

Consent letter from Ministry of Mines and Energy



REPUBLIC OF NAMIBIA

MINISTRY OF MINES AND ENERGY

Tel.: +264 61 284-8111
Fax: +264 61 238643 / 220386
E-mail: info@mme.gov.na
Website: www.mme.gov.na

1 Aviation Road
Private Bag 13297
WINDHOEK

Enquiries: Mrs. F. Flavianu

Reference No: 14/2/4/1/9667

The Directors
Burj Energy and Mining CC
P. O. Box 41759
Aussanplatz
Windhoek

NOTICE TO APPLICANT OF PREPAREDNESS TO GRANT APPLICATION FOR EXCLUSIVE PROSPECTING LICENCE No. 9667.

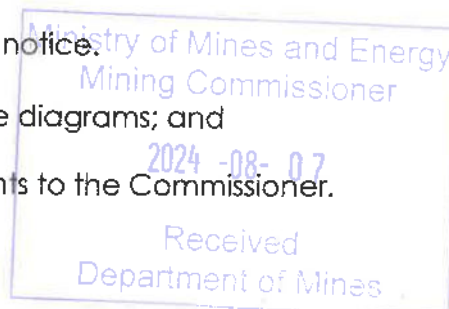
In terms of Section 48(4) of the Minerals (Prospecting and Mining) Act, No. 33 of 1992, notice is hereby given that the Minister is prepared to grant your new application, lodged on 02 October 2023, for an exclusive prospecting licence in respect of Dimension Stone, Base and Rare Metals, Industrial Minerals, Precious Metals and Nuclear Fuel Minerals Groups of Minerals over an area of land as shown in the attached diagrams, subject to the terms and conditions contained in the attached schedule, which terms and conditions supplement the terms, conditions and provisions of the said Act.

Your attention is drawn to the provisions of Section 48(5) of the said Act, which requires that within one (1) month from the date of this notice, written acceptance of such terms and conditions must be received by the Commissioner, failing which the application will be deemed to have lapsed.

Kindly acknowledge your acceptance of such terms and conditions by

- (a) completing the section at the bottom of this notice.
- (b) initialling each page of the schedule and the diagrams; and
- (c) returning such signed and initialled documents to the Commissioner.

Isabella Chirchir
Ms ISABELLA CHIRCHIR
MINING COMMISSIONER





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Isabella Chirchir
Ms ISABELLA CHIRCHIR
MINING COMMISSIONER

**TO THE MINING COMMISSIONER
MINISTRY OF MINES AND ENERGY**

I, APPOLOS SHIMAKELENTI (name of person) in my capacity as applicant/duly authorized officer/approved accredited agent (please delete titles not relevant), hereby accept the supplementary terms and conditions referred to in this notice and contained in the attached schedule which are to be imposed on the grant of the application for exclusive prospecting licence herein referred to.


.....
Signed

7/08/2024
.....
Date

Capacity... MEMBER
(Applicant /authorized officer of the applicant if a company/approved accredited agent of a non-resident applicant who is a natural person/authorized officer of such accredited agent).

SCHEDULE OF SUPPLEMENTARY TERMS AND CONDITIONS TO BE IMPOSED ON THE GRANT OF AN EXCLUSIVE PROSPECTING LICENCE NO. 9667 (IN ADDITION TO THE TERMS AND CONDITIONS AS OUTLINED UNDER SECTION 50 OF THE MINERALS (PROSPECTING AND MINING) ACT, NO. 33 OF 1992) IN FAVOUR OF BURJ ENERGY AND MINING CC.

PART 1 - GENERAL

1. The exclusive prospecting licence shall endure for three (3) years reckoned from the date of issue of the Environmental Clearance Certificate unless it is abandoned in terms of Section 54 of the Minerals (Prospecting and Mining) Act, 1992, (hereinafter "the Act") or cancelled in terms of Section 55 of the Act or on application made to the Minister in terms of section 72 of the Act, it is renewed by the Minister for any further period or periods.
2. In consideration of the rights hereby granted, the holder of the exclusive prospecting licence shall pay to the Commissioner for the benefit of the State Revenue Fund, such licence fee as may from time to time be prescribed in terms of Section 123 of the Act, it is recorded that the annual licence fee prescribed in relation to the licence at the time of its issue shall be N\$10,000.00 payable annually on or before each anniversary date of the date of issue of the licence.
3. If the prescribed licence fee changes, such change shall become effective on the next anniversary date of the date of issue of the licence after such change.
4. The Minister may, in the interest of the reasonable development of the prospecting operations, impose from time to time such additional terms and conditions as he may deem fit.

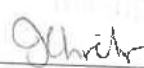
PART 2 - WORK PROGRAMME AND OBLIGATIONS

5. The holder of the exclusive prospecting licence shall-
 - 5.1 commence with, and thereafter continue without undue interruption or delay, prospecting operations immediately in substantial conformity with the proposed work programme, schedule and budget which accompanied the original application for the licence, and which served as the motivation of the granting thereof.
 - 5.2 where any material deviation of such work programme, schedule and budget is in the opinion of the holder of the licence, necessitated by the nature of the results of prospecting operations (but specifically excluding any circumstances of Vis Major provided for in terms of Section 56 of the Act), apply in writing to the Minister for approval of the revision of such work programme, schedule and budget in terms of Section 75 of the Act; and
 - 5.3 execute such additional work programme and expend such additional expenditure within a specified period as may be imposed by the Minister from time to time.
 - 5.4 submit proof that the funds to be expended on the licence and all/any activities relating to it are remitted to a reputable financial institution in Namibia to the Mining Commissioner's office within twelve (12) months from the date of written acceptance of these terms and conditions, before issuance of Exclusive Prospecting Licence.

- 5.5 ensure that all funds raised anywhere and exclusively in respect of this licence shall be expended on the licence and all/any activities relating to it and, to the extent such funds are to be expended directly in Namibia.

PART 3 – ENVIRONMENT

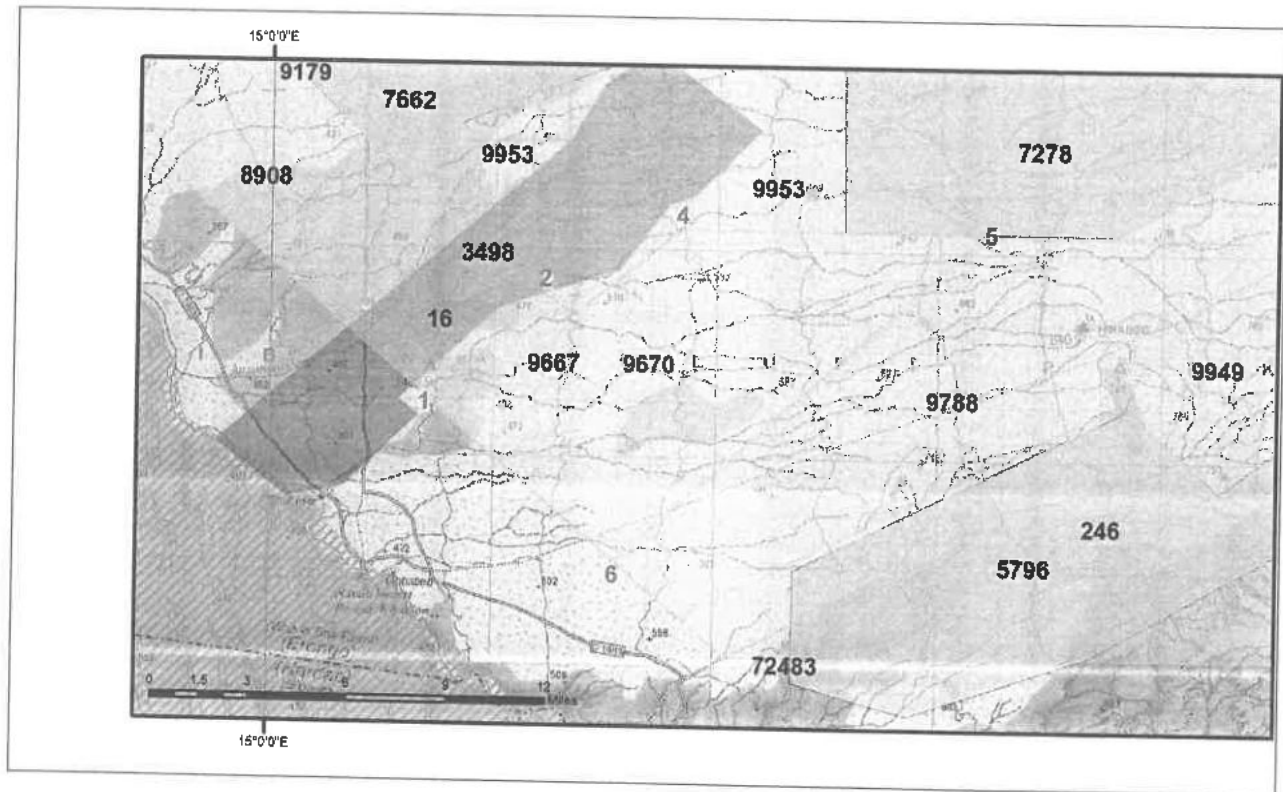
6. The holder of the **Notice of Preparedness to grant application for Exclusive Prospecting Licence** shall submit a copy of the Environmental Clearance Certificate issued by the Ministry of Environment, Forestry and Tourism to the Mining Commissioner's office within twelve (12) months from the date of written acceptance of these terms and conditions before issuance of Exclusive Prospecting Licence.
7. The holder of an exclusive prospecting licence shall observe any requirements, limitations, or prohibitions on his or her prospecting operations as may in the interest of the environmental protection, be imposed by the Minister.


Ms ISABELLA CHIRCHIR
MINING COMMISSIONER

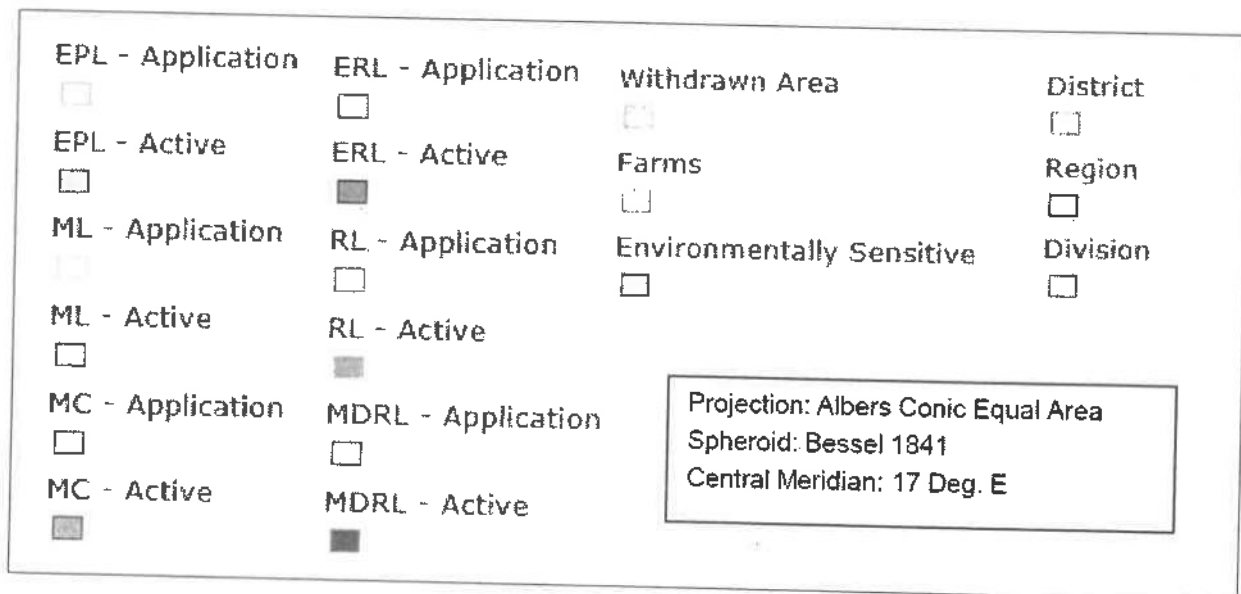
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DIAGRAM – EXCLUSIVE PROSPECTING LICENCE – 9667

Issued in favour of **Burj Energy and Mining CC**



Latitude and Longitude lines refer to the **Bessel 1841 Spheroid**



AREA: 18867.7094 Hectares

MAP(S):

LOCALITY:

*Regions(s): **Erongo**

*Magisterial District(s): **Swakopmund**

*Registration Division(s): **G**

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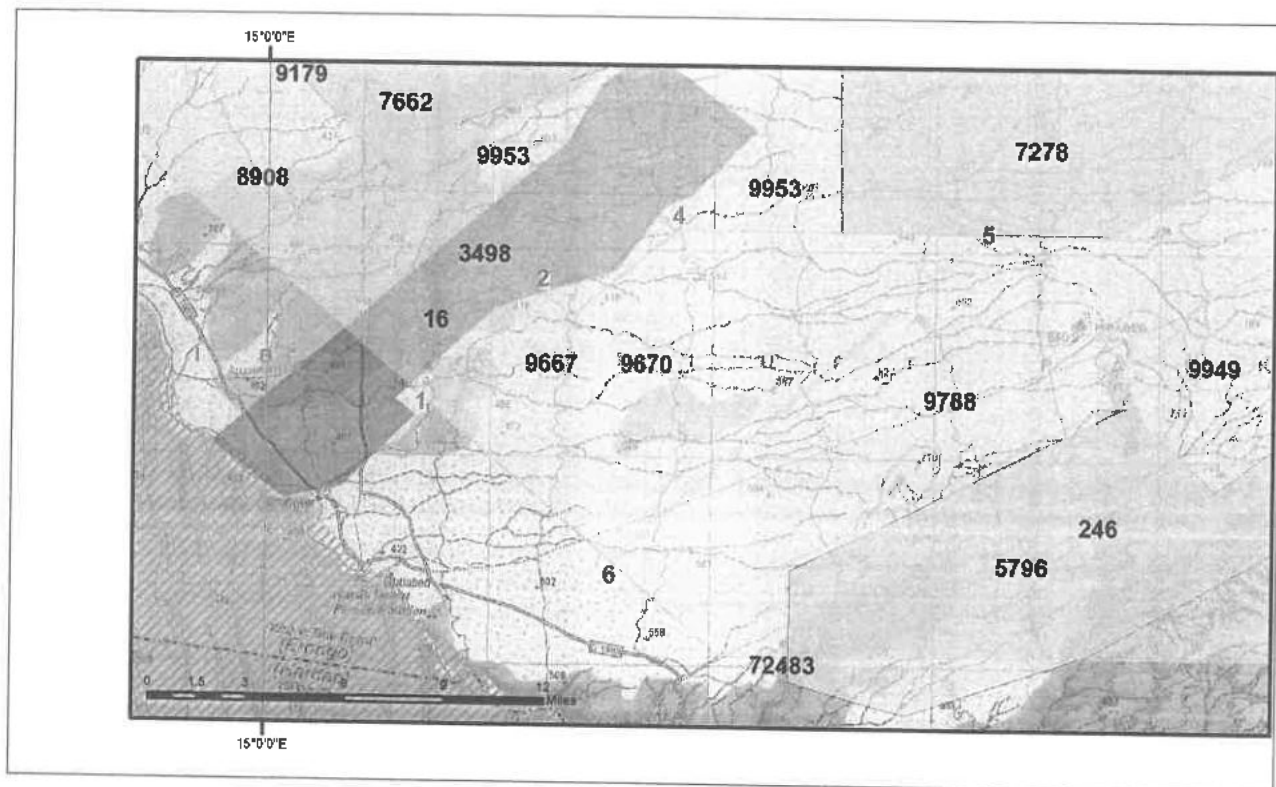
Order	Lat Deg	Lat Min	Lat Sec		Long Deg	Long Min	Long Sec	
1	- 23	29	20.00	S	15	04	13.00	E
2	- 23	26	28.00	S	15	07	12.00	E
3	- 23	27	2.00	S	15	07	59.00	E
4	- 23	24	46.00	S	15	10	48.00	E
5	- 23	24	49.00	S	15	18	48.00	E
6	- 23	33	25.00	S	15	09	3.00	E

Certified by: *G. M. S. S.*
Mining Commissioner

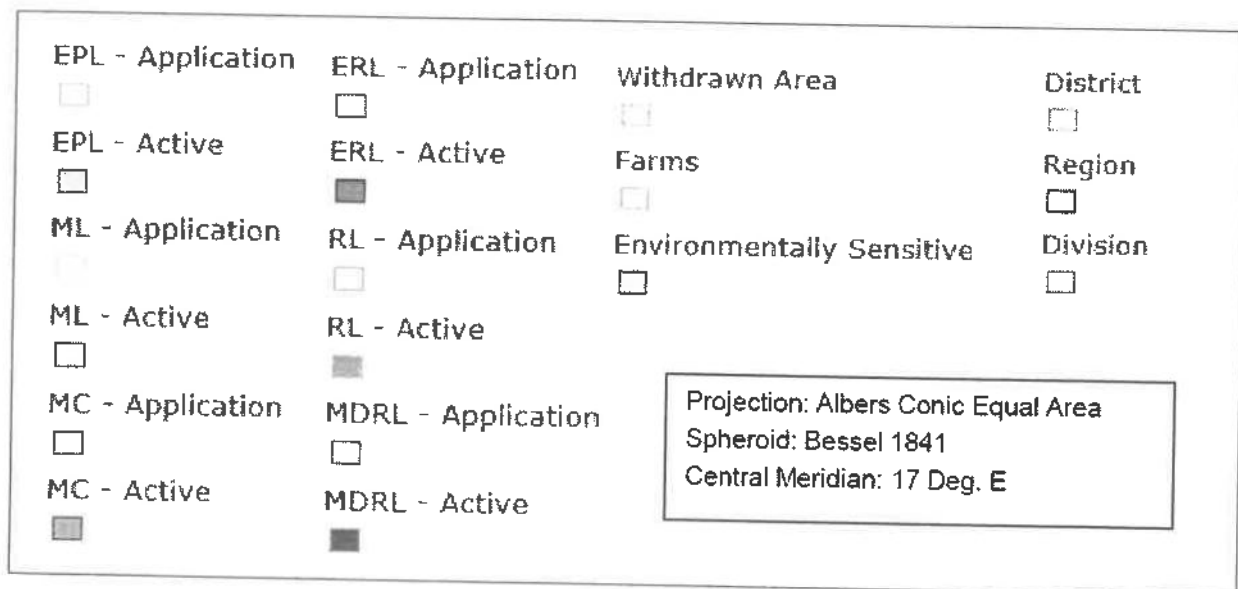
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Certified by: Shirley
Mining Commissioner

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Consent letter from Traditional Authority

TOPNAAR TRADITIONAL AUTHORITY
ACTING CHIEF STOFFEL ANAMAB
PRIVATE BAG 5007
WALVISBAY
NAMIBIA
CELL: 0812099105

Protocol: 1980/7/27

Email: stoffelanamab1961@gmail.com

Reg: NT297/03

12 DECEMBER 2024

MR. Shimakeleni Appolos
BurJ MINING
MANAGING MEMBER
WINDHOEK

RE: LETTER OF CONCENT FOR BURJ MINING

Your Consultative Meetings and the subsequent presentations held before and on 07th December 2024 with the Topnaar Community, at Utuseb in support of the Environmental Impact Assessment for the envisage Burj Mining, has a reference.

Therefore, this letter serves to require for the continuous support, and the following commitments on behalf of Topnaar Traditional community,

1. **Equity and Financial Contribution:** We propose a 15% shareholding in Burj Mining with a 5% cash payment that will be made every month for the duration of the mine life, and the remaining 10% will be paid in dividends at the end of each financial year.
2. **Board Representation:** To ensure effective representation and participation, we request some seats on board for Topnaar community members.
3. **Employment Opportunities:** We propose the creation of both exploration phase and mining Phase job opportunities specifically reserved for the Topnaar People within the mining operation as indicated in the community consultative meeting.
4. **Supply Chain and Enterprise Development:** We express our commitment to actively participating in supply chain and enterprise development initiatives that align with the sustainable development goals of the local community.
5. **Tender Opportunities:** The Topnaar People will be given the first right of refusal when tenders are issued by the mine, promoting economic inclusion and local business growth.
6. **Additional CSR Initiatives:** We propose engaging in other CSR benefits and initiatives suggested by Burj MINING and that aim to improve the well-being of the community and environment.

7. **Assistance of vehicle** - In addressing immediate community needs we propose the provision of transport To enhance accessibility for the Topnaar Traditional Authority, ensuring timely and reliable transportation for their daily activities
8. **Rehabilitation** – we request that you put plan of rehabilitation of our environment for any environmental damage in the community

In conclusion, to accept and confirm this concern letter; kindly signed the below. For any further information regarding this letter, don't hesitate to reach us on the above contact details.

Thanking your collaboration and your positive respond is highly appreciated wish you proponents the best of luck in your future actions with the trust that you will make a meaningful contribution towards broader national socio economic development.

Yours Faithfully

.....
Acting Chief Stoffel Anamab
Topnaar Traditional Authority

.....
Appolos Shimakeleni
Manager Member of BurJ Mining

Date:



TOPNAAR TRADITIONAL AUTHORITY

P.O.BOX 2041

WALVIS BAY

20 DECEMBER 2024

ATTENTION: ACTING CHIEF STOFFELS ANAMAB

CONSULTATIVE MEETING REGARDING THE EIA PROCESS: BURJ MINING

1. We refer to the above and your letter dated 12 December 2024 but only received on 20 December 2024.
2. We appreciate the response, but unfortunately do not agree with the contents.
3. As indicated at the meeting, **Burj Mining does not have the EPL or any mining Licence**. Burj Mining simply **applied for an EPL. It has not been granted**. Only after the EPL has been granted will Burj Mining be able to start exploration as indicated to you. You can also confirm this fact with the Ministry of Mines.
4. The consent required by Burj Mining is not consent to start mining, it is consent that the Traditional Authority has no problem with Burj Mining conducting exploration activities as far as the **environment** is concerned. The consent letter is required as part of the **Environmental Impact Assessment Report** which needs to be submitted before the EPL can be granted.
5. We also believe that the community is mistaken to think that Burj Mining is a big company with assets and revenue. Burj Mining is a new start up business, with **zero income**. The exploration that is to be conducted if the EPL is granted also does not generate income, but rather requires capital and high finances to carry out. Exploration is not mining, it is exploring to see if any minerals are in the area, and whether they are commercially worth to mine.
6. In light of the above, we are not able to give in to the demands of the Traditional Authority for the following reasons:



6.1 Burj Mining has no income or funds or the ability to purchase a vehicle for the Traditional Authority;

6.2 There is no basis for the payment proposals made. The current demands assume that Burj Mining already has a license or a mine. **Burj does not have any license or any mine.** As indicated in the letter written to you before, should exploration yield any positive results, then the parties can negotiate on how the community can benefit from the mining activities. As indicated at the meeting and in our letter, we confirm that employment opportunities during the exploration phase will be prioritised for the local community. A letter regarding employment and benefits from mining, should a mine ever be set up, was already communicated to your office. Just because one does exploration does not mean that it will result in a mine;

6.3 Simply put, Burj Mining does not have the resources to carry out the financial demands made by the Traditional Authority. There is also no basis for such demands to be made by the Traditional Authority as they do not relate to the environment.

7. For the purposes of the two consultative meetings, Burj Mining has already paid a total amount of **N\$ 11 000.00 (Eleven Thousand Namibia Dollars)** to the Traditional Authority to assist in the transportation of community members to the consultative meetings. This is in addition to our own travel expenses. Although this was costly for us, we thought it necessary to ensure that all the community members attend the meeting.
8. Given the above circumstances, we take it that the Traditional Authority is refusing to provide our entity with a Consent letter and we shall proceed to submit our report without the consent letter from the Traditional Authority. We shall accordingly inform the Ministry that the consent letter, which only relates to the environment is being withheld because of financial demands being made by the Traditional Authority towards a small start up that does not have the resources, nor has it been granted any mining EPL or License.
9. We await your response herein. Should we not receive a response on or before 24 December 2024, we shall proceed to submit our report without your consent letter.



Yours sincerely,

A handwritten signature in black ink, appearing to read "Appolos Shimakeleni".

APPOLOS SHIMAKELENI

MANAGING MEMBER: BURJ MINING