

Bluestate Investment (Pty) Ltd

**Summary of Stakeholder Feedback for the Application for ECC for Mining Licence in EPL 8075,
Omaruru District, Erongo Region**

STAKEHOLDER REGISTER

Organisation	Contact Person/s	Contact Details
Ohangu Conservancy	Benedictus April	+264 813430733 mvrukoro@yahoo.com vehaka.tjimune@giz.de ohungu2005@gmail.com
	1. Manfred Rukoro 2. Vice-Chairperson Ohangu Conservancy 3. Christophine Kazondana 4. Treasurer 5. Ernestine Uapingene 6. Vice Secretary 7. Alfons Uvanga 8. Additional Member to CMC	
Otjivera Water Point Committee	9. Manfred Z Jatamunua Chairperson of Otjivero Waterpoint Committee 10. Vehaka Tjimune Community Member& Resource Person	Box 31779, Pioneerspark otjomuni@iway.na 264 812683503 vehaka.tjimune@giz.de
Omatjete Community Centre for Natural Resources Protection (OCCNRP)	11. Hitjivirue Haakuria Acting Chair Person representing all the various Communities	P. O. Box 22952, Windhoek zhaakuria@nta.com.na 08134444837
Okamase Village Community Communal Farmers	Okamase village community. Communal farmers in their capacity as individuals: 12. Titus Kairi Mr. Chairperson 13. Abute Mauha Mr. V Chairperson 14. Clemencia Nguezeri Miss Treasure 15. Jaqueline Haakuria Mrs Secretary	Titus Kairi @ 0812778297 Abute Mauha @ 0813335710

OVERALL SUMMARY OF THE CONCERNS

- Environmental degradation:** The Otjivero Water Point Committee and Ohungu Conservancy express significant concerns about environmental damage likely to be caused by the ongoing and proposed dimension stone mining operations, including potential harm to natural resources (water, grazing lands, wildlife) that sustain both the community and the conservancy wildlife. The Proponent did undertake an environmental assessment for the current mining being undertaken under the MCs Nos. No. 71675-71684 regime. An EMP was prepared and approved for implementation and monitoring by the Proponent and an ECC was also granted by MEFT. The conversion of the current MCs area into a new ML also requires that a new EIA and EMP Reports be prepared and approved by MEFT. The current EIA Report prepared to support the application for a new ML addresses all the key concern components of the environmental degradation with alternative land use options evaluated and mitigation measures have been prepared as detailed in the EMP Report for implementation and monitoring by the Proponent.
- Land use conflicts and loss of land:** Concerns over the loss of land due to the expansion of proposed mining activities and fencing of the operational area. They argue that the mining operation would negatively impact traditional land use, leading to overcrowding and overgrazing of communal lands essential for livestock farming. The Ohungu Conservancy is particularly concerned about the allocation of over 5000 hectares of communal land for mining, highlighting that this land is already overpopulated. The current EIA Report prepared to support the application for a new ML addresses all the key components of the likely land use conflicts

and loss of land. Although the proposed ML area may appear to be large, the actual mining area footprint is likely to be very localised. The rest of the ML area will be used to explore for potential minerals resources. Due to the limited and localised scope of the proposed dimension stone mining operations there is an opportunity for the consistence between the proposed mining operations and current and future land uses in the local area. Alternative land use options have been evaluated and mitigation measures have been prepared as presented in the EMP Report for implementation and monitoring by the Proponent.

3. **Water Resources:** Local community are of the opinion that the company has drilled a water borehole within the relevant authorisations from the Ministry of Agriculture, Water and Land Reform 9MAWLR). The local community feel that the abstraction of water for the current and proposed future dimension stone mining operations will deplete the limited water resources in the area and threatens the existence of the local communities. There is a need for sustainable use of the water resources not only for mining but also for livestock farming or wildlife and tourism and the potential risk mining poses to long-term community prosperity. The Proponent, undertook a groundwater study before the water borehole was drilled and study was undertaken by a groundwater specialist. The current water borehole being used by the Proponent is registered and permitted by the MAWLR.
4. **Consultation:** Lack of meaningful consultation process prior to the commencement of current mining activities is among the issues raised by the various registered stakeholders. The Otjivero Water Point Committee and other registered stakeholders expresses concerns over the absence of community involvement in the decision-making process and calls for more inclusive consultation. Similarly, the Ohungu Conservancy insists that any exploration or mining must receive the consent of the Conservancy Management Committee and the Traditional Authority, alongside the negotiation of an Access Agreement. The Proponent has on multiple occasions consulted the local community and Conservancy Management Committee through the Traditional Authority which is correct and formal process inline with local community structures, cultures, customs, and traditions of a specific communities in Namibia. Such similar local community engagement and consultations was organised by the Proponent through the Traditional Authority on 16th September 2024 and was to take place in Omatjete area. However, the same local community complaining about lack of consultation and represented by Mr Vehaka Tjimune sent a letter to the Proponent through the Legal Assistance Centre (LAC) dated 13th September 2024 objecting to the proposed community meeting because he has not been informed correctly by the Traditional Authority. Despite all these clear community divisions and being exploited by donation-based NGOs type businesses ventures which often take up community matters / issues merely for their own donation fund raising exercises, the Proponent proceeded with the consultation process of all the I&APs including the public and the local communities as provided for in the Environmental Management Act (EMA), 2007 (Act No. 7 of 2007) and the Environmental Impact Assessment (EIA) Regulation No. 30 of 2012. Public notices were published in the local newspaper and notices were also placed at strategic places in local area where the current and proposed future mining operations will be taking place.
5. **Corporate Social Responsibility (CSR):** The Proponent is current undertaking dimension stone exploration, test mining and mining operations under the EPL No. 8075 and MCs No. No. 71675-71684 The community feels marginalised in CSR efforts, receiving proportionally less compensation compared to other stakeholders. Local communities are demanding direct compensation for their losses rather than being treated as equal to other communities that are not directly affected. Despites that fact that the Proponent is still in exploration and test mining phases, a number of local community projects have been undertaken within the local community in last three (3) years. These included projects on water supply, support to the local education and health sectors through donations to the local schools and clinics as well as direct support to the traditional community and the local communities.

SUMMARY OF MAIN POINTS OF CONCERN FROM OHUNGU CONSERVANCY

Comments / Concerns/ Issues	Answer
<p>Concerns about Environmental and Land Use Impact The conservancy argues that exploration and mining activities lead to pollution, environmental degradation, and the displacement of wildlife. They stress that the communal land, already overpopulated, cannot afford to lose additional territory to such activities without thorough scrutiny.</p>	<p>An Environmental Impact Assessment (EIA) process has been conducted, with a focus on identifying and mitigating potential negative impacts on the environment and local wildlife. The assessment has included detailed studies on the effects of mining activities on air, water, soil, and biodiversity, ensuring that risks are properly managed, minimised and monitored as provided for in the EMP Report.</p>
<p>Findings from the EIA Report (November 2021):</p> <p>Ecological Sensitivity: The Environmental Impact Assessment (EIA) revealed that part of the EPL overlaps with zones dedicated to tourism and conservation, where exploration cannot take place.</p>	<p>This report was prepared for Mining Claims (MCs) Exploration and possible mining operations</p>
<p>Cultural Heritage: The area may have significant archaeological value, serving as a historical corridor for migratory hunter-gatherer groups. Destruction of archaeological sites in this region could have a lasting negative impact.</p>	<p>The company will follow a "chance find" approach, as outlined in the Environmental Management Plan (EMP). This procedure ensures that if any archaeological or cultural artifacts are discovered during exploration, or mining activities all activities will be halted immediately, and NHC will be notified. The EMP also provides various mitigation measures, such as avoiding significant sites, creating buffer zones, and conducting site-specific archaeological assessments before any activities commence.</p>
<p>Recommendations: The EIA recommended excluding the eastern half of the EPL from exploration due to ecological and archaeological concerns. Additionally, it emphasised the importance of negotiating access agreements with the conservancy and traditional authorities and required that all exploration activities obtain consent from the Conservancy Management Committee (CMC).</p>	<p>The need to exclude the eastern half of the EPL from exploration/mining activities is acknowledged due to ecological and archaeological concerns. The Proponent is committed to adhering to this exclusion and ensuring that sensitive areas remain undisturbed. The company will be working closely with the conservancy and traditional authorities, who play a vital role in managing these lands. We will engage in open and respectful discussions to negotiate access agreements that align with the community's needs and priorities. Ensuring that the Conservancy Management Committee (CMC) gives their full consent, so that all decisions are made in partnership with the local community.</p>
<p>The Ohungu Conservancy suggests that given the sensitivity of the area, exploration activities should be discontinued, and the entire EPL No. 8075 area should be relinquished.</p>	

SUMMARY OF MAIN POINTS OF CONCERN FROM OTJIVERO VILLAGE COMMUNITY'S OBJECTION

Comments / Concerns/ Issues	Answer
<p>Water Resources: Boreholes drilled during exploration fall within village boundaries, some in close proximity to the community borehole. Concerns over unlicensed water extraction and non-compliance with the Water Management Act, affecting the local water table and availability for the community. Village borehole yield is low, and the high-intensity extraction by the mining company exacerbates water shortages.</p>	<p>Groundwater assessments were undertaken by the Proponent and appropriate applications were submitted to the Department of Water Affairs in the Ministry of Agriculture Water and Land Reform.</p>
<p>Environmental Degradation: Significant environmental impact, including destruction of endemic flora, disruption of grazing lands, and road damage.</p> <p>Noise, dust pollution, and habitat destruction (impact on local wildlife such as desert elephants) are major concerns</p>	<p>The Proponent is committed to the implementation, and monitoring of the EMP and adhering to this exclusion and ensuring that sensitive areas remain undisturbed. The company will be working closely with the conservancy and traditional authorities, who play a vital role in managing these lands. We will engage in open and respectful discussions to negotiate access agreements that align with the community's needs and priorities. Ensuring that the Conservancy Management Committee (CMC) gives their full consent, so that all decisions are made in partnership with the local community.</p> <p>The Proponent will continue to support projects in water supply, support to the local education and health sectors through donations to the local schools and clinics as well as direct support to the traditional community and the local communities.</p>
<p>Violation of Local Governance: The company has bypassed local governance structures, ignored the authority of the Otjivero Water Point Committee and engaged only with higher regional bodies.</p> <p>Lack of transparency regarding water extraction and the fencing of communal land without proper consultation.</p> <p>Community rights under the Communal Land Reform Act and Environmental Management Act are being violated.</p>	
<p>Social and Livelihood Impacts: The exploration and potential mining have negatively impacted livelihoods, particularly grazing land and access to essential resources, threatening livestock and the community's survival.</p> <p>The village road, essential for access to grazing areas, has been degraded by mining operations without repair or compensation.</p>	
<p>Corporate Social Responsibility (CSR) and Compensation: The community feels marginalised in CSR efforts, receiving proportionally less compensation compared to other stakeholders. They demand direct compensation for their losses rather than being treated as equal to other communities that are not directly affected.</p>	
<p>EIA Report Concerns: The community raises discrepancies in the Environmental Impact Assessment (EIA), particularly regarding exclusion zones and exploration activities in areas marked for exclusion. Clarification is needed on whether exploration took place in areas that were supposed to be off-limits as per the EIA recommendations.</p>	
<p>The community demands respect for its governance structures and legal rights, and immediate engagement from the operating company. They strongly object to the mining license application, citing environmental, social, and governance violations.</p>	

OMATJETE COMMUNITY CENTRE FOR NATURAL RESOURCES PROTECTION (OCCNRP)

P. O. Box 22952, Windhoek, Email: zhaakuria@nta.com.na Mobile: 0813444837

RISK BASED SOLUTIONS (RBS)

Ms. Emeritha Ashipala Email: emeritha.ashi@ala-mail.com

Dr. Sindila Mwiya Email: smwiya@rbs.com.na

Date: 09 October 2024

Re: PUBLIC NOTICE: BLUESTATE INVESTMENT (Pty) Ltd RE APPLICATION FOR ENVIRONMENTAL CLEARANCE CERTIFICATE FOR MINING LICENSE (ML) IN THE EXCLUSIVE PROSPECTING LICENSE (EPL No. 8075 OMARURU DISTRICT, ERONGO REGION

1. REGISTRATION AS INTERESTED OR AFFECTED PARTY

The Omatjete Community Centre for Natural Resource Protection (OCCNRP) was established by the indigenous inhabitants of the Omatjete area, particularly the residents of the villages of Otjivero, the targeted area, Omao-Uozongaku, Otjongundu and Ozondati to serve as a pressure group in the protection of their interest.

The organization aims to defend local communities affected by extractive industries in the Omatjete area and whose way of living, socio economic, environmental, biological, physical and cultural aspects are affected by extractive industries.

The communities of the above listed villages realized the need to establish this organization having realized that existing community structures such as traditional authorities that are potentially bribed or otherwise influenced to rather represent the interest of mining companies at the expense of their communities in exchange for funds to run annual commemorations and other office equipment donations.

Further information on the status and activities of OCCNRP will be provided on request, when such a need arises.

2. OBJECTION: APPLICATION FOR MINING LICENSE, EPL- 8075(Total 5600,9332)

2.1. The target area

The Omatjete Community Centre for Natural Resource Protection (OCCNRP) hereby registers its complaint and objection to the granting of a Mining License as intended in terms the advert placed by Bluestate Investment (Pty) Ltd on EPL- 8075 in the commonage west of Otjivero village, and the neighbouring adjacent communities of Omao-Uozongaku, Otjongundu, Otjiwapeke in the Ward of Ozondati which overlaps within the breeding grounds of the Ohungu conservancy.



Our traditional communities lived in the area for generations and has been practicing cultural and economic activities like many traditional communities and are predominantly Otjiherero speaking who survived the German genocide of 1904 — 1908.

The targeted area, has served as grazing spot and or transhumance and has served the surrounding communities sustainably for all those years until the advent of mining operations as a buffer area during droughts. The area has numerous hand-dug wells belonging to our communities as they relocated, one of which has been closed off by the mining company without any provision for an alternative water source. The targeted area served our communities as a buffer area during transhumance in severe droughts seasons for livestock grazing, a very important role in this drought-prone area.

2.2. Significance of the core-breeding and alternative land-uses

The targeted area has officially been designated as the core breeding area for wildlife in Ohungu Conservancy. As per the Conservancy Act, the core breeding area is off-limits for settling as well as for mining operations. Only environmentally sensitive operations like lodge operations are permitted inside the core breeding area of a conservancy. There is currently a leasehold for a lodge establishment just on the outside of the core breeding area. This leasehold has a lifespan of 25 years.

With its beautiful mountains and rich floral and faunal diversity, the targeted area is pristine and ideal for tourism activities. The mountains are an important climate regulator influencing rain patterns in the areas adjacent to it. Most of the rivers snaking to the Ugab River in the area all have their origin around the mountain range of the targeted area. That includes the rivers of Omaouozongaku, Otjongundu, Otjiuapeke, Otjingore, Otjomukona and Otjivero, Contamination in the targeted area will have far-reaching adverse knock-on effect on all the communities around and downstream of all these rivers who depend on these waters for drinking (both animal and human).

3. QUALIFICATION OF OUR OBJECTIONS

- 3.1. The current exploration and mining activity at the existing site have clearly demonstrated that the extraction of granite requires large amounts of water in an area prone to droughts and low levels of water. It comes with the risk of depleting the underground water and leaving communities without water at all. About 9 boreholes where sunk around the targeted area and only one seems to have adequate levels of water. This borehole is less than 500 m from the main borehole of Otjivero community. The risk is high for the depletion of underground water.
- 3.2. In addition, the company has shown total disregard for laws in Namibia, regulating the drilling and extraction of water. The boreholes sunk are not registered as required and test results are not availed to government as required.
- 3.3. Mining operations at the targeted area-EPL 8075 are in the core-breeding area of Ohungu Conservancy will destroy the grazing and water resources in that area. We have noticed the flattening of surrounding koppies, which serve as landmarks or beacon for our communities.



- 3.4. The company fenced-off the area, making this important buffer zone inaccessible to communities who are dependent on it for grazing. The area fenced off is the only area that linked communities of Otjivero, Okamase, Omao-uozongaku and Otjongundu. The fencing off and control measures introduced affected the way of life and socio-economic activities. Livestock that used to pass through there has to literally climb very high, steep and dangerous terrain to reach available grazing, leading to losses for farmers in terms of death, poor condition and additional effort.
- 3.5. Mining operations led to soil degradation, increased levels of dust affecting both human and livestock health. It is reported by farmers that there is an increase in lung related deaths amongst small livestock that can be attributed to increased levels of dust,
- 3.6. The mining operations will lead to destruction of indigenous and rare tree species that grow in the targeted area. In fact, the existing mining operation has shown total disregard to the flora and fauna consisting of trees that some of which are more than 500 years old and we suspect to be protected and alternatively are important for the eco-system in the area. Endangered and protected unique plant species such as the Resurrection plant (*Myrothamnus flabellifolius*) which thrives on these hills and rocky outcrops will be destroyed.
- 3.7. The mining operations at the targeted area-EPL 8075 will forever destroy its community tourism potential that has played a pivotal role in the resilience of the indigenous communities in the area. Wildlife will relocate as their habitat will be destroyed and human wildlife conflict will increase due to scarce water and forage as well as high noise levels.
- 3.8. The area provides a suitable breeding ground for Namaqua Sandgrouse and Double banded Sandgrouse which nest on the ground between rocks. The area provides a suitable breeding ground for Namaqua Sandgrouse and Double banded Sandgrouse which nest on the ground between rocks.
- 3.9. The benefits of mining operations have a short live span, however, after the marble resource (granite) is depleted, the community will have to live with the pollution of their water and destruction of the vegetation etc.
- 3.10. Mining operations are prohibited in a tourism designated area as per the Environmental Act.
- 3.11. EPLs are subject to the Environmental Act which is enshrined in the Namibian Constitution. As such, EPLs do not override the Environmental Act.
- 3.12. Consultation about the project at proposal stage should have involved the whole community and not just the Chief of the area as has clearly happened in this case.



- 3.13. We have observed Monetary benefits derived from such activities do not uplift adjacent communities out of extreme levels of poverty. It plunges them even deeper into generational poverty.
- 3.14. After explorations and extraction of minerals, mines are not rehabilitated, leaving an unwanted sight of local area destruction, an eye sore.
- 3.15. It is unknown to the local communities as to how the mining operations at the site intended or the existing site dump old oil and oil products to ensure it will not end up in drinking water. Oil spills are observed, and no remedial action is taken to rehabilitate areas with oil spills. As such oils may mix with rainwater and end up in drinking water downstream.
- 3.16. Furthermore, disposal of household waste has been a serious concern at the existing site with plastics and papers littered on trees and wastewater flowing ending up as drinking water to livestock.

4. CONCLUSION

The above are valid concerns from us as organization representing members of these communities and its progeny which still must live in the affected area long after mining operations have ceased, and the owners of the mine have moved back to their areas and countries. We represent a large community including from these places: Omao-uozongaku, Otjivero, Otjiwapeke, Otjongundu, Ozondati and others who live in the affected area.

We trust that the above are compelling reasons to cease mining operations at the targeted area, EPI area.

It's time for communities to rise and to defend their livelihood and to sincerely draw benefits from activities in their surroundings to ameliorate their struggling farming lifestyle. We say not to exploitation en mass currently occurring in similar projects elsewhere. This petition and or objection is duly signed by the following individuals as representative of affected communities/communal farmers including in their capacity as individuals living in those affected villages and therefore are affected themselves.

We hope and trust that this letter receives your genuine attention and that you will interrogate the points given and revert to us as a community based organisation. Awaiting a prompt response in this pertinent case.

Sincerely yours

Acting Chairperson

Signing on behalf of the various communities

Hitjivirue Haakuria

Cc: All Chairpersons of villages under OCCNRP



OHUNGU CONSERVANCY

Phone: +264 81 343 0733/+264 81 248 5526 E-mail: ohungu2005@gmail.com P.O. Box 218, OMARURU, Namibia

Ms. Emerita Ashipala
Senior Technical Consultant
Risk Based Solutions (RBS)
E-mail: emerita.ashipala@gmail.com

Dr. Sindila Mwiya
Specialist Consultants
E-mail: smwiya@rbs.com.na

October 19, 2024

Dear Ms. Ashipala

BLUESTATE INVESTMENT (Pty) Ltd APPLICATION FOR ECC FOR MINING LICENSE IN THE EXCLUSIVE PROSPECTING LICENCE (EPL) No. 8075 OMARURU DISTRICT, ERONGO REGION

1. Introduction and Background Information

Reference is made to your public notice and invitation to register and submit written comments/objections/ inputs in respect to the above cited subject matter.

Ohungu Conservancy as one of the most affected parties therefore welcomes the opportunity provided to constructively engage and resolve issues that were never discussed openly since the beginning of the operations at Otjivero.

Ohungu was declared as a Conservancy on **15 November 2006** under Section 24A of the Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975).

As correctly put in your public notice the proposed mining and ongoing exploration falls within the Ohungu Conservancy part of the communal land situated to the West of Otjivero and northwest of Omatjete. This area as per the attached *Ohungu Zonation Map* has been formally gazetted as *Wildlife Breeding Zone* exclusively earmarked for wildlife breeding and wildlife introduction. Therefore, activities such as hunting and permanent settlement are discouraged and not allowed in this particular area, including noise polluting activities such as exploration/mining.

The coming into being of the Communal Conservancy Programme has its origin from the concept of Community Based Natural Resource Management (CBNRM) which is working towards restoring the link between conservation and rural development. It is therefore through the Communal Conservancy

1 | Page

Programme that we as rural communities have gained rights over wildlife and tourism activities with the aim to generate income from the sustainable use of wildlife. We, as a Conservancy embrace the values and contributions which wildlife and tourism can provide towards rural development and livelihood enhancement, and therefore commit ourselves to managing these valuable resources in a sustainable fashion.

Having provided that background I must as a first port of call draw your attention to the fact that mineral exploration and mining inevitably result in pollution and environment degradation with adverse impact on wildlife and grazing areas. Therefore the sizable land in excess of 5000Ha taken from a communal area which is already overpopulated and yearning for more land need to be critically interrogated before permission for extension is granted.

2. The Extent of Impact of the Mining Operations on the Ohungu Conservancy

The final Environmental Impact Assessment (EIA) Report, dated November 2021, supporting the Application for ECC for the Proposed Exploration Activities in the **Exclusive Prospecting License (EPL) No. 8075, Daures Constituency, Erongo Region**, highlighted critical findings, to mention but just a few, that:

- The EPL area falls within the Ohungu Conservancy area with tourism and conservation sensitive zones where exploration activities cannot take place.
- From an archaeological perspective, the Ohungu Conservancy and the EPL area might have served as a corridor between the dry and barren Namib and Savanna grassland for migratory Hunter-Gatherers bands.
- The expected magnitude of impact on the archaeological resources would be high with a regional extent and long-term duration because archaeological sites are highly significant and destruction of sites is irreversible at regional spatial scale.

In summary, the interpretation of this assessment would indicate high significance, suggesting that the risk of archaeological impact is high.

On the basis of the findings in the EIA Report fundamental recommendations were made that the proposed exploration activities be issued with an Environmental Clearance Certificate (ECC) subject to the following exclusions and strict conditions, That:

- The eastern half of the EPL No. 8075 as shown in Fig. 6.1 shall be excluded from prospecting activities due to ecological sensitivity and occurrence of archaeological resources.
- The Proponent shall negotiate an Access Agreement with the Ohungu Conservancy in consultation with the Traditional Authority who are the custodian of Communal land.
- Due to the likely sensitivity nature of the conservancy area, all field-based exploration activities shall be undertaken with the consent of the Conservancy Management Committee (CMC).
- Considering the larger portion of the EPL area covering the central and eastern half that must be excluded from prospecting/exploration activities the proposed exploration activities shall be discontinued and the whole EPL No. 8075 area relinquished.

The extent of the impact on the Ohungu Conservancy as highlighted in the report speaks volumes and need no further elaboration.

3. Conclusion

We have taken cognizance of the Environmental Impact Assessment (EIA) Report of November 2021 and the fundamental findings and recommendations made suggesting that an Environmental Clearance Certificate (ECC) be issued subject to certain exclusions and strict conditions as stipulated in the report.

Further to this, despite a clear and fundamental recommendation in the EIA Report that the Proponent shall negotiate an Access Agreement with the Ohungu Conservancy in consultation with the Traditional Authority as custodian of communal land, nothing to that effect happened and this valuable information was not disclosed and the Conservancy was kept in the dark.

It was further recommended that due to the likely sensitivity nature of the conservancy area, all field-based exploration activities shall be undertaken with the consent of the Conservancy Management Committee (CMC). This is an aspect that was totally overlooked or ignored and all activities proceeded without the knowledge of the CMC.

As critical partner and affected party, the Conservancy has not seen the EMP as contemplated in the report for the monitoring of the protection of the potential archaeological sites in the area.

In conclusion it is our conviction that the EIA Report of November 2021 was completely overlooked and deliberately floated to keep this essential information from the primary affected parties like the Conservancy.

We finally make the following suggestions for immediate consideration when moving forward, That:

- The Mining Commissioner and the Hon. Minister of Mines and Energy have a closer relook at the EIA Report of November 2021 and all its detailed recommendations.
- The Proponent shall forthwith negotiate an Access Agreement with the Ohungu Conservancy in consultation with the Traditional Authority who are the custodian of Communal land.
- Due to the likely sensitivity nature of the conservancy area, all field-based exploration activities shall henceforth be undertaken with the consent of the Conservancy Management Committee (CMC).
-

We are looking forward that our objection will be received in a positive light and culminate in a very constructive engagement for the mutual benefit of the protection of our fragile and sensitive environment.

Yours faithfully



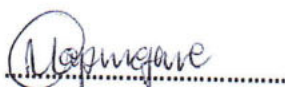
Benedictus April
Chairperson: Ohungu Conservancy



Manfred Rukoro
Vice-Chairperson: Ohungu Conservancy



Christophine Kazondana
Treasurer



Ernestine Uapingene
Vice-Secretary



Alfons Uvanga
Additional Member to CMC

CC: Minister of Mines and Energy, Hon. Tom Aluweendo

Minister of Environment and Tourism, Hon. Pohamba P. Shifeta

OTJIVERO WATER POINT COMMITTEE

Box 218, Omaruru, Namibia Cell: +264 081 2683503 / 0811441739 E: otjomuni@iway.com.na

Risk-Based Solutions (RBS)

Sen. Techn. Consultant: Ms. Emerita Ashipala

emerita.ashipala@gmail.com

Specialist: Dr Sidila Mwiya

smwiya@rbs.com.na

Date: 20 October 2024

Re: PUBLIC NOTICE: BLUESTATE INVESTMENT (Pty) Ltd RE APPLICATION FOR ENVIRONMENTAL CLEARANCE CERTIFICATE FOR MINING LICENSE (ML) IN THE EXCLUSIVE PROSPECTING LICENSE (EPL No. 8075 OMARURU DISTRICT, ERONGO REGION

1. Context: Our status as the most directly and primary affected community

We the Otjivero Community hereby represented through the Water Point Committee as a statutory body registered (Ref: Cert # ER 0009) under the Directorate of Rural Water Supply. Otjivero Water Point Association and its Committee as established and issued with Certificate of Recognition on April 18, 2001, by the Director of Rural Water Supply. The committee operates in the policy framework of the Community-based Management of Rural Natural Resources Policy (CBNRM) and the Water Resources Management Act 11 of 2013, Part 7 (30) and its regulations, hereby would like to exercise our legal rights as provided for in the Environmental Management Act, 2007 and the EIA Regulations of 2012.

- 1.1. We will attach to this letter (Annex 1) the fact sheet of our village depicting the demographic information of our village in terms of number of households, population size by gender, livestock etc.
- 1.2. The proposed mining site is situated approximately 2,5 km to the western edge of our village.
- 1.3. **We therefore demand:** that Otjivero through the **Water Point Committee be listed as a primary stakeholder** to be consulted henceforth **together with Ohungu Conervancy.**
- 1.4. The original nine (9) boreholes drilled to source water for the exploration as well as the envisaged mining license application have been surveyed and drilled in the boundaries of our village. The drilling of boreholes are regulated through Part 12, Section 61 (1 and 2) of the Act.
- 1.5. The one borehole where water extraction is taking place is situated 0.46km from the existing community borehole. The Water Point Committee has been consistent in requesting relevant licences for abstraction and use of water as provided under Part 11 of the Act. Our strong suspicion is that provisions of the Water Management Act were not complied with!
- 1.6. The fence erected around the exploration and now the envisaged mining site are cutting right through our commonage grazing area.

- 1.7. The mountain (Okandepoina) and historical hills around it where exploration and envisaged mining is targeting is situated in the boundaries of our village.
- 1.8. The access road linking the exploration and envisaged mining site has been our village access road used for many centuries.
- 1.9. The visible destruction to the pristine geological formations and the rich and rare fauna and flora of the popular northwest regions of Namibia, and our heritage, is visible and disheartening.
- 1.10. The noise and dust pollution that is coming from the exploration and envisaged mining site are carried by the wind back to the village affecting our entire livelihoods.
- 1.11. We recognise that our village Otjivero has neighbouring villages of Okamase, Omao-uozongaku, Otjongundu and Otjiwapeke with whom we share a commonage grazing area to the west. We are also supporting the submission representing all those villages combined.
- 1.12. Lastly, Otjivero is part of Ohungu Conservancy. Therefore, we also support the submission of Ohungu Conservancy as a consequence.

However, despite our support to those two other submissions, it is a fact that the community of Otjivero is undeniably the most, primary affected community as far as this mining license application by Bluestate Investment is concerned.

It is for this reason that we as the most affected community and stakeholder / or affected party to this application would like to register and herewith submit our strongest objection to this application base on the following:

2. Social and community governance

- 2.1. Our community has a long history and track-record as far as establishing and protecting local community-based institutions are concerned.
- 2.2. Our community has established the Water Point Association in the early 90's to facilitate sustainable governance and utilisation of the scarce and fragile natural resources that our lives and livelihoods depends on a daily basis.
- 2.3. One such community governance structure is the Water Point Committee as a local institution to manage and sustainably use our surface and underground water resources for the benefit of the entire community.
- 2.4. Such community governance structures are vital in democratic decision-making process for all inhabitants of our village.
- 2.5. Our community attach greater value to such local community-based institutions that explains why our Water Point Committee continues to function effectively (elect new leaders from time to time) despite the limited or zero support we are currently receiving from the Directorate responsible for Rural Water Supply.
- 2.6. Our observation ever since the exploration phase started: is that the way Farpoint Investment (the operating company) has been dealing with our community management and governance structures is negating the primary aim of our local governance structures.
- 2.7. They prefer to engage bodies above our village thus rendering our institutions powerless. Even when we demand and /or request for transparency and records regarding

information related to their extraction capacity of the underground water from the borehole in close proximity to the community borehole this information is being denied to us.

- 2.8. The operating company went as far as to fence off a big portion of our grazing land to the west of the village, without engaging us the primary users. We have raised this point at numerous occasions with them in terms of them obtaining the necessary approvals from us as resources users, or the Regional Land Board in Erongo and the responsible Minister as is required under the Communal Land Reform Act 5 of 2002. The right to fence off a portion of the communal land falls in the ambit of a leasehold that must be approved by the Communal Land Board provided that the Traditional Authority of the traditional community gives consent. It is our considered opinion that this due process was not done and therefore violates our customary land and grazing rights as provided for under Section 20 of the Act 5 of 2002.
- 2.9. It is as a result that we came to the conclusion that the operating company is deliberate in their conduct with us, as resource-poor villagers in violating our basic governance structures and thereby denying us our right to manage our natural resources as a collective.
- 2.10. Given these gross violations of our rights already in the exploration phase, while refusing to engage us the primary affected community, **we strongly object to this application and further consideration of as a possible and probable mining license to be issued.**

3. Our environment and its resources

- 3.1. Our village is situated in dry north-western regions of Namibia in the Omatjete area, Daures Constituency of the Erongo Region.
- 3.2. Due to climate change induced factors, our village and area has been experiencing frequent and very pronounced cycles of drought.
- 3.3. Our village livelihoods has been curtailed very significantly due to decimation of our livestock due to those droughts cycles.
 - 3.3.1. Between 2012 and 2018 our village had 945 cattle, however this number has been reduced to 380 in 2023.
 - 3.3.2. During the corresponding period our goat population reduced from 1500 now to 416.
 - 3.3.3. Sheep population from 450 to 189
 - 3.3.4. Donkeys from 45 to now 16.
- 3.4. Statistics presented above shows a downward trend and the village getting poorer with every drought cycle.
- 3.5. Access to grazing is a critical concern at this point and the fact that the operating company has fenced off a huge portion of our grazing land and with it also disrupting our excess road to access grazing in the mountains which normally is our refuge during drought years, compounds our grazing problems.
- 3.6. Otjivero is situated in a dry area with low rainfall generally. In the last few years our annual rainfall has been between 80 – 120 mm per annum.
- 3.7. With the low rainfall, the potential recharge of the underground water sources is severely limited.
- 3.8. Our village borehole has a low yield even when we had over 40 pipes pumping water at a depth of 120 m. Therefore, even before the arrival of Farpoint Investment water has been

our biggest concern and the history of our village is well documented by the Directorate of Rural Water Supply.

- 3.9. Farpoint Investment is pumping the borehole under their use for 24 hours none-stop. No records are being shared in terms of the: original yield of the borehole, extraction capacity in cubic meters. What is the impact of this levels of water extraction on the overall water table in the area? Who is observing independently the extraction, and under which permit? **All this information has been requested many times but without any success!**
- 3.10. Besides securing water for humans and livestock, due to the migration patterns of the desert adopted elephants, our village is a regulator spot for water and forage.
- 3.11. Despite the attempt to construct a separate water point for elephants, our water infrastructure has suffered severely over the years.
- 3.12. The level of destruction that is observed visually by us as villagers in the areas around the exploration and envisaged mining site is enormous. Very endemic trees and shrubs that the western ecology is known for are uprooted and others are being destroyed by heavy machinery. Some of those trees and shrubs that are desert adapted are many years old and therefore difficult to restore even with a vigorous post-mining rehabilitation effort, that we can't see it happening given our immediate experiences with similar mines not far away from us.
- 3.13. Based on our observation regarding the potential over exploitation of our natural resources **we strongly again object any potential considerations for a mining license to be issued or even contemplated!**

4. Village infrastructure

- 4.1. Otjivero has mainly one excess road connecting us to the main road D2344. Our village is not proclaimed therefore it is not being maintained by the Roads Authority.
- 4.2. This trunk road is more suitable for small vehicles and low frequency use. Initially Farpoint Investment rehabilitated an old road for their use given their heavy equipment and frequent use as they commute between the different points in Namibia.
- 4.3. What we have been observing is that the mining vehicles are now using our un-proclaimed village road almost on a permanent basis. This is a deviation from the original premise of them using their own excess road. The final result being that our only excess road now has been destroyed and need gravelling and compacting.
- 4.4. Despite our friendly requests for them to consider grading our excess road now over 3 years this has not been done, and at this point, we can't foresee this to happen.
- 4.5. If the level of destruction that we observed without due regard to our village road has been at such proportions, one wonders what will happen to our road infrastructure during the mining phase?
- 4.6. **We therefore demand:** that Farpoint Investment rehabilitates our excess road infrastructure with immediate effect as experience elsewhere tells us that the possibility of the operators leaving and vacating the mining sites without the necessary rehabilitations taking place.

5. Corporate social investment:

- 5.1. The community of Otjivero has presented numerous options as direct compensation to our community to repair and lessen the impact of their operations on our livelihoods as the most affected community.
- 5.2. Despite Farpoint Investment recognising our special status as the most affected community given the proximity of the operations to our village. They refused to install direct communication with us in Otjivero.
- 5.3. They refuse to engage us directly and to compensate us directly. They prefer to engage us through the Traditional Authority thereby rendering our status as the most affected community degraded and equal to all other communities.
- 5.4. This is evidenced by the funds earmarked for social corporate responsibility is allocated by the Traditional Authority. Subsequently Otjivero has been receiving proportionally less than other earmarked stakeholders in their social corporate investment portfolio.
- 5.5. We have been objecting to this level of treatment as Otjivero community cannot be treated equal to other stakeholders!
- 5.6. We are losing directly our natural resources in our village that other stakeholders don't.
- 5.7. Our view has been that: Otjivero community must be recognised as a special stakeholder whose livelihoods are being directly affected negatively and therefore our support should not fall in the category of Social Corporate Responsibility but in the category of compensation.
- 5.8. We demand that Farpoint Investment install a direct relationship with Otjivero community and not via third parties.
- 5.9. We further demand that Otjivero community gets compensated for loss of livelihoods and impact on our natural resources as outlined above and that this compensation should be negotiated directly with us given our special status (most affected community) and direct payments be done to Otjivero through representative community governance structures.

6. The Environmental Impact Assessment Report 2021

- 6.1. There are a few fundamental issues that we would like to raise with regard to our interpretation of the EIA report on November 2021 marked as final.
- 6.2. The company that applied for the EIA is Bluestate Investment while the operating company doing exploration is Farpoint Investment. We the stakeholders have no information regarding the relationship between the two and if the rights of Bluestate Investment are ceded to Farpoint Investment. This matter needs clarification.
- 6.3. On page 61 of the EIA report under recommendations 6.2 (i) it is stated very clearly and also marked on the map that the eastern part of the EPL 8075 shall be excluded from prospecting activities. The areas on the map shaded includes the mountainous areas and the areas east of the mountain. If our interpretation is correct the prospecting and the subsequent mining licence application were supposed to be limited to areas west of the mountains.
- 6.4. The Environmental Clearance Certificate was supposed to have been issued following the recommendations in (6.3) above, especially to exclude the eastern part of the EPL 8075 from any exploration activities.

- 6.5. If our interpretation is correct that means that the prospecting work that has been conducted for all these years has been undertaken in an area recommended to be excluded as a pre-condition.
- 6.6. It goes on to say under recommendation 6.2. (viii) proposed exploration in the shaded area of Fig 6.1. should have been discontinued and the whole area relinquished. If this is the area east of the mountain, this has not happened!
- 6.7. **We therefore demand:** that clarity is provided regarding this as a matter of urgency before consideration is given to the subsequent mining licence application commences.
- 6.8. Since the exploration work are taking place in the core-breeding area of the Ohungu Conservancy the EIA is clear that the proponent was supposed to have negotiated an Access Agreement with the Ohungu Conservancy. Will the applicant provide us with this information?
- 6.9. Again, it is very clear from the EIA report that the Traditional Authority has its role by the relevant applicable laws but not the ultimate powers to decide over all this matters.
- 6.10. **We therefore demand:** that the legal rights of Otjivero Water Point Committee and that of Ohungu Conservancy be respected.

7. Conclusion

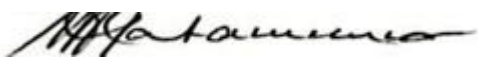
- 7.1. The Otjivero community is a peaceful community that has established community based as homegrown mechanisms to conflict resolution (for the record we have been resolving many community conflicts amongst ourselves).
- 7.2. To this extend we have been far too civil in matters that affects our livelihoods to the point that we the present generation are negating our obligations as citizens to preserve our ecosystem and its natural resources to the next generation as provided in Article 95 (l) in our Constitution.
- 7.3. Otjivero community attach greater value to the sustenance and preservation of our community governance structures.
- 7.4. The posture and conduct of the Farpoint Investment as the operating company is a gross violation of our fundamental civil rights and further violates our local governance structures thus denying us the right to self-governance.
- 7.5. Namibia (our country) is a democratic country ruled based on laws as provided for in the Constitution and the relevant laws governing our different sectors of the economy including water management and use, use of natural resources and preservation thereof.
- 7.6. Mining operations by their very nature are very short-term operations. There are numerous examples on our immediate surroundings. Therefore, our co-existence (if at all) with mining operators should not curtail our existence and livelihoods to the point that we have no quality live in the years to come. Especially when our underground water resources, our livelihoods are gone, thus rendering us destitute.
- 7.7. It is in this regard that we appeal to the following Ministries, Offices and Agencies:
 - 7.7.1. Ministry of Agriculture Water and Land Reform
 - 7.7.2. Ministry of Environment and Tourism particularly the Environmental Commissioners' Office.
 - 7.7.3. Ministry of Mines and Energy in particular the Mining Commissioner
 - 7.7.4. Office of the Ombudsman

To protect, support and assist the future existence and livelihood systems of the community of Otjivero and our neighbouring villages in and preserving our common heritage for our future generations.

We trust that the objections registered in this letter and shared with the various relevant offices will be appreciated for what they are. Further, to recognise that our objections are primarily aiming to secure quality livelihoods that we inherited from grandparents and thus striving as we hereby do, leave it in a better state or condition for the future generations to come.

Please, accept herewith assurances of our highest esteem.

Kind regards,



Manfred Z Jatamunua
Chairperson of Otjivero Waterpoint Committee
Co-signed by



Vehaka M Tjimune
Otjivero community member

Annex 1: Fact sheet Otjivero village

Annex 2: Advert by Bluestate Investment (Pty) for mining license application

Cc:

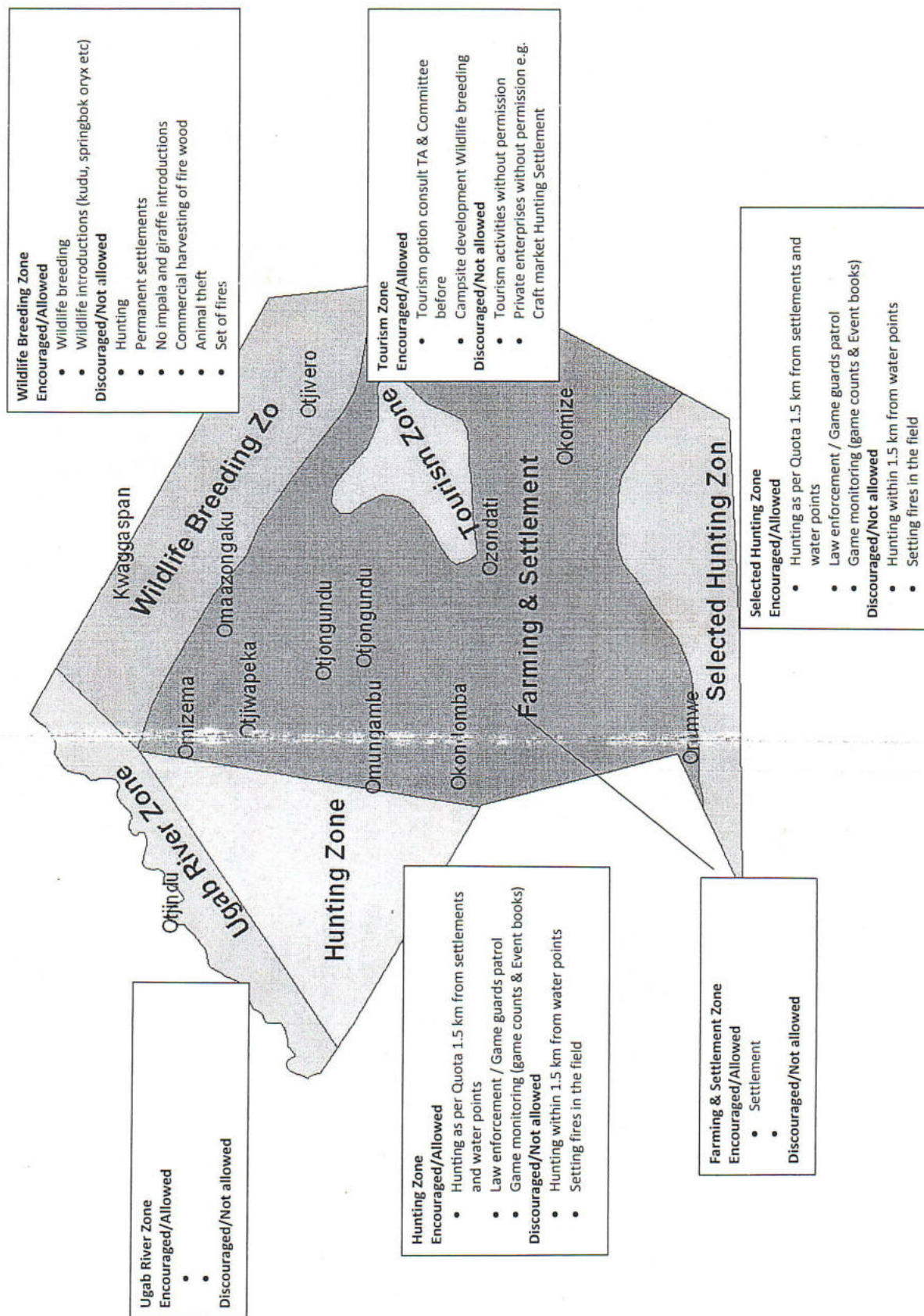
Minister of Agriculture Water and Lad Reform
Hon Calle Schlettwein

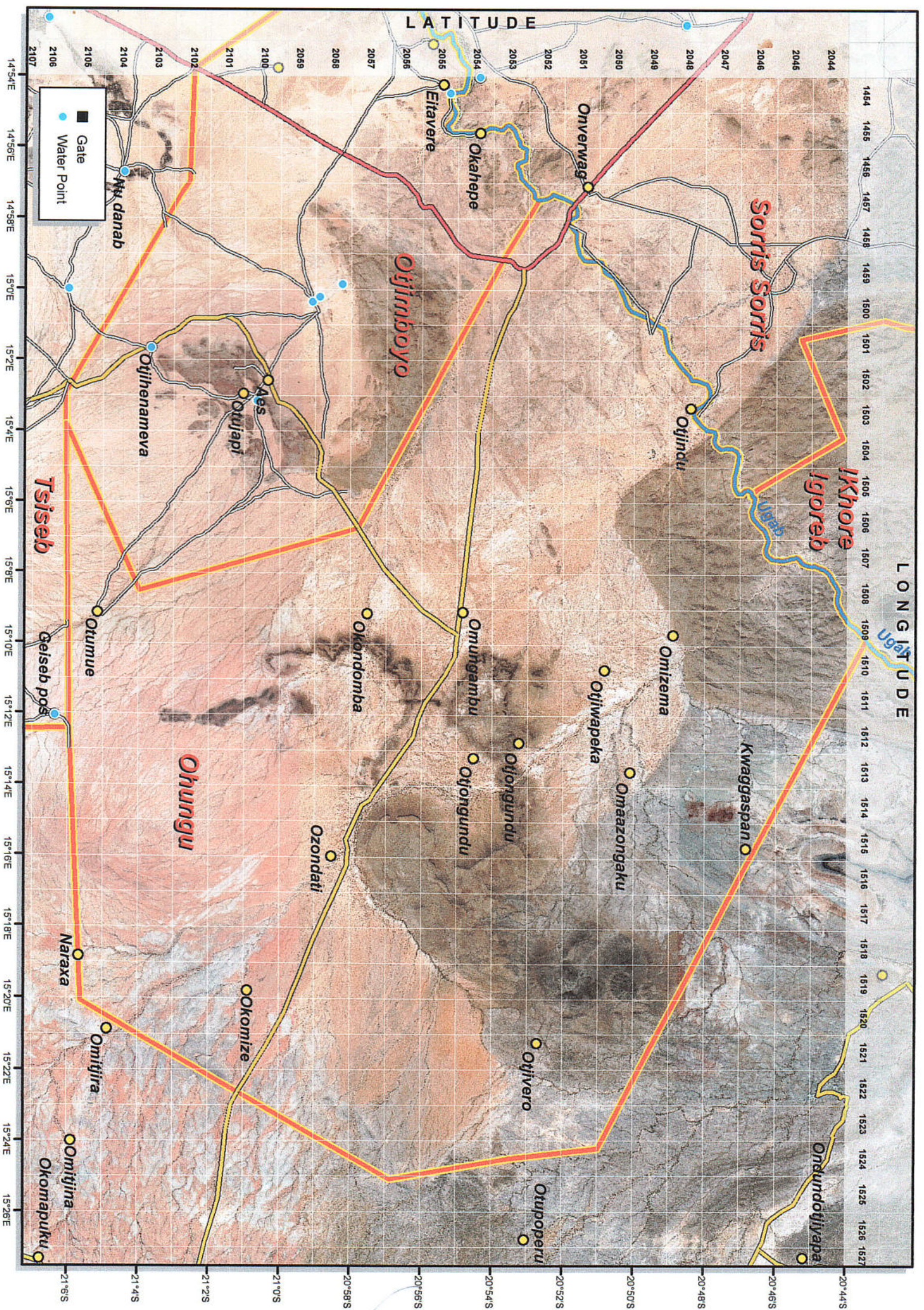
Minister Environment and Tourism
Hon Pohamba P Shifeta

Minister of Mine and Energy
Hon Tom Alweendo

Office of the Ombudsman
Mr Basilius Dyakugha

Legal Assistance Centre
Ms Corinna van Wyk







Daures Constituency

To:

Erongo Land Board
Swakopmund
Namibia

Zeraua Traditional Authority
Omatjete/Otjohoronggo Rural

The Ministry of Environment and Tourism

The Ministry of Mines and Energy

Date 16October2024

Re:

Reject: illegal mining activities, EPL 8075 (total 5600,9332) in the breeding area of Ohungu Conservation.

This is a formal letter of complains about and objection to the mining operation, EPL8075 currently taking place at Okamase village. We are community members of Okamase village complaining about the Chinese company mining in our grazing area. And we are even part of the Ohungu Conservancy.

These areas were allocated by our great grand parents after they relocate from the 1904 – 1908 war, and it has served us for the purpose of grazing spot. They left us with monuments, trees and wells they picked by their own hands, and even fountains that is running dry newer days dew to lack of rain.

This area is the area that our conservation is mostly using for grazing of animals such as Elephants that has become a huge challenge to the community, Springbok, Kudus and many more.

We cried to the government to enlarge the grazing area were by it did not help us that much, now with the mines it mean we are dead, we have no grazing area anymore. We don't thing mining and grazing will ever go hand in hand as mining just destroy everything that has to do with grazing. Even with as per act of Namibian constitution state clearly that a located are should never be used for mining.

With our beautiful mountains and faunal diversity, always hope for an opportunity that can be granted to upgrade the tourism sector as for will be the only way of upgrading our living standard. The mountains are a grate climate regulator influencing rain patterns in the adjacent to it. We have rivers flowing from our mountain that augment water. This river might be contaminated by the mine as it will have far-reaching adverse knock-on effect on all the communities and animals downstream of all these rivers, especially who depend on these waters for drinking.

Our main objections are based on:

1. We were not involved at the very beginning of the project proposal stage, only the traditional authority was catered throughout and now it has a very big impact on the whole community at large.
2. **The mine will destroy our in tier grazing area and the whole conservation operation. Water streams will be wrecked and all the resources.**
3. The fencing of the mining area will take a ¼ of our grazing area and the very rich area in grazing to us.
4. We were not prepared in anyway that we might have options of moving or being displaced that we wont except as to the land we own now has become branded to us.
5. The mine will forever permanently will destroy our nature and its unique tourism potential.
6. **The only person to be benefited will be the mine and not the community who has lived there for almost 100 years. If they deplete the marbles they will leave us stranded.**
7. The noise of machineries and falling rocks will scare birds, wild cats and animals to leave their homes and migrate around in a strange wild field.
8. Endangered and protected unique plants and species such as resurrection plants (myrothamnus flabellifolius) which has been on the hills and rocks will be destroyed permanently.
9. After explorations and extractions mines do not rehabilitate the fields they just run away like they did with the Otjivaja Granite mine left destroyed and dangerous field for any living organism.
10. We have Namaqua sandgrouse and banded sandgrouse which nest on the ground between rocks and they will be left homeless.

Above are our valid concerns from us as the affected community and our issue that will still live in the affected areas long after mining operation have ceased. And we will be left to ground suffering while the mine owners go back to their comfort zones and live happily ever as customary. We truly are a big clan that has been leaving here for era. If you might mansion we have clans like Kairi, Haakuria, Mauha, Mate, Uvanga, Kasemba, Kaurimuje, Muheua, Kaiuina, Tjindjo, Muandi etc.

We truly truly hope that you will be cordially and look in to this meter very prudently and help us not to lose our inheritance.

We are requesting to not let epl 8075(5600,9332HA) obtain off our forefathers land.

This objection is duly signed off by the representatives of the Okamase village community.
Communal farmers in their capacity as individuals.

Name and Surname	Title	Capacity	Date
Titus Kairi	Mr.	Chairperson	18/10/24
Abute Mauha	Mr.	V Chairperson	18/10/24
Clemencia Nguezeri	Miss	Treasure	18/10/24
Jaqueline Haakuria	Mrs	Secretary	18/10/24

For more info Titus Kairi @ 0812778297

Abute Mauha @ 0813335710