

IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA
HELD AT MAUN

MARIPE J

Case No: MAHMN -000075 -22

In the Urgent Interlocutory Application between

GCWIHABA RESOURCES (PTY) LTD

Applicant

And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

In re:

GCWIHABA RESOURCES (PTY) LTD

Applicant

And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

FILING NOTICE

FILED HEREWITH:

1. Certificate of urgency;
2. Notice of Motion;
3. Founding Affidavit and Annexures; and
4. Draft order.



DATED AT GABORONE ON THIS 15TH DAY OF SEPTEMBER 2023.

**IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA
HELD AT MAUN**

Case No: **MAHMN -000075 -22**

In the Urgent Interlocutory Application between

GCWIHABA RESOURCES (PTY) LTD

Applicant

And

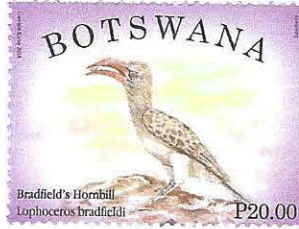
MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

In re:



GCWIHABA RESOURCES (PTY) LTD

Applicant

And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

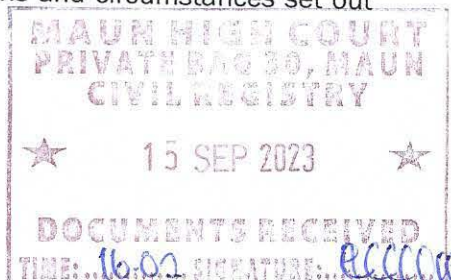
CERTIFICATE OF URGENCY

I the undersigned,

QUINTAN MADUWANE

Do hereby certify that:

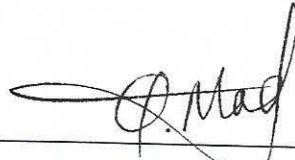
1. I am an attorney of the above Honourable Court, practicing as such with the law practice of Messrs Collins Chilisa Consultants, of Plot 4858, Lecha Close, Off Marakanelo Way, Extension 11, P.O. Box 45136, Gaborone.
2. I have read the Applicant's Founding Affidavit deposed to by **MOAGI NTUKUNUNU** in the above matter and I am satisfied for all the reasons and circumstances set out



therein that the matter is an urgent one necessitating dispensation with the Rules of this Honorable Court.

3. Without detracting from the generality of paragraph 2, above, having regard to the Founding Affidavit it is difficult to imagine a matter that is more deserving to be heard on an urgent basis.

DATED AT GABORONE THIS 15TH DAY OF SEPTEMBER 2023.

A handwritten signature in black ink, appearing to read 'Q. Maduwane', is written over a horizontal line.

QUINTAN MADUWANE

**IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA
HELD AT MAUN**



Case No: **MAHMN -000075 -22**

In the Urgent Interlocutory Application between

GCWIHABA RESOURCES (PTY) LTD

Applicant

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MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

In re:

GCWIHABA RESOURCES (PTY) LTD

Applicant

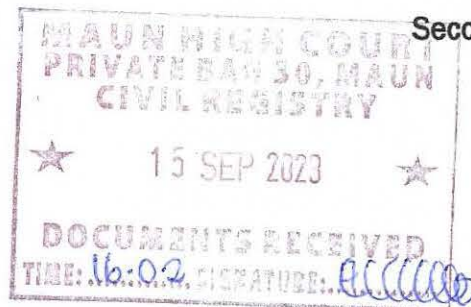
And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent



NOTICE OF MOTION

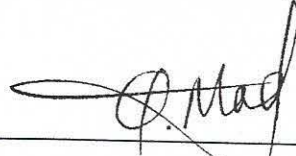
BE PLEASE TO TAKE NOTICE THAT the above-named Applicant will make an urgent interlocutory application to the above Honourable Court on _____ September 2023 for an order in the following terms:

1. Dispensing with Rules of this Honourable Court as to forms, service, time frame and in any other way necessary and permissible, and directing that this matter be heard as an urgent application;
2. Interdicting and restraining the First Respondent, through the Department of Mines or

therein that the matter is an urgent one necessitating dispensation with the Rules of this Honorable Court.

3. Without detracting from the generality of paragraph 2, above, having regard to the Founding Affidavit it is difficult to imagine a matter that is more deserving to be heard on an urgent basis.

DATED AT GABORONE THIS 15TH DAY OF SEPTEMBER 2023.

A handwritten signature in black ink, appearing to read 'Q. Maduwane', is written over a horizontal line.

QUINTAN MADUWANE

any other Department from receiving, considering or assessing the renewal applications in relation to Prospecting Licenses PL 021 – 024/2018 as will be submitted by the Applicant in due course pending the delivery of the Judgment in the Applicant's review application;

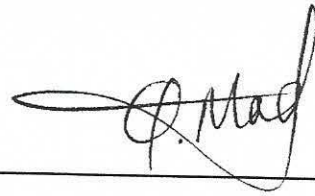
3. Interdicting and restraining the First Respondent from in anyway dealing with Prospecting Licenses PL 021– 024/2018 be it in relation to the Applicant or anybody else pending the delivery of the Judgment in the Applicant's review application;
4. Costs of the Application to be borne by the Respondents in the event of opposition;
and
5. Granting the Applicant further and/or alternative relief.

TAKE NOTICE THAT the affidavit of **MOAGI NTUKUNUNU** and annexures thereto, shall be used in support of this application and that the Applicant has appointed its undersigned attorneys and the said attorneys' address set out herein under as the address at which it will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER THAT if you intend opposing this application you are required:

- a) to notify the Applicant's attorneys in writing on or before **19 September 2023**; and
- b) within **7 days** of the service of this notice upon you, to file your answering affidavits, if any; and further that you are required to appoint in such notification an address within Botswana at which you will accept notice and service of all documents in these proceedings.

DATED AT GABORONE ON THIS 15TH DAY OF SEPTEMBER 2023.



COLLINS CHILISA CONSULTANTS

Applicant's Attorneys
Gaborone Chambers
Plot 4858, Lecha Close
Off Marakanelo Way
P O Box 45136
GABORONE

TO: **THE REGISTRAR**
High Court
MAUN

AND TO: **MINISTER OF MINERALS AND ENERGY**
First Respondent
Fairgrounds Office Park
GABORONE

AND TO: **ATTORNEY GENERAL**
Second Respondent
Government Enclave
GABORONE

IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA
HELD AT MAUN

Case No: MAHMN -000075 -22

In the Urgent Interlocutory Application between

GCWIHABA RESOURCES (PTY) LTD

Applicant

And

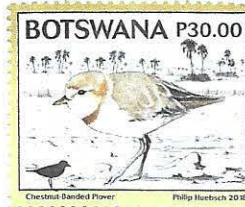
MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

In re:



GCWIHABA RESOURCES (PTY) LTD

Applicant

And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

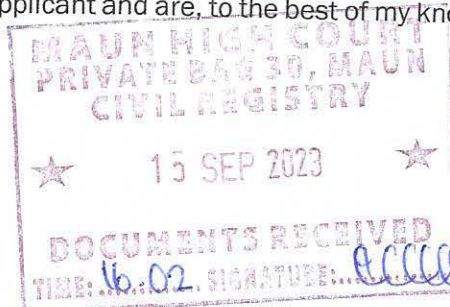
FOUNDING AFFIDAVIT

I, the undersigned,

MOAGI NTUKUNUNU

do hereby make oath and say that:-

- 1 I am an adult male of full legal capacity, employed as an Office Administrator of the Applicant, **GCWIHABA RESOURCES (PTY) LTD**, duly authorised to depose to this affidavit on behalf of the Applicant by virtue of the Board Resolution filed of record.
- 2 The facts contained in this affidavit therefore fall within my personal knowledge due to my position in the Applicant and are, to the best of my knowledge and belief, both true and correct.



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- 3 Where I make legal submissions, I do so on the advice of the Applicant's legal representatives. I verily believe that such advice is well-founded.

PARTIES TO THE APPLICATION

- 4 The Applicant is Gcwihaba Resources (Pty) Ltd, a company with limited liability, duly registered and incorporated in terms of the company laws of the Republic of Botswana, whose address for the purposes of the present proceedings is that of its attorneys of record Collins Chilisa Consultants.
- 5 The First Respondent is the Minister of Minerals and Energy who is duly appointed in terms of section 42 of the Constitution of Botswana, with capacity to sue and be sued, and whose address is Plot 50676, Block C, Fairgrounds Office Park, Gaborone.
- 6 The Second Respondent is the Attorney General of the Republic of Botswana, cited in his representative capacity on behalf of the Minister of Minerals and Energy in terms of Section 4 of the State Proceedings (Civil Action by or against Government or Public Officers) Act [CAP 10:01].

PURPOSE OF THE INTERLOCUTORY APPLICATION

- 7 The purpose of this Application is to seek to preserve the current status quo in relation to the Applicant's prospecting licenses PL 021 - 024/ 2018 pending the finalization of the main application, including the delivery of the Judgment.

FACTUAL BACKGROUND OF THE INTERLOCUTORY APPLICATION

- 8 By Notice of Motion brought under the rubric of Order 61 of the Rules of this Court dated and filed with this Honourable Court on 31 October 2022, the Applicant called upon the Respondents to show cause why their failure to renew its prospecting license PL 020/2018 should not be declared to be illegal, unreasonable, irrational and arbitrary. In other words, the Applicant sought a judicial review of the Respondents' failure to renew its prospecting license PL 020/2018.
- 9 In the above application, the Applicant sought the following relief as captured by paragraph 4 of the notice of motion:

“Calling upon the Respondents to show cause why the First Respondent should not be directed to following renewal, align the effective dates or contiguous licenses PL 021-026/2018.”

- 10 The above sought relief was motivated by the fact that in 2008 when the Applicant first applied for PL 020/2018 which at the time was issued as PL 386/2008, it at the same time in respect of adjacent area received licences PL 021- 026/2018 which at the time were issued as PL 387- 392/2008.
- 11 The effect of the above is that the seven (7) licenses were contiguous licenses meaning that they are by their nature intended to run together simultaneously as they form one project i.e. the prospecting program and plan in relation to one license is tied to the other licenses. In this regard, when the Respondents failed to renew PL 020/2018, the Applicant’s prospecting plan and programme in relation to PL 021-026/2018 was crippled and as a matter of fact, the project could no longer proceed.
- 12 Following their failure to renew PL 020/2018 (full argument has already been made in the main) the Respondents proceeded to renew PL 021- 024/ 2018 with effect from 01 January 2022 for a period of 2 years ending on 31 December 2023. Copies of these licenses are attached hereto and marked **“IFA 1- IFA4”**.
- 13 In terms of the Mines and Minerals Act, with the above licenses due to expire on 31 December 2023, a renewal application for same ought to be brought three (3) months before such expiry, meaning that the Applicant as at 30 September 2023 must make such a renewal application.
- 14 The disadvantage however, is that, the Judgment in the main was due to be delivered on 01 August 2023 as per the Court order dated 18 April 2023, however to date the said Judgment is yet to be delivered and the parties are yet to be advised of the date of such delivery. A copy of such Court order is attached hereto and marked **“IFA 5”**.
- 15 The Applicant fears that the Judgment may possibly be delivered post 30 September 2023 and should this be the case, the Respondent’s would then have the opportunity to consider the renewal application and make decisions in respect

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of same yet there is pending *lis*, relief of which has a direct impact on the aforementioned licenses.

- 16 It must be noted that on 30 March 2023, the First Respondent, through the Department of Mines, prepared a due diligence report for RSM Botswana and from this said report, the status of the Applicant's license were shared. A copy of this report is annexed hereto and marked "IFA 6".
- 17 It will be seen from **IFAG** that with respect to geological work and reporting requirements, each of the licenses are described as in good standing in relation to submission of reports only, however minimal work has been done and expenditure incurred as against the submitted work programme and expenditure.
- 18 The above conclusion is a true reflection, however the cause of same is the Respondents' failure to renew PL 020/2018 which then impacted on the prospecting plan and program as already explained above. With the above in mind, a true fear exists on the Applicant's part to the effect that, should the status quo not be preserved, the Respondents would endeavour to not renew the said licenses on the basis that there has been minimal work and expenditure done, contrary to the submitted work programme and expenditure.

URGENCY

- 19 I am advised by the Applicant's Attorneys that an Applicant who alleges urgency must show the existence of exceptional circumstance(s) which justify the matter being heard on an urgent basis. I am further advised that the Applicant ought to demonstrate that it would not have any substantial redress should the matter be heard under the normal cause.
- 20 In my respectful view, the urgency in this matter is apparent on its fact in that there is a statutory requirement which obliges the Applicant to submit its renewal application on or before 30 September 2023. Once submitted, the Respondents would then be at liberty to consider same and perhaps render a decision. Ordinarily there wouldn't be an issue with this, however, the issue stems from the fact that there is a pending judgment in terms of which the Applicant seeks relief in relation to licenses PL 021 - 024/ 2018. It is therefore not desirable for the Applicant to be submitting renewal applications, which stand to be considered, while the

Applicant's right to be heard in a court of law has not in essence been fulfilled. In this regard, it is desirable that the status quo be preserved to avoid any further prejudice being visited on the Applicant.

- 21 The Applicant must therefore move with due speed, on urgency to move this Court to preserve the current status quo. Should this be done in terms of the normal times lines of court, a decision may be rendered after the expiry of 30 September 2023. It therefore follows that an application brought in due course seeking the same relief as the instant would be an exercise in futility.
- 22 It is necessary to highlight that the Applicant did not bring this Application sooner because it was rendering under the belief that by 30 September 2023, judgment in the main would have long since been delivered, bearing in mind that the judgment was to be delivered on 01 August 2023, or soon thereafter.

INTERDICT

- 23 I am advised by the Applicant's attorneys that in order to obtain an interim interdict, the Applicant has to demonstrate that it has a *prima facie* right; demonstrate a well- grounded apprehension of irreparable harm; demonstrate that the balance of convenience is in its favour and that there is no other satisfactory remedy.

Prima Facie right

- 24 As already stated above, the Applicant has filed a motion with this Honourable Court and therein relief is sought with respect to its prospecting licenses PL 021-024/2018. Judgment in this said motion is yet to be rendered and it is in this fact that the Applicant's *prima facie* right is to be found.
- 25 I am advised by the Applicant's attorneys that the Applicant has a constitutional right to a fair hearing in a civil court and further, a right to have a decision of the court delivered in respect of its motion.
- 26 Pending the fulfilment of the above right, it is undesirable and perhaps prejudicial to have and or continue dealing, beyond the court, with the subject matter of the judgment.

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27 The Applicant therefore seeks to protect its right to be heard, and further the right to have a judgment delivered before any further step can be taken in respect of prospecting licenses PL 021- 024/2018.

Apprehension of harm

28 As already demonstrated in the main application, the Applicant has suffered financial harm from the non-renewal of its prospecting license PL 020/ 2018 and the result thereof is that it has lost investors and investor confidence with respect to the project. Said confidence remains absent pending the delivery of the Judgment in the main proceedings and this is worsened by the fact that the other license PL 021 - 024/ 2018 remain unprotected pending the Judgment.

29 From **IFA6**, it is clear that the Respondent's position is that with respect to geological work and reporting requirements, each of the licenses are described as in good standing in relation to submission of reports only, however minimal work has been done and expenditure incurred as against the submitted work programme and expenditure.

30 The above view invokes a true fear in the Applicant to the effect that should the renewal process set underway, the Respondents would endeavour to not renew the said licenses on the basis that there has been minimal work and expenditure done, contrary to the submitted work programme and expenditure.

31 Although the Applicant can always challenge that non- renewal, the true fear is in the financial and business injury that would be caused to the Applicant. This is to say, the Applicant will definitely lose all its investors by reason of this possible none renewal.

32 The above fear is further cemented by the Respondents' blatant disregard of the law as is evident from the pleadings in the main. It remains open for the Respondents to blatantly disregard the law and deprive the Applicant of its prospecting licenses PL 021 - 024, pending delivery of the judgment.

Balance of Convenience

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33 The balance of convenience favours the Applicant in that it is the Applicant who stands to suffer greater prejudice should the status quo not be preserved were as the Respondents suffer no prejudice in the preservation of the status quo.

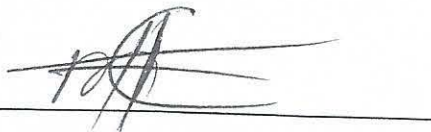
Other satisfactory remedy

34 I am advised that the other remedy herein must be adequate in the circumstances; be ordinary and reasonable; be a legal remedy; and grant similar protection as the relief sought.

35 In this cause, there is no other alternative remedy to protecting the Applicant's rights pending the delivery of the judgment, the only available route is the one being pursued by this application.


CONCLUSION

36 On the basis of the foregoing, I therefore pray for an order in terms of the draft order filed of record.



MOAGI NTUKUNUNU

THUS SWORN TO AND SIGNED BEFORE ME AT MAUN ON THIS 15TH DAY OF SEPTEMBER 2023, AT 11:08 HOURS, THE DEPONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT AND HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH WHICH HE CONSIDERS BINDING ON HIS CONSCIENCE



COMMISSIONER OF OATHS

Rank SUB INSPECTOR

MAN

Station MAAM AIRPORT

Full Names KARSHAGBE D. MOHAMMAD

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"IFA 1"



REPUBLIC OF BOTSWANA

PROSPECTING LICENCE



in favour of

Gcwihaba Resources Pty Ltd

PROSPECTING LICENCE NO. 021/2018



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Form II - First Renewal

Prospecting Licence No. 021/2018

Issued in terms of section 16 of the Mines and Minerals Act.

WHEREAS Gcwihaba Resources Pty Ltd a company incorporated under the laws of Republic of Botswana (hereinafter referred to as the Holder) has made application for the right to prospect for Metals on land to which the Republic of Botswana holds mineral rights:

AND WHEREAS provision is made under section 14 of the Act for the conferring of such rights by means of a prospecting licence:

NOW THEREFORE the Minister hereby grants to the holder the exclusive right to prospect for Metals in the licence area for a period of 2 years commencing on 01 January 2022 and ending on 31 December 2023.

- 1. The Licence area shall be the area shown on the map annexed hereto in extent Five Hundred and Seventy Two Point Five Square Kilometers (572.5 km²), located in North West district(s) and more fully described in Annexure I hereto; and as reduced from time to time in accordance with the provisions of the Act.
2. In accordance with the provision of section 70 of the Act, the holder shall, simultaneously with issuance of this licence, and thereafter on each anniversary thereof, pay to the Government at the Office of the Director of Mines, an annual charge equal to Five Pula (P5.00) multiplied by the number of square kilometers in the Licence area subject to a minimum annual charge of One Thousand Pula (P1000.00).
3. The holder shall incur the minimum annual expenditures and shall expeditiously carry out the programme of prospecting operations set out in Annexure II.

GIVEN under my hand at GABORONE this 30th day of November in the year 2021.

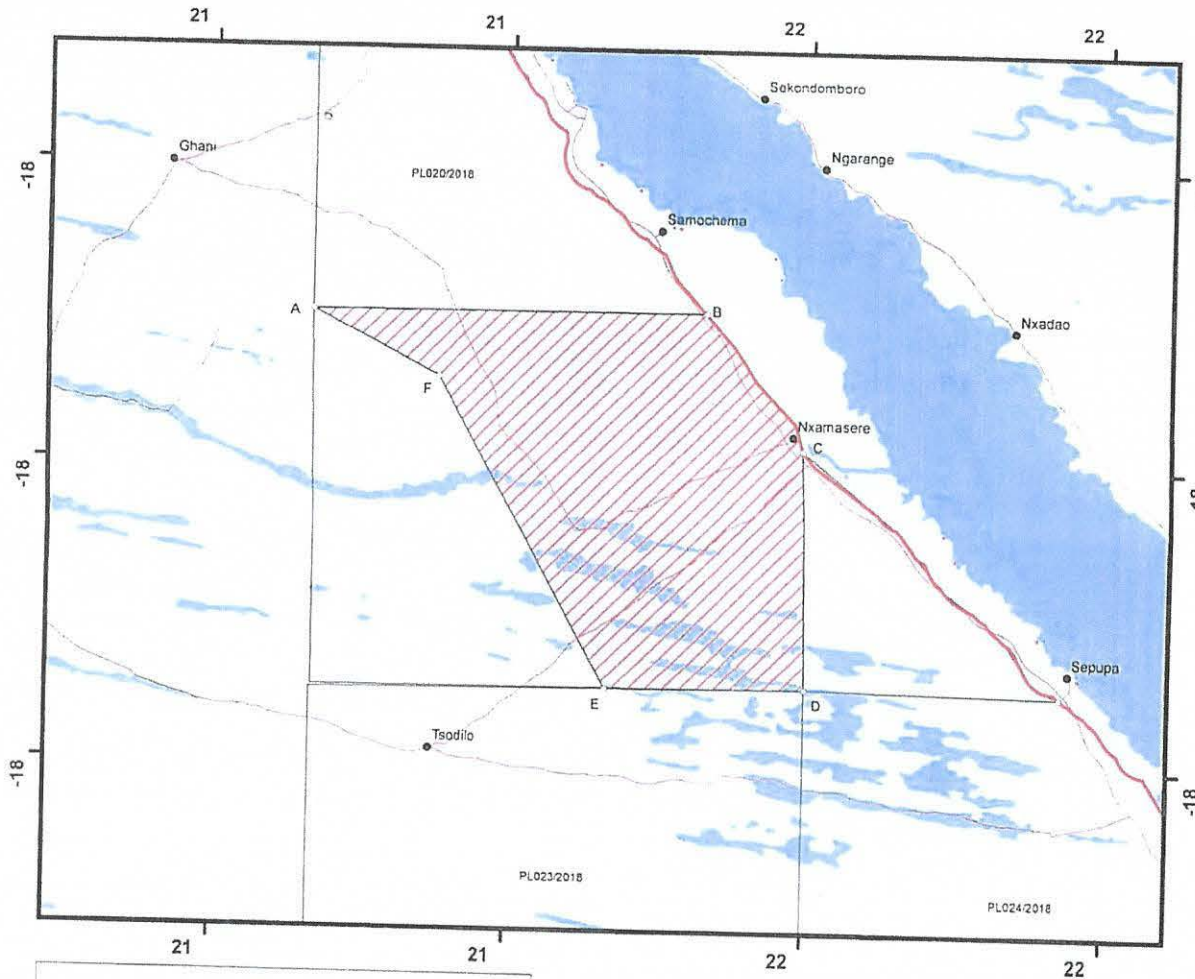
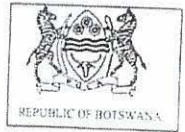


Minister
Ministry of Mineral Resources, Green Technology and Energy Security

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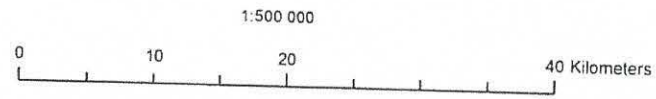
Annexure 1

GCWIHABA RESOURCES (PTY) LIMITED
Prospecting Licence No.021/2018



Legend

- Okavango_Delta_Buffer_Boundary
- Licence Area
- Settlements
- Other Licences
- Road
- Water Body



The licence area is five hundred and seventy two point five square kilometers (572.5 Km²) defined by boundary lines in the North West District, which shall be straight unless otherwise stated, joining successive points at the following coordinates.

Coordinate System: GCS WGS 1984
Datum: WGS 1984
Units: Degree

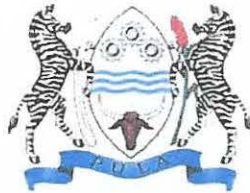
Point	Long	Lat
A	21,666770	-18,498616
B	21,930187	-18,497764
point 'B' runs along the reserved area to point 'C'		
C	21,996528	-18,588378
D	21,999980	-18,747670
E	21,866018	-18,748682
F	21,751084	-18,542193

Total Area =572.5Km²



Drawn on the 20/10/2021
By Micah Manthe
Checked By K. Ogaketse...
Department of Mines


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REPUBLIC OF BOTSWANA

ANNEXURE II

Prospecting Licence No. 021/2021

Programme of Prospecting Operations	Proposed Minimum Expenditure
<p><u>Year 1</u></p> <ol style="list-style-type: none">i. Analysis of flown airborne magnetic, electromagnetic, radiometric and gravity surveys.ii. Continued upgrading of ground magnetic surveys and building of geophysical and geological models for the exact extend and stratigraphy of the Zambian Copper Belt rocks over the licence.iii. Geological interpretation in 2D and 3D using Gocad and Geosoft software.iv. Petrographic analyses of the existing drill cores.v. Further assaying of existing drill cores using a variety of techniques (AAS, ICP, XRF and ME).vi. Detailed ground magnetic survey over selected targets.vii. Extension and completion of the tie lines of the airborne gravity survey.viii. ICP multi-element geochemical analysis of 220 drill holes targeting metal anomalism in the Kalahari cover and litho-geochemistry of bedrock.ix. Analysis of sulphide-rich mineral intersections from drilled boreholes by ICP-MS and ICP-AES.x. Sampling of water from FQM and Tsodilo Resources boreholes for hydro geochemical analysis, by multi-element ICP-MS and Cu-isotope analysis, -300 samples.xi. Complete a preliminary economic assessment (PEA) of the Xaudum Iron Formation in collaboration with a reputable resource assessment company.xii. A second NI 43-101 Mineral Resource Estimation and definition for Block 2a within the Xaudum Iron Formation (XIF) to expand the resource model beyond the initial block 1 resource report.	<p>One Million Pula (BWP 1,000, 000.00)</p> <p style="text-align: center;"></p>



REPUBLIC OF BOTSWANA

Year 2

- i. Assaying of drill core samples using atleast XRF analysis.
- ii. Detailed metallurgical test work conducted including DTR analysis and magnetic susceptibility measurements taken for percent magnetite information.
- iii. Pre-feasibility studies into iron ore mining start-up options and beneficiation within Botswana.
- iv. Hydrological investigations and geotechnical investigations and lab tests.
- v. Continuation of 1st year Cu, Co, Au, Ni and REE exploration work.
- vi. Diamond core drilling of priority targets.
- vii. Petrographic analyses of drill cores.
- viii. Assaying of drill cores using a variety of techniques (AAS, ICP, XRF and ME).
- ix. Drilling of 31 holes targeting high grade magnetite material.
- x. Assaying of drill cores using XRF analysis.
- xi. Geological modelling of the deposit.
- xii. A third NI 43-101 MRE report and resource statement for Block 2b.
- xiii. Detailed metallurgical test work conducted including DTR analysis, magnetic susceptibility measurements, milling and liberation test work, low intensity magnetic separation test work, high intensity magnetic separation test work, particle size determinations, and chemical analysis of separation concentrates.
- xiv. Outline diamond core drilling of targets that have been identified as having the potential for an inferred resource.
- xv. Petrographic analyses of drill cores.
- xvi. Assaying of drill cores using a variety of techniques (AAS, ICP, XRF and ME).
- xvii. Based on analytical results prioritize the targets for further detailed geophysical and drilling program to prepare for a NI 43-101 Mineral Resources Report.

One Million Pula
(BWP 1, 000, 000.00)



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"IFA2"



REPUBLIC OF BOTSWANA

PROSPECTING LICENCE

in favour of

Gcwihaba Resources Pty Ltd

PROSPECTING LICENCE NO. 022/2018



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REPUBLIC OF BOTSWANA

Form II - First Renewal

Prospecting Licence No. 022/2018

Issued in terms of section 16 of the Mines and Minerals Act.

WHEREAS Gcwihaba Resources Pty Ltd a company incorporated under the laws of Republic of Botswana (hereinafter referred to as the Holder) has made application for the right to prospect for Metals on land to which the Republic of Botswana holds mineral rights:

AND WHEREAS provision is made under section 14 of the Act for the conferring of such rights by means of a prospecting licence:

NOW THEREFORE the Minister hereby grants to the holder the exclusive right to prospect for Metals in the licence area for a period of 2 years commencing on 01 January 2022 and ending on 31 December 2023.

1. The Licence area shall be the area shown on the map annexed hereto in extent One Hundred and Sixty Point Four Square Kilometers (160.4 km²), located in North West district(s) and more fully described in Annexure I hereto; and as reduced from time to time in accordance with the provisions of the Act.
2. In accordance with the provision of section 70 of the Act, the holder shall, simultaneously with issuance of this licence, and thereafter on each anniversary thereof, pay to the Government at the Office of the Director of Mines, an annual charge equal to Five Pula (P5.00) multiplied by the number of square kilometers in the Licence area subject to a minimum annual charge of One Thousand Pula (P1000.00).
3. The holder shall incur the minimum annual expenditures and shall expeditiously carry out the programme of prospecting operations set out in Annexure II.

GIVEN under my hand at GABORONE this 30th day of NOVEMBER in the year 2021.

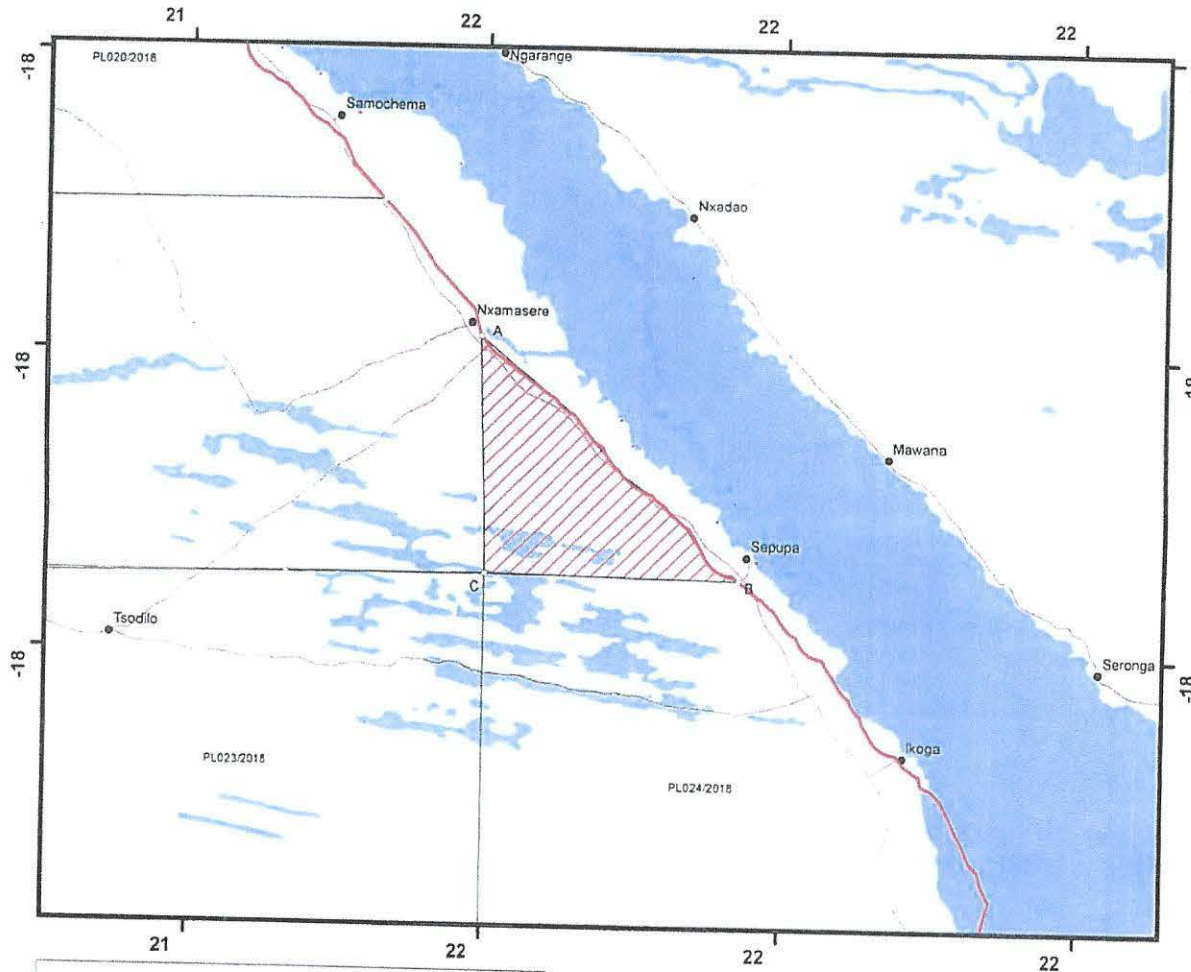


Minister
Ministry of Mineral Resources, Green
Technology and Energy Security

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Annexure 1

GCWIHABA RESOURCES (PTY) LIMITED
Prospecting Licence No.022/2018



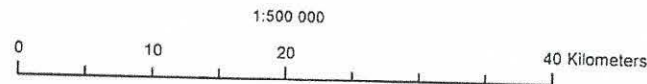
The licence area is one hundred and sixty point four square kilometers (160.4 Km²) defined by boundary lines in the North West District, which shall be straight unless otherwise stated, joining successive points at the following coordinates.

Coordinate System: GCS WGS 1984
Datum: WGS 1984
Units: Degree

Point	Long	Lat
A	21,996528	-18,588378
point 'A' runs along the reserved area to point 'B'		
B	22,170295	-18,750824
C	21,999980	-18,747670

Total Area =160.4 Km²

- Legend**
- Settlements
 - Road
 - ▭ Okavango_Delta_Buffer_Boundary
 - ▨ Licence Area
 - ▭ Other Licences
 - ▭ Water Body



Drawn on the 20/10/2021
By Micah Manthe. *[Signature]*
Checked By K. Ogaketse. *[Signature]*
Department of Mines



REPUBLIC OF BOTSWANA

Year 2

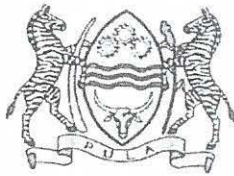
- i. Assaying of drill core samples using atleast XRF analysis.
- ii. Detailed metallurgical test work conducted including DTR analysis and magnetic susceptibility measurements taken for percent magnetite information.
- iii. Pre-feasibility studies into iron ore mining start-up options and beneficiation within Botswana.
- iv. Hydrological investigations and geotechnical investigations and lab tests.
- v. Continuation of 1st year Cu, Co, Au, Ni and REE exploration work.
- vi. Diamond core drilling of priority targets.
- vii. Petrographic analyses of drill cores.
- viii. Assaying of drill cores using a variety of techniques (AAS, ICP, XRF and ME).
- ix. Assaying of drill cores using XRF analysis.
- x. Geological modelling of the deposit.
- xi. A third NI 43-101 MRE report and resource statement for Block 2b.
- xii. Detailed metallurgical test work conducted including DTR analysis, magnetic susceptibility measurements, milling and liberation test work, low intensity magnetic separation test work, high intensity magnetic separation test work, particle size determinations, ad chemical analysis of separation concentrates.
- xiii. Outline diamond core drilling of targets that have been identified as having the potential for an inferred resource.
- xiv. Petrographic analyses of drill cores.
- xv. Assaying of drill cores using a variety of techniques (AAS, ICP, XRF and ME).
- xvi. Based on analytical results prioritize the targets for further detailed geophysical and drilling program to prepare for a NI 43-101 Mineral Resources Report.

One Million Pula
(BWP 1, 000, 000.00)



Handwritten initials/signature in the bottom right corner.

"IFAS"



IN THE HIGH COURT OF BOTSWANA HELD AT MAUN

MAHMN-000075-22

In the matter between:

GQWIHABA RESOURCES (PTY) LTD

APPLICANT

And

MINISTER OF MINERAL AND ENERGY
ATTORNEY GENERAL

1ST RESPONDENT
2ND RESPONDENT

ORDER

Before the Honourable Mr Justice Maripe B. at MAUN on this 18th day of April 2023.

UPON HEARING: Attorney Mr Madiwane Q. for the Applicant and Attorney Mr Begane G. I. for the Respondents and having read the documents filed of record.

IT IS ORDERED THAT:

Judgment is reserved to be delivered on the 1st August 2023 at 0900 hours or some such date as the parties may be notified.

BY ORDER OF THE COURT

REGISTRAR OF THE HIGH COURT



MA
MK

"IFA4"



REPUBLIC OF BOTSWANA

PROSPECTING LICENCE

in favour of

Gcwihaba Resources Pty Ltd

PROSPECTING LICENCE NO. 024/2018



MD
K



REPUBLIC OF BOTSWANA

Form II - First Renewal

Prospecting Licence No. 024/2018

Issued in terms of section 16 of the Mines and Minerals Act.

WHEREAS Gcwihaba Resources Pty Ltd a company incorporated under the laws of Republic of Botswana (hereinafter referred to as the Holder) has made application for the right to prospect for Metals on land to which the Republic of Botswana holds mineral rights:

AND WHEREAS provision is made under section 14 of the Act for the conferring of such rights by means of a prospecting licence:

NOW THEREFORE the Minister hereby grants to the holder the exclusive right to prospect for Metals in the licence area for a period of 2 years commencing on 01 January 2022 and ending on 31 December 2023.

1. The Licence area shall be the area shown on the map annexed hereto in extent **Seven Hundred and Eighty One Point Seven Square Kilometers (781.7 km²)**, located in **North West** district(s) and more fully described in Annexure I hereto; and as reduced from time to time in accordance with the provisions of the Act.
2. In accordance with the provision of section 70 of the Act, the holder shall, simultaneously with issuance of this licence, and thereafter on each anniversary thereof, pay to the Government at the Office of the Director of Mines, an annual charge equal to **Five Pula (P5.00)** multiplied by the number of square kilometers in the Licence area subject to a minimum annual charge of **One Thousand Pula (P1000.00)**.
3. The holder shall incur the minimum annual expenditures and shall expeditiously carry out the programme of prospecting operations set out in Annexure II.

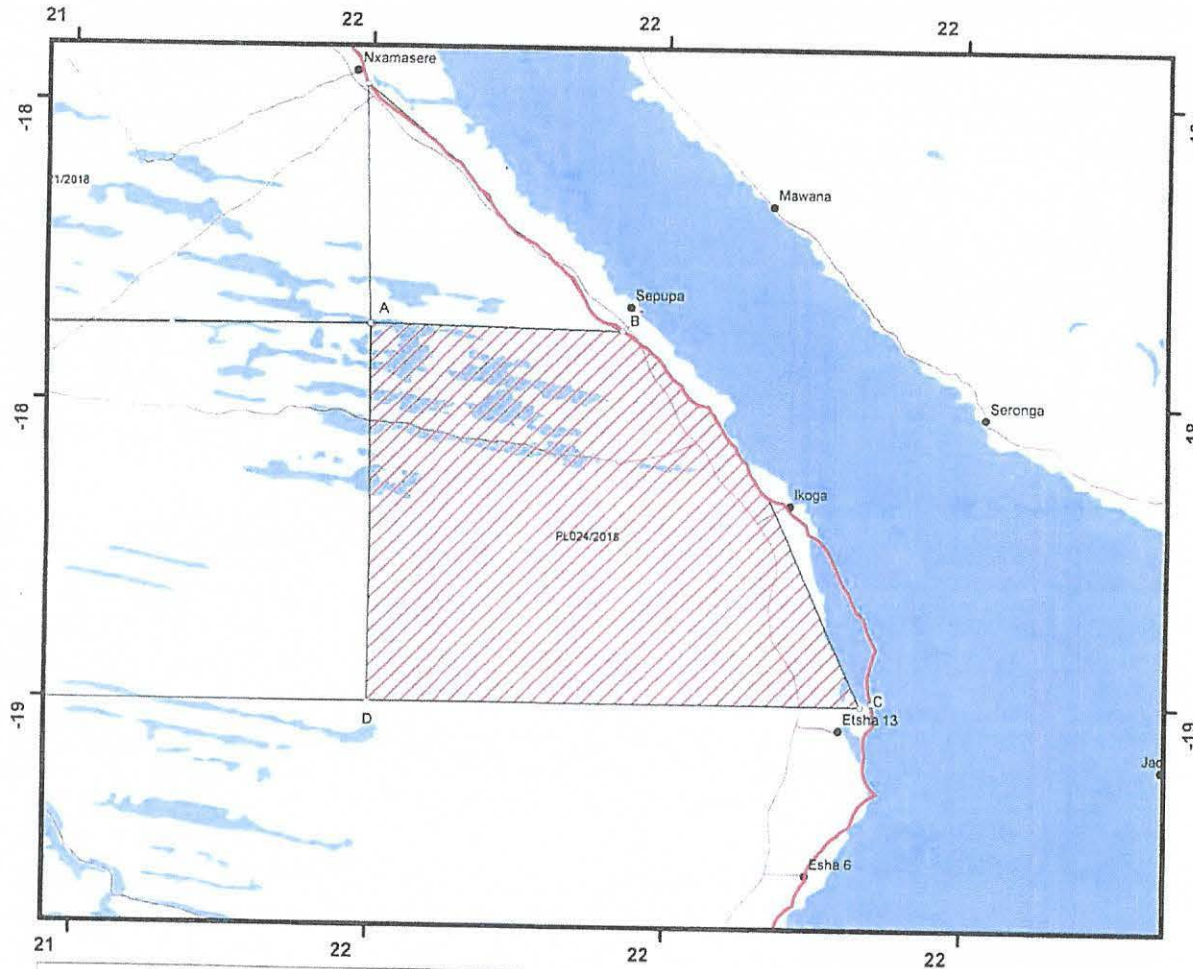
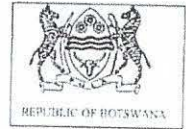
GIVEN under my hand at GABORONE this ^{30th} day of ~~November~~ in the year 2021.



.....
Minister
Ministry of Mineral Resources, Green
Technology and Energy Security

Annexure 1

GCWIHABA RESOURCES (PTY) LIMITED
Prospecting Licence No.024/2018



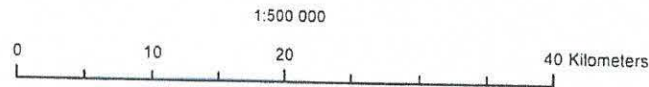
The licence area is seven hundred and eighty one point seven square kilometers (781.7 Km²) defined by boundary lines in the North West District, which shall be straight unless otherwise stated, joining successive points at the following coordinates.

Coordinate System: GCS WGS 1984
Datum: WGS 1984
Units: Degree

Point	Long	Lat
A	21,999980	-18,747670
B	22,170295	-18,750824
C	22,332693	-19,000943
D	21,999730	-19,001060

Legend

- Settlements
- Road
- ▨ Okavango_Delta_Buffer_Boundary
- ▨ Licence Area
- ▨ Other Licences
- Water Body

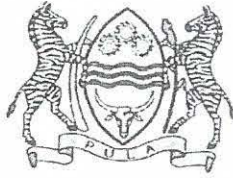


Total Area = 781.7 Km²



Drawn on the 20/10/2021
By Micah Manthe *[Signature]*
Checked By K. Ogaketse *[Signature]*
Department of Mines

"IFAS"



IN THE HIGH COURT OF BOTSWANA HELD AT MAUN

MAHMN-000075-22

In the matter between:

GQWIHABA RESOURCES (PTY) LTD

APPLICANT

And

MINISTER OF MINERAL AND ENERGY
ATTORNEY GENERAL

1ST RESPONDENT
2ND RESPONDENT

ORDER

Before the Honourable Mr Justice Maripe B. at MAUN on this 18th day of April 2023.

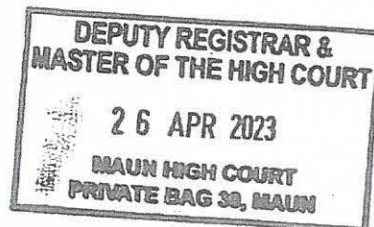
UPON HEARING: Attorney Mr Madiwane Q. for the Applicant and Attorney Mr Begane G. I. for the Respondents and having read the documents filed of record.

IT IS ORDERED THAT:

Judgment is reserved to be delivered on the 1st August 2023 at 0900 hours or some such date as the parties may be notified.

BY ORDER OF THE COURT

REGISTRAR OF THE HIGH COURT



"IFA6"

Telephone: (267) 365 7000
Fax No: (267) 395 2141
Telegraphic Address:
Mines Gaborone



Department of Mines
Private Bag 0049
Gaborone
Botswana

REPUBLIC OF BOTSWANA

All correspondence to be addressed to the Director

Reference: CP 215 XV (9)

30th March, 2023

Prosper Muonde
RSM Botswana
P. O. Box 1816
Gaborone, Botswana

By E-MAIL: Muonde@rsm.co.bw

Dear Prosper Muonde,

**RE: DUE DILIGENCE REPORT FOR GCWIHABA RESOURCES (PTY) LTD
FOR PROSPECTING LICENCE 020-024/2018**

1. Reference to the above subject matter.
2. Gcwihaba Resources (Pty) Ltd ("Gcwihaba") is the current holders of prospecting licences ("PLs") 021-024/2018 and the status of these PL is shown in **Table 1.0** below.

Table 1.0. Status of Licences nos. 021-024/2018 as at 31 December 2022.

Prospecting Licence No.	Annual Lease Rentals	Geological Work and Reporting Requirements
PL 021/2018	In good standing	In good standing in terms of report submission only, with minimal geological work done and expenditure incurred against submitted work programme and expenditure
PL022/2018	In good standing	In good standing in terms of report submission only, with minimal geological work done and expenditure incurred against submitted work programme and expenditure
PL023/2018	In good standing	In good standing in terms of report submission only, with minimal geological work done and expenditure incurred against submitted work programme and expenditure
PL024/2018	In good standing	In good standing in terms of quarterly report submission only, with minimal geological work done and expenditure incurred against submitted work programme and expenditure

W

IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA
HELD AT MAUN



Case No: MAHMN -000075 -22

In the Urgent Interlocutory Application between

GCWIHABA RESOURCES (PTY) LTD

Applicant

And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

In re:

GCWIHABA RESOURCES (PTY) LTD



Applicant

And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

DRAFT ORDER

BEFORE THE HONOURABLE JUSTICE MARIPE at MAUN on this _____ day of _____ 2023.

UPON HEARING:

Mr. Maduwane Q for the Applicant;

Mr/ Ms _____ for the Respondents

and having read the documents filed of record.

IT IS HEREBY ORDERED THAT:

MN LC

1. The rules of this Honourable Court as to forms, service, time frame and in any other way necessary and permissible are hereby dispensed with, and this matter shall be heard as an urgent application;
2. The First Respondent is hereby interdicted and restrained, through the Department of Mines or any other Department from receiving, considering or assessing the renewal applications in relation to Prospecting Licenses PL 021 – 024/2018 as will be submitted by the Applicant in due course pending the delivery of the Judgment in the Applicant's review application;
3. The First Respondent is hereby interdicted and restrained from in anyway dealing with Prospecting Licenses PL 021- 024/2018 be it in relation to the Applicant or anybody else pending the delivery of the Judgment in the Applicant's review application; and
4. The Respondents shall bear the costs of this Application.

BY ORDER OF COURT