

19 July 2017

To: The Minister of Water and Sanitation  
Ms. Nomvula Mokonyane  
Per: E-mail ([SedibeT@dws.gov.za](mailto:SedibeT@dws.gov.za))  
Ant to: The Information Officer  
Mr Puseletso Loselo  
Per: E-mail ([LoseloP@dws.gov.za](mailto:LoseloP@dws.gov.za))

Dear Minister Mokonyane

**WATER SECURITY – LESOTHO HIGHLAND WATER PROJECT AND THE STERKFONTEIN DAM**

1. Our letter dated 6 March 2017 refers, to date we have not received a response.
2. As stated in our previous correspondence we would like to request information relating to Phase I and II of the Lesotho Highland Water Project.
3. As you will agree, the Lesotho Highland Water Project Phase II (“LHWP II”) is an agreement between two sovereign states and is of importance not only to the citizens of the Republic of South Africa, but also has a socio-economic impact on the Kingdom of Lesotho, and thus the principle of transparency should be elevated to its highest regards.
4. You, the Minister of Water and Sanitation is the custodian of the country’s water resources as contemplated in section 3(1) of the National Water Act 36 of 1998 (“the Act”), and as such, must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner, for the benefit of all persons and in accordance with your constitutional mandate.
5. Furthermore, certain institutions were established to implement all aspects of the LHWP II on behalf of both governments. The roles and responsibilities of these entities are clearly laid out in the Treaty and in subsequent Protocols signed between the Republic of South Africa and the Kingdom of Lesotho. These responsibilities include the management and procurement aspects of the LHWP II on behalf of both governments. Nevertheless, the DWS has the obligation to liaise with such authorities in the execution of its statutory mandate.
6. Considering the above, the spirit of the Constitutional right to access to information, which foster a culture of transparency and accountability in public bodies and to promote a society in which the people of South Africa have effective access to information enabling them to fully exercise and protect all their rights, we kindly request that the DWS provide us with the following information and/or records:

- 6.1 The names of individual board members of the Lesotho Highlands Development Authority (“LHDA”) as well as the respective terms of appointment and designations;
  - 6.2 The names of individual members of the Technical Sub-Committee of the LHDA as prescribed in the Agreement of 2011 as well as the respective terms of appointment and designations;
  - 6.3 The names of individual board members of the Project Management Unit (PMU) as well as the respective terms of appointment and designations;
  - 6.4 All minutes of meetings and resolutions taken by the PMU in its capacity of overseeing and managing the implementation of phase two;
  - 6.5 An indication of how DWS is complying with Protocol VI of 1999 in the implementation of Phase II and the operation and maintenance of Phases I and II of the Project the;
  - 6.6 Progress reports indicating the progress of the LHWP II as at date of this letter;
  - 6.7 The project plans indicating, but not limited to, the estimated date of start of construction of –
    - 6.7.1 Polihali Dam,
    - 6.7.2 the transfer tunnel between Polihali and Katse Dams, and
    - 6.7.3 the estimated date of completion of the LHWP II;
  - 6.8 Financial records setting out the payments made to the Kingdom of Lesotho in the form of royalties;
  - 6.9 The end user tariffs and how it was calculated;
  - 6.10 The communication plan to engage with the water users in Gauteng on the proposed water tariffs;
  - 6.11 The financial projections, budgets and deadlines of both the first and second Lesotho Highland Projects;
  - 6.12 Details of all fines issued in terms of Phases I and II;
  - 6.13 Copy of the LHDA anti-corruption policy; and
  - 6.14 The names of the person/ persons and/or business/ businesses found guilty of corruption in the implementation of Phase I.
7. Further, it has come to light that Gauteng’s strategic water reserve, the Sterkfontein Dam, has not been fully replenished after using 10% of the reserve in December 2015. As stated above and in the spirit of transparency kindly provide a high-level overview on the plan to replenish the reserve with deadline dates.

8. Kindly contact our legal counsel Ms. S Venter at [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za) in the event of any queries.
9. We trust that you find the above in order and look forward to receiving your response by no later than close of business on **3 August 2017**.
10. Kindly acknowledge receipt of this letter.

Yours Sincerely,

**Julius Kleynhans**

Portfolio Director: Water & Environment

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