

Dear Siphos

Please find attached a request for access to records received from Mr Ruchir Naidoo of the Centre for Environmental Rights. **the dti** Reference number 2019/20-18 has been allocated to it.

Mr Naidoo is requesting the following:

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; - Done*
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; Done*
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; Done*
 - 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; This was not facilitated by the dti*
 - 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; No funding agreement or Transfer was made by any international government agency

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 The project is still at the inception, the prospective investor is still doing a due diligence

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. Done

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.*

On behalf of the DDG – the BELT AND Road Forum was attended by DDG Zikode, Chief Director Mr Maoto Molefane, and the Director Mr Thami Klassen. The event had nothing to do with EMSEZ.

There were follow up meetings with all the signed investors to asses the progress. The meetings were attended by both the dti and Limpopo delegation.

According to the Promotion of Access to Information Act (No 2 of 2000), requests for access to records must be responded to within 30 days after the request was received. Please could you provide me either the requested information or grounds for refusal of the request by **24 July 2019**, in order to comply with this requirement. The grounds for refusal of access to records as provided for by PAIA is attached.

Please note that, based on Section 28 (Severability) of PAIA, if a request for access is made to a record containing information which may or must be refused, every part of the record which (a) does not contain; and (b) can reasonably be severed from any part that contains, any such information, must be disclosed.

Please feel free to contact me if you need to discuss any aspects of the request.

Regards

Gerhard