

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18 (1) of the Promotion of Access to Information
Act, 2000
(Act No. 2 of 2000)
[Regulation 2]

FOR DEPARTMENTAL USE

Reference number: _____

Request received

by: _____

(state rank, name and surname of information officer/deputy information officer) on
_____ (date) at _____ (place).

Request fee (if any): R _____

Deposit fee (if any): R _____

Access fee: R _____

SIGNATURE OF INFORMATION
OFFICER/DEPUTY
INFORMATION OFFICER

A. Particulars of public body

Deputy Information Officer: Mr Shabeer Khan
Department of Trade and Industry
Private Bag X84
Pretoria
Gauteng
South Africa
0002

Telephone: +27 12 394 1960
Fax: +27 861 843 888
Email: skhan@thedti.gov.za

B. Particulars of person requesting access to the record

- *The particulars of the person who requests access to the record must be recorded below.*
- *Furnish an address and/or fax number in the Republic to which information must be sent*
- *Proof of the capacity in which the request is made, if applicable, must be attached.*

Name of organisation: Centre for Environmental Rights
Registration number: 2009/020736/08
Postal address: 2nd Floor, Springtime Studios,
1 Scott Road,
Observatory,
Cape Town

Fax number: +27 867 309 098
Telephone number: +27 214 471 647
E-Mail Address: rnaidoo@cer.org.za

Capacity in which request is made, when made on behalf of another person:
Attorney

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Name or organisation: groundWork
Registration number: 045/2C5/NPO

D. Particulars of record

- *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*

- *If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

Description of record or relevant part of the record:

Copies of the following records are requested:

1. A copy of the application submitted for the declaration of the South African Energy and Metallurgical Special Economic Zone (EMSEZ) – which includes all feasibility studies conducted and any associated environmental impact assessments (EIA);
2. All records of any public participation that was conducted in relation to the designation of the area as the EMSEZ;
3. All documents, including any internal memoranda and correspondence, recording any decisions, and reasons therefor, that were taken by the Special Economic Zone (SEZ) advisory board and minutes of all meetings in relation to the EMSEZ and its designation;
4. A copy of the Implementation Framework signed between the Department of Trade and Industry (DTI) and the National Development and Reform Commission of the Peoples Republic of China, which includes a full list of all projects that will be prioritised for implementation which include, but are not limited to, the following:
 - 4.1. Musina-Makhado SEZ Project;
 - 4.2. Taiyuan Iron & Steel project in Musina-Makhado SEZ;
 - 4.3. Power China International Energy Project in Musina-Makhado SEZ; and
 - 4.4. Tianjie GROUP Refractory Plant and Cement Plant Project in Musina-Makhado SEZ
5. A copy of the agreement between Baobab Mining and Exploration (Pty) Ltd and China Railway International Group Co. Ltd in relation the Makhado Project which is MC Mining's flagship project located in the Soutpansberg coalfields in the Makhado Municipality of the Limpopo Province
6. A copy of all memoranda of understandings concluded in relation to the EMSEZ and its designation, with specific regard to:
 - 6.1. A copy of the memorandum of understanding signed between President Ramaphosa and the President of the People's Republic of China in 2018 signed in relation to commitments on cooperation in the fields of climate change, water resources, transported relation infrastructure and refurbishments to a number of technical and vocational training colleges;
 - 6.2. A copy of the memorandum of understanding concluded between the DTI and the National Development and Reform Commission (NDRC) of the People's

Republic of China, as referenced in the 3 September 2018 media release (attached) “*to cooperate on international investment promotion for South Africa’s Special Economic Zones (SEZ) and Industrial Parks. The following projects within the Musina-Makhado SEZ have been prioritised for implementation – a 4600MW coal-fired plant, a cement plant and other metallurgical projects*”; and

- 6.3. records reflecting confirmation that the memoranda of understandings that were concluded have been tabled in the National Assembly and before the National Council of Provinces in terms of Section 231 of the Constitution.
7. Any and all records in relation to funding that will be received by the South African Government in relation to all proposed developments regarding the EMSEZ – which include the terms of such funding and identities of donors;
8. Any and all records in relation to the proposed 4 600 megawatt coal-fired power plant, known as the “*Power China International Energy Project*” – including all feasibility studies conducted and associated EIAs as well as any public participation documents related thereto; and
9. The most recent annual report from the SEZ advisory board and/or all reports recording discussions-and decisions made by the SEZ advisory board in relation to the EMSEZ.
10. In relation to the Belt and Road Forum, held in Beijing, China during April 2019, we request particular information in relation to:
 - 10.1. The identities or the anonymous capacities/designations of all South African officials who were in attendance;
 - 10.2. A description of all meetings that were attended by South African officials;
 - 10.3. A description of all meetings and events that had taken place during the Forum;
 - 10.4. A list of all investors (potential and current) that were in attendance in relation to the EMSEZ; and
 - 10.5. Any record, minute or transcripts used for the purposes of recording the contents and outcomes of the meeting.

References:

Item 4: See Annexure A

Item 5: See Annexure A

Item 6: <https://www.gov.za/speeches/president-cyril-ramaphosa-concludes-state-visit-china-3-sep-2018-0000>

Item 10: <https://www.reuters.com/article/us-china-silkroad/in-nod-to-debt-concerns-china-belt-and-road-summit-to-urge-sustainable-financing-idUSKCN1RX04U>

E. Fees

- *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- *You will be notified of the amount required to be paid as the request fee.*
- *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____

Form in which record is required: _____

Mark the appropriate box with an "X".

NOTES:

- *Your indication as to the required form of access depends on the form in which the record is available.*
- *Access in the form requested may be refused in certain circumstances. In such a*

case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in printed form:

X	Copy of record*		Inspection of record
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2. If record consists of visual images:

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc).

	view the images	X	copy of the images*		transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:						
	Listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine ? readable form:						
	Printed copy of record*	X	Printed copy derived from the record*		copy in computer readable form*(stiffy or compact disc)	
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?					YES	NO
A postal fee is payable.						X
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>						
In which language would you prefer the record? ENGLISH						

- **G. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/ denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? By Email

Signed at DURBAN on this 10th day of July 2019.



SIGNATURE OF REQUESTER

Ruchir Naidoo

Attorney

Centre for Environmental Rights

SUMMARY OF MOUs/AGREEMENTS SIGNED DURING THE STATE VISIT TO THE PEOPLE'S REPUBLIC OF CHINA BY HIS EXCELLENCY PRESIDENT MATAMELA RAMAPHOSA

1. **MoU on promoting key projects of cooperation on production capacity between the National Development and Reform Commission of the People's Republic of China (NDRC) and Department of Trade and Industry of the Republic of South Africa (the dti).**

As part of the MoU that was entered into between **the dti** and NDRC on international investment promotion for Special Economic Zones and Industrial projects, **the dti** and the NDRC signed the implementation framework which consists of a list of projects that the two parties will be prioritizing in terms of the implementation. This implementation framework includes the following priority projects:

- a) **Musina-Makhado SEZ Project** - Construction of supporting infrastructures for Musina-Makhado SEZ, and construction, investment and financing of related projects (including coking plants, ferromanganese plants, ferrochromium plants, silico-manganese plants, stainless steel plant, supporting administrative service center, living area service center, highways, and shipping integrated logistics center, etc). This is a six (6)-year project construction period, phased construction.
- b) **Taiyuan Iron & Steel project in Musina-Makhado SEZ** – the focus is to invest, plan and construct South African Energy Metallurgical SEZ projects such as coal mine, chromium mine, vanadium mine, coal washing plant, coking plant, captive power plant, Ferro-chromium/manganese plants, ironworks, stainless steel plant, hot rolling mills, etc. a connected sequence energy metallurgical production flow.



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- c) **Power China International Energy Project in Musina-Makhado SEZ** – the aim is to invest in the construction and operation of 4*600MW coal-fired plant.. This is a six (6)-year project construction period, phased construction.

- d) **Tianjie GROUP Refractory Plant and Cement Plant Project in Musina-Makhado SEZ** – the aim is to invest in the utilization of coal slag and steel slag as raw materials for cement plants in the Special Zone The project has a construction period of 3 years.

2. Cooperation Agreement between the Department of Trade and Industry (the dti) and the Bank of China Limited on Promoting Trade and Investment Relations.

The Memorandum of Understanding between **the dti** and the **Bank of China** has been developed as part of the efforts to strengthen partnership between the two parties. The Special Economic Zones programme has been developed as an engine for rapid investment attraction into the country. The Bank of China as one of the biggest commercial banks in China endeavors to financially facilitate the investment activities into South Africa, with a particular focus on Special Economic Zones and Industrial Parks, the MoU will focus on, amongst others, the following:

- a) Capacity and Institutional Building Programme in the fields of SEZs and Industrial Parks
- b) Facilitation of investments in the infrastructure development for SEZS and Industrial Parks
- c) Cross-border investment and trade between China and South Africa

With the MoU having been signed, **the dti** and the Bank of China will tighten the implementation plan which will include specific projects, timelines, and institutional arrangements for the implementation.

The project has a monetary value of USD 1.1 billion



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OTHER INDUSTRIAL PROJECTS

3. Agreement between Baobab Mining and Exploration (Pty) Ltd (“BAOBAB”) and China Railway International Group Co., Ltd (“CRIG”)

The Agreement is on the Makhado Project which is MC Mining’s flagship project located in the Soutpansberg coalfields in the Makhado Municipality of the Limpopo Province. MC Mining has entered into an agreement with China Railway International Group Co. Ltd (“CRIG”) to assist and or provide 85% of the project’s EPC funding. Makhado will produce hard coking coal and thermal coal through open cast mining. With a 46 year life of mine, there is a mineable tonnes-in-situ (MTIS) resource of 344.8 million tonnes. Furthermore, Makhado will be the only producer of hard coking coal in South Africa, which is a vital input into the steel making industry.

The project capital expenditure is USD 89,935,830 (USD 90 million)

CONCLUSION

All these agreements are aligned to some of the Chinese commitments during the Forum on China-Africa Cooperation (FOCAC) Summit held in Johannesburg in December 2015, where-in China undertook to support our industrialization and beneficiation agenda.