her time to tracking down illegal additions to other properties in Summerstrand. She also told local newspapers that she would be suing the municipality. ■

M'Lud disapproves of urban bullying

Plots to exploit plots decried by judge

ONE OF THE BIGGEST HURDLES FOR Perapanjakam Naidoo's Shan Trust and its ill-fated construction and guesthouse activities emerged during the series of court cases involving their disregard for municipal bylaws and zoning regulations.

It transpired Naidoo's erf was one of 89 properties in Summerstrand registered with restrictive conditions attached to their title deeds when the township was declared in 1944. These were that the plots should be for residential use only; contain only one house designed for the use of one family together with such outbuildings that would be normally required; that no more than half the erf should be built upon; and that no building or structure should be erected nearer than the street building line of 30 Cape feet – 9.45 metres.

These conditions, taking legal precedence over any municipal bylaws, were put in place specifically to preserve the amenities of certain erven as low-density, single-residential properties with sea views, and to maintain the character of the area. They also – importantly – provided the properties protection from the vagaries of political decisions taken by municipalities.

While the Shan Trust case was being fought out in 2006, a crony of Perapanjakam Naidoo, Marais Ellis, bought the house next door to the Van Rensburgs (of Hobie Trust) in the name of his Equus Training and Consulting CC. His business plan for his guesthouse was much like that of Naidoo: buy a house, ignore your neighbours, add a floor-or-two, erect new buildings on the plot, and apply for planning and zoning permission at your leisure while collecting rent from perhaps 20 lodgers at a time.

Like Naidoo, he tried to have the restrictive conditions on his plot removed, and worked hand-in-glove with officials from the municipality in preparing his

case for the MEC.

He succeeded and all seemed well until the Hobie Trust intervened, pointing out that the MEC for Housing, Local Government and Traditional Affairs for the province who granted permission for the removal of the special conditions was not entitled to arbitrarily do so.

The matter went to review in the high court and on 23 November 2012 Judge Revelas found for Hobie. She ordered the reinstatement of the special conditions and the demolition of the buildings, as ordered by the same court in October 2009.

This was to happen within 60 days, failing which the municipality was ordered to demolish the buildings within nine months. Should the municipality not comply, the sheriff was to hire contractors for the work, with Ellis and the municipality paying the costs.

"For the avoidance of any doubt, it is stated that the structures and buildings referred to in... this court's order... are all of the structures and buildings upon Erf 102 Summerstrand," the judge helpfully added.

During her judgment she said "the reasoning of Equus and the MEC, taken to its logical conclusion, envisages that only the landowners who have the largest and highest dwellings will have a sea view. The photographs of the house... reveal a disproportionately large structure covering most of the entire area on which it is built which will ensure it a sea view".

"This seems to be a form of urban bullying, in my view. The MEC's officials or the MEC himself ought to have read and not ignored the judgments handed down in the ongoing dispute.... Equus has built the biggest structure it possibly could on its property to operate the largest guesthouse in the area and it is all completely unlawful." ■

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SHE HAS BEEN CALLED “UNAFRICAN”, a “house nigger”, a “coconut” and “Helen Zille’s tea girl”. President Jacob Zuma calls her “Ntombazana” (Young Girl) and “My Dear”. ANC MP Buti Manamela proclaimed during the Presidential Budget Vote debate in June that she “should be arrested by the fashion police”. Deputy Justice Minister John Jeffrey added his half-cent’s worth: “While she may be a person of substantial weight, her stature is questionable.” The barrage of insults relating to her weight, her hair, her gender, her accent, age and dress-sense just never seems to let up for the DA’s 33-year-old parliamentary leader Lindiwe Mazibuko. So much so that one could even conclude her political opponents are scared of her.

But the insults are not what’s buzzing the DA’s 33-year-old parliamentary leader when we meet for an interview at Parliament. What’s motivating her right now is the fact that there’s an election in six months’ time.

“Every election I’ve been in so far is going to pale in comparison to this. It both excites and terrifies me. It’s going to be six months of relentless work, but it has massive potential to shift the entire political terrain in South Africa.”

When we meet, an unauthorised biography on Mazibuko by political and business correspondent, Donwald Pressly, *Owning the Future: Lindiwe Mazibuko and the Changing Face of the DA*, is about to hit the shelves.

Noseweek has had a preview, and it makes for a compelling read, focusing on the life and career of Mazibuko as the first black person to lead the parliamentary opposition in South Africa. It also provides an overview of the DA ahead of the elections.

Pressly was first to break the news that Mazibuko was running for parliamentary leader against veteran MP Athol Trollip in 2011. He tells *Noseweek* he thought her story needed to be written because it was a remarkable development – that the perceived largely white party was going to be led in Parliament by a black woman – and one who, he believes, has a great deal going for her.

Mazibuko’s view of the book: “I have been in politics for seven years and a public representative for five. I was not expecting to have to read a semi-

The DA’s sparkling parliamentary leader has what it takes: good sense, energy, high ambition – and a loving family

biographical book about myself at age 33. It’s a surreal experience.”

She did not like every part of the book, including the “unnecessarily simplified analysis” of the role of white English speaking males in Mazibuko’s election and the way her relationships with DA leader Helen Zille and her predecessor Tony Leon are portrayed.

“Helen and I have a very complex relationship. We don’t braid each other’s hair and watch rom-coms together. We have differences but we also don’t slam doors and act like divas.

“And Tony and I are not cut from completely different cloths, as Pressly suggests. I have a lot of fun with him. And I think he is a very cool guy. We’ve had our fair share of disagreements, but he (Pressly) portrayed far too much distance between us.”

When we meet, Mazibuko has come from her weekly breakfast meeting with Zille. “We meet at a little German bakery in town. Because Helen is in charge of the party and I do Parliament, we brief each other on our work.”

The day we meet is what Mazibuko

describes as a “mad media day”, with fresh allegations on Zuma, the Gup-tas and the Waterkloof Air Force Base. Her spokeswoman, Siviwe Gwarube, a 20-something Rhodes University graduate from the rural Eastern Cape is never far away, popping in every so often with press releases and requests for media comment. One of the most striking things about Mazibuko’s office staff is its youthfulness.

While I wait for our meeting, under the watchful eye of a huge portrait of Helen Suzman, a young man, clutching a box of granola, strides between offices, finalising arrangements for Mazibuko’s trip to Washington the next day. Greg Bergh, 36, chief of staff, tells me he’s taken time out from asset management to work with Mazibuko “because I think she’s fabulous”. I am received by Mazibuko’s PA, 25-year-old Lumka Mquqo, highly efficient and power-dressed in purple, juggling trays of rooibos and documents. Also on hand is Russel Brueton, her parliamentary operations director, age 25.

Born in Swaziland, Mazibuko is one of five children. Her late father, Welcome Vusumuzi Mazibuko, was a bank manager and later, an entrepreneur. Her mother, June-Rose Mazibuko, 64, is a nurse, a matron at Durban’s Inkosi Albert Luthuli Central Hospital. She remains Lindiwe’s closest confidant on “the biggest to the smallest things.”

“There’s a small part of me that still thinks she’s like Superman and can solve every problem. I phoned her yesterday as I had a reaction to some antibiotics. She told me to ask my GP!”

Mazibuko’s parents were South African, but her father’s family moved to Swaziland when the Nats came to power. “My grandfather (a high-ranking clergyman who helped freedom fighters escape South Africa to Swaziland and endured harassment by the police) was very politically involved.”

She continues: “I had a great childhood, until my father died, in that my parents worked extremely hard to deliver the best life they could for us under some quite horrific circumstances.”

In Swaziland, her father was tasked with rehabilitating branches of Barclays Bank and her mother worked in a camp for refugees who came across the border to seek asylum in Swaziland during the civil war in Mozambique.

“We didn’t have fancy things but we

**THE WOMAN WHO
WOULD BE**

PRESIDENT

lived well,” says Mazibuko. “My father was well loved in every community we lived in. Although Swaziland was a poor country there were a lot of South Africans in exile there and it had a peaceful diverse community.”

The family moved often, from Manzini, to Nhlanguano, to Piggs Peak and Big Ben and Mbabane. “I remember it as idyllic. We were barefoot, rode bikes, swam and came home after dark. My parents had a car, but I was never in it. I walked to church, to school, to the quarry, the river and the country club. I had friends of different colours and languages. We visited South Africa a lot and stayed with my uncle, mostly to do grocery shopping at the Durban North Hypermarket.

When Mazibuko was six, her father was recruited by African Bank and the family moved to uMlazi township outside Durban.

“My parents decided the time had come to go home... that there were limited economic possibilities in Swa-

ziland. I think they anticipated that change in South Africa would come faster than it did. They unwittingly came back at a very turbulent time.”

ziland. I think they anticipated that change in South Africa would come faster than it did. They unwittingly came back at a very turbulent time.”

The move to South Africa was hard, she says, and the racial divisions stark. “We had to integrate into an incredibly divided country in a state of emergency, where tensions were high, the army was patrolling the streets, and teargas bombs would land in our garden. It was a massive shock to the system which I don’t think we ever got over, frankly.”

Lindiwe and two siblings were sent to a private Jewish primary school, Carmel, in Durban. “They remember me fondly, but it was a fraught experience, being the only black children in the school for a long time. As Christians in a Jewish school, we were treated like exotic creatures. I never felt unwelcome... but we were called ‘non-Jewish’.

“I was grateful for the education and for what was actually a very warm welcome into a community... We never experienced the acute racism of the

outside world in Carmel. It was a little more benign.”

Mazibuko doesn’t recall political discussions at home. “My parents used to make vague reference to activists. There was no mention of political parties. In uMlazi, when a member of the UDF or the ANC underground was killed by security police or the apartheid state, everybody would turn out their lights or put a candle in their window... when there were strikes, sometimes the activists would build barricades with burning tyres to prevent people from going to school and work.

“But, for some reason, they allowed nurses to go to work, so we’d wake up very early and my mom would put on her nurse’s uniform and put my brother, my sister and me in the boot of the car, then she would drive past various barricades and say, ‘I am going to work’. In Chatsworth, she would stop and we would get out, sit in the back seat and get dropped off at school, like nothing had happened.”

“When you’re used to things as a child you don’t know you should be scared. When the police threw tear gas into our yards, I knew we had to go to the back of the house, get a wet towel and lie under the wet towel. In uMlazi, it was just part of daily life.”

So, if they never discussed politics, what did the Mazibukos talk about around the dinner table at home?

Mazibuko smiles: “School, work and money. Always. We had regular lectures about how expensive our education was; how our parents had to take out money from the bond to pay the school fees. My brother was terrible at maths and got lectures about how ‘we’re paying thousands of rands for you to go to these fancy schools and you’re lazy’. Ja, they were tough taskmasters. That was really the substance of every discussion. Work, school, money, success, sacrifice.”

Mazibuko’s father eventually left African bank and bought a supermarket and a butchery in uMlazi. “Then he was free to be himself, I think. I would

visit him at the shop and he loved showing off his kids and he would say, ‘Ah, my children are here. Clearly they want more money.’

“He was funny and cool. My mom, by contrast, is incredibly introverted and shy. I think that was what made them a good couple. She blushed and giggled behind her hand a lot because he was silly and fun. He loved dancing. He loved parties but didn’t drink. He was popular and well-loved and made family occasions fun. He was like sunshine.”

In October 1992, when Mazibuko was 12, her father died in “a brutal murder”. Two other businessmen were killed at the same time.

Pressly makes it clear in the biography that neither Lindiwe nor her mother will open up about his death – and that, while they thought it had been a political killing, they did not have certainty about it. Nor were they sure if he had been an ANC supporter and been a victim of the clashes between the ANC and Inkatha in KwaZulu-Natal.

Has Mazibuko dealt with her father’s death? “No, not in the slightest,” she replies. “Even bringing it up makes me tear up. So I don’t talk about it.” Silence. Long pause and Mazibuko stands up to fetch a tissue.

Struggling to speak through her tears, she continues: “Tokyo Sexwale looks a lot like my dad and, when he was still in Parliament, every time I saw him I would run up and hug him. He doesn’t know why. Maybe one day he will read this and know why. Seeing Tokyo Sexwale makes me well up.”

Mazibuko says she and her family have spent “a lot of time burying the pain” of losing her father.

“My whole family is like this. Just at the mention of his death, everyone starts weeping uncontrollably. At weddings, at graduation parties, family dinners, Christmas – and I don’t mean just my immediate family, he was deeply, deeply loved and the circumstances under which he died were utterly, utterly horrific.”

Did the possibility that her father’s death could have been related to ANC/IFP skirmishes have anything to do with her joining the DA and avoiding either the ANC or the IFP? “Not at all. I mean maybe unconsciously. I consider myself a person who is quite in touch with her conscious decisions although I



Lindiwe and her mom, June Mazibuko (above) at Lindiwe's traditional Zulu *umemulo*, coming of age celebration; and (right) Lindiwe's elder brother, Sifiso Mazibuko; his wife, Jaclyn Mazibuko; Lindiwe Mazibuko; Lindiwe's elder sister, Nonhlanhla Lynette Msomi; and her husband Siyabonga Msomi.



know very little about what's happening in the background...

"I think how I feel about justice in general has its roots in my own experiences, but no, I don't think that is why.

"For a long time I wanted to be a lawyer. I was obsessed with becoming a lawyer and that was driven by my father's murder. I have always been on this sort of justice-y trail."

Mazibuko wishes she could have learnt more from her father. "I think the moment when I needed to learn from him was the moment I lost him."

Three months after the death, Mazibuko, about to turn 13, went off to boarding school at St Mary's Diocesan School for Girls, a private school in Kloof. "It had been my father's wish – and by that I mean instruction – that I go to St Mary's. I sat the entrance exam and was accepted before he died, and the excitement was palpable.

"When I went off – my things packed into my sister's hand-me-down trunk from Treverton – I knew this was what he had wanted. But it was a terrible time to leave my mother. At that age you think the world revolves around you. She had four other children but I felt like I was abandoning her."

Mazibuko felt more at home at St Mary's where there were many more black children. "And, because the school

was Anglican, it had a connection to the stuff I did on a Sunday, which was go to St Paul's with my family. We had a chapel and the same little blue prayer book was there. It felt like I'd plugged into a place that was normal again."

Mazibuko had started singing at primary school but didn't realise she had any talent until she reached St Mary's, where she was soon recognised as having the voice of an angel and nurtured as a soloist and leader of the choir under an intensive music programme.

She would have pursued a musical career – as a conductor – and was accepted at the Royal Scottish Academy of Music as well as Trinity College of Music but could not find the funding. "I cried about it for weeks. It took a long time to get over."

Mazibuko signed up to study music at the University of KwaZulu-Natal but gave it up after a year and went travelling in Europe. She lived in London for three years and worked in a coffee shop. "I went to St Petersburg, Sofia, Czech Republic, Hungary, Austria... I loved peeking behind the iron curtain."

She also discovered the African continent. "My housemates in London were two sisters from Tanzania and a woman from the island of St Lucia. The sisters were so good for me, as

their parents were diplomats and they had lived all over the world. They introduced me to their circle and it was a huge eye-opener. Most of my friends were from other African countries – Kenya, Tanzania, Nigeria, Gambia, Ivory Coast, Congo."

At the same time, Mazibuko began to look at South Africa from afar and to change her view of the role the government should play in people's lives.

Back in South Africa, she returned to university and graduated with a BA in 2006 and an honours degree in political communication the following year at the University of Cape Town. She had chosen DA leader Helen Zille as the subject of her honours dissertation and researched Zille's tenure as Mayor of Cape Town, as DA leader, and examined the party's policies and programmes. These, she realised, tallied a great deal with her own beliefs and her own political vision for South Africa.

Then it was time to find a job. And, no, she was not "discovered" by DA whizzkid Ryan Coetzee while working as a waitress in the Royale Restaurant in Long Street. "That is just untrue".

"This question – 'how can I be young, black, female and successful in politics' – there's this assumption that someone white must have "discovered" and nurtured me. It's never about how I was a

self-starter and did something myself to rise in politics as fast as I did.

“What happened, in fact, was that my mom was putting pressure on me to find a job. I answered an advert in the *Sunday Times*, was interviewed for the position, and got the job.”

After a year spent as a researcher, Mazibuko was appointed to the position of national media officer during the 2009 national elections. She had stood for public office in 2008 and was elected to Parliament in 2009, when she became the DA's national spokesperson and shadow deputy minister for communications. In 2010 she became the shadow minister for rural development and land reform before deciding to run for the position of parliamentary leader, which – after a bruising contest with Athol Trollip – she won.

Since then she has led the DA caucus

She believes that the forthcoming election will be all about jobs – “whether or not people can work, feed themselves and live lives that they can value. That is going to be the heart of this election.”

“If two-thirds of South Africans are under the age of 35, and if 70 percent of unemployed people are under the age of 35, then there's a growing dissatisfaction among what is increasingly becoming the majority of people in our country,” Mazibuko points out. She is confident the DA has a great chance of taking votes from the ANC.

“Zuma has dealt a terrible blow to ANC support levels. He represents the biggest departure from the ANC that people are nostalgic about when they think of Luthuli, Tambo and Mandela. He is almost the epitome of the real ANC which, combined with the emer-

the Free State, North West and Mpumalanga, within driving distance of that province, and they will experience DA delivery in far larger numbers than down here in the Cape. The geographic distribution is hugely important.”

Having faced an endless stream of insults, Mazibuko is gearing up to confront an unprecedented barrage of criticism as election fever hots up.

“The insults didn't bother me in the slightest as I get them all the time. When people call you a name – when true or relevant – it warrants further discussion, but if it is neither true nor relevant, then it hurts.”

Mazibuko “debriefs” from the insults by taking time out to “talk to my friends and drink lots of wine”.

Asked whether she has a partner, Mazibuko responds: “I don't talk about that. I decided a long time ago, that the moment I made that part of my offer I'd be accountable for it. If I screw up my relationships, cheat on my boyfriend, if I am gay or straight, it would suddenly be a feature of my political offer and people would hold me accountable for it, so I simply don't talk about it. It's got nothing to do with what I do.”

Is Mazibuko in politics for the long haul? “Yes, but I know that the long haul will be peppered with deviations along the road. At some point, I want to work in the private sector. You have to have a certain amount of connection with the real economy, with what drives the country. In modern politics you have to spend some time in the world.

“I also want to spend some time in a different sphere of government as a Mayoral Committee member or a member of the provincial legislature before I go to national government which is my ultimate goal. I want to be a cabinet minister, either communications or public enterprises.

“I'd like to preside over the kind of privatisation that we propose as a party – not full-scale and in its entirety, but strategic privatisation. Most of all, I want to be a rounded person in politics.”

Does she intend to become overall leader of the DA?

“I do. One day. Not tomorrow.”

And, is she interested in the highest office of the land?

“Yes, I am very interested in that. I would like to be president one day.” ■

'The state of the nation is one of fear and of increasing pessimism,' says Mazibuko

in Parliament past a number of milestones. She names her performance during a recent question session with Zuma on Nkandla as her finest moment in Parliament. At the time, the president was insisting, in response to questions, that the money spent on his rural home was for security upgrades, while Mazibuko was arguing that it had not been used for that purpose.

“I am proud of that – it was the first time I had deviated from my prepared script. It was a big risk as I'm still a freshman MP. I had my team watching on a screen in my office and texting me information. I really had to think on my feet that day. Yes, the adrenaline was flowing.”

Issues closest to her are land reform, BEE and employment equity. Another subject she feels strongly about is that of governance. “What kind of Parliament do we want to run when we are the majority party? What kind of electoral system do we want. These issues speak to our policy programme but also to who we are. Not forgetting gender issues and equality as a principle.”

Asked to describe the “state of the nation” today, Mazibuko responds: “The state of the nation is one of fear and of increasing pessimism.”

gence of other parties – Cope, the EFF and Agang SA – means more black voters are no longer feeling a permanent allegiance to the ANC and feel free to move to opposition parties in much bigger numbers than they have in the past.

“The ANC is in massive trouble and has been in decline since former President Thabo Mbeki's peak in 2004 when they got 70 percent in the general election. They have lost 8 percentage points since 2004, down to 62 percent now and are 12 percentage points away from being challengeable at national government level.”

The DA's two main election goals are: to govern the Northern Cape and to get to 30 percent of the vote, says Mazibuko. “We have a high chance of winning the Northern Cape but we must throw everything we have at Gauteng because it is a small, densely populated province and one where we can show DA delivery in a completely different part of the country.

“For most people in South Africa, Cape Town and the Western Cape are narratives, not lived experiences, whereas if you are in the Highveld and in Gauteng, you get South Africans who live in Limpopo, KwaZulu-Natal,

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WATER RIGHTS

— AND WRONGS

They came, they saw, they loitered – and nobody knows why or when the weird weir affair will be resolved

STEPHEN PAIN OWNS A FARM OUTSIDE Riversdale in the Western Cape. It is bordered on one side by the Kruisrivier, and his stretch includes a gauging weir which is the property of the Department of Water Affairs.

Pain was absent from the farm for some time during 2010, but when he pitched up in January 2011, it was to discover that the Department of Water Affairs had moved men and building materials on to his farm a few months earlier in order to do “repair” work on the weir. The foreman explained to Pain that the weir had been built in 1964 and that the top of the wall had eroded and repair work was vital, as the weir formed a key part of the regional water scheme. (It is designed to measure water volumes for allocation to farmers downstream.) The work would take two months.

It soon became apparent to Pain that this was no repair; it was a rebuild that was going to take longer than two months. At first, he put up with around 10 Water Affairs labourers going back and forth past his front door every day – with their cement mixer grinding away nearby – then he expressed his irritation in an email to the department: “Your employees seem to just come and go when they please, they do no work, but use my place as a storage yard and picnic site.”

When Pain discovered that the labourers had built a temporary structure on his land, he blew a fuse and ordered them off the premises, only to relent and allow them back 12 hours later.

But in August, eight months after the invasion, the labourers suddenly upped and left, having built a single wall and a non-functioning gauging weir. And leaving Pain with an eyesore.

On 17 October 2011 Pain wrote to Johan Knoetzen, in charge of the Department of Water Affairs’ George office: “I am horrified at the mess which your people have left here. As far as I can gather the job has been abandoned with absolutely no effort to clean up as you had assured me you would... Do you intend to finish the job ...if so, when? When will you remove the equipment, materials and junk left here by your employees?”

Knoetzen responded: “We will return to complete the work in February

2012.” He added: “We have invested a lot of capital in the project already.”

But no one came to finish the job. A year later, in January 2013 a Mr Mouski from the department did a site inspection and Pain was told that the chief director, Rashid Khan, would put in an appearance the following month. But Khan never pitched and since then has refused to take Pain’s phone calls.

In May, Advocate Abraar Mowzer, Deputy Director: Monitoring & Evaluation, wrote to Pain about “unresolved issues in gaining access” and complained that Pain had refused to grant the “hydrology team” access since August 2011. He asked Pain to urgently confirm that he would grant the department access and ended with the threat: “If you do not allow the hydrology team access to the gauging weir, the Regional Office: Western Cape will be forced to obtain a warrant to enter the property.”

Pain wrote back: “I do not understand why the department is writing to me in these terms.”

He got no response, so in June he emailed a number of senior officials at Water Affairs to complain. This did elicit a response – on 3 July Mowzer wrote: “Our Regional Office: Western Cape has decided to complete the refurbish-

ment of the gauging weir. We hereby provide you with two options:

- Option 1 – In order to finish the construction at the site, we would... require access to your property for approximately 2 to 3 months...

- Option 2 – Would you not want us to finish the project, we will close the gauge weir on your property and seize (sic) all further operations...

“Kindly indicate which option you accept. If you decide on Option 2 we will withdraw permanently.”

Remarkable! Suddenly the gauging weir isn’t so important, in fact it’s something Pain can decide upon – despite all the earlier threats of court action and warnings about urgency, flood damage and heavy capital investment.

“I had for the previous two years been begging them to complete the job. But since it apparently now did not matter to them either way, I opted for them to simply come and clean up after themselves,” Pain told *Noseweek*.

Adding to the mystery, more than a year ago two Riversdale farmers, J van Rensburg and Wessie Wessels, representing the KWVV (Kruisrivier Watervbruikersvereniging) – approached Pain to ask him to do what he could to ensure that the gauging weir was completed. They had been told by



Evidence of disruption to the site, consisting of extensive paths used to transport cement, as well as a chute

the DWA that the delay was because Pain had been denying the department's workers access to the site.

The farmers had explained to Pain that their inability to measure water was jeopardising the supply of river water to farmers further downstream. Pain assured the pair that they had been misinformed and that he was as keen as they were to see the project completed.

He heard nothing further until last month, when, on a visit to Riversdale he discovered that farmers were still spreading this "lying, malicious nonsense", so he approached the KWVV "to make sure that their members are provided with the truth".

"But the KWVV refuses to circulate my side of the story to its members or provide me with a list of its members so that I can inform them myself. It is unclear to me why the KWVV should prefer that the truth is buried," Pain told *Noseweek*.

So what gives – a cover-up to protect the lazy and incompetent? Who might benefit from the incorrect allocation of river water?

Noseweek asked Mowzer a few simple questions: why the work had been done in the first place; why it was not completed; was the work never really

necessary; how much was spent on the project; was there any significance in the fact that an adjoining farm, downstream, is owned by Western Cape MEC Theuns Botha?

Mowzer chose the option that civil servants so often go for in order to avoid dealing with inconvenient questions. He told *Noseweek*: "You need to submit a formal Promotion of Access to Information Act (PAIA) request for that information.

Noseweek chose not take that option, and told Mowzer that we would record his response as a "No Comment".

Theuns Botha told *Noseweek*: "I was not aware of the deterioration of the weir, or the repairs to it, or about any complaints from the users – that is, until a recent email from Pain.

"I use a small percentage of my allocation [of river water] due to the nature of my farming requirements, which are semi-lifestyle.

"The action or inaction of the Department of Water Affairs does not surprise me. To experience poor service delivery from a national department happens often. My advice is to use the mechanisms available to keep them accountable. In my experience, treating people with respect and dignity also helps to get the job done." ■

STILL WORRIED ABOUT RED WINE AND CHICKEN?

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SEEDS OF A FOOD

Seed regulation is among the long list of grievances behind the Colombian agricultural strike.

By Richard Emblin

FOR MORE THAN TWO DECADES Colombian agronomist German Alonso Vélez has led a campaign as director of the NGO Semillas, to see Colombia's native seeds circulated freely across the territory. For every planting season, tens of thousands of Colombian farmers are forced to buy only seeds certified by the country's agricultural institute, ICA.

The issue of the free flow of seeds in one of the world's most agriculturally-diverse nations dates back to 2010 when the ICA promulgated a regulation known as 9.70, which essentially gives the ICA powers to police and fine or jail those who exchange native seeds that haven't been rubber-stamped by the ICA.

The seed regulation is one of a long list of grievances behind the recent *Paro Agrario* (the agricultural strike) by Colombian farmers because of their dire economic situation, made worse by high fuel prices and burdensome tariffs on imported pesticides.

"Colombia should be food sufficient, but we are not," says Vélez.

A documentary by journalist Victoria Solano titled *9.70* has gone viral on social media. It shows ICA officials confiscating rice from farmers in the small community of Campoalegre, Huila. Accompanied by anti-riot police, they destroyed 70 tonnes of rice belonging to small-scale farmers.

Colombia's biodiversity must be protected against GMOs, warns Vélez.

The destruction of crops and grain is unacceptable in a country which takes great pride in working the land. In 2010 when 9.70 was promulgated, it had an instant impact on Afro-Colombian and indigenous communities who had been sharing seed and sending it to the market without the real fear of



Agronomist German Alonso Vélez (above); and street demonstrations in Bogota in August, part of the growing wave of popular protest that began with action by small-scale farmers

their being seized and destroyed. Seed sharing is a tradition deeply rooted in Afro-Colombian and indigenous communities dating back to the Spanish conquest of the Americas. "Seeds don't belong to governments," says Vélez. "They belong to peoples."

In the first week of September, after farmers joined in the nationwide protests and riots by miners, Colombia's President Juan Manuel Santos, froze all the conditions that could result in small-scale farmers being penalised for re-using seed.

Santos also promised to revise certain regulations regarding the importation of foreign-grown grains and produce that should form part of the nation's agricultural basket.

For seed campaigner Vélez, although this was a small step in the right direction, the greater threat is from genetically modified crops destroying locally grown agriculture. The impact of GM crops has yet to be fully understood by

a majority of Colombians.

Vélez first took up the challenge of defending Colombia's food diversity when in 1998 he went to work with indigenous communities in the Amazon Basin. Looking at how small and remote towns established self-sufficient orchards and food networks, the agronomist began gathering research material on the Amazon's extensive agro-diversity, and a know-how which could be applied to other rural and vulnerable communities.

With the help of the SwissAid foundation, whose vision is "a just and peaceful world that celebrates diversity", the NGO Semillas got off the ground and began working closely with small-scale farmers in the Tolima and Cauca departments. The founding objective was to protect land titles, the conservation of forests, water sources and traditional food diversity.

Part of Semillas's greater philosophy has been to educate farmers about



CRISIS



their agricultural rights. “We studied traditional agriculture and saw how it applies on a national scale,” states Vélez. “If Colombia is not careful in protecting its traditional farming methods, it could become 100 percent dependent on foreign-grown foods, especially GMOs.”

The introduction and expansion of genetically engineered crops in the late 1990s has adversely affected the livelihoods of Colombia’s small-scale farmers. To get across the message about the importance of seed preservation and circulation, Semillas began publishing detailed journals and academic papers on all issues agricultural. The organisation now forms part of the regional network, Red Semillas Libres, which encourages “seed independence” in farming communities.

Besides the national implications of Resolution 9.70, there are also the effects on farmers of the free-trade agreements between Colombia and the

US, Canada and the European Union. Vélez says seeds are restricted “intellectual property” under the International Convention for the Protection of New Varieties of Plants (Upov91), revised at the 1991 Geneva Convention.

Vélez points out that US President Barack Obama approved a free-trade agreement between the US and Colombia on condition Colombia ratified the law which enforces Upov91 in Colombia.

“We basically imprisoned our agrobiodiversity,” states Vélez. “By privatising our seeds, we began eroding our agricultural autonomy.”

If government controls the use of seeds, it controls what is planted, and what we end up eating. For Vélez, Colombia’s farming predicament is the result of laws having been pushed through which have benefited large agro-industrial complexes at the expense of traditional farmers.

He cites the collapse of the cotton

industry in Tolima once farmers were forced to buy GM seeds from Monsanto. In 2008, Tolima lost 50-to-75% of its cotton production when farmers converted to GMOs, representing millions in lost revenue. Had farmers refused to buy Monsanto seeds and continued planting their native “criolla” ones, Colombia’s cotton industry would not have faced certain death. A similar agricultural disaster unravelled in the department of Cordoba.

Monsanto was fined a meagre US\$300,000 by the ICA for the damage it caused to the nation’s cotton farmers.

Challenging the practices of the monopolies that govern much of Colombia’s agriculture is part of Semillas’s work. “We should control which seeds are introduced to the country and can harm local ones. We shouldn’t be persecuting the seeds, which are native to our soil.”

Vélez believes Colombians are staring at the “tip of the iceberg” of an impending food crisis, unless drastic measures are implemented to protect agricultural diversity.

“It’s no longer possible for a dairy farm to make ends meet with three cows. Unless there are profound structural changes to current development models, we will be totally dependent on monopolies for food,” affirms Vélez.

The debate over what constitutes a “certified” seed and its commercial uses has been high on the political agenda since the recent strikes and protests. For Vélez, only the hard work of small farmers can guarantee Colombians will have locally-grown food on their tables in the years to come. He says 70% of all the maize cultivated in the country still comes from small, traditional farms. With high numbers for beans, yucca and other perishables, he points to the success of grassroots initiatives by indigenous farmers to keep their arable land free of GMOs.

Seeds have been sacred to the many peoples who have inhabited the rainforests and mountains of the Andes. In a country rich in bio-diversity, agrarian leaders such as Vélez are intent on defending that which is natural at any expense, because disease and famine don’t respect borders. ■

Richard Emblin is editorial director of the City Paper, Bogota’s English-language newspaper

Kenya. Shockwaves after the shoot-out

IN THE WAKE OF THE ATTACK AT Nairobi's Westgate Shopping Mall, President Uhuru Kenyatta faces tough questions about the probity and efficacy of his government. Kenyatta received a diplomatic boost from the attack with widespread calls for the immediate cessation of his case before the International Criminal Court. However, that rapidly gave way to a more critical view of his government and its security system, with calls for the sacking of the prickly Cabinet Secretary for the Interior, Joseph Ole Lenku, and the Director of the National Intelligence Service, Major General (Retired) Michael Gichangi.

As Kenyatta responded to the tragedy with some powerful, well-scripted speeches, his diplomats were working to get the ICC trial of Deputy President William Ruto suspended, so that he could return to Nairobi to help manage the crisis. They had succeeded by 23 September.

At the same time, Kenyan leaders were insisting the country was the target of an international terrorist campaign, far beyond local or regional politics. The message was clear: Kenya could not afford to lose its president and his deputy to the much-criticised judicial proceedings in the Hague at a time of national crisis and tragedy.

For Kenyatta and Ruto, it was an ideal preamble to the extraordinary meeting of the African Union in Addis Ababa on 12 October to debate a continental withdrawal from the ICC.

"It's hard to overestimate how determined are Kenyatta and Ruto to stop the ICC trials in their tracks – and the mood here after the attacks could hardly be better for them," an East African diplomat told *Africa Confidential* at the UN General Assembly in New York.

Right on cue, Uganda's President Yoweri Museveni, now a close ally of Kenyatta, told the assembly on 24 September: "The ICC, in a shallow, biased way, has continued to mishandle complex African issues. This is not acceptable. The ICC should stop."

That's quite a U-turn from a leader whose government five years ago asked

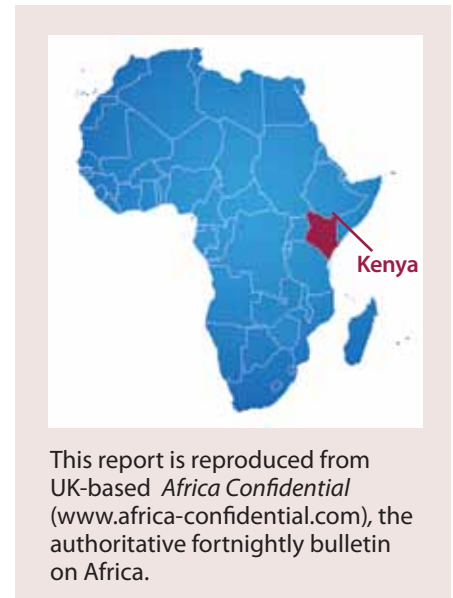
As forensic investigators comb the Westgate Mall for clues about the insurgents, anger grows at the security failure

the ICC to indict Joseph Kony of the Lord's Resistance Army and help arrest him.

Museveni was also adept at establishing Uganda's indispensable security credentials to Washington when he led the regional fightback against the Haraka al-Shabaab al Mujahideen in Somalia. Kenya sent its troops into Somalia in October 2011, calling the mission Linda Nchi ("Defend the Nation" in Kiswahili).

After the Westgate attacks, which al-Shabaab said it had launched against Kenya's intervention in Somalia, Kenyatta spoke of Kenya as "a national family". That fits perfectly with the posture of his defence at the ICC, where he and Ruto face charges of orchestrating post-election violence in 2007-08 that killed over 1,200 Kenyans and drove a third of a million people from their homes, most of whom continue to struggle in makeshift camps, while no substantive charges have been brought in national courts against those responsible.

Since Kenyan troops went into Somalia, militia groups (not only al-Shabaab) have launched some 50 attacks in north-eastern Kenya, in the Dadaab and Hagadera refugee camps and in towns like Garissa, Mandera and Wajir. They have also launched grenade at-



tacks in Mombasa and Nairobi. These were never enough to elicit more serious action from the security services. The attack on Westgate, with its elite Kenyan and foreign diplomatic clientele, is likely to prompt a fiercer response. But against whom?

First, there were calls for the immediate closure of the Dadaab and Hagadera refugee camps and for the repatriation of all other Somali refugees, over 400,000 of whom live in tents in the Dadaab area, a recent target of armed attacks. Apart from breaching international law, a mass expulsion of refugees would run the risk of turning into an anti-Somali pogrom. There are important distinctions between Somali migrants and the Kenyan-Somali community. An intensified bludgeoning of Somali migrants would also alienate Kenyan-Somalis, who are a substantial and distinctive minority in Kenya. Historically, they also have a strong presence in the military and the police service.

While some favour a general crackdown on Muslims, the majority of political activists are calling for a more constructive engagement that could produce better intelligence from communities where Somali migrants live. That requires a major turnaround,

given the history of state mistreatment of some Muslim groups. Harassment of Muslims in centres such as Eastleigh in Nairobi, along the coast and in the north-east, risks radicalising Kenyan Muslims, some of whom may build links with insurgents in the region.

There was an important show of national unity during and after the attack. Churches and mosques organised inter-faith services for Christians and Muslims, attended by Kenyatta and Chief Justice Willy Mutunga, formerly a firebrand opposition activist.

Yet historical tensions linger between Muslims and Christians over resources and mutual respect. Around 20% of Kenyans are Muslim, a similar number to the biggest and richest ethnic group, the Kikuyu. The Muslim community is generally much poorer and fragmented; each group has a distinctive relationship with the state.

Some Muslims at the coast argue for the right to self-determination as part of various secessionist movements, such as the Mombasa Republican Council. Many coastal people complain that the area has received little government support since independence. The proportion of Muslims at the coast is much higher than in the rest of Kenya but the extent of Islamist influence there is a subject of debate. Heavy state repression added to poor economic conditions will be welcomed by the recruiters of Islamist insurgents.

Many opposition activists in the region claim that police and security label them jihadis to win wider – often US and British – support for a crack-down. They argue that heavily armed insurgents with international links have been able to bribe their way out of detention while local dissidents languish in cells without funds for lawyers. There are also powerful commercial and land-owning interests eyeing prime land along the coast who talk up the Islamist threat to justify widescale arrests and detention of local activists.

Kenyan Somalis in the north-east also have a fractious relationship with the Kenyan state. Since the Shifta Wars of the 1960s, the government's response has been repressive ever since. Thousands of people are believed to

have died at the hands of the security forces in a massacre at the airstrip at Wagalla in 1984.

Violent local politics and bouts of state repression combined with extreme poverty and unemployment have encouraged radicalisation in the area bordering southern Somalia. Add cross-border traffic in arms and other contraband, and the free movement of itinerant Islamist proselytisers, and the prospects for more trouble are clear. It is into that environment that Nairobi politicians want to send the police and army to crack down on oppositionists and close two refugee camps.

Somalis in Nairobi's Eastleigh district, "Little Mogadishu", have a different complaint. Even before the intervention in Somalia, Kenyan forces were accused of breaching human rights during stop-and-search operations which officials said were to identify and expel illegal immigrants. Following Westgate, security will focus on Eastleigh and the north, where there are already reports of growing tension. The prospect of clashes with security forces in the north-east and Eastleigh plays into al-Shabaab's efforts to divide Kenyans.

As a home to Somali migrants facing increasing harassment, Eastleigh is a likely recruiting ground for al-Shabaab.

The wealth of some Somali business people who own streets of shops, represents an increasing commercial and political threat to Kenya's elite. Some Somali shopkeepers claim that attacks on them and their property are sponsored by Kenyan businessmen, who pay the security forces to shut down Somali businesses.

Such a strategy would be counter-productive. The Supreme Council of Kenya Muslims was quick to "condemn in the strongest terms the attack on peace-loving Kenyans". Most Somalis in Eastleigh have little sympathy for al-Shabaab. Many fled to Kenya to escape the conflict in Somalia and have lost friends and family there. An early government target might be the money-transfer outfits, that operate in Eastleigh and are suspected of being used by al-Shabaab and other militias.

Millions of dollars were reportedly looted from Westgate shops during the siege, some, it is thought, by associates of the attackers and the rest by the police and military. Following the loss of both Kismayo and Mogadishu ports, al-Shabaab faces growing financial as well as military pressure in Somalia.

That pressure could make al-Shabaab more determined to launch spectacular attacks. Until last year, it seemed that



Westgate Mall: death in Kenya

the group had refrained from launching a major attack in Kenya because of the risk of provoking a state crackdown on Somali businesses that, wittingly or unwittingly, help to finance the insurgents.

Now it seems that the Islamist militia, or at least the faction that had carried out the Westgate attack, has changed its calculations. From the messages that al-Shabaab put out during and after the Westgate attacks, it is pushing a much stronger “pro-Islamic” and national separatist line. It poses as a defender of Muslims (although it shot a Muslim woman for not wearing a hijab), an opponent of Christian oppressors, and the defender of Somalis against Kenyan invaders.

Given the awkward relations between Kenyatta’s government and President Hassan Sheikh Mohamud’s government in Mogadishu, the nationalist argument could resonate. Mohamud’s group dislikes Kenya’s influence over Kismayo port and its backing of the warlord Ahmed Mohamed Islam “Madobe”, who controls trade there.

Relations after Westgate are getting still tetchier. On 1 October, Kenyatta bluntly told a gathering of Kenyan Muslims and Christians: “If their [*Mohamud’s government’s*] desire is for Kenya to pull out of Somalia, my friends, all they need to do is what they should have done 20 years ago... which is to put their house in order.”

Much now depends on the parallel investigations into the Westgate attack: into the identities of the terrorists and their collaborators as well as the role of the military and security services in reacting to it and managing intelligence about the insurgents. Lists of suspects have been published online but these are not officially confirmed. There are reports that many of the attackers escaped from the mall via a sewerage pipe.

If officials confirm that the attackers were mainly foreigners, there will be pressure on the government to improve border security.

If most of the group turns out to be from Kenya, officials may see that as a reason to increase pressure on Muslim groups in general, putting at risk the current campaign to build national unity after the Westgate tragedy. ■

Africa Confidential

The warnings before Westgate

GROWING POLITICISATION AND corruption within the state security system may help explain the Kenyan government’s poor coordination and its failure to act on warnings it received before the Westgate attack.

Following its loss of the two main ports in Somalia, al-Shabaab leaders decided, late in 2011, to mount terrorist operations in Kenya, which they then threatened openly. Until the Kenyan intervention in Somalia in October 2011 and al-Shabaab’s subsequent loss of Mogadishu, leaders of one faction successfully argued against attacking in Kenya (though al-Shabaab bombed another Amisom member, Uganda, in July 2010).

When the group’s policy changed, Kenya suffered landmine attacks, grenades thrown in bars and assassinations but no “spectaculars” until Westgate.

Previous attempts at major attacks were interdicted by intelligence cooperation with France, Britain and the US, *Africa Confidential* understands. Ammunition and explosives for such an operation were seized before they could be used in early 2012. Diplomats with experience of the often reluctant cooperation that intelligence and security agencies offer each other professed surprise at the high quality of cooperation over Kenya last year.

The Westgate attack team was estimated to be at least 15-strong, and transporting the fighters and their arms into position would be unlikely to escape all notice, said a source familiar with intelligence services in the region.

Even if the target or timing of the attack could not be pinpointed, “chatter” among insurgents and their allies usually suggests when a big operation is in preparation. There were no such clues in this case.

There are some parallels with developments in Mogadishu in the past few months. Security has deteriorated markedly, with an increase in suicide bombings, mor-

tar attacks and assassinations. Had al-Shabaab’s usual reservoirs of recruits been used, the various security agencies at work there would have picked up signs of a cross-border operation. They did not, which suggests that the cadre chosen for the operation was new.

Reports that Britons, Americans and Kenyans may have been among the attackers in Nairobi support the theory that using newcomers to the region improved al-Shabaab’s operational security. Also, since the major fire at Jomo Kenyatta International Airport on 7 August, security controls on incoming travellers have been less rigorous than before.

Al-Shabaab’s leadership is frequently described as split or divided. Whatever the truth of that in the past (clan allegiances are also critically important), al-Shabaab formally merged with al-Qaida in late 2011 in a signal victory for the radical faction. Al-Qaida may also have helped al-Shabaab gain access to more international fighters, like some of those at Westgate.

Those familiar with the Kenyan intelligence services suggest that the inside story of the siege is unlikely to emerge very quickly. That is because at least part of the story concerns poor security at Westgate Shopping Mall, whose partly Israeli ownership made it a prime target for jihadists.

Israel’s Ambassador to Kenya, Gil Heskell, had written to the Ministry of Foreign Affairs in Nairobi on 3 September and copied in Inspector General of Police David Kimaiyo. The Ambassador warned that his country’s nationals and interests were likely to be targets of attack by terrorists that month because of the Jewish High Holidays, Rosh Hashanah and Yom Kippur, and advised the government to step up its vigilance.

There is no suggestion that Israel had specific intelligence about an attack on Westgate but members of parliament in Nairobi are now asking what action was taken after the government received that general warning.



Cool coup. Bending history

THE OLD SOUTH AFRICA LACKED CAREER eunuchs, but in many other respects it resembled pre-revolutionary China. While Victoria reigned in Britain, Empress Dowager Cixi (the biography is rightly sub-titled *The Concubine Who Launched Modern China*) ruled the isolated Middle Kingdom.

Historians have been unkind to Cixi. She was blamed for practically everything that ailed the birth of a new China. In truth, it seems, she fought bravely to bring a medieval society out of ancient darkness.

Her Imperial Majesty's battles in a land of ancient extremes bear numerous significant parallels with present-day South Africa. Isolated by tradition-bound rulers, China had become dangerously vulnerable to exploitation by developed neighbours and foreign business interests.

Cixi, daughter of a middle class family, had been brought to the royal court by a kind of lottery, not unlike the annual Swazi reed dance, where the emperor was expected to choose a selection of young women to refresh his harem. She had the good luck to present him with a male heir but, as a mere woman, was excluded from a power role.

Author Jung Chang has the rare gift of explaining a tale of Byzantine complication with cool patience. Her research confounds prejudice against Cixi with fascinating research into the life and times of a remarkable subject. Readers may well be tempted to kow-tow to the memory of the brilliant and courageous survivor who surmounted extraordinary odds – only to be reviled by tendentious recorders of the times.

Cixi attained power because the rulers were frozen in rituals based on academic Confucianism. While the modern world was exploding with invention and energy, China lived in the past – which excited the territorial ambitions of go-go neighbours like the Japanese. Soon the developed world entered the fray and seized profitable bits of the most populous country in the world. The emperor and his court sighed, uttered aphorisms and indulged in calligraphy.

Cixi, moving cunningly in a supremely misogynist society (initially she had to conduct audiences from behind a silk screen), she managed to launch modernity in a deeply suspicious society.

**EMPRESS
DOWAGER CIXI**
by Jung Chang
(Jonathan Cape)



Go West, young man, was her cry. Tremulous students were dispatched to thriving Western economies to learn and return with knowledge. Despite anti-colonial wars with rich and advanced foreigners, who seized valuable chunks of Chinese coastline, she persevered with astonishing drive to develop China.

Despite living in dreamlike splendour, with hordes of eunuch slaves, she maintained a fierce understanding of the truth; China had to catch up or be destroyed. And unrealistic academic and philosophic snobs be damned.

She even tried to ease the lives of the eunuchs who served as palace slaves. But they set up a weeping campaign when she tried to free them. She did, however, manage to introduce the telegraph and railways. Even then, there were many who tried to stop trains with their bare hands, in case the noisy and dirty machines should profane ancestral tombs and graveyards en route to barbarous distant places.

The first train in China was delivered to the Summer Palace as a gift from a conglomerate of Europeans who rightly foresaw profits if they were allowed to set up railway systems. This pretty puffer travelled on a 3km track, which gives some notion of the extent of the royal park in the middle of Beijing. After a single royal ride, it was mothballed, except for display to visitors. Eunuchs would then trundle it along, by pulling the locomotive with long yellow silk scarves. So practical. No mess.

Despite her reservations about the royal reliance on philosophy to counter life's little problems, the redoubtable empress did not limit herself to material interests. She painted (and retained painters, including an American female artist), bred dogs, fed birds of all descriptions, and cultivated exotic plants.

Clearly, her determination to bring China into the modern world did not mean she wished to destroy the pride and accomplishments of her country.

It takes courage, humility and imagination to defy the fogies who depend on local tribalism for their authority, at the cost of national advancement. Her Majesty would have been proud of China today. But she would always encourage improvement. ■



Winter Games. Hypocrisy abounds ahead of the Gangster Olympiad

STILL FOUR MONTHS AWAY, THE Sochi Winter Olympics has already distinguished itself as one of the greatest spectacles in recent sporting history, a showcase of the fastest, the strongest, the most daring and agile. That they have all been tenderpreneurs and not athletes is almost beside the point. At \$50 billion, it is the most expensive games of all time, a lasting monument to graft, jingoism and the moral bankruptcy of the four-yearly heist we call the Olympics.

The games have become largely synonymous with bribes, secret meetings between lobbyists and the catastrophic emptying of cities' coffers for unproven returns; but this edition of the Winter Olympics seems just a little bit special. Boris Nemtsov, a critic of Vladimir Putin, was clear on where he thought all that money had gone, describing the games as "an unprecedented thieves' caper in which Putin's government are mixed up along with the oligarchs close to the government".

Esquire magazine's message was the same: "Think of Sochi as the Olympics as run by *The Sopranos*: The upcoming Gangster Olympiad."

It is possible that Nemtsov is wrong. After all, he recently declared that Josef Stalin had not been corrupt. It is also possible that Putin's yes-men and the International Olympic Committee can account for every rouble. Sochi is ap-

parently the warmest place in Russia, a subtropical swampland that, until its Olympic bid, had almost no winter sports facilities. It would have cost a staggering amount to turn this bog into a reasonable facsimile of Innsbruck. (Yes, let's stick with that version. All those in favour say Da.)

Less defensible have been the environmental crimes committed on local

ecosystems. Putin's decision to erect an Olympic-sized codpiece in Sochi to prove the virility of his leadership had a strong whiff of Soviet-era posturing. But Russia's onslaught on the landscape has been old school. Environmentalists claim that irreplaceable forests have been ground to sawdust and wetlands drained, all with the approval, official or tacit, of the IOC.

These scandals by now should have dominated liberal public opinion on Sochi, but another issue has nudged them off the agenda: Russia's legislated homophobia. The Western commentariat has apparently become numb to graft and green issues, but at least it is still riled by prejudice.

Putin offers a juicy target. Shirtless bareback photo-ops in the tundra make one wonder whether he has ever heard of the *Village People*. He seems unaware that hyper-macho posturing inevitably crosses over into pure camp. He verges on the comedic, this balding ageing man using obedient horses, good lighting and Photoshop to reclaim his youth: this unabashed homophobe revelling in homoerotic iconography. But we should laugh while we can, because Putin may well have the last, and longest, laugh.

The cliché holds that money talks, but, more perniciously, money also silences dissent, condemnation and the oppressed. In Russia, it is oil wealth that buys si-



Horseplay: Vladimir Putin takes the reins

lence and smothers human rights. In this respect, it is simply emulating its neighbours to the south-west: Arab states have made merry for decades, washing away their indiscretions with a flood of oil. The hypocrisy has been almost surreal at times: when Elizabeth was crowned queen of the country that abolished slavery, some of her Arab guests brought their household slaves with them.

Today, Saudi Arabia's legislated misogyny is a stain on global human rights – in September, a Saudi rape victim had her sentence of 90 lashes increased to 200 because her lawyer spoke out against it – and yet it is the Taliban (who own no oil) who remain branded the great woman-haters of the region.

The Economist magazine believes that oil is a dying energy source, and that an inevitable shift away from it will pull the teeth of the regimes in Moscow, Riyadh and Tehran. Perhaps they are right, but as oil dwindles, new commodities will become desirable. At some point in this century or the next, the most liberal nations will sell out gay people – or blacks or Jews or whichever group is arbitrarily hated – to suit the ideology of bigots with enormous amounts of some vital raw material. It might be food, it might be fresh water. But whatever it is, it will be worth much more, in the eyes of governments, than the rights of minorities.

Of course, amid all the condemnation of Putin it might be worth remembering that sport itself is far from innocent. Football has only scratched the surface of racism. The appalling deluge of vicious hate-speech that flooded social media after Marion Bartoli won her Wimbledon title were a reminder, as if we needed one, just how many woman-haters use sport to vent their rage. It is highly possible that a large proportion of sports fans agree with Putin's gender politics. Perhaps that explains why so few stars come out.

In August, Stephen Fry famously appealed to the better angels of the IOC, begging it to uphold its own charter. His open letter was passionately intelligent. It seemed that the forces of progress had found a powerful champion; that the witty gay aesthete might prick the IOC's conscience and bring about genuine progress.

Unfortunately, Fry was begging the

foxes to guard the henhouse. Perhaps a few children still believe that the games are a celebration of sport and the human spirit, but by now enough investigative journalists have unearthed enough slime to convince the rest of us that the modern Olympics are merely a dog-and-pony show, in which fantasies are pimped to an eager world while largely unknown and mostly unaccountable officials get staggeringly rich.

Putin's policies are abhorrent, and he deserves the flak coming to him over the next few months, but perhaps here, too, misplaced expectations are tingeing the debate. Gay rights lobbyists are outraged, but outrage reveals a certain level of surprise. Perhaps because Russia borders Europe, or because it does not have a dominant and loudly homophobic religion, or maybe just because Russians wear suits instead of robes, the West has assumed that Russia shares its own secular hu-

manist values. We assume homophobia from the Middle East and parts of Asia. It barely makes the news when Saudi Arabia flogs men for suspected gay liaisons, or that its laws allow it to stone to death married men who engage in homosexual activities.

In Qatar, which is due to host the 2022 soccer World Cup, homosexuality remains illegal. (Incidentally, Sepp Blatter reckons that's okay: in 2010 he advised gay men to "refrain from any sexual activities" in the effectively medieval sultanate.) But when "white" nations do it, well – horrors!

The Winter Olympics will go off without incident. Putin will bask in reflected glory, and IOC wallahs will praise him and each other in Belgian-accented English. But the Olympic dream of global camaraderie, of bright young things going higher, faster and further, will remain just that: a dream. And while the dreamers sleep, the foxes sidle up to the henhouse again. ■

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Denialism. The argument overheats



GLOBAL WARMING RESEARCHERS often wryly remark that the US has given birth to several forms of climate change denialism, which have evolved in stages. They've spread around the world, courtesy of PR mavens, pundits and other reality-challenged, scientifically-illiterate individuals.

When scientists stated the obvious, as in, we've known for over a century that CO₂ stores heat and that atmospheric CO₂ has risen from 280 parts-per-million to 400 parts-per-million since the beginning of the Industrial Revolution, thanks to fossil fuel combustion – which reasonable people realised would have a significant effect – denialists became more creative.

Stage 1 is flat-out denial: the world isn't getting warmer; those stupid weather people are misreading their instruments. This form of denialism was widely exhibited by fossil-fuelled talking heads in the early days of climate science, but soon faded as the volume of data showing that the planet was indeed warming turned them into obvious fools.

They moved on to Stage 2 denialism by saying: well, alright, the world is warming, but humans and our burning of coal and oil have nothing to do with it, the climate has always been changing, things were much hotter when the dinosaurs were around. Heck, the Ice Age! The Earth wobbles! How can a rise in carbon dioxide, which makes up a small percentage of the atmosphere, cause a change in the planet's temperature? And, don't you dare call us climate-change denialists; we don't deny that the climate is changing!

Stage 3 denialists say that the planet may be warming due to humans' burning fossil fuels, but that the observed and predicted rises in temperature of just a few degrees won't make

any difference to anything.

Patient scientists pointed out that just a wee handful of extra degrees has an irritating tendency to kill people (and plants and animals) and that maize fails to pollinate when things get just a tiny bit too hot, which leads to crop failures. Moreover, this rise in temperature is uneven; some parts of the planet are already way more than just a couple of degrees warmer.

Denialists moved on to Stage 4: fossil fuel burning is warming the planet. It may have significant effects. But how will we pull Africa out of poverty if we can't burn as much cheap-dirty coal as possible?

Climate change activists are cynical killers who want to see millions suffer so they can get grants from environmental foundations. They want to raise our taxes. Extreme greenies are (splutter, gasp) just extreme commies in disguise! Agenda 21! Jews! Al Gore is an Alien... who lives in a Big House!

When economists recently pointed out that, due to government-funded research and the normal operation of competitive markets, low-carbon electricity generation technologies like wind turbines and solar photovoltaics are already cost-competitive with "cheap" coal.

Some denialists have now moved on to Stage 5, essentially a slump into nihilistic hedonism: climate change is real, is caused by humans. We might be able to avert its worst effects but, who knows, we might not. So to hell with

it, we're going to drive massive cars and send coal up all the chimneys we can get the greased contracts to build and burn the place down behind us. Who wants wailing, shitty-arsed kids anyway?

Having lived in the US and seen a spectacular flowering of denialism unfurl in Full HD, it's deflating to discover South African denialists way behind.

David Gleason, one of the columnists of that voice of liberal Joburg capital, *Business Day*, is still miserably stuck at Stage 2. In a piece headlined "No climate change denialist here", he complains that the Intergovernmental Panel on Climate Change (IPCC), which has just released its latest report, now states that "warming of the climate system is unequivocal".

Gleason continues: "This was despite the intensive meeting... in Stockholm between about 40 of the authors of the report and representatives of the 150-odd countries that pay for all this."

"Despite"? Really? It's because of decades of work by thousands of scientists and an intensive meeting in Stockholm that the IPCC can now say that global warming is real. Climate change has probably been looked into more thoroughly by more scientists than any other phenomenon, ever.

All Gleason can do to shore up his denialism is cite a years-old controversy around a "hockey stick" graph and quote a single statement by one professor who doesn't buy global warming. It's pathetic.

Gleason doesn't like the IPCC report because he thinks it'll be used by the South African government to bring in a bad carbon tax. This, somehow, means that the IPCC must be wrong.

Can someone explain basic logic to Gleason? Or at least move him along to the more entertaining Stage 3? ■

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Big Bang. Life, The Universe and brekkie

IT'S THE LATE SEVENTIES, SEE, AND I'M neither in prison nor under house arrest, nor even banned. Banning is when the Minister of Justice decides you're a no-good sonofabitch and consequently you're not allowed to have social intercourse with anybody whomsoever except your family. A certain police officer name of Wessels had come to me way back with a typed ministerial notice and a ballpoint for me to sign it, and I'd read this thing carefully and said Hey Meneer Wessels, what is social intercourse? Men Herrilt, said he, it's when they don't do it for money.

But that's in the past and now I'm off with wife and tadpoles for Christmas Day on the Durban-Cape Town train with one of those bloody great Glasgow-built blasting shrieking 15F 4-8-2 steam locomotives to haul us on our way once we're out of the rugged hills of Natal. What technological wonder, what romance! And we're all cranked up and having a last cuppa before setting out for the station, Christmas Eve, when a cheerful young stranger appears: Neil, 18-or-so, son of me ol' boep china Ben Turok, and he's come from family exile to experience the country of his birth. Ha! no problem with accommodation, we are a family of four and there are six bunks in our booked compartment, so if he comes along he can mos buy a ticket at the station. And we're off! A merry band we, my pubescent daughter is instantly in love with Neil and my son thinks he's the greatest thing since Tintin. We cosy up in our railway beds to the clickety-clack. In the morning a steward brings us railway coffee, the train stops and we look out of the windows, and – Where are we this Christmas day? Why, Bethlehem, of course.

It takes little time to detach the genteel electric locos from the train, but the seething steam beast has been consuming coal for two hours waiting for us, and now has to be clinkered out before attachment. The clock ticks, we

kick our heels, a loudspeaker informs us that the railway restaurant has a Christmas breakfast awaiting us if we so desire. We do desire, we enter, up on a black pegboard with click-in white plastic letters it says: PLATE OF FOOD R15, LARGE PLATE OF FOOD R25. A big auntie in an apron stands before us. Morning, says Neil, er, what is the food? Breakfast, says Auntie. Ah yes of course, says Neil, graciously, but, er, what is the breakfast? Auntie sneers, We not going to poison you, you know, we been going 15 years and nobody died yet. Aah, says Neil in the most



We not going to poison you, you know, we been going 15 years and nobody died yet

mannerly British manner, I see, well... I think I'll have the Large Plate of Food, please.

But I digress. The subject here is my problem with the Big Bang idea. Way back in the '60s along with Fred Hoyle and Chandra Wickramasinghe I got stuck with the stigma of intellectual dud because I saw it as excitable bullshit. You see there was this handsome ou, Hubble, who had bloody big telescope, and he'd noticed that distant stars looked reddish; the more

distant the more red. When a motorbike goes past RRRrrrrr, the pitch of the exhaust noise drops because the wavelength of sound is attenuated, that's the Doppler Effect, and it's the same effect with light shifting towards the red end of the spectrum, its wavelength also has been attenuated. So if the universe is expanding, at the outset it must have started as a mathematical point of no size, a singularity according to Euclid, the big bang.

Yes but a point of any size, or none, has to exist at some position in space/time, and before this bang there was no space and no time. Only somebody called God could have made it otherwise, so if you want to believe this bullshit move over to superstition, bru, and leave reason to the scientists. But okay, now the universe has arrived, teenyweeny, it's all energy but in the interval of 10^{-35} of a second to 10^{-27} of a second most of it turns to mass and a good whack of energy is left over. Neat. Now all this lot expands like anything. Into what? There's no space outside the universe, by definition it's everything. Anyway, your ruler for measuring it is part of the universe, so it too is expanding and the result is zero expansion. Then there's this apparatus for measuring the pressure that is squeezing the universe outwards, but itself is subject to outward squeeze so it's not measuring anything either.

Then, suddenly came Dark Matter. Now comes the big one: Dark Energy. And what we know about this lot is boggerol. As long as they're there, the Doppler Effect can be coming from somewhere quite outside of conventional physics. Indeed the argument for the Big Bang seems a bit sort of, classical. You know... Isaac Newton. But now there's young Neil to the rescue! Well, a bit middle-aged these days, but so top-notch in physics he can take on *großmeister* Hawking, and anyway I reckon if he understood Large Plate of Food at age 18, he should understand the universe by now. Everything. ■

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