

NEWS YOU'RE NOT SUPPOSED TO KNOW

R39⁶⁰
(including VAT)

noseweek

**'Outrageous,
reckless,
dishonest'**

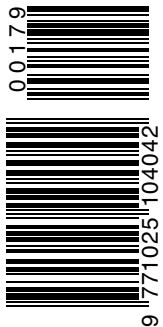
– Leonard Katz
on Noseweek

**Fishy Tina
leaves
disaster
in her
wake**



**Ramaphosa: The man
who would be king**

179 SEPTEMBER 2014



9 771025 104042

THE PERFECT 10

When the occasion calls for a touch of vintage, Richelieu 10 Year Old is the perfect choice. This gold winning* double-distilled, vintage brandy boasts a rich bouquet of aromas including chocolate, vanilla and green fig, a full-bodied palate and lingeringly smooth French Oak finish.

*2014 IWSC Outstanding Gold



Not for Sale to Persons Under the Age of 18.

noseweek

ISSUE 179 • SEPTEMBER 2014



SA's battered fishing industry *page 20*

FEATURES

8 Pensioner threatened with eviction

Lose your mind and you could lose your home

10 Dirty laundry remains unwashed

Silence reigns on shameless pillaging of Randgold

14 The man who would be king

Cyril Ramaphosa is a shoo-in as the next president of the ANC – and the country

23 Horn of plenty

SANParks accused of rubbishing anti-poaching measure so it can profit from legalised trade

26 Bobroffs shaft human trafficking victim

Sly ambulance-chasers pull forex fiddle

28 Riding for a fall at Kyalami

The devious doings of the Theodosiou brothers

31 Coup de Grace

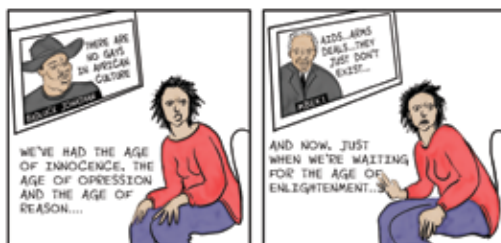
President's wife assumes the position

32 Family entitlement

Mugabes scramble for title deeds

33 Zuma knows my father

The power behind Hlaudi Motsoeneng's rise



Stent *page 6*

Your favourite magazine is now available on your **iPad** and **PC**



**NOW
AVAILABLE
ON YOUR
TABLET**

Download your digital edition today

both single issues and subscriptions available

PLUS never miss a copy with back issues available to download and store

DOWNLOAD YOUR DIGITAL EDITION AT
www.noseweek.co.za
or ☎ 021 686 0570



Salute... Ducking dignitary's close shave

Legal does not equate to ethical

I HAVE TAKEN A LOOK AT MY INVESTMENTS to ensure that Investec does not feature... although my previous financial advisor was quite keen. In fact, your latest Investec/Randgold story illustrates well the difference between being ethical and being legal. *Sies.*

Pam Herr
Sun Valley

Ducking dignitary's close shave

YOUR STORY ON OUR CROOKED EX-MAYOR Obed Mlaba reminds me: back in 2004 my regiment, the Natal Mounted Rifles, celebrated its 160th birthday and had a parade through Durban's CBD.

Mlaba, as mayor, was to take the salute. A rehearsal was held the night before, which Mlaba attended. As is usual, an armoured vehicle, when passing the saluting base, would traverse the turret towards the dais and lower its gun in a salute.

Mlaba had not been briefed on this and, as the first armoured car approached and performed the manoeuvre, HE DUCKED!!!

Ronald Coppin, Capt (Ret) NMR
Durban

African Bank fallout

I AM THE CEO OF A BUSINESS THAT HAS provided Ellerines with soft furnishings for the past 20 years. We employ 420 people and use 80% South African products in producing recliner suites. Our only competitors are Chinese imports, but with the exchange rate at R8+ to the dollar, we are well placed to compete.

Ellerines, for many years prior to being taken over by African Bank, managed their own debtors' book very successfully, as do Lewis Stores, JD, House and Home and OK Furniture.

Now that Ellerines is in business rescue and likely to be liquidated, numerous suppliers will in all probability also be liquidated

as a result of Ellerines's unpaid debt. That, in turn, will result in severe job losses and retail furniture groups importing more Chinese products.

The Reserve Bank has intervened to rescue African Bank. Who will intervene to rescue the furniture industry and prevent massive job losses? Where is the Department of Trade and Industry in all this?

Cecil Kagan
Houghton, Johannesburg

Too busy wining and dining with the bankers to care. – Ed

Tenant tyranny

NIGHTMARE TENANTS PLUNGING PROPERTY owners into debt (*nose178*) is an everyday occurrence, thanks to legislation that is unjustly biased in favour of tenants.

I question the constitutionality of a law that requires private property owners to continue to provide accommodation, water and electricity to non-paying tenants, as this is the responsibility of the various levels of government, not private individuals.

Delinquent tenants should not be covered by the PIE Act [*Prevention of Illegal Eviction from and Unlawful Occupation of Land Act*]. By refusing to pay rent and refusing to move out they have effectively hijacked the property, with the government's tacit consent. The government complains

that people don't save enough, but when they do – and buy a second property to earn rental income – the government fails to protect their property rights.

Linda Horsfeld
Sandton, Johannesburg

'Greed initiative' at FNB

SEEMS THE FOLKS AT FNB DON'T REALLY want to help their retail business clients. Not being happy with fees on cash deposits and withdrawals (like other banks), they have taken it further, introducing as of 1 July a fee on exchanging change!

As a retailer who has banked with FNB for more than 10 years – and who needs change to trade – I find this unacceptable and won't be supporting their greed initiative. I'm moving to Nedbank which, like Absa and Standard, don't charge clients for change.

"How can we help you?" For a start, stop ripping us off.

William Cooper
Soon-to-be ex-FNB customer
Sandton, Johannesburg

Jack up, Mercedes-Benz

HAVING READ THE VARIOUS CONTRIBUTIONS relating to Mercedes-Benz SA (*noses 171,173*), I need to add my voice as a disgruntled client.

I had occasion to contact MBSA about a problem with my ML-350CDI, bought new in September 2009.

While the technical merits of my complaint may be arguable, I do not believe they were even considered. (The car was out of warranty by a short period, but had been serviced religiously in accordance with my extended Mobilodrive Plan.)

However, what struck me was the offhand – verging on disdainful – manner in which they handled my complaint, which speaks volumes to me about the company.

Bill Scurr
Bergville, KwaZulu-Natal



Outrageous, reckless and dishonest ...

HAVE NEVER ADDRESSED YOU IN REGARD TO PREVIOUS articles which you have published about me or ENS as I do not rate *Noseweek* as credible and, consequently, not worthy of a serious response. But your July issue (nose177) was, even by your own lamentable standards, so outrageous that I and ENS have been persuaded to take the matter seriously.

I shall deal mainly with the Brakspear allegations. The Lewis "story" has been dealt with comprehensively in court proceedings and Lewis is nothing but a disgruntled debtor. There is no merit in it. As regards the Benjamin matter, you have not produced a shred of evidence to justify your statement that Sonnenbergs had a role in devising a fraud. The allegation is completely untrue.

Brakspear. Any reasonable person who applies his mind to[...] the various affidavits, would come to the view that West Dunes 5 (Pty) [*Westdunes*] was validly placed into provisional liquidation and thereafter in final liquidation.

No-one in their right mind would dare accuse you of being fanatical about the truth. Had you read the affidavits filed in Brakspear's application for the setting aside of the liquidation order, you would have established the true facts with ease.

You deliberately chose to ignore what was said in answer to his wild allegations. [*There*] I explain exactly what happened at Court on 23 December 2008. And what was said by Attorney Scott, who together with Advocate S Alberts represented Brakspear's company that day, could hardly have escaped your attention.

In her affidavit of 7 Oct 2013, Scott says: "Prior to the provisional Liquidation order having been granted, I telephoned [*Brakspear*] from the Court building to inform him that despite us opposing the merits, it would be to the advantage of *Westdunes* to consent to the Order as it would mean that the liquidators could resile from the sale

by auction to Zambrotti Investments 35 of the property... for the sum of R18 million, and accept another offer from Applemint Properties 9 for R25.2m. [*He*] readily agreed and the order was granted on this basis. At all times, we continued to maintain that *Westdunes* was not indebted to [*the Westley Trust*] in the liquidation matter."

Your failure to have regard to the affidavit of Brakspear's own attorney, which records the same events related in my affidavit (also confirmed, on oath, by two counsel acting for the applicants) was, at best, reckless and, at worst, dishonest.

As is plain from Scott's affidavit, Brakspear consented to the grant of the provisional liquidation order.

You write that "There is a great deal more evidence to support Brakspear's claim that the alleged R7m loan by the Wesley Trust is part of a deliberate fraud." And further that "There is no evidence in any bank record of such a loan amount having been either paid or received at about the date of the alleged loan."

In the application by the liquidators for authority to sell the farm, Brakspear filed an affidavit dated 11 Feb 2009 in which he stated:

"I am also a beneficiary of JAM Brakspear Trust which is likewise a substantial creditor of *Westdunes*."

You appear to have carefully ignored what Brakspear himself had to say about the R7m loan. In his answering affidavit in the liquidation proceedings against *Westdunes* he says:

"It is self-evident that no indebtedness exists on the part of [*Westdunes*] to the Wesley Trust and that the JAM Brakspear Trust was the entity that advanced the funds and repaid the £500,000 to Fairbairn Private Bank."

Brakspear's complaint is that, according to him, the loan was advanced by the JAM Brakspear Trust and not the Wesley Trust.

Brakspear admits the advance. It is the identity of the creditor which is disputed by Brakspear.

ENS acted for both the Wesley Trust and the JAM Brakspear Trust. It is for this reason that the JAM Brakspear Trust [*then*] intervened in the [*final*] liquidation proceedings. It was a conditional application which was brought to deal with Brakspear's contention that JAM Brakspear Trust was the creditor.

As Brakspear consented to the [*later*] final [*liquidation*] order at the instance of the Wesley Trust, the intervention application [*to substitute the JAM Brakspear Trust as the applicant for the liquidation*] was not proceeded with. Once again, you do not even mention that Brakspear's attorney and counsel were actually in Court on 5 Feb 2009, the return day of the provisional liquidation order. [*There is*] a transcript of what was said in Court before Judge Gorven. Once again, *Westdunes* recorded [*its consent to the grant of a final liquidation order*] so there was no need to proceed with the application to intervene.

In the circumstances, your allegations that the loan was "part of a deliberate fraud" and that there is "no evidence... of such a loan amount having been either paid or received" are false.

Your allegation that I "immediately negotiated (my) R1m bonus fee..." is outrageous, reckless and dishonest. You have not produced a shred of evidence to substantiate it.

I do not propose dealing with the further allegations contained in the July *Noseweek*. All of my rights and those of ENS and our clients are strictly reserved.

Your statements that I am a "fraud salesman", that I am the "man who stole justice", that ENS is "ruthlessly dishonest", that ENS has a "culture of impunity and shameful disregard for justice", that I charge "aggressive fees" and that my plan "was to fraudulently manufacture a debt with which to



WHY ARE LEADING LAW FIRMS SWITCHING TO LEGALSUITE?

LegalSuite is a leading supplier of software to the legal industry. We have been developing legal software for over 20 years and 6000 legal practitioners use our program on a daily basis.

If you have never considered LegalSuite as an alternative to your current software, we encourage you to invest some time in getting to know the program better. We strongly believe it will not only save you money, but could also provide a far better solution than your existing system.

Some of the leading law firms are changing over to LegalSuite, we would like to show you why. So give us a call.



"MAKING COMPUTERS WORK FOR YOU"

+0861 711150

FOR A FREE DEMONSTRATION.
www.legalsuite.co.za

liquidate Brakspear's" company are false and defamatory.

Furthermore, you lack any form of decency. Your scandalous "mental slip of the clutch" in the June *Noseweek* to confuse me with an alleged paedophile was, at the very least, completely unprofessional. Had you a shred of decency, you would have apologised to me.

I have no doubt that a defamation action against you would succeed. I am also advised that I am entitled to lay criminal charges as the defamation by you has been so grotesque.

The only issue is whether you and *Noseweek* are worth the effort.

Leonard Katz

Edward Nathan Sonnenbergs
Cape Town

The Editor's reply

THANK YOU FOR YOUR LETTER. NOW, AT last, the discussion can begin.

On Lewis: our view is substantiated by the factual information related in our reports. Lewis is disgruntled, with reason. That he is by now somewhat manic is simply a measure of his desperation after being thwarted for years

in his search for justice.

*The Benjamin case – and Sonnenbergs' role in it – is fully documented. We have a complete transcript of the evidence led. Benjamin's personal testimony about his dealings with Sonnenbergs was not contested. While Sonnenbergs may not have devised the fraudulent scheme, they certainly condoned it with full knowledge – and paid Benjamin R2.1 million in damages when it all went wrong. Why deny it now? The evidence was well summarised in nose1 and can be read on *Noseweek's* website.*

On Brakspear: I am not fanatical about anything, although I am committed to establishing the truth, as I would have hoped you are. I have seriously applied my mind to the affidavits you refer to, and a great deal of other evidence besides, and remain firmly of the view that the company was not validly put into either provisional or final liquidation, and that the prime purpose of the liquidation application was a twofold fraud: a fraud on the court to enable a fraud on the original buyer of the company's farm.

You and attorney Scott have said many, conflicting, things – in writing and at different times – about what supposedly happened at court on 23 December 2008. Critical to the case, whatever the truth in theory might be: no

uncontested, authoritative, independent court record exists of an order relating to the case that the court might have issued on that day.

As I write, a case is being tried in the Durban high court in which, for better or worse, all these matters are up for deliberation. I have been following the proceedings closely and plan to report extensively on the case and how it was conducted in our next issue.

What I can already say is that it made for a nauseating display of inequality in the administration of justice. It brought to mind nothing so much as an emaciated Christian professing his faith while being fed to the lions in a Roman arena, with the Roman consul hurrying the process on to its horrifying conclusion.

In short, so far, we stand by our story.

On one point we do immediately admit our error – as we did when we became aware of it. That was the use, halfway through a story in nose176, of Mr Katz's name instead of Leonard Kaplan, a Bishops schoolmaster who we had already identified as having been accused of inappropriate sexual conduct with minors. We corrected the error at the first possible opportunity. We do still owe Mr Katz a proper apology, which I tender here, unreservedly. As unlikely as he might find it, no malice was intended. No reader that I am aware of failed to detect it as an error. – Ed

Stent



Editor

Martin Welz
editor@noseweek.co.za

Managing Editor

Donwald Pressly

Designer

Tony Pinchuck

Consultant

Len Ashton

Sub-editor

Fiona Harrison

Contributors

Len Ashton, Mandy de Waal, Gavin Foster,
Jon Pienaar, Barry Sergeant, Sue Segar, Harold
Strachan, Anne Susskind

Cartoons

Gus Ferguson, Stacey Stent

Accounts

Nicci van Doesburgh
accounts@noseweek.co.za

Subscriptions

Maud Petersen
subs@noseweek.co.za

Advertising sales executive

Godfrey Lancellas
godfrey@madhattermedia.co.za

Advertising co-ordinator

Adrienne de Jongh
ads@noseweek.co.za

All material in this issue is copyright, and belongs to Chaucer Publications (Pty) Ltd, unless otherwise indicated. No part of the material may be quoted, photocopied, reproduced or be stored by any electronic system without prior written permission. **Disclaimer:** While every reasonable effort is taken to ensure the accuracy and soundness of the contents of this publication, neither the authors nor the publisher will bear any responsibility for the consequences of any actions based on information contained. Printed and Published by Chaucer Publications (Pty) Ltd.



South African Association
of Business Editors
and Publishers

SUBSCRIPTION RATES

Print

SA only	R374
Neighbouring states (airmail)	R546
Europe, Americas and Australasia	R673

Internet edition

1 year	R298
--------	------

Combined

Print+Internet (SA only)	R474
--------------------------	------

To subscribe

By post: Send cheque with name, address and phone no. to: noseweek, PO Box 44538, Claremont 7735.

Via Internet (pay by credit card):
www.noseweek.co.za

Email subs@noseweek.co.za

Further information

Call (021) 686 0570; **fax** 021 686 0573 or
email info@noseweek.co.za

The moral rot in unsecured lending

WE RARELY HAVE OCCASION at Noseweek to borrow an editorial from another, competing publication. This is one such occasion: we cannot think of a better way of saying it than Patrick Cairns has done recently on Moneyweb:

UNSECURED LENDING IN SOUTH AFRICA has always had its detractors. Since 1992 when an exemption to the Usury Act was first granted to allow microlenders to operate legally, there have been people who are uncomfortable with the practice.

It doesn't take much to argue that, ultimately, the business models practised by microlenders in South Africa are exploitative, degrading and profoundly negative in their impact on the economy. This is a sentiment that is not limited only to lenders like African Bank either. The unsecured lending industry also feeds another that is perhaps even more morally suspect – one that is most prominently represented by Cambist, a company that promises South Africans incredible returns of 19.5% per year.

How do they do that? By facilitating the sale of debt of unfortunate individuals who have failed to repay unsecured loans and have suffered the indignity of having garnishee orders granted against them. (These are court orders that allow creditors to attach a portion of someone's salary. The employer is obliged to pay the creditor directly to ensure that the funds are received.)

Anyone with money on the Cambist platform is effectively collecting their 19.5% on the misfortunes of the poor. There is nothing economically uplifting about this. It is only making poor people even poorer.

It's not enough to argue that the borrowers made their own bad decisions. By its own admission, African Bank has not been strict enough in its lending criteria. It has lent too much

money to people who had little hope of ever paying it back.

What reason would it have for doing that, other than greed? There is a clear link between this reckless lending and what Cambist is doing, because the more risk lenders take in their writing of loans, the more likely borrowers are to default. And with garnishee orders being granted, that means more business on the Cambist and other similar platforms.

Whichever way you spin it, it is an appalling exploitation of the poor.

It is made even more unpalatable when you consider the way that Cambist markets itself. A recent Twitter post from Cambist reads: "They say it's better to cry in an expensive car than on a bicycle... what do you think?"

What solace is there in an expensive car bought with the 19.5% per annum earned off someone who can hardly afford a bicycle?

This sort of thing only highlights the ethical failure in the entire microlending cycle. It is not, and has never been, about uplifting the poor. It has been about how much money can be made off them.

Can we be proud of a country where the exploitation of the poor is sold as a means to buy yourself a nice car?

Cambist will argue that it is not doing anything illegal. It's a matter of willing buyers and willing sellers. The assets in question, it will say, are debt contracts. Isn't that what is traded on the bond market every day?

But that ignores what we are actually dealing with, because behind those debt contracts are human lives. There are people trying to make an honest living, feed their families and improve their lot in the world. ▮

● Over the years *Noseweek* has highlighted the problem in various reports, see *nose44* (Loan sharks or bankers); *nose86* (Thieves dance the Limpopo polka) and *nose100* (Juicy Saambou pickings for African Bank). ▮

Lose your mind and you could lose your home

Pensioner threatened with eviction after family row over property. By Donwald Pressly

AN ORDER ISSUED BY THE WESTERN Cape High Court – placing an 84-year-old man who has repeatedly said he wants to spend his declining years in his own home, cared for by one of his daughters – will in all likelihood see him lose his house. And his estate could be lumbered with a possible R100,000 legal bill.

The order, issued by Acting Judge K M Savage on August 13, placed Dennis Arthur Bagnall's estate under curatorship as the court found him incapable of managing his own affairs.

High Court Rule 57 brings into sharp focus a legal mechanism from a previous, more authoritarian, era. The rule allows elderly people in mental decline to be deprived – quite literally – of their homes and of control over every aspect of their lives by having them quickly, and without warning, declared “demented” on the application of anyone familiar with them, supported by the recommendation of an “alienist” (better known today as a psychiatrist).

The application was brought *ex parte* – without notice to the other side – in February by Bagnall's estranged brother-in-law, John Barnard Hawthorne. (He is the brother of the late actor Sir Nigel Hawthorne – best known for his role as Sir Humphrey Appleby in the 1980s sitcom *Yes Minister*.) He was supported in bringing the application by four of Bagnall's five daughters, three of whom live in London. All seldom visit their father. Only Shelley van Acker, a teacher who lives in her father's house as one of the tenants and who has been his carer for several years, opposed the application.

Since his wife's death in 2010, Bagnall's every need has been cared

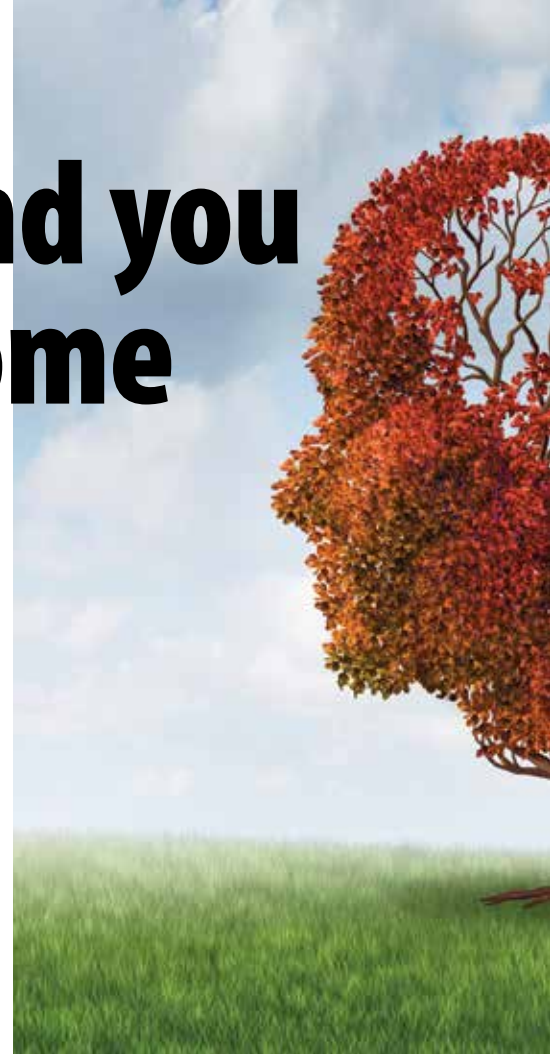
for by Van Acker. He has repeatedly said that it is his wish to remain in his property – his home of nearly 40 years – until he dies. Rent from tenants – his only source of income – covers his monthly expenses. Even Hawthorne says there is no question of Van Acker doing anything irregular in the management of her father's estate. But the court ruled that a general power of attorney that Van Acker obtained from her father some time ago to manage his finances is now invalid due to his mental incapacity.

Dr John Joska, of the department of psychiatry and mental health at Groote Schuur Hospital, gave Bagnall a score of only 10-out-of-27 in a mental state examination. It was his opinion that Bagnall suffered from probable dementia of the Alzheimer type. “The disease is severe,” he noted. However, he also said Bagnall did not have symptoms or signs of depression and was not psychotic.

Dr Margaretha van Heerden diagnosed Bagnall with moderate to severe Alzheimer's dementia “resulting in significant cognitive impairment”.

But, while all sorts of concerns for Bagnall's welfare are expressed in the court papers, one emerges as the overriding and most pressing:

From Hawthorne's founding statement: “The Camps Bay property.. does not have vehicular access. Notwithstanding this, two valuations by estate agents (included in Hawthorne's court papers) place the value at anywhere between R4.4 million and R6.9m. The realisation of the property would accordingly provide a large liquid capital base from which Dennis could be given the best care for the remainder of his life.”



Backing Hawthorne's application are letters from estate agencies Chas Everitt and Pam Golding. It gets better. “The situation is made more urgent by the fact that a developer owning the properties surrounding the property is in the process of developing those properties into, I understand, an apartment complex. That developer is *very* interested (*Noseweek's* italics) in purchasing the property and so completing a “block” (of flats), but it is apparent that the developer doesn't require Dennis's property: should the property not be sold, the development is likely to proceed without it, resulting in an already land-locked property surrounded by much taller apartment buildings. This would inevitably cut a swath through the value of the property and significantly undermine the attempt to provide Dennis with the best possible capital base.”

Although there is no obvious evidence that Hawthorne will benefit from the sale of the property (other than having his legal costs paid), ultimately the five daughters – who are the beneficiaries of Bagnall's will – would be likely to do so if the property were to be sold now.

Among questions the case raises are:



- Does such an elderly person retain any rights under the Constitution?
- Is Rule 57 compatible with our new Constitutional values?
- In the light of recent research and experience, is it fair to admit an elderly person to alien institutional care

Bagnall, who, even Van Acker acknowledges, suffers from dementia, is adamant that he doesn't want to move or lose his house. While he can no longer manage finances, he is capable and meticulous in caring for himself within his own home environment, Dr Francis Hemp, a clinical psychologist reported to the court. He is in good physical health.

According to evidence presented to the court, several features of the property are not ideal for an elderly person: it can only be accessed by means of an uneven flight of steps and the property is somewhat neglected. But Hemp pointed out that Bagnall has in recent times shown little inclination to leave the property and spends most of his time pottering in his rooms, painting, relating tales of his past life to visitors, tidying and gazing at the view of the sea from his window.

The one key concession Judge Savage made in her order was that the *curator bonis*, the court-appointed advocate, Nicholas James Yeowart, must take into account the opinions of his five daughters, three psychiatrists and a social worker before taking any decision to sell "immovable property".

But, the judge's further order – that Bagnall's estate must pay all the costs of the court application, which is likely to amount to at least R100,000 – will inevitably mean that the home that Bagnall himself built in the 1970s on

most concerted efforts to help dementia sufferers is to enable them to remain in their own homes for as long as possible. It tells the story of an English town of Haxby, 8km north of York, which is forging the best practice for the community to deal with dementia. It is estimated that 800,000 of the UK's 63.2m people suffer from dementia. In Haxby, the local cafe and the library have adapted to people not remembering what they want; staff are trained appropriately and elderly people are encouraged to stay on in their homes.

Time relates the story of Peter Jones, a 73-year-old retired architect who was diagnosed with dementia in 2010. The aim is to ensure that people like him can live lives as close as possible to those they had before the diagnosis.

"Peter can (still) walk down into the village by himself. He can go into the supermarket. He doesn't have to know where things are," says his wife Avril, aged 72. *Time* reports that Jones himself nodded in agreement, with his wife, adding: "And it works, because I've tried it."

The *Time* article, which was among the documents placed before the high court in Bagnall's case, also notes that a similar approach has been adopted in various centres in the Netherlands, with great success. Quite apart from the elderly being happier and able to function for longer in their own familiar

Does such an elderly person retain any rights?

against their expressed wishes, rather than permit them to stay in their own homes where, research has shown, they are happier and able to exercise their diminishing capabilities better and for longer?

For many lay people, the word dementia brings to mind a raving lunatic. In fact, the term is used to describe a broad category of brain diseases that cause long-term loss of memory or impaired ability to think and reason clearly, which is severe enough to affect daily functioning. Last year the American Psychiatric Association decided to rename the dementias – the most common being Alzheimer's disease – as "neurocognitive disorders", all with various degrees of severity.

prestigious Victoria Road, Camp's Bay, will have to be sold.

As inevitably, he will have to be moved to an institution for the elderly, to be in the company of, and cared for by, people he has never met. His estate will also have to bear the cost of the curator's fees on an ongoing basis.

The precarious legal position of the elderly in South Africa stands in contrast to the growing body of evidence that elderly people, even with dementia, are happiest and best-off if the environment in which they have lived for years does not change.

In March this year *Time* magazine focused on the issue in an article headlined "Gentle Into That Good Night". It argues that one of Europe's

environment, because of the growing number of elderly people suffering from neurocognitive disorders, it is becoming increasingly difficult to provide enough institutions to care for them.

More often than not, the person a South African court appoints as such an elderly person's curator – with the power, literally, to decide where they sleep, what they get to eat, what level of care they will receive, and what becomes of all their assets – is a person the elderly charge does not know and with whom they have no personal relationship.

A copy of the court's judgment, in which various of the constitutional issues are canvassed, may be accessed on *Noseweek's* website. ■

Dirty laundry remains unwashed

Silence reigns on the shameless pillaging of Randgold. By Barry Sergeant

THE NEFARIOUS PASTIME OF MONEY laundering is normally associated with dodgy characters carousing in exotic tax havens where palm trees hide more than the sun. However, this antisocial conduct also takes place under grey and gloomy skies in heavily regulated financial centres like London.

As time goes by, it becomes increasingly apparent that the late Brett Keble's most constant companion, whether he liked it or not, was probably Investec, the somewhat controversial Johannesburg-based niche bank.

The primary clue is that Investec profited, savagely and ruthlessly, from a good number of the precarious situations that the doomed entrepreneur dug himself into. Whether he was led into those holes by Investec is a subject well worth examining.

For context, in one sentence, the Keble empire comprised his mother-ship (JCI, the thief), Randgold (Randgold & Exploration, the victim), and Western Areas (the beneficiary), which owned South Deep, a budding, cash-gorging, gold mine. Keble's biggest personal investment was his indirect interest in South Deep, held via his shareholding in JCI.

Even before he made the "big time" in 1997, by becoming the controlling mind of JCI, Randgold and Western Areas, Keble was always – and remained –

technically insolvent. His modus operandi, starting in 1999, was to steal bits of Randgold's investment portfolio from time to time and sell them for cash, mainly to fund the building of the South Deep gold mine, via both JCI and Western Areas.

In the wake of Keble's death in 2005, several uncontested forensic reports were published, showing that Keble raised a total of R1.9 billion in cash from purloining and selling Randgold's investments. This required money laundering of a most inventive and advanced nature: it also, inevitably, required the heavy involvement of financial institutions and their ilk, such as stockbrokers.

Beyond the money laundering, Keble also raised cash in other strange and interesting ways. At the end of 1998, Western Areas had been forced to sell a 50% interest in Keble's beloved South Deep Gold Mine: US\$235m in cash rolled into the Western Areas coffers from the buyer, Toronto-based Placer Dome, which also took management control of the new South Deep joint venture.

Late in 2001, Western Areas raised a further US\$104m in cash by signing up to a "hedge book". This essentially provided cash upfront for Western Areas, which, inter alia, effectively sold 1.8m ounces of gold that it predicted would be produced over the next ten years at

an average price of around US\$300 per ounce.

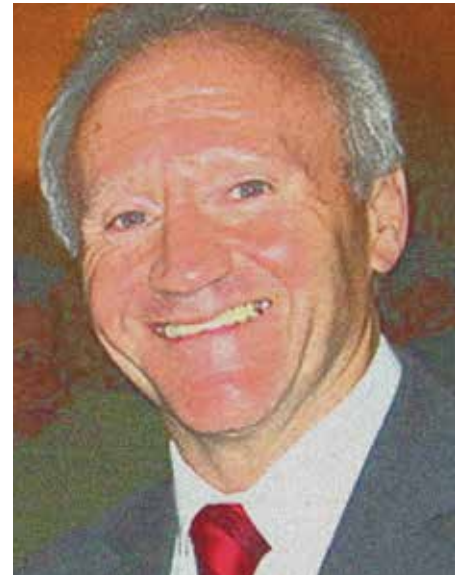
Given that gold would exit its 21-year bear market in April 2001 (when its London "pm fix" reached US\$255.95 per ounce), and would trade at close to US\$2,000 an ounce in 2011, it is possible that this was the single most stupid "hedge" in the history of gold mining. Seen another way, it was simply a brutal cash-raising exercise in which Keble was easy meat for the bank.

Investec – no surprise – was one of the three "hedge banks" that would benefit to the tune of hundreds of millions of dollars from the Western Areas hedge book.

When Western Areas' new owner (Gold Fields, currently under investigation by the Washington-based US Securities and Exchange Commission) closed the hedge book in January 2007, the cost to Western Areas of that US\$104m advance, was US\$528m (a staggering R3.8bn at the then-ruling exchange rate)! The hedge banks had made profits running into billions.

Doomed as it was, the "hedge book" was a legal and "vanilla" transaction compared to the enormous effort required to cover up the intermittent theft of Randgold's investment portfolio and its sale for cash.

Perhaps the most infamous of money laundering transactions are those traceable to 2003, when JCI defaulted



The late Brett Kebble (left) and Investec's David Nurek (above)

on debt it owed Investec. This was renegotiated so that far harsher repayment terms would kick in from January 2004, when JCI would have to repay Investec R2 million a month.

Kebble and his empire were effectively now “owned” by Investec. So it was that during October 2003, JCI and Investec had started discussing what would become known as the “IBUK transaction”, as its name suggests, involving Investec Bank UK, based in London.

igation conducted by Randgold’s independent forensic auditors.

Two years after its completion, part of the Randgold forensic report finally entered the public domain when, on 24 July 2008, Randgold published a JSE-sanctioned circular. Buried deep in the report at annexure 2 on pages 37 to 62, the reader finds a “Summarised Forensic Report”, a severely redacted version of the original.

Even so, it is possible to reconstruct the stark horror of the events that took

• R178.9m went to JCI under various disguises.

The IBUK transaction involved the undisputed theft by JCI of 5.46m Randgold Resources shares belonging to Randgold, the conversion of the certificated shares into ADRs, and the lending of the stolen ADRs to Investec Bank UK in terms of the Overseas Securities Lending Agreement or Osla. As bearer instruments, ADRs are lovely material in the hands of money launderers.

It was simply a brutal cash-raising exercise in which Kebble was easy meat

An Investec employee, Milton Samios, had suggested that JCI’s holdings in Western Areas be used in the transaction. JCI rejected the proposal and said instead that Randgold Resources shares should be used. JCI never once owned any shares in Randgold Resources, which had been listed in London in 1997, and later on, in the US.

How did it come to pass that JCI dealt in 5.46m Randgold Resources shares? These shares, marked out for the IBUK transaction in London, were the subject of intensive forensic inves-

place in and around the IBUK transaction, by careful study of pages 54 and 55 of the circular.

Investec assisted JCI in laundering R270.8m of cash proceeds from the theft and sale of Randgold Resources shares into accounts nominated by JCI:

• R78.8m went to Investec itself for repayment of a long-overdue debt owing to Investec by JCI Gold, a wholly-owned subsidiary of JCI;

• R13.2m went to (again) Investec as an FX (foreign exchange) option, and

The stolen shares had a market value of R372m as the Osla kicked in, during the first quarter of 2004, compared to the restructured net loan exposure of about R258m (after deducting the cost of the foreign exchange option). In other words, Investec had infinitesimal risk.

At the foundation of the Osla was the requirement that JCI purloin the 5.46m Randgold Resources shares from Randgold, in flagrant disregard of both ownership and exchange control, and deliver said shares to Investec

Bank UK, together with appropriate instruments of transfer to vest title in the shares in Investec Bank UK.

If, by contrast, this had been a legal deal, and one approved by the SA Reserve Bank, Randgold would simply have sold the Randgold Resources shares and advanced the money to JCI. JCI, however, was not creditworthy and an independent Randgold board would never have made such a sale or loan. Instead, crafty conspiracy produced a theft, followed by an elaborate series of laundering transactions to hide the true origin of the money.

The Osla was a securities-lending agreement with Investec Bank UK as “borrower” and the commercially insolvent JCI as “lender”. In reality Investec Bank UK was the lender of funds, derived from the sale of stolen Randgold Resources shares; JCI was the borrower.

At this point, it is worth noting that the money-laundering process is characterised by three stages, starting with

than R600m – had they not been the subject of theft and the Osla.

As described, Investec Bank UK initially provided cash of R270.8m at the start of the Osla during 2004. This cash was used to the benefit of, inter alia, JCI, Western Areas, Kebble, and, of course, Investec.

When the Osla was closed off during the first half of 2006, the market value of the 5.46m Randgold Resources shares was in excess of R600m. In lieu of returning the shares to JCI against the return of the R270.8m collateral security, Investec Bank UK paid a paltry R29.2m.

No explanation has been provided to the shareholders of JCI or Randgold in any documentation as to why:

- The 5.46m Randgold Resources shares were never returned to JCI;
- JCI (Randgold) defaulted on the Osla by failing to repay the collateral (or making the necessary arrangements to secure funding to meet the collateral obligation);

Immediately after the Kebble era, Investec’s David Nurek took up the seat of chairman at JCI (the thief) and also the seat of chairman at Randgold (the victim). Peter Henry Gray, already hugely compromised as an Investec lapdog, took up the seat of CEO at both entities.

For the fastidious:

- Nurek sat as chairman of JCI from 12 September 2005 to 9 July 2008; he was also chairman of Randgold from 7 October 2005 to 9 July 2008, and

- Gray was CEO of JCI from 24 August 2005 to this day, and CEO of Randgold from 24 August 2005 to 11 July 2008.

Nurek has been and is the chairman and/or director of some of the biggest companies in South Africa, not least Trencor, Foschini, Lewis Group, Distell (part of the Rembrandt group), Pick n Pay, and so on.

Under the chairmanship of Nurek, Randgold’s independent forensic investigators were never given access to

Randgold was subjected to mediation with the thief who had almost destroyed it

placement. This is followed by layering – transactions designed to conceal – and finished off in a process of integration (see diagram), where the dirty money finally becomes purportedly “clean”.

Money laundering is subject to loads of draconian legislation. In the UK, where the Investec Bank UK transaction took place, it is provided that if a bank or officer of the bank is found guilty of the offence of actual money laundering under the Proceeds of Crime Act 2002 or the Terrorism Act 2000, the maximum penalty is 14 years’ imprisonment and/or an unlimited fine.

If the IBUK transaction was not enough, there was more. On expiry of the Osla in May 2006, JCI was not in a position to repay the loan and as such Investec Bank UK had no obligation to return the borrowed Randgold Resources shares. By then, such shares would have had a market value of more

- JCI (Randgold) received none of the increase in value of the shares it had purportedly lent to Investec Bank UK;

- Randgold at no stage asked for the return of its shares in terms of a spoliation order; and

- For Randgold shareholders, information on the Osla was greatly delayed – it appeared for the first time in the summarised forensic report included in a circular issued on 24 July 2008; that is, two years after the Osla had closed.

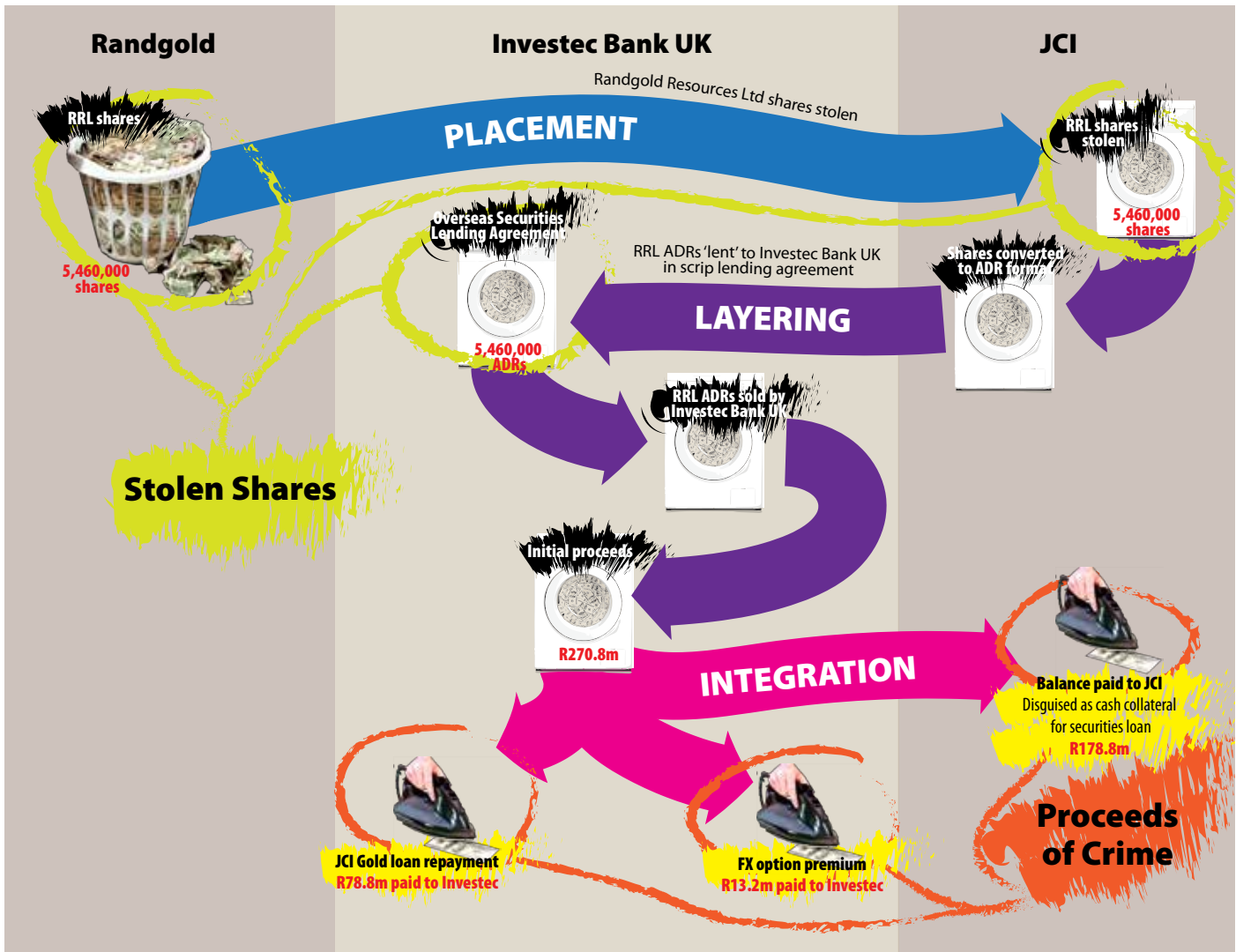
Spoliation orders are not civil in nature, so rules of prescription do not apply. Were efforts to secure the return of the 5.46m Randgold Resources shares at the closing off of the Osla during the first half of 2006 (which would have yielded net cash to JCI/Randgold of more than R300m if the shares had been sold and the collateral repaid from the proceeds) possibly suppressed due to the undue control Investec had over the JCI and Randgold boards?

the records of JCI (also under Nurek’s chairmanship) for purposes of obtaining full details of what had transpired. If that were not enough, Randgold was forced into mediation with JCI. Thus, a victim was subjected to mediation with the thief that has almost destroyed it.

Nurek is a trained lawyer and a previous chairman of law firm Sonnenberg Hoffmann & Galombik, which later morphed into Edward Nathan Sonnenbergs Inc. Nurek had joined Investec in the year 2000 and is titled as Investec’s “Global Head of Legal Risk”.

Not to punish the point, Nurek and Gray were at the helm of both JCI and Randgold when the Osla was closing out, between 24 January and 24 May 2006. For the sake of completeness, it can be noted that Gray was previously CEO of T-Sec, the stockbroker which laundered more than R1bn in stolen Kebble cash.

While the Osla was unwinding, Peter Richard Suter Thomas and Donn



Jowell, both non-executive directors of Investec, were also non-executive directors of JCI.

Core to the understanding and analysis of the aftermath of the Kebble-Investec era is that Randgold's independent forensic investigators had largely completed their forensic investigation of Randgold by early March 2006. By that stage, it was patently clear to those, including Nurek, who had been given copies of the reports, that there had been monumental fraud in and around Randgold.

In plain factual terms, Investec Bank UK had an obligation to return the stolen 5.46m Randgold Resources shares governed by the Osla. Nurek, Gray and the other directors of Randgold, when made aware, early in 2006, that the 5.46m Randgold Resources had been stolen from Randgold and lent to Investec Bank UK, should have made ar-

rangements as envisaged in the Osla to fund the repayment to Investec Bank UK of the R270.8m collateral held by JCI.

This would have secured the return of the 5.46m Randgold Resources shares which by then were worth more than R600m. By not doing this, more than R300m was lost to Randgold (and gained by Investec).

The 5.46m Randgold Resources shares that were stolen by Kebble for the Osla were far from unusual. Unchallenged forensic reports show that a total of 24.6m Randgold Resources shares were stolen from Randgold. These shares had an aggregate value at the time of R1.6bn.

Today, the value of the stolen shares is in excess of R20bn.

Despite a comprehensive forensic investigation and the gathering of substantial and uncontested evidence, the

National Prosecuting Authority simply turned a blind eye to one of the most sinister and shameful corporate raids on a South African listed company and its shareholders.

Likewise, the JSE and its overseer, the Financial Services Board, have never said a word.

The South African Reserve Bank has toed the line, conducting itself as if the IBUK transaction and all the other frauds were a work of fiction.

Various banking associations have pretended ignorance.

Business Against Crime, which counts Investec as one of its donors, has been dead quiet on the subject.

The Independent Regulatory Board for Auditors has been silent – as dead as the proverbial doornail.

The mainstream/corporate media has been – predictably – dead. Perhaps it's time to call London? ■

Cyril Ramaphosa is a shoo-in as the next president of the ANC and of the country – but largely as the ANC’s ‘default candidate’. By Sue Segar

THE QUINTESSENTIAL LOYAL PARTY man. That’s how Matamela Cyril Ramaphosa came across at a recent rare briefing with parliamentary journalists, when he made the astounding assertion that President Jacob Zuma’s cabinet is made up of hard-working, efficient ministers, with high integrity, and management processes to match those of the private sector. This, amid indications that things are pointing south, economically and politically, with South Africa having been downgraded by ratings agencies; the Reserve Bank having forecast reduced growth; and with *City Press* revealing that at least 19 members of the new cabinet still hold private business interests.

To what should one attribute his apparent optimism? Does he really believe things are hunky-dory? Can he happily be part of a government that has a reputation for corruption?

To some, he may represent a refreshingly different tone and direction, but how influential is he in the ANC and is he to be the country’s next president?

Political analyst Prince Mashele paints Ramaphosa as a fiercely ambitious man who, lacking influence in the party, is playing a cautious hand so as not to offend rivals in the party – most of whom are from KwaZulu-Natal.

Mashele, executive director of the

Centre for Politics and Research think-tank, told *Noseweek*: “Those comments about a good team are nonsense. This is the weakest cabinet we have had since Mandela.” He said Ramaphosa was “very weak” in the ANC’s KZN section, which currently runs the party, and that he was “not influential at all”.

“Quite clearly he wants to rise to the top so he is playing very cautiously, hoping that one day he will be number one.” That goal, he said, is not impossible, depending on factional interplay up to the 2017 ANC conference.

“My sense is he will eventually become president,” said Mashele.

At the media breakfast, held at the Mount Nelson Hotel in Cape Town Ramaphosa punted the National Development Plan as the overarching plan for South Africa. He tried to reassure those sceptical about the quality of the cabinet by saying all ministers had signed performance agreements and would be held to account by Zuma for the performance of their departments. Ways would be found to finance South Africa’s energy needs, including the nuclear programme, costing trillions. Nuclear power would form part of the future energy mix, along with natural gas, shale gas, coal and renewable energy. One thing we don’t want is an energy deficit.



THE MAN WHO WOULD BE KING



South Africa's Deputy President
Cyril Ramaphosa

“If there’s anything you could hold out as a legacy of President Zuma, it is that he is clear-headed and focused on making sure we have sufficient energy to fuel the growth of the economy,” said Ramaphosa. Without blinking.

Ramaphosa scoffed at suggestions that censorship of the media was creeping into South Africa – but added that “of course we want a patriotic media”.

Ramaphosa was evasive when asked whether he had benefited from BEE, insisting that, as a businessman, he had taken “quite a bit of risk”. He reassured journalists that the process of handing over control of his investments into a trust, to prevent any conflict-of-interest, was well under way.

He said he took in his stride insults and criticism about his personal wealth having increased by R2.6 billion since he entered business.

“When you are in politics you have to have a thick skin, and statements such as that you represent capital – or the devil – are all in the course of politics. They could be motivated by hatred or

then, the name Cyril Ramaphosa did not come up as a potential deputy to Zuma. But, when it became clearer that Motlanthe was going to stand, the KZN faction realised that Motlanthe’s trump card was the perception of credibility while the weakness of the Zuma camp was a perceived lack of credibility. So they looked around and identified Ramaphosa as a number two.

“It does not mean that the KZN faction trusted him or that he is part of that faction. He has never been part of that faction. He was in business, floating and waiting for his moment in the ANC... So his standing in the ANC depends on a powerful ANC faction at the time.”

Mashele pointed out that Ramaphosa had been made deputy chair (under Trevor Manuel) of the National Planning Commission. And “as one of the guys who led the crafting of the National Development Plan, the NPC is essentially Cyril’s baby, so when he became Deputy President, logic would dictate that he should lead the imple-

He takes insults in his stride about his wealth having increased by R2.6bn since he entered business

anything, so you take it in your stride.”

And in the wake of Marikana (it is now known that Ramaphosa called for “concomitant action against criminals” by the police a day before the massacre), Ramaphosa said he had “not really” seen the criticism as an insult.

Mashele said many of Ramaphosa’s assertions on the government’s performance can be shown to be out of touch.

“Most people try and project him as this guy who rose on the basis of his political abilities... but he is Deputy President thanks to the benevolence of the powerful KZN faction in the ANC.

“If we recall what happened before he was nominated as ANC Deputy President, for some time there was a political tussle between two chiefs in the ANC – Jacob Zuma and Kgalema Motlanthe. It was not clear whether Motlanthe was going to stand. Before

mentation of the important NDP”.

Instead, Zuma had taken away the stewardship of the implementation of the plan and given it to Jeff Radebe from KZN. If Ramaphosa were to be put in a position to provide that sort of technical leadership, he would overshadow the president, said Mashele.

Ramaphosa is not trusted by Zuma, said Mashele. He was not likely to have been consulted when Zuma appointed his ministers, therefore “everything he says about the cabinet comes to zero”.

“His comments [*on the cabinet*] cannot be trusted... they are not a true reflection of what he thinks. He was trying to play diplomacy so the fourth estate has the impression he is part of the leadership when, in my view, he is not.

“He is on shaky ground politically.”

It was possible for “the factional tide” in the ANC to turn in favour of

Ramaphosa as 2017 approached, because Zuma was serving his last term.

“People in the ANC have demonstrated previously that they were capable of shifting political loyalties midway when a president is serving his last term. We saw that with Mbeki. When people saw he was weakening politically, they shifted their loyalties, so it is possible that this could happen.

“My sense is that Ramaphosa will eventually become president. I think he is going to partner with [ANC secretary-general] Gwede Mantashe. They will become a formidable force as we get closer to 2017.

“Mantashe is working as secretary-general for the second time and there is no way he will want to come back to that position. Mantashe wants to become Deputy President – that is most likely to happen if he teams up with Ramaphosa and, if that happens, the KZN faction will find it difficult to field anyone who can stand up to them. Watch that space, that is where we are going.”

Had Ramaphosa’s role in Marikana tarnished his former image as a saviour of the nation waiting to be appointed to a key leadership position?

“He is not a fallen hero,” said Mashele. “There are sections in the ANC, particularly from the labour component of the tripartite alliance, like Numsa,

who are critical of him, but in the context of internal ANC politics, I don’t think Marikana has dented him... The spotlight has not been on Cyril, but on the police, with regard to the killings... and because the state played such an important role in that saga, there has been a need on the ANC’s part to consolidate and protect each other. Cyril benefited from that. He did not stand out as the guy who played a unique, decisive role in Marikana. Very few are perspicacious enough to see his important role, but generally South Africans don’t think he played such a decisive role,” said Mashele.

Fellow analyst Susan Booysen says that although strong groupings may see Ramaphosa as a possible “saviour” of a future government, the ANC’s inner circle still considered him an “invitee” to the position of Deputy President. There was a widespread feeling that he had not really earned the position and that it was the NEC or top leadership’s right to dispose of him – or not.

“But he is working very hard to make himself the chosen one – as we can see in the way he defers to Zuma. He has not shown any personality at all in the position... except to say how great his colleagues are, and how deserving they are of their positions.”

Booyesen pointed out that there were

two other big contenders, both with KZN links: ANC treasurer-general Zweli Mkhize, who was “well-positioned well-off and debonair, with constituencies in the ANC”; while African Union chair Nkosazana Dlamini-Zuma “could fit the bill as a woman president”.

Over the past few years, Ramaphosa had lost acceptance as the authentic voice of workers, said Booysen.

“Workers in the left part of Cosatu certainly have not accepted him for a long time... You cross to business and you lose that... Marikana reinforced that [perception] and brought it home for more people.

“It is clear – to the extent that Ramaphosa came in on the back of the government, in not accepting responsibility for the security forces at Marikana – that he is completely in line with ANC thinking on the topic. But that could enhance his standing.

“Another point, we should not forget, is that he was the ‘executioner’ for Zuma in the Julius Malema matter.

“He was the one on the disciplinary committee that steadfastly worked for Malema to be ousted and he was successful – so there’s a sense he has earned his stripes for loyalty to Zuma, although I am not sure whether that propels him right into the succession stakes... That is in gestation.” ■

In his own words

Performance of ministers

“The president and myself... were involved in meeting all the ministers and deputy ministers... getting them to outline very clearly what they are each going to do and... to get ministers to delegate tasks to their deputy ministers. That will culminate in the signing of agreements between the ministers, their deputies and the president... then [we] have a process where [the performance of] each will be evaluated...”

The government’s performance

“Coming in new from business, I have found a really impressive resolve among cabinet members and I have found them to be a bunch of people who attend to detail. I sit in some of those meetings and I say, ‘Wow this is refreshing!’ They read every line, they cross every ‘t’ and dot every ‘i’...

“The day after I was appointed Deputy President, there was the induction. Already I had a thick hand-over file... Get into the cabinet process and you will find that documents are thorough... more thorough, in a way, than you find in the private sector. This has been most insightful and impressive... People are focused and serious.”

The President

“President Zuma, believe you me, is very serious about moving this country forward and for me, it’s a real privilege to be in the space where I am now, serving alongside him in achieving all these ideals.”

The nuclear programme

“The programme is targeted to generate up to 9,600MW, which is quite huge, and that will take a long time to build up. We won’t see it generate any energy before

2020. But the planning process has got to begin yesterday. As the economy grows, you have to be generating more energy. Funding will be a major challenge, but we are here to solve problems. Financing should not be a major impediment. This is an investment, not consumption expenditure. There are various financing packages... Vendor financing... is something we will look at. Some of us have also been challenging financial institutions. I said to them, ‘You cost them, you’re the clever guys with MBAs from Harvard and Stanford, you come up with suggestions,’ and they took it well.”

(Ramaphosa has stated his support for shale gas and – gingerly – for the nuclear programme while opinion is still strongly divided on whether nuclear power is the way to go. The National Planning Commission, chaired by Ramaphosa himself, wants

Ramaphosa's ability to draw disparate groups together makes him indispensable to ANC

WHEN PRESIDENT JACOB ZUMA chose Cyril Ramaphosa for his slate at Mangaung, conventional wisdom had it that he'd bring an aura of respectability. Having been an important figure in the transition, and seen as morally upright, many believed Ramaphosa was chosen to help fill a gap in Zuma's credibility and make it harder for people to rally round the "Anything-But-Zuma faction". But it was common cause that Ramaphosa was just a stopgap with no real prospects and would be dispensed with when no longer needed as the next ANC conference in 2017 approached.

However, Ramaphosa's biographer, UCT political studies Professor Anthony Butler, believes Ramaphosa has a much more powerful position than that – and that he has made himself indispensable to the party.

"It was not an opportunistic move on Jacob Zuma's part or just good fortune on the part of Cyril Ramaphosa. In fact, a great deal of planning went into his rise – and the reasons for his rise to deputy presidency of the ANC and to deputy state president are also the rea-

sons he is likely to become ANC president in 2017," Butler told *Noseweek*.

Besides being a clean figure who counter-balances the negativity surrounding Zuma, Butler spelt out the strengths he sees as taking Ramaphosa all the way to the top.

His key strength, says Butler, is that he draws disparate groups together who don't want ethnic Zulu dominance in a party. Ramaphosa does not belong to either of the ethnic groups, Xhosa and Zulu, that have dominated the party. Butler says the ANC is deeply divided by region and ethnicity.

"That has been a problem across the organisation's entire existence. It has particularly become a problem with the phoenix-like rise of the ANC in KwaZulu-Natal. The KZN ANC is unique in two ways: it has grown incredibly big incredibly fast, and it has voted as a bloc in the last two ANC conferences... Zuma got more-or-less universal support both times from KZN delegates and also got strong support from other provinces in which there was a big Zulu population, particularly Mpumalanga. That has created a new situation in which there's a big, powerful and fairly



Prof Anthony Butler, Cyril Ramaphosa's biographer

coherent bloc vote, at least potentially, from KwaZulu-Natal.

"If KZN establishes control over the national leadership and is able to replace Zuma with someone else seen to be connected to networks in KZN (see *nose171* organogram), that will create an incentive for other provinces to unite against KZN, particularly the

to postpone a decision on nuclear energy, although Zuma and his new Energy Minister, Tina Joemat-Pettersson, have strongly backed it.)

'Parliament is a beerhall'

"Parliaments are often beerhall-type theatres where people enjoy debate. You should see other parliaments of the world. In the British parliament, they have a setting which is quite wonderful because they are so close to each other – just a punch length away across the table, and they go hammer and tongs at each other which I think is wonderful. It enhances debate. I have seen some parliaments where people get into fist fights. Many of them join in the brawl and some come out bleeding. That's what happens in parliament.

"We still have some decorum in ours.

"Those who were engaged in the [*President's Budget*] debate are still new, still getting used to parliamentary exchanges and they were responding to phrases they thought were insulting and inappropriate... It will die down in time as people get used to each other and how people speak in debate. It will go back to normal."

Land reform

"It is going to progress and we want to have reached a stage where more and more land will be redistributed to our people. The opening up of land claims is the policy and the decision of the ANC and I support it. It has to be done. There is a huge historic injustice and a wound that needs to be healed and bureaucratic and technical onstraints need to be removed."

Black Economic Empowerment

"This is another burden that has to be borne by the democratic process. Let us remember that dispossession, exploitation, injustice etc took more than 300 years. And everyone wants this to be wiped off the slate and redressed yesterday... We need the cooperation of all role-players in our economy, be they established businesses, be they emerging businesses that need... to open up space, opportunity, trading opportunities, funding opportunities for black people to get into business."

Minimum wages

"Minimum wages in other countries have reduced inequality and poverty. We need to look at this without fear and angst. We need to come up with a balance and take each other's interests into account." ■

Eastern Cape and Gauteng. If a coalition of provinces is pitted against KwaZulu-Natal at the next ANC conference and the outcome is close and contested, the ANC will be in really big trouble.”

Butler continued: “For instance, there is speculation that Zuma’s ex-wife, Nkosazana Dlamini-Zuma (now African Union chairperson), is being prepared to come back, to allow the KZN networks to continue unchallenged by a president with a different power base... or that Zweli Mkhize, now ANC treasurer-general, after a long period running KZN as premier and ANC chair, might be groomed to become president.

“The rising politicians and business people who surround Zuma now obviously want the presidency to remain under their control and would lobby for people like that. But there is a real danger that someone else – possibly Ramaphosa himself – could build a

neighbouring countries or from the Eastern Cape and there was always the danger of ethnic conflict on the mines. One thing that helped Ramaphosa was the fact he didn’t come from either of the ethnic recruitment pools of the Num of that period. His style is to be above those conflicts, to listen to both sides and gain the confidence of people from both sides.

“Cyril is a person who can perform that stabilising function in the ANC.”

Ramaphosa’s other key strength, says Butler, is that, with the country in a “terrible” state, “Cyril represents the National Development Plan and the application of reason to public policy making”.

“A lot of people in the ANC feel that’s important, particularly after all the uncertainties of the Zuma period, especially over economic policy. There is a need for thinking about the future in a systematic way, in arguing rationally about policy.”

powerful faction, the SACP.”

Another strength was his constituency in business. Butler did not believe that Ramaphosa’s perceived role in Marikana was significant.

“Curiously enough, in many respects Marikana strengthened Cyril. In fact, his biggest political obstacle in the ANC is that he’s been too popular with whites, that the middle class loves him and wants him for president.

“Since becoming a businessman he has found it hard to present himself as a friend of the poor and a promoter of the interests of black Africans. Marikana made the white middle class take a quite different, far more critical, tone on Cyril. It stopped him from being seen as friend of the entrenched white middle class as portrayed in the past.”

Had Ramaphosa’s role in Marikana moved him from a messiah to a fallen hero? “Yes, but primarily for whites. Cyril was never a messiah for anybody else, or for most of the population. Most people had forgotten who he was. He was kept alive in memories from the days of negotiations, as the person who rescued us from what could have been a civil war. But that was never the view of most South Africans. It was a myth.

“It’s true that Marikana has damaged him with that relatively unimportant constituency but that might even have helped him, by making him someone who is attacked by the media and the white chattering classes...”

Butler said Ramaphosa’s “sheer political skills, his ability to deal with very different types of constituencies” tended to be underestimated. However people were reminded of that during the booing episode at the memorial service for Nelson Mandela.

“He spoke to different parts of the crowd very calmly. He sang a little bit, he exchanged different kinds of greetings and slogans with people in the crowd and he quietened people down.

“Additionally, he is very good with poor people in rural areas. He spent two years at a rural boarding school in Limpopo, and still has that talent for talking in churches and in rural areas to poor people.

“He can also talk to business people and trade unionists and has an unusual repertoire of styles he can bring to bear. He is entirely unflappable, nothing disturbs his composure.”

In short, it is much harder to stop

‘Cyril was never a messiah for most of the population’

coalition to oppose this, and that there would be a real fight at the 2017 conference... with KwaZulu-Natal and Mpumalanga – which is also a Zulu-dominated province – on one side and everybody else on the other.

“In that scenario, the ANC would be in real trouble because, how do you resolve a contested election that is divided on regional ethnic grounds?”

The problem for the ANC with both former president Thabo Mbeki and with Zuma, Butler said, was that they were associated with particular ethnic and regional constituencies.

“Nobody likes Cyril particularly, either in KZN or the Eastern Cape, but for that reason alone, a lot of people think it will be good to have him as he’s not associated with a particular regional or ethnic bloc.”

Ramaphosa would be able to play a non-partisan role in such conflicts.

“That is exactly what he did in the National Union of Mineworkers. [Ramaphosa was first general secretary of Num until 1991.]

“Its membership were people from

Ramaphosa’s becoming deputy chair of the National Planning Commission right after the 2009 election “wasn’t a random decision on his part, it gave him a bird’s-eye view of all of the policy challenges in the state and exposed him to lots of expert debate and analysis about public policy”.

A third strength, was that Ramaphosa had a “unique range of constituencies” which included people who at some stage had trusted him, particularly because of his union background. Although there had been hostility towards him from many in Cosatu, the current Num general secretary, Frans Baleni, was behind him, as was Num in general, partly because they are behind Gwede Mantashe.

“Mantashe succeeded Motlanthe, who succeeded Ramaphosa as Num general secretary – all one way or another quite close to each other; effectively a partnership. These are all Cyril’s people. They all looked up to him and respected him enormously in the past and still do. Num is also important as it is connected to another

Ramaphosa becoming president than at first seemed, says Butler.

"To stop him, somebody has to come up with a reason why he can't be President. He is Deputy President, he is ANC Deputy President, why shouldn't he become ANC president? How do you argue against Cyril without invoking ethnicity? That leads to that scenario of the ANC becoming divided over the issue nobody wants to see."

Ramaphosa could also appeal to the next generation, "to people like [*newly appointed Home Affairs Minister*] Malusi Gigaba, for example, who are very popular."

Butler believes Ramaphosa's influence is growing within the party, as he becomes more credible. "The closer we get to the next conference, the more people will be looking for a horse and Cyril is no longer a dark horse. He is one people can back."

Is Ramaphosa ambitious? "Extraordinarily!" said Butler. "I describe in my book how Cyril was quoted – at the age of 15 or 16 at a Christian camp – as saying he wanted to become president one day. He is incredibly ambitious for that job."

A question regularly asked these days is: "Has Ramaphosa – once regarded as a political hero and a champion of the working classes – lost his heart and soul to the allure of wealth and riches?" No, said Butler. "Even when Cyril was a young man, he was interested in upward social mobility. He liked driving fast cars. In the book, his attitude to wealth is quite important. He insisted that his Num organisers should travel first class and stay in the same hotel as mining house executives."

"When he was at school, Cyril would save up money, dress up and take the first-class compartment in the train from Soweto to Joburg. That was classic Cyril, product of an upwardly mobile lower middle-class family. He's always been like that. When he was with Num, he was working 15 to 20 hours a day and didn't have any spare time. But still, when he drove around the country, he liked to drive in a fast car."

EFF leader Julius Malema said at a recent press briefing that Ramaphosa was the creation – "single-handed project" – of the Oppenheims, who had told him "long before the 1990s they will make him president, so Cyril owes his wealth and existence to the Oppenheimer family... that's why the leader-

ship of the country is so compromised".

"If something happened to Cyril's soul, which maybe it did, the change happened when he was detained. Along with other people who spent time in solitary confinement, he didn't have an opportunity to come to terms with what that did to him."

He was in Pretoria Central Prison between October 1974 and September 1975 (ending up in Silverton Police Station), part of which was solitary, and he was detained at John Vorster Square from August 1976 to February 1977 (then transferred to Norwood Police Station), much of which was solitary confinement.

"When he came out, for his friends it felt like he wouldn't befriend them again, that he had discarded them. They didn't really talk for two-and-a-half or three decades. He didn't trust them. But these days he sees all of his old friends again."

"The only book they gave him in solitary was the Bible. He read it, but he also lost his faith and, I think, became in some respects a very hard person who became much more difficult to read for people around him. Before that he was somebody everyone loved. Afterwards there was some ambivalence – he can be a hard, ruthless person politically and personally."

Does Zuma trust Ramaphosa?

"No," says Butler. "I'm sure these guys don't trust each other; they know each other too well. But they understand how the game works and Ramaphosa brings this set of factors, including stability, which makes him attractive to Zuma."

"Ramaphosa also brings Gwede Mantashe, which means he brings the Eastern Cape and the SACP. He also brings the NDP and credibility with foreign investors – all the reasons why Cyril is attractive are attractive to Zuma too."

"Zuma knows Cyril is useful for his legacy, that he can stabilise the ANC, keep people on board, rejuvenate the economy – and also do a lot of the work."

"Zuma doesn't have an appetite for hard detail work – like policy-making and brokering agreements – but Cyril does. He is also very good at dealing with entrenched problems and obstacles. Mbeki had Essop Pahad to do that stuff for him. He was able to go round with the authority of the President and knock heads together. To Zuma, that's one of the attractions of Cyril." ■

Be a DIY travel expert!

Use our FREE online or mobile tools.
Our travel experts in support 24/7/365.



UNIGLOBE Travel

access more™



+27 (0) 11 444-8910

enquiries@uniglobetravelsa.co.za

www.uniglobetravel.co.za

Fishy Tina leaves disaster in her wake

Food security threatened by incompetence and nepotism.

By Mandy de Waal and Jon Pienaar

FISHERIES RESEARCH EXPERT MOENIBA Isaacs remembers a time when kreef (crayfish or rock lobster) and perlemoen (abalone) were staples of the poor and working class. But over the past five years South Africa has mismanaged its fisheries and fish stocks to the point where once-common species are all but wiped out.

“I grew up in a fishing community called Ocean View on the end of the Cape Peninsula, a densely populated township created in the late sixties after people classified as coloured by the old Nationalist government were evicted from the neighbouring, ‘whites-only’ coastal towns of Noordhoek, Fish Hoek and Simon’s Town.

“In those days there was open access to ocean resources. We ate a lot of West Coast rock lobster, abalone and various species of linefish; they played a key role in our community life and lifestyle – and provided food security,” says Isaacs, who today is a senior researcher at the Institute for Poverty, Land and Agrarian Studies (Plaas).

“Fishermen would go out to sea and bring home fish or kreef, and share or trade with neighbours,” says Isaacs. Species like snoek, kreef, abalone and Cape bream not only provided sustenance, but formed an important part of people’s livelihood and culture.

“Lobster-catching was industrialised early in the last century. By 1916 crustacean tails were an important source of Vitamin A for soldiers in the First World War. Later, in the sixties, there was a huge investment in setting up ‘company towns’ along the coast to provide canned food rations for miners,” says Isaacs.

People who lived along the coast were employed in large-scale fishing operations and in factories. But trading and

small-scale fishing remained an important part of Cape people’s lives. With good management there was enough for everyone.

Nowadays, both the fishing industry and small-scale local fisherfolk are under threat. Politics, corruption and maladministration, resulting in massive over-fishing, have endangered the livelihoods of entire communities.

Shaheen Moolla, chief executive of marine research company Feike, says the marine life losses could affect the fishing and allied industries for generations to come, and unflinchingly points to the reason why South Africa’s marine resources are at risk: “Throughout Tina Joemat-Pettersson’s tenure as minister of Agriculture, Forestry and Fisheries (DAFF) – during those five years – we didn’t have a single permanently employed Deputy Director General of Fisheries. From December 2010 until she left office, we had 13 acting DDGs – and none of them had any prior experience or understanding of marine sciences and technology.

“It’s akin to taking someone who is a mechanic and asking him or her to run the neurology department of Groote Schuur,” he says.

DAFF is responsible, in terms of Fisheries, for undertaking regular research at sea to establish the state of all fish stocks – essentially to monitor and ensure the health of the entire marine ecosystem. Based on their current research findings, DAFF must manage the exploitation of this resource by defining quotas and granting licences for fishing. DAFF administers the SA Marine Resources Fund, which is financed by the industry and not the taxpayer.

Moolla, previously a head of Fisheries Management at DAFF under then

minister Valli Moosa, states: “In my final year the department ran a surplus of R58 million in the fund. We have never seen a surplus since. From being self-funding they are now hugely reliant on the taxpayer to fund fisheries management, principally because we are no longer able to properly manage the Marine Resources Fund and pay for the costs associated with research.”

Marine research has ground to a halt because, apart from the mismanagement that has depleted the fund, most of the research vessels have been inoperable for over two years.

A key factor in sound fisheries management is the science of making accurate marine resource estimates – basically, getting the best possible estimate of fish stocks.

Andre Punt, associate director of the University of Washington School of Aquatic and Fishery Sciences, who was in South Africa recently, says, diplomatically, that South Africa is “struggling” on this score.

Assessing marine stocks is all about mathematical modelling, Punt explains. But accurate mathematical modelling is dependent on the quality of data. “I’m a mathematician... if you don’t have good data, you’re entering the realm of fantasy. My biggest concerns with South Africa relate to the quality of data and data collection, rather than technical concerns,” says Punt, who was part of an international panel of academics and scientists that came to the country recently to conduct an annual review of the analysis used to generate scientific advice for the management of fisheries locally.

South Africa’s historical data was excellent, says Punt. “South Africa began collecting survey data early, particu-



Former Fisheries minister Tina Joemat-Pettersson

Jongbloed will have none of Joemat-Pettersson's excuse that the boat was 30 years old and "would in any event have had to be replaced at some stage".

"That's just a coverup," sneers Jongbloed. "The point is, it was going without a glitch and would have been able to continue for a while yet, had it not been for the Navy's mismanagement."

Moolla notes that the *SAS Africana* is still in Simon's Town harbour, stripped of all its brass fixtures and overrun with rats.

The loss of this research ship leaves the department particularly vulnerable, says Jongbloed, as the department has no similarly equipped vessel to do the necessary research.

She continues: "Although the remaining four vessels are back in the water, they are spending more time in the harbour than out at sea. In addition, there is no budget to operate the vessels optimally."

The recent Global Ocean Commission

Thousands of jobs were lost when quotas were misallocated

larly for hake fishery, which is the largest fishery by value. The SA surveys go back to the eighties, which is pretty good by international standards."

"But what's been difficult in recent years is that the research vessel DAFF had been using has essentially been non-functional for a number of years... you probably know that it relates to tender issues... As a review panel we've been pretty concerned about this."

Punt is, of course, referring to the DAFF tender debacle that was the subject of an investigation and a report by the Public Protector.

"I wouldn't use the word corrupt, but the data that South Africa has is scant. And if you don't have any real data, you don't know anything. Frankly I couldn't tell you that any catch was sustainable, because I just don't know," says Punt.

"Research is fundamental to a proper fisheries management system. Without proper research, how can you know how much fish there is, and how can one catch on a sustainable basis?" asks Moolla of Feike. "For the past two years

we haven't undertaken any significant research," he says adding that non-compliance compounds this dilemma.

In 2012, following the tender debacle, Joemat-Pettersson decided to entrust the maintenance and management of some of DAFF's bigger and more important research and patrol vessels to the South African Navy.

Zelda Jongbloed, DA shadow deputy minister of Agriculture, Forestry and Fisheries completes the story: "Sea water was incorrectly pumped into the ballast tanks, which seized up the engines." (*A small-time replay of the seaman who plugged a high voltage supply into the battery system of one of the navy's still-new submarines, blowing the vessel's entire electrical system, disabling it for two years, and costing half the price of a new submarine to repair.* – Ed.) "The fisheries' research vessel will probably never go to sea again, since the pipes have rusted and the cost of repairing the damage far exceeds the ship's value."

(co-chaired by former minister Trevor Manuel) recommended a package of eight proposals aimed at reversing the damage done thus far to the marine environment and ensuring sustainability and thus food security.

"The Fisheries Portfolio Committee has not yet officially received the report," says Jongbloed, "nor is it certain that the report will be tabled in the committee. The minister has also not indicated whether the government will sign the accord."

"We will only really know the full impact of Joemat-Pettersson's 'reign' in decades to come when South Africa may have to close entire fisheries because of current levels of illegal fishing and mismanagement," says Moolla.

"There is little doubt that this country is losing trillions of rands worth of fish to illegal fishing. South Africa has some of the most valuable tuna, hake, swordfish and shark in the world. I can only imagine how many sharks this country is losing to Chinese trawlers," Moolla adds in a tone of desperation.

“The tragedy is that, right now, to say that Fisheries is in a mess is an understatement. Fisheries management in South Africa has imploded,” says Moolla.

On top of the research conundrum, add the problem of mis-allocated quotas and fishing licences. In response to the quotas pushed through by DAFF in January, fishing communities said Joemat-Pettersson was sentencing them to starvation; the SA Commercial Linefish Association took out an urgent interdict against DAFF; while Cosatu said “old apartheid beneficiaries, black lawyers and teachers who received rights after apartheid and who had no links to the industry” had benefitted. “Thousands of jobs were lost, quotas were allocated to people who don’t know how to fish, have no boats – and who live in Johannesburg.”

Their qualification? “They are political relatives of the ANC,” says Moolla.

In December, Public Protector Thuli

ed at between R400m and R1 trillion, despite the National Development Plan and more recent energy plans having indicated it isn’t economically viable for South Africa. But Zuma in his State of the Nation address made it clear he is determined to pursue his nuclear plans.

An MP who spoke to *Noseweek* on condition of anonymity, said: “My feeling is that this is another huge ‘arms deal’. Like the arms industry, the nuclear industry is shrouded in secrecy. One doesn’t fully know what the price of a nuclear reactor is – there’s no off-the-shelf price you can check. So the possibility for including ‘fat’ is huge. I wouldn’t be surprised if they are trying to see how they can make money on this, either for the ANC or for certain individuals. That is my suspicion.”

Into the ocean of troubles left behind by Joemat-Pettersson steps former National Union of Mineworkers’ president

and most valuable resource, the hakes, had recovered dramatically, as had several line fish stocks. Important fish stocks were assessed annually “and patrols are continuing, to prevent unauthorised fishing on a large scale”.

Adendorf said that in the past three years the Fisheries branch of DAFF had had two permanent DDGs: Greta Appelgren-Naickerdien – who left after she accepted an offer in provincial government – and Mortimer Manny, who was appointed early this year.

He said the unavailability of the *SAS Africana* remained a concern, though DAFF – “through close working relations with stakeholders, industry and other international organisations” – had managed to carry out key surveys using other vessels, and had “managed to assess the relevant demersal [*ocean floor*] and small pelagic [*open sea*] fish stocks without a break”.

Zokwana will be remembered for getting a salary from Anglo Gold Ashanti while being paid by Num

Madonsela declared that DAFF Minister Tina Joemat-Pettersson was guilty of unethical conduct and maladministration in awarding an R800m tender to Sekunjalo, in a contract for management of the state’s fishery vessels.

Madonsela said Joemat-Pettersson should be sanctioned for “reckless dealing with state money and services, resulting in fruitless and wasteful expenditure, loss of confidence in the fisheries industry in South Africa” as well as “alleged decimation of fisheries resources in South Africa and delayed quota allocations due to lack of appropriate research”.

The Sekunjalo tender was cancelled. But despite the opposition party’s calling for Joemat-Pettersson to be fired, President Jacob Zuma in his cabinet reshuffle in May, “rewarded” his faithful ally by removing her from the woeful DAFF, and sending her to oversee the critical energy portfolio.

What’s in Joemat-Pettersson’s energy “reward”? The ANC wants to build six new nuclear reactors at a cost estimat-

Senzeni Zokwana who, *Business Report* says, was “quite inconspicuous in his 14-year term at the helm of the union”.

Zokwana will be remembered for describing the actions of the miners at Marikana as “pure criminality”, as well as for getting a salary from Anglo Gold Ashanti while also being paid by Num to represent miners’ interests. Assisting Zokwana is former Police Commissioner Bheki Cele who, *Noseweek* readers will recall, was the “chief accountant” on project Nkandla but, in the end, was axed because of procurement scandals related to SAPS lease deals.

Both Joemat-Pettersson and DAFF were offered right of reply to this. Joemat-Pettersson declined the opportunity to respond.

Instead, DAFF spokesperson, Lionel Adendorf, said *Noseweek* was incorrect in suggesting over-fishing and massive exploitation had endangered livelihoods, “as only two stocks, abalone and rock lobster, are currently more over-exploited than a few years ago”.

He added that South Africa’s largest

The *Ellen Kuzwayo* was back in service and its research programme had resumed for other species such as rock lobster, linefish species and tuna. The *SAS Africana* had had an “unfortunate series of problems that emerged during refurbishment but these have been systematically tackled and the vessel should be ready by the end of the year”.

As for Moolla’s assertion that fishing was in a tragic mess and Joemat-Pettersson had consigned whole communities to starvation, Adendorf said the 2013 rights allocation process was being reviewed and DAFF was “awaiting legal advice on how to proceed”. The problems had not caused any disruption to fishing or left anyone starving, “as they [*fishers*] could continue using their rights on an exemption until the matter is resolved”.

Will we ever enjoy abundant kreef again? That depends on who you believe and whether Zokwana and Cele have what it takes to sort out the mess Joemat-Pettersson left behind.

Any bets? ■

Horn of plenty

SANParks is allegedly rubbishing an anti-poaching measure so it can cash in on legalised trade. By Sipho Mwanza

WITH THREE RHINOS BEING killed in South Africa every day (1,004 in 2013), you'd think those responsible for preserving our wildlife would be waging a war on poaching. Instead they seem to be waging a propaganda war. And, as is so often the case, there's big money at stake.

South Africa's vast stockpiles are estimated to stand at 20 tonnes, which, at a price of US\$60,000 a kilogramme, could raise R11 billion.

That, no doubt, is why the government makes little effort to hide its preference for the so-called "pro-trade" camp. Although the Department of Environmental Affairs, has invited people to participate in a "Rhino Horn Trade Feasibility" forum, this press statement of 6 June 2014 suggests it is little more than window dressing: "South Africa believes that legalising the trade in rhino horn will in no way contribute to increased poaching."

One mooted remedy for poaching is "horn devaluation" through horn infusion, whereby rhino horns are injected with a combination of dye and toxin (an ecto-parasiticide), rendering the horn highly toxic to anyone ingesting it.

The organisation behind horn infusion, Rhino Rescue Project (RRP), says it backs infusion rather than de-horning because "no-one comes to South Africa to see the Big Four-and-a half".

Rhino Rescue had lengthy discussions about horn infusion with some of the custodians of our wildlife – Peace Parks Foundation, SANParks and Ezemvelo KwaZulu-Natal Wildlife

(EKZNW) – with a view to working together. But the relationship soured.

Soon afterwards three of these custodians produced and publicised an article rubbishing infusion. "Are chemical rhino horn infusions a poaching deterrent or an unnecessary deception?" was written by Sam Ferreira, Markus Hofmeyr and Danie Pienaar – all from SANParks – together with an EKZNW official, Dave Cooper. Although their article was to appear in a publication called *Pachyderm Journal*, that hasn't happened yet. It has, however, been leaked to the media – *The Witness* broke the story on 13 May. It says: "Our assessment contests the efficacy of this technique on conceptual and logistical grounds, especially when dealing with relatively large populations. We argue that conservationists should not use this technique when dealing with the rhino poaching threat."

For an academic article, it is surprisingly short, 11 pages,

and though it contains some science, it also deals with economic issues – one argument against treating horn is that it decreases the supply of – and increases demand for – untreated horn. If South Africa were to embrace horn infusion, it says, parties like SANParks would be at risk of being sued by end-users who get ill. (Yes, they seriously said that!)

Even more outlandish, it suggests there might be "cultural rights dilemmas"



Conservation goes Dutch

DID THE GUARDIANS OF SOUTH Africa's wildlife use deception to get major funding from the Netherlands? In April last year, Peace Parks approached the Rhino Rescue Project (RRP) with a view to getting horn infusion going in the Kruger National Park, seemingly in response to calls to re-erect the fence dividing it from the other half of the Great Limpopo Transfrontier Park, the Limpopo National Park – in the process, making a mockery of the notion of a transfrontier reserve.

This led to discussions between Rhino Rescue and SANParks but no agreement was reached, although RRP eventually ran a successful pilot project at two reserves, Tembe and Ndumo – both EKZWN parks. Not only were certain SANParks people – including two of the authors of the anti-infusion article – hostile to the idea of horn infusion, but there were issues around price and intellectual property. SANParks wanted the RRP's intellectual property on the chemical composition and the process involved to be transferred as part of any deal.

In August, Peace Parks applied for funding from the Dutch Postcode Lottery (Half their gross proceeds “support organisations working for a fairer, greener world”). The funding was for

rhino conservation, with the emphasis on horn infusion (despite the fact that SANParks clearly wasn't interested). The application made much of RRP and the individuals behind it. Attached were photos of the successful EKZWN pilot project. The application was endorsed by the DEA, EKZWN and SANParks, which said they supported the idea of “adulteration” of rhino horn and that further research was required.

The people from RRP were not allowed to attend the presentation in the Netherlands because the party was “already far too large” (civil servants, foreign trip, you know how these things go) but a video of the EKZWN pilot was shown at the presentation. It did the trick. A €14.4 million grant was made to Peace Parks and WWF.

No sooner had this happened than Rhino Rescue heard there wouldn't be a deal with Peace Parks – or any of the others. But in January there was an apparent change of heart and Rhino Rescue was asked to do a horn infusion demo for the Dutch, who would be coming to South Africa to see where their money would be going. RRP obliged, perhaps in the hope of salvaging the deal, but it did not happen.

There are two very different versions of what occurred. One is that the funding application was amended to take

the emphasis off horn infusion (claiming it needed improvement) and suggesting that other exciting possibilities were being considered. These involved the use of a cellular dye; irradiation of the horn; and the insertion of a radio frequency ID tag into the horn.

The other story goes like this: RRP and horn infusion were not only very much part of the Dutch presentation in November last year but also part of a gala dinner, the “Goed Geld Gala”, in Amsterdam in February, shortly before the money was actually paid over. At this gala, which was attended by Dutch Prime Minister Mark Rutte and Archbishop Desmond Tutu, the talk was all about horn infusion and RRP's video was again shown. The second story seems the more likely, given that Rhino Rescue was required to do a demo after the initial presentation.

Either way, horn infusion is now clearly off the South African agenda, which suggests the Dutch may well have been misled.

A Rhino Protection Programme steering committee comprising people from the DEA, Peace Parks, SANParks and EKZWN has been formed to decide where the money will go. From the documentation, it seems very little, if any, will be going to horn infusion or, indeed, horn devaluation. ■

as “key stakeholders within countries with the highest number of consumers expect the global community to respect their specific cultural traditions”.

It argues that there are health risks associated with the immobilisation of rhinos – at least one “treated” rhino had died from the anaesthesia – and says multiple captures can cause stress for rhinos (the horn-infusion treatment needing to be repeated every three-to-four years).

The authors say there's no evidence as to whether the treatment affects the health of rhinos and make quite a fuss that there's very little literature or research data on horn infusion. They are also critical of the cost, saying that, at \$1,000 (R10,600) a pop, it won't be pos-

sible to reach the critical mass of rhinos to make infusion successful.

But the authors' most serious argument that no infusion should take place, is that the treatment simply doesn't work; the dye and toxin do not penetrate. “All evidence indicates widespread failure of application efficiency.”

Carte Blanche decided to make an episode based on the article and asked Rhino Rescue for an interview. RRP was concerned that *Carte Blanche* did not have the full story and asked for a pre-interview meeting, which was refused, although the programme makers agreed to accept a memorandum that RRP would prepare in advance of the interview. But during the interview, it became apparent to them that

the memo either had not been read, or hadn't been understood. (At the time of writing, the *Carte Blanche* piece had not yet been aired).

The memo was written by Rhino Rescue Project's Dr Charles van Niekerk, a wildlife veterinarian, and Lorinda Hern. It is scathing about the legal liability argument, saying it overlooks the fact that rhino horn cannot be bought legally in any of the major end-user countries, with the result that anyone suing SANParks would be guilty of criminality – lawyers call this the *par delictum* rule.

As for the cultural rights thing, the authors can barely disguise their incredulity: “It seems to imply that South Africans should indulge foreign cultur-

al customs [that fuel the illegal trade] with 'clean' rhino horn for poachers at the expense of this flagship species."

As for the economics, RRP says it fails to understand how, having two types of rhino horn is any different from having rangers in some reserves but not in others. They can't resist the obvious dig: "It is not apparent how the authors of this article are qualified to introduce and rely on these complex economic arguments."

RRP's memo is critical of the quality of the article authors' research, citing " cursory inspections, supposition and outdated literature". It claims that no chemical analysis was carried out on horns that had already been dissected and examined.

Says analytical chemist Dr Hein Strauss: "The Ferreira study is being forwarded as a scientific paper and the reader would expect some scientific evidence to corroborate the rather subjective judgement of a visual inspection."

"It is absurd to say in one breath that the effectiveness of horn treatment is 'unknown', then to label it 'ineffective'. Or to describe horn infusion as an 'unnecessary deception', while admitting that the risk of bagging treated horn may deter poachers."

The memo says of the health-risk that only two out of 276 rhinos have died from the anaesthesia, whereas the claim about stress is nonsensical, the alternative – de-horning – needs to be repeated every 12-18 months. As for cost, it is not \$1,000, (R10,600) but R6,500 per rhino.

Rhino Rescue defends its record, saying that, in four years, only seven of the 276 treated rhinos have died – either from poaching or natural causes. It claims that a survey it carried out last year showed that 90% of users felt it was an effective deterrent, and that their animals had not undergone any negative change. And RRP claims its research shows that the rate of poaching among treated rhinos is significantly lower than among untreated rhinos.

The memo is critical of SANParks' attitude, claiming it has consistently refused to allow RRP access to research data on horns that it has examined. It says SANParks has always known that horn infusion was a work in progress that was rolled out quickly

in order to deal with an emergency situation, the idea being that it would be refined over time – cooperation rather than criticism would be appropriate. And, if indeed a critical mass of rhinos needs to be treated in order for this to be successful, why doesn't SANParks use its considerable resources to make it work, rather than complain about logistics and expense?

The memo explains that horn devaluation deals with more than just science, and that conservation psychology comes into play with horn infusion having "a powerful psychological and perceptual impact too". The strategy, it says, is to foster health fears in the end-user groups. A letter from a safari company that uses horn infusion says that they made sure the infusions were done in the presence of their staff and contractors because poachers act on the basis of inside information.

The memo questions the motives of the article's authors, in saying SANParks has always been anti-horn infusion, and some other astonishing claims: that SANParks felt poaching was not the crisis it is made out to be; that SANParks was concerned "about the effect of horn devaluation on the secondary economy" (from rhino poaching) that has mushroomed on the Kruger/Mozambique border.

The memo suggests it is no coincidence that the article was leaked to the press: "This one-sided critique... appears to be driven by those with a pro-trade agenda... We have been told directly by SANParks that 'poisoning' horns could tarnish the reputation of South African rhino horn in the minds of end consumers."

South Africa wants to sell its vast stockpiles. But it won't be able to do so if the world believes the horn is contaminated, so it wants to shoot down the idea quickly. What better way than have their experts denounce it?

A dangerous ploy says the memo – not only is the issue of legitimising the sale of rhino horn contentious, but there's a long way to go before it can happen because South Africa needs a two-thirds vote in favour of legalisation at the next meeting of Convention on International Trade in Endangered Species (Cites) in 2016.

In the meantime an awful lot of rhinos will be killed. ■

GWM H5

FROM

R2 499

PM



60 MONTHS

40% GUARANTEED BUYBACK

9% INTEREST RATE

20% DEPOSIT

BE BOLD.
BE UNTAMED.
BE GREAT.

VISIT WWW.GWM.CO.ZA
FOR MORE INFO



* Prices & specifications subject to change without prior notification. Model shown may differ. Subject to finance approval. Terms and conditions apply. E & OE.

Bobroffs take human trafficking victim for a ride

Sly ambulance-chasers pull forex fiddle

NOSEWEEK'S FAVOURITE AMBULANCE chasers, Johannesburg attorneys Ronald Bobroff and son Darren, never fail to enthrall. What an endless fountain of stories. The latest concerns bricklayer Oagiles Stephen Malothane, who went to Australia, in 2002 as part of a reservoir building team, working at Lake Cargellico, 590km west of Sydney.

Malothane, 55, who lives in Wolmaransstad, North West, had thought the trip was "the opportunity of a lifetime" but soon realised he was a victim of human trafficking, having to work 14-hour days, seven days a week, for a "slave wage" of R600 in total.

Then, in October that year, he and four others were pumping concrete on to "falsework" (a supporting framework) for the roof of a water tower, when the 120-tonne slab collapsed, causing Malothane to fall 20 metres. Two people died, and three survived their injuries. One of those who died was Malothane's employer, South African expat Anton Beytell, who had trafficked him to Australia. (See sidebar.)

Malothane was airlifted 250km to the Wagga Wagga Hospital west of Canberra. After only a week there, out of the blue two men arrived and spirited him out of the hospital, his leg in a splint, and put him on a flight back to Johannesburg, paid for by Beytell's widow, Linda.

Though safely back home, Malothane then had the misfortune to end up in the clutches of Ronald Bobroff & Partners (RBP).

Sydney solicitors, Taylor & Scott handled Malothane's claim for compensation against the state of New South Wales which ultimately was held liable as the client in control of the reservoir. As Malothane's South African lawyers, Bobroffs liaised with Taylor & Scott –



Oagiles Stephen Malothane

and received payment on his behalf.

Noseweek's investigations reveal that Malothane's claim was launched in 2005 and finalised in August of 2009. Not long afterwards he received a payment from Bobroffs of just-over R400,000 into his bank account, but no accounting or explanation followed.

Malothane has no idea of how much the claim was settled for, despite his requests at the time and since then.

Bobroffs had referred Malothane to a Johannesburg orthopaedic surgeon (who has asked not to be named) for the purposes of preparing a medico-legal report requested by Taylor & Scott.

In February this year Malothane received a letter from attorneys Norman Berger & Partners, acting for the surgeon, who were attempting to collect money from the Bobroff firm for medico-legal reports that he had prepared. These charges had been de-

ducted from Bobroffs' clients' payouts, but the doctor had not been paid. They asked Malothane whether his personal injury claim had been settled; if he had been paid by Bobroffs; if he had received an accounting from them; the date on which their matter was settled; and, if not, on what date it was due to go to court.

Soon afterwards he received a surprise phone call from Bobroffs – he had last heard from them in 2009 – warning him not to speak to any attorneys who might call. He took another look at the letter, and told his son to telephone Norman Berger & Partners, where he spoke to attorney Jacob Serobe. He told Serobe his father had not received any accounting and had no idea just how much his case had been settled for.

Noseweek has established that Bobroffs owes roughly R10 million to medical experts for about 600 unpaid medico-legal reports since 1995.

(If the Bobroffs had no risk in respect of money due to medical and other experts, who themselves were working on contingency, why then do the Bobroffs charge contingency fees? – Ed.)

In July, Serobe and his colleague, Anthony Millar visited the Malothanes at their request and were given written instructions to ask Bobroffs all the right questions, which they did. As soon as Bobroffs received the letter, they dispatched their firm's driver, Edward Machakatini, with a private investigator, Hennie Scholtz, to visit Malothane.

Machakatini spoke to Malothane in Sesotho and introduced Scholtz as, "a candidate attorney from RBP".

Malothane asked Scholtz how much the case had been settled for, but Scholtz said he was new to the firm and would have to look at the file. Malothane has heard no more from him.

Scholtz made notes in Afrikaans



Darren and Ronald Bobroff enjoying quality time with their ill-gotten offshore funds

while Machakatini led the discussion. Malothane was asked to sign a copy of the notes at the local police station, explaining they needed him to sign the handwritten statement in front of a policeman to prove to Ronald Bobroff that they had indeed been to see him.

Malothane was not given a copy of what he signed; a policeman with the surname “Papalagae” witnessed it.

The delegation returned triumphant to Bobroffs’ Rosebank, Gauteng, offices. Unbeknown to them, Malothane phoned Serobe as soon as they had left, to tell him about the surprise visit.

The next day Darren Bobroff wrote to Norman Berger & Partners enclosing a typed “Termination of Mandate”, with the blanks filled in by pen.

Somewhat perplexed, Serobe phoned Malothane, who confirmed that he had not signed any typed document, only the handwritten notes taken down by “candidate attorney” Scholtz.

Serobe sent the “Termination of Mandate” to Malothane to look at. In a letter written in Sesotho, and faxed to Serobe, Malothane wrote: “They were two guys from Ronald Bobroff & Partners Inc – a white guy and a black guy, I don’t know their names. I was talking and the white guy wrote a letter in Afrikaans. I did not write what is written on that [typed] document. This

document was handwritten. I was surprised to see the document that I have now received. I don’t want these people to come to me anymore or to phone me. If they dispute what I am saying in this letter I have got witnesses, who are my son and the Police Officer – (Papalagae). I hope you will understand.”

Ronald Bobroff has told Norman Berger & Partners: “We do not accept that you have valid and proper instructions from Mr Malothane.”

Malothane said he was highly suspicious that Bobroffs would send a delegation to visit him – no one from the firm had ever come to see him before.

Why would Bobroffs send Machakatini and Scholtz on a 550km-round trip to see a client whom they had ignored for such a long time?

Perhaps the answer lies here: when South Africans receive funds from abroad, the South African Reserve Bank needs to be informed. And *Noseweek’s* investigations reveal that no such disclosure is reflected under Malothane’s identity number in the records of the Reserve Bank.

A February 2007 letter from Bobroffs found in the Australian attorneys (Taylor & Scott’s) file, states, “Please attend to payment into the nominated NAB account and fax confirmation to our offices confirming same. Please note that you previously forwarded a cheque for Dr [name withheld] however we requested you cancel same as we will attend to payment of his fee.”

This suggests a foreign exchange fiddle by the Bobroffs. NAB is the acronym for National Australia Bank.

Noseweek asked the Law Society of the Northern Provinces whether it allowed attorneys to operate a trust account in another country, even though the Attorneys Act prohibited it. The society’s director, Thinus Grobler, responded: “As Section 78(1) of the Attorneys Act applies only to a trust banking account in the RSA, the Law Society is of the view that an attorney cannot open such a trust account in a foreign jurisdiction.”

Noseweek’s conclusion: the Bobroffs kept Malothane’s Australian payout in Australia, and paid him with local funds.

(RBP’s tame auditor, André van der Merwe of Bedfordview, who has signed off their books for years, appears not to have picked up the anomaly. – Ed.)

Deceit and abuse

OAGILES MALOTHANE WAS TRAFFICKED to Australia by Anton Beytell, his former boss from South Africa who had moved to Australia.

Malothane told *Noseweek* that Beytell told him that he had a “good” but unknown amount of money for his work. Beytell had arranged a passport and visa for him, and had undertaken to pay Malothane’s wife R500 a month for the three months that Malothane would be away.

The visa was irregular in that it was one for entrepreneurs who wanted to visit Australia for the purpose of exploring business opportunities. This was, unfortunately, lost on Malothane.

Malothane’s experience meets all three elements of the United Nations Trafficking in Persons Protocol: he was recruited and transported (The Act) by deception and the abuse of his vulnerability (The Means) to be exploited as cheap labour (The Purpose).

The United Nations has declared human trafficking to be a crime against humanity.

Grobler said: “In the absence of a formal complaint made to the Law Society, it will not be possible to comment on the facts referred to in the article.

“In relation to the alleged conduct of Mr Hennie Scholtz, it will, as a general principle, be considered by the Law Society to be inappropriate and misleading for any person not registered with the Law Society as a candidate attorney under the Attorneys Act, 1979, to make such a misrepresentation. This may even affect the fitness of such a person to, at a later stage, apply to be so registered.”

Machakatini’s unguarded parting words to Malothane sum it up best: “They must really owe you a lot of money, considering the urgency with which they sent us here”.

- No response had been received from the Bobroffs or Scholtz at the time of publication.

- Readers can view documents and links to this story online. ■

AUCTIONEER JOFF VAN REENEN surely set a new speed record of sorts when he sold Farm Bothasfontein (Kyalami) (Pty) Ltd, with its historic racetrack, to Porsche South Africa's Toby Venter in under two minutes on 24 July.

An elaborate scam in which 73 hectares of the most valuable real estate in South Africa slid into the clutches of the infamous Theodosiou brothers had taken a full decade to dismantle, and Nedbank and Imperial Holdings were doubtless relieved to finally scrape the ordure of dealing with the unlikeable mall developers from the soles of their corporate shoes.

For years there have been rumours about the Kyalami hijacking by Pietermaritzburg wheeler-dealer Mike Fogg and his devious Theodosiou sidekicks. *Noseweek* brings you the closest you are ever likely to get to the facts.

According to Supreme Court of Appeal evidence and Judge Fritz Brand's judgment on 29 May last year, it all started back in March 2004 when ex-South African champion motorcycle racer Mike Fogg convinced the Automobile Association, which then owned Farm Bothasfontein (Kyalami), to sell it to his MJF Trust for R42 million. Along with the land, the track, the 10,000m² conference centre, the 32 luxury hospitality suites and all the other buildings, went two adjoining plots.

Fogg, an ambitious entrepreneur with no great track record in business, did not have R43m for the deal-plus-expenses, so he approached Nedbank for a bond – which was granted, but for only R28m. Fogg then switched on his 1,000-yard stare and approached Imperial Holdings and Imperial Bank (later bought by Nedbank) with a proposal that led to their drawing up a Memorandum of Understanding (MoU) that ceded to each of the two corporates 30% of the Kyalami company for R7.5m apiece.

MJF, Imperial and the bank would each nominate a director for the venture, with a chairman and fifth director to be agreed on by all three. That's when the skulduggery started.

"Despite all this," wrote Judge Brand, "the MJF Trust failed to comply with its obligations under the MoU." As a result, Nedbank (née Imperial Bank) and Imperial Holdings successfully brought an application to the High Court to



Drink and dive: Kyalami race track and (right) Mike Fogg

Riding for a fall at Kyalami

The devious doings of the Theodosiou boys. By Gavin Foster

force Fogg to honour his commitment to transfer the shares. But when they eventually became members of the company, they were alarmed to discover that in the interim their new partner had caused the company to enter into a lease agreement, backdated to 1 July 2004, with another company, Motortainment Kyalami (Pty) Ltd, wholly owned by his MJF Trust. In terms of this, Motortainment was entitled to occupy the immovable property and retain the income of Farm Bothasfontein (Kyalami) for seven years, with the right of renewal for seven more, meaning the corporates who owned 60% of Kyalami could not benefit from their asset until 2018 at the earliest.

Imperial and Nedbank's unease turned to dismay when they learnt that, on 18 March 2006, six days before the enforced and belated share transfer took place, Fogg and his wife had

resigned as MJF trustees and ceded all their rights as beneficiaries, including their shares in Kyalami, to another company called Educated Risk. Educated Risk was controlled by the unloved Theodosiou brothers, who now also controlled the racetrack through "their" trust's ownership of Motortainment which, in turn, brought them all the income from track activities.

Of six-times motorcycle Grand Prix World Champion Jim Redman, who was named along with previous Kyalami manager Dave McGregor as a Fogg associate in the early days, there is no recent mention, apart from rumours of his discontent.

The next few years were taken up with a flurry of court cases against the Theodosiou brothers and their ever-changing array of front companies.

The corporates launched proceedings to set aside the lease to Motortainment



and enforce what they claimed was a pre-emptive right in terms of their agreement to take up the 40% that had suddenly slipped through their fingers when Fogg jumped ship with his money.

An unconfirmed anecdote alleges that Imperial first became aware of the change in status when Dimitri Theodosiou pranced into a senior executive's office and said "Hi! I'm your new partner and I carry a knife," doubtless hinting that he wasn't afraid of a fight.

Noseweek's informant says that security was called to remove him from the premises, but their troubles had only just begun and the Theodosiou lads were simply getting into their stride.

Motortainment was liquidated at the behest of Absa Bank in an unrelated court battle, but the Theodosiou brothers had anticipated this, having already ceded the Kyalami operating and lease rights to another of their companies, Kyalami Events and Exhibitions.

It later came out in a note in their financial statements for 2005 that the brothers had sold the rights to develop their immovable property at Kyalami to yet another of their companies, for R112m, reflected in their books as an

interest-free loan with no fixed terms of payment. With reference to this note, the auditors entered the qualification that they were unable to verify the recoverability of the purchase price. In 2007 the Theodosiou brothers ceded the income stream from Kyalami's immovable property to Oakdene Square Properties, belonging to – well, them.

One passage in the Supreme Court of Appeal's judgment on Farm Bothasfontein (Kyalami) gives an indication of just how adept Dimitri Theodosiou was at manipulating the situation with absolute contempt for everybody else: "Dimitri Theodosiou is a director of the company as nominee of the MJF Trust. The company has two other directors, nominated by Nedbank and Imperial. Initially the management of the company's affairs was largely left to Theodosiou. As a result of the way he performed this function – so Nedbank and Imperial alleged – they decided their nominees should become more directly involved in the company's affairs.

"When they informed Theodosiou of that decision, his response was, however, that the company's board of directors had never been properly constituted. The basis he relied upon for that response was that the original tripartite agreement, embodied in the MoU, provided for a chairman and a fifth director to be appointed by mutual agreement, which had never occurred.

"Every majority decision by the nominees of Nedbank and Imperial that Theodosiou found unacceptable was simply met by the same response, that no valid decision could be taken by an improperly constituted board. In the result, the board became largely dysfunctional; the fact that no further directors could be agreed upon created a catch-22 situation."

The downfall of the Kyalami hijackers came about when they stopped paying the interest on their Nedbank bond in March 2011, having failed to pay off any capital – and the bond was supposed to have been settled in seven years. When things started getting messy that year, they diverted the Kyalami revenues elsewhere and ignored the bond payments altogether.

In August 2011 Nedbank obtained judgment for the sum of R31,578,095.11 against Farm Bothasfontein (Kyalami), with further interest accruing at R320,000 a month; there was no way

Claire Lewis

MSc Med (Wits)

Cesarina Edmonds-Smith

MSc (Anglia Ruskin University) PhD (UCT)

We prepare and interpret scientific evidence for legal use.

- Chemical analyses (drugs, toxicology, drunken driving cases, unknown substance analyses, explosives analyses etc.)
- Fire investigations
- Biological analyses and investigations
- Ballistic and tool mark analyses
- Assessment of forensic pathology reports (post mortems)

Contact us: 082 330 7047

info@forsightforensics.co.za

www.forsightforensics.co.za



Lyprinol®

Now in South Africa –
a breakthrough treatment
for osteoarthritis, rheumatoid
arthritis and asthma



- Safe, natural alternative to non-steroidal anti-inflammatories (NSAIDs) without the side-effects
- Shown to reduce swelling and Inflammation-induced pain by 89%
- Acts as an inflammatory antagonist in asthma

Lyprinol – improving the quality of your life
For more info go to: www.mylyprinol.co.za

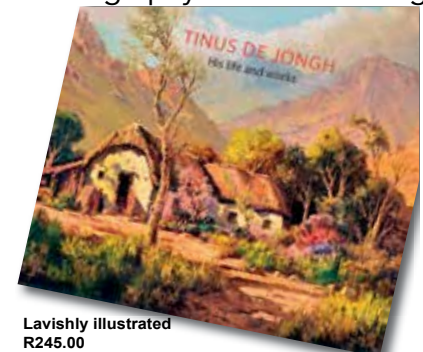
Take advantage of our introductory offer at
www.masterhealthproducts.co.za



Trade enquiries tel: 011 803 5445
Email: info@masterhealthproducts.co.za

ORDER NOW

The biography of Tinus de Jongh



Lavishly illustrated
R245.00
Available from
www.tinusdejongh.co.za or www.kalahari.com

Nice if you can get it

ALTHOUGH THE CONFLICT BETWEEN the owners of 60% of Kyalami and those with the remaining 40% (who were siphoning off all the revenue) led to a degradation of the facility and a reduction in business, the track would still have brought in some handy numbers over ten years. Bidders at the auction were provided with a rental income forecast showing anticipated

monthly income of R1.4m (almost R17m annually). These figures were based on rental income from tenants such as the Automobile Association (R27,817 a month), Volkswagen SA (R41,029) and the karting circuit (R108,779). Ad-hoc events like races and track days were, perhaps optimistically, anticipating a cool R1m a month. Nice money if you can get it – for 10 years – for next to nothing. ■

the company could afford to pay that, with its income having disappeared.

The Theodosious, faced with losing the property in a sale in execution, applied through their Oakdene company for Farm Bothasfontein to be placed in business rescue. Nedbank and Imperial applied instead to have the company liquidated. They won, which cleared the way for the track to be auctioned off to more honest folk.

What happens to the R205m raised at the auction? *Noseweek* asked the liquidator, Richard Pollock of Harvard Corporate Recovery Services, who said creditors would probably absorb about R100m including tax and settlement of the 2011 Nedbank judgment. The three shareholders in Farm Bothasfontein – Nedbank, Imperial and the Theodosiou gang – would share whatever is left.

And what about Fogg, who is reported to have taken R40m back to Pietermaritzburg with him? “Mike Fogg is registered with me, the provisional liquidator, as a creditor, but has not as yet proved a claim,” says Pollock. “At this point, he doesn’t have one, and the people who know more about the affairs of the company prior to the liquidation order say there’s no basis for one, because he sold his rights to the Theodosious.

“He prepared a claim affidavit for R85m in the name of a company called Phelile Racing (Pty) Ltd for leasehold and trading rights but hasn’t provided any supporting documentation. The Theodosious and Imperial have indicated that if he does try, they’ll put up a united front to defeat that claim.”

Common sense intervened to bring the matter to a speedy end, even if it allowed the Theodosiou brothers to milk another few million rand from the deal. The investor’s guideline for the auction took pains to point out there were court cases still pending, mainly over the controversial 40% ownership of Kyalami sold by Fogg to the Theodosious, along with his family trust, and the various irregular usage and operations contracts that popped up unexpectedly along the way.

All parties involved met a week before the auction, aware that, if all pending actions were cancelled, the racetrack and other properties would be far easier to sell at a better price than the reserve of R129m.

On 15 July Judge Wepener of the South Gauteng High Court ordered that, by mutual agreement of all 24 parties involved, all alleged rights would be irrevocably waived and abandoned to allow the sale to proceed with a reserve of R200m, to give the buyer unfettered ownership. ■



loot.co.za

Over 7 million Great value **Books**

Massive selection of **& Music, Movies Console Games**

At the lowest prices!

Balthasar's Gift. A Maggie Cloete Mystery
Charlotte Otter

was ~~R200~~

R189

VISA   ABSA 

Free postal delivery

Telephone 0861 69-5668, info@loot.co.za



GREATER CAPE TOWN 101.3 | ATLANTIC SEABOARD 97.1
FISH HOEK/NOORD HOEK 107.9 | HOUTBAY 94.7



Grace Mugabe

Coup de Grace. President's wife assumes the position

THE CHOICE OF GRACE MUGABE AS new leader of the Zanu-PF's Women's League has put the cat among the party pigeons. The bandwagon rolling behind Vice-President Joice Mujuru, has, for the time being, shuddered to a halt. The camp of Justice Minister Emerson Mnangagwa, Mujuru's chief rival to succeed President Robert Mugabe, has also suffered. The real winners are those who believe Mugabe's continued incumbency is the only way forward. Zanu-PF's elective congress which should decide the succession takes place in December but the youth and women's leagues hold theirs in August.

Jockeying between the main factions has been under way since late last year, when the Mujuru-backers won nine of the ten provincial chairmanships. That will have a major bearing on the elective congress. Some of the provincial executives fell to Mnangagwa loyalists but the advantage remains with the "Mujuristas" because of the actions of the Politburo. Mujuru-supporters in the Politburo – Didymus Mutasa, Simon Kaya Moyo and Webster Shamu – drew up stringent qualifications for elective candidates to the Central Committee, from which the Politburo is drawn, which will work against the Mnangagwa camp.

The key condition is the requirement of 15 years' uninterrupted activism, including five years in pro-

vincial structures, and a clean party disciplinary record. This signals that the party leadership is the preserve of the old guard and ambitions of the more dynamic Young Turks are not welcome. The condition also directly targets Mnangagwa's supporters who were briefly suspended from the party after the 2004 Tsholotsho Declaration orchestrated by Information Minister Jonathan Moyo. To rub salt in the wound, it fell to Mnangagwa as Politburo Secretary for Law to publicly announce what could be his own political death sentence. Moyo's earlier attack on the Mujuristas had been the Salarygate scandal: Mujuru herself claimed it was aimed at her backers. That issue seems to have gone cold after Mugabe reprimanded Moyo. Salarygate also lost traction when the police told a Parliamentary committee that there were no grounds for criminal charges.

Police Commissioner General Augustine Chihuri leans towards Mujuru, and the police may in fact be furthering the Mujuristas' agenda by questioning Jonathan Moyo and another politician believed to nurture high political ambitions, the Environment Minister Saviour Kasukuwere, as part of their reopened investigations into the Baba Jukwa saga. Some speculate that Mnangagwa considers Moyo too reckless and too devious and may be distancing himself from the spin doctor.

The Zanu-PF Women's League is



The abridged reports on these three pages are from UK-based **Africa Confidential**, the authoritative fortnightly bulletin on Africa. For the full reports and other stories go to www.africa-confidential.com

headed by a key Mnangagwa ally, Oppah Muchinguri, and the women's congress has all the makings of an acrimonious battle that could rumble on until the December congress. The First Lady's nomination to head the league was co-ordinated by Senate President Edna Madzongwe, who helped organise the bussing of branch leaders from around the country to Grace Mugabe's ever-expanding Mazowe estate, north of Harare. They were ostensibly there to celebrate her 49th birthday and when the idea that she should lead the Women's League was suggested, she was "shocked", the state-owned media reported. Once put forward, Grace Mugabe's nomination had to be announced by Muchinguri, who then had to follow her leader Mnangagwa's earlier example by falling on her sword. *The Herald's* headline read "Muchinguri spits salt".

If Muchinguri's game plan was to challenge Mujuru for the vice-presidency, that option is no longer realistic. It is now more likely to be Grace Mugabe. At this stage it is unclear whether her ambitions stretch beyond securing the vast family financial empire she has built up over the years. She has the advantage of being the best-informed on the president's health and some close friends and allies in her brother-in-law Walter Chidhakwa, the Mines Minister, and the former Governor of the Reserve Bank, Gideon Gono. Although she struggles with the academic accomplishments that the president rates so highly, the First Lady has many other strengths which her rivals would be wise not to ignore. ■

Parents Bob and Grace Mugabe flanking sons Robert Junior and Chatungo



Family entitlement. Mugabes scramble for title deeds

A WAVE OF ANXIETY IS PASSING through the highest echelons of Zanu-PF. Relatives of President Robert Mugabe and other party high-ups appear to have realised that without title deeds to properties seized from white commercial farmers, they could lose the land in court. The government has always claimed the land-redistribution programme was irreversible but after Mugabe leaves office, lawsuits to reclaim the land for its previous owners could succeed. Guarantees that the government and official current owners have given to leaseholders and tenants could also be affected.

Most of the farmers driven off their land still hold their deeds, as do banks, including the British-owned Standard Chartered Bank and Barclays Bank, which had lent heavily to the agricultural sector before the Land Reform Programme, under which farms the government acquired for distribution could not legally be bought by beneficiaries of the resettlement scheme. However, an exception was made for many ruling party leaders and their associates.

Finance Minister Patrick Chinamasa is believed to have made one such agreement with Richard Yates, a farmer he evicted in 2003 from his 800-hectare Tsukumai Farm in Headlands, east of Harare. Yates said Chinamasa had paid some compensation but reneged on a final payment once he had secured the deeds. A search for Tsukumai Farm at the Deeds Office proved fruitless.

Mugabe is said to be under pressure from members of his family to ensure security of tenure on property they acquired under the programme. They are anxious that, without the 90-year-old to protect them, their holdings are vulnerable. One such acquisition is Mapfeni Farm, from which 300 farmers and their families were reportedly evicted in 2012. It is the site of a newly-built mansion, said to be a wedding gift for the Mugabes' daughter, Bona, who married Simba Chikore in March.

The Mugabes have obtained title deeds to their flagship property, Gushungo Dairy Farm, where they operate a business under the brand-name

Alpha Omega, part of the Gushungo Holdings empire, which even includes a fashion label. Formerly Foyle Farm, the 1,000ha Gushungo Farm was expropriated from Ian Webster who was forced to accept 40% of the value to give up the deeds to the Mugabe family.

A source said talks were in progress to buy at least ten farms taken by Mugabe and his family. The aim was to finalise the transactions by the middle of 2015. The source claimed that before Land Reform the government had paid for the first major farm Mugabe obtained, Highfield, from Marion Betty Munson in a private sale to the government in 1996 for Zim \$2.5m. The property was transferred to Mugabe in 1999. He then acquired five surrounding farms, three of which were owned by the Skea family. The other two owners were forced out in 2006 and 2008.

Africa Confidential searched at the Deeds Office for four farms owned by Mugabe: John O'Groats and Tankatara around Highfield Farm, and Leverdale and Sigaru Farms in Banket and Mazowe. An official had earlier indicated that the president's properties were managed "at the highest level within the Deeds Office".

Records could not be found, either, for several other farm estates taken over by ministers. One white MDC member said he had been approached by a cabinet minister to help him find the owner of the farm he had forcibly acquired so that he could offer him compensation and get the title deeds.

"Grace [*Mugabe*] wants Mugabe to secure rights to these properties for herself and her children before he dies," said a Lands Ministry source. "...discussions might start soon for compensation for the white farmers, so they can surrender the title deeds."

Grace Mugabe built an orphanage and boarding school at Iron Mask Farm, expropriated from John and Eva Matthews in 2002. She went on to expropriate surrounding farms, including from Interfresh, a horticultural concern that was forced to de-list from the Zimbabwe Stock Exchange after its land was confiscated, in addition to Mapfeni.

The Lands Ministry said nobody could legally buy expropriated land but admitted the government had privately brokered several such deals, including on behalf of the Mugabes. None of the properties known to have been acquired by Mugabe were to be found on the Deeds Register, possibly to avoid public scrutiny. Some from the farming community said the names of most properties had been changed but were not yet reflected on the maps.

"It's true the chiefs are scrambling for title deeds," said a white former farmer. "The offer-letters and leases are not recognisable under international law. We still have not been compensated for our farms and the government is aware of its obligations."

Many white farmers still hope to regain their land. Some believe that one reason China refused Zimbabwe financial help in February was because there was no security of land tenure or title.

The Von Pezold family, which owns Makandi Tea and Coffee Estate, Border Timbers Estate and Forester Estate, invaded in 2010, are claiming \$600m in damages at the International Centre for Settlement of Investment Disputes.

A group of 40 Dutch farmers, whose properties were protected by a bilateral agreement, successfully appealed to ICSID in 2009 and were awarded \$25m, payable within 90 days but the government has not yet complied. ■

Daddy. The power that drives Motsoeneng's rise

SOUTH AFRICANS ARE TRYING TO figure out the secret hold Hlaudi Motsoeneng has on his position as Chief Operations Officer of the South African Broadcasting Corporation.

Following revelations that he had lied about his qualifications and, as acting COO, nearly doubled his own salary in one year, from R1.5 million to R2.4m, Public Protector Thuli Madonsela launched an inquiry last year. It concluded that the SABC should discipline Motsoeneng for lying and that he should be removed from his position.

In July, new Communications Minister, Faith Muthambi – whose portfolio for the first time explicitly includes the SABC – ignored Madonsela's ruling and instead announced Motsoeneng's appointment as the permanent COO.

The Constitution requires the government to “assist and protect” Chapter Nine institutions “to ensure their effectiveness”. Muthambi justified her action by citing a legal opinion by an unnamed law firm that had “cleared Motsoeneng of wrongdoing”. SABC staff say Motsoeneng had retained the law firm to go through the details of the process that resulted in his appointment, apparently with the aim of showing how many SABC senior executives had signed off on it and thus how costly it could be to remove all those responsible. Muthambi's public backing for him was just as he had predicted. For months, he had been telling staff his position was safe, warning anyone who backed Madonsela on the issue that they would pay for it.

President Jacob Zuma distanced himself from the controversy – a statement from his office said he played no role in the appointment of SABC staff.

SABC staff worry about speaking out, claiming their phones are bugged, yet confirmed that Motsoeneng was very close both to Zuma and Free State Premier and staunch Zuma supporter Ace Magashule. They say Motsoeneng



Hlaudi Motsoeneng

trades on his links to both and regularly drops their names in conversation.

One SABC insider said the “key connection” was that Motsoeneng's father was a “powerful spiritual leader”, with whom the president consulted in “spiritual and ancestral matters”.

Another important factor has been Motsoeneng's explicit support for the ANC. For example, he issued clear instructions in the build-up to the general elections that “ANC stories” had to lead news bulletins. Also popular among some in the ANC, it seems, is Motsoeneng's recent suggestion that journalists should be licensed – and should have them revoked if they act “unethically”. The international Committee to Protect Journalists condemned his call and said it would take media freedom backwards.

Cosatu General Secretary Zwelinkizima Vavi called the appointment a “shocking banana republic antic”. Even the SACP, which all but abandoned criticism of the government when

Zuma became president, said the integrity of government was at stake “because due process was not followed”. Adding to the pressure on Zuma, the ANC issued a statement saying Muthambi had not consulted the party before making her decision. Analysts see the hand in this of ANC Secretary General Gwede Mantashe, who is said to be angry that Zuma intervened at the SABC in favour of his own inner circle.

Motsoeneng started at the SABC in 1995 and auditors discovered his CV was fake in 2003. Nonetheless he was appointed as Lesedi FM's executive producer: current affairs, despite a requirement of a journalism degree or diploma. This came to the attention of the then head of news, Snuki Zikalala, who sacked him. Yet, in an early sign of Motsoeneng's political ties, group Chief Executive Officer Dali Mpofu later removed Zikalala for refusing to reinstate Motsoeneng. Hours later, the SABC suspended Mpofu.

In 2009, the year Zuma became President, Motsoeneng was brought in from the cold by Zikalala's successor and arch-rival at the SABC, Phil Molefe, and began his rapid rise through the ranks. In 2011, he was made general manager in the office of the SABC Group Executive Officer. This paved the way for Motsoeneng to attend board meetings informally. By December 2011, he was seconded to the COO's office, his third promotion within a year. Staff say this was on instructions from ANC headquarters.

When Muthambi confirmed Motsoeneng's appointment, Madonsela reacted by announcing another investigation, this time into the circumstances of the confirmation. Motsoeneng has apparently again told SABC staff that the inquiry will go nowhere.

If it is true that having a father who provides ancestral expertise to the President trumps all else, Motsoeneng has good reason – for now – to sleep easy. ©Africa Confidential 2014 ■



Package deal. Sexual politics in the Aussie senate

TASMANIAN SENATOR JACQUI LAMBIE said on radio about what she's looking for in a man: "They must have heaps of cash and they've got to have a package between their legs..." Explaining why she was also "not so worried about my waxing," the senator said she had not been in a relationship for 11 years because of stress. "Right now, the state I'm in, I can tell you what, you'd want to bring out that whipper snipper first." Later she apologised for her jokes, saying she was covering for her embarrassment at her lack of a love life.

■ "Foreign war brings the conflict to our door" read a headline as Australia reeled at the deaths of 37 nationals on the MH17. It was the second-highest loss of any country and the personal stories were harrowing.

Elsewhere, it was reported that one-in-four Australians expects a terrorist attack on its soil in the next two decades. According to a Newspoll survey by the Murdoch-owned flagship, *The Australian*, and its associate editor Cameron Stewart, Australians are "anything but complacent about the dark shadow of Islamic extremism" which explains the "muted" response to the Abbott government's toughened anti-terror laws. "The cynicism that usually accompanies the granting of new powers to spy agencies appears to have been offset by genuine concern about the threat radical Australian jihadists pose once they return from the battlefields of Syria and Iraq." In another survey, the newspaper found that 86% of Australians believed themselves over-ridingly easy-going, perhaps a little lazy, more generous than not, and veering towards optimism.

■ Sydney has 237 languages, according to census figures, with nearly 40% of people not having English as a home language. Top among them, 4.8% of the population speaks Arabic at home,



Waxing lyrical: Senator Jacqui Lambie

followed by Mandarin at 3.6%. In the meantime, Asian Australians say they face a "bamboo ceiling". Race Discrimination Commissioner, Dr Tim Soutphommasane, says that while children of migrant backgrounds outperform those of Australian-born parents in education and employment, they are badly under-represented in the management ranks of business, and executive positions in leading universities.

■ "From climate leader to no plan at all," is how *The Guardian* summed up Australia's position after the Abbott government's abolition of the 2012 carbon tax in June. In opposition, Abbott's Liberal party had argued that the tax would be a "handbrake" on the economy and a \$550-a-year hit on household budgets, mostly for electricity and gas. But that figure has now been dubbed a "mirage" – most of the savings on individual food items being too small to be passed on to consumers. There are also no penalties for businesses that don't pass on the savings.

■ Euthanasia advocate, Dr Phillip Nitschke was suspended by the Medical Board of Australia following his admission that he supported a 45-year-old man who was not terminally ill,

Michael Brayley, to commit suicide. Suicide was a rational decision in this case, said Nitschke, describing Brayley as a "serial killer" (Brayley was facing ongoing questions about the death of his wife, and two other female friends of his had also died.) Nitschke, who claims to be a humanist, at one time planned to launch a "death ship" to circumvent local laws by euthanising people in international waters.

In his appeal, he will find himself also up against the mother of a 26-year-old who committed suicide in 2012 with a drug his family says was acquired from the Peaceful Pill online forum, run by Nitschke's Exit International. When the young man's family hacked into his computer to track his "death coaching", they found he'd been told how much Nembutal he'd need, and conversations about the best way to commit suicide and avoid autopsy.

■ Child abuse figures soared 29% in the past two years, and less than half (45%) of reported cases were investigated by stretched and under-funded government agencies. Most at risk are indigenous children, who are eight times more likely to be receiving child protection services, while 42% of all victims were from areas of "lowest socioeconomic status". Emotional abuse accounted for 38% of substantiated cases, neglect 28%, physical abuse, 20% and sexual abuse 13%.

■ So, desperate for news that is a bit more uplifting, Sydney is to splurge on AU\$9m-worth of new public art, its centrepiece a AU\$3.5m, 50m-high white steel "Cloud Arch" framing Town Hall. Sydney's mayor is grandiosely comparing it to the Eiffel Tower, while critics say it's a ridiculous waste of money and looks like dental floss. Clouds evoke freedom, says its Japanese designer, and it's also all got to do with cloud computing and a "connected" city. Here's to our connectedness. ■



Spell-binding. EM Forster's passage from Bloomsbury

DAMON GALGUT CAN RAISE THE DEAD. The eerie evocation of E M Forster's ghost in *Arctic Summer* is an extraordinary accomplishment. No wonder the novel was short-listed for the Man Booker Prize.

South African writer Galgut has quietly established his international reputation over the years, from *A Sinless Season* on to this latest, meticulously researched, and convincing resurrection of the elusive being that was Forster. *Arctic Summer* is far more than a biography: it's a seance with the departed.

Galgut is particularly impressive in his subtly developed explanation of Forster's renowned *A Passage to India*. And, yes, explanation is the word: his articulate understanding of the creative process is absolutely persuasive. It's like reading poor, lonely Forster's diary. Which Galgut did.

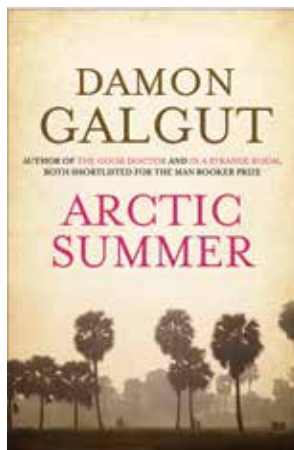
Readers may flinch at intimate details of the curious, painful but often hilarious, facts of Forster's progress from Bloomsbury tea parties to gaudy revelry in colonial India. The walk-ons by the great and goodish are fascinating – everyone from Virginia (“eyes like nails”) and Leonard Woolf, to eccentric bejewelled rajahs and – at long last – lovers.

Well, sort of lovers. Forster was in his thirties when he eventually steeled himself to pursue his covert lust for young males. It is noted that this tendency, for some unexplained reason, often involves aristocratic yearning for physical engagement with working-class youth. This patronage seems frequently to have extended to passions for impoverished colonial citizens. Thus Forster.

It may have been that Forster would have preserved his virginity for ever if World War I had not upheaved his sedate academic existence. The shock of exchanging prim bachelor life with sighing Mother for the urgent exotica of Asia and Africa was momentous.

South Africans are accustomed to living with an astonishing mix of humanity, but a proper young county man, in the twilight of British empire, would have been dazzled by the vivid, often baffling, social range of the colonies.

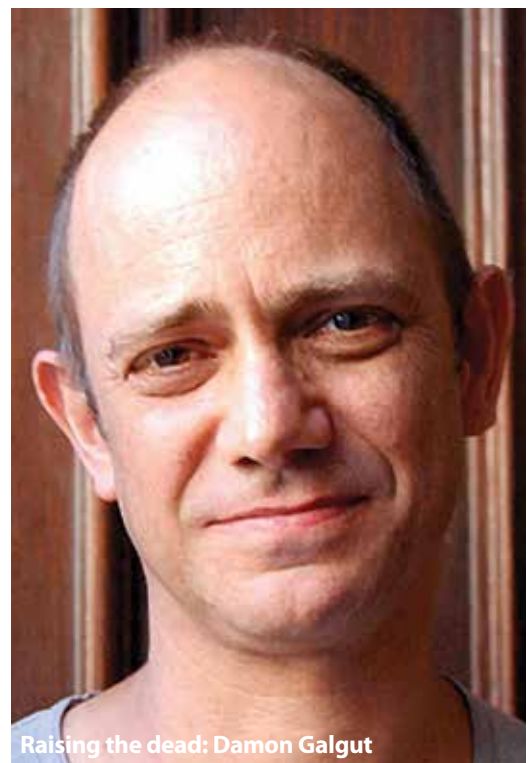
ARCTIC SUMMER
by Damon Galgut
(Umuzi, imprint of
Random House/Struik)



Kind Oxford Old Boy influence landed Forster in some unlikely Indian situations. As private secretary to a witty little princeling, Forster stumbled into such phantasmagorical doings as the celebration of the birth of Krishna. While the band played *Nights of Gladness*, elephants bellowed and cannons roared, Forster found himself pacing barefoot, hand-in-hand with two Hindu holy men smeared with red and black paint, en route to feasting till dawn.

Mother would have suffered one of her dreadful rheumatism attacks if she had been informed of such heathen excesses.

Galgut's rare dramatic skill bemuses the reader into forgetting that *Arctic Summer* is a novel, not a biography or autobiography. The writer has steeped himself in the mind and spirit of his subject to such an extent that author, and author, are inseparable. Spell-binding stuff. ■



Raising the dead: Damon Galgut

Land lord. Helping the help

Enock Sibiya (in blue overalls) with the writer

WHEN I WAS HANDED THE REINS of a farm called Oorschot in 2009, I was overwhelmed with excitement. But that was soon drowned in frustration. Nothing was easy, the problems were endless. Fortunately all that was tempered by the wonderful, therapeutic feeling one gets from being in the wide open countryside.

Working on the farm has most definitely been one of the most fulfilling experiences while at the same time the most trying. As many of those in the know about farming in the Barberton area have pointed out to me, it's *no pap en vleis*. But then again I also learned that *'n boer maak 'n plan*. So with that as my motto – and with the help of my loyal assistant, Enock Sibiya, I have turned what was 63 hectares of neglected farmland, fields overgrown with grass, trespassing cattle, stolen fencing and generally vandalised infrastructure, back into a farm that would make any khaki-clad *boer* offer us a Klippiess and Coke.

So, I am ecstatic at the progress that has been made thus far. However, if truth be told, I know I must savour this moment while it lasts – before we proceed with the planting of the planned cash crops and lemon orchards.

Savour the moment by just standing there, gazing at the fields, walking the perimeter on my routine fence inspections (I must get a farm dog to really enjoy this walk). And let me not forget to mention the view from the second-floor of the house.

Like I said, I might as well enjoy it all now because, once the planting begins, I can see this wonderful farm life could

very well be constantly interrupted by the personal problems of employees; problems that include the likes of family funerals and of course birthdays. Yes. Birthdays

I was warned about these traditional farm employee... er... requests. And indeed it was not long before I was hit with them from my loyal Sibiya. First it was running out of mealie meal in the middle of the month, then his wife needed money to attend to a death in the family – I thought the family was in Mozambique but they were right here in Barberton's Emjindini Township; heck she could have walked there from the farm. Then it was a birthday.

Birthday what? Now I went ballistic. Nosey readers, I could not believe this. You see, whenever I am away from the farm and I get a please-call-me from Sibiya, the first thing that comes to mind is, "What the heck is wrong now, runaway fire or what?"

So on one particular day he buzzes and I call him back immediately with worry, as I always do.

He answers and says, "Hold on, someone wants to talk to you."

Someone wants to talk to you? Ok, I'm thinking to myself, it's a government official making a site visit, Eskom maybe, or whoever is relevant to the current work taking place. But no, it's his wife who wants to tell me she's celebrating her birthday today.

"Give Sibiya the phone," I said.

"Hey," I tell him, "I don't even celebrate my own birthday and, anyway, where is the money for your wife's birthday gift supposed to come from? This bush that we have to clean up? You work for me, not your wife!"

Savour the moment I tell ya.

Alright, so much for self-praise and fears of what's to come. It remains for me to give thanks for what I consider to be a very sound land-reform programme – and this is not coming from Bheki the beneficiary, but from one who is well aware of the many conflicts over land around the globe. Heck look at our neighbour, Zimbabwe.

Moreover, the extensive coverage I did between 2008-2009 on land claims in the neighbouring Badplaas area gave me an understanding of the challenges faced both by beneficiaries and the government with this land thing.

First, looking at what we have done to bring Oorschot farm back to life, I cannot understand how others have destroyed productive farms – especially given all the support the government has thrown in, moola, training, technical assistance, you name it.

Second, I can understand how the government has slowly tightened the strings. For anyone who believes that, or better said, has the illusion that the government land-reform grants are a source of wealth or easy money, they are mad.

Maybe a few years ago – through corrupt practices of course but, now, they can be really stressful, what with the requirements for endless reports, not to mention the constant phone calls from officials about your progress.

Fair enough, it's tax money and we must account. And it's a small price to pay for having the pleasure of working the land – and being able to look at myself in the mirror and say proudly: "*'n boer maak 'n plan*". Ah! Yes, I am savouring the moment. ■



Scrum. Battle for peace

AND LO, IT CAME TO PASS THAT I WAS granted a scholarship to study mural painting in Germany. Why? I can't quite remember why. I'd given a talk somewhere on the technical side of Italian wall paintings – you know, Giotto, Michelangelo, that lot – and maybe this had caught the imagination of the Fine Art fundis, a new slant on it all. I mean, all those creepy chemical words gave an exciting new view of things: Calcium carbonate, Calcium oxide (that's the quicklime they used to dissolve people's bodies after they'd been hanged), Calcium hydroxide, lovely mysterious names. Ordinary ol' water became Aitch two oh, two atoms of hydrogen, one of oxygen. It all sounded so profound.

But why Germany? Because the Krauts are so bloody good at technology you'd wonder how they lost the war, that's why. In Stuttgart they had a special Institute for the Technology of Painting, one of only two in the whole world, the other being in Chicago, but I didn't want to go there and hear again (and again) how the US had won the war.

Early days, these. 1949. I arrive by train from London. Bits of Stuttgart stand all about in heavy snow. The big bits, that is; all the small bits have been scooped up and deposited on something like an old-time Joburg mine dump, with sports fields up top. The railway station is a platform plus a sign saying Stuttgart. That's all. No roof, no walls.

I trudge off boldly like King Wenceslas towards Weissenhof, where stands the Staatliche Akademie, and present myself at the Institut für Technologie der Malerei. Ha! Herr Schtrachan, says Frau Zimmermann, secretary, Willkommen! Welcome indeed; I'm registered as a student and all that side

of things okay, but no money. No word from the scholarship people. Nothing. I walk outside and make a plan. How the hell now? I'll go to the Polizei and declare myself a displaced person and get deported back to London.

And as I stand alone and desolate in the snow a certain first-year student



name of Lanski, 35 years old, Stalin-grad survivor, comes up to me and says What gives with the long face, Mensch? I tell him my sorry tale and he says Es macht nichts, it is nothing, you will come and stay with me. Which I do.

His Onkel August has a smallholding outside the city and Lanski lives in the tool shed 'mongst cherry trees and cabbage patches. Onkel August has allowed him to build an upper storey with old planks and stuff and above that, a loft for firewood, and in this loft I take up residence. Below me a gentlemanly old refugee professor of art from East Germany resides 'mongst further firewood. On the ground floor is Lanski und Frau and two pretty little girls Gretl and Bärbl plus the wood stove that heats up the whole shed.

This smallholding is but one of many which constitute quite a village, all have reconstructed tool sheds on them and all are occupied by left-over

war-surplus troops with wives and kids.

Common soldiers all. Friday evening was visiting time, small groups with small parcels of food: here some eggs, there some flour, a pie made of Onkel August's cherries, a bit of meat, you name it. Some wine too. And of course always the talk turned to the war, stuff I really didn't want to hear, especially since after a bit I found myself on the wrong side, starving, my head freezing in a grim German Stahlhelm as the Volga froze over and half a million fresh young Siberians with cosy sheepskin clothing came thundering over the river to get at me. There'd be a little embarrassment on my behalf now and then, and a polite silence. And after one such, a nice youngish bloke, name of Karli, says to me, he says, I have been in Afrika where it's nice and warm, also I met some Südafrikaner there. They took my whole company prisoner as we were trying to flee El Alamein,

about fifty of us. They packed us into troop carriers and took us off a couple of hundred kilometres east to a prisoner of war camp, a city of tents where we climbed out and formed up in marching order with a dozen-or-so armed escorts. Then as we approached these tents, we saw another column of prisoners with New Zealand armed escorts heading the same way, when quite suddenly the South Africans and New Zealanders all yelled SCRUM! and just abandoned us and started pushing each other about in a great heap on the desert sand. I mean we could easily have run off, nicht wahr, and what then?

Ja, say I. It's called rugby, a form of football from a school in England. Football? says Karli. Ja, say I, it's part of our colonial heritage. Aah, I see, says he, I understand. But it's clear he doesn't. Come to think of it, I don't either. Also it's clear he doesn't understand how Germany lost the war. ■

Smalls ads must be booked and paid for online. Book at:

www.noseweek.co.za

PARIS FRANCE

Sunny, spacious apartment
Fully equipped kitchen
5 mins from Champs Elysees, shops, restaurants,
airport shuttle & metro.
English TV, free internet and phone.
€110 per day
25 Rue Paul Valery, 16th,
Metro Victor Hugo
anne@pvalery.com 082 900 1202
www.pvalery.com

FOREIGN HOLIDAY ACCOMMODATION

Paris apartment Centrally located Montargueil (2nd) Reasonable rates, internet, TV, etc; Lindsaygunn@noos.fr; +33 62 034 6710.

Bordeaux Modern self-catering in the heart of the winelands. Ideal for wine tours. From €73/day. Visit www.bordeauxwinelands.com

Holiday in South of France Charming apartment in Nice. Sleeps up to 4. Close to beach. From £36 per night. Go to www.yourniceapartment.com click search "Eve".

LOCAL HOLIDAY ACCOMMODATION

Umhlanga 2 bed, 2 bath stunning, serviced sea-facing apartment with DSTV; 082 900 1202; anne@pvalery.com

Southbroom Holiday House. KZN South Coast. 150m from main beach. Sea and lagoon views. Sleeps 8. Good security;

www.southbroomhouse.co.za or bookings@southbroomhouse.co.za

Clarens near Golden Gate in the beautiful eastern Free State: Rosewood Corner B&B offers all you want for a break from it all. Call 058 256 1252.

Pinelands, Cape Town B&B and self-catering accommodation for leisure or business. Go to www.pinelandsonline.com

Arniston Stunning seafront home perched on cliff top overlooking beach. Breathtaking position and panoramic sea views, 5 bedrooms, 3 en-suite, serviced; 082 706 5902.

Cape Town, Camps Bay 5 star, 2, 4, 5 and 6 bedroomed villas. Beach House on Glen Beach. Main House and/or penthouse; mlpope@telkomsa.net; www.glenbeachvillas.co.za

B & B Kloof, Durban offers comfort, peace and a friendly environment. Go to www.innafrika.co.za; info@innafrika.co.za or call 031 764 6422.

Camps Bay Luxury holiday villas & apartments to rent; www.campsbayapartments.com

Camps Bay Something special. A spacious apartment with sweeping sea views and a pretty garden with a pool; Email astri@wirelessza.co.za or call 021 438 9715.

Northern Drakensberg Sungubala Eco Camp is ideal for groups. Email info@sungubala.co.za; www.sungubala.co.za

Franschhoek "La Chouette" Exclusive-use house to rent, 3 bedrooms all en-suite, pool, within walking distance shops and restaurants; www.45huguenot.com

LOCAL PROPERTY FOR SALE

Magaliesberg Idyllic 4 bedroom home on 4ha with mountain views. Private sale by owner. Paul 082 828 5437 or email lol@icon.co.za.

BUSINESS FOR SALE

Hermanus CBD Popular gift shop. Turn-over +R500k pa. Asking R550k plus stock; laurie@intelli-info.co.za; tel 074 513 3514.

CDS Junk Store Diep River. Owner retiring after 45! Building (with flat rights) and business including all stock. R2.5million. Email amccoy@telkomsa.net

FOR SALE

Tinus & Gabriel de Jongh paintings bought, sold and valued for estates and insurance; 021 686 4141; dejongh@yebco.co.za; www.tinusdejongh.co.za

Tent Pro cc sells new army (5x5m and 10x5m) and dome tents; call Philip 082 537 2894; www.tentpro.co.za

Pianos All about www.pianoworld.co.za

SERVICES

DVDs New concept in Claremont area, Cape Town. Call 021 671 4187 or book online www.thevillagedvd.com;

email thevillagedvd@gmail.com

Silver Spoon Function hire. Hiring of cutlery, crockery, linen, glasses, marquees, stretch tents, heaters, etc. For all your hiring requirements; 011 262 2227;

www.silverspoonhire.co.za

French sworn translator Countrywide. Experienced in mining rights, court and tribunal papers, official documents. My CV, testimonials and samples of my translations are available on request. Christine: 071 356 8279; christine@thefrenchpage.com

Illustrator Illustrations using wide variety of styles and mediums including watercolour, ink, lino and black and white line drawing. Meg: 021 788 5974 or 082 926 7666;

megjordi@gmail.com

Optometrists Colin & Mark Tonkil for professional, personal comprehensive eyecare service. Call 021 939 9141 for an appointment.

The Truck Man for all your used vehicle requirements. Call Don Vale 011 918 0065 or 082 464 9999.

Fitted kitchens and cupboards and extensive range of blinds. Go to www.bespokedesigns.co.za; email sales@bespokedesigns.co.za or call 079 491 8446.

Photography Corporate, family or events; www.focalfusion.co.za or call 083 793 6019.

LEGAL, INSURANCE & FINANCIAL

Incorporate USA Tax-efficient Delaware or other State LLC – \$750 includes Tax ID, US Telephone/Address, Mail Forwarding, Registered Agent. Bryan 083 300 8888 or bryans@jumpstart.co.za

PPS Insurance Please tell about coin-toss decision-making and other horrors. Member-victim. Call 082 387 3699; gabrie.jansen@gmail.com

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

Insurance For specialised 4X4 and outdoors insurance and life assurance contact LVM on 082 940 2833.

Streetwise Labour Law (Pty) Ltd Executive dismissals a speciality. Confidentiality guaranteed. Totally professional; jkn@irservices.co.za; or call 083 255 2830.

TFA Global for all your accounting, tax, book-keeping and payroll requirements. Go to www.tfaglobal.co.za

PALM PARK MARGATE TIMESHARE

A complaint of unlawful and fraudulent management conduct has been registered with the National Consumer Commission (Reg. no. 12/18/08-14/02600) by Willem D.K. Nel on behalf of 52 timeshare owners at Palm Park Timeshare Resort, Margate.

A special General Meeting for all owners is planned for 13/14 October at a venue to be chosen by the majority of responding owners.

Contact WDK Nel at hantammer997@gmail.com for more information

WANTED

Unwanted firearms, left from deceased estates or simply a bother to keep? david.klatzow@mweb.co.za is looking for a variety of weapons to add to a forensic collection used for research.

Old Cochran vertical fire tube coal boiler. Send photo of boiler to mwj.connolly@mweb.co.za

Any photographic evidence confirming reptilian circulation of banksters gambolling in Iceland.

COURSES AND TUITION

French lessons Learn to speak, read and write French in the greater Johannesburg area with a Sorbonne-degreed, native French speaker from Paris. Private or group lessons as well as corporate clients. Christine: 071 356 8279; christine@thefrenchpage.com

LEISURE AND FOOD

Appetite Catering caters for private and corporate events; www.appetitecatering.co.za or call Clare 021 689 8547 or 082 412 7211.

RETIREMENT SERVICES

Retire in Port Elizabeth. Secure and frail care facility. Part of the Echo Foundation. Call 082 336 3101.

TUITION

Excel Advanced financial modelling tools and functions for classroom or individual. R950pp Call 021 794 2904.

PERSONAL

Roy Joubert (Pietermaritzburg) ex Umtata, Transkei wishes family and friends everything of the best.

Congratulations NJ and Chantel on the birth of Seth Vermaak – now I'm oupa Theo!



SUBSCRIBING IS EASY

Never miss an issue...Free early delivery...Enjoy massive savings



ONLINE

Subscribe at

www.noseweek.co.za or
email subs@noseweek.co.za



PHONE

Call **021 686 0570** with your
credit card details or fax
021 686 0573 or **0866 773 650**



POST

Make your cheque out to
Noseweek and post to:
Box 44538, Claremont

SUBSCRIBE OR RENEW THE **PRINT EDITION** FOR **R374** (12 ISSUES) OR GET A
COMBINED **PRINT AND INTERNET** SUBSCRIPTION FOR JUST **R474**

Apart from having SA's top investigative magazine delivered to your door, you could also win one of five Ken Forrester wine packs. Subscribe now and stand in line to score.

CONGRATULATIONS TO THIS MONTH'S WINNERS:

Manfred Brabetz, New Germany
Mr JN Cambridge, Summerstrand

Astrid Haslett, Somerset West
Kevin Taylor, Rothdene

Konrad Wenhold, Silverton

KEN

FORRESTER
VINEYARDS
SINCE 1689

Tasting room open
Monday - Friday 09:00 - 17:00
& Saturday 09:30 - 15:30

Cnr of R44 & Winery road,
between Somerset West & Stellenbosch
GPS: 34° 1' 39.06" S 18° 49' 12.83" E
Tel +27 (0)21 855 2374
info@kenforresterwines.com
www.kenforresterwines.com



SMALLS ADS

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

Ads are prepaid at R200 plus VAT for up to 15 words, thereafter R15 per word plus VAT

Please note that multiple (long-term bookings) are now available online.

BOXED ADS

Boxed ads are 6cm (1 column) wide, and are charged at R900 for the first 3cm and R250 per additional cm (length) plus VAT.

Payment is due within 30 days of invoicing
Please contact ads@noseweek.co.za to book or phone Adrienne 021 686 0570.

DISCLAIMER

Although Noseweek does reject obviously questionable ads, it can't run checks on every ad that appears in the magazine. The magazine doesn't endorse the products or services advertised and readers are urged to exercise normal caution when doing business with advertisers.

QUALITY PUBLICATIONS CHOOSE A QUALITY PRINTER

COLOURTONE ARIES PRINTERS OF CHOICE

For all your printing, packaging and display requirements
contact colourtone aries on 021 929 6700 or

www.colourtonearies.co.za

info@colourtonearies.co.za



@colourtonearies



Colourtone Aries



COLOURTONE ARIES

print | packaging | display

