



REPUBLIC OF NAMIBIA

## MINISTRY OF ENVIRONMENT AND TOURISM

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22 November 2018

### OFFICE OF THE ENVIRONMENTAL COMMISSIONER

The Manager  
Trans Kalahari Copper Namibia (Pty) Ltd  
Private Bag 12012  
Ausspannplatz  
Windhoek

Dear Sir,

**SUBJECT: ENVIRONMENTAL CLEARANCE CERTIFICATE FOR THE PROPOSED MINERALS EXPLORATION ACTIVITIES WITHIN EXCLUSIVE PROSPECTING LICENSES (EPL) NO. 7055, IN OMAHEKE REGION**

The Environmental Scoping report and Environmental Management Plan submitted are sufficient as these have made an adequate provision of the environmental management for the proposed activities. From this perspective, regular environmental monitoring and evaluations on environmental performance should be conducted. Targets for improvements should be established and monitored throughout this process.

This Ministry reserves the right to attach further legislative and regulatory conditions during the operational phase of the project. From this perspective, I issue this clearance with the following condition: All relevant permits are obtained prior to the commencement of the proposed activities.

On the basis of the above, this letter serves as an environmental clearance certificate for the project to commence. However, this clearance letter does not in any way hold the Ministry of Environment and Tourism accountable for misleading information, nor any adverse effects that may arise from this project's activities. Instead, full accountability rests with Trans Kalahari Copper Namibia (Pty) Ltd and their consultants.

This environmental clearance is valid for a period of (three) 3 years, from the date of issue unless withdrawn by this office.

Yours sincerely,

Teofilus Nghitila  
ENVIRONMENTAL COMMISSIONER



**“Stop the poaching of our rhinos”**

All official correspondence must be addressed to the Permanent Secretary



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 applicant Trans Kalahari Copper Namibia Pty Ltd 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: Trans Kalahari Copper Namibia (Pty) Ltd (hereinafter referred to as the "Holder") being the holder of ~~Non-Exclusive Prospecting Licence/~~ Exclusive Prospecting Licence/ ~~Reconnaissance License/ Mining Claim(s)/Mining License/~~ (delete those not applicable)

**No. EPL7055**

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

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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 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.

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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 1.33pm on this 16 day of July 2018

For the Holder: .....  
(duly authorised thereto)

For the Government of Namibia: .....  
Mr Teofilus Nghitila  
Environmental Commissioner  
Ministry of Environment and Tourism



and

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