

10 July 2020

Mr Bantu Holomisa, MP
President
United Democratic Movement
5th Floor Marks Building
Parliament Cape Town

DEVELOPMENT BANK OF SOUTHERN AFRICA // MR BANTU HOLOMISA

1. We write to you concerning your recent public statements regarding the DBSA and the Poseidon Water Project.
2. It is not the purpose of this letter to engage with the conjecture you have raised in those public statements. It suffices to say that, as we have explained in our letter of 30 June 2020, the purported concerns you have raised are without any basis.
3. This letter, however, is necessary for a different reason.
4. You have now publicly disclosed confidential information and documents belonging to the DBSA's clients. The information is not only confidential to DBSA but also to DBSA's clients. Doing so is not merely unlawful and impermissible, but threatens to undermine the credibility of the DBSA's ability to fulfil its functions properly and effectively
5. We accept that any person – including a Member of Parliament – is entitled:
 - 5.1 to raise genuine concerns about unlawful conduct directly with the Organ of State involved or with appropriate Authorities; and
 - 5.2 to exercise their rights to lawfully seek to obtain relevant information from the organ of state, subject to the requirements of the relevant laws concerned.
6. However, it is quite a different matter where such person – including a Member of Parliament – publicly discloses confidential information of that Organ of State and private entities, particularly in circumstances where such information has been unlawfully obtained. To do so is patently unlawful and impermissible in light of well-established principles in our law. Moreover, doing so raises very serious concerns about the bona fides of the concerns purportedly held by the person concerned.



E Godongwana (Chairman), PK Dlamini* (Chief Executive),
M Swilling (Deputy Chairman), M Janse van Rensburg,
B Mosako*, Z Monnakgotla, B Mudavanhu, B Ndamase,
L Nematswerani, MT Ngqaleni, L Noge-Tungamirai,
P Nqeto, A Sing

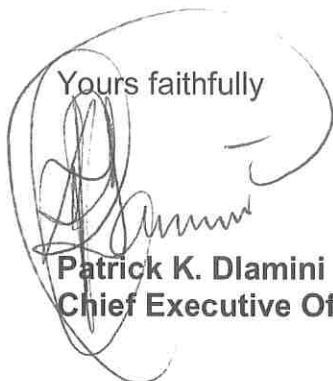
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7. That is precisely so in the present situation. There is no proper explanation for why you have chosen, unilaterally, to engage in this unlawful conduct. If you had genuine and bona fide concerns about the issues raised, you could and would have ensured that they were raised and ventilated without engaging in such unlawful conduct.
8. It needs to be added that the mere contention that you obtained the information from a purported "whistleblower" does not alter the unlawfulness of the conduct of whichever person obtained the documents and transmitted them to you, nor the unlawfulness of your conduct in making the documents and information public. The Protected Disclosures Act 26 of 2000 renders numerous forms of "whistleblowing" protected under our law, but none apply here.
9. We therefore urge you to immediately desist from disseminating confidential DBSA information regarding Poseidon, or making any further confidential DBSA information regarding any transaction available to the public in an unlawful manner; and that you ensure, in raising such concerns as you might have in future, that you act lawfully and with respect for the confidentiality of the information of the DBSA and our clients.

Yours faithfully



Patrick K. Dlamini
Chief Executive Officer and Managing Director

Copied to: TT Mboweni, MP, Minister of Finance
 Mabuza Attorneys, Attorney ET Mabuza
 Mr Enoch Godongwana, DBSA Chairman of the Board of Directors



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