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Global Fund Observer

NEWSLETTER

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An interview with the founder of Aidspan

Aidspan's founding father, Bernard Rivers, thinks of Aidspan as "a loving watchdog"

Arlette Campbell White

21 July 2021

Introduction

Bernard Rivers is a retired economist with dual UK-US nationality. He was raised in the UK, where he earned a degree in mathematics and economics from Cambridge University. Since 1978 he has been based in the USA, except for a ten-year stint in Kenya. Prior to founding Aidspan, Bernard's career was diverse but always grounded in data analysis and political and social activism.

In this interview, Bernard chatted with me about what he laughingly calls his "chequered career", and about how it was that he created Aidspan and the *Global Fund Observer*.

Bernard, early on in your career you moved into investigative journalism in the UK. What kind of things were you investigating?

I graduated from university in 1969 in the midst of the rising civil rights movements, protests against the Vietnam war, and a general counterculture attitude among the young. This backdrop has always had an influence on my choices in life.

Over the next four years, during the day I was an economic planner for British Airways and during the night I was an activist, primarily regarding the 1971 civil war in the country that became Bangladesh.

I did well at British Airways, but for me this was not a lifelong vocation. So in 1973 I resigned to become a freelance investigative journalist. I was especially interested in Western corporate activity in Africa – my gap year had been spent in Nigeria.

At that time, the United Nations policy of trade sanctions against Rhodesia's illegal white government was in full force; yet, although Rhodesia was a landlocked country, it was still managing to obtain all the oil it needed – nobody knew how. After four years of research, a colleague and I were finally able to prove in a series of articles in the London *Sunday Times* that Shell, British Petroleum and two other oil companies were secretly providing the oil through a chain of intermediaries. As a result of our exposé, we and a *Sunday Times* staffer were jointly named *Journalist of the Year* in the British Press Awards.

I then went on to research how oil reached *apartheid* South Africa, combining my activism with my economic and analytical skills.

How did you move from this to software development? It seems quite a stretch!

I had become tired of being an impoverished activist (not least because I was now married with children), and I had become excited about computers, which I had learned to program while analysing all my oil data.

At that time, small companies and non-profit organisations had just started to use computers. I found a niche in the market: I realised that big foundations supporting non-profit organisations needed help with tracking their data regarding proposals received and grants approved. So I wrote a program called *The Grants Manager* and set up Riverside Software, Inc. in New York, which I ran from 1990 to 1996. In the end, the company had 15 staff and its software was used by over 650 US and UK foundations.

I categorise this period of my life as being like jumping into a swimming pool and not knowing how to swim (i.e., how to run a company). So I “taught myself to swim”. But then I found there were sharks in the water (i.e., competitors). Life went from being fun to being not so much fun. So in 1996 I sold Riverside Software to Blackbaud, the leading provider of fundraising software to NGOs. I then worked for Blackbaud as a senior executive. But it wasn't a good fit for me. I had forgotten what it was like to have a boss!

And how did the idea for Aidspan come about?

Well, I had just turned fifty. I contemplated retiring early, but I knew that would make me miserable. So I gave myself two years of self-funded time to find something to do that I liked and that could make a difference.

In particular, I wondered if there was any way in which I could combine my previous experiences in planning, activism, journalism, Africa, grant-making, data, computers and being my own boss – clearly, a bizarre and crazy objective! My interest in Africa had recently been heightened because AIDS in Africa was becoming so serious. So: could I use my skills in relation to AIDS in Africa?

In 2001, a service called Break the Silence (BTS) was set up to enable thousands of people interested in AIDS in developing countries to share emails with each other via what was then known as a listserv, and I started following the discussion. Activists, together with sympathetic voices in many governments, were saying that the world's wealthy countries had to come up with billions of dollars to address AIDS, but it was unclear how this could be done.

At this time, Kofi Annan, the then Secretary General of the UN, promoted the idea of there being one joint organisation, rather than multiple bilateral agencies, through which funding could be channelled. Remarkably, he said that this new organization should not be part of the UN, because it should be controlled not just by governments but also by representatives of the NGO and corporate sectors. This concept was actively discussed during the rest of 2001.

Arising from all this, the Global Fund was set up at the start of 2002, and its estimated annual needs were \$2 to 3 billion. Through BTS, I met Tim France and Gorik Ooms, activist development professionals based in Thailand and Mozambique. Together, we created what we called the 'Equitable Contributions Framework'. This took the total amount of money that the Global Fund needed and carved it up according to the economic wealth of the individual countries that we felt could and should "fund the Fund". We published our paper in April 2002 and circulated it to 20,000 people around the world. (It's reprinted here .)

At that time, I was still writing on the BTS listserv but I felt there should be a venue to provide more structured articles and feedback regarding Global Fund issues. So during the second half of 2002 I launched *Aidspan* and the *Global Fund Observer* (GFO). Within 24 hours of announcing its existence, GFO had 1,000 subscribers and within two weeks there were 2,000.

Tell me about those years with Aidspan and post-Aidspan

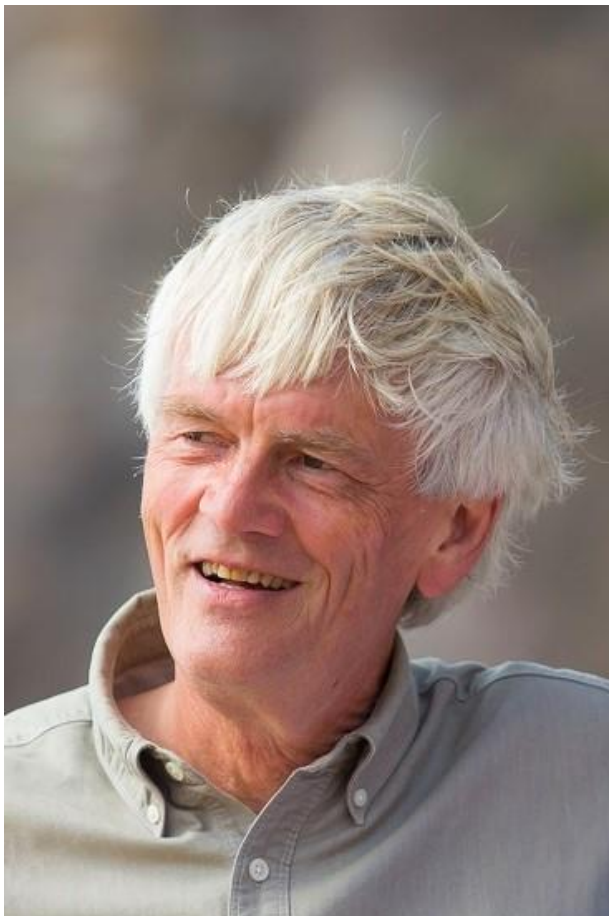
From 2002 to 2012 I ran [Aidspan](#). It started in New York with me as the only employee, but I moved it to Kenya in 2007. For the first year or so I was able to fund Aidspan with my own money. This meant that instead of saying to potential donors 'I have a dream which might work', I could say 'I have a dream and I have proved it can work'. This was a more appealing pitch! And it won Aidspan its first donor, the Open Society Institute, who invited me to submit a proposal for funding. OSI gave us \$50,000 to start with. This paved the way for others. During Aidspan's first 10 years I raised nearly \$10 million and my 'calling card' was the GFO as proof of relevance.

One key reason why the GFO was needed, at least during those early years, was that the Global Fund was never very good at explaining itself. The Fund used common but evasive terms like "resource mobilization" (I prefer the more honest "getting money"), its grant-applications forms practically needed a PhD to be understood, and it was rarely candid about its mistakes. As a result, many people who needed to deal with the Global Fund found the GFO, with its friendly, candid and straightforward articles, to be a lifeline.

After handing over the leadership of Aidspan to my successor in September 2012, I served until 2014 as a visiting fellow at Cambridge University and as a 'Senior Fellow' of Aidspan, which gave me the opportunity to publish a few more pieces about the Global Fund. Since then, my wife and I have had a delightful time doing all those things that retired grandparents so often do.

"While I ran Aidspan, Aidspan's loyalties were not to the Global Fund as an organization, they were to the principles upon which the Fund was founded and to the people whom the Fund served. I had a deep desire for the Fund to succeed. But if I ever felt that the Fund as an organization was clearly not living up to those principles or not doing its best for those people, I felt it was both appropriate and necessary for GFO to say so. For this reason, even though I often checked with the Fund regarding the factual accuracy of what GFO was planning to report, I never sought the Fund's approval for any forthcoming article. This point was made clear at the end of every issue of GFO, which said, and still says, "The Board and staff of the Global Fund have no influence on, and bear no responsibility for, the content of GFO or of any other Aidspan publication". Bernard Rivers, former Aidspan Executive Director, on his vision regarding the independence of Aidspan and the Global Fund Observer.

Bernard's biography can be found at <http://bernarddrivers.com/about/>.



FROM THE ARCHIVES : Holding the Global Fund accountable

An article from the archives demonstrates Aidspan's commitment to ensuring the integrity of the Global Fund

Aidspan's Role in the Investigation of the Global Fund Secretariat

(Originally published 18 December 2005. Reprinted 21 July 2021.)

By Bernard Rivers

Six months ago, I started working on an article for GFO about the high level of turnover among mid-rank and senior GF staff. I interviewed many past and present staff in considerable depth. In the course of these interviews, I learned of some worrying problems within the Global Fund Secretariat, including activities which appeared to involve violations of Board-mandated policies.

These findings left me in a quandary. Should I publish what I had been told? To do so could have been very harmful to the Fund. Should I, instead, throw away all my notes and forget the whole thing? To do so would have been irresponsible. Aidspan, the small NGO that I run and that publishes GFO, was set up to serve as a watchdog of the Fund. What use is a watchdog if it only wags its tail, but is silent when it sees possible problems?

In the end, I decided that the appropriate action was to write up my findings in the form of a confidential letter, and to send that letter to the Chair of the Global Fund, Carol Jacobs.

Before doing so, I wrote on 7 July to Richard Feachem, the Global Fund's Executive Director, attaching a draft of the letter that I planned to send to the Chair and to a few other Board members on July 11, and inviting him to comment.

The following day, I received two calls from senior Global Fund officials, telling me that Dr. Feachem had decided that if the Chair wanted to call for an independent investigation into the matters in my letter, he would support that. One caller requested that when I sent my 11 July letter to the Chair, I should send copies to the Vice Chair and Dr. Feachem but not to any other Board members. I agreed.

I edited the letter to take account of these and other inputs provided during the two calls, and then on 11 July I sent the letter to the three agreed people. My letter dealt only with concrete items of information that I had obtained from staff members. I made no suggestion, and I never have, that there has been any fraud or misuse of funds within the Fund.

In my letter, I promised to publish nothing in GFO about my findings until after the Board had received and digested the report of the investigation, assuming there was one. I also promised that during that time period, I would not show the letter to anyone else, not even chairs of Board committees. I have fully honoured those promises.

Furthermore, I have never informed anyone verbally or by email about what I said in my letter to the Chair.

On July 27, Dr. Feachem wrote to all Global Fund staff saying "On the morning of Monday July 11, I strongly advised the Chair and Vice Chair of the Board to refer the allegations to the WHO Office of Internal Oversight Services (IOS) for an independent review." He also informed staff that on the same day, the Chair had informed the Board about my July 11 letter, and that she had added that she and the Vice Chair "have also had concerns expressed on these matters by several Board members."

The Chair, Vice Chair and Executive Director then jointly called for an independent investigation to be carried out by IOS. The investigation lasted several months, and was completed in late November. (I have not seen a copy of the investigation report. The investigation appears to have examined most but not all of the matters raised in my letter.) The Board then read and discussed the report at the board meeting that has just been concluded. (See "*Investigation of the Global Fund*," above, for the limited information that is publicly available on what the report found and what the Secretariat and Board have decided to do about it.)

During the five months since sending my letter to the Chair, I have not been informed of any item in my letter that was incorrect. (However, to be fair, I have also not been told that my letter was correct. Indeed, the Fund's spokesman told the *Wall Street Journal* in August "I would hazard to say a lot of this is nonsense.")

Since I started looking into the issues in June, GFO readers have only been told what was said in a *Wall Street Journal* article about the investigation, and, with permission, what was said by the chief investigator in a statement he made to the Global Fund Board on 29 September (see GFO #50 and #51 at www.aidspace.org/gfo). Revealing any more would have violated the commitments I gave to the Chair.

Now that the Board has received and discussed the report, the promise to remain silent that I made five months ago has expired. However, I am very aware that the Board, representing governments, NGOs and others from all parts of the world, worked long, hard and collegially seeking and finding an outcome that was acceptable to all. Accordingly, I feel it would be inappropriate for GFO to reveal more about the issues that were investigated than the Board itself has chosen to disclose.

FROM THE ARCHIVES: The Elephant and the Mouse

Bernard Rivers

Reprinted from the GFO of 23 April 2013

I was recently invited by a university in the UK to serve as a visiting fellow for most of this year while conducting research on the Global Fund. I have to raise my own funding for this project, so the only advantage of the fellowship is that it provides a

label to hang round my neck. But that's exactly what I wanted, so I accepted with thanks.

Subsequently, however, the university asked me to sign a "standard" legal agreement specifying that all results from my work over the next three years will be owned by the university, and that I need the university's permission before I submit for publication anything arising from the project.

When I protested, it was explained that this is the agreement that the university always uses in such situations, and that the wording cannot be modified. The university attempted to reassure me by adding that the wording "is subject to interpretation" – which, as I understand it, meant that the university would not enforce the more unreasonable terms.

The agreement made me feel as though the university is an elephant and I am a mouse, with the elephant giving itself the right to stomp on the mouse – and then saying, "But don't worry, we won't actually do that."

I relate this anecdote because I think that the Global Fund has often treated its principal recipients (PRs) very similarly. The Global Fund is the elephant; the PR is the mouse.

For each PR, this elephant–mouse imbalance starts as soon as the PR's first grant agreement is "negotiated." This has never been a negotiation between equals; it has essentially been a case of the Secretariat saying "sign it or don't become a PR."

The standard Global Fund grant agreement has been in place for ten years. The most elephant-like clause is Article 27, which says

"The Global Fund may require the Principal Recipient to immediately refund to the Global Fund any disbursement of the Grant funds [if] there has been a breach by the Principal Recipient of any provision of this Agreement."

This means that the PR can be required to reimburse any or all of the grant funds it has received if it is in breach in any way of any provision of the agreement. This clause is fine if the PR is proven to have engaged in fraud. But the clause, as written, can also be applied in the case of much lesser offences.

I can hear the Fund protesting, "But don't worry, we won't actually do that."

But, at the urging of the Office of the Inspector General (OIG), the Fund has done exactly that, many times. Arising from its audits and investigations over the years, the OIG has used Article 27 as its basis for recommending to the Secretariat that 33 PRs be required to reimburse to the Global Fund a total of \$92 million. Of this, \$38 million had to be reimbursed because the PRs had incurred expenditures for which supporting documentation was either missing or inadequate, even though the actual expenditures may have been perfectly appropriate. Sometimes, the documentation

was deemed “inadequate” simply because it consisted of photocopies rather than originals.

Until 2012, the Secretariat consistently, and without public complaint, accepted the OIG’s recommendation that the Fund seek such reimbursements from the PRs.

When documentation confirming the expenditure was missing or imperfect, the key question that the OIG should have asked was, “Was the activity actually carried out? Were benefits derived?” It seems to me that when the answer was Yes, the PRs should have been reprimanded for the missing or poor documentation, but they should not have been required to reimburse the funds, as they were – at least until 2012. (Of course, any reimbursed money was then used by the Global Fund for other grants; but that was not much consolation to the countries that had to make the reimbursements.)

In its most recent reports, the OIG has not said how much money should be reimbursed; instead, it has proposed that the Secretariat look into the matter and make its own decision. But this does not change the determinations made by the OIG in the 33 earlier cases.

It would help if there were a process whereby PRs facing what they felt to be unreasonable demands by the OIG for reimbursement could ask an independent mediator to review the case and propose a reasonable solution. The Global Fund Board decided in November 2011 that the Fund should establish a Voluntary Dispute Resolution Process to resolve OIG-related disputes. But nearly 18 months later, the process is still not in place. (There is a separate arbitration process that can be used. But it is hugely expensive for the PR, because the grant agreement says that the arbitration process must take place in Switzerland.)

Two events late last year suggested that the Fund may be moving towards less elephant-like behaviour. First, three years after the OIG determined that a PR in the Philippines should reimburse \$1.8 million to the Fund and that the PR’s grant agreements should be terminated, the Global Fund reversed this determination and welcomed the PR back into the fold. No reason was given publicly, but Global Fund sources say that the Fund had concluded that it could not prove that the money being claimed had indeed been spent on unauthorised activities as the OIG had said. And second, the Fund fired the head of the OIG for performance that was “unsatisfactory.”

Where does this leave the countries that have not yet refunded the money demanded by the OIG? And, for that matter, where does it leave the countries that have refunded the money but might now wish they had not?

In July 2012, the Secretariat set up a Recoveries Committee to look into the 33 cases where the OIG has determined that PRs must reimburse specific amounts of money to the Global Fund. At first, this Committee played a rather passive role, working on the assumption that each of the OIG’s determinations was valid unless the PR in question approached it with information that led the committee to conclude otherwise. But Seth Faison, the Fund’s Communications Director, said on 6 March 2013 that Mark Dybul,

the new Executive Director, recently directed the Recoveries Committee to work “in a more accelerated way.” Mr Faison added that the Committee is now “engaging with each” of the 33 PRs, seeking “to come to solutions that properly reflect both sides of the story”; that the Voluntary Dispute Resolution Process will be put in place; and that the OIG welcomes this new approach.

Mr Faison also said that with the launch on 28 February 2013 of the new funding model, there is now “a cooperative approach and dialogue” in the relationship between the Global Fund and PRs.

Let’s hope so. But the Global Fund is still going to have a very hard time retroactively imposing consistent and fair standards as to which of the 33 PRs should make reimbursements – when the OIG’s own standards were, until 2012, rarely consistent and sometimes unfair.

Furthermore, the Global Fund still needs to revise its hundreds of grant agreements with PRs so that they are less imbalanced. Unless this is done, there is a danger that the Fund will still sometimes behave like an elephant, and the mice will continue to live in fear.

FROM THE ARCHIVES: A blast from the past: play the Corruption Quiz! And others

Arlette Campbell White

21 July 2021

As someone relatively new to Aidspace and the GFO, it has been a revelation for me to go back into the archives and read more of Bernard Rivers’ articles. I could not resist reprinting more of his exemplary writing which I hope will either remind those of you in the know about some of his great journalism or show those of you who don’t know, what you missed! So here are three more brief examples from the archives that showcase Bernard’s incisive journalism, great style and also his playfulness. Whether or not you play the Corruption Quiz, agree with him that the Global Fund could be a better communicator, or have a particular interest in mismanaged grants in Kenya — his passion shines through. Bernard, this is YOUR issue; and we have so much to thank you for.

Article 1: Corruption Quiz

Bernard Rivers

Reprinted from GFO Issue 194: 4 September 2012

(Original version available [here](#).)

Are you corrupt?

Before you answer that question, here’s another: What is corruption?

The Charter of the Global Fund’s Office of the Inspector General (OIG) states that the role of the OIG is, in part, “to undertake investigations of potential fraud, abuse, misappropriation, corruption and mismanagement.” In principle, that’s fine. But where should the OIG draw the line when deciding what to investigate and report on? And by extension, where should each employer draw its own line when deciding what activities to reprimand or fire its employees for?

These are not trivial questions. Here is a Corruption Quiz to help you think them through.

Consider the following activities by Mr. X, a fictitious person who is employed by a fictitious Global Fund grant implementer:

- a. Mr. X stole large amounts of cash from the office safe.
- b. Mr. X claimed expenses for an event he didn’t attend.
- c. Mr. X went to a conference for work purposes, stayed an extra day to see a friend, and claimed expenses for the extra day.
- d. Mr. X booked a plane ticket for a work trip using his favourite airline, which cost more than the cheapest one.
- e. Mr. X used his employer’s car for a work trip, in the course of which he diverted to visit a friend.
- f. Mr. X helped himself to a few pens from the office supplies cabinet and took them home for his children to use.
- g. Mr. X copied a few pages on the office photocopy machine for personal purposes.
- h. Mr. X spent the occasional 15 minutes of work time sending personal email and chatting with colleagues about non-work issues.

Questions:

- 1. Have you ever done any of the above activities? (Yes, and so have I.)
- 2. For which of the above activities, if confirmed, should Mr. X’s employer reprimand him?
- 3. For which of the above activities, if confirmed, should Mr. X’s employer fire him?
- 4. Which of the above activities should the OIG look into if a whistle-blower alleges that they have happened?
- 5. For which of the above activities, if confirmed, should the OIG demand that grant money be refunded to the Global Fund?

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Article 2: A New Funding Opportunity? Huh?

Bernard Rivers

Reprinted from GFO Issue 170: 9 December 2011

(Original version available [here](#).)

The Global Fund is renowned for its almost militant policy of transparency. Do you want to know the most recent rating the Fund gave a particular grant? [Click here](#). Do you want to know the precise details of a fraudulent act uncovered by the Office of the Inspector General? [Click here](#). Do you want to read Annex 7 of a Board paper on the Fund’s financial situation? [Click here](#).

the Ministry of Finance, with much of the work being assigned to the Ministry of Health. The Global Fund's main web page for Kenya summarised these grants and did not suggest there were any particular problems.

But when I dug deeper, I was stunned to find that 47% of the \$143 million that had been specified in the grant agreements for these three grants – namely, \$67 million – was never disbursed by the Global Fund. Yes: \$67 million that was available for Kenya was never sent; it was eventually made use of by the Fund for grants to other countries. The situation was particularly bad for the Round 2 malaria grant, for which the undisbursed amount came to 83% of the grant and for which there was not a single disbursement during the three-year Phase 2...

How could this be? I wondered. The only possible reasons for not sending the money were that the Global Fund Secretariat was in a complete mess, or that the Secretariat deliberately didn't send the money because it saw that the Kenyan implementers themselves were in a complete mess.

After digging further at the Global Fund website and asking around in Nairobi, I found that the problems with these grants occurred almost entirely within Kenya. (But that does not mean that the Fund was without fault, as I discuss below.)

When the Kenya CCM asked me to speak at a retreat it held in early 2009, I was brutally and undiplomatically candid. The CCM Secretariat subsequently circulated to all CCM members the paper on which my presentation was based. The paper's section headings included the following: "Kenya's grant performance is almost the world's worst"; "Most grants are currently inactive"; "Many problems with mid-level management"; "Audit queries unanswered"; "Poor reporting to the Global Fund"; "Power conflicts between Ministry of Health and Ministry of Finance"; and "Many reports, many retreats, many recommendations, but minimal progress". The final paragraph was particularly tough:

"No accountability! When Global Fund grants fail, the people of Kenya pay the price. But it appears that nobody on the CCM or at leading levels within the PR or the SRs feels accountable. To editorialize: Some people need to wake up at night sweating; they need to fret that they will lose their jobs, and they need to fret for those who are not being served. There have been multiple instances in Kenya when mid-level managers have moved slowly or not at all, in part because nobody with authority over them is applying much pressure on them to move and to get the job done."

I know that for anyone, particularly a non-Kenyan, to have written in those terms was not politic. But I was angry, and I felt that someone had to say these things.

The following year, 2010, the Global Fund's Office of the Inspector General (OIG) conducted an audit of these and other grants to Kenya. It took nearly two years for the audit report to be published... The OIG report spells out multiple problems that arose with the three Round 2 grants. For instance, the report shows that when \$35,000 of grant money was budgeted for a "women's advocacy meeting," the amount actually used, supposedly for this meeting, was six times as much – with no evidence that any meeting took place in the intended form...

And the report says that for the malaria grant, \$450,000 in expenditure “was not appropriately supported by documentation” and should be returned to the Global Fund. And it adds that a governmental department disbursed \$1.7 million of grant money to districts without providing instructions about what activities the funds should be used for and without obtaining documentation to show what the funds were actually used for. And it says that the Ministry of Health disbursed \$1.11 million to another governmental department without informing that department that this had been done – as a result of which, the money then sat unused for months because nobody knew the money had arrived... And more of the same.

What was going on in Kenya involved gross mismanagement for sure, mixed in with bits of what smells awfully like fraud.

The \$67 million that the Global Fund never sent to Kenya because of these problems could have saved about 20,000 Kenyan lives...; further lives could have been saved using the money that did reach Kenya if that money had been better managed.

What also annoyed me was the behaviour of the Global Fund itself. The grants started in late 2003; it is clear from the documentation that by the start of 2005 the Fund was aware of serious problems. Why did the Fund not then insist on drastic action, or terminate the grants?... And why has the Global Fund never provided any evidence on the Kenya page of its website or in its grant performance reports that these grants were a disaster?...

When I discussed this with the Global Fund Secretariat in 2009, I concluded that the Secretariat had for some years engaged, at least with regard to Kenya, in a mix of wilful blindness, naive optimism, and a desire not to cause offence. Such behaviour is not acceptable. Every dollar that was wasted in Kenya, and every dollar that never got sent to Kenya, was a dollar that did not provide Kenyans with prevention and treatment services that they deserved and that they had been told they would receive. By “not causing offence” to Kenyan officials, the Fund was permitting those officials to take certain actions, and to avoid certain others, as a result of which about 20,000 Kenyan lives went un-saved...

The situation in Kenya seems to have improved in the last couple of years. The reason I’m telling this story is that it must never be allowed to happen again. Implementers, local watchdogs and the Fund itself must never again permit Global Fund grants to be so badly managed. Remember: if 90% of countries are performing impeccable grant management and 10% are not, the failures of the 10% could cause problems for everyone once the facts emerge....

(The original version of this article, [here](#), contains notes on sources, on how the estimate of 20,000 lives was obtained, and on responses from the Global Fund and the Kenya CCM

A quote from Seth Faison, former Head of Communications at the Global Fund, 2012-2020:

“Creating the Global Fund Observer was a brilliant stroke by Bernard Rivers. The politics of the Global Fund is inevitably complex, an unwieldy partnership of governments, civil society, the private sector and the architecture of global health. The GFO has been a great interpreter and watchdog. When I attended my first Global Fund Board Meeting in 2012, I found it quite confusing, and asked a manager who played a leading role at the meeting to tell me what had happened. ‘I don’t know yet,’ he said. ‘I have to read Bernard Rivers to find out’.