

Expatriate Guide to Live & Work in Nigeria

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"Invest your money in foreign trade,
and one of these days you will make a profit"

Ecclesiastes 11 v 1

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About the Author:

Connect with the Author online.

Extracts from K's eBook "Mean Streets - Life in the Apartheid Police" on drug & woman abuse

Extracts from K's free eBook "Your Worst Enemy"

Extracts from K's free book "The Circle of Life"

Extracts from K's free eBook "Tricks of Trade - Memories of a Rogue Lawyer"

Extracts from K's eBook "The Egg Breakers - Counter-Terrorism in Sub Saharan Africa"

CHAPTER 1

A word to my readers

Thank you for downloading this short guide on living in Nigeria. It is applicable on most African States though and not only Nigeria. I hope that you will find some benefit in next pages. It is written from a South African viewpoint so your visa requirements may be different depending on your passport. Please contact your Embassy for more details.

I am the owner of a small exclusive legal consultancy called JKLS Africa based in South Africa with associates in West Africa. My consultancy specialises in African Jurisdictions and we do the things which normal lawyers cannot do. Part of these briefs is to train Expats (that is any non-African) in what to expect when they arrive in Nigeria or West Africa in general. What you read here is based on personal experience and we do know what we are talking about as I worked and lived in Africa all my life.

I took the contents from one of our training courses and it is up to date to 2012. It also forms part of my other book "Tricks of Trade - Forensic Law Principles in Africa" with its sister publication "How to survive as a Hostage in Africa". A subject which apparently no-one wants to talk about.

My lawyers insisted I that I say to you that despite my efforts this Guide is not guaranteed in any way to save your life or prevent you from harm. If you feel unsure or need more information please feel free to ask me for I will not charge you money for basic information which I believe is only common decency between people.

Note I am not an Author by profession and I apologise for any grammatical errors. English is my second language and this Guide is written in South African English which is not the same as American or what is known as Standard English. We Africans are respectful people. We tend to speak English to foreigners as we know they probably do not understand our indigenous languages.

I ask that if you enjoyed reading here and feel the need to contribute then please contribute to any American Veteran Organisation of your choice. That honours an American Patriot I love and she works for the US Navy. As in all my books I thank her for her support and love and above all, scissors.

We need to take care of our Veterans. This war on terror will go on in their minds for many decades still. Even if victory is declared I assure you the war will not stop for them. I speak of experience which is why I wrote "Mean Streets - Life in the Apartheid Police".

I also mention my previous books now and then. Let me be clear that is not meant as a sales drive for they are downloading by the thousands I am rather astonish to say and most grateful also. I will gladly give the few books I actually charge a nominal fee for to you ex-gratia if you cannot afford it and feel the need to read it. All Veterans and serving members of any Police (including the Army, Navy, Marines, Coast Guard and even Air Force) or Fire Department are authorised free copies of my books.

Just send me an email request for it. You are welcome and my American Patriot and I thank you for your honourable service. In this offer I include their wives as they suffer more than the actual serviceman in my opinion. They are the ones who deal with shattered minds and have the most to absorb from "Mean Streets - Life in the Apartheid Police." It explains how a good man becomes something which made satan happy. In essence to survive years of combat you change and then you go over. When you come home you have problems which only love can solve. Normal life became very abnormal to you and it is a struggle to adapt. Nothing makes sense and everything is a hassle.

You can read the book yourself. It is as good a story as any on that subject (not my words).

Best wishes,

K

CHAPTER 2

Course Summary

This course will teach you how to feel safer in Nigeria and gives practical advice on living there. In this course, the trainees will be exposed real life conditions. Who needs this course? Anyone intending to travel to Nigeria or who accepted employment in Nigeria.

Background on destination country

The Federal Republic of Nigeria is a federal constitutional republic comprising 36 states and its Federal Capital Territory, Abuja. The country is located in West Africa and shares land borders with the Republic of Benin in the west, Chad and Cameroon in the east, and Niger in the north. Its coast in the south lies on the Gulf of Guinea on the Atlantic Ocean. The three largest and most influential ethnic groups in Nigeria are the Hausa, Igbo and Yoruba.

In terms of religion Nigeria is roughly split half and half between Muslims in the North and Christians in the South; a very small minority practice traditional religion. Since 2002 there was a spate of clashes, particularly in the North of the country, between government forces and the Islamists Boko Haram, militant jihadists who seek to establish sharia law.

The people of Nigeria have an extensive history. Archaeological evidence shows that human habitation of the area dates back to at least 9000 BCE. The area around the Benue and Cross River is thought to be the original homeland of the Bantu migrants who spread across most of central and southern Africa in waves between the 1st millennium BC and the 2nd millennium.

The name Nigeria was taken from the Niger River running through the country. This name was coined by Flora Shaw, the future wife of Baron Lugard, a British colonial administrator, in the late 19th century. The British colonised Nigeria in the late nineteenth and early twentieth century, setting up administrative structures and law while recognizing traditional chiefs. Nigeria became independent again in 1960. Several years later, it had civil war as Biafra tried to establish independence. Military governments in times of crisis have alternated with democratically elected governments.

Nigeria is the most populous country in Africa, the seventh most populous country in the world, and the most populous country in the world in which the majority of the population is black. Its oil reserves have brought great revenues to the country. It is listed among the "Next Eleven" economies, and is a member of the Commonwealth of Nations.

Summary of what to expect

Nigeria is not nearly as bad as the publicity it receives. Any country has its share of criminal characters and we always joke and say they are already in SA (South Africa) and London which is unfair and Nigerians are touchy on this subject. In fact they are wonderful people, rich in culture and very proud of Nigeria. I apologise if I say anything here which will anger my Nigerian friends and I have many.

Physically the men are tall and imposing. However, as with any other country, caution must be taken throughout your stay. The people are mostly friendly and non-violent but they tend to get over excited especially if a white person is involved whom they see as an ATM (automatic teller machine) from whom they can extort money. We will deal with this aspect later.

Nigerians speak English very well if with a Nigerian accent. I advise my clients to speak slowly and clearly if you have an Afrikaans accent. Also they speak a peculiar language what we call Nigerian which is a jargon dialect and hard to understand in the beginning.

It is really hot there – much like Durban or Florida in USA in the summer – with high humidity. In fact when you get out of the aircraft or a car with air-conditioning your glasses immediately mist over from the difference in temperature. It physically struck you and is impossible to sleep without air-conditioning. Thus air-conditioning is as common as an oven in all houses.

Like any African city there is a lot of people and noise – I once counted 45 car horns sounding in less than half a kilometre. The traffic is really terrible and will cure you of all ideas you have of traffic jams in first world countries. More about this later.

You really should not drink any water which is not from a sealed bottle with a well-known brand on it. I will advise you not even to brush your teeth with local water unless you want a seriously upset stomach. Remember this especially when bathing or taking a shower or swimming – no water inside your mouth ever. Remember that ice made from local water in your drink can cause havoc with your stomach.

Nigeria and West Africa follow London Time. That is two hours behind SA (or one hour). They tend to be soccer mad and know everything about the African & European Teams. I found that most educated Nigerians hold Master Degrees from UK or US Universities. Many of their lawyers are dual qualified too. The flight there is about 6 hours from Oliver Tambo International.

CHAPTER 3

What to do before you leave

Travel desk & Visa

You need a valid passport which is not close to expiring and should not expire whilst there. You need a VISA to be obtained by the local Embassy / Commission. Currently there is a bit of a battle going on between SA and Nigeria regarding Visas – the SA Government expects Nigerians to pay a substantial deposit before issuing a Visa so there may be serious delays to get your Visa. Start early with the application for one.

When working in Nigeria you need a work visa (green card) and for that they would want copies of your school leaving certificate, degrees and other educational certificate. Also make sure that you do not arrive on a tourist visa and then takes up a paying job for if caught there will be trouble for you and your company. Your job and your quota must be in line with each other – you cannot have a helicopter mechanic listed as a Managing Director on your quota. It is part of compliance on which we deal separately. Whatever is written on your work visa is what you write down on official paperwork.

You must have a current Yellow Fever Card or you will be send back from the airport and not allowed into SA either (you will be forced to get one at the SA Airport if this happens). Obviously you do not wish to take chances with your health either. We will deal with this under Medical below.

How to get to Nigeria

Airlines to travel with

This depends on your Company policies but we recommend ARIK which is a Nigerian Airline. Simply because they use brand new Airbus planes and are normally reasonably empty. Price wise they are also cheaper or equal of SAA and have excellent on-board facilities. It also gives you an advantage with Nigerian Business men if you support Nigerian business. They fly from JHB to Lagos every day and we never had a theft or lost baggage incident. Make sure you order non-Nigerian meals though unless you feel the need to experiment. I believe Arik is managed by TAP Portuguese Airlines and they also fly to Europe and USA.

Inside West Africa you can also fly with Virgin (Nigeria). There are flying accidents in Nigeria and some are acts of sabotage. Once a well-known airline was grounded because the tail was damaged

by a truck driving into it on purpose. Recently a Dana Air Boeing crashed and 150 plus passengers died. All air tickets can be bought online.

The airports are not as nice as Oliver Tambo but reasonably clean and efficient. Sometimes the air-conditioning does not work which is bad. Very hot and humid – drink enough water. There are places to eat and drink at the airports. You will need identification before boarding – that may be your passport or drivers' license or Nigerian Green Card. Your handbag will be searched many times as well as your shoes – be patient.

General Advice on Air Travelling & Customs

Make sure you are early at the airport to avoid rushing & stress. Wrap your suitcases in plastic at the airport and carry all valuables (including laptop) with you in your on-board case. Clearly mark your bags with a coloured lint or cable tie so that it can be identified easily. Follow all legalities in terms of content and never take a package with for a stranger for it may contain drugs or explosives. Both of which is guaranteed trouble if caught.

Have a black pen with you to fill in forms for immigration – the flight should supply you with it or otherwise at the airport. You may also make copies once you are a regular traveller. They would want details like your passport number and place of issue, where you work and live in Nigeria and details of your Visa. Remember to fill it correspondently with your work visa. The Visa will be affixed in your passport by the Nigerian Embassy / Consulate. It has dates on it so make sure it is still valid.

Keep your seatbelt fastened at all times for you will be crossing the tropics and turbulence is normal. I once saw a thunderstorm cloud topping out at 44 thousand feet. The average Arik customer is a powerful figure in Nigeria so be polite with everyone on board for you may offend someone and have dire consequences at customs.

Walk around on the flight when safe to do so to prevent medical problems. Drink a lot of liquid but remember no one is allowed in the toilets 20 minutes before landing. The on board toilets do have toilet paper which is important to know.

After landing remain seated – it can take 30 minutes for the doors to open and I have seen Expats arrested for standing up too early. The airports most probably do not have toilet paper so bring your own. Take a bottle of water with you when you leave the aeroplane for it may be very hot and humid in the airport if the air-condition is not working, Follow the other passengers to Immigration

& Customs and be patient – it may be hot and time consuming. This is your chance to make a mobile call to report your arrival. Keep your passport and yellow card ready as well as any forms completed.

Be friendly and polite to the officials.

Medical Matters

Please take advice from your doctor in this regard – the following is just a recommendation based on experience. Before you leave you have to go to any travel doctors clinic and inform them to which country you are going and when. They will advise you what to do. Make sure they are registered with the Medical Council and issue you with a yellow fever card in which all your inoculations are stipulated on. Note that you will be inoculated so have a standby driver when you go to the clinic – a good friend of mine – ex special forces chap – collapsed and passed out twice during the process. Apparently he did not like needles. In fact there is no pain at all and it is quite fast.

Make sure all your inoculations is done a week or two before you go for sometimes it takes time for it to become effective. You may also show some allergic reaction which needs to be treated in SA.

Anti-Malaria medicine should be taken before you leave and after you return. Please note that Malaria is a killer disease and must be taken seriously. I know as younger men we used to throw the tables away because it tasted terribly bitter and also were rumoured to prevent a good suntan etc – that's all nonsense. You have a duty towards your company and your family to take whatever medicine is prescribed.

There is a different school of thought that you should take no anti-Malaria tablets at all. According to this theory the use of the anti-Malaria tablets suppress the symptoms until you are really ill and that has its own problems. I do not support this theory and see it as a gamble with your health.

If you feel you have a cold or flueish symptom chances are that you have Malaria. Running nose, sore throat, head ache etc is normally not a common cold. In that case – do not wait - but go to the nearest clinic for a blood test. Nigerian doctors are very good at diagnosing Malaria (it is common there) and how to treat it. Once again I stress that you do not wait to see what happens. Get medical help as soon as possible. When in SA and you feel those symptoms within a month of coming back please test for Malaria and tell your doctor where you were for there are different strains of Malaria which is treated differently. Of course Malaria can recur for years afterwards.

We recommend that you take a basic medical kit with you for headaches, scratches and especially diarrhoea for you will get a stomach attack now and then. In this regard make sure that medicine is in its original packaging and marked clearly with your name on it. Make sure it is in English and not

Afrikaans or a language unknown outside SA. This is to satisfy customs. Also take a medical letter with from your doctor explaining what prescription medication you need to take. For example if you are a diabetic make sure you have all your medicine and tester with you for the duration of your stay and more – you may stay longer than what you think.

Most medicines are available at the local (Nigerian) clinics but it is from India or the Ukraine and may be fakes. I read a report that 63% of African medicines are indeed counterfeits. Having said this, Nigerian doctors have looked after their patients quite well for the last 60 years. It is not uncommon to find some with English or American medical degrees.

Do not trust blood transfusions in Africa (SA excluded) and if at all possible if you really need blood – get it from a trusted friend / colleague or wait until after your evacuation. Ensure that you know where the other expats go for medical exams and that you know where it is. Your driver should also know where to take you in an emergency.

Medical Insurance & Evacuation

We cannot stress this point enough. Do not even consider of going into Africa without a decent well known and proven Medical Insurance Aid. To be evacuated for whatever reason out of an African Country is outrageously expensive and if you do not have a Medical Aid it will ruin you financially. And you will be expected to pay upfront.

We once evacuated a fellow to France where the HR Department did not follow the medical insurance protocol and it cost us almost 130k USD. The HR Director was not amused and the MD had to report to Regional HQ to explain.

It is not good enough to take just any or the cheapest medical aid – you must have the best and it must have an evacuation plan covered. We recommend AXA which covers you up to five million pounds and have an excellent evacuation plan. This is for your HR to decide and I hope you have a decent one. The evacuation is normally to SA or either France or Germany which can cause language problems.

Make sure (and get it in writing) that you are covered (and for what) in the country of your destination. Make sure you cover all legalities – for example some medical aids want to be informed before you go to get cover and it is only for a limited time period. Make sure you read and understand the procedures for claiming and also evacuation. Carry your medical cards with you at all times and make sure it is in English and French. Also carry a complete medical history card which includes allergies, blood type and medication. Ensure that any illnesses or allergies are correctly

noted on it. Ensure that the correct family members are on your emergency call list. Make sure your colleagues know what to do in an emergency, for example who to call, where to go and what your medical aid requires.

Sleep under a mosquito net which you buy in West Africa – they have smaller holes than the ones in Southern Africa. Change it after six washes or wash it in Mosquito repellent. Make sure your employment contract deals long term health issues for some illness recurs, like malaria, and it may cause you suffering long after you left your current job. Some companies supply their workers with self-test malaria kits – please read the instructions before using it and still get a second opinion if needed.

CHAPTER 4

Once Inside Nigeria

Legal system & Compliance

We can talk for many hours on the legal system but for this purpose it is enough to say that their legal system is based on English Law. The standards which I saw, in pleadings, were extremely low but the contracts are better and sometimes very complicated. Especially when dealing with the Oil & Gas sector who make all contracts subject to UK or American Law. It is not uncommon to work with Nigerian, South African, UK and New York legal systems. It is not the same as SA though. For example in SA the advocate would greet the judge in Chambers before a court case as a matter of courtesy. That will never happen in Nigeria for the fear of bribery accusations.

All contracts must have the company stamp on it to make it legal. It looks like our Notary stamps and is crucial. They do not have the attorney / advocate system but only lawyers. A senior lawyer may become a SAN (Senior Advocate of Nigeria) which is the same as our SC or UKs QC. Their legal system does work but is incredibly slow. Settlement is always better. All Nigerian Law Firms will charge you USD rate and are ridiculously expensive so negotiate and get in writing fees before you do anything.

Your company must be compliant in all aspects as they target international companies for taxes and other penalties. Especially the labour contracts must be correct as Unions is getting more adamant on their rights. Compliance is everything in West Africa and money well spent.

No lawyer who wants to take short cuts should be trusted. There are rules and laws in West Africa which must be followed. It is no use to take short cuts for it will haunt you and open you to criminal and civil legal action. Everything is available – company docs etc can be fetched in Abuja and fingerprints can be taken of potential employees with police clearances.

Make sure the company registration docs are available electronically as well as every contract. I recommend you to scan everything in PDF format and keep the backups safe outside the office. This is very important when raided by the Police or Tax Authorities for you are thrown out at gun point and have no access to your own offices whilst the legal process goes on.

Sport – golf, tennis,

There are good golf courses around the country which you can join. There are also tennis courts and cricket fields. The main sport is soccer though. It is safe to go jogging unless late at night. There are gyms available at hotels and in the city.

Green card

This refers to your residence status and right to work. It must be kept with you at all times. And whatever is written on that green card is what you use in your documents. When you leave the Country permanently you give the green card back. Copies of your work status should be kept in the offices. Make sure your name is spelled correctly on it.

Short term Insurance

There are major Insurance Companies in West Africa. Most are listed on the London Stock Exchange. Your vehicles and other equipment must be insured. They normally pay out quite quickly. Just be careful when they decide to repair something for it is normally a disaster.

Business cards

You are expected to have a business card. Note that you should not deviate from the green card on what you put on the business card. And that should be reflected on the letterhead. It is considered rude to take a business card and not look at it. You are expected to show interest.

There are many places in West Africa to have business cards made but this may be a problem for international companies who have specific rules for their trademarks. There is a compliance aspect on business cards which are important. Many Expats are listed as Directors on letterhead and business cards and not registered as such in the Company Office in Abuja. That may be seen as fraud and I know of Expats who got arrested for that. Also it nullifies agreements. I cannot stress enough that your compliance must be perfect. You may want to sign your name and place on the back of your card when you hand it out as a security measure – it is accepted practise – so that your card is not fraudently abused later on. Be sensible not to cause antagonism with this.

Schools

You will find the American and British International Schools there. Some Nigerian Private Schools are very good with SA professors. Corporal punishment is allowed. Some Expats believes in home schooling, each to his own. Schools are generally safe and learners wear school uniform.

Clothing

Your HR will inform you of your dress code at your work environment. These are just general thoughts. I can tell you though that most senior Nigerians wear suits at work and if you wish to be taken seriously you should also follow suit. Most offices and houses have air conditioning so you should be OK.

Shoes should be the boots type for it will keep your feet dry in the wet. It rains a lot there. On Fridays the whole of Nigeria wears traditional clothes and Westerners normally an open neck shirt without a tie. However, when meeting with a senior Nigerian it is best to wear a suit or formal clothes. It shows respect and Nigerians demand respect.

Since Nigeria is next to the ocean it is possible to swim in the sea – they are conservative people and women should not be bare breasted. Be careful of the sun also for it is really hot. And there are no life guards so when swimming you are on your own. When flying try to avoid wearing a belt with a buckle because you will have to take it off at security. Also shoes will be taken off and scanned separately. During weekends most Expats wear shorts and sandals. The South Africans though can be identified by their rugby shirts and the local children sometimes shout “Boertjie” at them as a term of endearment. Or “Bafana Bafana” and an attempt at “Springbok.” It is quite possible to wash clothes as in any other country.

Money Matters

The Nigerian currency is the NAIRA (NGN). It comes up to a 1000 Naira note which is brown in colour. One ZAR is approximately worth NGN19. One USD is approximately worth NGN 160. ZAR is accepted but not as welcome as US dollars. We advise to take large denomination US dollars with to exchange – that is 100 dollar bills which is preferred by the money changers.

There are many banks and places to exchange your money – your driver would be able to inform you. All major Hotels will assist you. Be wary of changing money informally. You may be arrested or defrauded and it is not worth the few Nairas you will get extra. Take my word you will be approached by money changers – just refuse politely and walk away.

You will find that most business is done by cash or cheque. When renting property you pay cash upfront for the whole term. There is no such thing as monthly payments. So it is a big capital expenditure. Also once paid the landlord does not care about maintenance but will make huge noises to have everything fixed by the tenant afterwards. Good record keeping and good contracts will save you a lot of stress.

Writing out a cheque without money is fraud and can lead to your arrest. This is something to remember when doing business there. It is possible to re-submit the cheque if so arranged. Obviously most cheques clear without problems but it makes the financial controllers' job quite tough to balance everything all the time. Remember that confusion creates opportunity to steal. Your FD must be on top of the game and pay all taxes when due or you will have serious problems.

Standard Bank & Citi Bank is all over Africa and they offer electronic internet banking with very good security functions. Of the two Citi Bank is preferred. Eco Bank is the largest West African Bank and listed on the London Stock Exchange. They would love to have your accounts. Zenith Bank also. Do not do business with unknown Banks for your money is not secure – at one stage there were 300 Banks in Nigeria but Government sorted that out two years ago and only about 30 survived.

ATMs are available but often not working and when working exceedingly loud. We do not recommend their usage as card scamming takes place all the time. Credit cards can be used at most hotels and restaurants but not in the informal sector. Also know that you run serious risk of cloning if the card is out of your sight for even a moment. Let your Bank know that you are travelling or the credit card will be automatically refused by your own bank just because it is in West Africa.

Be careful with cash – money is physically dirty so wash your hands after working with it. You are expected to bargain with entrepreneurs when buying something. When paying for something there is normally no change available – insist on your rights for it is just a scam to take the change off you.

When eating out it is expected to leave a decent tip to the waiter. Remember to feed your driver and guards too. Nigeria is not a violent country but don't be silly with cash. Keep it hidden until used and don't flash it. Normally the senior director will not pay the bill himself but leave that to the junior director or FD to sort out whilst the senior directors escort their clients to the door. As far as I know you can take as much physical money out of Nigeria as you please but if you do get professional assistance in terms of security. It must be declared also. For electronic transfers there are some compliance rules to follow – to take the money out of the country needs registration to do so legally.

Communications

MTN is available besides Etisalat and a few others. Mobile phones work well in West Africa and you should mostly have a signal. Internet is freely available at the Hotels and most Expats have internet at home and in the office. Skype etc works reasonably well as the lines are not as fast as elsewhere we normally do not use video. Note that because your IP address is in Nigeria some websites will not allow you access. Clear this with your Bank before you leave.

It is possible to buy fake mobile phones which you will note have two sim cards – one for data and one for calls. Besides that they look exactly like any other mobile of the same make. They don't last long so is a waste of money. We recommend taking out a local MTN contract with a genuine mobile. It will work in SA and other countries also. The local landlines work well enough though faxes are something of the past. As far as I know there are no RICA type procedures in Nigeria.

You can choose between Multichoice Africa or SA satellite television.

Electricity

West Africa has an electricity problem and it is not unusual to have power cuts eight times a day which can last for minutes or hours. They use the UK type of plug which is not the same as SA so you need a conversion plug. Your laptop etc will work there though. Every house and office has a backup generator which needs to be serviced and fuelled with a dedicated person to switch it on and off.

You never ever plug your electric good, whether a kettle or your laptop, directly into the wall for it will burn out. There are massive spikes and I have seen plugs melt and start burning as well as bulbs exploding because of the spikes. Always use a SON (Standards of Nigeria – as our SABS) voltage regulator plugged into the wall. You can buy that at any store or informal market. Then a UPS plugged into the voltage regulator and only then plug in your electronic goods. This is for every single electronic device you have – believe me it is necessary and will save you money in the long run.

Religion at work

Nigerians are very religious with Christians in the South and Muslim in the North. The South (Lagos, Port Harcourt & Abuja) is tolerant with freedom of religion though the Muslim North (Kano) is not. It is not uncommon to have a prayer meeting every morning at work. Men are expected to stand and take off any headgear whilst a prayer is said. Many business meetings start and end with prayer. The senior Nigerian or an elder will lead the prayer. They take this very seriously and Roman Catholics will make the sign of the cross. This is no place or time to crack jokes regardless of your own beliefs. It will be taken as a major insult to take the prayer meetings lightly even though no one is forced to attend.

Many different churches are available. As Expats you will be treated quite well attending any service probably as you are seen as an ATM. You will find many critical ill patients flying out on a Sunday night (back to SA) after attending healing ceremonies (which did not work). They are normally in wheelchairs on the SAA flight.

Muslims get Fridays at 13h00 off to attend Mosque.

Rain & weather

There are no real seasons like summer and winter because it is just above the equator. Thus we talk of a rainy season and non-rain season. It is always hot, even at 3am in the morning.

The rain is something else – massive storms and it is like emptying a bucket of water on someone's head. It just pours down. Nature is mostly cloudy and green. I once heard a lady say it looks like Ireland which opinion she rapidly changed when the aircraft landed and the heat struck her. I always thought Vietnam would be a better description. There are huge rivers. Do not drink the water.

Addressing Senior Nigerians

We have to remember that we are guests in the country and have to follow the customs. They have a system there in which a senior Nigerian may be entitled to the rank of "Chief" and it outranks any other title. In other words a Managing Director could also be a Chief and thus must be addressed as Chief (and Surname). If invited to a private club you should go – that does not happen often.

Remember that we Africans respect grey hair and expect respect also. Especially in our own countries. A standard British accent helps a lot to gain respect.

Racism

I have never encountered any racism there. If a Nigerian does not like you it is not the colour of your skin. We have to remember they were ruling themselves since 1960 and are past racism. As long as you have a correct attitude you will be fine. To be invited to a Nigerian colleague home is an honour which should be accepted. You are expected to bring wine or beer with you.

Shopping & Groceries

There are Shoprites and Spars (both are South African grocery chains like Sears) which are fully stocked. Go in the morning early (especially on Saturdays) for it tends to get very busy later on. The products are basically the same as in SA but may be from different suppliers. There are also other shops to buy groceries and vegetables. Note it is much more expensive than SA.

Beer may be bought at these grocery stores and on Sundays also. You do not pay for the plastic bags.

They accept credit cards and cash. Meat is expensive and not of the best quality. Biltong & boerewors can be bought at Shoprite & Spar. Some hotels have boere breakfasts also. Most Expats

have chefs at home and they are quite good in making SA food. Beware of poisoning though – we found that also – so make sure the chef eats your food and before you do. Give him 30 minutes.

Absolutely all food except vegetables is imported so read the labels and reject when in doubt. It is quite possible to see 300 merchant ships lying in front of Lagos Harbour at night waiting to offload. Such convoys were last seen in the Second World War and at night lights up the water. In between them are a few warships patrolling against pirates.

Your Driver

Expats seldom drive themselves and is issued a designated driver. You will have a unique relationship with your driver for you are together for at least 8 hours a day and a good driver is also a good friend. Sometime they become part of the family and lives in the service quarters at the house. They also give you foot level information of what's actually happening in the company but be aware that they know they have this power and it can be abused. There is nothing worse than a MD who listens to rumours.

Many Expats pays their drivers an extra 50 to 100 US per month for they don't earn a lot of money and have large families. It is crucial for your safety to have a good driver. Also make sure he has food to eat when you eat out – most Expats forget about this and it causes ill feeling. When doing so remember his religion may forbid him to eat certain foods. I also found they want Nigerian food and not Western which is strange to them.

Make sure he knows where to take you in an emergency. If in an accident let him talk to the other side and you keep quiet. As a security precaution we recommend you never tell your driver where to go before you get into the car. Remember also there are different classes of drivers. Not all are at executive level.

Roads &Traffic Jams

It is not known how many people are in Lagos but some say it is between 18 and 24 million which is almost half SA population in just one city. So there is a lot of people and vehicles. They drive on the right side of the road like in the USA and Germany. The roads are very very busy and traffic jams are of epic proportions. You will never again complain of any traffic jam anywhere in the world. It is impossible to predict what the traffic will do but mostly it will be jammed.

We lived 16km from the office and it could take anything between 1 hour and 5 hours to get there. So if at all possible stay as close to your work as possible. Keep in mind you wish to go home also so spending 8 hours a day in a car is common. Also ensure that you leave early for meetings or meet

halfway. No one gets angry or upset when parties arrive late for a meeting for it is impossible to predict your exact time of arrival. Thus you cannot have 5 meetings in one day outside your office.

The driving style is truly frightening and vehicles are squashed together inches apart. It is a mad house of sound and noise. It is not uncommon for vehicles to drive six lanes wide next to the road thereby creating dust storms and even more chaos. There is traffic police – be seen in wearing a reddish pink uniform - but they are ineffective and lost control decades ago. However they must be respected.

You will find the vehicles to be Toyota Land Cruiser Station Wagons or the Lexus Station Wagons. There may be the odd Aston Martin but almost no Mercedes or BMW. Almost all vehicles are big four-wheel drive ones as petrol (called fuel) is very cheap – about 40 SA cents a litre. Nigeria it must be remembered is the world's 8th largest oil producer. The quality of the fuel may be suspect though, especially if bought on the black market during strikes which happens every now and then because of delivery boycotts.

Any vehicle standing next to the road with an oil can on its roof is for sale. They do not have (mostly) neat purposely build second hand dealerships but vehicles standing next to the road in the veldt. There you may find a Rolls Royce full of dust in the sun. You will find hundreds of Series 2 & 3 Land Rovers there – all ex-military and still working. Most have no paint left and are down to the aluminium body work.

Fuel stations are not what we are used to – there is normally no usable toilet and only a few accept petrol cards so cash or a company credit arrangement is the norm. They have no idea about tire pressure and the tires get fixed next to the road. We strongly recommend each vehicle to have a good quality tire pressure gage and training in the use of it for your driver. You are not allowed to smoke or use your mobile close to the pumps. The pumps may be serviced in the favour of the owner – over reading – we once put in 100 litres into a 70 litre drum and almost caused a riot by complaining.

Note that since the toilets are not available and you are stuck in traffic it is a good idea to attend to nature before you leave anywhere. And to take your own toilet paper with you because there will be none. It is not uncommon for Expats to have accidents in the vehicle. In an emergency the decent Hotels, Protea Group, Southern Sun and Hilton have toilets which are clean. Getting there in time is the problem.

Many of the vehicles have no lights and very little mechanical maintenance so be careful of driving at night. Dimming of headlights is almost unknown there. Each vehicle should have a recovery rope for

it used to be possible to drive next to the sea to work on the beach. Of course every Nigerian with a Land Cruiser has the same idea and it is quite possible to get stuck in the sand. In fact many do and then you need to assist if possible. Driving in the heat of the day makes the sand worse and the driver would not know about lowering the tire pressure either. So it is an adventure. We normally enjoy driving on the beach when it rains for the sand is much firmer. Of course then you have to cross deep gullies full of water.

You will normally not be expected to drive but if you do be careful and make sure that your insurance is up to date. Your SA license is not accepted there so you need an IDP or Nigerian License. Remember your IDP and SA License work together. The roads are not too bad for Africa meaning the High Way is well kept. Having said this the traffic makes it impossible to drive too fast anyway. As a rule though your driver should not go more than 80km per hour anyway for he is not used to higher speeds.

They have potholes in secondary roads which will swallow a Land Cruiser. Always wear your seatbelt. No Nigerian will drive through water (on the road) after rains for you just don't know how deep the potholes are underneath the water. I have seen Okadas disappear in pot holes. None of the four-wheel drive vehicles have aftermarket goodies like OME suspension etc and they work just fine. You have to admire the engineers who designed them.

They have millions (and I mean millions) of 125cc motorbikes known as Okadas which are everywhere except Abuja where they are banned. These Okadas often have three or four people on it. I saw a fridge on one once and very few helmets are worn. Thus when they are in an accident people die. It is not common but it does happen that you drive passed an accident and are exposed to corpses. We will deal with this aspect under Security.

Though it is for your FD to decide we recommend leasing vehicles as the maintenance is crazy high and difficult. We once waited weeks for our local dealer to service our fleet because they had no oil. Vehicles do not have garages to live in – they normally parked under a shelter or outside in the rain and weather. You really have to admire them for never overheating or breaking down.

CHAPTER 5

Security

This is a basic discussion for it really is a subject on its own and you should read "How to survive as a Hostage in Africa" also. You need to be aware of your surroundings all the time. You need to inform your colleagues of your movements. You need to implement security training and briefings. You need to practise security issues. Be careful who you trust.

Kidnapping & Hostage Taking

Kidnappings do take place now and then and it is known that a few hostages died recently during rescue attempts. This makes it even more important to attend a good Hostage Survival Course which may save your life. JKLS Africa has one available on request or you can download it for free at the same website where you found this one.

It is unusual for South Africans to get kidnapped as we are considered to be fellow Africans and they know we are relatively poor and unable to pay ransoms. They will know where you come from by your accent and inside information. No one is kidnapped randomly – there is always inside information involved but anyone who is someone is at risk. Americans and UK citizens are more lucrative targets and their companies' pays more often. But the chances are good that their Special Forces Operators will interfere (rescue) which makes them a risky enterprise to kidnap. They are also the best protected. So the kidnapers may turn on SA citizens in the future.

Normally Expats get kidnapped for money. Also known as Italian or Mob style kidnapping. Note this may be different in the North (see terrorism below). We were involved in the release of a Super Sport employee in 2010 and a substantial amount was paid for him. Luckily that has not started a precedent. Whether your company pay for your release or not is a Board decision which no Board should be asked to make. You should have procedures in place for such an emergency for it is only a matter of time. Our advice is not to pay for it will cause a precedent and place even more employees at risk. On the other hand a life is always worth more than money. Whatever your Board decide the professionals should be involved from the beginning to do the negotiations. There is insurance available for this kind of crime.

Once kidnapped you should try to stay alive and to do so is to work with the kidnapers until rescued or released. Try to integrate yourself with them but beware of the Stockholm Syndrome. Also take things one hour at a time and do not lose hope for most Nigerian kidnappings ends well. Once seated stay there if not moved. Make that your spot for a rescue attempt seldom are the result

of immediate action – normally the rescuers will have all the intelligence they need before they struck. Part of that intelligence is where you are sitting and sleeping. Trying to escape or not depends on the situation. Remember you will stand out in a crowd and may be recaptured. And the officials are normally also involved or paid off.

The best advice is not to get kidnapped. Research shows most kidnapping happens late at night. Normally the expat would come from a bar on the way home or be with a woman he picked up somewhere. No one is denying your right to party but be careful. The kidnapping will be violent and designed to frighten you into submission. So will be any rescue attempt, during and after. In Port Harcourt Area as well as in the North you should take much more serious precautions like professional guards and bullet proof vehicles. Note most big security companies have a Protocol and VIP service which you can use to protect you. Most kidnappings, in SA anyway, take place at the airport.

Nigerian Police rents their men out as armed guards as no one else is allowed a fire arm. How useful they are is open for discussion. We found them badly trained, worse led and with three or five rounds in their magazines. But with some training they become better and it is a matter of risk reduction. I have heard of attacks on armed CIT vehicles where more than 3000 shots were fired and it took the Nigerian Police many hours to respond. In Port Harcourt region (South) attacks on convoys is not unheard off.

Armed Robbery

It is more likely that you will be swindled out of your money than suffer an armed robbery but it happens. Sometimes the robbers will come from the sea in boats and attack the house where you live. They always want money because many Nigerians keeps cash at their houses and will become very violent if not satisfied. This risk is more to Nigerians than Expats.

Sea Piracy

Nigeria have serious piracy (against ships) problems. It is being dealt with on a minor scale but security wise it will explode soon. There are unconfirmed reports on attacks against oil rigs in the past.

Terrorism

Car bombs have exploded in Abuja and Lagos. In the North the Muslims are fighting for an independent Northern Nigeria and is killing Christians & attacking churches. Obviously the Christians

then retaliate. This is classic terrorism with the purpose of overthrowing the democratic government.

In the South the locals have a running battle with the Oil companies – that is where Biafra used to be and pipelines are blown up now and then. This is not classic terrorism but more economic extortion from the Oil Companies. Unless you work North or South you should not have a problem. If you do your company security people will look after you. We strongly advise you to attend our anti-terrorism course if you work in those areas.

There are companies who specialise in risk reports / analysts from which you can buy a weekly prediction which is part of Risk Management. Always consult the professionals.

Rape or complaints of rape

Mostly this complaint is made to blackmail money out of you. Don't get compromised is our advice. For instance we assisted a fellow who answered his hotel door wearing only his shorts. The maid saw his tattoo on his shoulder and laid a charge of rape against him and being able to describe the tattoo convinced the police to arrest him. The surveillance videos saved him since she never entered his room. So be careful for it took us two days to get him out of jail.

Harassment

It is very likely that you will be stopped in roadblocks by the Nigerian Police (they wear green trousers and black shirts) and asks for money. They would normally let you go in peace if you refuse. We advise to switch the interior light on at night and let your driver talk to them. Do not crash through a roadblock for that may end up in them shooting at you. You hardly ever see the Nigerian Army except in the South (Port Harcourt) or the North. They are highly disciplined and not about bribes. But treat them with respect for they are trained to kill. There may be American soldiers with them acting as advisors.

A wave of assaults from the tax office (and related agencies) is taking place every December. The tax collectors work on commission and they unquestionably target Expats and International Companies. Sometimes the MD and FD get arrested or interrogated. Or their passports confiscated. It is mostly about money but then you need to be compliant. It is unfair not to pay taxes correctly. Once again, compliance.

Then everywhere you go and the locals realize you are an Expat they will try to hassle money out of you. These people are mostly not dangerous but may run away with your goods instead of carrying it to the vehicle. A lot of young Nigerian men are without a job and they form vigilante groups called

“area boys”. If you drive through their area they may attack you and demand money. They may also erect barriers to the same purpose. Or they dig holes in the sand to get your vehicle stuck and then demand a fee to get it unstuck. It is not unknown that refusal can lead to a beating but they hardly ever commit murder.

Drugs & Alcohol abuse

Drugs use is illegal in most countries and if caught you will have serious problems. Our advice is stay away from drugs. All Oil & Gas companies have very strict testing policies regarding drugs so you may lose your job too. Alcohol may be used but being drunk and disorderly is a crime. We see that quite often in the airports where Expats starts to misbehave before their flight arrive. Making a nuisance of yourself on any flight will lead to serious consequences once you landed. Be safe and don't be stupid.

Road Accidents

You are bound to be in a car accident some stage because of the macho way everyone drives. Mostly it is not serious and the insurance takes care of the physical damages. Do not get involved in any arguments and let your driver do the talking. Do not pay bribes or try to sort it out financially, let the insurance do that. If your driver gets arrested call another vehicle to fetch you – it is normally just a way to make you offer compensation. They will release him when you do the above. If in a serious accident your HR should know what to do and have a plan to do so. That is why your driver reports to a central control room all the time on where you are and where you should be.

It may happen that you pass dead people lying in the road after an accident – do not stop nor get involved for you may then end up paying for the funeral which is expensive. As with most African countries, a fresh branch lying in the road means there is an accident up front. Slow down and lock your doors if not locked already (should always be anyway).

Pictures / Photographs of you

There are two schools of thought regarding the taking of pictures of yourself for it may be abused by unscrupulous persons to establish a fake reference without your knowledge. We all know about the Nigerian 419 scams. That is also why you sign at the back of your business card.

When you are outside SA you receive many SA 419s regarding President Krugers' lost Kruger Rands etc so it is not only Nigerians trying their luck. Delete as spam.

It all depends on circumstances and it will be childish to refuse a picture with a colleague. On another matter you should never take pictures of anyone without his permission. Especially not of anything military or political.

Soldier of Fortune Syndrome

Sometimes the Expat overdramatize the danger to his family to win sympathy for some reason. It causes great stress for the family who may then approach the Expats HR Director for assistance and he starts procedures which end up at the MD to make a decision. Even worse is where a hoax kidnapping or incident is reported and acted upon. This is seen as a crime by most countries and may lead to your dismissal. An example is false reporting of a high jacking. It happens. Please refrain from such behaviour.

IT

Make sure you use legal software and have evidence on hand. Note the electricity problems in Nigeria for your server room. Ensure you can continue with operations after a tax raid. We seriously advise the use of encryption in emails. Ensure your website is as it should be. Ensure that your server rooms are adequately cooled down.

Evacuation

You must have an evacuation plan for emergency use. Liaise with your security officers and Embassy in this regard. Practise the plan once a month and make sure it is updated all the time. New employees must be briefed on arrival what to do. Know where your passport is at all times for you will need it during any evacuation.

End

About the author:

K is a legal & risk management professional with more than 20 years' legal experience in South & West African jurisdictions. He obtained his B Juris & LLB in 1997 from the University of the Orange Free State (Bloemfontein, South Africa) and was an admitted attorney in the High Court of South Africa between 1998 and 2006 after which he worked as legal advisor & risk manager for various companies in South Africa and Nigeria. Before that he was a member of the South African Police for six years and obtained a three year National Diploma in Police Management in 1990 at the

Technicon RSA (Johannesburg, South Africa). K was awarded the SA Police Medal for Combating Terrorism twice during his service years besides lesser awards.

K is the founder of JKLS Africa, an exclusive legal consultancy specialising in legal risk reduction in African jurisdictions based in South Africa and a frequent speaker on legal forensics on Voice of America. His favourite pastime is Military History and particularly the American Civil War which he finds much less boring than law.

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Extract from K's eBook" Mean Streets - Life in the Apartheid Police"

"Later on we were issued with smaller spray type canisters which we called super doom or something after an insect spray. You may be sure we used that whenever needed or nor sometimes. We had no Tasers which I suspect is a good thing for I am sure we would have shot each other with it just for fun and to make sure it worked. Then that fellow would take revenge etc. The new SAPS replaced their teargas canisters with pepper spray and I wonder what the difference is. Perhaps a long haired liberal can tell us for in law it is the same thing used under the same conditions.

There was a rumour that a person on drugs is not affected by teargas and would be able to attack you after being sprayed. I just don't know about this as I heard it many times but from my own experience I don't think the man able to ignore teargas in his face is born yet. Besides drug addicts are weaklings and have very little physical strength. Cannot see why the need arose to spray them for they are easy to arrest.

They are also the most manipulative people in the world and you had to be very careful with female suspects who would offer anything for drugs. It is really very sad and all drug dealers deserve the death penalty. It is not a victimless crime as some long haired liberals seems to think.

A colonel once said to me that you know a drug addict lies when he opens his mouth. That is how cynical we became but then we had reason to be and I believe that. I have no feelings of sympathy for a drug addict. He chose that route and deliberately keeps on that course expecting everyone to

feel sorry for his feebleness in life. I do however feel for the parents or relatives who suffer more than the addict who is in his own happy world.

Listen to me, if you read here and use drugs be aware you are on the way to death and will not last long on the mean streets. If you don't believe me go on the internet and find a pamphlet called "my name is crack". Read it and wake up before it is too late. If not, get a helmet and wait for the Police to pick up your carcass one day. I have seen many a good woman wrecked because her boyfriend / man are involved in drugs. My advice is what you do not want to hear. Get out and get away right now. I get it that a woman stands by her man etc. Not here though. He isn't cool or whatever term young people use these days. The only test of true love is for both parties to never do anything which will hurt the other party. A drug addict is the most selfish person alive. He will always hurt you.

The only answer is to legalise drug use but that will never happen. It will be effective though and is worth a try. Who cares if a few overdose?"

On woman abuse

"Superficially everything was very orderly in South Africa and unless you had the bad luck to be in the middle of a protest march the average man on the street had no real information of the scope of the uprising. For most the war was far away in the townships or the Border areas or something mentioned briefly in the news. Some may be a bit disturbed to see the Police chasing students around but it was not a big deal for white South Africans.

It was a big deal to us though for we were the ones called whenever something happened. I did not relish riot duty for I felt uncomfortable with the idea of suppressing people who may not be communists and long haired liberals. As I said somewhere if I was not born white I would have been a terrorist myself so I was not insensitive. Likewise the idea of helping big business when they lost control of their staff through their long haired liberal ways and now begging the despised Police to protect them was a sour pill to swallow. Their staff problems should not be a Police problem as it will only lead to workers being killed by the Police. And who do you think would then be blamed? The board of directors? Yeah tell me another one mate. I am a director myself these days. I know the system.

That same directors living in their palaces would call us and request that we come through the rear entrance as they did not want the neighbours to see us at their property. That made us stop in the front and leave the blue light on to attract attention. Most of the family violence I experienced was

with rich people. You would be surprised what happens behind the big gates and how much abuse a woman will take for money.

Many times I pleaded with the victims to lay a criminal charge against their husbands but they all refused quoting all sorts of reasons but it comes down to financial security and fearing for their children. Then I gathered I could lay a charge myself but without her testimony the court had to believe she walked into a cupboard. Or fell down the stairs. Or whatever nonsense her husbands' long haired lawyers thought off. It is so terribly sad that people who loved each other once can do that. Surely the first principle of love is never to do anything which will hurt or harm the other? Someone who hurts you cannot love you. It is that simple. Anything else you say is crap.

One day I got revenge when the husband slapped his wife in front of me and I could and did arrest him for committing a crime in front of me. Nothing much happened to him in court but I heard a rumour he was sorted out in the cells by a tough criminal who disliked wife-beaters and needed a pack of cigarettes. Yeah well. Hope he learned something.

It's a tough world out there and for once I am not saying get a helmet. Really, it is not easy and life is not fair. It is the one lesson we learned on the mean streets. In the worst cases we invited the drunken husband to the street and when he walked out arrested him for being drunk in public since he had the legal right to be drunk in his own house. Typically he resisted a bit which is exactly what we wanted to have a fatherly talk for which he did not thank us. It is difficult to explain to the court how a drunken man could attack you so we had to be careful in our fatherly talks but we knew what to do. We had so much experience in that kind of thing. A rolled up newspaper leaves no marks if you are interested in this type of thing. Just remember to remove spectacles which can break or cut the skin.

Listen to me. If your husband or boyfriend abuses you please wake-up and make an end to that relationship for he will not change and no, he is not sick. That is a long haired liberal excuse and crap. The courts and Police can and will assist you. He will not get the children. He will not threaten you and he will pay in money if has money to pay.

You have rights but you must decide to use them. We cannot help you if you don't allow us to do so. By law we can only force you to testify if a child is involved. Or treason but that is something else. So we need your testimony.

Many times we escorted women to fetch their belongings from the ex-husbands and very sad that was too. But we did and they had no fear of being attacked for we were in the mood for fatherly talks. Policemen protect the vulnerable when not abused by Nationalists.

I know divorces are sad. Yes I get that too for I have way too much personal experience in that field. It really hurts but it is better than being abused by a husband. Divorce can also be a new beginning."

Extracts from K's free eBook "Your Worst Enemy"

Let us look at the different loans or debts you are exposed to by your worst enemy. All the fancy named financial packages are designed with only one purpose and that is to loan you as much money as possible so that they make as much money from you via the compounded interest as humanely possible.

It is just business as usual of course.

Personal loan

This is not an overdraft which is more permanent but a once off loan to buy something or pay something with. Your worst enemy may also advise you to consolidate all debt into one by offering you one big loan and then you pay off the smaller ones with this one. The interest rates will then be lower than a credit card and you have only one account to pay off. Not a bad idea but as with all such loans the interest is immediately added to you may borrow 20g to consolidate but repay 35g in the process and during the first year they make clean profit on you for you are paying interest only.

Interesting fact on this is that if you settle it the day after you signed for it you will pay the interest for the full term also.

Your bank is your worst enemy. How can you win? They add their (many) pounds of flesh on top from the beginning. You always lose in the end.

Overdraft on your cheque account

I fail to see why cheque accounts still exists in today's electronic age and for Mr Average Joe this is designed to keep you in subjection for it is permanent and always increase as a "reward" for being such a good client. The "reward" places you deeper in debt and gives your worst enemy even more interest.

Such rewards are most unwelcome from our viewpoint and any reward from your worst enemy must be treated like the Trojan horse of old if not the virus. Your worst enemy knows, unless he wants to claim being stupid which I will accept, that once the limit is increased the money will be spend.

Yes naturally not their fault now. You had the choice not to spend it.

Where is my water basin I ask? This is a deplorable abuse of human nature for usually that increase happens just before Christmas "to assist through the festive season".

Since it is permanently available it means you are paying interest all the time and your worst enemy charges high interest on overdrafts though usually below credit cards. As your salary comes in the overdraft is reduced for a day or two. But then you need to live and voila, it grows again and so it continues until one day you cannot afford it anymore and you realised you are the slave of your worst enemy and start to take financial responsibility by reducing it.

Or they realise you are going down and they hasten your journey to become something akin to satan by pulling it without warning. Thus you may end up having your whole salary grabbed and without the overdraft have no money to survive that month or pay for lawyers to push back.

This is a classic example of your worst enemy acting legally (they have the right to recover the money) but without any form of human decency. Just business as usual you know. It is not personal at all and if you cannot get to work because of a lack of gas or you cannot pay your rent and is thrown on the street etc it is your fault entirely and your problem. Get a helmet for it is just business as usual.

Happen all the time and you won't even see crocodile tears from them. You are not an honoured client anymore but something akin to satan. The humiliation and hounding process started.

About every business in existence have an overdraft and it is all dependable on turnover and collateral or security as it is also known as. We will discuss collateral a bit further on. As said somewhere an overdraft may be very useful for it shows the business is running in the red which reduces taxes. Also it gives much needed extra cash when needed to expand or in an emergency. This is of course if you are not silly enough to use it as operating capital as the bank pray you do for then they have your business in the same evil circle as described in the prior paragraph. You stay in their clutches for you cannot now survive your cash flow without it. Yes, they have you in chains.

On saving taxes with your business running in the red all the time, just remember, one day when you try to sell that business it may not look on paper as profitable as you want it to look to get your price. Once again it is a home goal besides the problems you may have from Uncle Sam.

All the most profitable companies in the world like Apple and even RIM (Blackberry) keeps huge cash reserves which mean your worst enemy owes them money. That is where you want to be for that

change the relationship dramatically though it is still based on sincere mutual distrust. Then you only worry when (not if) they go down for mismanagement.

I know that you probably need the overdraft to survive or that is what you believe but it is simply not true and place your company in imminent danger. Reduce it and keep on reducing even if your worst enemy increases the limits. And remember who you pay first.

The instant that you have an overdraft it can be pulled in by your worst enemy meaning they can cancel the contract with you and demand immediate repayment. This exposes you to their whims and business knowledge which we know is less than perfect if not rather pathetic.

You can expect no loyalty on a relationship build on sincere mutual distrust and the bad news is that they can pull your overdraft legally. They reserve that legal right and the worst news is they will do so at the most perplexing time possible. Just when you need them to stand by you is when they show their true colours.

I saw this many times in my legal career and it gives them the immediate satisfaction of having you reduced to begging to re-instate it to pay salaries or whatever to trade your way out of trouble. This is even before the legal process starts to recover the outstanding amounts from you which mean you now stand to lose your collateral also.

Nor did your budget and forward planning allow for it so you take double hits. Firstly your reserves is now gone because you cannot access the overdraft and secondly your cash flow is now used to pay them off for they are threatening you with all sorts of legal action. Remember you are not an honoured client anymore but something akin to satan to be hounded and humiliated. They make it almost impossible to trade and then wash their hands because they are just doing their job!

Where is my water basin I ask?

You will be very lucky to survive such unilateral action. I saw tough men cry and give up under such pressure. I saw workers cry and curse bankers as they are paid off because of it and the owners committed suicide. There is always a ripple effect when this happens. The ripple effect goes to people, human beings and their families. It is simply indecent behaviour even if legal.

Is it ever necessary to do this? Yes I suppose so but mostly no. It comes down to bad management decisions and bad financial control on your worst enemy part and is always a lose-lose situation.

A better way would have been to reduce the overdraft over time and reduce the exposure and still make money from your so called honoured client who is not yet something akin to satan to be

humiliated and hounded. Or, and here is an idea, perhaps your worst enemy should not have exposed itself that much in the first place with good financial controls and got better collateral. But now they did expose themselves and what do you think the arrogant ones then do? They panic and try to recover all at once. Typically with disastrous consequences for everyone involved. It comes down to a lack of you know what of steel on their part. Where they could have had a client for life they now have an enemy for life.

It is just business as usual.

Most of my clients dislike your worst enemy on principle and have a saying that you need to owe so much money that your worst enemy has to be nice to you. I agree. Either that or nothing at all is the best. We already saw that it is the middle class folk who are most abused.

Living debt free is the one thing which your worst enemy hate most. As we know they make their money on the compounded interest they get of your loans. There is really no difference between the shady loan shark on the corner and a bank except that one is more honest and you make the decision which one. With one you know from the beginning what you deal with. With the other you find out the hard way.

Credit card

Credit cards are the old favourite of your worst enemy though it started originally much more innocently when a group of businessmen needed a way to settle their food bills and created a diner card to do so between themselves.

Your worst enemy then created the myth that cash is not king. Nope, all must be on credit for it is simple and safe. They also created the myth that it is a status symbol to have platinum or whatever card. The clients receive special treatment and magazines which he pays for and guess what else? Yes, more credit to pay the interest on. It is really a bullsh-t game.

The value of credit cards when travelling is not to be denied. They do offer good incentives which you should use when it suites you do so. Furthermore no-one will deny that carrying cash is unsafe and unhygienic for cash is frequently dirtier than your toilet seat. We always advise clients to wash their hands thoroughly after working with cash.

Still, we don't like the debt which credit cards create and rather awkwardly for your worst enemy we have the answer which they kindly (for once) provided. Debit card and electronic transfer.

I really cannot see why a credit card is needed in this day and age (unless traveling) though as said somewhere I was very impressed with my first credit card. I felt I arrived but with the years and grey hair I changed my views. Swaying your Date with your credit card is a home goal which we call the "broken wing syndrome" and you can read about in "Tricks of Trade - Memories of a Rogue Lawyer". It deals with the preposterous idea of an older wealthier man being targeted by a green card seeker. As if such a thing is possible in real life! I keep on saying to my clients that it is rather unnatural for a pretty young girl to love someone as ugly and old as you. I am just joking. I believe in love.

Legally a credit card is just a permanent loan linked to a certain colour of plastic with exceptionally high interest on it. At one stage 28% was common. The interest is added as you use it and next time you have a bonus try to leave it on your credit card. I bet you that your bank will move it out to a lower interest bearing account as soon as possible and without your permission. They will say they were only trying to help you invest it or whatever other cr-p they can think of. But we know the real reason is they just don't want to pay too much interest to you for that comes of the bottom line. Their system works the other way around. You pay abusive interest to them and be quiet about it or take a hike.

Yes, business as usual.

Let us see how your worst enemy create even more debt for you with the old credit card. First you have your credit line which is why sometimes, when you buy larger items, the cashier asks you if it should go straight or not. What she means is do you have enough money available on the card to pay for it without creating extra debt called revolving credit or budget!

Now revolving credit is where you loan up to three times (depending on your credit worthiness) the available limit of your normal credit card amount and is automatically (mostly) available. You decide to pay it off at 6 or 12 months or whatever. It is rather nice and once you use it your debt exposure increases dramatically. Guess who is making the high compounded interest out of you?

The more you spend the more your worst enemy rewards you with incentives and an increase of your limit. All this is done "automatically by the computer" for bankers as we know are not able to make human decisions. The "computer" runs their lives for them and they are only needed to get the signatures and give the fake smiles to you.

It is very doubtful if such practises are legal under the consumer protection act.

Cut your credit cards in six pieces and get your freedom again.

House loan (Bonds or Mortgage)

Probably because of the amounts involved and mostly because the law demands it all loans to buy fixed property is called a bond (mortgage in American) and reduced to paper. This where the lawyers called conveyancers make good money for it is registered against your title deed. What makes it different from a personal loan is that there is always collateral in the form of the house and secondly the interest is calculated not all in advance as with a personal loan but monthly or even daily. The reason for this is simple. If you know how much that loan costs you in real terms you will never sign it. Besides that it makes the collateral useless for it is many times what the house is worth.

An accountant, clever people, told me once that you pay nothing but interest for the first seven years meaning that the original capital amount you borrowed did not come down one dollar. Or in our simplified language seven years of clean profit to your worst enemy. You should feel like a slave for you are treated like one behind the fake smiles.

The same accountant told me to pay 10% extra every month on the bond and the bond will be repaid 8 years sooner than what your worst enemy expected. Or in our language 8 years less interest for them over a 20 year period. Bet they don't tell you that when you sign and you reduce their profits with almost 40%. Why else would they then build in penalties in their one-sided fair contracts to prevent you from paying of sooner? Yes, probably because the computer told them to so! I will believe that. Their problem these days are that the consumer protection act prohibits penalties for paying sooner.

Legally all such contracts place them first in the line for any proceeds on the sale of your house and I have no problem with that. As said debts must be paid and it is only fair.

You also have to keep in mind that the longer the loan lasts the more you will pay even if the monthly instalment looks less to you. Many times your worst enemy will advise you to increase the repayment from 20 years to 30 years and thus reduce the instalment giving you more cash flow.

Yes it will increase your cash flow for a while and then the interest rate goes up and it is wiped out. They also fail to point out you are now paying 30% more than what you would have. It is exceedingly one sided advice as is only to be expected where a relationship is built on a sincere lack of mutual trust.

Extracts from K's free book "The Circle of Life"

It is rather nice to ask your better half for her hand in marriage and is known as being engaged or betrothal if she agrees. Should she refuse it is known collectively as the great escape or the day you

embarrassed yourself (joke). Seriously, you cannot claim any compensation because a woman refused to marry you. And whilst you may plan the big question to the last detail the law is not as bothered with it as much as you may expect. In law it is simply an understanding between two people to get married in the future and live as man and wife in the fullest sense of the word together under one roof facing life as one.

You don't need her parents' permission unless she is a minor and if I may say so you better not ask me unless you want see if you can outrun my shotgun pellets. Wait until she is of age and able to make her own decisions. If you then ask the parents you do so out of respect only and not because the law tells you to do so. Discuss this with your fiancée to be for I find many modern women do not take kindly to the idea of being given away as an item.

There is nothing to say you need to be on your knees or have a ring ready. That is just a custom but it may be cheaper to buy the ring yourself rather than let her choose it (joking). Nothing in law says you as the man must buy the ring anyway. She can also if you happen to be broke.

The engagement does not need to be in writing though it sometimes is and known as an engagement letter. Not very original that is. Some have an engagement agreement which is a full contract but note an engagement contract is not the same as an antenuptial agreement which we will deal with later. It only states that the parties wish to marry in the future and deal with property issues. It cannot be enforced which is why it is seldom used and you cannot have penalty clauses in this type of contract like for instance stating if you don't marry me by next week Wednesday you pay me 100 dollars a day penalty.

That would be against the morals of the public at large. All in all such a contract is rather useless.

Keep in mind that when I say man I also mean woman and these days same sex marriages are allowed in many parts of the world including South Africa but not under the Marriage Act. That is done under the Civil Union Act as the Marriage Act does not recognise a marriage as anything else between man and woman.

Consequently with the Civil Union Act gays and lesbians can also be legally married. Not all consider homosexuals to be animals as one African dictator put it so inelegantly recently. For myself I believe in marriage between man and woman only but I do not discriminate or judge. Their problems in life should be between them and God and I suspect my opinion is of no relevance. Whatever their sexual orientation they stay humans and quite nice people also. Don't mix religion with law. It is wrong to treat some different than others without good reason.

I read that during colonial times in North America betrothal was seen as a trial marriage which would or could if you wish only go forward to marriage if a child is conceived. Honestly I am not sure about the reason for this attitude and not at all what I expected from a country as puritanical as America. It is not my idea of American public morals which I learned by reading Westerns up to the age of nine and then switched to history proper. I think that even in today's enlightened society, this would be frowned upon.

I suspect in some countries deflowering a virgin in a trial marriage may be a crime if not a delict. Most certainly, in recent years, we had a case where a fellow married a virgin whilst knowing he is still married to another woman and he was hammered in both the civil and criminal courts. The law does not take kindly to such behaviour as it is presumed in law that a woman's virginity is a serious matter (as it is and should be) for once broken it stays broken even if physically repaired.

It is also well-known in law that a woman with children is a lesser "catch" than one who is a virgin but I expect that this will be challenged under the equality laws. The amounts given as compensation differ drastically between the two when it comes to seduction awards.

Not sure it should be on the law books anymore.

The legal consequences of being engaged

The effect of being engaged is to marry at some stage in the future with the person you are engaged to. Besides that there is not any other legal effect which binds you to celibacy or anything in that nature. In law all woman not married is presumed to live a celibate life anyway. Since this comes from the Romans with their well published orgies I find it ironic. Note please that being engaged does not take away a woman's right of refusal to have sex. You have no automatic right to act like a beast.

Nor do you share your estate yet and you have no special rights to his. If he dies without you in his will you will inherit nothing. Thus I always recommend changing your will and policies the moment that you become engaged.

The problems arise when you break that promise to marriage without good reason. At least you cannot be forced in law to marry anyway which was the way it was up to 1838 in England. As you can imagine that led to a lot of abuse!

The legal formalities to become engaged

It is important to note that you must be sane to become engaged. Many points out that this is indeed a contradiction of terms but let us not be nasty. I believe in marriage and love and so should you. Being with your soul mate is the ultimate high and best of all, free and forever and two weeks.

Obviously someone who is drunk or in a coma cannot enter into a legal contract. Nor can someone who is feeble-minded for obvious and fair reasons. Also persons within the prohibited degrees of relationship may not marry each other which are blood family in simple terms like brother and sister or father and daughter. As a general rule we prohibit the direct line of ascendants to marry each other and thus they cannot be engaged either.

Being of the right age is dealt with more under marriage where it differs from country to country but most are fixed at about 15 years of age for the female. In South Africa, if you are less than 15 years old and female or 18 years and male you will need the consent of the Minister of Home Affairs to marry AND your parents. In fact, under 18 (the maturity age) means your parents must always agree and if they refuse you may approach the High Court who acts as the father of all minors for permission.

I assure you though that our courts are conservative and unless you can prove that it is in your best interests or your parents unreasonable (read very unreasonable) this will not be given willy nilly. In case you carry on regardless the marriage may be dissolved afterwards but we will speak about that under divorce later on.

So what happens when a minor promises to marry when she is of age to do so and when she comes of age she refuses? In law all promises to marry made by minors are voidable at the option of the minor meaning she can decide if she wants to go forward with the marriage or not. Weirdly enough a minor may sue on such a promise but may not be sued. She may even make a new promise to someone else and that is the way it will be.

Being pregnant is no reason in law or otherwise to get married but it was not always like this and in some cultures that would be enough reason for a marriage. It was a practical problem for under Roman law an illegitimate child could not inherit nor be entitled to his father's name. This meant wars in the old days as the kings' illegitimate offspring decided to take fight for their inheritance as happened often in history causing civil wars and worse. These people were called "bastards" and at one stage were seen as that even if the parents married afterwards. Under equality of the law I am glad to say this is something of the past in most countries. Unfortunately the child and his mom may still be treated like something akin to satan by the community.

We tend to throw stones quite quickly and it is very wrong.

You simply cannot in law be engaged to more than one woman at the same time or whilst you are already married. This will be in all countries which do not support bigamous relationships. In effect the second marriage or engagement is void under law but then the universal law of partnership comes in and we will look at that in some detail. It is the same as where you live together. It has far reaching effects on your estate and is known as the common law wife principle.

Why it is so important to understand what is meant with an engagement to be married?

Let me explain that getting engaged to marry is a contract in law but oddly enough it cannot be enforced if one party wants to walk away from it. Being forced to marry against your will would be against the good morals of the nation. It can never be. Thus some law professors refer to it as "semi-binding". To marry legally both parties must be willing and able. There is nothing wrong with such a system and an example how neutral the law is.

As said there is no prescribed way in law in how to ask a woman to marry you but for long haired liberals it may involve two weeks of nonstop begging. Candle light dinners and being on your knees also help I suppose and through the ages many traditions arose around betrothal which are not in the law books as such meaning it is not required in law to fulfil before the legal effects of an engagement comes into being.

Let me explain.

A ring may be given to the woman (usually is) who wears it on her left hand fourth finger which is seen as the reserve for a wedding ring. It does not matter if it is gold or silver or even rope but the intention does. In law, if a woman accepts a ring and wear it in public on her left hand fourth finger it is very strong evidence that she agreed to be married in the future to the person who gave her the ring. If she then refuses the fiancé may claim damages from her and usually she must return the ring and that is called breach of promise or just breach. Nor does the law care if the ring has diamonds or emeralds in it. As you can see it has only evidential value on what the parties decided on.

Fascinatingly, that specific ring finger is used because our Roman forefathers believed it contained the "vein of love" which goes straight to a womans heart. Before them the ancient Egyptian physicians believed that the same finger has a nerve to her heart. And apparently our Western way of exchanging rings started in again in 1477 when Maximilian the First gave Mary of Burgundy a diamond ring symbolising their relationship. She died at the age of 25 when she fell of her horse or the horse on her. It is tragic but I understand he married again quite soon after that.

The left hand ring finger is not the tradition in continental Europe where the right hand is seen as the place for the ring. I suppose all arteries go to the heart anyway if you want to be unromantic. I could not find anything on what happens when the woman does not have a ring finger because of accident or defect.

In other countries (Argentine apparently) a serious relationship is celebrated with a silver ring, then a gold one at the engagement and finally a diamond ring at the actual wedding.

In Nordic countries I understand that both men and women wear an engagement ring and in Brazil they switch from right hand to left hand at the wedding. Some have a separate engagement ring and wedding ring later but really it is all symbolic. None of this is of interest for the law. It is only interested in what the intention of the parties was.

That is the question and bottom-line is that you don't even need a ring to be engaged to marry. When you ask and she agrees and the two of you are legally able to marry then you are engaged. It does not give you any real rights though as with marital rights which we will look at later. For instance a medical man would be quite within his rights to refuse to discuss any medical condition relating to your fiancé to you. If I may be brutally frank, you are not family yet.

I could not find anything in law stating that a woman is not allowed to ask a man to marry her and it can happen anytime. Not only on 29 February as is tradition in our part of the world. My research also tells me that refusal from the man meant he had to buy her twelve pairs of gloves to hide her empty (of a ring) finger or a new dress. She may choose.

She cannot sue you for refusing to marry her but we did have a thought-provoking case in Apartheid South Africa where a black man proposed to a white woman. The law in those days was not neutral and it was a crime for different race groups to have intercourse or to marry. In truth it was impossible under law to do such things. He was arrested for crimen injuria I think (criminal defamation) but I believe he was found innocent.

You must understand the Apartheid laws were not based on anything but farming principles and the Bible. You can read about it in my book "Mean Streets - Life in the Apartheid Police". The argument was that the animals on a farm don't mix with each other so why should humans? There is no way in this world that that system can be defended. It was a crime against humanity and an example of what happens when an artificial imbalance is created.

If you lose your ring it does not mean you stop being engaged. You can only legally stop being engaged if you break the engagement or with death of one or both of the partners at the same time

which is called *commorientes* in law. We always presume the man, being bigger and stronger, took longer to die than the wife. With death the engagement stops automatically. You cannot marry a dead person because of the lack of consensus for one. Nor can you marry anything which is not human.

It is not possible to stop an engagement by doing nothing even though in our customary law the husband may refuse to eat his wife's food and that may be seen as divorce. The point is the law being neutral wants to make logical deductions on your behaviour. There must be no room for doubts on your intentions. You have to show what you mean in a practical way.

The same is true in reverse. If a woman takes her ring off and throws it at her fiancé it is very strong evidence that she does not wish to carry on with the engagement and the subsequent marriage. Clearly she may also just give it back or send it to him by mail or messenger. No need for unpleasantness.

Returning gifts is also strong evidence that the marriage is off. Not making any arrangements for the wedding may be indicative but note that there is no time limit on engagements before tying the knot so to speak. It may be a few hours or decades. The law simply does not prescribe a time but the dirty looks from your future mother in law may indicate that the time is near.

This was not always the case because under Roman law a widow could not legally be married within one year of her husband's death (did not need to be actually dead - if captured as a prisoner of war he was considered dead). This was to ensure that any children to be born be borne within that year so that no arguments could follow afterwards on whose children it were. This is not the case today. A widow can marry when she pleases though of course the community may frown on a hasty marriage the law does not prevent that at all. Clearly a widower could also marry whenever he could find a new wife.

As always with law no coercion is allowed. I remember a case in the 19th century where a woman was rescued by a sailor after being shipwrecked. Before he would allow her into his boat she had to agree to marry him which she did. This was not seen (correctly) as binding on her and he failed in his bid for damages when she told him afterwards to take a hike.

He probably went to Australia and it caused quite a scandal.

Legal effects of breach of promise

When an engagement is broken off without good reason the lawyers refers to it as breach of promise and the "guilty" party may be sued for damages by the "innocent" party under *delict*. It

used to be women suing men but these days you just don't know and it does not matter anyway. If the party is aggrieved she has rights and justice must be seen.

A good reason in law to break off an engagement would be insanity, intoxication, force, intimidation, mistake, fraud and misrepresentation and the discovery of impotence, sterility, alcoholism or serious criminality on the part of the other side. This is not a closed list but what courts accepted previously as a good reason or defense meaning if the sued party can show that the above was the reason why she broke the engagement she would almost always be the victor in court. All of the above is excellent defenses against breach.

The reverse is also true. Where a party commits breach of promise for any reason besides the above (and what the court thinks is good enough) he will pay dearly for his actions. Marriage is a serious thing in law and not to be taken lightly.

We briefly spoke of deflowering a virgin and where one party seduced the other (usually the female but not always) under promise of marriage, she can claim damages for seduction as well as for breach of promise. Obviously this will only be where a pattern emerges or the defendant (usually the man) bragged to his friends about his "victory" and never was serious about marriage and only used the engagement as a way to get her into bed. Bragging may cost you enough to learn how to act like a gentleman next time. Certain matters should stay private unless you are a little boy needing attention. They usually get spanked in public by their moms and really are nothing to be proud off.

It can even happen where a woman is married and her husband sues the new guy but obviously that is something else called adultery. It really should not be a crime or on the law books but it is and the sentences for it harsh in Muslim countries where flogging in public (100 lashes) and or stoning to death is the norm. Again this is what happens when religion and the law is mixed.

It must be understood also that you cannot be forced into a marriage just because you had a sexual relationship with someone. In law it is presumed that a married woman cannot be a virgin but note that there is absolutely no rule in law in this country to say that a marriage must be consummated before it becomes legal or that the wife must be a virgin when it is.

I know it is different in other countries and especially it was a big deal in Germanic Law. Reminds me of a joke we had many years ago that one particular wild girl was almost still a virgin as she only had the army and police on her. Yeah well, is not really funny. I admit. It sounds better in Afrikaans.

As with any private law case the action must be taken within three years or the claim will prescribe. Once prescribed there is nothing in law which can resurrect it.

It is the end of the road.

So what happens with the gifts between the parties?

Well, it can become quite complex but it is usually dealt with in three different categories.

The first is the so called tokens of earnestness from the giver. This will include the engagement ring and must be returned to him. If not he may sue successfully in most cases for the value or the ring. The reason is simple and found in the Roman law dictum of *cessante ratione legis cessat ipsa lex* which means when the reason for the law ceases, the law itself ceases. There is no more marriage thus no more ring. The best case to illustrate this point was where a child died and the mom still demanded the maintenance money for him even though he is now deceased. The court refused.

Obviously the parties may decide to keep the ring and it is always a good idea to settle this without the need of the court getting involved. As I always say in my books you have a 50/50 chance of winning in court despite the cr-p your lawyer may be telling you. Once in court you either win or you lose and those odds are way too bad for me to take a bet on. I just don't know what will happen in court. The witness may have an off day or even your advocate. It is almost never a good idea not to settle. There are no guarantees in court but a lot in settlement because you control it.

Extracts from K's free eBook 'Tricks of Trade - Memories of a Rogue Lawyer'

I said in my book "Mean Streets – Life in the Apartheid Police" that it is never good advice to see a Lawyer for they are only good at taking your money and give long boring explanations on why you do not see tangible results for your case. Since I was an attorney myself for eight years I felt justified in making that comment and I realise it is fighting words. My object here is not to start endless scraps on the efficiency of attorneys for I heard of attorneys who obtained Justice for their clients. I am sure they exist somewhere and in fact I have two friends who are in that category

I am referring more to a flawed legal system which is perceived to be highly ineffective and not to individuals as such who are mostly honourable men. Ironically the law its self is neutral. Let me explain to you in practical terms how the system is bend and this is based on personal experience both as a prosecutor (DA Office) and as defense counsel in private practise. I also deal with this daily at my legal consultancy office.

Is justice obtainable in this day and age? Yes but the system can be bend and it is called the tricks of the trade which will look at now.

Justice is an obtainable reality and not a legal fiction as some says. I believe this statement and saw it many times fulfilled in the last 15 years. However, the legal community is not known for causing Justice in general despite the high sounding noises coming with tedious consistency from the different law societies. Even before I was kicked out I realised that the legal community had serious public relations issues and in fact I knew it before I even studied law for it is as old as the profession itself. It must be remembered I was in Law Enforcement for years before I became a lawyer and 25 years old in my first year at University. I saw a very different side of life and law than most and had no stars in my eyes even I had if a genuine desire to help people.

Many of my clients admitted to me that they see lawyers as money grabbing individual's hell bend to crooking them out of money. We only have to look at the lawyer jokes, sometimes said with much bitterness, to understand what the public at large thinks. It is a grim picture and do not make for pleasant reading.

This is sad for all lawyers are inherently decent men. The perception is wrong. All lawyers search for Justice in some way or another but the system became contaminated as we will see. As men they are conservative by nature and feel what worked well in the past will and must work well in the future meaning today. In law this is called the stare decisis principle where you are bound by the previous court decisions depending on the ranking of the court.

There is nothing wrong with this principle for it creates legal stability. Imagine if any individual Judge could deliver verdicts without being bound to what happened before him? It will create even more uncertainty as Law as a science is way too inexact to begin with. In fact there is nothing exact about Law for it all depends on the circumstances of the case. Every answer is different and may be correct in the right circumstances. Sometimes it is very frustrating and very difficult to make sense of.

Being unconventional though the stare decisis principle also reminds me of something Dr Goebbels said "we will win because we must win". That was in 1945 and being a bit of a history boffin you can take my word on it. My point being that the fact that a bench of judges agreed fifty years ago on something may not necessarily be correct today or in plain English "what was right then is right now" according to the principle.

We all know that cannot be and the law indeed acknowledges this. A legal principle can be turned around despite the stare decisis principle but that is very unusual and most certainly cost a lot of money to do so.

What is so special about law that no one can afford it? After all it is not rocket science.

I keep on saying no-one can afford a lawyer and that is an injustice in itself for it means unequal treatment. Why are lawyers so expensive? There is no real reason besides an imperfect system in my eyes if not greed in certain cases. I understand the principle of professional men and charging fees. I understand the many years of study to become a legal expert but still something is wrong.

Let me explain in a general way how lawyers (by which I include all professionals) work and I can hear them howling in outrage in the background for it is not all of them. Let me rather say the unscrupulous ones and it happens a lot despite the frequent denials from the law society which no-one believes anymore. It also very hard to prove so you have to take my word for it as no-one will admit to such behaviour for obvious reasons.

Padding

Any Law Office has different grades from partners (directors) to associates to professional assistants to secretaries. All must and want to be paid at the end of the month which is normal commercial business and not to be wondered at. Someone has to pay for the fancy offices and original portraits and genuine coffee. It is presumably not for free and that someone is you, the client.

The bigger the law office the more money is needed to survive. That is logical. All the lawyers regulate themselves with nice high sounding phrases to limit the fees allowed to charge but there is (always) a loop hole. In South Africa you have three different fee scales agreed to by all attorneys. The first two is limited to which court is applicable, that is the Higher Courts and Lower Courts and is limited to a specific rate which can be charged to your client. And then the loop hole to make more money. The so called "attorney and own client" scale which means charge whatever you will get away with in normal non-legal English despite the different explanations from the law society in this regard.

Let me explain what happens in practise. A legal letter which could be written on one page swiftly becomes ten or twenty pages. Why? Because the lawyer gets paid per page written or per word and they count it which is easy with modern computers. Thus you find the most wonderful phrases and words flowing in an elegant way quoting legal sections and other parts of previous letters to create as much pages as possible. It really looks impressive to the untrained eye but is utter rubbish in the sense that it is totally unnecessary information.

Further the letter will be signed by the partner but in fact he was not the one writing it but he would have (I hope) read and agreed with it. It was drafted by a much junior professional assistant who booked his time against it. And so does the next one and the next one and the next one. Everyone

cashes in on that one letter for everyone looked at it and made a small adjustment or not. Does not matter for it is time spend and time is money and thus charged to you, the client.

This technique is called “padding” and you will find my letters to be extremely short and to the point so that this cannot happen. I simply don’t believe in long boring explanations for it is not in my nature and never padded anything in my life.

To pad a letter (or any legal document) for more fees is unfair to you, the client.

Paper wars

Some will even start a flood of letters to create more fees. This is called a “paper war” and very difficult to prove for it looks like diligent work and caring as well. And yes I am sarcastic when I say just look at the effort made by him for his client. He must be very hardworking to take such care.

The problem here is twofold. One it only takes one idiotic lawyer to start it. And two everything in law must be answered, or denied or it will stand as the truth. So you have no choice but to answer the silly letter and answering creates another letter in return etc. Each letter answered cost you the client money. It is a nice merry go round which will only stop once sense returns and no-one will convince me that fees don’t play a role or that some just happen to like writing boring letters with no real substance to them.

Only once in my life, as an article clerk, did I hear a senior partner call another senior partner and tell him to “stop his nonsense and his paper war”.

Thus the fees generate a life of its own which is unfair to you.

Rubber stamps instead of personal attention

We find that a secretary rubber stamps the attorneys signature on letters and even summonses. What right does he then have to charge for the work he did not do I ask? Or they have one standard letter which is copied by the hundred and sent to the debtors on behalf of the creditor (client).

Why do I mention this? Because you will note some of these letters are not even signed for even the signature is copied. Only the date and named is changed. Still, they want and demand full fees for such work from you, the client who does not know any better and defend themselves by pointing out the original letter was signed and time spend drafting it and it is just about efficiency etc.

I saw this on court summonses also which should make them defective if you know enough to take a stand on it. Most don’t so they get away with it. This type of behaviour and business practises is to

me rubbish. You the client pays for personal attention and worse, you think you actually get personal attention from a qualified man who you don't mind paying because of his experience. Do you really want to pay the same money to an unqualified legal secretary? I think not.

How many times did you sit in the consulting room and it is rather obvious that the lawyer did not prepare for your case and sit there reading your file in front of you? That is the ultimate disrespect but it happens all the time.

Now multiply the above and see why they can afford the nice buildings. Of course it will be denied and said, "Yes there may be a few horrible ones who do this type of thing but we have systems in place where you can complain about your legal bills and we don't condone it either".

How many complain and how many are punished for this. I wonder. Why do I need to write this in a book? Why do my clients complain about this all the time when we first meet?

Over reaching

In Africa (that is not South Africa) the legal system works in US Dollars and thus you need to establish the fees in writing before giving the instruction. As far as they are concerned a foreigner has the money to spend lavishly and why not on them? After all they are professional men and used to charging good money for services rendered. That is not the scam. No one denies the right to charge fees. Even the good Book says the worker is entitled to his wages as he earned it.

But ever since the US dollar is worth many times the local currency the worker in this case makes millions and the client don't even realise it. He thinks, "Well it is expensive but it is the same as my New York lawyers and besides this is in a different country etc". This does not make sense to me.

Sir, let me explain to you. They should not charge you more than what a local is charged for the same work. To do otherwise is to take advantage of your good nature and called "over reaching". There is enough money for everyone without doing this. It is not a fair wage.

This is a scam in my eyes and not fair to you either. The law and the efforts are the same. Why should the currency then be different and in fact the price 10 times (to the ZAR) more?

No way this makes sense to me even if you are a rich man.

Contingency fees or to work on risk

Let us talk about risk or working on contingency fees. This is allowed in Africa but you will not easily find a lawyer in Africa (including South Africa) willing to take any real risk for his client for unlike

America and elsewhere if you lose a civil court case you will pay the victors legal fees which may be millions and often destroy the losing client financially.

If I say you I mean you the client. Not the lawyer though he may in extremely rare cases be ordered to pay the wasted costs. I heard of such cases but never saw it in real life.

Even if you win you still need to pay your lawyer. This may be reduced if the other side actually pay but many times it turns out to be a man of straw. So you, the client, just cannot win. Rather settle it and limit your risk but we will get to that too.

I never work on risk. My view is that I am running a business same as you. Why should I take the risk and I must warn you against anyone who is willing to do so. It is not the norm and sometimes may be born out of desperation which is always a bad way to start.

The system failed to prevent summonses

As said it is a risky business to sue without excellent cause in Africa for it reduces the amount of summonses being issued in theory. It is not working though. The amounts of summonses are climbing every year and now it is not uncommon to wait five years before you get a court verdict.

Justice delayed is Justice denied or so say the long hair liberals. There is of course a big element of truth in this statement and it is indeed abused sometimes. We hear of men awaiting trial spending years in jail for they cannot afford bail. That is not Justice and never will be.

There is no such thing as bail bonds in the American sense of the word here. You pay for yourself or get a mate to help if you can't. Otherwise you stay in jail and it is an unfair system but what else can the law do? There are case law stating that bail should not be artificially refused by making the bail amount too high but our people are poor and what may be easy money to some is life and death to most.

Delay and postpone

That is another tactic lawyer's use. Delay and postpone as much as possible in the hope that your opponent run out of money or that you give up. Thus we find appeals to higher courts for no other reason than time wasting and of course creating excellent fees. Whenever a lawyer takes a technical defense you can bet your last penny that he has no case on merits. Meaning he is looking for a way out since his client is guilty. That by the way is allowed and part of the game.

It must be said that in our legal system you sometimes need permission from the Judge to lodge an appeal. Refusal will lead to another court case wasting even more time.

We try to overcome this by ensuring an Arbitration exit in your contracts and to enforce them. That is the new way and it works very well. No contract should be without it and it must be binding on the parties. In the alternative settle the matter before wasting time and money on the courts. As said somewhere we try to minimise court time to zero.

Extracts from K's eBook "The Egg Breakers - Counter-Terrorism in Sub Saharan Africa"

I heard many times Western Intelligence Officials say that Africa is simply not important enough to be bothered with too much. That was during the cold war era and quite correct. It was not the first choice of operations and thus the lack of knowledge on how to operate in Africa beyond belief. I know what looks my American Patriot gets when they realise her African is actually of the white race and there are a couple of millions of his tribe left in Africa. All white and as a group highly educated and even able to speak English now and then when it suites them to do so which is always with foreigners since Africans are respectful people. They understand your inability to speak more than one language though most Africans speak at least two.

I remember reading a report dating back to the middle 1970's during the Angolan troubles (civil war) where a major Western agency described the different groups as "good guys" and "bad guys" with no insight into the groups themselves or what the leaders standing was. They simply were out of their depth and it is very understandable why. At that stage Africa was fighting within itself and posed no military threat whatsoever to the West despite all the rhetoric at the united nations. Since they posed no threat they were not important enough to be studied in greater detail. The bright young men studied Russian or Vietnamese. Africa was well just Africa. The Dark Continent.

Africa still does not pose a military threat for the one country that had the ability (nuclear weapons and submarines) to cut the Wests oil line around the Cape of Good Hope (South Africa) is not capable of doing so anymore. Theoretically though they have the technology in their new submarines to create some havoc if they can get close enough for their nuclear weapons is no more.

As a matter of interest South Africa is the only country in the world thus far to dismantle its nuclear weapons voluntarily and gave it to another country (USA). There are strong rumours though that not all were given but I have no idea if that is true or not since there were a lot of rumours on biological weapons also. Every now and then a "discovery" is in the newspapers for sensational reasons if nothing else. It is all denied anyway.

However, it is very unlikely that South Africa will be bothered to attack anyone in the near future. The once powerful Armed Forces are not rated as even a regional force and a lack of money and pilots made its Air Force a joke. It is sadly acknowledged that they cannot attack anyone being riddled with AIDS and more generals than troops. In consequence they play soldiers at various United Nations stations which is fine with me. I would much rather have a weak army unable to stage a coup d'état in Africa than a powerful one who may get the wrong idea from history.

We had enough of that type of thing in Africa.

So understandably no interest was shown by the Western agencies but not anymore! Somalia, Sudan, Kenya, Algeria, Libya, Egypt, Nigeria, South Africa and Mali. All of these countries are seen to host or otherwise assist Muslim radicals in the past or were home to serious terrorist's attacks against the West. There are many more which I don't even bother to mention.

It is well documented that in 1998 the U.S. Embassies were attacked and car bombed in Tanzania (Dar es Salaam) and in Kenya (Nairobi). Many hundreds were killed and publically the U.S. response was to launch a much derided cruise missile attack at targets in Sudan and Afghanistan I think. Some say that the Sudanese targets were anyway wrongly identified and it destroyed a large percentage of the nation's medicine making capability. Be that as it may and note not condemned by the United Nations what is less known is that since then 18 of the 21 radicals involved with the attacks is either dead or in prison. That is excellent counter-terrorism statistics.

Kenya also received millions of dollars of aid against terrorism.

Sadly the attacks were not news to us living here as we long suspected it and warned repeatedly without avail about the coming onslaught which then happened. I would have preferred to be wrong in my predictions but events proved we were right.

I include my own country (South Africa) with much reluctance under the terror list as it is known that our passports somehow ended up with terrorists and phone calls were made to South Africa by the London Tube bombers just before the attack. However, and this must be very clear, no-one is suggesting it was given officially to them or that our government supports terrorism for they don't.

Officially they are reasonably neutral and probably hope they are left in peace. America is not a particular friend of them since the days of the struggle.

The terrorists almost certainly got the passports via corruption which is very regrettable as it caused us to be searched everywhere and the hassle of applying for visas even to the UK whilst we are part of the Commonwealth. That is very insulting and frankly not worth going there for business. It is

such a hassle that I tell clients to meet me in Dubai rather than waste my time with London. This is costing London all the money we would have spent there but who cares. Is only a few million pounds if you add up the ones who made the switch and I am sure they can afford to lose it. Dubai is so much nicer and warmer with better food.

Our own smallish Muslim community is more concerned about drugs and crime as came out in the early nineties than terrorism against the West being quite moderate. However during those unhappy days American targets were bombed which had nothing to do with drugs and crime. Clearly it may happen again in the future.

A few, not only Muslims, went to Bagdad during the Second Gulf War as human shields but besides that they committed no act of terrorism and came back quite shocked by the violence of the aerial attacks. That caused a lot of cynical smirks from certain groups but I feel for them. When you are lifted off the ground in an explosion and it simply keeps on and on you grow up very fast. You may even look at the next action movie with much contempt being totally unrealistic.

At least they made a stand for their beliefs which are more than most of us do. As a threat they are negligible though the odd one here and there may take a more active role and a couple was found in Al Qaeda safe houses in Pakistan. It is known that they tried to join the radicals for training but that happens wherever a Muslim community exists. It does not make all of them suddenly radicals.

At the same time many Muslims pointed out to me that a lot of South African young Jewish men serve in the Israeli Army and it bothers them. Ever since our new government is not a close friend of Israel I have no doubt they would also be keeping an eye on them as a more serious threat than the radicals. There is an obvious difference though between a Muslim radical trained for terrorism against the West and a soldier of the State of Israel. I don't think the Jews constitute any threat.

What is of no doubt to me is that South Africa is potentially a very good place to use as an operational planning base. The infrastructure is good. The communications networks excellent. The facilities to work from as good as any and better than most. With the perceived corruption and lack of interest in radicals by the security apparatus it certainly makes sense. The problem here is what the reaction from the coalition will be if it is found that South Africans are behind a successful attack.

I am sure we will be subjected to even more indignities and be chased out of Dubai also.

Traditionally of more concern to the government were the white former soldiers and policemen who most definitely were and are able to train terrorists in the use of weapons and explosives. They certainly have the expert knowledge and at one stage we were quite worried when IED explosive

techniques in Iraq looked very much like our handiwork for all explosions tells a story. You are able to identify someone by the way a bomb is made for there are always clues. In this regard I must say that it is rumoured for I never saw anything in writing but spoke to a few men who confirmed it that the Iranians were taught quite a few of our explosive techniques in the 1980's during their war with Iraq. I have no idea if it is true or not but I do know Iran supplied most of our oil.

Having worked with these men for many years I can also tell you they have no wish to train terrorists and are much more honourable than most. That is not to say that a few have not gotten themselves into trouble with mercenary activities and it is well documented. Coincidentally the current South African government is so nervous of them (even after all these years) that they are constantly being investigated and reported on. It is a bit of an in-house joke amongst them who reports what to whom.

However as radicals they pose no threat whatsoever.

In the rest of Africa it is a different picture. The dictators are falling and are replaced by Muslims who are not a direct threat to your way of life for even the most powerful Muslim country does not have the military power to attack the West with any chance of success. They lack the infrastructure for a pro-longed war and know it.

Indirectly it is another story for once they have nuclear weapons or access to weapons of mass destruction which may be biological or bacterial they pose as serious a threat as any other country with such weapons. Many of the fallen countries possessed not nuclear but certainly biological and bacterial weapons which are a game changer for the amount of damage done is so much greater.

Even the Soviet Union knew this and repeatedly re-assured their NATO counterparts that the release of nuclear weapons (and the biological & bacterial) was very strictly controlled. Amongst professional military men the chances of an accidental nuclear war is ridiculous small. There are just too many safeguards. But not in Africa.

The culture is very different with a radical fellow who simply does not fear the consequences and see death as major plus point when it happens. They are a serious problem. Once they have the weapon it would be easy to transport it in a ship to a major harbour where it will cause a lot of mayhem if it explodes. There were many rumours about merchant ships being fitted with a few very powerful weapons and deliberately sailed into enemy harbours as the ultimate bargaining chip. The crews would not even know what they have aboard. Whether this happened I don't know but I saw the plans for it dating back to the cold war.

Since the whole world now knows of tsunamis the terrorist can even explode it under the water to cause a mini-tsunami against which is very little defense. These are scenarios which are faced daily by our leaders and the reason why they turn grey in the Oval Office. It is an awesome responsibility and we really should not judge them all the time. You simply don't know what that man needs to decide every day or what he knows which you don't.

Other African countries allow terrorists to stay on their territory which constitutes a clear and direct threat. With this I mean a much more subtle approach and not what happened with the Taliban in Afghanistan where they took over the country openly. It is plain silly from a terrorist viewpoint to operate like that and will lead to their destruction when found. They can never win in open battle and thus strikes from the shadows without warning wherever possible.

Historically we foresaw the Al Qaeda problem in Africa back in 1994 already when Air France Flight 8969 was hijacked in Algeria. What is fascinating is that it was a sort of a runner-up of the 9/11 attacks a few years later as the plane would have been blown up above Paris causing maximum destruction. The idea to blow it up was probably because the terrorist was unable to pilot the plane as happened later. Luckily it was stormed at Marseille by French Police Special Forces and thus the explosion above Paris never happened.

The idea of using the aircraft as a weapon is not new. Everyone knows about the kamikaze flights during the Second World War where human pilots deliberately crashed their planes into ships. What saved the sailors was technology in fuses designed to explode close to the attacking aircraft and thus the threat was neutralised. Of course it takes a very brave man to keep shooting at the aircraft under such conditions.

The lesson is that technology is just a means. The deed is done by man. I believe that Western Agencies place too much reliance on their superb technology. It is only an added asset with limitations which must be recognised.

The thing is no-one thought that a kamikaze attack would happen with a civilian airliner until Flight 8969 as an act of terrorism. It was so far beyond reality that it never got serious consideration. It is well-known that of all places to free hostages an aircraft on the ground is the easiest with its lack of hiding places and many clear (for the Special Forces Team) approach angles. There may be a few innocent casualties but I assure you the terrorists will die and most innocents be rescued. From a terrorist viewpoint it is not a good idea to land and the long list of successful counter terrorist operations involving aircraft support this. This aspect is in my mind one of the reasons why 9/11 took place in the way it did for America has exceedingly good hostage rescue teams.

As with Pearl Harbour afterwards it is all too easy and very wrong to blame the intelligence community for not having a crystal ball (yeah if only it was that easy) to make better predictions on what someone as unstable (in our eyes) as a radical will do next. Suspicions are nothing unless the complete picture points in the same direction and as you can imagine it seldom happens to be a clear picture. However the way General MacArthur failed to safeguard the airfields for many hours after the attack on Pearl Harbour is something which perplexes most historians. It was not his finest moment and it must be acknowledged that President Bush (43) acted with great authoritativeness when he grounded all air traffic immediately after 9/11. By doing so he took the pre-cautions expected from a world leader under attack. You may not know this but Stalin, when Germany attacked the Soviet Union in 1941; for about three days had such a mental collapse that he could not function as a leader. This was despite direct warning of the attack from many different sources which he ignored. No, President Bush (43) was not found wanting from a counter-terrorist viewpoint. History will be kind to him on this aspect.

After that Marseille incident we knew it was a matter of time before communism is replaced with Muslim radicalism aimed against the West instead of Israel as was the norm. From about 1999 we noticed a vast increase in Mosques in certain African countries for no real reason and we wondered why. We also started to hear rumours of a new wave of terror based on a jihad and we reported it to the authorities.

We were not believed and all our approaches, official and non-official to establish human networks in Africa to understand what was happening were denied which made me wonder if it existed already since the offers were turned down as unnecessary. Turns out it did not and our own existing networks were closed down for political reasons in 1998 leaving South Africa anyway blind.

The rapid rise of white right wing terror was of more immediate importance but the efforts wrongly concentrated on the so called white mercenaries probably because of the havoc they caused amongst erstwhile friends of the new government. They were seen as the threat whilst they were in fact no threat at all as I said above somewhere. Most of them were and still are into genuine security work and earning an income for their families. They had no desire to overthrow the elected government then and still don't being way too old and overweight. They also know that even if they succeed it will not last for long. There is no way the world will accept a new Apartheid South Africa and right wing terrorism enjoys no support.

The whole idea is ridiculous in the extreme. As Mr Mandela said "never again". Yet it suited the politicians to enable a Mercenary Act which theoretically makes it a crime to join the British Army

but not Al Qaeda. Yeah, I don't understand myself but then what do I know? My ex-wives and others these days' takes great delight in informing me that I am not very clever and in good conscience I agree with them. I am not always right but at least I know my limitation which is something I suppose. Now my American Patriot is rightly known far and wide as Mrs Always Right. I may not be that clever but am not stupid either you know. The improved specie is much smarter than us men. They have to be to survive our shenanigans.

From the turn of the century and probably even before that the domestic South African internal security organisation (called the National Intelligence Agency) was abused to spy on their own politicians and became such a joke that the external security organ (known as the South African Secret Service) created a new counter-terrorist unit under the counter-espionage desk. This unit was supposed to focus on terrorism in all its forms and shapes and truly professional in its ways.

How they do it today I would not know and do not care for it is not important to our book which deals directly with counter-terrorism techniques. It does show however that most African Intelligence Agencies are open to political interference and not to be trusted as sources of information.

They likewise don't really care what the West's problems are and focus on internal matters mostly to safeguard against coup d'états. However, that is only my opinion but if correct it makes the world much more difficult to the Western Agencies for they are liaising with them as a matter of course.

What value they get is open for debate and besides I don't quite understand why they bother for getting second-hand via other agencies instead of the raw data is not recommended in this game. You simply cannot know how good the intelligence is nor do you have the means to cross check what was fed to you.

Worse than that the questions you ask betray your lack of knowledge which can be used against you and give a clear indication what you are looking for. Historically that is how the British figured out Pearl Harbour will be attacked by Japan before it happened. They saw the questions asked by the Japanese Naval Attaches via their triple agent called Tricycle and knew off the Japanese interest in their own successful carrier attack against the Italian Navy in Taranto in November of 1940. This is known as well as the fact that they send Tricycle and all the evidence to America but was not believed. Instead the FBI published an article on how they discovered microscopic photography as a method of communication by themselves. Not really helpful that was.

Historically it says much about Mr Churchill that he actually tried to warn his family of the pending attack for it could be argued that it would have been better for the British Empire to keep quiet and

let the Japanese struck. It is not his fault that Tricycle was disliked as a playboy and worse. I think the Americans learned a lot from this tragic incident and spend a lot of effort to prevent similar occurrences. Pearl Harbour it seems is not forgotten but 9/11 is. How is that possible I ask?

End of extracts