

**FORM A**

**REQUEST FOR ACCESS TO RECORDS OF A PUBLIC BODY**

(Section 18 (1) of the Promotion of Access to Information Act 2 of 2000)

**[Regulation 2]**

<b>FOR DEPARTMENTAL USE</b>	
	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**

**Ms Carina Oosthuizen and Ms Amanda Chetty**

Deputy Information Officers  
Development Bank of South Africa  
By email: PAIA@dbsa.org

**Copied to:**

**Mr Patrick Dlamini**

Information Officer  
Development Bank of South Africa  
By email: PAIA@dbsa.org

**B. Particulars of person requesting access to the record**

- (a) *The particulars of the person who requests access to the record must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent*
- (c) *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:** 2<sup>nd</sup> Floor, Springtime Studios, 1 Scott Road, Observatory,  
Cape Town, 7925

**Fax number:** +27 86 730 9098

**Telephone number:** +27 21 447 1647/083 275 2010

**E-Mail Address:** [dmidgley@cer.org.za](mailto:dmidgley@cer.org.za)

Capacity in which request is made, when made on behalf of another person: **N/A**

**C. Particulars of person on whose behalf request is made: N/A**

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

**D. Particulars of record**

- (a) *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.*
- (b) *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:**

- A. The following records are requested in relation to the DBSA's finance and investment policies, frameworks, and due diligence criteria:**

1. Copies of all finance and investment policies, frameworks, and due diligence criteria, applicable to any infrastructure projects or other undertakings that may be funded by the DBSA, including the most current:

- 1.1. DBSA Climate Change Policy Framework

- 1.2. DBSA Environmental Sustainability Strategy

- 1.3. DBSA Environmental Appraisal Framework

- 1.4. DBSA Social and Institutional Guidelines

which policies and framework are set out in the DBSA's Environmental and Social Safeguards Standards (ESSS) dated March 2020.

**B. The following records are requested in relation to the DBSA's funding or support for Karadeniz Energy Group, Karpowership SA, Powergroup SA, and/or power-generating barges/ships proposed for the ports of Richards Bay, Ngqura, and Saldanha:**

1. Details of the funding considered by the DBSA's investment committee, and/or which was applied for by Karadeniz Energy Group, Karpowership, and/or Powergroup SA, as referred to by Enoch Godongwana, chairperson of the DBSA, in an interview dated 24 May 2021 and [reported](#) in Engineering News on 25 May 2021, including<sup>1</sup>:

- 1.1. The amount of funding considered by the DBSA's investment committee;

- 1.2. The proposed nature and structure of such financing or investment;

- 1.3. Any conditions applicable to the DBSA's financial support for the companies or projects;

- 1.4. The current stage of the application / project within the DBSA's Project Cycle (as set out on page 17 of the ESSS dated March 2020); and

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<sup>1</sup> [Absa, Investec may back Karpowership's South African energy deal \(engineeringnews.co.za\)](#)

- 1.5. Whether the DBSA has committed to funding the companies or projects and, if so, the nature and amount of funding committed and any conditions applicable to such funding arrangement.
2. Details of the application for funding considered by the investment committee, or any other structure of the DBSA, including:
  - 2.1. Full names and registration numbers of the applicant(s) for funding;
  - 2.2. Full names of all directors and shareholders of the applicant(s), as provided by the applicants to the DBSA;
  - 2.3. Copies of documents supplied to the DBSA in the application for funding including the environmental and social scoping report, comprehensive ESIA, detailed ESMP, Stakeholder Engagement Plan, and grievance and redress mechanisms, which are required to be submitted to the DBSA in terms of the ESSS.
  - 2.4. The full list of criteria with which the applicants are required to comply in order to access DBSA funding, in including those considered in the DBSA's due diligence process(es) and applicable under the DBSA's ESSS;
  - 2.5. The record of scores and/or extent of compliance of the applicants against such criteria.
3. Whether social and environmental impact assessments were (1) conducted by Karadeniz Energy Group, Karpowership SA, or Powergroup SA and (2) considered by the DBSA, specifically in relation to:
  - 3.1. Climate-related impacts;
  - 3.2. Impacts on water and considerations related to water-scarcity
  - 3.3. Impacts on biodiversity;
  - 3.4. Impacts on heritage including world heritage sites;
  - 3.5. Impacts on land rights and the rights of indigenous peoples;

- 3.6. Impacts on protected areas and wetlands; and
- 3.7. Impacts on animal species including threatened and endangered species.
4. The content of the above-mentioned social and environmental impact assessments, including full copies of all social and environmental impact assessments and water resource impact assessment reports provided by Karadeniz Energy Group, Karpowership SA, and/or Powergroup SA to the DBSA.
5. Whether the DBSA has identified, in the application of the Environmental and Social Safeguards Standards in the investment value chain (as set out on page 18 of ESSS March 2020):
  - 5.1. Key environmental and social issues for project design;
  - 5.2. High level environmental and social risks and impacts in line with the DBSA Environmental and Social Safeguard Standards;
  - 5.4. The volume of greenhouse gas emissions;
  - 5.5. Project environmental and social risks;
  - 5.6. Project affected communities and the level of community organisation and representation; the impact of the project on affected communities and beneficiaries; and the readiness of the community to receive the project.
6. Where any of the abovementioned elements have been identified in the application of the ESSS, please specify the content identified including (1) the issues identified and extent of greenhouse gas emissions, (2) high level risks identified, and (3) any proposed risk mitigation measures and the risk impacts after mitigation.
7. Whether the project is classified High/Substantial Risk, Moderate Risk, or Low Risk and the reasons for that determination in line with the factors set out in Standard 1, section 1.3.1 of the ESSS.
8. If the project is classified as High/Substantial Risk, or is determined to be of high magnitude/impact, then provide copies of the records, advice, or findings of the

independent advisory panel of expertise agreed to by the DBSA, as set out in the Procedures and guidelines for Category 1 (High and Substantial Risk) projects.

9. Copies of any written agreements between Karadeniz Energy Group, Karpowership SA, and/or Powergroup SA and the DBSA.
- C. The following records are requested in relation to the DBSA's support and funding for Ghana powership project, as referred to by Zeph Nhleko, DBSA Chief Economist, on the DBSA [website](#)<sup>2</sup>:**
1. Full copies of all social and environmental impact assessments and water resource impact assessment reports considered by the DBSA in relation to the Ghana powership project.
  2. The full record of decision-making relating to the Ghana powership project, including:
    - 2.1. Copies of all documents supplied to the DBSA in the application for funding;
    - 2.2. The list of criteria with which the applicant(s) were required to comply in order to access DBSA funding, including those considered in the DBSA's due diligence process(es) and applicable under the DBSA's Environmental and Social Safeguard Standards;
    - 2.3. The record of scores and/or extent of compliance of the applicants against such criteria;
    - 2.4. Any conditions precedent with which the applicants had to comply in order to obtain funding from the DBSA.
  3. Copies of any written agreements between the DBSA and the owners of the Ghana powerships.
- D. The following records are requested concerning DBSA funding related to the development and operation of the Musina-Makhado Special Economic Zone (MMSEZ), as suggested in a meeting in a committee meeting of the NCOP Trade and Industry committee held on 16 March 2021, and in consideration of the presentation by Mr**

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<sup>2</sup> [Economic prosperity for the Southern African region | DBSA](#)

**Mohale Rakgate of the DBSA to the Limpopo Investment Conference held on 1 September 2021.<sup>3</sup>**

1. Details of all applications for funding of infrastructure and/or other projects and undertakings intending to support the development of, or operate within, the Musina-Makhado SEZ, including:
  - 1.1. The name(s) of the entities and/or persons which have applied for funding from the DBSA;
  - 1.2. The purpose(s) under which the applicants have applied for such funding;
  - 1.3. The total amount (in South African Rand) and nature of funding applied for (whether project finance, corporate credits, or any other form of financing).
2. Details of all infrastructure and/or other projects and undertakings supporting the development of, or operating within, the Musina-Makhado SEZ which the DBSA has committed to fund and/or has funded), which must detail and include:
  - 2.1. Any memorandum of understanding and/or loan, finance, or investment agreement(s);
  - 2.2. The terms and conditions applicable to the funding; and
  - 2.3. How much has been committed to and/or invested in the project.
3. The due diligence framework and/or list of criteria considered in any due diligence process(es) that may apply in relation to the extension of project finance, corporate credits, or any other form of financing to any project or undertaking supporting the development of, or operating within, the Musina-Makhado SEZ.
4. The record of decision making including the scores and/or performance of each company or undertaking to which the DBSA has agreed to grant funding measured against such aforementioned due diligence framework and policy criteria.

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<sup>3</sup> [Special Economic Zones and Industrial Parks outcomes in respect of investments, economic growth and job creation: stakeholder engagement; with Deputy Minister | PMG](#)

E. The following records are requested in relation to the DBSA's financing of the Mozambique LNG Project, as referred to in [a post](#) on the DBSA website dated 20 July 2020<sup>4</sup>:

1. Whether environmental and social impact assessments were undertaken for this project.
2. Whether the DBSA considered the content of the environmental and social impact assessments in its investment decision and due diligence processes.
3. The record of decision making including the scores and/or extent of compliance of the Mozambique LNG project measured against such aforementioned due diligence framework and applicable elements of the DBSA's Environmental and Social Safeguard Standards.
4. Copies of all environmental and social impact assessments provided and considered by the DBSA.

E. Fees

- (a) 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.*
- (b) You will be notified of the amount required to be paid as the request fee.*
- (c) 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.*
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

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.*

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<sup>4</sup> [DBSA yields dividends in Liquefied Natural Gas Project | DBSA](#)



Disability: _____ _____		Form in which record is required: _____ _____	
<p>Mark the appropriate box with an "X".</p> <p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(b) 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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
<b>1. If the record is in printed form:</b>			
<input checked="" type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
<b>2. If record consists of visual images:</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc).			
<input type="checkbox"/>	view the images	<input checked="" type="checkbox"/>	copy of the images*  transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input checked="" type="checkbox"/>	transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine – readable form:</b>			
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy derived from the record*  <input checked="" type="checkbox"/> copy in computer readable form*(pdf, word doc, stifty or compact disc)
<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p><b>A postal fee is payable.</b></p>			<p>YES</p> <p>NO</p> <p>X</p>

*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.*

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?

Per Email: [dmidgley@cer.org.za](mailto:dmidgley@cer.org.za)

Signed at **Cape Town** this **20th** day of **September 2021**.



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SIGNATURE OF THE REQUESTER

Danjelle Midgley

Centre for Environmental Rights