

**Thomson-CSF is as guilty as Shaik**  
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Almost as interesting as the question of what will happen to Jacob Zuma is the question: What will happen to Thomson-CSF?

And the answer to that one is, probably nothing.

In his judgment last week, Judge Hilary Squires was in no doubt about the role the French arms company played in the events that led to Schabir Shaik being convicted on three counts of corruption and fraud.

Squires said he rejected all Shaik's explanations about payments made by Thomson to him. The payments, the judge said, were in effect bribes to protect Thomson's interests in the arms deal.

On the activities of Thomson's Alain Thetard, Squires said: "We have no doubt that an agreement was reached by Shaik and Thetard that Thomson would pay Zuma R500 000 a year to secure benefits."

Shaik may go to prison and Zuma may lose his chance to be president. But will there be any consequences for Thomson (or Thales, as the Paris-based company is now called), or for its South African subsidiary (now called Thint)? Or will both the local company and its French parent get away with what judge Squires seems very sure was a bribe?

South Africa's attempt to enlist French help while the Shaik investigation was in progress came to nothing. Though a Paris magistrate was named by the department of justice to investigate on the French side, a thick knot of red tape prevented her from getting started.

Meanwhile, Thetard agreed to give evidence from a distance and charges against Thomson/Thint in South Africa were withdrawn in terms of a deal with the National Prosecuting Authority.

The chances of Thales being troubled in France also seem pretty slim. Sources in the Paris judiciary said at the weekend the matter would probably only be taken further if South Africa officially brought it to the French authorities' attention that crimes had been committed by their nationals on their territory.

But Thetard has not admitted to bribing anyone and has said the famous encrypted fax dear to the prosecution in the Shaik trial was just a note that he threw in the waste paper basket.

So Thetard, his superiors and his company may never formally be charged with paying the bribe that is likely to cost Shaik a prison sentence and Zuma his reputation, if not his political career. Once again, those who accepted the bribe will be punished, but those who paid it will not.

Yet it doesn't have to be like this, as the trial and conviction of companies involved in corruption in the Lesotho Highlands Water Project has shown. The courts have punished not only the government official involved but also some of the most

powerful foreign companies operating in Africa. And at least one - the Canadian engineering company Acres - has since been blacklisted by the World Bank.

Acres was fined R17 million for bribing Masupha Sole, the former chief executive of the Lesotho Highlands Development Authority, who was convicted in 2002. The World Bank's sanctions committee found that Acres engaged in corrupt activities for the purpose of influencing his decisions and blacklisted the Canadian company for three years.

As Squires was delivering his verdict last week, top business people and government officials meeting in Cape Town at a World Economic Forum summit were discussing corruption. Some foreign companies doing business in Africa, the Kenyan planning and national development minister Anyang Nyong'o reminded the summit, are as guilty of corruption as officials of the nations in which they invest.