



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

EdST

Enquiries: Zodwa Dlamini
Telephone: 000 266 22 317 891
Reference: 7/7/1/8

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 3175 FOR WRITTEN REPLY

A draft reply to the above question asked by Mr G R Morgan (DA) is attached for your consideration.

DIRECTOR-GENERAL

DATE:

DRAFT REPLY APPROVED/~~AMENDED~~ ✓

MRS B E E MOLEWA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE:

2012/11/29



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DIRECTOR-GENERAL

DATE:

21/11/2012

DRAFT REPLY APPROVED/AMENDED

MRS B E E MOLEWA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE:

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 3175

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 09 NOVEMBER 2012
(INTERNAL QUESTION PAPER NO. 39)

3175. Mr G R Morgan (DA) to ask the Minister of Water and Environmental Affairs:

- (1) Whether, since her reply to question 3111 on 4 November 2011, a certain person (name furnished) has had any involvement in the Lesotho Highlands Water Project; if not, how was this conclusion reached; if so, what are the relevant details of the (a) position and (b) responsibilities of the specified person;
- (2) whether the Government has again expressed its objection to the participation of this individual; if not, why not; if so, what are the relevant details;
- (3) whether the appointment in any way undermines the anti-corruption clauses in the agreement between our Government and the Lesotho government on phase II of the Lesotho Highlands Water Project; if not, how was this conclusion reached; if so, what will be done to rectify the situation?

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REPLY:

- (1)(a) The official concerned (details furnished) was employed on a three year contract by the Lesotho Government to serve as a Chief Technical Advisor to the Lesotho Delegation of the Lesotho Highlands Water Commission. His employment contract was entered into on 1 August 2011 and signed by the then Acting Principal Secretary for the Ministry of Natural Resources. His appointment makes him a civil servant working for the Ministry of Natural Resources (which currently is the Ministry of Energy, Meteorology and Water Affairs).
- (1)(b) His main responsibilities at the time of his appointment were to:
 - Act as a Chief Technical Advisor to the Lesotho Delegation of the Lesotho Highlands Water Commission;
 - Advise the Chief Delegate – Lesotho Delegation in ensuring successful implementation of the Treaty, Protocols and the Phase II Agreement; and
 - Advise the Chief Delegate – Lesotho Delegation on matters pertaining to the Lesotho Highlands Water Project.

The Lesotho Government subsequently removed him from the offices of the Lesotho Highlands Water Commission following a strong protest by the Republic of South Africa (RSA) Delegation and the South African Government. He is currently situated in the Ministry of Energy, Meteorology and Water Affairs and he has no involvement whatsoever in the affairs of the Lesotho Highlands Water Project contrary to what his responses to the Mail and Guardian and the Lesotho's Sunday Express of 4 – 10 November 2012.

- (2) The South African government has since the beginning, before he was removed from any dealing with the Lesotho Highlands Water Project put on record its objection to his participation in the affairs of the Lesotho Highlands Water Project. The RSA Delegation to the Lesotho Highlands Water Commission has on a number of occasions conveyed its Government's position in meetings of the Lesotho Highlands Water Commission.

These protests were formally recorded expressing South Africa's formal objection to the official concerned association in any manner with the Lesotho Highlands Water Project. Once I (Minister Molewa) was informed about this appointment I requested the RSA State Law Advisor to furnish me with a legal opinion regarding this matter which was subsequently provided. Furthermore, I (Minister Molewa) raised this matter with my then counterpart Minister of Natural Resources, Mr Monyane Moleleki, at a meeting on 27 November 2011 in Pretoria. At that meeting, it was then resolved that the RSA State Law Advisor together with his Lesotho counterpart the Attorney General should study the matter and give advice to the two Ministers as to what steps should be taken in resolving this matter. An initial meeting between the two parties was arranged in Maseru in January 2012. A follow up meeting is expected to take place once the RSA State Law Advisor receives confirmation of the meeting that he has long requested from his counterpart. A formal pronouncement by the Government of Lesotho in response to these objections is awaited. Be that as what it may, the new incumbent has no linkage to the Lesotho Highlands Water Project. We just await formal response from the two State Law Advisory Bodies. Since the said incumbent does not work for the Commission nor has any linkage with the Commission, there is no way that he will undermine the anti corruption policy

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