



REPUBLIC OF NAMIBIA

PRO-FORMA ENVIRONMENTAL CONTRACT

WHEREAS the Applicant/ Company referred to below, has been notified under section 48(4) of the Minerals (prospecting and Mining) Act, 1992 that the Minister of Mines and Energy is prepared to grant the applicantmining CLAIMS..... subject to certain terms and conditions and;

WHEREAS such terms and conditions include the condition precedent that the applicant enters into an Environmental Contract with the Government of Namibia;

IT is hereby agreed as follows:

1. PARTIES.

The parties to this contract are: THOMAS AFRIKANER (hereinafter referred to as the "Holder") being the holder of Non Exclusive Prospecting Licence 9090 Mining Claims 71160-71161-71162

on the one hand, and THE GOVERNMENT OF NAMIBIA (Hereinafter referred to as "the Government")

duly represented by:

THE MINISTRY OF ENVIRONMENT & TOURISM (MET) and THE MINISTRY OF MINES & ENERGY (MME)

on the other.

2. GENERAL OBLIGATIONS.

- 2.1 The provisions contained in this contract are in addition to and do not detract from any obligations which the Holder may have under the Minerals (Prospecting and Mining) Act, 1992 (the Act).
- 2.2 The Holder recognises that its prospecting / mining operations may have significant impacts on the environment. Accordingly the Holder undertakes that during the course of its operations it will take every practicable step necessary to ensure the mitigation of such impacts. In doing so it will liaise with the MET and MME as provided for in 3.3 and 4 below.
- 2.3 In particular the Holder will undertake necessary and adequate steps to ensure that environmental damage is reduced to a minimum and prevented insofar, as is

- 2.4 Should the Holder not carry out its environmental obligations it shall be liable for the environmental damage that may result. In this regard the Government reserves the right to:
- 2.4.1 demand at any time financial or other guarantees to restore the environment or mitigate environmental damage which has, or which may occur, as a result of the Holder's activities;
 - 2.4.2 itself undertake such mitigatory or restorative measures and to recover the costs thereof from the Holder;
 - 2.4.3 claim compensation for environmental damage, which may have been brought about by the Holder's activities.
- 2.5 The Holder shall on completion or suspension of its operations, ensure that the impact on the environment is minimised and that every reasonable and practicable step is undertaken to ensure that the environment is left in a reasonable state. The provisions of clause 2.4 apply *mutatis mutandis* to environmental damage evident after prospecting; mining or other operations have been suspended or completed.
- 2.6 The Holder acknowledges that should it apply for a mining licence in consequence of its prospecting or other operations, it will have to comply with Namibia's National Environmental Assessment Policy (Directorate of Environmental Affairs, Jan, 1995) and that this will entail the carrying out of an Environmental Assessment (EA).

3. THE ENVIRONMENTAL CONDITIONS


- 3.1 In accordance with section 68(f) of the Act, which provides that an application for a licence shall contain particulars of the existing condition of the environment, an estimate of the effect which the proposed operations may have, and the proposed steps to be taken to prevent or minimise such effect, the Holder has attached Environmental Conditions marked Appendix A.
- 3.2 The Holder acknowledges that once the MET and MME has determined that the information furnished in Appendix A is satisfactory, it will form part of this contract.
- 3.3 The Holder warrants that the information contained in Appendix A is to the best of its knowledge and belief true and correct and that it will notify the Government of any material changes therein. Should there be such material changes, the Government reserves the right to re-negotiate the terms and conditions of this agreement.

4. COMPLIANCE AND NOTIFICATION


- 4.1 The Holder acknowledges that the reports, which it is obliged to furnish to the MME (which is provided for in the notice from the office of the Mining Commissioner under section 48(4) of the Act) will include an Environmental Report.
- 4.2 The Holder acknowledges that officials from the MME and/or the MET may at any time conduct a compliance and/or performance inspection of its operations.
- 4.3 The Holder will keep records of its environmental performance and make these available to the officials referred to in 4.2.

SIGNED AT Windhoek on this 7 day of May 2019.

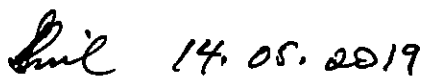
For the Holder:
(duly authorised thereto)


.....

For the Government of Namibia:


.....
→ ~~Dr.~~ Fredrick. Mupoti Sikabongo
Deputy Environmental Commissioner
Ministry of Environment and Tourism

and


.....
Mr. E. Shivolo
Mining Commissioner
Ministry of Mines and Energy

ENVIRONMENTAL CONDITIONS FOR MINING CLAIM 71160-71162

1. Pollution and waste

1.1 No toxic or hazardous chemicals may be brought into the prospecting area or deposited thereon (this excludes the use of petrol & diesel as fuel).

1.2 All domestic refuse and industrial waste will be deposited in a designated municipal refuse dump at regular intervals, but at least once every three months. No refuse may be dumped or buried within the prospecting or surrounding area, except if the landowner has an own specific designated refuse site for this purpose. Dumping of refuse on this site shall be negotiated with the landowner. It is permissible to store refuse temporarily in containers until such time as they are ready for removal. During such temporary storage, all paper and plastic refuse should be incinerated to avoid wind-blown litter. All attempts should be made to keep the area clean.

1.3 Pit latrines (toilets) will be provided for, and used by, all staff. Non-specific shallow pits may be used for toilets where small groups of people (< five) are staying in an area for less than one week with approval of the landowner.

2. Vehicles and Earthmoving equipment

2.1 Vehicular movement shall be restricted to existing fence-lines, roads and tracks wherever possible. Where it is unavoidable that vehicles and machinery need to create new roads or tracks, these new access routes shall be carefully planned so as not to cause unnecessary environmental damage. In any event, no new road may be established without the prior approval of the landowner.

2.2 Any trenches where prospecting or mining has been completed, shall be systematically backfilled with overburden and topsoil, and the area rehabilitated to as near as possible a natural state.

2.3 Notwithstanding clause 2.1, during the reconnaissance and planning phase of exploration, off-road vehicle access is permitted to areas where tracks are sparse. Specifically this access is to define places to which tracks may at a later stage be constructed. Such access is subject to prior approval by the landowner.

3. Water

3.1 Water shall be used sparingly and all reasonable attempts will be made to avoid water wastage.

3.2 Water shall be used only for human consumption, washing and essential prospecting-related activities.

4. Protection of Fauna and Flora

4.1 No hunting wood or plant collecting shall be allowed within the prospecting or surrounding area. The collecting of dead wood for domestic use may only take place with the concurrence of the landowner.

4.2 Every effort shall be made avoid starting veld fires. Should a fire occur as a direct or indirect result of the companies' activities, the company/ claim holder shall make every reasonable effort to extinguish such fire.

4.3 The company/ claim holder shall provide written instructions to its entire staff and sub-contractors to this effect.

5. Interaction with neighbouring communities and / or tourists

5.1 The company/ claim holder shall maintain good relations with any surrounding communities, and shall not deny any person transit rights through the prospecting area. This condition is mainly relevant for prospecting activities on state lands.

6. Rehabilitation

6.1 The company/ claim holder shall ensure that sufficient funds are available to affect appropriate rehabilitation of environmental damage.

6.2 The company/ claim holder shall ensure that rehabilitation of exploration trenches / holes / pits will take place within 8 weeks of the completion of exploration at any site.

6.3 Under no circumstances, shall trenches / holes / pits be left in a state where their existence endangers human or animal life.

7. Monitoring and reporting

7.1 The company/ claim holder shall submit every six months an Environmental Report to the Ministry of Environment and Tourism according to the prescribed format.

7.2 Staff from the Ministry of Environment and Tourism and / or the Ministry of Mines and Energy may at any time inspect prospecting areas.

8. General

The conditions stated in this notification are in addition to and do not detract from any obligations which the prospecting company may have under the Minerals (Prospecting and Mining) Act, 1992 The Nature Conservation Ordinance (Ordinance 4 of 1975), or the attached Pro-Forma Environmental Contract including the Environmental Questionnaire for Prospecting in Namibia, being Appendix A.

We agree to abide by the Pro-Forma Environmental Contract and the Environmental Conditions.

For the Holder:
(Duly authorised thereto)

Th. A.
Thomas Afrikaner

28/2/2020
Date

.....

.....
Date

ENVIRONMENTAL COMMISSIONER
Ministry of Environment and Tourism



REPUBLIC OF NAMIBIA

ENVIRONMENTAL QUESTIONNAIRE FOR MINING CLAIMS IN NAMIBIA

BEING APPENDIX A TO THE ENVIRONMENTAL CONTRACT

1. Background information

- 1.1 Companies (or individuals) applying for MINING CLAIMS must complete this questionnaire. (Please fill in ALL questions) .
- 1.2 The answers provided in this questionnaire shall be regarded as commitments, which will become part of the **Environmental Contract** between the Holder and the Government of the Republic of Namibia, duly represented by the Ministry of Environment and Tourism (MET) and the Ministry of Mines and Energy (MME).
- 1.3 Once the Holder has completed this questionnaire the MET and MME will either accept / reject / request further information regarding the environmental commitments made therein. The MET and MME reserve the right to add further conditions.
- 1.4 Once agreed to by all parties concerned, the completed questionnaire shall form part of the **Environmental Contract**.
- 1.5 Please attach a map of the claim area and a copy of application to register claims.

2. Holder details

2.1 Name of Holder	
2.2 Name of Claim Holder (if different from 2.1)	THOMAS AFRIKANER
2.3 Telephone, Fax , Cell phone and/ or E-mail	Tel: Fax: E-mail: Cell phone: 660816607945
2.4 Postal Address Residential/ Registered Address	PO Box 4647 WILHELM H 425 HAVANA WINDHOEK 0818837339 New Nieuw
2.5 Reference Number	NEPL no: 8090 Expiry: 23/1/2020 del 22/01/21
2.6 Registered No.(s)	71160, 71161, 71162
2.7 Location, district and Region of claim	ERONGO REGION DISTRICT USAKOS TSAWISES

0817726364 - Colleague - Consoles

(Handwritten mark)

2.8 Minerals to be mined	TORMALIN, KRISTAS, AGUARINE
--------------------------	-----------------------------

2.8 How many people will work on your claim, and where will they live?

Number of people	Where will the people live
4	TENTS

3. Environmental commitments

3.1 Pollution and Waste

3.1.1 What will you do with **normal litter** (e.g. Kitchen spoils, cans, bottles, paper, etc.)

THE SPOILS, CANS, BOTTLES, AND PAPER A RICCATLE
ITENTS THEFOR EVERYMANS WE WILL BRING IT TO THE NEAREST
TOWN FOR RECYCLE

3.1.2 What **industrial waste** will be generated and what will you do with it (e.g. old machinery, vehicles, building rubble, batteries, paint, thinners, vehicle oil, etc.)

THE VEHICLE WE USE WILL NOT BE SERVERS ON THE SIDE
AND FOR OTHER INDUSTRIAL WAST WE WANT USE ON THE SIDE

3.1.3 Describe what type of **toilet facilities** will be provided

THE TOILETS FACILITIES ERECTED BY ME ON THE PROPERTY
SHAN BE APPROPRIATELY FENCED OFF

B

2

3.2 Vehicles, earthmoving equipment, drilling and blasting :

3.2.1 List the type and quantity of vehicles, earthmoving equipment, drilling equipment, and other machinery likely to be used on your claim (e.g. 2 x bakkie; 1 x bulldozer, etc.)

Vehicles:
- only ONE vehicle for TRANSFERRANCE Will be use for TIMEBEING

Earthmoving equipment:
NONE

Drilling equipment:
Jack Hammer

Other equipment or machinery:
Complex Jackhammer

3.2.2 Describe the environmental damage that is likely to result from the use of vehicles and machinery within the claim area. (e.g. on the landscape in general, soil, vegetation, noise, dust, etc....)

FOR THE VEHICLE WE WILL ONLY USE official Roads ON THE PROPERTY
WE ARE NOT USING HEAVY EQUIPMENT MACHINERY. THAT WILL NOT do NOT MUCH damage TO THE LANDSCAPE. BECAUSE THE AREA WHERE WE MINE IS A ROCKY AREA
THE AREA WHERE WE MINE IS TOO MUCH ROCK AND IT WILL NOT HAVE AFFECT DAMAGE THE SOIL AND WILL NOT HAVE DAMAGE AFFECT ON VEGETATION
FOR THE NOIS AND DUST WE ARE ALMOST 6-KM AWAY FROM THE HUMAN SCAPE AND THERE WILL NOT ANY COMPLAINS FROM THE FARM WORKERS AND FARM OWNER

3.2.3 How will you control the movement of vehicles and machinery in order to minimise Environmental damage?

THE MOVEMENT OF VEHICLES AND MACHINERY
WILL BE ONLY USED AT ONE AREA AND IF WE ARE
DONE, WE WILL CLOSE UP THAT AREA AND MOVE TO
THE NEXT AREA. THAT WAY AT THE FIRST VEGETATION
WILL BE GROW BACK

3.2.4 Which routes will be used by vehicles to get to your claim and state whether you intend making new roads or tracks (both to your claim and within your claim).

MOST OF OUR CLAIM IS NEAR OFFICIAL ROAD AND
WE ONLY CREATE A NEW ROAD AFTER HAYING
CONSULT THE FARM OWNER AND WITHOUT DAMAGING
THE VEGETATION OR SOIL

3.2.5 Will you do any blasting on your claim? Yes No Unsure

3.2.6 If "yes" above, explain how you intend minimising environmental impacts, including the safety of humans, livestock and wildlife?

Handwritten signature or initials.

3.3 Water

3.3.1 How much water do you intend using for various activities (e.g. Human use, washing of equipment, washing sand/stones, recreation, dust control, gardens, etc.) and state how you intend saving water within each category of use.

Activity or category of use	Quantity of water needed per month (litres)	Water saving methods
Human use	20litre a day	2 litre water use per day can be use
EQUIPMENT AND STONES		
WASH	20LITRE EVERY Saturday	NEXT day WITHOUT THROWING AWAY

3.3.2 Where will you get your water (e.g. river, own borehole, water affairs connection, etc)

from the borehole of the farm

3.3.3 Explain how you will minimise or completely avoid polluting any water source, including underground water.

no oil Related product may be disposed of on the property
AND all garbage must generate and residing on the property will be removed

3.4 Relations with neighbouring communities and/or the general public

3.4.1 Are there any people living in or near your claim?

Yes No Unsure

3.4.2 If "yes", explain where these people live and describe their economic activities.

only the farm workers are there on the property

3.4.3 If "yes" in (3.4. 1) explain what you will do to maintain a good relationship with such people.

*it is a private farm AND THE WORKERS ARE THERE AND SO WE
CAN WORK TOGETHER IN CONDITION*

3.4.4 Will the activities on your claim restrict the movement of other people in the area ?
(e.g. the general public, tourists, farmers, local people, etc.)

Yes No Unsure

3.4.5 If "yes" for 3.4.4. please explain why their movements or access will be restricted

3.5 Protection of plants and wildlife

3.5.1 How will you ensure that your activities will not cause unnecessary damage to **plants and wildlife** in or near your claim (e.g. hunting, plant collecting, fishing, etc.) ?

*Unfortunately there is no Wildlife AND ON THE FARM
PLANTS THERE IS NO ENDANGER PLANTS ON THE FARM
DUE TO THAT THE AREA WHERE THE CLAIMS ARE IS TO MUCH ROCKY*

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3.6 Historical, archaeological and cultural heritage

(e.g. Rock art, graves, monuments, fossils, sacred sites, historical buildings, etc.)

3.6.1 Are there any historical, archaeological or culturally important sites within your claim area (tick one box) ?

Yes No Unsure

3.6.2 If "yes" above, please describe these briefly

3.6.3 If such sites are known, how will you avoid damaging them ? .

3.6.4 If such sites are discovered after you have started working your claim, would you accept new conditions to this contract so that they can be properly protected ?

Yes No Unsure

3.7 Rehabilitation

3.7.1 When will you rehabilitate the environmental damage done during prospecting ? (tick appropriate box)

I have no intention of rehabilitating any damage
On a continuous basis (i.e. simultaneous with prospecting)
Only after all prospecting has finally been completed
Don't know

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3.7.2 Describe the programme of mining from start and the methods to rehabilitate damage:

AS I HAVE EXPLAIN IN 3.7.1. I HAVE NO INTENTION OF REHABILITATE
DAMAGE TO THE ENVIRONMENT ESPECIALLY AS THEY AFFECT PEOPLE'S
LIFE AND NATURAL WORLD OF THE LAND, SEA AND AIR

FIRST WE DUG UP THE TOP ROCKY STONES TO COME TO THE BOTTOM
SOIL, AND IF THERE IS NO MINERALS, WE WILL RESTORE THE AREA
OF MINING AS FAR REASONABLE POSSIBLE TO PROSPECTING
CONDITION UPON COMPLETION OF PROSPECTING ACTIVITIES

THERE IS NO ENVIRONMENTAL DAMAGE WHERE I AM
MINING DUE TO THAT I AM THE FIRST ONE
PROSPECT AND SET UP MY CLAIM

4. Existing Damage

Describe what environmental damage exists in your claim area now, in other words, damage caused by someone else before you began working on the claim. (where possible, provide evidence such as photo's, statements, etc.)

THERE IS NO ENVIRONMENTAL DAMAGE WHERE I AM MINING
DUE TO THAT I AM THE FIRST ONE. PROSPECT AND SET
UP CLAIM

I hereby declare that the information provided in this questionnaire is, to the best of my knowledge, accurate and correct, and that I'm prepared to keep to the commitments stated therein.

Thomas Hoikane
Claim Holder or Authorized
Representative

Winolbet
Place

18/02/2019
Date

→ Uploaded 14.03.2019/HB

HB 14.02.2019



Pre-Appl ~~FN-72109~~
MCJ 2110
2111

REPUBLIC OF NAMIBIA

Ok HB 14.2.2019

MINISTRY OF MINES AND ENERGY

APPLICATION FOR THE REGISTRATION OF MINING CLAIM/S (NATURAL PERSON)

Required in terms of section 33 of the Minerals (Prospecting and Mining) Act, 1992
(Act 33 of 1992, hereinafter "the Act")

**PLEASE NOTE THAT SECTION 25 OF THE ACT PROVIDES THAT ONLY NATURAL PERSONS WHO
ARE NAMIBIAN CITIZENS MAY PEG MINING CLAIMS.**

Receipt No.: 50848900	Registered No(s): 71160, 71161 & 71162
Date entered in TAM and by whom:	Comments by Drawing Office:

Full Names: **Thomas Afrikaner**

Nationality: **Namibian**

Date of Birth: **06 June 1966**

Passport Number: I.D. Number: **660606 01669**

Postal Address: **PO Box 4647 Windhoek**

Residential Address: **House no H 425, Havana, Windhoek**

Tel No (h):	Tel No (w):
Fax No:	Cell phone: 081 660 7945

In the case of a Namibian citizen who is not resident in Namibia and who is required to be represented by an approved accredited agent (in terms of section 121(1) of the Act), details of the approved accredited agent must be given on the prescribed form.

In the case of a person who has been convicted of an offence by a court of law in respect of which the person was sentenced to imprisonment, whether suspended or not, without the option of a fine, please give details on a separate sheet.

Current Non-Exclusive Prospecting Licence No: **8090** Valid until: **23 January 2020**

Current Exclusive Prospecting Licence No: Valid until:.....

Total number of Mining Claims currently registered in applicant's name: **0**.....

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MC- (Pre-Application_MC_2109)
Mining Claim (Claims)

Application (Pre-Application)

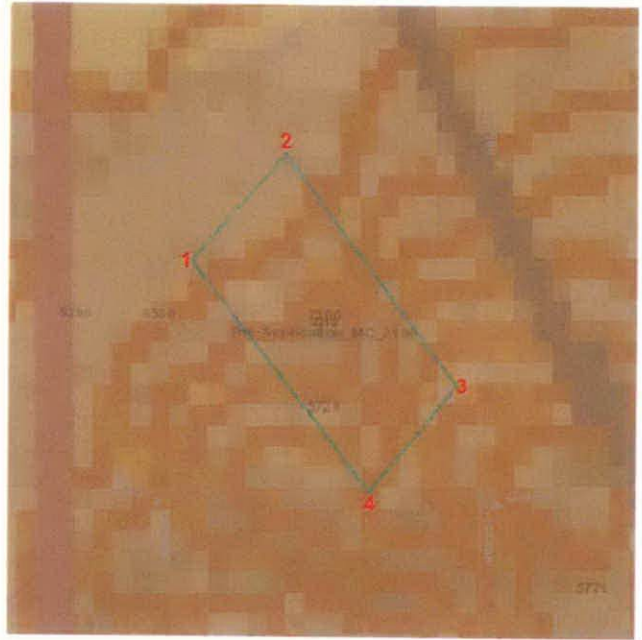
Coordinates And Shape

Coordinates

Official Area: 16.7196 Ha
Coordinate system: GCS Bessel 1841

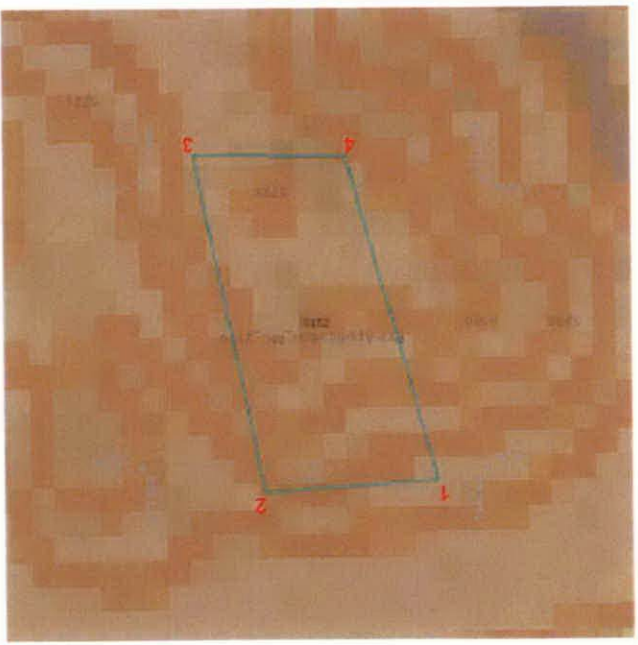
Part 1	Latitude	Longitude
1	22° 16' 49.03" S	015° 29' 23.97" E
2	22° 16' 41.95" S	015° 29' 30.84" E
3	22° 16' 57.45" S	015° 29' 43.10" E
4	22° 17' 04.43" S	015° 29' 36.78" E

License Shape



Coordinates And Shape

Coordinates	Official Area:	Coordinate system:
Part 1	16.4700 Ha	GCS Bessel 1841
1	22° 16' 12.93" S	015° 30' 10.48" E
2	22° 16' 12.39" S	015° 30' 21.11" E
3	22° 16' 31.47" S	015° 30' 25.22" E
4	22° 16' 31.27" S	015° 30' 15.93" E



License Shape

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7
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MC- (Pre-Application_MC_2111)

Mining Claim (Claims)

Coordinates And Shape

Coordinates

Official Area:	16.8630 Ha	
Coordinate system:	GCS Bessel 1841	
	Latitude	Longitude
Part 1		
1	22° 15' 50.90" S	015° 30' 40.06" E
2	22° 15' 53.80" S	015° 30' 49.79" E
3	22° 16' 12.17" S	015° 30' 50.51" E
4	22° 16' 05.50" S	015° 30' 37.52" E

License Shape





REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT AND TOURISM

Tel: (00 26461) 284 2111
Fax: (00 26461) 232 057

Cnr Robert Mugabe &
Dr Kenneth Kaunda Street
Private Bag 13306
Windhoek
Namibia

E-mail: mwaka.lushetile@met.gov.na

Enquiries: Ms. Mwaka Lushetile

08 March 2019

OFFICE OF THE ENVIRONMENTAL COMMISSIONER

Linus B. Mokhatu
Du Pisani Legal Practitioners
P.O. Box 23990
Windhoek
Namibia

Ref: SAA6/0001/LBM/mr

Dear Sir,

SUBJECT: NOTICE OF INTENTION TO FILE AN OBJECTION IN TERMS OF REGULATION 71(1)(A) READ WITH REGULATION 7(1)(C) OF THE REGULATIONS PROMULGATED UNDER THE ENVIRONMENTAL MANAGEMENT ACT (7 OF 2007)

I acknowledge receipt of your letter dated 6th of March 2019 on the above subject matter.

Please be informed that the office of the Environmental Commissioner has not received an application for Environmental Clearance Certificate for mining of Semi-Precious Stones in the mining claim numbers 71166 - 71162 for Mr. Thomas Afrikaner. Thus, the Ministry has no records with regard to these mining claims.

Yours sincerely,

Office of the
Fredrick Mupoti Sikabongo
DEPUTY ENVIRONMENTAL COMMISSIONER



"Stop the poaching of our rhinos"

67 John Meinert Street, Windhoek, Namibia
P.O. Box 23990, Windhoek, Namibia
Tel: +264 83 3316110
Fax: +264 83 3316111
E-mail: admin@dplaw.com.na



The Environmental Commissioner
Ministry of Environment & Tourism
Cnr. Robert Mugabe & Dr. Kaunda Street
Windhoek

28th March 2019

Our ref: SAA6/0001/LBM/mr

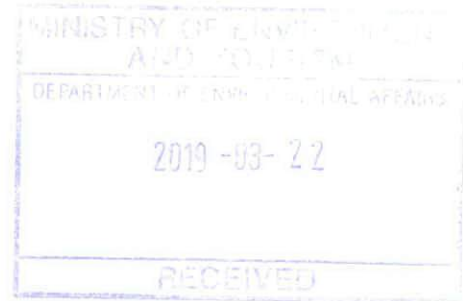
Dear Sir,

Re: Objection to Thomas Afrikaner's Application for an Environmental Clearance to Mine Semi-Precious Stones on farm Tsawisis Sud No.95, Usakos District

1. As already indicated to you in our previous letter, kindly find herewith our client's written objection, duly motivated.
2. Further, should you have any queries do not hesitate to contact us as the legal representatives of Mr. Saayman, the duly authorized representative of Tsawisis Investments CC.
3. Finally, we trust that the above is in order.

Yours faithfully,


Per: **Linus B Mokhatu**



**The Environmental Commissioner
Ministry of Environment & Tourism
P/Bag 13346
WINDHOEK**

25th March 2019

Dear Sir,

**OBJECTION TO ISSUING OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE
WITHOUT DUE PROCESS**

An application for an environmental clearance certificate by Mr. Thomas Afrikaner, the holder of non-exclusive prospecting license 8090, to stake mining claims and to mine semi-precious stones (reportedly tourmaline) on farm Tsawisis Sud 95, Usakos district in the Erongo Region, has bearing.

A. EXECUTIVE SUMMARY

1. My objection is premised on regulation 7(1) (a) which provides for the right of affected parties to be consulted, read with regulation 7(1) (c) which provides for objections & representations from interested and affected parties (see the Regulations promulgated under Act 7 of 2007).
2. In short, I am herewith formally noting the objection of Tsawisis Investments CC to Mr. Afrikaner's application for an environmental clearance certificate, which clearance, if granted, will enable him to register the three mining claims which he pegged on farm Tsawisis Sud.
3. Further, the legal basis of the objection is founded on the long standing practice of the Ministry of Environment and Tourism to issue environmental

clearance certificates to so-called small miners, such as Mr. Afrikaner, ***without due process having been followed.***

4. Moreover, the due process to which I refer entails the conducting of an Environmental Impact Assessment and thereafter the submission of an Environmental Management Plan to the Environmental Commissioner for his consideration and approval.
5. However, so-called small miners such as Mr. Afrikaner are not subjected to the rigorous requirements of the Environmental Management Act, which stipulates that an Environmental Impact Assessment needs to be undertaken before any environmental clearance may be issued to a person who wants to engage in listed activities.
6. Mr. Thomas Afrikaner wants to mine semi-precious stones, which is a listed activity in terms of the provisions of the Environmental Management Act.
7. Further to the above, the Owners of and the Stakeholders (investors) in the farm Tsawisis Sud have invested N\$-millions to restore and re-develop this erstwhile over-grazed and severely wildlife-depleted farm for **ecotourism** purposes.
8. Moreover, this farm had been raided by poachers, who snared and then killed all the game which was on the farm and the end result of it was a farm that was ruined and basically uninhabitable. The stakeholders and investors pumped in millions of dollars to make the farm fit for human habitation again.
9. In view of the above, we are concerned that:

- 9.1 Likely ill-conceived and poorly managed small scale mining and ancillary works and structures, and the presence and movement of Mr. Afrikaner and his mine workers will inevitably **create** a nuisance for the owners, the guests, and disturb the **wildlife**.
- 9.2 **On top of the above-mentioned concerns**, the mining activities of Mr. Afrikaner will also cause unsightly environment damage, which will in turn have a serious and negative impact on the ecotourism business on the farm Tsawisis-Sud.
- 9.3 Also, I myself am a qualified and experienced geologist who works as a consultant for international mining companies; and I know from practical experience that mining, if not properly planned and executed, could have devastating consequences and in certain instances even lead to potentially irreparable environmental damage.
- 9.4 In addition to the above, I have noticed that Mr Afrikaner does not seem to understand what actual mining entails.
- 9.5 Moreover, he does not appreciate the fact that the opening up of a mine, whether small scale or big, requires some measure of geological knowledge, to enable the aspirant miner to properly investigate the viability of the mineral resource which he wishes to mine, and also to be able to technically plan and execute the mining activities and the ancillary works in such a manner that the environment is not compromised.
- 9.6 Further, not only is Mr. Afrikaner technically handicapped, but he apparently also lacks the financial capacity and techno-economic wherewithal to commission and then thereafter to ensure sustained profitability of a mine.

- 9.7 Therefore, there is thus a high probability that by the time that he stops mining activities, he might not have the financial means to undo the environmental damage which his mining activities might have inflicted on farm Tsawisis Sud.
- 9.8 Also the side effects of prospecting and small scale mining by financially handicapped individuals (**no offense intended**), albeit outside the control of the MET and MME, customarily leads to poaching, snaring of wildlife and stocktheft to feed hungry mine workers (ample evidence can be provided for this correlation).

B. SPECIFIC CONCERNS ABOUT MINING ACTIVITIES ON FARM TSAWISIS SUD 95

Although we are not against small scale mining activities in general, we have very specific concerns about the short and long-term impacts which small scale mining (if undertaken by a technically handicapped and financially challenged individual) could have on the environment and on the ecotourism business on farm Tsawisis Sud 95.

C. JUST TO ENLIGHTEN YOU ABOUT HOW MUCH WE INVESTED IN FARM TSAWISIS SUD, KINDLY NOTE THE FOLLOWING:

1. When Tsawisis Investments CC purchased farm Tsawisis Sud 95 ten years ago it was undeveloped and severely overgrazed, and the wildlife decimated through snaring and poaching.
2. The Owners and Stakeholders have since invested very substantial capital and hard work to develop the farm for ecotourism, and especially to protect and help wildlife recover. Internal fences were removed, external fences were

upgraded to game fences as far as the mountainous terrain permits, nine bores were drilled (not all successful), and two wells were hand-dug.

3. Solar pumps, tanks and many kilometres of pipelines are being installed to create well distributed drinking places for wildlife.
4. Of special pride and being utilised by a variety of wildlife is watering of a small periodic wetland in a wadi, to make it as perennial as possible. This was achieved by hand-digging and manually constructing a well in a defunct and abandoned small copper mine.
5. (As is common with such mine workings, loads of derelict fencing materials, scrap metal and other rubbish had to be collected and buried. Steel anchors and concrete plinths and slabs, as well as mining waste rock and piles of uneconomic mineralised rock, could not all be removed. We are trying to support growth of hardy *Salvadora* bushes to camouflage these unsightly environmental scars).
6. Only a small number of workers are carefully selected and are appointed permanently. For confidentiality and security no temporary workers or contractors are employed, and access is strictly controlled.
7. Our workers have over time been sensitised to native fauna and flora, as well as to significant local archaeology, and now share our environmental values.
8. Neighbouring farms to Tsawisis Sud, Bergrus and Tsawisis (Swartberg) have also been converted to wildlife ranches.
9. The owners of these three farms collaborate as best possible to create a sustainable ecosystem to support wildlife in this desert environment. We also, at great cost, took out a five-year lease on neighbouring stock farm Ubib West

76, in attempt to curb poaching from the district road D1914 which transects Ubib. (This is a costly and constant battle; last week a kudu was again poached on Tsawisis Sud as well as on neighbouring farm Dorstrivier, and we removed new snares).

10. Landowners, farmers, tenants and stakeholders in the district collaborate and employ district watch security organisations to curb infrastructure theft, stock theft and especially poaching, for which, regrettably, the Usakos and Karibib districts are infamous.
11. Essential to this is to limit access to known and trustworthy workers and visitors, and to monitor and report suspicious traffic and/or persons.
12. A surprising variety of wildlife, birds and reptiles are recovering wonderfully on Tsawisis Sud.
13. In addition to kudu, mountain zebra, gemsbok, springbok, steenbok and klipspringer, we now see species which are very vulnerable to snares, such as aardvark, aardwolf, porcupines, Cape foxes, honey badgers, striped polecat and genets, and even grey duiker (*in the Namib!*).
14. So are African Wild Cat and caracal, more than occasional cheetah, and it is now not rare to spot leopard in daytime! And we are especially pleased, amongst proliferating bird life, to have breeding pairs of black eagles and other raptors, a breeding colony of Dikkop, and also vultures.
15. It is the intent of the Owners and Stakeholders to develop and promote Tsawisis Sud as a **low-volume, low-impact ecotourism destination**, where guests can from basic amenities (in contrast to luxury lodges) experience the rugged pro-Namib mountains, fauna and flora as undisturbed and natural as attainable.

16. Hiking routes have been scouted along spectacular hidden gorges and amphitheatres in the Chuos Mountain and interesting geological routes along the foot of the Black Mountain.
17. Important additional marketable attractions are the varied geology and archaeology, such as rock art and stone-age tools and artefacts (crude clay pots) and graves from more recent habitation by hunter-gatherer peoples.
18. Hiking and cycling and localised access with light-impression quads are favoured. Vehicle roads and tracks are limited to absolute minimum.
19. We are specifically targeting non-traditional tourist countries to Namibia, such as Eastern Europe and Australasia.
20. To this end we regularly travel to and market Namibia in these countries. We have already hosted selected guests from **Poland, Australia and New Zealand**.
21. They are likeminded outdoors and nature loving people and great ambassadors for Namibia, especially for national and private development of sustainable-use conservancies.
22. They now also understand the need for and appreciate the substantial monetary benefits that controlled hunting can have for conservation and for communities.

D. IN VIEW OF THE ABOVE, OUR ENVIRONMENTAL CONCERNS INCLUDE AMONGST OTHERS THE FOLLOWING:

1. On the farm there are two main gorges with secluded, hidden valleys and hanging terraces in the Chous Mountain and two along the Black Mountain, which serve as secluded shelter and feeding areas for wildlife.
2. Now, one of the prospecting and mining areas targeted by Mr Afrikaner is located along the foot of the Chous Mountain, right near the entrance to one such gorge and hidden valley. Wildlife from here drink at a small wetland maintained from pumping water.
3. Therefore, we are concerned that game will not pass close to mining activities and dwellings to still seek shelter and come feed in this valley.
 - 3.1 This would substantially reduce access to shelter and specific habitat, which is quite different from the exposed boulder-talus scree below this gorge and extending to the nearby farm's boundaries.
 - 3.2 Further to the above, Mr Afrikaner on 2/11/2018 informed the owners that he intended to bring a heavy, earthmoving machine and four men to his mining site.
 - 3.3 (This point has reference also to point 4 below, since Mr Afrikaner had no environmental clearance or registered claims or a clearly defined access route to his target area; and he also had not entered into a compensation agreement at the time, when he made these revelations).
 - 3.4 In view of what Mr. Afrikaner has told the owners of Tsawisis Sud, and if he is allowed to bring heavy earthmoving equipment onto the mining site, whilst there are no existing roads, he is most probably going to end up destroying some rare plant species and the vegetation in general.

- 3.4.1 Nevertheless, Mr. Afrikaner does not seem to understand and/or does not seem to care about the owners' environmental concerns in relation to the above.
- 3.4.2 Moreover, he also does not seem to understand that it is essentially a serious violation of the provisions of the Environmental Management Act, for a person to go off-road and to drive recklessly over potentially rare plant species and vegetation in general, just because there is not an existing access road to the point where that person wants to go.
- 3.4.3 Furthermore, we are very much concerned by the heavy earthmoving equipment which Mr. Afrikaner wants to bring onto the mining site without having conducted an environmental impact assessment (to mitigate the risk of potentially irreversible damage to rare plant species).
- 3.4.4 Also, some of the Eco tourists, who visit the farm, are specifically attracted by the types of plant species which are found on our farm and the immediate surrounding areas.
- 3.4.5 In addition to the above, there is no existing agreement about road construction, or off-road driving between Mr. Afrikaner and Tsawisis Sud in relation to his heavy earthmoving machines.
- 3.4.6 And, to aggravate matters, Mr. Afrikaner has not sought to enter into any agreements in order to regulate his conduct in relation to the movement of the vehicles and/or the heavy earthmoving mining equipment which he wants to bring on site.
- 3.4.7 Moreover, the area where Mr. Afrikaner wishes to engage in mining activities is topographically elevated, thus any road constructed, and the mining

activities and ancillary works and structures, hence all environmental disturbances, will be clearly visible to tourists from afar.

- 3.4.8 Furthermore, because of the challenging geography of the proposed mining area, it will be quite difficult and costly to rehabilitate and/or to restore the farm to its pre-mining state.
- 3.4.9 On top of the above concerns, there is another area which Mr Afrikaner has indicated that he is interested in mining on.
- 3.4.10 The said area is located in a scenic west-trending gorge above which Tsawisis guests are taken to a lookout for sunset views and picnics, and along which one of the reconnoitred scenic hiking trails is located.
- 3.4.11 Moreover, it will not be possible in this narrow gorge to avoid exposing guests to potentially unsightly mining activities; and, it will also be nearly impossible for guests to not encounter or to not observe the mining activities and related disturbances.
- 3.4.12 In addition to the above, it is apparent, just from his conduct thus far, that Mr Thomas Afrikaner is not qualified, or experienced in, or knowledgeable about mining and is not interested in protecting the environment at the same time.
- 3.4.13 In fact, in response to a question by the chairman of the Mining Ancillary Rights Commission (in a MARC hearing on 13 December 2018, attended by Mr Saayman on behalf of Tsawisis Investments CC) Mr Afrikaner acknowledged that this is the very first time that he is prospecting and intending to mine semi-precious stones.
- 3.4.14 It is thus fair to presume that Mr Afrikaner also has no specific knowledge or experience about mitigation or management of the range of inevitable

environmental impacts, or does not understand much about the social and economic impacts which may be associated with mining activities.

- 3.4.15 Further, he does also not seem to appreciate the negative impact that mining can have on fauna and flora, the disturbance of the natural land surface, noise pollution, dust and other observable impacts.
- 3.4.16 Afrikaner also does not seem to appreciate the potentially harmful impact of his proposed mining activities on water consumption **and the risk of pollution of underground water resources by dangerous chemicals and illegal, self-made, explosive devices (*self-made dynamite*) often times used by some small miners to break rocks during the mining process.**
- 3.4.17 Furthermore, the disturbance and intrusion of mining activities on the privacy and the rights of the farm owners and their investors, and in this case, the weakening of the financial viability of their eco-tourism business.
- 3.4.18 In addition to the above, and without pegmatite-specific geological knowledge about the exact locations of the semi-precious stones and combined with lack of mining expertise, Mr. Afrikaner's mining venture is most probably going to be an exercise in futility.
- 3.4.19 Moreover, **there will be unsystematic excavations in search of minerals which might not be in the ground, and the corresponding extend of potentially irreversible damage of the land surface is bound to be horrendous.**
- 3.4.20 Further, ***this destruction of the land surface area will be aggravated even more, if mining is mechanised (such as with an earthmoving machine).***

- 3.4.21 On top of the above, my experience as a geologist has taught me that lack of geological knowledge in relation to the minerals being sought combined with the absence of relevant operational expertise in relation to mining significantly reduces the chances of success of a mining venture.
- 3.4.22 The above alone (should) already switch on warning lights. Where is he going to get the money to rehabilitate the environment, if his chances of mining successfully are close to zero?
- 3.4.23 Further to the above, and from personal interactions and communications with Mr Afrikaner, it has become apparent to me that he does not have the financial means just to sustain himself from one day to the next one (***I mean no disrespect to Mr. Afrikaner.***)
- 3.4.24 To date hereof Mr. Afrikaner has strongly resisted all attempts to get him to provide Tsawisis Investments CC with **a relatively very small financial surety (to be deposited in a trust account) for future environmental restoration (if needed).**
- 3.4.25 In view of the above, if a (possibly uneconomical) mine and ancillary workings are abandoned, or are not adequately rehabilitated, then Tsawisis Investments CC will unfairly be burdened with the costs of restoring the land to its pre-mining state.
- 3.4.26 ***Further to the above,*** even negotiations which we have had with Mr. Afrikaner ***in relation to him paying very modest compensation*** to Tsawisis Investments CC for monthly residence on the mining site, for roads to be used, for access to water and for land use fees were unsuccessful.

- 3.4.27 In addition to the above, the area which Mr. Afrikaner wants to utilise will cover 18 hectares per standard 300m x 600m x three claims, plus land in between claims which wildlife will avoid.
- 3.4.28 Further, and for the sake of completeness, when Tsawisis Investments CC insisted on entering into *good faith discussions* in relation to compensation, as outlined here above, Mr. Afrikaner then rather chose to go to the Ministry of Mines and Energy, where he falsely laid a complaint and claimed that he had been denied access in order for him to go and peg mining claims on farm Tsawisis Sud.
- 3.4.29 Moreover, the insistence on due process (in relation to protecting the environment) as provided for by the Environmental Management Act has been distorted by Mr. Afrikaner and by some of the officials at the Mineral Rights Ancillary Commission (MARC).
- 3.4.30 The genuine environmental concerns raised by many land owners are in many cases distorted and contemptuously dismissed by the staff of MARC as poorly concealed attempts by White land owners to prevent poor, in most cases Black, small scale miners from exploiting the mineral riches of Namibia.
- 3.4.31 However, the Government officials who make these unfair accusations, and which accusations are in many cases unjustified, rarely do produce any credible evidence to substantiate their claims of racial bias and/or malicious conduct by the land owners.
- 3.4.32 I wish to make it emphatically clear that Tsawisis Investment CC is not using the environmental concerns set out hereinabove as an excuse to block Mr Afrikaner from realising his dream or his ambition of obtaining an environmental clearance certificate to go mine on farm Tsawisis Sud.

3.4.33 In short and for the record, if Mr. Afrikaner is made to go through the rigorous process of being required to appoint a reputable consultant to conduct an EIA and is then thereafter made to file an EMP for approval by the EC, before he is given a clearance certificate, then Mr. Afrikaner will be definitely welcome to establish his mine on our farm.

3.4.34 In addition to the above, provided *further that he also does, on top of the above, enter into an agreement that adequately protects all the other interests of the land owners and investors, which interests do not relate to the physical environment and are not covered by the Environmental Management Act.*

E. THE CURRENT ASSESSMENT PROCESS IN RELATION TO SMALL MINERS IS TECHNICALLY UNSOUND

1. We are aware that the current assessment process being used by the MET does not require the submission of a comprehensive environmental management plan, before the MET issues an environmental clearance certificate to small miners such as Mr. Afrikaner (people applying to mine semi-precious stones).
2. Basically, the mere word of a small miner that he/she will not cause significant environmental damage and/or that he/she will rehabilitate the environment before abandoning mining activities appears to be accepted as adequate environmental safeguards.
3. In our case, the mere say so of Mr. Afrikaner will most probably be found by MET to be sufficient and he will be given an environmental clearance certificate, despite his shortcomings, which have set out herein above.

4. How lawful is this practice. What about the constitutional rights of land owners not to be deprived of their property without adequate compensation?
5. We respectfully wish to point out that to give an environmental clearance to Mr. Afrikaner whilst no EIA had been done and no EMP had been submitted and approved by the Environmental Commissioner, would effectively be giving Mr. Afrikaner a license to go out and destroy our property and investments.
6. To give you context, there are several severely environmentally degraded mining sites, many of them abandoned by so-called small miners; this in itself attest to the failure of the system and practices of MET in relation to small miners.
7. Although these sites are predominantly on communal lands and on resettlement farms (evidenced by many small mine workings in Damaraland in the Erongo and Kunene and in Namaland in the Hardap and Karas Regions), many such degraded mine sites are also found on private farms and on hunting farms; and, some of Namibia's most scenic attractions have been degraded because of the failed policies of MET in relation to small miners.
8. Furthermore, there are also examples of unsightly and hazardous open mining excavations on farms Tsawisis Sud 95 and Ubib West 76 and neighbouring farms, which we can prove with photos.
9. Moreover, where some of these may originally have been fenced off crudely, poor-quality materials, shoddy workmanship and lack of follow-up maintenance has caused these erstwhile fences to become piles of wire in which animals get entangled.
10. Furthermore, the disturbed areas were also littered with remnants of shacks, scrap metal, tins, plastic and other domestic rubble.

11. On top of that we had to remove many snares from nearby fences and game paths and we also found evidence of cooked tortoises and other small critters.
12. Although we appreciate the fact that the MET is unable to prevent illegal snaring and poaching, nor have control over criminally-inclined small miners, we wish to point out that issuing environmental clearance certificates to small miners who are patently unable to engage successfully in small scale mining contribute to the very negative national and international perception of small miners (read "*subsistence*", "*informal*" and even "*illegal*" miners) and the environmental damage they often leave behind.

CONCLUSION

F. SPECIFIC REQUESTS TO THE MET

1. Before awarding an environmental clearance certificate for mining semiprecious stones on private farm Tsawisis Sud 95, we urge you to require of Mr. Thomas Afrikaner to commission an appropriate Environmental Impact Assessment (EIA) by a reputable consultancy with proven track record in the mining industry, and ideally in facets of ecotourism.
2. Secondly that the MET, as is your standard practice for *bona fide* mining companies who apply to extract minerals other than semiprecious stones, thoroughly and rigorously assess the Environmental Management Plan (EMP) submitted by Mr. Afrikaner before you approve it.
3. Furthermore, and in order to allay concerns about adverse environmental consequences from possible geological ignorance, such as random and unnecessary large diggings, the MET is implored to request inclusion of a

sound geological basis for such EIA and EMP, such as a geological terrain map which, *inter alia*, shows the occurrences of mineral (tourmaline-) bearing (I-type) pegmatites in the prospective mining claims.

4. Moreover, if an environmental clearance certificate is awarded, and if permissible under the Environmental Act, that the MET support the Owners' efforts to have an initial amount deposited in a trust account as environmental warranty, and to have this amount increased on regular basis in proportion to increases in the scale of mining and ancillary works, which will require ongoing restoration and ultimately rehabilitation on mine closure.
5. In addition, if an environmental clearance certificate is awarded, that the MET conduct ad hoc site inspections, or have inspections carried out by a reputable and impartial 3rd party specialist, during mining operations and after cessation of work and safe-making and rehabilitation of mining excavations, waste rock piles and ancillary works and structures.
6. Finally, we trust that you will favourably consider this objection to an unreserved awarding of an environmental clearance certificate for mining on farm Tsawisis Sud 95, which is being developed and is already being marketed as an ecotourism business

A handwritten signature in black ink, appearing to read 'B. G. Gagnon', is located at the bottom left of the page. The signature is fluid and cursive.

