



# Centre for Environmental Rights

## Advancing Environmental Rights in South Africa

Patrick Dlamini  
Chief Executive Officer  
Development Bank of Southern Africa  
By email: [petuniaz@dbsa.org](mailto:petuniaz@dbsa.org)

Ernest Dietrich  
Group Executive: South Africa Financing  
Development Bank of Southern Africa  
By email: [ernestd@dbsa.org](mailto:ernestd@dbsa.org)

Paul Currie  
Chief Risk Officer  
Development Bank of Southern Africa  
By email: [paulc3@dbsa.org](mailto:paulc3@dbsa.org)

Mohan Vivekanandan  
Deal Orientation and Client Coverage  
Development Bank of Southern Africa  
By email: [mohanv@dbsa.org](mailto:mohanv@dbsa.org)

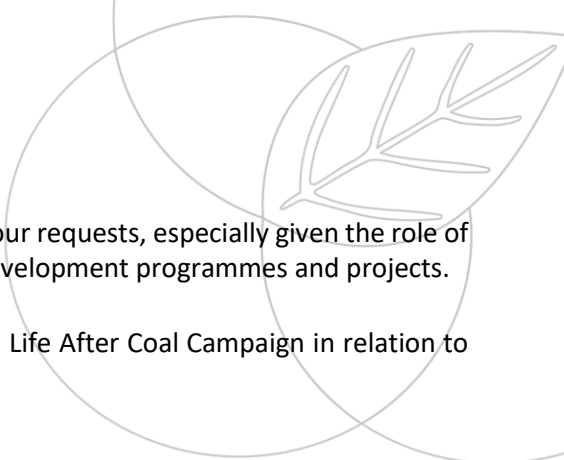
17 September 2018

Dear Sirs

### THE DEVELOPMENT BANK OF SOUTHERN AFRICA'S ROLE IN FINANCING PROPOSED NEW COAL-FIRED POWER PLANTS

1. We refer to our previous correspondence dated 16 August 2018 regarding the Development Bank of Southern Africa's (DBSA) role in financing proposed new coal-fired power plants. Thank you for your 6 September 2018 response.
2. We confirm that we requested that you:
  - 2.1. clarify the current status of the decision-making process in relation to both Thabametsi and/or Khanyisa; including in relation to funding these stations. In this regard, we requested that you indicate: what decisions have already been taken, if any; which steps still need to be taken; and what the envisaged timeframes for these steps and decisions are;
  - 2.2. notify us when a final decision has been made in relation to the financing of Thabametsi and/or Khanyisa; and
  - 2.3. provide written reasons for any decisions to finance Thabametsi and/or Khanyisa in terms of section 5 of the Promotion of Administrative Justice Act, 2000 (PAJA).
3. We note that your response is only in relation to our request for reasons for any decisions taken to fund Thabametsi and/or Khanyisa. Please confirm whether you are also refusing our other requests, as set out in paragraph 2.1 and 2.2 above, and if so, on what basis these requests are being refused? Alternatively, kindly provide us with the responses to these questions as soon as possible.
4. We also note that you have not disputed that the DBSA is an organ of state, but that you have refused to provide reasons on the basis that any decision on the DBSA's part to fund Thabametsi and/or Khanyisa "*does not constitute administrative action within the meaning of PAJA*". We maintain that any such decision would constitute administrative action, and we request that you set out the basis for your view that it would not.

Cape Town: 2<sup>nd</sup> Floor, Springtime Studios, 1 Scott Road, Observatory, 7925, South Africa  
Johannesburg: 9th Floor, Southpoint CNR, 87 De Korte Street, Braamfontein, 2001, South Africa  
Tel 021 447 1647 (Cape Town) | Tel 010 442 6830 (Johannesburg)  
Fax 086 730 9098  
[www.cer.org.za](http://www.cer.org.za)

- 
5. We furthermore dispute that there is any basis to refuse to respond to our requests, especially given the role of the DBSA as a development bank, mandated to promote sustainable development programmes and projects.
  6. We look forward to your response, and we reserve all our rights as the Life After Coal Campaign in relation to your correspondence.

Yours faithfully

**CENTRE FOR ENVIRONMENTAL RIGHTS**

per:



**Robyn Hugo**  
**Attorney and Programme Head: Pollution & Climate Change**  
[rhugo@cer.org.za](mailto:rhugo@cer.org.za)