

From: Nerson Tjelos [<mailto:tylosner@gmail.com>]

Sent: Saturday, 4 May 2024 8:03 am

To: Timoteus Mufeti <Timoteus.Mufeti@mef.gov.na>

Cc: Nerson Tjelos <ntjelos@ednamibia.com>; Caroline Garus-Oas <Caroline.Garus-Oas@mef.gov.na>; Saima Angula <Saima.Angula@mef.gov.na>; damian nchindo2 <damian.nchindo2@mef.gov.na>; Hilja <hiljah@ednamibia.com>

Subject: Re: Archaeology surveys concern over commercial land

Good morning EC

Yes this is helpful. Thank you for taking time to go through that long email 🙏

At the moment, all our exploration and mining ECCs across the country are requiring consents from NHC. This another sad reality because the country has less than 10 practitioners, and 2 of those are with us. NHC is aware of this and in fact we have been asking them to forward CVs of those approaching their office for opportunities. Even with our 2 archeologists, all non-Namibian by birth by the way, surveying properties all over the country within the timelines we have for scoping assessments is simply impractical. This speaks to why EDS has always that long list of applications. Most are pending surveys because the colleagues can only go from one to the other and as I indicated, if one licence covers 100 farms, then you need almost a month or 2 to do justice with surveying.

EDS has made several public calls for archeologists since mid 2022. They are not there. We got Cvs from colleagues in Botswana, Zimbabwe and South Africa but Immigration is refusing to issue the work permits. Out of 3 we wanted, only one succeeded.

I am happy there discussions going on because this kind of reality will soon have serious implications esp. on exploration and mining projects and the opportunities they create. 6900 graduates were added to market this year, and have started knocking on our doors. Somehow we must find ways to help them but only if we all are efficient in what we do.

Wishing you a restful weekend.

On Fri, May 3, 2024, 20:43 Timoteus Mufeti <Timoteus.Mufeti@mef.gov.na> wrote:
Dear Nelson,

Thank you for the message. Yes, the issue of NHC consent requirements and the complications associated with that and its linkage to EMA provisions and requirements has been brought to our attention on several occasions by a number of applicants, including the Chamber of mines.

We have also approached the office of Attorney General for some advice and legal opinions which we are still awaiting for. We will share with you AG's advice once we receive them.

For me the practical approach will be for NHC to identify at the national level the areas that could be regarded as hotspots in terms of archaeological resources where detailed archaeological

assessments and surveys should be carried out. Outside hotspots, NHC and MEFT can develop and put in place generic conditions that can guide proponents actions on their targeted exploration areas. For now we only demand for NHC consent for mining activities that are falling in areas that we think and perceive to be hotspot when it comes to archaeological resources, e.g. Erongo region, and then apply some generic conditions in other areas.

The issue of accessibility in farmers need to be discussed and resolved with MME.

Hope the above has assisted you bit.

EC

Sent from my iPad

On 2 May 2024, at 9:15 PM, Nerson Tjelos <ntjelos@edsnamibia.com> wrote:

Good evening EC, DEA dedicated colleagues

I hope you had a good break yesterday and back at office reenergized.

I understand the below request/concern might be misdirected but please kindly see if you can assist and or advice.

EDS team has been struggling for quite some time now to understand the practicality of the heritage/archaeology surveys required for all new exploration EPL ECC applications and have no idea where to run for help. Not to say our archaeology consultants do not want to carry out these surveys, but as I said, just the practicality of it.

Here is one case for context:

- An EPL covering 100,000 ha can easily cover 30 commercial farms
- A client with 3 or more EPLs in one area will likely be dealing with more +-100 farmers. We had many of these situations, and currently busy with one in Omaheke for a client

- To get an ECC for a 100,000 ha EPL, the archaeologist must first fully survey the area else no consent from heritage. For 3 EPLs or more in one district, the archaeologist must survey over 100 farms during a single scoping assessment study
- Without the survey in full, heritage council will not grant consent letter, and it means the submission of scoping reports to your office for evaluation cannot be done and therefore no ECC or decision to submit to MME in the allocated time.
- This is a serious hurdle, and I am writing hoping you can advise on how to address it going forward given the situation we are in described below:
 - App 002942 and 002892 have more than 100 farms combined. These licences are in Omaheke
 - We did public consultation, and some farmers were responsive, most not
 - Refusal to grant access in most cases, including for the above applications is due to the fact that commercial farmers do not want to entertain mining activities and would want to protect their farm land from strangers walking all over it as they fear future poaching possibilities
 - Also that at the time of the ECC applications as requested by MME before considering granting the EPL certificate(s) the EPLs applicant is not clear on what they want to do on these farms: exploration plan, targets, resources required especially water, duration, number of people etc
 - You would agree with me that to plan properly for exploration work, one must have rights over that land then investors can commit funds to draw up an exploration program with clear activities, targets and dates (not the case at the time of applying for ECC), and therefore you must have invested in due diligence work including a site visit geological walk to understand the geology and identify targets (not possible before the licence is granted). This is not possible at this stage, and when farmers cannot get clear and precise answers regarding this, they refuse to grant access.
 - Similarly, farmers understand that exploration work should have some target areas, and cannot be carried out over the entire farm land. For this reason, they keep asking for targeted areas (on their farms) so that access is granted to those camps instead of the entire farming area. Some will raise issues related to poaching when asking for these target areas, to make sure their animals are moved to camps not targeted.
 - All these, coupled with farmers who are non-responsive or absent (foreign-based) make it difficult to have the 'full' surveys requested by heritage.

- When we report on what we could manage to survey (area wise), heritage denies to issue consent (with conditions) for not covering the entire EPL area and instead request that the consultant goes back and in some cases for proponents to pay for their verification trips
- Of course officials from NHC as a government entity, unlike consultants and proponents, receives unlimited access to farms during their verification visits. Farmers happily take them around, showing them all that needs protection (knowing this is their only chance to prevent any exploration work on their land), and as a result heritage council recommends for more detailed surveys to fulfill their verification visits findings – failing to realize that access can be granted to a government official on the same day of request and be completely denied to any consultant or explorer.
- In the case of App 002942 and 002892 where there are more than 100 farms combined – our struggle is and has been getting access, for most part, and also the impracticality of covering every corner of the covered land in the scoping assessment timelines given to the proponent by MME, and with the available resources.

- And therefore my request is to see if your good offices can share some remedies such as to allow for the submission of scoping reports for evaluation and perhaps put strict conditions in the ECCs that should the EPL applicants establish targets for exploration (upon granting of the mineral licence), that these targets are fully surveyed by an archeologist prior to any ground exploration work and reports be submitted to NHC and MEFT.

- MEFT in collaboration with NHC map and demarcate areas that are rich in heritage and archaeological resources for exclusion from exploration activities. As it is now, all applications countrywide are subjected to heritage surveys – it seems. The exclusions would mean no EPL applications are submitted in these areas.

- In near future - addition of the necessary provisions to EMA mandating landowners to grant consultants including archaeologists unlimited access for research, surveys etc during scoping and full assessments prior to MME granting of subsurface mineral rights. At the moment, consultants have almost no power.

I understand the above may not be very clear and to the point. I am sorry it this is but confusing. I am happy to meet in person for a more deliberation on this, before you can advise.

In the meantime, kindly see if you can help us with the situation of App 002942 and 002892 where we have so many farms and access issues.

As indicated, this is one of the similar situations in most farmlands we are carrying out scoping assessments.

I look forward to hearing from you.

Kind Regards,

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