



REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM
DIRECTORATE OF ENVIRONMENTAL AFFAIRS
18 AUG 2023
Tel: 061 284 2701
RECEIVED 2
Signature: <i>Nery</i>

**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, 33 of 1992 (hereinafter "the Act"), that the Minister of Mines and Energy is prepared to grant the applicant a MINING 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 MATHAN VON FRANCOIS (hereinafter referred to as "the Holder") being the holder of Non-Exclusive Prospecting Licence/Exclusive Prospecting Licence/Reconnaissance Licence/Mining Claim(s)/Mining Licence (~~delete those not applicable~~) number NGPL NO: 3170 / MC-74381

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 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 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 practicable.
- 2.4 Should the Holder not carry out its environmental obligations it shall be liable for the environmental damage which 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;

*MVF*

2.4.2 itself undertake such mitigatory or restorative measure 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, January 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 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 MME and/or 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 28 DAY OF MARCH 2023

For the Holder: MATHAN VON FRANÇOIS  
(Duly authorised thereto)

For the Government of Namibia:

Mr Timoteus Mufeti  
Environmental Commissioner  
Ministry of Environment and Tourism

Ministry of Mines and Energy  
And  
Mining Commissioner  
Ms Isabella Chirchir  
Mining Commissioner  
Ministry of Mines and Energy  
Department of Mines

2023-08-08

07/08/2023

MTF





REPUBLIC OF NAMIBIA

ENVIRONMENTAL QUESTIONNAIRE FOR MINING CLAIMS IN NAMIBIA

BEING APPENDIX A TO THE ENVIRONMENTAL CONTRACT

1. BACKGROUND INFORMATION

- 1.1 Companies/Natural persons 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 MET and MME will either accept/reject/request further information regarding the environmental commitments made therein. 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 mining claim area and a copy of the application to register mining claims.

2. Holder details

Table with 2 columns and 8 rows containing handwritten details for MATTHAN VON FRANCIOS, including contact information, address (P.O. BOX 100 USAKOS), reference number (3170), registered number (74381), location (FARM OTJAKOTJONGRO KARIBIB), and mineral type (SEMI-PRIOUS TOURMALINE).

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

Number of people	Where will they live?
6	AT THE MINING CLAIM FAR AS POSSIBLE

### 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.)?

ALL HOLES AND BURNED, WHEN FULL AND CLOSE HOLE COMPLETELY TO NATURAL STATE.

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.)?

INDUSTRIAL WASTE, OLD MACHINERY AND VEHICLES WILL BE KEPT ASIDE AND REMOVED. BUILDING RUBBLE WILL BE BURIED. THINNERS AND OILS MUST POUR OUT IN CONTAINERS.

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

PROVIDE V.I.P. TOILET FACILITIES

#### 3.2 Vehicle, 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 mining claim (e.g. 2 x bakkies; 1 x bulldozer, etc.)

Vehicles:

2 x PICKUP 1 x EXCAVATOR OR BULLDOZER  
1 x AIR-COMPRESSOR WITH ACCESSORIES

Earthmoving equipment:

1 x BULLDOZER OR EXCAVATOR

Drilling equipment:

1 x AIR COMPRESSOR WITH ACCESSORIES



Other equipment and/or machinery:

PLASTERING IF POSSIBLE AVOIDS ON HARDNESS  
OF ROCKS.  
QUALIFIED BLASTER WILL CONDUCT PLASTERING

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

USED EXISTING ROADS, TO REDUCE  
ENVIRONMENTAL DAMAGE. THE AREA IS NOT  
FULLY ENCROUCHED BY DASH. MEANTIME SAFE  
MINING METHODS MUST BE CONDUCTED TO  
SECURE AND NOT ALSO TO DISTURB  
WILDLIFE ACTIVITIES AS WELL.

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

JUST TO KEEP ALL MINING MACHINERY,  
VEHICLES AND TOOLS ON ONE PRESCRIBED  
AREA ASIDE, TO CONTROL VEHICLES TO USED  
EXISTING ROADS AT MINING AREA TO  
MINIMISE ENVIRONMENTAL DAMAGE.

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

WILL USED EXISTING ROAD AS POSSIBLE AND  
IF POSSIBLE TO CONSTRUCT NEW EXCESS  
ROAD TO MINING CLAIM, THAT MUST BE DONE  
ONLY WITH FARM OWNERS CONCERN AS POSSIBLE

3.2.5 Will you do any blasting on your mining 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?

IT BLASTING WILL BE CONDUCTED, AND ALSO  
TO MINIMISING ENVIRONMENTAL DAMAGE, WE  
WILL HIRE, EXPERIENCE AND LICENCE  
BLASTING COMPANY OR INDIVIDUAL TO  
CARRY OUT BLASTING OPERATIONS TO  
SAVE GUARD OR FORESURE SAFETY OF  
HUMAN'S AS WELL WITH LIFE AND ENVIRONMEN  
TAL DAMAGE.

### 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, 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 CONSUMPTION	1200 l	Reduce 200l FROM 1000l
WASHING STONES	500 l	Reduce 100l FROM 500l
DUST CONTROL	2500 l	Reduce 700l FROM 2000l
GARDENS	N/A	N/A

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

POSSIBLE ARRANGE WITH THE FARMOWNER  
TO BUY FROM HIM WATER

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

WILL MANAGE NOT TO POLLUTE ANY WATER  
SOURCE, INTO MAY OCCUR IN SURROUNDINGS, BY  
KEEPING OILS, RUBBISH OR ANY REFUSE  
ASIDE.



3.4 Relations with neighbouring communities and/or the general public

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

Yes:  No:  Unsure:

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

THERE ARE ASWER CLAIMS HOLDERS, AND ARE MINING AT THEIR CLAIMS

3.4.3 If "yes" in 3.4.1, explain what you will do to maintain a good relationship with such people.

I WILL TRY TO EXCHANGE VIEWS AND IDEAS IN ORDER TO BUILD GOOD RELATIONSHIP

3.4.4 Will the activities on your mining 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.

N/A

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 mining claim) e.g. hunting, plant collecting, fishing, etc.)?

IN ORDER TO FOLLOW, NEEDED OPERATIONS WAYS TO KEEP OUR MINING OPERATIONS NECESSARY SAFE AS POSSIBLE IN ORDER TO PREVENT, UNNECESSARY DAMAGE TO PLANTS OR FAUNA AND FLORA.

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 mining claim area?

Yes:  No:  Unsure:

3.6.2 If "yes", please describe briefly.

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

Will stop working at such historical site  
with initiate effect as well as to alert  
Heritage Council

3.6.4 If such sites are discovered after you have started working your mining 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 the 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   
I don't know

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

Should be open cast mine. Based on  
open holes dug by human manually  
or even by machinery in order to search  
possible tourmaline deposit, into may be  
found. Under earth or in alluvial operations  
will continue on existing holes and good and safe,  
mining methods will conducted to rehabilitate environ-  
ment.

### 4. Existing Damage

Describe what environmental damage exists in your mining claim area now, in other words, damage caused by someone else before you began working on the mining claim. Where possible, provide evidence such as photos, statements, etc.

The area is virgin land there is no  
environmental damage on that area.

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.

MATHAN VAN FRANCOIS  
Mining Claim Holder  
(Or Authorised Representative)

Ninehoek  
Place

28/03/23.  
Date