

4 December 2019

To: The Minister of Human Settlements, Water and Sanitation
Lindiwe Sisulu

Per: E-mail (PitsoC@dwa.gov.za)

To: The Chief of Staff, Ministry of Human Settlements, Water and Sanitation
Francois Hugo

Per: E-mail (Francois.hugo@dhs.gov.za)

To: Director General, Department of Water and Sanitation
Deborah Mochotlhi
E-mail (MochotlhiD@dws.gov.za)

To: Premier of Gauteng
David Makhura

Per: E-mail (Deborah.Tshivhasa@gauteng.gov.za)

Dear Minister Sisulu, Premier Makhura, Mr Hugo and Ms Mochotlhi

WATER SECURITY FOR GAUTENG – LESOTHO HIGHLAND WATER PROJECT PHASE II

1. OUTA is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about holding government accountable and improving the prosperity of South Africa.
2. Our letters dated 6 March 2017 and 19 July 2017 refers.
3. We refer to our attached recent report: “Public Narrative Report on the status of the Lesotho Highlands Water Project Phase II”.
4. The Lesotho Highland Water Project Phase II (LHWP II) arises from an agreement between two sovereign states and is of critical importance to the citizens of South Africa, especially those in Gauteng which serves as the economic hub of the country.
5. 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

ORGANISATION UNDOING TAX ABUSE NPC

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in a sustainable and equitable manner, for the benefit of all persons and in accordance with the Minister's constitutional mandate.

6. We would hereby like to request the Minister to provide us with comprehensive answers to the following questions:
 - 6.1 How many engineering vacancies still exist within the Department of Water and Sanitation and what is the plan to fill these vacancies?
 - 6.2 When is the estimated date that the LHWP II project will be complete and what is South Africa's share of the estimated cost thereof?
 - 6.3 The escalation of cost to South African taxpayers amounts to billions of rand due to delays caused by past Ministers, particularly former Minister Nomvula Mokonyane. Have there been any attempts to hold former Minister Mokonyane to account for these delays and the associated costs?
 - 6.4 What are the likely repercussions of delaying this project further in the future?
 - 6.5 We are concerned at the possible involvement in the LHWP II of Masupha Sole, the former CEO of the Lesotho Highlands Development Authority who was jailed for corruption in LWHP Phase I. The project protocols prohibit the involvement of those with a record of involvement in corruption. We have seen reports from as recently as November 2018 indicating that Sole is Lesotho's technical advisor in the Lesotho Highlands Water Commission. Is Sole still involved in this project in any way, including as a consultant? If so, what is his position? If he is, why has the Ministry not put a stop to this?
 - 6.6 The Project Management Unit of the Lesotho Highlands Development Authority is crucial to the management of the project. The Agreement of 2011 between South Africa and Lesotho sets out the powers to be delegated to this unit (Article 2), but we understand that this has not been done. What is the situation? If these powers have not been delegated, how is South Africa addressing this issue?
 - 6.7 The current operational rule for the Katse Dam is to release water continuously via the Muela-Ash transfer tunnel down to the Vaal Dam. This was agreed to allow Lesotho to generate maximum electricity, but it is not optimal from a water-management perspective as it puts Gauteng at risk of water shortages. Research for this report indicated that the operating rule for LHWP II has not been finalised, which means the opportunity is still there to amend the final operating rules. Have alternative possibilities for providing Lesotho with electricity from South Africa during appropriate periods been considered? Does the Minister agree with this operating rule or are there

attempts to amend this to ensure better management of water resources? When are the operating rules due to be finalized?

6.8 OUTA would like to Participate in the Vaal River Reconciliation Strategy Steering Committee. We have formally asked to be included on this Committee but with no avail. We hereby request the Minister to grant OUTA representation on this steering committee.

6.9 The Lesotho-Botswana Water Transfer Multipurpose Trans boundary (LBWT) Project aims to sell Lesotho water to Botswana, using a pipeline to be built across South Africa. We note that there is little transparency over this project. There has been no public participation in its development, no publicising of any motivation for this project and the Orange-Senqu River Commission (funded by contributions from the Department of Water and Sanitation) does not appear to report publicly on its work. Why is this project so secretive and when will there be a public participation process on this project?

Is the LBWT the result of a legally binding agreement? What is the impact on South Africa's water security of the LBWT?

7. We trust that you find the above in order and look forward to receiving your response by no later than close of business on **10 January 2020**.
8. Kindly acknowledge receipt of this letter.

Yours sincerely,

Julius Kleynhans

Operations Executive

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