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WINDHOEK

By electronic mail: public@edsnamibia.com

iipingea@edsnamibia.com

31 October 2025

Dear Ms. Iipingé,

Objections and Submissions in Terms of Regulation 21 to the Application for an Environmental Clearance Certificate (ECC) for Exclusive Prospecting Licence (EPL) 8021 (Damaran Exploration Namibia (Pty) Ltd)

These submissions are lodged on behalf of the owners and custodians of the Erindi Game Reserve, comprising Farm Erindi No. 58, Farm Constantia No. 60, Farm Otjimakuru No. 62 and Farm Otjikoko-Sud (hereafter, "Erindi"), and are made while fully reserving all the said owners' rights. These submissions are made pursuant to Regulation 21 of the Environmental Impact Assessment Regulations, 2012 (Government Notice No. 30 of 2012) (the "Regulations"), in opposition to the proposed grant of an ECC for exploration activities under EPL 8021, insofar as the licence footprint overlaps any part of Erindi, including (but not limited to) Farm Erindi No. 58. The making of these submissions and the participation in the process should, in no manner whatsoever, be construed as a recognition or acceptance of, inter alia, the validity of EPL 8021 (and any decisions or processes underlying or underpinning it) or of the current process.

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**ORIGINAL
THINKING**



Standing and Formal Record of Objection

Our clients, are interested and affected parties within the meaning of the Environmental Management Act, 2007 (Act No. 7 of 2007) (the "EMA") and Regulation 21 of the Regulations. On 22 October 2025, during the consultation meeting convened with the environmental assessment practitioner (EAP), our clients' unequivocal objection to the grant of an ECC, and correlatively, the underlying EPL 8021, over any portion of Erindi, was formally recorded. The EAP was formally notified of the grounds of objection summarised herein.

Erindi Game Reserve: A Single, Integrated Conservation Estate

Erindi is managed as one integrated conservation landscape across four contiguous areas: Erindi No. 58, Constantia No. 60, Otjimakuru No. 62 and Otjikoko-Sud. Erindi's unity is ecological, operational, and strategic, encompassing a single wildlife management regime, integrated anti-poaching and security systems, unified veterinary and monitoring programmes, common water and road infrastructure, and a singular tourism and conservation enterprise. Dangerous game, endangered species, and wide-ranging mammals (including black and white rhinoceros and more than 200 elephants) range freely across these areas. Internal barriers are being removed to maintain ecological processes at a landscape scale, consistent with best practices and the Reserve's management plan.

This unity is not merely descriptive; it is foundational to Erindi's conservation value and obligations. Erindi has been recognised as a Key Biodiversity Area ("KBA") of global significance and is the largest private partner in the Government of the Republic of Namibia's Black Rhinoceros Custodianship Programme (the "BRCP"). The Reserve's unique biodiversity and custodianship status are indivisible, dependent on unfragmented habitat and Reserve-wide, harmonised management across all four farms.

National Policy Context and Government's Expressed Position on Protected Areas

The Ministry of Environment, Forestry and Tourism ("MEFT") and the Ministry of Mines and Energy ("MME") have jointly developed an updated national policy framework for prospecting and mining in protected areas, areas with high-value species, and environmentally sensitive areas. That policy framework reflects an overarching objective to avoid or minimise mining in such areas and, in particular, prohibits dimension stone mining in protected/high-value species areas inter alia due to irreversible landscape degradation and the detrimental environmental impact.



MEFT's Black Rhinoceros Custodianship Programme Strategy (2024–2033) expressly identifies the need to avoid mining and resource extraction impacts on black rhino custodian sites and contemplates the avoidance or rescission of EPLs/EPLs where impacts threaten rhino population viability. These instruments align directly with Article 95 of the Namibian Constitution and the EMA's sustainable development principles.

In parallel, the Environmental Commissioner ("EC") has, in sworn papers in the High Court matter HC-MD-CIV-MOT-REV-2024/00282, adopted the unequivocal position that EPL 8325 should not have been granted over Farm Erindi No. 58. In the same matter, the Mining Commissioner alleged that the MME 'directed Farm Erindi to be excluded from the EPL'. Excluding Erindi from any EPL is entirely consistent with the aforementioned policy framework and the Reserve's established status as a KBA and BRCP site.

Peremptory Procedural Requirements: The Supreme Court's Gecko Salt Holding

The Supreme Court has confirmed that section 31 of the EMA is peremptory: a competent authority may not issue an authorisation for a listed activity unless a valid ECC is first obtained, and any authorisation issued contrary to section 31 is invalid. The Court underscored strict, front-loaded compliance with the EMA's assessment and consultation scheme; "substantial compliance", post-hoc rationalisations, and informal "practice" cannot cure foundational defects.

The EMA and the Regulations require, among other things: an accepted scoping report; a determination by the EC on whether an assessment is required and, if so, the scope, procedure, and methods for assessment; preparation of an assessment report compliant with Regulation 15; proper notification and meaningful consultation with all potential interested and affected parties; and written notice to owners and occupiers of land adjacent to the site. Direct, accurate, site-specific notice to affected landowners (in casu, of inter alia Erindi) is therefore mandatory.

EPL 8021 and the Background Information Document (BID): Location, Notice, and Consultation Defects

The Background Information Document (BID) for EPL 8021 identifies a ~15,349 ha footprint southeast of Omaruru and records that the EPL overlies, inter alia, "Erindi; farm no. 58". Notwithstanding this acknowledgement, the BID and public notices describe the location only in general terms (e.g., "Omaruru District, Erongo Region") and fail to identify with specificity the overlap with Erindi, including Farm Erindi No. 58. The description is vague to the point of being uninformative, rendering it inadequate to alert affected landowners and the public to the true location and implications of the proposed activities.



Consistent with the EMA and Regulation 21 of the Regulations, direct written notice must be given to owners and occupiers of land adjacent to the site and to all potential interested and affected parties. In the circumstances of EPL 8021, compliance requires accurate identification of the Erindi farm portions implicated, direct written notification to Erindi's owners, and meaningful engagement on the Reserve's unitary management, biodiversity sensitivities, and custodianship obligations. Absent precise site description, direct notice, and meaningful consultation, any ECC process is procedurally defective.

Substantive Environmental Objections to Exploration Activities

First, the proposed exploration activities are fundamentally incompatible with Erindi's conservation mandate, the Reserve's KBA status, and its role as MEFT's largest BRCP partner. Exploration would introduce non-trivial disturbance, noise, light, vehicular traffic, ground clearance, and human movement into an integrated, high-value conservation landscape. These stressors and detrimental impact cannot be quarantined to a single cadastral parcel; they would radiate across the Reserve, elevating mortality and security risks, disrupting predator-prey dynamics, and undermining critical ecological processes and breeding nuclei.

Second, the proposed activities would materially escalate poaching risk and degrade the Reserve-wide security posture. Erindi's anti-poaching and security systems are designed and operated at a landscape scale, with tightly controlled access and movement protocols. Opening corridors for exploration personnel and equipment within any portion of Erindi would severely compromise operational integrity and the safety of personnel, guests, and wildlife across the Reserve.

Third, the proponent's desktop framing of potential impacts is entirely inadequate for a site of Erindi's ecological complexity and sensitivity. A lawful, decision-grade assessment for an area overlapping Erindi must include, at minimum, specialist studies on large mammals (with emphasis on black and white rhinoceros), elephants, apex predators, pangolin, and protected flora; site-specific field surveys and mapping; an assessment of cumulative and operational security impacts; and a robust alternatives analysis that credibly considers avoidance of Erindi in its entirety. None of these essential requirements can be satisfied by generic descriptions of "Omaruru District" land uses or "non-invasive" phases untethered to Erindi's specific realities.

Fourth, national policy instruments and MEFT's BRCP strategy militate strongly against granting new or renewed licences on black rhino custodianship sites. Damaran's proposed activities would directly

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contravene these instruments and frustrate the State's conservation objectives under Article 95 of the Namibian Constitution.

Constitutional and Administrative Law Principles Engaged

Article 18 of the Namibian Constitution requires administrative bodies to act fairly and reasonably and to comply with the common law and applicable legislation. That duty encompasses accurate identification of the site, adherence to mandatory consultation requirements, consideration of relevant policy and conservation obligations, and reasoned, rational and reasonable decision-making, taking into account all relevant considerations and ignoring irrelevant considerations. It is not discharged by generic BID language, non-specific newspaper notices, or an assumption that affected landowners should scour online portals to discover existential threats to their land and operations. Articles 16(1) and 21(1)(j) of the Namibian Constitution are also engaged, given the serious interferences that prospecting/exploration would inflict upon Erindi's property and business rights.

Relief Sought and Procedural Demands

Our clients record their categorical objection to the grant of any Environmental Clearance Certificate for EPL 8021 insofar as the project footprint overlaps, touches, or may adversely affect any part of Erindi. They also object to EPL 8021. The Environmental Commissioner must refuse the ECC as sought. Our clients demand the express exclusion of the entirety of Erindi (comprising Farm Erindi No. 58, Farm Constantia No. 60, Farm Otjimakuru No. 62 and Farm Otjikoko-Sud), and as such it should also not feature in any BID, scoping report, Environmental Management Plan ("EMP"), ECC application, and any associated licensing or authorisation processes for, or relevant to, EPL 8021 (save for a recordal that the entirety of Erindi is to be excluded and no prospecting and mining activities can or should take place thereon).

Without prejudice to and strictly maintaining the above categorical objection and demand for exclusion, and only in the alternative, the process cannot lawfully, rationally or reasonably proceed unless and until the following minimum, non-exhaustive conditions are met:

1. The proponent lodges a revised BID and scoping report that expressly excludes the entirety of Erindi from the project area.
2. The proponent rectifies the public participation process by providing direct, written notice compliant with Regulation 21(2)(b)(i)–(iii) and strict adherence to Regulation 21(2)(a) and (c), Regulation 21(3), Regulation 21(6), and Regulation 21(7), with documentary proof of compliance



and reasonable timeframes for Erindi and other I&APs to comment on the draft scoping and assessment reports, and by opening and maintaining the register contemplated in Regulations 22–24.

3. The Environmental Commissioner determines, in writing and on reasons, the scope, procedures, and methods for a full environmental impact assessment that includes specialist, field-based studies addressing Reserve-wide ecological and security impacts, cumulative effects, and a robust alternatives analysis that avoids Erindi entirely.

4. The assessment demonstrably considers and applies MEFT's Black Rhinoceros Custodianship Programme Strategy (2024–2033) and the updated national policy on prospecting and mining in protected/high-value species/sensitive areas, together with the EC and MC's stated position that no EPL/ECC is to be granted over Farm Erindi No. 58, and records a reasoned conclusion on these instruments.

Rights reserved: Nothing in these submissions constitutes or should be construed as a concession that an ECC may lawfully be granted over any part of Erindi, or as acquiescence in any overlap of EPL 8021 with Erindi. All our client's rights are expressly reserved, including (but not limited) to: (a) insist on the exclusion of Erindi from the project footprint and all related applications; (b) object further at any stage of the process and/or challenge the process as a whole; (c) demand re-advertisement and re-consultation if the project description, footprint, or documents change; (d) call for and receive the complete assessment record; (e) pursue review, interdictory, declaratory, and/or ancillary relief; (f) appeal under section 50 of the EMA against any decision; (g) seek costs and any appropriate remedies; and (h) supplement these submissions as further information becomes available; (i) challenge any ECC or EPL and any decisions underpinning or pertaining to same.

Please confirm in writing that: (i) Erindi is recorded on the register of interested and affected parties; (ii) these submissions will be appended in full to the scoping, assessment, and decision records submitted to the Environmental Commissioner; (iii) the proponent will amend the project footprint to exclude Erindi and re-advertise and re-consult accordingly; and (iv) Erindi will receive timely copies of all revised documents, notices, and decisions.

Yours sincerely
ENS | NAMIBIA



PER: CHJ VISSER

WOF response to BID
for EPL 8021 dd
August 2025

Due Date for submission of response is: 17H00 24 October 2025

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Abbreviations Used in This Document

- **WOF** – Wilhelmstal-Okasise Farmers Association
 - **EDS** – Excel Dynamic Solutions (Pty) Ltd
 - **Proponent** – Damaran Exploration Namibia (Pty) Ltd
 - **BID** – Background Information Document
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1. Inaccurate Farm Listings in the BID

The WOF notes with concern that several farm names listed in the BID for EPL 8021 are incorrect or incomplete. We request that EDS urgently provide a **comprehensive and verified list** of all farms affected by this EPL, along with:

- Full names of farm owners
- Accurate contact information (email, phone number, and postal address)

This information must be provided in writing before **Friday 17 October 2025**.

2. Communication Channels and Transparency

All communication regarding EPL 8021 must adhere to the following conditions:

- A formal contact person must be designated by both the **proponent** and **EDS**, with full contact details provided in writing by **Friday 17 October 2025**.
- All official correspondence must be issued **in writing**, directed individually to each farm owner or their legally authorised representative.
- The WOF, specifically **Mr. John Gerber** and **Mr. Michael Zimny**, must be **copied on all official communications**.

Contact Details:

Michael Zimny
Cell: +264 81 262 3339
Email: michizimny@gmail.com

John Gerber
Cell: +264 81 129 9559
Email: johngerber35@gmail.com

3. Financial Compensation for Site Access

a) Non-Refundable Deposit

Prior to any site visit, the **proponent must pay a non-refundable deposit of N\$100,000 (One Hundred Thousand Namibia Dollar) per farm owner**, into an account designated in writing by each respective landowner. This amount serves as compensation for the time and operational disruption suffered by the landowner during such visits, particularly as these visits interfere with normal farm duties and responsibilities.

Please note that the meeting and site visit being conducted by the consultant (EDS) form part of the environmental assessment process. The purpose is to provide an opportunity for stakeholders to raise their comments or concerns regarding the proposed project.

Typically, the meeting lasts approximately 40 minutes, followed by about one hour to survey the farm. However, this duration may vary depending on the presence of archaeological sites or features within the area.

It is important to clarify that the payment of N\$100,000 by the proponent is not practical, as the primary aim of the assessment is to identify any significant infrastructure or features that may be affected by the proposed prospecting or exploration activities, once the Environmental Clearance Certificate (ECC) is granted.

b) Refundable Deposit

In addition, a **refundable deposit of N\$1,000,000 (One Million Namibia Dollar) per farm/farm owner** must be paid upfront. This deposit is a safeguard, enabling the landowner to **rehabilitate the land** at their own discretion should the proponent fail to do so. This refundable deposit shall be:

- held and managed by the landowner
- refunded (in full or in part) **only 12 (Twelve) months after** the proponent has **completely vacated** the premises
- released solely at the landowner's discretion based on **compliance with rehabilitation obligations**

This can be in the land access agreement, once the ECC is granted

4. Insurance Requirement

Before any access or operations commence, the proponent must submit **proof of comprehensive insurance** to cover potential damage, including fire or accidental destruction, based on the **size and**

value of each affected farm. The policy value shall be reviewed and approved by the individual farm owner.

During the site assessment, no fire-related activities will be conducted. The team may be accompanied by a representative from the farm throughout the visit. All precautionary measures will be strictly observed, and the team will comply with all existing farm rules and regulations to ensure safety and respect for the property. This can only be applicable during exploration activities.

5. Water Usage and Assumptions

The BID contains flawed assumptions regarding water usage. According to SANS (South African National Standards), an individual requires **up to 200 (Two Hundred) litres of potable water per day**. Therefore, a team of 10 (Ten) workers will require approximately **60 (Sixty) m³ of potable water per month**.

Given the water scarcity and high extraction costs in our region:

- The proponent must **drill their own borehole**, on a site approved by the farm owner.
- All infrastructure and costs related to drilling, pumping, and maintaining the borehole must be borne by the proponent.
- **Market-related reimbursement** must be made to the landowner for **each cubic meter of water used**.
- Once operations cease, the borehole must remain **in working condition** for the benefit of the landowner.

This is well noted, This condition will be incorporated into the Land Access Agreement after the ECC is granted.

6. Fire Mitigation Plan

The WOF acknowledges the inclusion of a Fire Mitigation Plan and insists that all its provisions be implemented as a pre-condition to access. The Plan must specifically include:

- **Buffer zones:** At least 100 (One Hundred) meters of cleared land around mining/accommodation sites
- **Fire-fighting equipment:** A minimum of 2 (Two) pressure fire units (each 1,000 (One Thousand) litres capacity) and 1 (One) water reservoir (minimum 100,000 (One Hundred Thousand) litres per site)
- **Personnel training:** Fire wardens must be appointed and trained
- **Communication systems:** Emergency reporting mechanisms must be in place

The fire plan must be **reviewed and approved by WOF**, with implementation monitored by the relevant authorities.

This is well noted , This condition will be incorporated into the Land Access Agreement after the ECC is granted.

7. Safety, Security, and Geotechnical Measures

Access & Perimeter Control

- Access must be restricted to authorised personnel only, using secure gated points and ID systems.
- All site visits must be requested **in writing at least 7 (Seven) days in advance**, with the following details:
 - Number of persons
 - Names and identification of all attendees
 - Presence of a **senior staff member** from both the proponent and EDS is mandatory

Worker and Environmental Safety

- No blasting is permitted under any circumstances due to its **interference with hunting and tourism operations** on affected farms.
- Dust and noise levels must be **minimised** at all times to prevent disruption to livestock, guests, and ongoing trophy hunting ventures.

This is well noted , This condition will be incorporated into the Land Access Agreement after the ECC is granted.

8. Loss of Income Compensation

In the event that the proponent's operations result in a **provable loss of income**, the farm owner must be **fully compensated** based on **current market rates** for the affected enterprise (e.g., game farming, tourism, livestock, etc.).

This is well noted , This condition will be incorporated into the Land Access Agreement after the ECC is granted.

9. Certified Farms Compliance

Farms certified by organisations such as the **Forest Stewardship Council (FSC)** or other regulatory bodies must retain their certification integrity. The proponent must comply with **all certification requirements** of the respective farm they operate on.

This condition will be incorporated into the Land Access Agreement after the ECC is granted.

10. Disclosure of Proponent Details

Before any further engagements, the WOF requires a **detailed company profile** of the proponent, including:

- Full company history
- Shareholding structure
- List of similar past projects and associated outcomes
- **Audited financial statements for past 3 years**

Not sure if Damarad will be able to disclose their financial statements

Closing Remarks

These conditions are non-negotiable and are made to **safeguard the livelihoods, property, and long-term interests** of our members. They are based on past experience, regional environmental limitations, and legal precedents.