

Centre for Environmental Rights

1 October 2018


Transmitted by electronic mail to: [rhugo@cer.org.za](mailto:rhugo@cer.org.za)

Dear Robyn

**Development Bank of Southern Africa // Thabametsi and Khanyisa coal fired power plants**

- 1 We refer to and thank you for your letter dated 17 September 2018.
- 2 We have, in our letter dated 6 September 2018, clarified the reasons why we cannot concede to your request.
- 3 As indicated, we are constrained by our confidential relationship with our clients from providing the information sought. We would have thought that it was self-evidently applicable to all three requests addressed to the DBSA, which you repeat in paragraphs 2.1 to 2.3 of your letter under reply.
- 4 That said, it would seem to us that you are free to approach and obtain the very same information you seek from the DBSA from the relevant project sponsors directly.
- 5 We have invited you to further engagement and collaboration with the DBSA in the interests of the protection of the environment and a sustainable future for all citizens of the country and look forward to such engagement.

Yours faithfully,



Patrick Dlamini  
Chief Executive Officer



# Centre for Environmental Rights

Advancing Environmental Rights in South Africa

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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.