

Thursday, 5 August 2021]

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**ANNOUNCEMENTS,
 TABLINGS AND
 COMMITTEE REPORTS**

THURSDAY, 5 AUGUST 2021

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ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Draft Bills submitted in terms of Joint Rule 159

- (1) **Agricultural Product Standards Amendment Bill**, submitted by the Minister of Agriculture, Land Reform and Rural Development.

Referred to the **Portfolio Committee on Agriculture, Land Reform and Rural Development** and the **Select Committee on Land Reform, Environment, Mineral Resources and Energy**, for information.

National Assembly

The Speaker

1. Referral to Committees of papers tabled

- (1) The following papers are referred to the **Portfolio Committee on Environment, Forestry and Fisheries**:
- (a) Government Notice No 495, published in Government Gazette No 44698, dated 11 June 2021: Amendments to Financial Provisioning Regulations, 2015 in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (b) Government Notice No 517, published in Government Gazette No 44701, dated 11 June 2021: Amendment to the Environmental Impact Assessment Regulations, Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the Environmental Impact Assessment Regulations, 2014 for activities

identified in terms of section 24(2) and 24D in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).

- (c) Government Notice No 536, published in Government Gazette No 44724, dated 18 June 2021: Repeal of the regulations relating to the inspection of premises in a Dust Control Area made in terms of section 33(1)(b) of APPA, 1965 in terms of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).
- (d) Government Notice No 537, published in Government Gazette No 44724, dated 18 June 2021: Repeal of the regulations regarding Fuel Burning Appliances in Dwelling Houses made in terms of section 44(1)(d4) of APPA, 1965 in terms of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).
- (e) Government Notice No 538, published in Government Gazette No 44724, dated 18 June 2021: Repeal of the smoke control regulations made in terms of section 18(5) of APPA, 1965 and smoke control zone orders section 20(1) in terms of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).
- (f) Government Notice No 533, published in Government Gazette No 44724, dated 18 June 2021: The National Estuarine Management Protocol in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008).
- (g) Government Notice No 544, published in Government Gazette No 44743, dated 22 June 2021: Consultation on Proposed Regulations Regarding Fees for the Provision of Aviation Meteorological Services in terms of the South African Weather Service Act, 2001 (Act No 8 of 2001).
- (h) Government Notice No 547, published in Government Gazette No 44755, dated 24 June 2021: Notice of intention to declare certain land as part of the Harold Porter National Botanical Garden in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
- (i) Government Notice No 559, published in Government Gazette No 44761, dated 25 June 2021: Consultation on intention to publish the National Guideline for consideration of Climate Change implications in applications for Environmental Authorisations, Atmospheric Emission Licences and Waste Management Licences in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (j) Government Notice No 561, published in Government Gazette No 44762, dated 25 June 2021: National Norms and Standards for Organic Waste Composting in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (k) Government Notice No 562, published in Government Gazette No 44763, dated 25 June 2021: Consultation on the Proposed Amendments to the List of Waste Management Activities that have, or are likely to have, a Detrimental Effect on the Environment in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).

- (l) Government Notice No 563, published in Government Gazette No 44764, dated 25 June 2021: Consultation on the Biodiversity Management Plans for Aloe Ferox and Honeybush Species (*Cyclopia Subternata* and *Cyclopia Intermedia*) in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
 - (m) Government Notice No 566, published in Government Gazette No 44776, dated 28 June 2021: Department of Forestry, Fisheries and the Environment: Comments invited on the Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros.
- (2) The following papers are referred to the **Portfolio Committee on Human Settlements, Water and Sanitation** for consideration and report:
- (a) Business Plan of Amatola Water for 2021-26.
 - (b) Business Plan of Bloem Water for 2021-26.
 - (c) Corporate Plan of Lepelle Northern Water for 2021-22 – 25-26.
 - (d) Corporate Plan of Magalies Water for 2021-22 to 2025-26 (2021-22 Review).
 - (e) Business Plan of Mhlathuze Water for 2021-22 to 2025-26.
 - (f) Corporate Plan of Overberg Water for 2021-22 to 2025-26.
 - (g) Corporate Business Plan of Rand Water for 2021-22 to 2025-26.
 - (h) Business Plan of Sedibeng Water for 2021-22 – 2025-26.
 - (i) Corporate Plan of Umgeni Water for 2021-22 – 2025-26.
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TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) First Quarterly Performance Report of Parliament for 2021-22, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

2. The Minister of Justice and Correctional Service

- (a) 2021 Second Quarterly Report of the National Conventional Arms Control Committee (NCACC) for April – June 2021, tabled in terms of section 23(1) (c) of the National Conventional Arms Control Act, 2002 (Act No 41 of 2002).

National Assembly

1. The Speaker

- (a) Reply by the Minister of Forestry, Fisheries and the Environment to report of the Portfolio Committee on Environment, Forestry and Fisheries on Strategic Plan 2019-20 and 2023-24, Annual Performance Plan 2021-22 as well as Budget Vote 32: Department of Forestry, Fisheries and the Environment, as adopted by the House on 1 June 2021.

Referred to the **Portfolio Committee on Environment, Forestry and Fisheries.**

COMMITTEE REPORTS

National Assembly and National Council of Provinces

1. REPORT OF THE OVERSIGHT VISIT OF THE JOINT STANDING COMMITTEE ON DEFENCE TO REVIEW MILITARY DEPLOYMENTS AS PART OF OPERATION PROSPER IN THE KWAZULU-NATAL AND GAUTENG PROVINCES OVER THE PERIOD 20 TO 21 JULY 2021, DATED 30 JULY 2021.

1. INTRODUCTION

The Joint Standing Committee on Defence (JSCD) conducted an oversight visit to KwaZulu-Natal and Gauteng on 20 and 21 July 2021 to review the South African National Defence Force's (SANDF) role in Operation Prosper in conjunction with the South African Police Service (SAPS). Operation Prosper involves the deployment of up to 25 000 members of the SANDF, in support of the SAPS, to address widespread looting, rioting and violence that emerged in the two provinces from 9 July 2021. The JSCD's visit therefore centred on affected areas in Ethekewini, Pietermaritzburg, Ekurhuleni and Johannesburg.

1.1 Primary aim of the oversight visit

The key focus of the SANDF deployment under Operation Prosper is to “support the SAPS in maintaining law and order and to bring stability in response to the widespread riotous behaviour, looting and destruction taking place in various places in the country.” As such, the main aim of the JSCD oversight visit was to review the SANDF's role and participation in Operation Prosper, examine the level of cooperation with the SAPS and determine operational successes and challenges.

1.2 Defence Committee Members and Support Staff

The Delegation comprised of the following Members and support personnel:

African National Congress

Mr ME Nchabeleng (Co-chairperson – NCOP)

Mr VC Xaba (Co-chairperson – NA)

Ms TI Legwase

Mr TN Mmutle

Ms M Modise

Ms AH Mthembu

Ms NE Nkosi

Democratic Alliance

Mr SJF Marais

Mr D Ryder

Mr ML Shelembe

Economic Freedom Fighters

Mr TWI Mafanya

Mr K Motsamai

Inkatha Freedom Party

Mr R Cebekhulu

Support Staff

Dr W Janse van Rensburg - Committee Researcher
Mr G Mankay - Committee Assistant

1.3 Programme

On Tuesday 20 July 2021, oversight activities in KwaZulu-Natal commenced with a briefing by the SANDF and SAPS to the JSCD and the Portfolio Committee on Police on Operation Prosper, held at the Chatsworth Police Station in Ethekwini. Following the briefing, the JSCD held a separate engagement with the Minister of Defence and SANDF operational commanders responsible for Operation Prosper in the province. Upon the conclusion of the briefings, the JSCD was escorted to several areas affected by violence and looting in Pinetown. The SA Air Force then transported Members of the Committee with a SA Air Force Oryx Transport Helicopter to several of the areas where the SANDF has deployed soldiers as part of Operation Prosper, including Pietermaritzburg, the N3 highway, Greytown, Eshowe and Mooi River.

On 21 July 2021, the JSCD convened at the Doornkop Military Base in Johannesburg where it received an extensive situation analysis briefing on Operation Prosper in Gauteng. This included an engagement with the Commander of the Joint Tactical Headquarters of Gauteng and the Chief of Joint Operations. The briefings were followed by a visit to several deployment areas where the SANDF have soldiers stationed, including a medical production facility, the Meadowlands Mall, Jabulani Mall and Naledi Mall.

2. OVERSIGHT VISIT TO KWAZULU-NATAL

The JSCD Delegation joined the Portfolio Committee of Police at the Chatsworth Police Station in Ethekwini to receive a briefing by both the SANDF and the SAPS on Operation Prosper in the province. Ms TM Joemat-Pettersson, Chairperson of the Portfolio Committee on Police, Mr VC Xaba and Mr E Nchabeleng, Co-chairpersons of the JSCD, opened the meeting and welcomed the presence of the Minister of Defence, Ms N Mapisa-Nqakula, the Minister of Police, Mr B Cele as well as several members from the KwaZulu-Natal Legislature.

2.1 Presentation by the SANDF

Major-General Dube, Provincial SANDF Commander for Operation Prosper, briefed Members of the two parliamentary committees on SANDF activities in KwaZulu-Natal. He noted that all SANDF operations take place in support of the SAPS. The initial focus of the SANDF operations in KwaZulu-Natal has been to secure national key points as well as important access routes, notably vulnerable sections of the N2 and N3 highways. This was an essential component of Operation Prosper to ensure that delivery vehicles and cargo carriers had freedom of movement in the province. As SANDF support evolved, with the arrival of additional personnel, deployments with the SAPS increased with a focus on neutralising the destabilisers and achieving an end-state where the province will return to normal. At the time of the briefing, several SANDF units were present in the province including elements of 121 Battalion, 1, 4 and 5 SA Infantry Battalions, the Ingobamakhosi, Umvoti and Umzimvubu Regiments (Reserve Force), 1 Special Services Battalion, 2 Field Engineer Regiment, 20 Air Defence Artillery Regiment, 4 Artillery Regiment and the Maritime Reaction Squadron (SA Navy). Key operations of these units, carried out in support of the SAPS, included:

- securing national key points;
- enhancing the visibility of security forces;
- securing important access routes;
- conducting roadblocks;
- assisting with road clearing;
- protection of hospitals;
- keeping forces on standby for reaction capabilities;
- protection of courts;
- assisting in the protection of key agricultural routes; and
- the removal of barricades.

2.2 Presentation by the SAPS

Major-General P Makoba from the SAPS in KwaZulu-Natal briefed the two parliamentary committees on SAPS activities in the province. The presentation commenced with an extensive background to the violence and centred on activities surrounding the incarceration of the former president, Mr JG Zuma. Focus then shifted to security threats that emerged as riots and looting spread across the province. General Makoba indicated that threats were made against critical infrastructure, including the Port of Durban and courts in the province. She also highlighted the modus operandi of rioters that included petrol bombing, discharging of firearms, torching of infrastructure and using tipper trucks to block roads. The SAPS emphasised the role of social media in organising/instigating continued violence and highlighted that this aspect is under investigation. To combat these activities, the SAPS carried out several actions around the province, including (as on 18 July 2021):

- 112 roadblocks;
- 9 642 vehicles stopped and searched;
- 2 097 vehicle check-points conducted;
- 190 patrols on national roads;
- 18 530 people searched;
- 765 premises searched;
- 1 560 national key points visited;
- 336 incidents attended by the Public Order Policing (POPS).

In order to effect the above actions, the SAPS deployed a wide array of capabilities in the province, including Visible Policing (VISPOL), the POPS, the Operational Response Service, Crime Intelligence and Reservists. These were assisted by the SANDF deployment as well as the Metro Police and the Road Traffic Inspectorate. All SAPS members were recalled from leave amid the escalating violence and shift changes were implemented to maximize deployment. As a result of these actions, the SAPS achieved several successes in the province. By 20 July 2021, a total of 2 466 cases have been reported, including 138 murders, 15 attempted murders, 143 cases of malicious damage to property and 54 cases of arson. By 20 July 2021, a total of 2 051 arrests have been effected in KwaZulu-Natal. In addition, 155 dangerous weapons, 63 firearms, 39 vehicles and 5 171 rounds of ammunition have been confiscated.

Of concern to the SAPS was the theft of around 1 million rounds of ammunition from a warehouse in Ethekwini. While a small amount of ammunition has been recovered by the SAPS, the majority of the

ammunition still remains missing and the DPCI was investigating the theft. In addition, the SAPS remained concerned about the situation in the neighbourhood of Phoenix in Ethekwini and the accompanying racial tensions that emerged during the period of unrest. However, a dedicated team of investigators were investigating the deaths reported in the Phoenix area.

In conclusion, the SAPS admitted several shortcomings in its policing approach. First, it highlighted the need for better intelligence to drive SAPS operations. Second, better crowd management training is required, with the presenter noting the possible need to improve the training of ordinary station members in crowd management. Third, the SAPS highlighted that broader concerns of poverty and unemployment needs to be addressed as an underlying solution to these problems. The SAPS noted additional lessons learnt including the need:

- To enhance the use of technology for intelligence gathering purposes.
- For accurate and timeous information to operational teams.
- To focus on information gathering on social networks in order to identify instigators.
- To address inadequate security measures at warehouses and malls.
- To enhance SAPS physical, human and financial resources.

2.3 Observations by Committee Members

The Chairperson of the PC on Police allowed an opportunity for some questions of clarity from Members based on the two presentations, prior to the two Committees meeting separately with the SANDF and Police.

- A Member expressed concern around the perceived lack of intelligence support operations. The SAPS indicated that intelligence sharing structures were in place through the National and Provincial Joint Operations structures. The SANDF also noted that there have been some successes. For example, information was received of a planned motorcade to Escort and a joint operation was launched in response which deterred the event. Whenever an alert is received, action is taken, but it may be difficult to measure the impact of such actions as pre-emptive action may serve as a deterrent in itself. It was further noted that technology is not being optimally utilised as a means to boost intelligence.
- Members enquired whether there were any challenges in the cooperation between the SAPS and the SANDF. Both the SAPS and SANDF indicated that no challenges were experienced in the province that required escalation to a national level.
- The Delegation required further clarity on the ammunition that was stolen from a warehouse. It was indicated that, during looting in Ethekwin, SAPS discovered boxes of ammunition in the street. The SAPS was then approached by a private security company that indicated they transported a container of ammunition from the harbour to a holding facility that was looted. The ammunition consisted mostly of 9mm rounds and pellets. The original movement of the container from the harbour is under investigation as it was explained that the SAPS initially refused the movement of the container from a Transnet holding facility to a private warehouse. SAPS was under the impression that the ammunition was still with Transnet and is conducting an investigation into the parties responsible for giving permission for the container to be moved. The Minister of Defence then added that KwaZulu-Natal is a province with a proliferation of small arms and perhaps this period offers an opportunity to address the high levels of small arms in this province.

- A Member requested clarity on the total number of SANDF troops deployed in the province and it was indicated that, as of 20 July 2021, the number was nearing 5 000 with additional troops still in transit to the province.
- Finally, the Delegation expressed real concern around the situation in Phoenix, the number of deaths in the neighbourhood and the perceived racial tensions characterising the period of instability. The Minister of Police reassured Members that the concern is shared and that the situation in Phoenix is being prioritised by the Police and other role-players. He indicated that representatives of all communities in and around Phoenix have been brought together and three representatives from each community elected. These representatives are meeting daily in an effort to restore calm and unity to the area. Concerns emerged around roadblocks that were put in place by the Phoenix community as well as the apparent abuse of power by private security companies in the area. The Private Security Industry Regulatory Authority (PSIRA) was therefore investigating the behaviour of private security in the area. Furthermore, the Minister indicated that a team was established by SAPS and the local community to ensure that families have access to bodies in mortuaries. In addition, a 10-member detective team has been put together, consisting of SAPS members not affiliated to Phoenix, to investigate the murders. By this date, one person had been arrested. A total of 70 POPS members as well as a sub-unit of the SANDF were deployed to the area to maintain calm. The Department of Social Development and the Premier of KwaZulu-Natal have also been involved in finding a lasting solution to the situation. The Minister of Police concluded that an extra effort is needed in this community, but that a lot has been done over the last week.

2.4 JSCD engagement with the Minister of Defence

Following the joint SANDF-SAPS briefing, the JSCD moved to a different location at the Chatsworth Police Station for interaction with the Minister of Defence and operational commanders of the SANDF involved in Operation Prosper. The engagement took the form of a confidential session where some operational matters were shared with the JSCD. Due to operational security considerations, these details are not included in this report of the JSCD. However, some aspects noted by Members of the JSCD during this engagement included the following:

- Members expressed concern around the capability of the SAPS as they were unable to quell the violence in the province and therefore the domestic deployment of the SANDF was required.
- Members observed that there seems to be an elevated level of trust in the SANDF among local communities and that professionalism and discipline will be required to maintain this trust.
- Given the volatile situation, Members expressed the need for the SANDF to maintain a rapid reaction capability to shift forces, with the SAPS, if violence erupts in areas where the SANDF is not present.
- The Committee expressed concern around the volatility of the N3 and, specifically, the Mooi River area as this area has been subject to violent attacks on trucks and motorists for some time.
- Members expressed the need for effective intelligence coordination between the SAPS and the SANDF.
- The Committee highlighted the need for joint operations between the SANDF and SAPS to ensure stability not only of urban areas, but also rural areas in the province.

- The Committee noted with concern that, despite reports to the contrary in the previous presentations, some high-level challenges were initially observed in terms of the cooperation between the SANDF and the SAPS.
- Committee members also inquired about the safeguarding of routes to transport milk, perishable and non-perishable food products, and the possibility to provide protected convoy support if required. The response was that security forces are liaising with organised agriculture to provide any essential support services to assure the safe transport of food products in order to contribute to food security.
- Members noted that the violent events that emerged in July 2021 highlighted the need for the maintenance of a well-equipped and appropriately funded SANDF.

2.5 JSCD site visits to affected areas

The JSCD was escorted to several of areas affected by violence and looting in Pinetown. Members observed first-hand the violence and destruction caused by the looting at two shopping centres in Pinetown and the Distell Warehouse in New Germany. Members expressed their concern about the economic impact of the looting and noted that, in many cases, the looting was accompanied by extremely high levels of property destruction. Where business owners and employees were present, the Committee encouraged them in their recovery process. The Committee noted the gratitude for the SANDF's deployment expressed by several business owners and employees of affected businesses present during the oversight visit.

The SA Air Force then transported Members of the Committee via Oryx Transport Helicopter to several of the areas where the SANDF have deployed soldiers as part of Operation Prosper, including Pietermaritzburg, the N3 highway, Greytown, Eshowe and Mooi River. The Committee observed that the N3 was free-flowing and no obstructions to traffic were visible. It was especially encouraging to see the flow of cargo traffic on the N3. The Committee's concern around the Mooi River toll gate was also confirmed during the visit given the proximity of the urban area to the toll-gate, meaning that trucks and other vehicles stopping at the toll gate could be targeted more easily. In this regard, the Committee welcomed the deployment of an SANDF contingent in the area. Members also noted the extensive damage to infrastructure in Pietermaritzburg, Greytown and Eshowe and welcomed the SANDF's commitment to implement plans to ensure, alongside the SAPS, stability in smaller towns in KwaZulu-Natal.

3. OVERSIGHT VISIT TO GAUTENG

The Gauteng leg of the JSCD oversight visit was attended by a smaller number of Members and support staff as a result of administrative constraints and limited flight availability to Gauteng. Members partaking in the Gauteng leg of the visit included the Co-chairperson, Mr E Nchabeleng, Ms TI Legwase, Mr TN Mmutle, Ms M Modise, Ms NE Nkosi, Mr SJF Marais, Mr D Ryder, Mr TWI Mafanya and Mr K Motsamai. They were supported by the Committee Researcher, Dr WK Janse van Rensburg.

On 21 July 2021, the Committee (as outlined above) convened at the Doornkop Military Base in Johannesburg for a briefing on the roll-out of Operation Prosper in Gauteng. The aim of the meeting was for Members of the JSCD to engage the SANDF's Chief of Joint Operations (CJ Ops), Lieutenant-General Sangweni, as well as the military commanders in control of Operation Prosper in Gauteng. In addition to the CJ Ops, military personnel present included Rear Admiral Mhlana, the Chief of Staff of Joint

Operations, Brigadier-General Pharo, the Head of Internal Operations at the Joint Operations Division, Colonel Motloun, the SANDF's Parliamentary Liaison Officer, Colonel Maseko from the Directorate Corporate Communication, Colonel Maine, the Officer Commanding of the Joint Tactical Headquarters Gauteng and Lieutenant-Colonel van Vuuren, the Intelligence Officer of the Joint Tactical Headquarters Gauteng.

3.1 Opening remarks and Committee expectations

The Co-chairperson of the JSCD, Mr E Nchabeleng, opened the engagement by noting the expectations of the JSCD for the meeting. He then requested other Members to also voice their expectations for the engagement. Members of the JSCD raised the following focus areas for the oversight visit in Gauteng on 21 July 2021:

- Reviewing the status of the SANDF deployment in Gauteng, to ensure the deployment is taking place in line with the mandate.
- Assessing operational success and determining factors that prevent the achievement of operational success.
- Discussing the level of cooperation between the SANDF and SAPS.
- Discussing the SANDF equipment used and whether it is appropriate for the mission. This will help Parliament to refer back to these matters when debating the DOD budget in future.
- Engaging the SANDF on whether they are able to maintain a disciplined deployment.
- Assessing whether there is enough support from SA Air Force aircraft.
- Assessing whether critical infrastructure and critical routes have been secured in Gauteng.
- Assessing the status of the vaccination roll-out among deployed soldiers.
- Receiving clarity on deployment numbers.
- Assessing the provision of intelligence to drive operations.

3.2 Presentation by the Joint Tactical Headquarters Gauteng

Two presentations were made to the Committee by personnel from the Joint Tactical Headquarters Gauteng. The presentations were conducted by Colonel Maine, the Officer Commanding and Lieutenant-Colonel van Vuuren, the Unit's Intelligence Officer.

The presentation commenced with a situational analysis of the SANDF deployment in Gauteng. During the initial period of instability, violence emerged in several areas and the SANDF identified key hotspots for potential deployment in cooperation with the SAPS. Most businesses opted to close their doors on Tuesday 13 July 2021 as a precaution and the M2 highway was closed for several days in some areas. This was the only road blocked for extended periods in Gauteng. The instability was characterised by a complete disregard and disobedience of Covid-19 lockdown rules and regulations and criminal elements took advantage of the situation for self-enrichment. Criminal activities included the blockage of roads, business burglaries with the intention of looting, notably liquor outlets, and attacks on law enforcement personnel. The time period between 21:00 to 04:00 posed a specific security concern. A comprehensive list of looted and affected businesses and infrastructure was also presented to the Committee. A total of 33 fatalities were reported in Gauteng between 13 and 16 July 2021.

The second part of the presentation focused on the SANDF's role in Gauteng. Two battalions were deployed in various areas around Ekurhuleni, Tshwane, Johannesburg and Soweto, Sedibeng, the West Rand, national key points, critical infrastructure and other areas around Gauteng. SANDF activities in support of the SAPS included the following:

- vehicle patrols;
- manning control points;
- conducting foot patrols;
- the protection of national key points;
- conducting visibility patrols;
- apprehending suspected individuals (and handing them over to the SAPS);
- cordon and search operations; and,
- escort duties.

In terms of air assets and operations related to Operation Prosper, all operations are centrally controlled from Air Force Base Waterkloof. SA Air Force activities include force projection and medical evacuations, intelligence gathering as well as command and control operations. The SA Air Force also provides strategic assets such as C130 Transport Aircraft that are used for logistical support, specifically the movement of equipment and personnel between Gauteng and KwaZulu-Natal.

The presentation concluded with an overview of the levels of cooperation between the SANDF and the SAPS. Colonel Maine noted that, in Gauteng, cooperative planning starts at Provincial Command with engagement between the provincial SAPS and SANDF commanders. The SANDF Officer Commanding of the Joint Tactical Headquarters (Gauteng) sits on the Provincial Command. Joint planning with the SAPS is done to ensure effective cooperation and the SANDF is generally asked to provide input on SAPS plans in order to provide an effective support capability. Colonel Maine stated that the first week of cooperation on Operation Prosper has been characterised by good levels of cooperation. The main approach to operations is characterised by the SAPS being in command of directing operations with SANDF in support.

3.3 Observations by Committee Members

The Co-chairperson opened the floor to Members of the JSCD to pose questions to the CJ Ops and other SANDF personnel present. Key questions that emerged around Operation Prosper included the following:

- Members requested further information around the tactical intelligence picture (deployment-level intelligence) and whether tactical intelligence received has been accurate and helpful to inform SANDF deployments. Members requested that the response be structured in such a way that it does not compromise operational security. The response indicated that strategic intelligence is processed through the National Intelligence Coordinating Committee (NICOC) and this is reworked for tactical intelligence purposes. Intelligence Officers also form part of provincial intelligence structures to ensure that strategic intelligence is operationalised. The SANDF indicated that it does not engage in covert intelligence collection, but overt collection for

operations. Overt intelligence collection takes place on the frontlines through own forces deployed and is relayed back to commanders and tactical intelligence operatives.

- Members requested clarity on the status and appropriateness of equipment utilised by the SANDF in Operation Prosper. The CJ Ops noted that there is a concern around equipment and he reiterated that it is a well-known fact that the SANDF is not adequately capacitated. Much of the SANDF equipment is old and obsolete and the Force's facilities are often not fit for purpose. Militaries are designed for conventional warfare, and peacetime operations bring different challenges. Therefore, for internal operations, conventional equipment is not the best suited. For example, smaller vehicles with more manoeuvrability in an urban environment are required. Air assets are also limited and many of the assets are aged, posing operational limitations as there are not sufficient air assets in the SA Air Force for adequate support. Specific reference was made to the limited availability of strategic airlift capability which is caused by a shortage of C-130 transport aircraft. The CJ Ops noted, however, that these concerns around equipment is a strategic-level concern and that the SANDF is managing to execute the objectives of Operation Prosper with the equipment at hand, despite strategic limitations.
- The Committee requested information on the status of Covid-19 vaccination among deployed troops. It was indicated that the vaccination process in the SANDF is ongoing, which means that many of the troops deployed in Operation Prosper are not vaccinated, but awaiting their turn. The SANDF is continuing with the roll-out of its vaccination drive.
- Members requested clarity on how the SANDF characterises the insecurity that surfaced in July 2021. SANDF personnel noted that this question is best answered at strategic level and cannot be answered at operational and tactical level. However, at operational and tactical level, the SANDF and SAPS are dealing with criminality. The operations carried out are merely to address the immediate concerns which are looting, criminality, arson and vandalism.
- The Delegation required clarity on the composition of the deployed force in terms of Permanent Force and Reserve Force components. The SANDF indicated that, in Gauteng, the deployment is largely Reserve Force based while more Permanent Force elements are deployed in KwaZulu-Natal.
- The Committee requested the CJ Ops to indicate the SANDF's recommendation about the future safeguarding of national key points after the SANDF withdraws. He indicated that the SANDF is only required now to assist with safeguarding of national key points due to the Operation Prosper deployment and that this task, as per current legislation resorts under the SAPS.
- Members asked for a detailed breakdown of deployment numbers in Gauteng and other provinces. It was indicated that, as on 21 July 2021, there were 8 companies (sub-units) deployed in Gauteng and that additional forces were being moved from Gauteng and other areas to KwaZulu-Natal. However, the deployment is not 'doctrinal', meaning that a sub-unit does not necessarily align with standard infantry battalion composition. The SANDF also makes use of various levels of standby to ensure a rapid deployment capability.
- The Committee wanted to know if there were any specific future threats and whether the SANDF was expecting a further flare-up. The SANDF indicated that, along with the SAPS, it was continuing to monitor the situation on the ground.
- Members also requested information on the level of joint planning and cooperation and whether there is a Joint Operations Centre. The Officer Commanding of the Joint Tactical Headquarters for

Gauteng indicated that there is a Joint Operations Centre that is staffed 24/7 with SAPS and SANDF members. This structure is separate from the Provincial Command that meets daily.

3.4 JSCD site visits to affected areas

The Committee was escorted by road to several affected areas in Gauteng, all of which have SANDF deployments as part of Operation Prosper. Members first visited a medical factory close to the Doornkop Military Base where the SANDF is maintaining a permanent presence. Their presence at the factory is based on tactical intelligence directives and the underlying risk assessment. The factory itself was not affected by the initial looting and riots, but due to the strategic importance of the facility, the SANDF maintains a presence in this area with the SAPS.

Members were then escorted to the Meadowlands Mall where clean-up operations were underway by staff of the affected retail outlets. The Committee witnessed a significant SANDF presence in the area and was informed that the deployment was to prevent any further damage to the mall. It was reported that looted infrastructure faces a significant risk in terms of further damage as it is susceptible to cable and copper theft as well as further vandalism. Members observed the conventional SANDF equipment, mostly Ratel Infantry Fighting Vehicles, deployed at the mall and questioned why these specific conventional units and equipment were deployed in the area. It was indicated that the SA Army is responsible for troop provision and that the Joint Operation is responsible for deployment. The CJ Ops therefore does not determine force availability and provision. Members were also informed of the need for improved troop-carrying equipment in the SANDF and for equipment better suited to urban missions such as Operation Prosper.

At the Jabulani mall in Soweto, the Committee observed similar levels of infrastructure damage as at other malls. Members also noted with interest that several of the affected areas such as the Meadowlands and Jabulani Malls were located opposite SAPS stations. Members observed recovery efforts and cleaning by personnel at the mall and was informed that calm was restored to the area. The SANDF, along with the SAPS, is maintaining a permanent presence in the area. The oversight visit concluded with a visit to the Naledi Mall in Volsoorus. Albeit a smaller mall, it was extensively damaged as the upper floor of the building was set alight following extensive looting. The SANDF maintains a presence in the area and Members were again informed of the need for more appropriate equipment for urban operations for the SANDF.

4. GENERAL COMMITTEE OBSERVATIONS

The following are some of the key observations made by the Delegation, largely related to the JSCD's oversight mandate as it relates to the SANDF:

- The Committee observed the extensive damage caused to infrastructure in both KwaZulu-Natal and Gauteng and expressed its serious concern around the potential economic impact of this violence as well as the impact on people's livelihoods.

- The Committee noted the gratitude of local communities and business owners towards the SANDF's deployment and the contribution of Operation Prosper to the return of stability to affected areas.
- Members welcomed planning by the SANDF and the SAPS to support and safeguard communities and infrastructure in rural areas and smaller towns in KwaZulu-Natal as well as efforts to secure important agricultural routes.
- Members expressed concern around a clear lack of intelligence to adequately inform the security forces of the initial outbreak of violence in July 2021. This points to a serious concern around South Africa's strategic intelligence capacity. However, at a tactical intelligence level, the Committee observed good cooperation between the SAPS and the SANDF under Operation Prosper characterised by regular information exchange and the establishment of appropriate structures to facilitate such information exchange. The Committee is of the view that the success in quelling the violence was significantly aided by good intelligence sharing at tactical level.
- The Committee noted the rapid escalation of the SANDF deployment under Operation Prosper and welcomed the extensive and urgent planning the SANDF put into the deployment immediately following the request by the President.
- Members observed both Reserve Force and Permanent Force SANDF deployments in the two provinces. The Committee specifically noted the value of the Reserve Force to allow a quick force surge when required by the SANDF.
- In KwaZulu-Natal, Members observed the serious risk that violence posed to the functioning of the N3 highway. Some Members expressed the opinion that this should be considered as a national key point or at least be considered as strategic infrastructure that warrants improved security planning.
- The Committee noted that the SANDF's Covid-19 vaccination rollout is still underway, and highlighted the need to vaccinate those currently being deployed.
- The Committee expressed significant concern around the state of equipment of the SANDF and reiterated the need for fit-for-purpose equipment. Members specifically observed the fact that most SANDF equipment is old and that troop transport capabilities in the SANDF seems to be under severe pressure.
- Members expressed serious concern around the SA Air Force's capability to support extensive operations. While the SA Air Force should be commended for the level of support it managed to offer to Operation Prosper, it is evident that aircraft constraints have a serious impact on effective mission support as well as troop and logistics movement.
- Members welcomed the high levels of discipline portrayed by members of the SANDF thus far in the deployment.
- Members noted the stark difference between the unrest in KZN and in Gauteng. While KZN saw damage over long stretches of road, with seemingly wanton destruction accompanying the looting and theft, the Gauteng incidents were largely limited to malls, and the malice and destruction for the sake of destruction was not witnessed to anywhere near the same levels.
- The Committee also noted that there was no material disagreement or tension between the SAPS command and the SANDF Command in Gauteng, such as the reported (and confirmed) issues experienced in KZN. This despite the SANDF Commander in Gauteng being a Female Officer at the level of Colonel.
- The Committee observed the complexity of an SANDF urban mission in support of the SAPS for a military that is largely geared as a conventional military force.

- The Committee further noted that the Commander in Chief has relied heavily on the SANDF to assist the country both in this instance and with the management of the Covid-19 related lockdowns. This despite repeated years of declining budget and constraints placed on the Defence Force.

5. RECOMMENDATIONS BY THE JOINT STANDING COMMITTEE ON DEFENCE

Based on the observations of the JSCD during its oversight visit of Operation Prosper to KwaZulu-Natal and Gauteng, the Committee makes the following recommendations *as it relates to the defence portfolio*:

- The Committee welcomes the SANDF deployment and congratulates the SANDF commanders, notably the Chief of Joint Operations and his staff, on its rapid response to the order to assist the SAPS under Operation Prosper. The Committee urges the SANDF to maintain its support levels to the SAPS both in planning and execution and, in so doing, continue its contribution to security and stability in South Africa.
- The Committee noted the gratitude of local communities towards the SANDF's deployment and the positive impact that the deployment has had. The Committee therefore urges the Commander-in-Chief to maintain the SANDF presence in support of the SAPS should the risk assessment demand it. However, the Committee also urges a balanced approach to domestic SANDF deployments, as protracted deployments can negatively affect the state of civil-military relations in the country and ultimately erode the trust that South Africans place in the SANDF. The Committee will continue to oversee the letters of deployment from the President.
- The Committee noted serious concerns in relation to the provision of strategic intelligence to the security services. This brings into question the capabilities of the strategic intelligence services and/or the platforms for intelligence sharing. The JSCD expresses this concern as strategic intelligence informs operational and tactical-level intelligence, thus impacting on SANDF operations. For the success of future SANDF (and SAPS) operations, South Africa requires a coherent and capable strategic intelligence capability. The Committee therefore recommends that appropriate steps be taken to ensure a coherent and capable intelligence capability in the country, and that structures such as NICOC be optimised to ensure adequate intelligence provision for SANDF missions.
- The Committee noted the value of the Reserve Force to Operation Prosper. However, the Committee is also aware of the various constraints faced by the Reserve Force, notably budget constraints and an ageing force. The Committee therefore recommends to the PC on Defence and Military Veterans (PCDMV) to include in its upcoming Budgetary Review and Recommendations Report (BRRR) a request to the National Treasury for increased funding for recruitment and deployment of the SANDF's Reserve Force contingent. Additional funds for Reserve Force deployment should be specifically directed at domestic deployments such as support to the SAPS and increased border safeguarding.
- The JSCD should recommend that the PCDMV, during the BRRR process, raise the issues of the substantial reliance on the SANDF during times of extreme need, and the decreasing ability of the SANDF to meet expectations as a result of declining budget allocations.
- The Committee recommends that the South African Military Health Services (SAMHS) prioritise the vaccination of deployed soldiers.

- The Committee expressed its concern around the status of equipment of the SANDF and acknowledges that this has been the subject of debate by Parliament's defence committees for some time. However, the negative impact of budget constraints on the status of the SANDF's equipment and the resultant operational impact was clearly visible during the most recent oversight visit. In line with the JSCD's Constitutional mandate to make recommendations on the defence budget and armaments, the Committee will request a joint report from the SANDF and the National Treasury on critical equipment requirements and the potential for funding thereof.
- Related to the need for equipment upgrades, the JSCD also recommends that funding be provided to renew or update the SA Air Force's strategic airlift capability, the current state of which puts the SANDF at a significant operational disadvantage for both domestic and international deployments. In line with the JSCD's Constitutional mandate to make recommendations on the defence budget and armaments, the Committee will request a joint report from the SANDF and the National Treasury on critical SA Air Force requirements, notably strategic airlift capabilities, and the potential for funding thereof.
- The Committee welcomes the high level of discipline portrayed by members of the SANDF deployed as part of Operation Prosper. The Committee recommends that the SANDF take all steps to maintain the current levels of professionalism and discipline portrayed and, should cases of ill-discipline be reported, immediate and appropriate steps be taken to correct it. The JSCD also recommends that the Office of the Military Ombud increases its efforts to make its services known to communities where the SANDF is deployed.
- The Committee observed the complexity of an SANDF urban mission in support of the SAPS for a military that is largely geared as a conventional military force. This complexity brings into focus the need for debate around the utilisation of the SANDF and the appropriate funding thereof. In recent years, both the JSCD and the PCDMV have noted the detrimental impact of the budget cuts on the SANDF. The Committees also observed the lack of strategic direction given the limited funding available to implement the 2015 Defence Review. As such, the JSCD recommends that the Speaker of the NA schedules an urgent, separate parliamentary debate on the future utilisation, funding and strategic direction of the SANDF.

Report to be considered

National Assembly

1. Report of the Portfolio Committee on Police Interview Panel on the interviews for the candidates for the Critical Infrastructure Council on 8-10 June 2021, dated 29 July 2021

1. Introduction

The appointment process for ten private sector and civil society members of the Critical Infrastructure Council was referred to the Portfolio Committee on Police by the Speaker on 2 February 2021 (ATC No: 8, 2021) for consideration and report.

The Critical Infrastructure Protection Act, (8 of 2019) was assented to and promulgated by the President on 28 November 2019. The Act replaced the old National Key-Points Act (102 of 1980).

2. Background

The process for Parliament to nominate ten members of the private and civil society sectors are contained in section 4(7) of the Critical Infrastructure Protection Act as follows:

- (7) The Speaker must refer the matter to the relevant committee of the National Assembly to:
- (a) publish a notice in the Gazette and in at least two national newspapers circulating in the Republic, inviting applications from interested persons and members of the public to nominate persons;
 - (b) compile a shortlist of not less than 20 persons who are not disqualified in terms of section 5(a), (c), (d), (e), (f) or (g), from the applications and nominations referred to in paragraph (a) or persons serving on the Council who qualify for a further appointment in terms of subsection (10);
 - (c) submit the list referred to in paragraph (b) to the State Security Agency for consideration and issuing of a top secret security clearance;
 - (d) conduct interviews with the persons referred to in paragraph (b) who are not disqualified in terms of section 5(b) for purposes of compiling a list of 10 recommended candidates in order of preference;
 - (e) submit the list of names referred to in paragraph (d) to the National Assembly for approval; and
 - (f) submit the approved list of names contemplated in paragraph (e) together with their résumés to the Minister.

The Minister must in terms of Section 4(8) appoint five members to the Council from the list provided by Parliament and publish their names in the Gazette.

3. The Process followed

The Committee compiled an advert and placed it in in major newspapers with a closing date of 22 February 2021.

The Committee received 42 applications of which two applicants did not meet the deadline, one passed away during the period since applying and the shortlisting process. A total of 37 applicants met the minimum requirements. In its meeting held on 13 April 2021, the Committee was briefed on the qualifications, experience of the applicants and the process for the interviews.

The Committee finalised a list of twenty candidates for interviews on 13 April 2021 and the Committee wrote to the Speaker's Office to facilitate the vetting by the State Security Council of the twenty applicants for the Critical Infrastructure Council on 14 April 2021.

The Interview panel consisted of the following Members:

Hon T. Joemat-Pettersson (ANC)(Chair)

Hon M. Shaik-Emam (NFP)

Hon. O. Terblanche (DA)

Hon. L Moss (ANC)

Hon. N. Peacock (ANC)

Hon. H. Shembeni (EFF)

Hon. K. Meshoe (ACDP)

Hon. Z. Majosi (IFP)

4. Vetting and Legal Opinion

The Committee provided the final list of 20 candidates to the State Security Agency for vetting and the Human Resources Division to check on their qualifications during the month of May. All candidates were vetted and one was flagged for a possible criminal record and two for bad debt management. The Committee engaged the Legal Division to consider the approach the Committee should adopt when considering the criminal record and bad debt management.

The Legal Opinion averred that where a person has a criminal record:

“... it would be reasonable for the Committee to exclude the candidates with a criminal record and who were sentenced to imprisonment without an option of a fine.

This is a specific disqualification in terms of section 5 of the Act.

Despite this, the legal opinion indicated that as far as the bad debt management was concerned,

“Where a person has a bad debt management record and even a debt judgment in their name but have not been declared as insolvent by a court order and pending rehabilitation from their insolvency, such a person may be appointed onto the Council. The Act does not disqualify such a person from appointment onto the Council.”

As a result, the Interview Panel decided to continue with the interviews and did not appoint the person with the criminal record.

5. The Interviews

The interviews were conducted over three days between 8 -10 June 2021 in Parliament and prior to the interviews, one candidate withdrew his participation because he found suitable employment. Two other candidates also withdrew on the first day of the interviews in view of them also finding suitable employment.

The Interview Panel interviewed 17 candidates as a result. One candidate became ill on the first day and the panel had to arrange for a virtual interview on the last day of interviews on 10 June 2021.

6. Candidates nominated to the Minister

The Interview Panel recommended the following ten candidates to be nominated for approval by the full Portfolio Committee on Police and to the Minister of Police:

1. Adv. Lufuno Khorommbi
2. Mr Willie Renier Du Preez
3. Ms Keletso Lefothane
4. Mr Grant Son
5. Mr. Richard Zita
6. Dr Vincent Mello
7. Mr Nkhangweni Rambau
8. Dr Patience Mbava
9. Mr Eugene Van Rooyen
10. Ms Nomabandla Silinyana

Report to be considered.

2. Report of the Portfolio Committee on Police on its oversight visit to the Central Firearm Registry (CFR) and Forensic Science Laboratory (FSL) Biology Section, Pretoria (Gauteng Province) on 15 May 2021, dated 29 May 2021.

1. Introduction

The Portfolio Committee on Police conducted an oversight visit to the Gauteng Province on 15 May 2021 to assess the status of the Central Firearm Registry (CFR) and the Forensic Science Laboratory (FSL): Biology Division, both located in Pretoria.

2. Purpose of the visit

The oversight visit provided Members of the Committee first-hand information on the state of the Central Firearm Registry, especially in terms of the state of the Veritas building, the lack of storage space and the extent of the applications backlog. Similarly, the site visit to the Forensic Science Laboratory: Biology Section gave Members of the Committee a visual understanding of the process flow of case exhibits entering the laboratory and subsequent DNA analysis process, together with a view of the equipment available at the laboratory.

3. Delegation

The delegation comprised of the following Members and support staff:

3.1. Members of the Committee

The following Members attended the oversight visit:

- Hon. Maphatsoe (Acting Chairperson)
- Hon. Peacock
- Hon. Moss
- Hon. Molekwa
- Hon. Shembeni
- Hon. Shaik-Emam
- Hon. Rev. Meshoe
- Hon. Whitfield
- Hon. Terblanche
- Hon. Dr Groenewald

3.2. Support staff

The following support staff attended the oversight:

- Ms Mbengo: Committee Secretary
- Ms van Zyl-Gous: Committee Researcher
- Ms Sihawu: Executive Secretary to the Chairperson

4. Sites visited

The Committee visited the Central Firearm Registry and the Forensic Science Laboratory: Biology Section.

5. Findings during facility tour

5.1. Central Firearm Registry

The South African Police Service (SAPS) met Members of the Committee in the CFR Boardroom at the Veritas building. Members immediately noted the state of the building and piles of applications stored in the boardroom. The SAPS explained that the Veritas building had been disqualified for human occupation about two years prior. Various Safety, Health and Environment (SHE) Unit reports noted that the building is structurally unsafe. Despite these deficiencies, the Department of Public Works and Infrastructure continued to renew the lease, thus forcing the SAPS to remain in the building to avoid expenditure irregularities. The SAPS noted that they were meant to relocate to the Telkom Towers building, but that this has not realised.

Members questioned whether there is any systematic approach to the piles of documents stored in the corridors and various rooms in the building. The SAPS explained that there is a system and that documents are stored in order of date and status of the application (approved or not). The SAPS acknowledged that in the event of an appeal, they have to shift through all the documents, by hand, to find the particular application in appeal. Members noted their dissatisfaction with such laborious system and indicated that a fully digitised service must be implemented as a matter of urgency and that this would be the only sustainable way to deal with firearm-related applications and current backlog. The SAPS explained that they already published a tender for a digital solution and that the tender closes at the end of May 2021.

During the walkabout, Members were shown the various offices where the different categories of applications are processed. The Committee spent some time in the Application Verifications Services (AVS) office where the SAPS explained the process flow of applications. The SAPS highlighted various challenges including insufficient personnel, which has been further compounded by physical distancing restrictions due to COVID-19. Another challenge raised was the fact that their system and that of the Government Printing Works are not compatible, meaning that they have to put the finalised applications, ready for licencing, on a computer disk and physically take the disk to the Government Printing Works for printing and distribution. Members raised concern about possible corruption during this process where licences could be fraudulently printed. Applications regularly reach the CFR without the required date stamps, meaning that the applications are discarded. Members raised concern that this indicates that applications are not checked at station and provincial levels and questioned how this is possible. The SAPS explained that a key challenge is that Designated Firearm Officers (DFOs) are often used for other functions, especially during seasonal interventions (e.g. Easter and Festive Season), taking them out of the office and forcing administrative clerks to accept applications without proper training. The SAPS indicated that the National Commissioner issued a directive that excludes all DFOs for seasonal operations.

Members questioned whether the SAPS has a Risk Management Strategy or backup of the applications in place in the event that water, fire or animals (e.g. rats) destroy the applications. The SAPS stated that the applications do pose a fire hazard and that the back-ups are stored at station level. During the walkabout, Members were shown the state of the staff kitchen and ablution facilities, which Members agreed were unacceptable. Members also raised concern about the effectiveness of

COVID-19-related decontamination of the building, or general fumigation, in that it would be ineffective due to the files that create inaccessible areas.

5.2. Forensic Science laboratory Biology Section, Pretoria

The Head of the FSL: Biology Unit received the delegation at the entrance of the Biology Section during which she introduced the management team. The delegation split into two groups to comply with physical distancing requirements during the walkabout. Members were shown the different laboratories and the SAPS explained the different analysis areas together with their individual security and climate control need. Members observed the remnants of the previous hospital that was converted into the laboratory, and noted that the conversion did not fully suit the needs of the laboratory, thus creating spatial and layout challenges. Members noted that the automated equipment used in the Reference Index laboratory have not been operational for the past six months because there was no maintenance contract in place for the machines, which means that the machines cannot be calibrated and thus the evidence are inadmissible in court.

5.3. Discussion and presentations at the SAPS Tshwane Police Academy

The delegation received three presentations at the SAPS Tshwane Police Academy, which focused on the firearm amnesties and applications, the DNA analysis backlog and progress to date, and a provincial overview of the Gauteng Province. The presentations were done at the Academy (and not the sites) to adhere to physical COVID-19 distancing protocols.

5.3.1. Firearms amnesties and applications presentation

The SAPS presentation covered the following focus areas:

- Feedback on the visit by the Deputy Minister of Police.
- Status of firearm amnesties.
- Status of firearm licence applications.
- Activity Plan for finalisation of outstanding applications.

5.3.2. Firearms amnesties, applications and CFR: Discussion

Members noted their dissatisfaction of the state of the CFR and the Veritas building. Members noted that the volume of the firearm-related applications are not only a health and safety hazard, but also that the weight of the paper further compromises the already compromised structural integrity of the Veritas building. Members raised significant concern about the continuous renewal of the lease despite the significant challenges and question whether there could be corruption involved between the Department of Public Works and Infrastructure and the owner of the building. Members noted that the current lease expires at the end of September 2021 and indicated that the lease should not be renewed under any circumstances. Members stated that it is unacceptable for people to work in such circumstances. Members noted that the Department of Defence faced similar challenges with the lack of progress on the Department of Public Works and Infrastructure Repair and Maintenance Programme (RAMP) at 1 Military Hospital, which was addressed by allowing the Defence Works Formation to perform various tasks related to the RAMP, including carpentry, plumbing, electrical and bricklaying. It was suggested that the SAPS should develop a similar structure to address maintenance issues. The SAPS indicated that such structure will be welcomed and requested an opportunity to present a holistic picture on facility management by the Department of Public Works and Infrastructure and the challenges experiences with this relationship.

Members noted that despite several interventions, including a 2010 Ministerial Task Team and Turnaround Strategies, the challenges identified with the CFR remain unchanged. Members indicated that the only solution to these challenges is the development and implementation of a fully digitised application/renewal system likened to that of the South African Revenue Service (SARS) e-Filing system. Members made specific reference to the 2010 Task Team's finding of the lack of understanding of the importance of information management. Members noted that there are "too many hands" touching the application, which pose a significant risk of corruption and human error. Members requested more information on the tender that was published for a digital solution and what the SAPS envisage should be the capabilities of the system. Furthermore, Members stated that the backlog and challenges of the CFR will get progressively worse and requested the SAPS to indicate what is in place to address the situation between now and the implementation of the envisaged digital system, which is presumably a long period.

Members requested that SAPS to provide information on the number of firearms in circulation to which the SAPS requested a written response. Members questioned the number of CFR staff that have been vetted. The SAPS indicated that 310 personnel have a positive clearance certificate. Members further requested that the SAPS indicate the number of corruption cases reported at the CFR. According to the SAPS, Members requested the SAPS to indicate the number of calls received at the CFR Call Centre and whether the centre is staffed sufficiently. The SAPS indicated that they receive an average of 21 000 calls per months and that five personnel, on a shift basis, staff the centre. Members requested that SAPS provide the budget allocation of the CFR. According to the SAPS, the budget amounts to R30 million, of which almost half of which is spent on printing firearm licenses.

5.3.3.DNA analysis backlog and progress to date: Presentation

The SAPS presented covered the following focus areas:

- Regulatory framework.
- Challenges impacting on backlog and corrective measures.
- Casework Backlog Recovery Plan and status.
- Implementation and functionality of the Forensic Exhibit Management System.
- Progress made to date.

5.3.4.DNA analysis backlog and progress to date: Discussion

Members highlighted the equipment in the Reference Index laboratory that has not been operational for the past six-months due to the absence of a maintenance contract. The SAPS indicated that all forensic analysis equipment would be serviced by 01 July 2021. The National Commissioner noted that there are possibilities that the FSL Division has internal expertise to service and calibrate equipment.

Members requested the SAPS to explain the difference between FEM and Property Control and Exhibit Management (PCEM) systems. The SAPS indicated that the FEM will have a number of advantages over the PCEM, such as the inclusion of a drug database and noted that this is a significant improvement.

Members took issue with the implementation of the FEM System. According to the SAPS and SITA, the system went live on 06 April 2021. However, the presentation states that only Phase One of Three was implemented in April, covering electronic tracing. Phase Two will include biometric functionality

and batch hand-over and biometrics. The SAPS indicated that the third and final phase will be implemented mid-2022. As such, it is estimated that the backlog will only be cleared over an 18-month period and only if all the aspects go according to plan. According to the Committee, this meant that the current challenges will remain for the foreseeable future. The Committee felt that Parliament was misled to believe that the FEM System was implemented in April 2021. The SAPS assured the Committee that this was not the case and indicated that SITA would explain the different terminology used, such as ‘going live’, ‘released’ and ‘implemented’.

Members expressed concern that there does not seem to be a comprehensive plan to address the backlog. However, the SAPS assured the Committee that the plan is included in the Corporate Renewal Strategy and that it will be implemented.

A member of the National Forensic Oversight and Ethics Board (commonly known as the DNA Board) raised concern about the length of the maintenance contracts on forensic analysis equipment and highlighted that the contracts should extend over the full 18-month period envisaged for the turnaround strategy. The National Commissioner indicated that he issued an instruction that he must be informed six-months before any contract expires in the Department.

5.3.5. Provincial overview: Gauteng Province

The SAPS presentation covered the following focus areas:

- Provincial and geographical profile.
- Crime analysis covering the 2019/20 financial year, a ten-year trend and the third quarter of the 2020/21 financial year.
- Case management: SAPS 6.
- Risk and threat assessment.
- Stubborn and emerging priorities
- Crime combatting initiative: GGT Five-year Policing Plan and Operation O Kae Molao.

5.3.6. Provincial overview: Discussion

Members noted the successes achieved by Gauteng SAPS and congratulated the team on the implementation of effective crime combatting initiatives, especially integrated cooperation with other law enforcement agencies such as the Metro Police and the Provincial Department of Community Safety. Members indicated that other provinces should learn from the successes achieved in Gauteng and implement similar initiatives. Members raised concern about the increase in hijackings and noted allegations that car dealerships are possibly involved in these syndicates and requested the SAPS to investigate these allegations. Further concern was expressed on the abuse of SAPS vehicles and the involvement of foreign nationals in organised crime such as the drug and sex trade.

6. Recommendations and information request

6.1. Recommendations

The Committee recommends the following:

- 1) The Committee recommends that the CFR personnel working in the Veritas building must be relocated to another building as a matter of urgency.
- 2) The Committee recommends that the SAPS must conduct an investigation into possible corruption associated with the continued renewal of the Veritas lease despite the building

being declared unfit for occupation. The Committee further recommends that the Departments should institute disciplinary procedures (consequence management) for individuals who signed off on the lease.

- 3) The Committee recommends that the SAPS should address the efficiency of their facility management strategy and should appear before the Committee to explain the challenges faced with its cooperation with the Department of Public Works and Infrastructure.
- 4) The Committee recommends a Ministerial intervention to address the challenges between the SAPS and the Department of Public Works and Infrastructure in facility management.
- 5) The Committee recommends that the SAPS should fast track the modernisation of the CFR into a digital system, allowing online applications and renewals of firearm-related licences.
- 6) The Committee recommends that the SAPS should present the envisaged features of the digital CFR platform as soon as the tender is awarded.
- 7) The Committee recommends that there must be no further task teams to assess the challenges at the CFR, but rather that the challenges already identified and having persisted for more than a decade should be addressed.
- 8) The Committee recommends that the SAPS provide it with monthly progress reports to the backlog in firearm-related applications.
- 9) The Committee recommends that all maintenance contracts for DNA analysis machines should be completed as a matter of urgency.
- 10) The Committee recommends that all procurement contracts for DNA consumables must be effectively managed to avoid a repeat of the significant shortages that led to the current DNA analysis backlog.
- 11) The Committee recommends that the SITA must appear before the Committee to explain the different implementation phases of the FEM System.
- 12) The Committee recommends that the SAPS provide monthly progress reports on the DNA analysis backlog in the FSL: Biology Division.
- 13) The Committee recommends that the crime combatting initiatives implemented by SAPS Gauteng should be emulated in all other provinces.

6.2. Information requested

The Committee requested the follow in information:

- 1) The SAPS should provide the name and contact details of the owner of the Veritas building as well as the name of the responsible employee at the Department of Public Works and Infrastructure.
- 2) The SAPS should provide written responses to all questions asked during the engagements.
- 3) The SAPS should provide detailed information on all firearms that are currently in circulation and registered on its database.

7. Conclusion

The Acting Chairperson noted that the visit has been long overdue and was clearly necessary for the Committee to observe the challenges at the CFR first-hand. The Committee will continue to monitor the situation at both the CFR and FSL to access whether the interventions presented to the Committee are implemented on ground level. The Committee stated its commitment to assist the Department wherever possible to address the challenges, especially those of the Department of Public Works and Infrastructure, to ensure descent and appropriate office accommodation for SAPS members.

Report to be considered.

3. REPORT OF THE PORTFOLIO COMMITTEE ON HUMAN SETTLEMENTS, WATER AND SANITATION ON OVERSIGHT VISIT TO THE KINGDOM OF LESOTHO, DATED 27 JUNE 2021

The Portfolio Committee on Human Settlements, Water and Sanitation, having conducted an oversight visit to Lesotho from 4 – 8 May 2021, reports as follows:

1. BACKGROUND

The South African Constitution of 1996 and relevant parliamentary rules empowers the Portfolio Committee on Human Settlements, Water and Sanitation (Committee) to conduct oversight over any work of an executive organ of state that falls within its portfolio. The oversight is mainly through briefings by the organs of state such as Departments and their entities and visits to projects (physical inspection of projects). It is within this background that the Committee embarked on an oversight visit to Lesotho Highlands Water Project (LHWP) in Lesotho. The oversight trip was preceded by considering the Legacy Report of the Portfolio Committee on Water and Sanitation 2014-2019. This report identified LHWP as a priority project that the 6th Parliament assesses as no oversight visit was carried out at this project during the 5th parliamentary term. The briefings by the Department of Water and Sanitation, Trans Caledon Tunnel Authority (TCTA) and the Lesotho Highlands Water Commission (LHWC) on LHWP also necessitated the oversight visit.

The LHWP is a bi-national water transfer and hydroelectricity generation project between the Kingdom of Lesotho and the Republic of South Africa. It is a product of a Treaty between these two countries signed in 1986. In brief, the Treaty catered for project design, construction, operation, maintenance and water transfer for Phase 1. The Treaty was amended in 2011 to cater for the LHWP Phase 2. The LHWP is an African success story based on peaceful cooperation and mutually beneficial socio-economic development. The project provides hydroelectricity and water to the Kingdom of Lesotho and South African, respectively.

The Treaty charges the LHDA, LHWC and the TCTA with implementing the LHWP. The LHWC acts on behalf of and advises both governments. It is also the channel for all inputs from the two countries about the project. It is worth noting that the Committee met the LHWC secretariat, Mr Ilembu Mwakalumbwa (Secretary - Tanzanian) and Mrs Joy Norman (Deputy Secretary - Motswana), that according to the Treaty should be from an independent State. The LHDA is responsible for implementing the project in Lesotho while the TCTA implements the project in South Africa. The Board of Directors of the LHDA reports to and is accountable to the LHWC.

LHWP comprises Phase 1 (A&B) and Phase 2. Phase 1A includes the 185m-high double curvature concrete arch Katse Dam in the central Maluti Mountains and the Muela hydropower station. It is worth noting that Former President Nelson Mandela and His Majesty King Letsie III inaugurated Phase 1A on 22 January 1998. Phase 1B consists of the 145m concrete-faced rock-fill Mohale Dam on the Senqunyane River (not part of the site visit). The dam has a storage capacity of 958 million m³ and a spillway discharge of 2,600 m³/s. It also includes a 31 km interconnecting transfer tunnel between the Katse and Mohale reservoirs, a 19m-high Matsoku Weir and a 6.4 km transfer tunnel. Phase 1 (A&B) was completed in 2004. Former President Thabo Mbeki, together with His Majesty King Letsie III, attended the official celebration of the completion of Phase 1 in Lesotho. LHWP Phase 2 features a water delivery system to augment Phase 1 transfer of water to South Africa and a hydropower generation system. His Majesty King Letsie III and Former President Jacob Zuma officially launched this phase on 27 March 2014.

In the end, LHWP will have five dams and about 200km of tunnels and water transfer works constructed between the two countries. The project will transfer about 2,000 million m³ of water from Lesotho to South Africa every year.

2. OBJECTIVES OF THE OVERSIGHT VISIT

The purpose of the oversight visit was to evaluate the LHWP through physical assessment of Katse dam, Muela hydropower plant, Polihali dam (under construction) and associated advanced infrastructure (e.g. housing (proposed village), power supply systems, telecommunication systems, roads, bridges, and wastewater and water treatment plants). Broadly, the objective of the oversight visit was to assess the entire LHWP with respect to the governance and operational matters; socioeconomic benefits; Quality of work done for Phase 1 and Progress on Phase 2 of the project through onsite inspections and briefings by the LHWC, TCTA and the Lesotho Highlands Development Authority (LHDA). The oversight visit also involved establishing a formal relationship with the Lesotho Parliamentary Committee that deals with water and sanitation to ensure joint oversight on LHWP.

3. BRIEFINGS AND SITE VISITS

The Committee received briefings from the South African High Commission, Lesotho Highlands Water Commission and the Lesotho Highlands Development Authority on various aspects of the LHWP. The Committee also held a meeting with the Lesotho Parliamentary Cluster Committee on Natural Resource, Tourism and Land, preceded a bilateral meeting between the chairpersons. The Committee visited the following projects:

- Katse Dam;

- Polihali Dam & associated advance infrastructure (under construction); and,
- Muela Hydropower Station

The subsequent sections provide a synthesis of the briefings and oversight visit engagements.

3. MULTIPARTY DELEGATION

The list provided below provides the names of key delegates that were part of the oversight visit in Lesotho.

Portfolio Committee on Human Settlements, Water and Sanitation

Hon. R. Semanya, (ANC) (Chairperson of the Committee - leader of the delegation)

Hon. N. Mvana, (ANC)

Hon. P. Tseki, (ANC)

Hon. L. Basson, (DA)

Hon. R. Mohlala, (EEF)

Hon. R. Mashego, (ANC)

Ms V. Makubalo, (Acting Committee Secretary)

Mr T. Manungufala, (Committee Researcher).

Lesotho Parliamentary Delegation

Hon. K. Mathaba (Chairperson of the Natural Resource, Tourism and Land Cluster committee)

Hon. L. Kompfi

Hon. T. Kholumo

Hon. T. Lerafa

Hon. T. Manyooko

Hon. M. Moremoholo

Ms. J Mamolete (Support staff)

Ms B Makutloano (Support staff)

Mr T Matele (Support staff)

South African Higher Commission to Lesotho

Mr M. Reynhardt (Deputy High Commissioner)

Mr N. Ramasanya (Counsellor)

Mr R. Stroebel (First Secretary - Political)

Lesotho Highlands Water Commission

Mr L. Tromp (Chief Engineer – South African delegation)

Mr P. Swart (Financial Controller - South African delegation)

Mr M. Tabane (Lesotho delegation)
 Mr D. Mosotho (Lesotho - Chief Delegate)
 Mr I. Mwakalumbwa (Secretary - Tanzanian)
 Mrs J. Norman (Deputy Secretary - Motswana)

Lesotho Highlands Development Authority

Mr Tente Tente (Chief Executive Officer)

Department of Water and Sanitation

Mr B Sithole (Director – Africa Bilateral Relations)

Trans-Caledon Tunnel Authority

Mr N Baloyi (Board Member – Chairperson of the Finance Committee)

4. OVERVIEW OF THE BRIEFINGS AND SITE VISITS

The Committee received three high-level briefings from the South African High Commission, Lesotho Highlands Water Commission and the Lesotho Highlands Development Authority before embarking on site visits.

4.1 Briefing by the South African High Commission (Deputy Commissioner, Mr Mark Reynhardt)

The purpose of the brief was to welcome the Committee in Lesotho and to orientate them on the South African mission in Lesotho. The briefing provided an overview of the Lesotho socio-economic and political environment with specific reference to political reforms, macro-economic performance and outlook, investments, and the economic relations between South Africa and Lesotho, and lastly provided statistics on trade and tourism between these two nations. The Committee appreciated the fact that the relationship between these two countries is based on peaceful cooperation and mutually beneficial socio-economic development.

4.2 Briefing by the Lesotho Highlands Water Commission (Chief Engineer Mr Leon Tromp)

Legislative Framework of the LHWP

The LHWP is a product of a Treaty between the Republic of South Africa and the Kingdom of Lesotho signed in 1986 (24 October 1986) and revised in 2011 (11 August 2011). The presentation expressly referred to Article 6 (general duties regarding the project). This article, in summary, stipulates that South Africa is responsible for the parts of the project located in South Africa and its security, and

Lesotho shall do the same. In this regard, South Africa shall establish TCTA while Lesotho shall establish LHDA to carry out these responsibilities.

The presentation further draws the Committee's attention to the amended Treaty 2011, popularly known as Phase 2 Agreement, Articles 10 and 11, which deals with Procurement of goods and services, and Recruitment of personnel, respectively, by the LHDA. In summary, Article 10 stipulates that all procurement processes shall foster competitiveness, transparency, cost-effectiveness and quality; preference shall be given to suppliers of good and services, including consultants and contractors, in Lesotho, South Africa, Southern African Development Community (SADC) member states and then internationally, in that order. In addition, consultants and contractors registered in Lesotho and South Africa shall share the value of all infrastructure works on an equal monetary basis, taking into account their shareholding and operational experience, amongst other things. Regarding recruitment of personnel, preference shall be given to nationals of Lesotho, South Africa and SADC member states, in that order, provided that the required skills and experience levels are met. Overall, the LHWP complies with the applicable laws of Lesotho, such as the Land Act 2010 and the South African laws such as the BBBEE regulations. The LHWC provide a platform for decision making by Lesotho and South Africa on all aspects of the project.

Cost of Water Transfer Features

The South African government pays for the water to GoL through TCTA. The TCTA collects the tariff from the Department of Water and Sanitation, which it collects through the normal water pricing strategy in South Africa. In summary, the DWS charges raw water tariffs to large raw water consumers such as Water Boards, ESKOM and SASOL, among others, which it pays over to TCTA to finance the LHWP water transfer features.

Project Governance Model of the LHWP Phase 2

Lesotho and South African governments have designated the LHWC to oversee the implementation of LHWP by the TCTA and LHDA through, among others, approvals of operations and expenditures; monitoring project performance and risks, reporting on project activities, targets and impacts. In this regard, the TCTA is responsible for general project finance mobilisation, developing a project funding strategy and subsequent approval by LHWC and providing operational support to South African delegation in the LHWP. The LHDA is responsible for the construction of the Polihali Dam (2.2 billion m³); 38 km tunnel from Polihali to Katse dam; advance infrastructure (access & feeder roads, bridges, power and communication lines); implementation of environmental mitigation and socio-economic measures such as the compensation and relocation of communities.

Accountability framework

The Chief Executive Officers of both TCTA and LHDA account to their respective boards (TCTA & LHDA). These boards account to the LHWC. The LHWC accounts to both the DWS and Lesotho Ministry of Water. These departments account to their respective parliaments concerning LHWP.

Features of the LHWP Phase 2

Phase 2 will include the construction of Polihali Dam with concrete faced rock-fill embankment dam wall that is 163.5m in height with a total supply of 2075 meters above sea level. It is estimated that the construction will take 56 months (approximately 5 years), and filling of the dam will take 700 days (approximately 2 years). In addition, a Polihali-Katse tunnel with 18.8 m³/s capacity will be drilled, and it will increase Muela Dam's full supply level by 2.5 m. It will also include the construction of a hydropower plant with a 300-megawatt (MW) pump storage scheme. It is worth noting that this component is currently under investigation. If deemed feasible after investigations, the station will be built at Bokong/Kobong valley and Katse Dam. As part of Phase 2, A 50 km power line from Matsoku to Polihali will be installed. It will also carry a new fibre-optic line to ensure faster telecommunications. New roads and bridges will also be constructed between Matsoku and Polihali to access villages around the dams. Phase 2 will also include residential areas with all amenities such as hospitals and schools. A Lodge, contractor quarters, a school, and a hospital will be built at Mporosane and Polihali commercial areas.

Environmental Mitigation Measures

As far as environmental management is concerned, the project rehabilitates all the degraded areas, implements an erosion prevention programme, and rescues indigenous fauna and flora. To maintain the aquatic ecosystem integrity, the project also maintains instream flow requirements by maintaining downstream water flow releases.

Displacement, Resettlement and Compensation

The Polihali dam currently affects 17 villages and 534 households, which translates into 2547 people. These villages will have to be resettled. Approximately 1125 hectares worth of crop fields and grazing land will be lost. This loss will affect 72 villages, 3 312 villages and 16 560 people. These people will be compensated accordingly. Compensation is per individual or communal depending on the ownership of assets. It is paid in a form of a lump sum or annual payments over 50 years.

Funding, Budget Allocations and Taxes

The Phase 2 long term committed budget for up to 2026/27 financial year is R32.562 billion, with R3.46 billion spent as of February 2021. The funding requirement for 2021/22 is R4.18 billion from South Africa and R200.58 million from GoL. However, the GoL has only committed a total budget of R40 million, which amounts to less by R160 million. The GoL representative at the LHWC indicated that

the negotiations with the Ministries of Water and Finance are underway to secure the remaining R160 million from the GoL.

Article 14 of the Phase 2 Agreement provides for the LHWP taxes. There is currently a disagreement on the interpretation of this Article. The status of this issue is that the GoL is studying the record of negotiations that resulted in this Article 14 while waiting for further records from the LHWC secretariat. It is worth noting that any deviation from the provisions of this Article will increase costs to the South African government.

In as far as funding for 2021/22 is concerned, the Minister of Finance Tito Mboweni has approved the required guarantees for the African Development Bank (AfDB) and the New Development Bank (NDB). The TCTA is negotiating loans with various commercial banks in South Africa to secure additional funding for the main contracts on Phase 2. The Namibian government has not issued the no-objection letter that is required in the funding application with many development banks. Nevertheless, this issue is being handled at the highest level by the South African and Namibian governments. All funding for Phase 2 must be in place by December 2021 to ensure compliance with the implementation schedule.

Overall Challenges and Risks

The general public and communities expectations remain a big challenge for the project as communities expect instant improvement to their living conditions while the political principals expect the project to meet all the needs of communities. Compensation remains one of the key challenges as communities feel the compensation model is unfair while others expect compensation when they have lost nothing to the project.

Delays in issuing work permits by the GoL to South African skilled workers are affecting project progress. Alluvial diamond mining new and old licenses interfere with the project, as some of these activities are within the project areas.

As far as the risks are concerned, the Lesotho taxes on South African expatriate are not in line with the South African Labour Relations Act. This has the potential of increasing the cost of project implementation. This is currently ranked as high in terms of probability. The granting of work permits to South Africans is also posing a high risk to the project as it may affect the fair sharing of work and may delay construction that could lead to legal action by service providers. Unforeseen geotechnical conditions also pose a high risk to the project as it can delay construction such as tunnel excavation. The No-Objection letter from Namibia has a medium to high risk, as funding will not be granted until this letter is provided. The GoL initial refusal to grant quarry and blasting permits to phase 2 contractors

and COVID19 present a very high risk to the project. Construction may be delayed, which would inevitably increase project costs. COVID19 can slow down the progress and increase costs due to border restrictions, limited working hours, reduced staff, shortage of material and fuel, and provision of additional accommodation and personal protective clothing (PPE).

4.3 Briefing by the Lesotho Highlands Development Authority (Chief Executive Officer Mr Tente Tente)

The LHWP was one of the largest engineering projects at its inception in 1986. This project won the South African Institution of Civil Engineering (SAICE) Award on the Most Outstanding Engineering Achievement of the Century in 2006. It is a bi-national inter-basin water transfer and hydropower generation project. It follows a phased approach of implementation that will last for 30 years.

This project was conceptualised as far back as the 1930s to earn revenue and reduce energy imports of the Kingdom of Lesotho and meet the South African industrial and households water needs. In summary, the benefits to Lesotho from this project are: Royalty revenue; High-quality infrastructure; Tourism opportunities associated with nature reserves and fisheries; Job opportunities; Skills transfer to Basotho, both blue and white-collar jobs and work for local contractors and consultants. South Africa benefit from high-quality water; improved security of water supply for Gauteng with significantly reduced water treatment costs; Secure water supply for households, industries, agriculture and mining while local contractors and consultants benefit from professional planning, and actual construction works.

Description of Phase 2

The LHWC briefing has already addressed this. Nevertheless, in brief, Phase will include construction of Polihali Village, Polihali Lodge, and upgrade of Katse Lodge, Polihali Operations Centre, and Ancillary Public Facilities (Schools, Prison, and a Hospital). The other aspect worth mentioning is the Senqu Bridge, which will be 875 meters long on a 1.6 km road.

Phase 2 Progress

The progress regarding contracts awarded for consultancy services and construction works for the water transfer. The hydropower stood at 52 contracts with 35 contracts awarded for consultancy service concerning engineering, (14) environmental, social and health and safety, (15) project management and professional support, (7) for water transfer component while (13) were awarded for geotechnical drilling, access road construction and rehabilitation, diversion tunnel, transmission/power lines, temporary campsite and village services. The construction of diversion tunnels and civil works stood

at 80%, while civil works at Polihali permanent village stood at 90% and roads were at 40%. The main work is estimated to start in January 2022.

Advance Infrastructure – Monetary Share (unaudited)

R1.76 billion was expended as of March 2021, and 44% of this amount went to Lesotho, while 56% earned by South African companies.

Main Works – Monetary Share (unaudited)

A total of R945 million was expended as of March 2021, and 37% of this amount went to Lesotho, while 63% earned by South African companies.

Phase 2 Master Programme

The project's water transfer and hydropower components are scheduled for commissioning by 2027, a year later than the initial plan.

South African Funding

South Africa has met its funding obligation. The agreement has been finalised with lenders, particularly diplomatic immunities for New Development Bank and comments on the tender documents. It is also worth mentioning that the funding strategy is in place.

General Challenges (some already addressed by LHWC)

The degraded wetlands affect the water quality and quantity, which negatively affects the sustainability of the project. This is also affecting the river flows, which are critical to the viability of the LHWP. Climate change is compounding the effect of degraded wetlands as rainfall has become highly variable.

Observations, discussions and resolutions

The Members raised several issues following the briefing by LHDA, namely, the Lesotho Work Permit conditions; Stakeholder consultation (e.g. Survivors of the Lesotho Dams); Maintenance and Operation of dams; Royalties; Public Access to dams; advertisement of tenders; Impacts of Climate Change; Successful Bidders; and Compensation of displaced communities.

The work permit in Lesotho is given on the condition that the skill that is being sought is not available in Lesotho. The LHDA consult stakeholders extensively during all stages of the project, including the Survivors of Lesotho Dams. However, this NGO sometimes complains that their issues are not sufficiently addressed. Nevertheless, LHDA continues to engage with these communities and the NGO.

As far as compensation is concerned, demographic analysis is done to understand the best possible form of compensation for the beneficiaries. Beneficiaries are compensated in several ways. Some get houses and a lump sum that is paid annually over a period of 50 years. The payment of compensation takes into cognisance the future livelihoods of the beneficiaries. Although the Agreement stipulates that beneficiaries should be paid up front, this is not always possible due to lack of funds. In this case, the LHDA negotiates with the landowners to allow the project to proceed and make payments when funds become available. Apart from deferred payment, sometimes payment of compensation is delayed due to family disputes or the death of the landowner. In these situations, the LHDA withholds the payment until the family selects the rightful beneficiary. The LHDA's legal obligations to the people and communities affected by the Project work are based on the Lesotho Constitution, the 1986 LHWP Treaty, the LHDA Order of 1986 and the LHWP Compensation Regulations, 1990: Legal Notice No. 50 of 1990.

The royalties are paid directly to the GoL, which then decides on the use of royalties. The payment of royalties will run up to 2044, and thereafter the payment will be on the actual volume of water consumed. For example, R1.1 billion was paid in 2020/21.

The land zoning system of Lesotho provides for public access to all landmarks or places of interests, including dams. Katse dam attracts several domestic and international tourists per year. To this end, there have not been complaints about access to dams for tourism purposes.

Climate change is affecting the rainfall patterns, and it is reducing the amount of water in the rivers. Katse dam used to overflow every year, but it has not overflowed for years now.

Operation and maintenance are provided for in the plan, but the lack of funds is delaying maintenance and operation at Muela dam, which has a siltation problem.

Tenders are advertised on all leading print and digital platforms such as Sunday Times, Sowetan, City Press, Mail & Guardian etc. Awareness-raising events are held across major cities (Cape Town, Johannesburg, and Durban) before the advertisement of tenders.

The LHWP Phase 2 tenders for the current work has been awarded to two joint ventures (JV), namely, The SCLC Polihali Diversion Tunnel JV, which combines international, South African and Lesotho expertise. This JV is made up of Salini Impregilo S.p.A (South African branch), Cooperativa Muratori Cementistri CMC di Ravenna (South African branch), LSP Construction (Pty) Ltd, (Lesotho) and CMI Infrastructure Ltd (South Africa); and the Metsi a Senqu-Khubelu Consultants Joint Venture (MSKC), which also includes several South African and Lesotho-based firms. The MSKC JV is comprised of

Zutari (formerly Aurecon (SA)), Knight Piesold (SA), Hatch Goba (SA), SMEC (SA) and FM Associates (Lesotho). The MSKC JV has designed the diversion tunnels and will also supervise the construction work. The tender evaluation considers the youth and women representation in the leadership of a company, enterprise development, ownership of the company, skills development and procurement of goods and services.

4.4 Joint Meeting between the Portfolio Committee on Human Settlements, Water & Sanitation, and the Lesotho Parliamentary Committee on Natural Resources, Tourism and Land

The meeting between the two chairpersons preceded this meeting. They reflected on the relationship between South Africa and Lesotho dates back to the days of the struggle against apartheid rule. They appreciated that the fact that the relationship has advanced into a mutually beneficial partnership. They further acknowledged the benefits accruing to both countries from the LHWP as evidence for this relationship. Notwithstanding these benefits, the Lesotho Parliamentary Committee highlighted some challenges with respect to the Treaty that their counterpart should note for consideration. The challenges pertains to the fact that the Treaty was enter into during Apartheid rule in South Africa. They, therefore, feel that further engagements on the Treaty could improve its benefits to both countries.

The Committee acknowledged the mutually beneficial nature of the Treaty at its current form. They further appreciated the appraisal from the Lesotho Parliamentary Committee on the LHWP and the Treaty. A commitment was made that future engagements will be arranged to strengthen the relationship by learning and capacitating each other and dealing with issues of mutual interest such as the LHWP.

4.5 Site Visit to Katse Dam

The tour of the Katse dam started at the Katse operations centre then proceeded to the dam wall for a closer inspection. Mr R Molapo led the tour. The Committee received a briefing on Katse dam operations, which reemphasised the earlier presentations. Katse Dam was the highest dam in Africa after its completion in 1998, but it is now the second-highest after the completion of the Great Renaissance dam in Ethiopia. The dam has a storage capacity of 1,950 million m³ and a spillway discharge of 6,252m³/s. It also consists of a 45 km transfer tunnel and a 37 km delivery tunnel. It is a double curvature dam 710 meters long and 185 meters high with 68 meters at the base and 9 meters wide at the top of the dam wall. It has been built to withstand seismic activity with a strength of a 7.2 on a rector scale. The low-level water discharge at 590 m³/s is to cater for the environmental flow requirements or the reserve downstream.

The tour leader indicated that Katse dam currently satisfies 60% of the Gauteng water demand. It also generates 500 Gigawatt of electricity, which the Lesotho Electricity Company sells for 12 cents per kilowatt. The project currently contributes 4% to the Lesotho GDP.

The ploughing/ cultivation on the hills is generating sediments that are silting up the dam. The mining activities are also contributing to contamination of the water and siltation. There are not enough funds for the maintenance of the infrastructure.

Katse Dam - Aquaculture/Trout Fish Farming

The trout fish farming operations followed rigorous due diligence and an environmental impact assessment process. Trout fish farming is currently practised at both Katse and Mohale dams. It is currently producing tons of trout per annum sold locally and exported to Asian markets. The Royale Highlands Trout products of trout originating from Katse Fish Farms are available at top retailers in Southern Africa such as Woolworths, SPAR and certain Pick n Pay stores, including Maseru Pick n Pay. In addition, Katse Fish Farms also supplies Ocean Basket, Lesotho Sun, Maseru Sun, Maliba Mountain Lodge, and Bensons with fresh trout.

The fish farm is owned by Sanlei (Pty) Ltd (*Sanlei* a Japanese expression, meaning where the mountains meet the sky). It is a private entity owned by an American private equity firm One Thousand and One Voices. The communities currently benefits through employment opportunities. It has the licences to operate in the dams of the Lesotho Highlands Water Scheme. Mr Molapo indicated that the future expansion of these fish farms would be properly regulated to include community empowerment initiatives. Members reiterated that fish farming should comply with the environmental laws, empower communities, and contribute to food security. They further raised a concern with respect to the impact of tourists' boats and vessels on water quality and general integrity of the dams.

4.6 Site Visit to Polihali Dam

Polihali dam is located in the Mokhotlong district (Mokhotlong means the place of the bald ibis in the Sesotho language). It includes the highest terrain in the Maloti Mountains and the source of the Senqu River, Lesotho's primary catchment. The site visit started with the briefing on Health and Safety by the Health and Safety representative, Mr M Leboela, at the campsite. The health and safety report card showed no covid19 related fatalities, low accident rate and insignificant pollution incidents.

The Committee proceeded to tour the diversion tunnels that are scheduled for completion in November 2021. The Divisional Manager, Mr M Mokone, provided a progress report during the site inspection of the inlet and outlet of the two tunnels. It is worth noting that Covid19 delayed work for 9 months, and

the flooding that took place in January 2021 compounded the delay, as the drilling had to be halted to reduce flooding in the tunnels. The water quality tests revealed that the floods did not contaminate the water; as a result, the water was pumped back into the river.

The discussions at this project site followed several questions from members of the Committee. It is worth noting that the District Administrator (This is equivalent to a Premier in South Africa), Mr M Dinake for the Mokhotlong district, joined the delegation at this site and provided a brief. The District Administrator reported that there had been several protests from the communities for employment opportunities. The protesters allege that South Africans are taking majority of job opportunities and are paid more. The delayed payment of compensation for resettlement by LHDA is a cause for concern for communities. Apart from these challenges, the Administrator acknowledged that the project is critical, should be protected, and commended LHDA for their efforts in working with government in order to find lasting solutions to these challenges. Furthermore, the government is working with the construction companies to rehabilitate wetlands to maintain water availability in the highlands.

The Committee requested Mr Mokone to elaborate on the impact of the project on communities; the number of affected people; the relationship with stakeholders such as the Survivors of the Lesotho Dams NGO; water provision to the communities; impact of flooding in the tunnels; number of South African engineers employed at the project; number of employees from the surrounding communities; companies appointed at project; and state of compensation at this project.

Mr Mokone indicated that two companies are currently working at this site, the SCLC – Joint Venture and MSKC – Joint Venture. These companies are made up of Basotho and South African engineers that worked on Phase 1 of the LHWP. A trainee engineer (young professional) named Mr R Sadiki was introduced to the Committee. He is currently contracted to MSKC joint venture. It should be noted that the project is not attractive to the majority of South African engineers due to its rural setting. There are 360 workers at this site; 300 are Lesotho nationals, 20 are South Africans, while 40 are expatriates.

The project has acquired approximately 5000 hectares of land from local communities. The Polihali Dam will flood this land in the valleys and tributary catchments of the Senqu and Khubelu Rivers. This will lead to resettlement (approximately 300 households and 17 villages) with potentially significant impacts on the livelihoods and socio-economic status of the local population as cultivation land, trees, grazing land, and other natural resources will be inundated and access to resources and facilities impeded. The acquired land will be permanently used for infrastructure developments such as access roads, power lines, telecommunication systems, office and residential accommodation, and some land will be occupied temporarily during the construction period.

Phase 2 of LHWP and its associated advanced infrastructure positive impacts outweigh the negative impacts on communities in Mokhotlong and neighbouring districts such Butha-Buthe, Thaba Tseka and Leribe. The compensation of affected people is mandated by the Agreement between South Africa and Lesotho governing Phase 2. The LHDA is mandated to ensure that the risks associated with resettlement are addressed and that affected people's livelihoods are restored. Affected communities, local authorities and other stakeholders were consulted during the development of the Phase II Compensation Policy, which defines the range of losses and specifies compensation and relocation entitlements was approved by the Project authorities in 2016. Compensation and resettlement programmes are being implemented to ensure that affected households are fairly compensated and that physically displaced households are properly relocated and re-established.

A Phase II social development master plan will also be prepared to promote social, environmental and economic development in the project area that is both sustainable and in line with national development strategies and goals. In this regard, the LHDA has secured the services of experienced resettlement consultants to assist with the preparation and implementation of these programmes (Lima Rural Development-Thaha Joint Venture (a joint venture between the Lima Rural Development Foundation and Thaha Projects), and Makhetha Development Consultants working with the LHDA in-house team). These consultants continue to work closely with affected communities to identify and confirm all affected households; register affected land and assets; determine compensation entitlements, and establish relocation and livelihood restoration preferences. This is an ongoing participatory planning process that the consultants will assist the LHDA with the implementation once completed. The LHDA will maintain a community liaison function to ensure the effective involvement of affected communities in the resettlement programme. To this end, significant progress in planning and asset registration and verification had been done by the consultants appointed to the project.

LHDA has strategically installed water tanks to provide drinking water in the interim to ensure the provision of water to the villages. There is a plan to reticulate the villages around the dam and put up sanitation facilities. A consultant will be appointed to plan a water and sanitation programme. Electricity will be provided through the advanced infrastructure together with the telecommunication services. Plantech is currently working with Lesotho Electricity Company and LHDA on the electrification programme for Phase 2.

4.7 Site Visit to Muela Hydropower Station

Mr Molapo led the tour of the station. It is located at Muela in the northern Botha-Bothe District. Lesotho generates her electricity for this station. The Station has an underground powerhouse cavern that accommodates three transformers and three turbine generators rated at 24 MW. It receives water

from Katse Reservoir via a 45km-long concrete-lined transfer tunnel measuring 4.35 meters in diameter. Water is discharged into Muela dam after spinning the turbines. Water is then conveyed by delivery tunnels via Muela Intake Structure to the tunnel outlet at Ash River in South Africa. From the Ash, River water flows into the Wilge River and then to the Vaal River.

This station is entirely funded by the Lesotho government, operated by LHDA. It currently produces 500-gigawatt hours per year. The LHWP phase 2 will add 300-gigawatt hours that will enable the station to run for 24hrs.

5. RECOMMENDATIONS

The Committee having considered the oversight report makes the following recommendations:

5.1. Treaty between the Republic of South Africa and the Kingdom of Lesotho on the Lesotho Highlands Water Project

5.1.1. The Committee resolve that a virtual meeting should be arranged with the Lesotho Parliamentary Committee to consider the Treaty and identify areas that need to be amended in order to align the Treaty with the current socioeconomic needs of the two countries.

5.1.2. The Department and TCTA should provide a detailed briefing on the Treaty, which should reflect deeply on each of clauses or provisions that deal with operation and maintenance, sharing of benefits (contracts, employment opportunities, etc.), payment of royalties, and taxes among others. This would enable the Committee to make recommendations with regard to areas for improvement on the Treaty if there are any.

5.2. Impact of tourist boats and vessels

The Committee recommended that the impact of tourists' boats and vessels on the water quality and general dam infrastructure should be investigated and managed to prevent water pollution and damage to the dam infrastructure.

5.3. Namibian No-objection Letter

The Committee noted that the delay in the issuing of a no-objection letter by the Namibian government to support the South African funding application for LHWP and that this issue is being handled at the highest level by the South African and Namibian governments. In this regard, the Committee recommended that The Department should provide progress report when it briefs the Committee on this project.

5.4. Permits

The Committee noted that there is a delay in issuing work permits to South African nationals and the permits for blasting and quarrying by the Lesotho government. The Committee resolved that the Department should indicate to the Committee how it is addressing these delays.

5.5. Local Community Development and Empowerment

The Committee recommended that the project should benefit and empower the local communities. The fishing farming business should foster local community ownership and deeper involvement. The development associated with the project such as the bed and breakfast lodges should be owned by Basotho in general and the displaced communities in particular. The Procurement of goods and services policy should be maintained as it currently prioritises South Africa, Lesotho, SADC and then International service providers in this order.

5.6. The Reserve or Environmental Water Flows

The Committee noted the strategic water release to cater for the reserve requirements for the downstream users and recommended that this should be maintained and adhered to when the Polihali dam is complete.

5.7. Talent retention and succession plan

The Committee noted that the LHWC, Chief Engineer, Mr Leon Tromp will retire during the course of 2021. In this regard, the Committee recommends that his successor should be one of his current staff members that have served under him and should preferably be an EE candidate.

5.8. Climate Change

The Committee noted the impacts of climate change on the LHWP and the adaptation activities that the LHDA is implementing in order to address the impact of climate change. In this regard, the Department should provide a brief on the implications of climate change on the LHWP with respect to various climate change scenarios.

5.9. Funding from the Government of Lesotho

The Committee noted the shortfall of R160 million in funding from the Government of Lesotho for the 2021/22 financial year and that the LHDA is in consultation with the GoL with respect to the settlement of this shortfall. In this regard, the Department should provide a briefing on the implication of inability of the GoL to fund its portion of the project.

5.10. Lack of representation from the Department and TCTA during the oversight visit

The Committee noted the absence of the accounting officers or properly delegated representative of the account officers for both the TCTA and the Department during the oversight visit. In this regard, the

accounting officers for both the Department and the TCTA should prioritise attending all future parliamentary oversight visits when invited.

6. CONCLUSION

The poor representation of the Department and TCTA during the oversight visit is a cause for concern. A number of issues could have been dealt with during the oversight visit if key officials had attended. COVID19 restrictions also affected the oversight with respect to time and number of people that could take part on the oversight visit. The Lesotho members of parliament could not join the oversight visit due to covid19 restrictions. Notwithstanding all these issues, the Committee commends the South African High Commission, LHWC, LHDA and the Department of Water and Sanitation for the arrangement, management and coordination of the entire oversight visit. The Committee acknowledges and appreciates the participation and the commitment for partnership with the Lesotho Parliamentary Committee on Natural Resources, Tourism and Land. The quality of work that has been done during Phase 1 and the progress made thus far on Phase 2 of the LHWP is commendable. The project appears to be mutually beneficial to both countries. To this end, the objectives of the oversight visit were satisfactorily met.

Report to be considered.