



To
Christopher Cooter
The High Commissioner of South Africa,
1103 Arcadia Street, Hatfield,
Pretoria, 0083, South Africa

cc:
Mary Ng
Minister of International Trade, Export Promotion,
Small Business and Economic Development
House of Commons
Ottawa, Ontario

From
Economic & Social Justice Trust of Namibia
84 Theo Ben Gurirab Street
Windhoek, Namibia

Co-signed by:

Max Muyemburuko,

Thomas Muronga,

Jonas Kalenga,

Reinhold Mangundu.

Key Points and Takeaways

- *ReconAfrica contravened fundamental human rights in Namibia. Even though evidence of this was widely published, Canadian officials denied it in internal emails and continued to assist the company.*
- *Members of the Namibian police detained conservancy leader Max Muyemburuko and human rights activists, allegedly at the request of ReconAfrica, in 2022.*
- *The Canadian company is surveilling Namibians and Canadians who oppose the project. The company has shown it has access to private messages of conservancy leaders and activists.*
- *The company deprives Namibians of their right to information by using their influence to prevent damaging stories from being published and has repeatedly placed their content in local media disguised as 'news'.*
- *ReconAfrica has denied two separate Namibian ministries access to the drill sites during the course of their duties.*
- *ReconAfrica threatens journalists, labour inspectors and media houses with frivolous litigation. ReconAfrica partners are forcing conservancies and community forest organisations to pay their legal costs.*
- *Canada lacks a mechanism to hold companies like ReconAfrica accountable, and the actions of the Trade Ministry illustrate that the office lacks the expertise and objectivity required to be responsible for human rights violations.*
- *Despite literally dozens of public statements, investor presentations, promotional videos and research reports that clearly state ReconAfrica's target was natural gas that would require fracking, credulous Canadian officials claimed that it was 'proven' the company would not frack. The company's presentations continue to declare they are targeting natural gas and leave the door open to fracking.*

Summary

Recon Africa is a Canadian junior oil company exploring for oil and gas in northern Namibia. ReconAfrica faces investigations and lawsuits in numerous countries and has been condemned worldwide.

The Economic and Social Justice Trust is a Namibian Civil Society organisation formed in 2012. The key aims of the Trust are to enhance and promote the social and economic rights of Namibians.

A Freedom of Information Act Request # A-2021-00849 asked for:

"Any emails, written meeting notes, memos/briefing notes, or other records held by GAC Sub-Saharan Africa Branch that relate to interactions with the company "Reconnaissance Energy Africa Ltd" ... or that reference this company's registered lobbyist Mr. Will Adams. Limit records to solely those from September and October 2021..."

There was clear evidence of human rights infringements, stock fraud and lawbreaking, in the public domain by September 2021. GlobalAffairs' emails indicate that they were poorly informed, despite having made multiple trips to the region.

The ESJT has highlighted statements in the emails made by GlobalAffairs and Canada's Trade Services that clarify the disconnect between Canadian officials and the reality of affected communities. We show that while ReconAfrica was acting like a colonial power in the Kavango Region of Namibia, they were receiving trade services from Canadian officials, even meeting Ambassador Bob Rae.

Trade officials ignored reports of the dispossession of the Mawano and the Kalenga families whose land, respectively, was taken from them. This impunity led to further repression of communities and activists in the licence area.

The ESJT regard the mechanisms offered by Canada to address human rights abuses by their companies as insufficient. They offer us 'dialogue' when we need documents and testimony under oath. Canada offers no remedy whatsoever to those who have had their rights transgressed by ReconAfrica.

We are grateful to the individual or organisation who made this FOIA request, their identity is not known to us at this time.

Namibia

Namibia's constitution, specifically Article 95, mandates 'maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilisation of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future¹.'

Namibia is recognized for having a vibrant, free and independent press². Reporters Without Borders (RSF) says 'Freedom of the press is firmly anchored in Namibia' and their 'World Press Freedom Index' ranked Namibia as 18th in the world. Canada is 19th.

ReconAfrica systematically undermines that free press by influencing and subverting the Namibian media to make Recon's advertising content appear as news. The company sent a letter to The Namibian newspaper threatening to sue for frivolous reasons which was clearly designed to discourage independent journalism³.

Namibian laws are only as good as their enforcement and ReconAfrica systematically undermined laws and disempowered citizens. During a visit from company founder Steinke, Namibia's president warned opponents of ReconAfrica that they 'talk too much'⁴.

¹ <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

² <https://rsf.org/en/country/namibia>

³ <https://www.namibian.com.na/208788/archive-read/Canadian-oil-driller->

⁴ <https://www.namibian.com.na/214020/archive-read/We-talk-too-much-%E2%80%93-Geingob>

High level support from Namibian politicians came after ReconAfrica hired connected Namibian dealmaker Knowledge Katti whose known expertise is acting as a well-compensated conduit between high-level Namibian politicians, including the president.⁵

Katti has had a multitude of bribery allegations levied against him and boasts about his ability to ‘work the magic’ with Namibian Ministers. He is frequently cited as working with Canadian companies⁷

The Kavango Resistance

Despite the odds against them, the real, and the only, heroes of this story are conservancy and community leaders like Thomas Muronga and Max Muyemburuko or the Kalenga family who stood up to a billion dollar company. Those on the ground have expressed that they feared for their safety for speaking out against the company.

ReconAfrica tried everything to silence them. The Canadian company spied on their communications, had police illegally detain them, refused them access to public meetings and tried to buy them off. None of it worked.

In this remote region where phone service is unreliable and the internet is non-existent, and facing an opponent who doesn’t play by the rules, their resistance is courageous.

Canada

The Canadian government ‘expects and encourages’ Canadian companies operating overseas to act in accordance with ‘responsible business conduct’ guidelines⁸. Yet on this continent, Canadian companies, such as

⁵ <https://www.namibian.com.na/145479/archive-read/Presidential-friendship-in-denial>

⁶ <https://neweralive.na/posts/katti-buys-kombat-town>

⁷ <https://www.namibian.com.na/168262/archive-read/Katti&39s-&39magic&39-leaked>

⁸ <https://www.international.gc.ca/trade-commerce/rbc-cre/strategy-2022-strategie.aspx?lang=eng>

Barrick Gold in Tanzania⁹ and Nevsun in Eritrea, are the most egregious offenders of human rights.

Jay Park, Recon founder, has already been involved in a significant number of scandals in Africa¹⁰ but was never held to account. Jay Park's companies have paid bribes in Chad to the ambassador's wife¹¹ and instructed firms how to skirt Canadian bribery laws in Kurdistan¹². Soma, a British firm connected to British conservatives, caused a border dispute with Kenya¹³ after Park awarded blocks to them. Soma went on to pay Park for his services¹⁴, all while he was ostensibly working for the Somali government. Our research shows that Soma was founded by Basil Shiblaq¹⁵, an individual who operates 'care of' Park Energy Law¹⁶, yet he was never charged. Other insiders have similarly distasteful pasts.

ReconAfrica insiders like Park have been exonerated so often they may feel they are untouchable. They know they don't have to line their pits in countries with insufficient regulation so they don't do it. They know they can harass, surveil and persecute activists in the remote Kavango region. The company operates as if they have already been assured there will be no consequences from the Namibian state.

The Economic and Social Justice Trust demands:

We expect the Canadian Government To

1. Instruct Recon Africa to cease all surveillance, harassment and intimidation of community members. Hands off Max Muyemburuko, Jonas Kalenga, Andreas Mawano and Thomas Muronga.

⁹<https://miningwatch.ca/news/2022/10/11/barrick-charge-ongoing-killings-local-kuria-mine-police-and-forced-evictions-north>

¹⁰ <https://www.theguardian.com/business/2015/aug/03/british-oil-company-somalia-deal>

¹¹ <https://www.theglobeandmail.com/report-on-business/industry-news/the-law-page/bay-street-law-firms-advised-griffiths-on-chad-deal/article7890162>

¹² <https://www.casemine.com/judgement/uk/5b2897da2c94e06b9e19c501>

¹³ <https://www.icj-cij.org/public/files/case-related/161/161-20210222-OTH-01-00-EN.pdf>

¹⁴ <https://www.reuters.com/article/uk-un-somalia-soma-idUKKCN0Q829Q20150804>

¹⁵ <https://find-and-update.company-information.service.gov.uk/company/08619726/filing-history?page=3>

¹⁶ <https://companycheck.co.uk/director/904963107/MR-IYAD-BASIL-SHIBLAQ/summary>

2. Ensure ReconAfrica compensate Andreas Mawano and his family and restore their land without further delay.

4. Instruct ReconAfrica to restore the Kalenga family land, and pay appropriate compensation to the family, without further delay. ReconAfrica must stop defending the family's lawsuit immediately.

5. Admit that GlobalAffairs has neither the perspective or expertise to be responsible for the CORE ombudsman and NCP and create independent offices.

6. Instruct ReconAfrica to make restitution to affected communities, conservancies and community forests and ensure that the imposition of legal costs upon Namibian Conservancies and Community Forest Associations ceases immediately.

7. Ensure that Kavango communities are fully informed about what was dumped in the unlined pits. ReconAfrica should publicly disclose what their exact drilling mud ingredients are, as well as any drilling mud additives for both maintaining mud properties or a LOC occurrence. ReconAfrica must remediate the waste pits.

8. Immediately withdraw all trade services from ReconAfrica.

9. Explain the process by which they gather information about human rights abuses about Canadian companies.

10. We expect the above to take place before the junior oil company declares bankruptcy.

Our responses to statements made by Global Affairs Canada.

Statements in bold with a page number refer to a document containing emails obtained under FOIA request A-2021-00849, the responses below are from The Economic and Social Justice Trust (ESJT).

P 103 ‘There are no allegation of human rights abuses by ReconAfrica’

‘However there are no allegations of human rights abuses’

That is not an accurate statement now, nor in September of 2022.

Dispossession of the Mawano family

The ESJT has not spoken to Andreas Mawano and the following is taken from public accounts. We are concerned for the safety and well-being of Mr.Mawano and his family. The dispossession of the Mawano family was extremely well publicised and his rights to his property were violated by ReconAfrica.

SkyNews spoke to Mawano and reported that Mawano:

‘insists he was bequeathed the land by traditional leaders but now his collection of family huts is just a few hundred metres away from the drill’¹⁷.

The land grab was broadcast on CNN on May 05

*‘This is my home. And they told us to leave’, Mawano and his son Samuel told a CNN reporter . ‘It can’t be right that someone just comes from far away and takes my land from me’, an angry **Samuel Mawano** continues¹⁸.*

John Grobler, Namibian journalist, in Oxpeckers quoted Mawano.

¹⁷<https://news.sky.com/story/namibian-oil-and-risk-to-the-okavango-delta-fears-over-threat-to-one-of-worlds-most-pristine-wildernesses-12261088>

¹⁸<https://www.enn.com/articles/67634-a-big-oil-project-in-africa-threatens-fragile-okavango-region>

“They said they found something – I do not know what, petrol or diesel – and they are going to drill here,” Hawano said in an interview at his homestead in the shadow of the towering ReconAfrica drill rig. He feared he would be ordered to relocate somewhere else but hoped he would be compensated. “If we have to leave, what are we going to do¹⁹?”

Frank Steffen in the Namibian Sun on March 23, 2021:

NMH spoke to Andreas Mawano, whose homestead was partly claimed by ReconAfrica to put up a drill rig at Kawe ...“I was not told that I would be affected by this development. My land was simply taken,” Mawano said.

He added that he has not been contacted again by Ncaute headman Johannes Kangoro, who allegedly told him previously to accept things as they are²⁰.

We believe that Andreas Mawano was deprived of his property without any consideration of his rights. We also believe Mr.Mawano, a pastor, was then slandered by Canadian company ReconAfrica with the possible collaboration of Namibian newspaper Confidente detailed in Appendix 3.

Dispossession of the Kalenga family

Global Affairs seemed not to be aware of a case filed in the Namibian High Court in April of 2021 by the Kalenga Family. The family, represented by Andreas Sinonge, asserts that ReconAfrica damaged land which had been in their possession for 53 years.

The family told The Namibian newspaper²¹ that the company failed to obtain their consent:

¹⁹ <https://oxpeckers.org/2021/02/mission-to-the-kawe/>

²⁰ <https://www.namibiansun.com/news/he-said-she-said-ambiguities-and-contradictions-of-kavango-oil-hunt-2021-03-23>

²¹ <https://www.namibian.com.na/6215695/archive-read/Family-drags-ReconAfrica-to-court-over-crop-field>

“We want the court to declare that ReconAfrica has not followed all the procedures when they drilled for oil in our land. We didn't give them consent. We want to be compensated because the company left the crop field damaged and unusable,” Sinonge told The Namibian yesterday. In a letter written to the ReconAfrica manager on 8 February, the Kalenga family said their land is their only means of survival. “We feed our family through cultivation and raising of livestock.

Journalists halfway across the globe had more accurate information than Global Affairs who had travelled to the site with ReconAfrica. Halifax Examiner reporter Joan Baxter narrates:

After that, the Mbwenga family set out to try to find out how the Canadian company had obtained their family's land. It was an intense and frustrating process that involved many meetings and letters to lawyers, ReconAfrica, the Traditional Authority, and even Namibia's Ombudsman. Their quest uncovered a lot that, in Mbwenga's view, was “fishy.”

He says when they confronted the chair of the Traditional Authority about his signature appearing on the consent letter that gave ReconAfrica the Mbwenga family farm for its drilling, the chair told them his signature had been forged, and alleged that the “mess-up” was the fault of the ReconAfrica representative²².

An objection written by the family states plainly *“We were forcefully and unlawfully evicted from our land,²³”*

²²<https://www.halifaxexaminer.ca/environment/a-calgary-company-is-drilling-for-oil-in-the-worlds-largest-protected-international-wildlife-reserve-these-nova-scotians-are-trying-to-stop-it/>

²³ <https://allafrica.com/stories/202105210804.html>

During a community visit by The ESJT and AR Kavango with Mbambi in April 2022, community members unanimously asserted that the land had belonged to the Kalenga family.

Namibian German language newspaper Allgemeine Zeitung reports that the company's *'barely veiled attempt to bribe local officials'* included the condition that lawsuits against the company were dropped.²⁴

There are multiple other abuses committed by the Canadian company. We don't understand how Canadian officials could be so oblivious and we want someone to be held accountable. It can never again be the case where such officials get to make life and death decisions for Namibians.

The failure of these officials, and the absence of any effective Canadian mechanism to hold ReconAfrica accountable, meant that the company could escalate the repression of Namibians against their project, which they did.

Surveillance

Thomas Muronga is the head of the Kapinga Kamwalye Conservancy in Kavango East.²⁵ The Kapinga Kamwalye conservancy was the location of ReconAfrica's second drill site, even though the company promised not to drill inside a conservancy. ReconAfrica's EIA specified a different location and then it was changed once approval was granted.²⁶ The company did not gain the consent of the conservancy.

It was reported in The Namibian newspaper in July 2022 that the Canadian company has possession of private WhatsApp messages between Kapinga Kamwalye Conservancy chair Thomas Muronga and an unnamed activist²⁷.

²⁴ <https://www.az.com.na/nachrichten/untersuchung-wird-zur-farce2021-10-08>

²⁵

²⁶ <https://www.rewild.org/news/reconafrika-illegally-drilled-test-well-in-kapinga-kamwalye-community>

²⁷ <https://www.business-humanrights.org/en/latest-news/whatsapp-scores-of-activists-targeted-with-nso-spyware/>

The person not named was a member of the Economic and Social Justice Trust, Rob Parker, a Canadian citizen.

Kapinga Kamwalye Community Conservancy chairperson Thomas Muronga alleged that on 18 June, at a Farmers Union meeting, ReconAfrica's spokesperson Ndapewoshali Shapwanale showed him that she had access to his private WhatsApp messages, he told The Namibian. Muronga said he reported the incident at the Rundu Police Station on 28 June.

The messages in question were not from a group chat but rather represented a private conversation between Muronga and Parker. Neither one of them shared the messages. It is unclear how this Canadian company, operating in Namibia obtained the messages. The company has shown it has access to the communication of activists and community members multiple times.

The movements of the conservancy leaders are monitored by the company and a network of informers report their utterances back to the company.

Detention

Max Muyemburuko and two human rights activists had their fundamental rights to assemble violated when they were detained by Namibian police officers working with Canadian oil company ReconAfrica.

Max invited the community to ask ReconAfrica questions. The ESJT spoke by phone to Max immediately after the meeting ended²⁸. Max told us the questions asked of ReconAfrica included: How did ReconAfrica get their licence to operate on August 26th, a Namibian holiday? What steps were taken to prevent contamination from leaking into the groundwater? The community was reportedly dissatisfied with the replies from the Recon management team.

²⁸ ReconAfrica can surely confirm for you

A group of company officials then allegedly met and then debated whether to have Muyemburuko arrested. It is our understanding that the only reason the ReconAfrica management team didn't follow through on the arrest is that [REDACTED] [REDACTED] warned others that this could have international repercussions. A timeline of Muyemburuko's detention is available in Appendix 1.

Muyemburuko and a pair of human rights activists were detained for six hours at the Rundu Police Station. The police accused Muyemburuko and the activists of misinforming the public and polarising communities through their activism against the Canadian company.

The police searched Muyemburuko's phone without a warrant and detained him until seven in the evening without charge. The Police went through his private messages. It remains unclear which information from those private messages was shared with ReconAfrica or if software was planted on his phone. It is unclear whether these are police operations or whether the Canadian company has a partnership with specific police officers.

A letter written by a lawyer representing Muyemburuko to Namibian Police stated:

the police may not conduct itself in any manner that is not authorized by law and is under a constitutional obligation to uphold the fundamental rights and freedoms as enshrined in the country's founding document. These propositions are so trite, it almost seems embarrassing to have to repeat them herein. Their repetition seems, however, necessary, since on the facts as explicated above, the Namibian Police Force conducted itself in violation of a number of our client's rights as ascribed to him by the Constitution and other laws including but not limited to:

- 1. our client's right to assemble peaceably with others and without arms;*
- 2. our client's right to freedom of association;*
- 3. our client's right not to be arbitrarily detained*
- 4. our client's right to freedom of movement;*

5. *our client's right to privacy;*
6. *our client's right not to be subjected to unlawful interrogation.*

The police searched Muyemburuko's phone without a warrant and detained him until seven in the evening without charge. The Police went through his private messages. It remains unclear which information from those private messages was shared with ReconAfrica or if software was planted on his phone. It is unclear whether these are police operations or whether the Canadian company has a partnership with specific police officers.

The police informed Muyemburuko he must return on Monday with his phone, but human rights lawyer Norman Tjombe advised him not to return.

P. 84 “There has thus far been no clear indication that ReconAfrica have not complied with any Namibian law or regulation”

By September 2021, there existed substantial public evidence that ReconAfrica had broken Namibian law numerous times. Here is an incomplete list:

The Communal Land Reform Act was violated when the company fenced off communal land.²⁹

Lack of Free, Prior and Informed consent violates Namibian Environmental Management Act³⁰. Kalenga family lawsuit reported in May 2021 the family wrote an objection, quoted in The Namibian newspaper, that stated:

“We want the court to declare that ReconAfrica has not followed all the procedures when they drilled for oil in our land. We didn't give them consent. We want to be compensated because the company left the crop field damaged and unusable,”

²⁹ <https://www.namibian.com.na/211611/archive-read/Oil-driller-applies-for-Kavango-land>

³⁰ <https://www.lac.org.na/laws/annoSTAT/Environmental%20Management%20Act%207%20of%202007.pdf>

Andreas Mawano's land was taken without consultation. This was reported in April.³¹

Drilled Without obtaining water use permits or water disposal permits.³²

No land use permits from land board³³ or leasehold³⁴.

Operations through Community Forest violate Forest Act.³⁵

Drilling inside conservancy without consent.³⁶

p 79: "Several months ago we were copied on a complaint sent to the CORE and invited the notifier to reach out to the NCP, he never did" – Margot Edwards (BPA- Responsible Business Practices Division)

We wrote the complaint referred to by NCP official Margot Edwards. We sent it to Canada's CORE Ombudsman office in January of 2020. We cc'ed a copy to dozens of other offices including Canada's National Contact Point. At that point the CORE Office was not open.

On February 17, ESJT associate Rob Parker received a reply from the NCP:

Dear Mr. Parker,

I refer to the email you forwarded to Canada's National Contact Point for Responsible Business Conduct (NCP) on January 29, 2021, copying us on an email addressed to the Canadian Ombudsperson for Responsible Enterprise (CORE).

³¹ <https://e360.yale.edu/features/a-big-oil-project-in-africa-threatens-the-fragile-okavango-region>

³² <https://www.observer24.com.na/reconafrika-in-water-license-misunderstanding/>

³³ <https://www.namibian.com.na/6215654/archive-read/ReconAfrica-operated-without-land-certificate>

³⁴ <https://www.documentcloud.org/documents/22082077-parliamentary-report-on-petition-to-stop-oil-drilling-in-the-okavango-1>

³⁵ <https://www.lac.org.na/laws/annoSTAT/Forest%20Act%2012%20of%202001.pdf>

³⁶ <https://www.nationalgeographic.com/animals/article/oil-company-reconafrika-accused-of-drilling-in-african-wildlife-reserve>

We have reached out to the CORE concerning your letter and were advised it is not yet operational to deliver on its mandate which is to promote Responsible Business Conduct (RBC) standards, advise Canadian companies on their RBC policies and practices and to review allegations of human rights abuses arising from the operations of Canadian companies abroad in the mining, oil and gas and garment sectors exclusively.

Since you have copied the NCP on your letter to the CORE you are most likely aware of our mandate. The NCP promotes the awareness of the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises (OECD Guidelines) and offers a forum to facilitate the resolution of issues that arise as the result of business activities, when they relate to the implementation of the Guidelines in all sectors of the economy.

Before deciding whether we wanted to submit a complaint, we did desktop research into Canada's human rights mechanisms, including the NCP. Then we began speaking to Canadian organisations about their experiences with these bodies. We also looked at previous complaints. What we found was that the office(s) lacked powers to sufficiently investigate. It was clear we were not the first to express our doubts.

In 2006, for example, a complaint against a Canadian Mining company, Ascendant Copper in Ecuador: 'Concluded without agreement as offer of mediation was refused by submitter due to disagreement with NCP confidentiality policy.'³⁷

ReconAfrica insiders such as Ian Telfer, Anna Tudela, Gordon Keep and Frank Guistra were previously involved in a company known as Goldcorp.³⁸

Their 'Marlin mine'³⁹ was in Guatemala where communities complained that Goldcorp dumped their waste in unlined pits, intimidated and persecuted community members, contaminated the water, and damaged homes⁴⁰. This is a remarkably similar complaint to the one communities in the Kavango

³⁷ <https://mneguidelines.oecd.org/Canada-NCP-Peer-Review-2019.pdf>

³⁸ <https://www.sec.gov/Archives/edgar/data/919239/000094523407000352/o36255exv99w1.htm>

³⁹ <https://nbmediacoop.org/2010/05/27/qyou-are-just-a-woman/>

⁴⁰ https://www.oecdwatch.org/wp-content/uploads/sites/8/dlm_uploads/2021/03/FREDEMI%20coalition_vs_Goldcorp_filedcomplaint_20091209.pdf

would make, against some of the very same people. We saw this as a test case for the NCP and they showed us exactly who they are

Canada's NCP imposed the arbitrary condition that the complainants must meet Goldcorp. The complainants refused to participate in this public relations exercise and the NCP used this as a basis to dismiss what they admitted was a valid complaint.⁴¹

*On May 3, 2011, the NCP issued a final statement and recommended that the parties participate in a constructive dialogue in good faith with a view to addressing the issues raised.*⁴²

Instructing communities to enter a 'constructive dialogue' with people who are intimidating and persecuting them is absurd and is straight from the mining industry playbook⁴³. ReconAfrica tried many times to get Namibian civil society organisations to meet. These efforts had little support among credible organisations and ReconAfrica eventually gave up. The company then used a pair of South African NGOs for their 'Company meets with critics' photo op instead.⁴⁴

The Goldcorp complaint confirmed that it would be irresponsible to ask people to risk their safety to complain to the NCP. The CORE, currently constituted, suffers from most of the same defects as the NCP. Justin Trudeau pledged to create a CORE office with powers but this promise was not kept after extensive interference and lobbying from the Canadian mining industry⁴⁵.

There is an unresolvable conflict of interest when the only mechanisms for hearing human rights complaints, the NCP and CORE, are housed within

⁴¹https://www.international.gc.ca/trade-agreements-accords-commerciaux/ncp-pcn/final_stat-marlin-decl_finale.aspx?lang=eng

⁴² <https://mneguidelines.oecd.org/database/instances/ca0008.htm>

⁴³ <https://www.sciencedirect.com/science/article/pii/S2214790X18300534>

⁴⁴<https://nbcnews.na/news/south-african-faith-based-civil-society-organisations-inspect-reconaflicas-exploration>

⁴⁵ <https://www.ourcommons.ca/DocumentViewer/en/43-2/FAAE/report-8/page-99#22>

the ministry responsible for promoting trade⁴⁶. A nation that sees mining companies as “our flagships in many countries around the world⁴⁷” should take steps to ensure they conduct themselves accordingly. 9

The Standing Committee on Foreign Affairs and International Development held hearings on Canada’s CORE ombudsman:

(The Committee) is concerned that human rights abuses by Canadian companies operating abroad have persisted in spite of the existing RBC framework. The Subcommittee is equally troubled that the CORE is not substantively different from the NCP, which has been widely criticized for its ineffectiveness.

It doesn't have to be this way.

The mining industry spokesperson Gratton warned the House of Commons Committee that giving the CORE the powers required to investigate “would more likely lead to undesirable outcomes for all parties,” because “an ombudsperson with the powers to compel would lead all parties to lawyer up, be more protracted and conflictual.”⁴⁸

If the choice is helplessness versus ‘protracted and conflictual’, that’s an easy choice. What Mr. Gratton does not want is exactly what communities need. He doesn't want us to have any power to fight back.

When ReconAfrica shows up and takes our land without even notifying us, It’s already a conflict, but we are expected to fight with two hands tied behind their back. We needed an office that could make ReconAfrica turn over documents, but we didn’t get it. We wanted people to be safe from retaliation but we saw this was not possible.

⁴⁶<https://www.ohchr.org/en/statements/2017/06/statement-end-visit-canada-united-nations-working-group-business-and-human>

⁴⁷ <https://www.tradecommissioner.gc.ca/canadexport/0003604.aspx?lang=eng>

⁴⁸ <https://www.ourcommons.ca/DocumentViewer/en/43-2/FAAE/report-8/page-99#22>

We don't want to 'dialogue', we need testimony under oath. We need to hear Ndapewoshali Shapwanale, under oath, say how she obtained the private whatsapp conversations of Thomas Muronga and Rob Parker. She must tell us what was said at that meeting prior to Muyemburuko's detention.

We want Jay Park to testify about his relationship with Katti.

We don't want to sing Kumbaya with ReconAfrica, we need to see the correspondence between the company and police. Anything else is public relations.

The office needs the independence and powers that were promised by Justin Trudeau and Jim Carr⁴⁹ before mining industry lobbying neutered it⁵⁰. Kavango communities and civil society see no remedy available through the current CORE and NCP and that is why no complaint was made. We want to emphasise that Canada has denied us a viable mechanism to address our complaints.

When we met with the CORE we said that we would like them to investigate. Our understanding is that the CORE does not require a complaint to investigate, but they seem to require one from the Kavango communities.

We don't believe there is a 'win-win' situation to be had with ReconAfrica. It is our belief that ideas like this come from industry, and through mechanisms like NCP and CORE, are imposed upon communities. The imposition of 'dialogue' upon communities is a construct built upon a conception of two equal parties entering a negotiation and builds a whole edifice upon this structure.

We want to understand what this negotiation will look like. Will ReconAfrica leave and return the land to the people? Will Jay Park drill less holes if asked nicely? It is much more likely that a news story will appear that says

⁴⁹<https://cnca-rcrce.ca/campaigns/ombuds-power2investigate/>

⁵⁰ <https://globalnews.ca/news/7650556/human-rights-abuses-trudeau/>

‘Recon Africa engages with communities’, and that will be the end of it. Recon tried to arrange a paid trip for Namibian CSOs but we refused, and ReconAfrica used a couple of South African NGOs instead. They don’t care, they just needed their photo op.

Canada’s policies suggest that no regulation whatsoever is the best means to ensure companies behave in the most responsible fashion. Global Affairs has a section entitled ‘Voluntary Principles on Security and Human Rights’. Canada is earnestly hoping the world’s shadiest mining outfits will “volunteer” to respect human rights in our country

P.120 “ReconAfrica is also taking steps to do minimal deforestation given the company’s ability to work along existing roads and tracks.

The company has cut seismic lines through community forests, adjacent to people’s homes and through their crop fields without first obtaining consent. Their seismic program has violated international norms and best practices and continues to do so.

The ESJT interviewed farmers from Ncaute whose fields ReconAfrica drove through with their seismic trucks. After they were done driving through the crop fields of subsistence farmers, they told the farmers that if they wanted to be paid, they must sign papers furnished by the company. The papers were consent forms that should have been signed ahead of time and made no mention of compensation⁵¹.

ReconAfrica’s Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) stated “no new cutlines shall be made, and all survey lines must follow the existing roads, tracks or paths or already disturbed areas that will require minimum vegetation clearing”

According to a Civil Society Press release on October 5:

⁵¹ <https://voetsekreconafrika.wordpress.com/2022/06/09/esjt-report-community-intimidation/>

*'Residents have reported that the thumping has already caused cracks and permanent structural damage to homes. The EMP says a buffer zone of 500 meters to one kilometer should be established along the survey lines away from schools, clinics or sensitive infrastructure. The company has violated the ECC by thumping within 30 meters of peoples' homes and fields and cutting new roads without free prior informed consent. Affected community members say that they were made to sign documents without any explanation and no copies were provided to them. These documents were signed after ReconAfrica's work was already completed.'*⁵²

According to community interviews done by the ESJT in March 2022, Recon Africa, in partnership with Namibia's Ministry of Environment, Forestry and Tourism (MEFT), made 'firebreaks' through community forests. The lines were not wide enough to be effective firebreaks but were sufficient for driving the seismic truck through. purposes⁵³. The 'firebreaks' were a ruse as the cutlines were not in the locations that the community forest had designated for firebreaks but actually followed the seismic lines of ReconAfrica.

P120 ReconAfrica has hired over 225 local workers to execute its drilling plan.

ReconAfrica has inflated the number of jobs' that they have provided. Even their allies on The Namibian Parliamentary Standing Committee said they find the job numbers unbelievable⁵⁴. The jobs were mostly poorly paid menial work and most people were fired without cause within weeks of being hired.

The company's hiring and firing practices violate Namibia's Labour Act. When the labour Inspector came to inspect ReconAfrica's operations, he

⁵²https://n-c-e.org/sites/default/files/2021-10/FFN_press%20release_seismic%20surveying_5%20October%202021.pdf

⁵³ https://twitter.com/Re_ConAfrica/status/1531300095869739012

⁵⁴<https://www.business-humanrights.org/de/neuste-meldungen/namibia-communities-allege-oil-company-did-not-conduct-proper-consultations-and-has-failed-to-deliver-on-promised-jobs-includes-company-comments/>

was denied access to the Canadian company's premises. The company's lawyer sent a letter threatening a lawsuit.

Similar to the company's ultimatum to *The Namibian* newspaper⁵⁵, the threatened lawsuit against the Labour Inspector is largely without basis and could be interpreted as a strategic lawsuit against public participation.

When pressed about the unethical practices of Canadian registered mining companies overseas, the rationalisation for inaction from GlobalAffairs always includes Canada's utmost respect for sovereignty of host nations⁵⁶.

Yet a Canadian company prevents duly appointed Namibian Government labour officials from carrying out their civic duties. The Canadian company also refused access to the drill site to the Namibian Ministry of Water, Agriculture and Land Reform⁵⁷ claiming 'high risk' operations.

P.120 "Recon is using water-organic drilling mud and the reserve pit with an organic permeability solution and easy to reclaim, and can be used, as appropriate, as fertilizer for local agricultural initiatives" .

There is no such thing as organic drilling fluid and ReconAfrica dumped their drilling waste in unlined pits.⁵⁸ The ESJT took pictures of the unlined pit at Mbambi in March 2021, as have numerous others. Our photo clearly shows an unlined pit, with a black plastic sheet along the sides.

The company's consultant claims that these are for 'erosion protection'. The effect of this would be that when the pit is filled with toxic drilling effluent, it would appear to be lined.

Canadian companies face stringent regulations with regard to waste pits requiring a double lined pit along with a leak-detection system in Canada⁵⁹,

⁵⁵ <https://allafrica.com/stories/202102160672.html>

⁵⁶ <https://www.youtube.com/watch?v=WQTWm7UNkyk>

⁵⁷ <http://web.archive.org/web/20230125165227/https://amabhungane.org/stories/221216-canadian-company-exploring-for-oil-in-namibia-in-battle-for-credibility/>

⁵⁸ <https://voetsekreonafrica.wordpress.com/2022/06/07/oil-driller-falsely-claims-drill-mud-is-organic/>

⁵⁹ <https://www.canada.ca/en/health-canada/services/publications/health-risks-safety/canadian-guidelines-management-naturally-occurring-radioactive-materials.html>

as would be known to the directors of ReconAfrica. The company has ignored these safety guidelines and has issued public statements⁶⁰ that have misled the nation of Namibia and GlobalAffairs Canada.



Mbambi, Unlined pit. March 2021.

p. 142 “If commercially successful, we expect 100s of millions of dollars in direct and indirect economic activity and tax revenue repatriated to Canadian governments on a yearly basis”

Recon’s presentation to GAC

There was never any realistic prospect of commercial oil. Suffice it to say, Craig Steinke was dumping his shares⁶¹ while making this representation to the Canadian government. The Canadian officials were oblivious to what was public knowledge.

⁶⁰ <https://reconafrika.com/wp-content/uploads/ReconAfrica-Fact-Sheet-Drilling-Fluid.pdf>

⁶¹ <https://ceo.ca/api/sedi/?insider=Steinke,%20Craig%20Allan>

p. 41: Recon hired 3 PR firms to assist them with negative social media attention.

Why would a small oil company need to hire three social media firms?

P.119 I had to look up the word stratigraphic.

Individuals involved in ReconAfrica operate at their highest levels. In 2005, Frank Guistra flew into Kazakhstan with Bill Clinton and flew out with rights to Kazakh uranium⁶² but the people who are to hold him and ReconAfrica accountable need to look up stratigraphic.

This not to belittle someone who lacked understanding but illustrate that this office lacked the sophistication to evaluate the claims of ReconAfrica.

Statements contained in these emails make it appear as if the Canadian Government were not aware of published accounts detailing laws violated by ReconAfrica, nor the extensive record of market manipulation published by National Geographic and Viceroy Research and others.

It is clear that GlobalAffairs did not seek out the requisite expertise when it was clearly needed. This despite the fact that the company's information was clearly not reliable and that the staff lacked the competence to evaluate the information presented.

ReconAfrica repeatedly and brazenly misled GlobalAffairs and, over the objections of communities and an international outcry⁶³, the office supported the junior mining company. Global Affairs has shown that they cannot reconcile the conflicting roles of attendant and adjudicator.

⁶² <https://www.nytimes.com/2008/01/31/us/politics/31donor.html>

⁶³ <https://canadians.org/media/185-organizations-call-canadian-officials-hold-reconafrika-accountable-massive-oil-and-gas>

Mbambi Community meeting with AR Kavango and ESJT- 16 April 2022

The Economic and Social Justice Trust used this opportunity to explain to the assembled community that the Canadian company is actually a pump and dump scheme and that the promised developments were not realistic. We explained how company founder, Craig Steinke, dumped the majority of his shares after they were inflated by Recon's deceptive marketing campaign.

Community members remarked that the company came to Namibia to 'poison our water for nothing'. The members of Kavango AR sent the following list of demands to a Windhoek journalist [REDACTED], but when she contacted the company spokesperson, the journalist was told she would be reported to her superior. The story was not published.

Therefore we are demanding the following to Recon Africa:

- 1. To pause it's drilling for violating the above Namibian Constitutional Laws for further investigations: -The Communal Land Reform Act 5 of 2002 - The Application for a right of leasehold 31(4) section of the Communal Land Reform Act 5 of 2002.*
- 2. To Pay the Kalenga Family's ancestral land that they took with the help of Local traditional Leaders within 6 months.*
- 3. To stop violating local peoples' crops without their concern/interest.*
- 4. To build the Mbambi Village Sports Stadium that they promised in 2020 before the end of this year.*
- 5. To Build 2 extra Classes that they promised the Mbambi Residents.*
- 6. To stop threatening Mbambi Residents for opposing their Drilling*
- 7. To stop bribing local activist's for opposing drilling activities in their communal land.*

P 103 What more could the GAC provide to Recon

This is a small cap stock fraud feted like they are important people. We would like to understand how many more meetings happened after the seven(!) GAC had with ReconAfrica?

P.84 “ReconAfrica have been good on CSR and contributing money towards Covid 19 relief fund in Namibia’

We view these payments as something quite different than ‘CSR’.

GlobalAffairs seem unaware that the company did not even report the “donation” on their ESTMA. This ESTMA infraction has been reported to the Federal Intake Policing Unit of the RCMP by the ESJT.

ReconAfrica made a payment of 15 million Namibian dollars (approx 1,2 m CAD) ‘toward government vaccination efforts’ to the Namibian Prime Minister’s Office (OPM) on June 21, 2021 according to a press release from the OPM. It is unclear why the company paid money to the Office of the Prime Minister instead of the Ministry of Health and Social Services, who are responsible for procuring vaccines.⁶⁴

p.84 ReconAfrica ... to be a net zero emitter”

There is no evidence provided by ReconAfrica to support this claim. Furthermore, we assert that zero progress has ever been made towards being a ‘net-zero’ emitter.

P. 118 Fracking, proven more than once that they are not going to do it

It appears that the claims of the company were never fact checked on the most basic level and people with no understanding pronounce themselves with certainty.

⁶⁴ Amakali, M., “Namibia: ‘Painfully Slow’ Covax Frustrates Health Ministry,” New Era, March 17 2021, <https://allafrica.com/stories/202103170906.html>

The company consistently told investors there would be fracking, and the exploration was originally marketed as an “unconventional” play. ReconAfrica structural geologist and company insider Dr. James Granath co-authored an article titled *“Why Not Both Conventional and Unconventional Exploration in Sub-Saharan Africa?”* in February 2018.⁶⁵ The article emphasizes unconventional opportunities in Sub-Saharan Africa.

ReconAfrica hired Sproule, an energy consulting and advisory firm, to write a report in 2018, which was updated in 2020. The report said there was a very low chance of commercial success (less than 4%), and that any extractable reserves would be unconventional.. The company did not commission any other report and relied on the Sproule report as the basis for their investor presentations.⁶⁶

October 28, 2019, then ReconAfrica chairman and insider Jay Park made a presentation at the 121 Oil & Gas Investment Autumn Conference in London⁶⁷ where he compared the Kavango Basin to the US Eagle Ford and Whitehill formations which are also other unconventional plays. Park also said that unconventional shale gas was the primary target.

Jay Park said in a Feb 2020 YouTube interview with Proactive:

“In particular, we noted how the shale revolution has changed things so much in the oil and gas industry in the United States and in Canada,... We filtered through all the places that had the right geology, the right geophysical terms combined with a good petroleum regime and Namibia came out very high on that list.” He added that *“The basin [Kavango Basin] is the size of the entirety of the EagleFord [an unconventional frack oil & gas basin], it has thousands of wells in Texas.”*⁶⁸

⁶⁵ James W., Granath, J. W., & Dickson, W., “Why Not Both Conventional and Unconventional Exploration in Sub-Saharan Africa?”, *Search and Discovery Article*, August 26 2018, https://www.searchanddiscovery.com/pdfz/documents/2018/30551granath/ndx_granath.pdf.html

⁶⁶ ReconAfrica’s Sproule Report, Estimation of the Prospective Resources of Reconnaissance Energy Africa Ltd in Botswana and Namibia, June 30, 2020, <https://reconafrika.com/wp-content/uploads/Sproule-Report-ReconAfrica-July-2020.pdf>

⁶⁷ Presentation: Reconnaissance Energy - 121 Oil & Gas Investment London 2019 Autumn, December 2 2019 <https://www.youtube.com/watch?v=AB8AfUCWilq>

⁶⁸ ReconAfrica announces the acquisition of a modern drill rig for a project in Namibia, February 11 2022, <https://www.youtube.com/watch?v=KfkKBHFVKTTg>

The company's investor presentations included a slide that made mention of "production from horizontals" and "modern frac stimulations" for 11 consecutive months from May 2019 to March 2020.⁶⁹

According to public securities complaint filed by CIEL filed against the company, the company made changes to their website:

In June, all references to "unconventional" and "shale" disappeared from ReconAfrica's website and investor materials, but were replaced with words that can be interpreted synonymously (e.g., "source rocks" because "the source rock is the shale"),

"The survey and analysis confirm that the Kavango Basin reaches depths of up to 30,000 feet, under optimal conditions to preserve a thick interval of organic rich marine source rocks."

- "The main objective is to confirm organic rich source rocks and conventional opportunities in Namibia and Botswana."
- "In the Kavango Basin, the existence of this organic source rock is proven by the ST-1 well, which is located due west of the basin."
- No more usage of the "Shale Play Valuation by Acreage" chart.
- Play concept map still shows wells in the same locations but now they are called "Source Rock Basins."

The ReconAfrica Research Report July 2020, now deleted from their website but a cached version is still available, stated clearly "While the initial target is an unconventional play in the lower Permian aged Karoo shales, the potential of shallower conventional targets will also be tested."

The July 2020 report went on to assign a value estimate of the resource: "Given the low government burden, and expectation of relatively low operating and transportation costs, we estimate a potential net asset value implication ~C\$0.12/sh for every ~ MMBbls of recoverable crude from a conventional discovery and C\$0.67/sh for every 10 MMBbls from a

⁶⁹ Barbee J. & Nene L., "Oil Drilling Possible Fracking planned for Okavango," *National Geographic*, October 8 2020, <https://www.nationalgeographic.com/animals/article/oil-drilling-fracking-planned-okavango-wilderness>

resource play.”⁷⁰ This was done even though the company had no license for fracking.

Company geologist and insider Dan Jarvie’s presentation entitled *Petroleum Potential in the Kavango Basin* from September 2020 that stated that the basin represented a “PERMIAN PETROLEUM SYSTEM” which was allegedly confirmed by ST1 well (Kawe drill site). The slide also stated that the basin was “Continuous with Shell SA Permian Unconventional.”⁷¹

In a September 01, 2020 interview with *Oilprice.com*, ReconAfrica Geologist Dan Jarvie states that “The Kavango Basin has all the characteristics necessary for conventional and unconventional petroleum”.

The website *Oilprice.com* is used by ReconAfrica to disseminate to investors, and also admits that it is a large holder of the company’s stock. The company and its representatives’ appeared in articles by *Oilprice.com* and made numerous indications that unconventional shale gas and oil was part of the exploration in Namibia for ReconAfrica.⁷²

The company was still marketing shale gas and fracking to investors in September 2020 through “interviews” with the publication where the board member Steinsberger was referred to as ‘the father of fracking.

The article’s central theme is that Kavango represents one of the last great fracking opportunities and that Nick Steinsberger was an expert in fracking and could recover these resources for commercial value. The article begins with the following:

‘In an exclusive interview with *Oilprice.com*, Steinsberger reveals:

- *Why Namibia is our best chance of a shale boom repeat*
- *Why the country’s Kavango Basin is looking like it could be the next Texas Permian*

⁷⁰ ReconAfrica Research Report, July 2020,

<https://reconafrika.com/wp-content/uploads/ReconAfrica-Research-Report-July-2020.pdf>

⁷¹<https://web.archive.org/web/20200902030107/https://reconafrika.com/wp-content/uploads/ReconAfrica-Postulated-Petroleum-Yields-V2.pdf>

⁷² Interview with Dan Jarvie <https://oilprice.com/Energy/General/The-Worlds-Last-Major-Onshore-Oil-Play.html>

- *Why the man who invented ‘slick-water fracking’ is ready to drill the Kavango Basin’*⁷³

Two days after the Steinsberger ‘interview’ was published, on September 18, 2020, the Namibian Ministry of Mines clarified that no license for fracking had ever been granted in Namibia, nor had any license for fracking ever been applied for.⁷⁴

The company then denied their intention to frack to the Namibian public, deleted all mentions of fracking from their website⁷⁵, and blamed the narrative on journalists.⁷⁶

In a response to geologist Matt Totten Junior at a February public consultation, who asked how the company came to determine fracking was no longer part of their plans. Claire Preece, company spokesperson, said “We launched a comprehensive regional tectonic and stratigraphic study that was completed in March 2020, and established that conventional oil and gas and fundamentals are the “basis of our operational program”.”⁷⁷

Yet, long after June 2020 when the slides were removed from their investor presentation and the study was complete, the company continued to market the play as unconventional to investors through their dealer broker, Haywood Securities and their own paid online content.⁷⁸

Other site ‘authors’ at Oilprice.com such as ‘James Catley’ reference the Sproule report as late as December 21 which states that it was clearly an unconventional resource play.⁷⁹

A lawsuit filed in New York alleges that Katti was hired to lobby for fracking on behalf of ReconAfrica.⁸⁰

⁷³ Interview with Steinsberger [The World's Last Great Oilfield: An Interview With Nick Steinsberger | OilPrice.com](https://www.oilprice.com/news/steinsberger-interview)

⁷⁴ MME statement 18 September 2020

[http://www.mme.gov.na/files/publications/cbe_Media%20Release%20Recon%20PEL%2073_September%202020%20\(002\).pdf](http://www.mme.gov.na/files/publications/cbe_Media%20Release%20Recon%20PEL%2073_September%202020%20(002).pdf)

⁷⁵ <https://e360.yale.edu/features/a-big-oil-project-in-africa-threatens-the-fragile-okavango-region>

⁷⁶ <https://www.energyvoice.com/oilandgas/africa/266953/namibia-reconfrica-fracking-drilling/>

⁷⁷ Seismic consultation Feb 02 NMH Broadcast <https://www.facebook.com/NamibiaMediaHoldingsGroup/videos/252383009629535>

⁷⁸ Company states fracking <https://www.nationalgeographic.com/animals/article/oil-drilling-fracking-planned-okavango-wilderness>

⁷⁹ OilPrice article by Peter Catley shows slide with revenue from fracking December

<https://oilprice.com/Energy/Energy-General/Could-This-Be-The-Top-Oil-Play-For-2021.htm>

⁸⁰ <https://amabhungane.org/stories/canadian-company-exploring-for-oil-in-namibia-in-battle-for-credibility/>

Fracking will remain an oil and gas development opportunity for ReconAfrica until either the Namibian government outlaws the practice nationally or the company fails to find commercial oil and gas in the Kavango.

P.118 Stock manipulation, yet to be proven, right now just a complain (sic),

The company claims they found a monstrous Permian basin that ‘the majors missed’. This was never proven but is taken at face value despite multiple red flags. Stock manipulation was proven. It was so open and apparent that multiple organisations made complaints to regulators. A May 2021 article by National Geographic article revealed that the company was estimating future revenues based on fracking, which it has no licence for:

‘But even as ReconAfrica is saying that it won’t use fracking, it has continued to base its oil production and revenue estimates on the technique in its research reports.’⁸¹

The Sproule report was cited extensively by ReconAfrica but has since disappeared from the company’s website. The report spells out very clearly on page 11 that the project proposed by ReconAfrica has an 8.8 percent Geological Chance of Success (GCoS) and a 3.7 percent Chance of Development (CoD). Despite this ReconAfrica spent millions of dollars on articles that claimed the company had discovered a massive deep basin that ‘the majors missed’. An investment marketed to investors as a ‘no brainer’⁸², a ‘once in a lifetime opportunity’⁸³ and a ‘lottery ticket’⁸⁴.

Viceroy Research referred to it as ‘geofantasy’ and wrote a detailed report.

⁸¹<https://www.nationalgeographic.com/animals/article/oil-exploration-company-in-okavango-wilderness-misled-investors-sec-complaint-says?loggedin=true&rnd=1676420315703>

⁸²<https://www.baystreet.ca/stockstowatch/10874/The-Small-Exploration-Company-That-Shocked-The-Oil-Industry>

⁸³ <https://impactwealth.org/the-oil-exploration-junior-calling-namibia-the-next-eagle-ford/>

⁸⁴ <https://masterinvestor.co.uk/equities/reconafrika-is-a-lottery-ticket-that-just-might-pay-off/>

ReconAfrica's claims to have found a deep new basin were thoroughly debunked here by Geologist Matt Totten in a July 2021 presentation.⁸⁵

When the Namibian government said no fracking licence will be issued the company's reserves changed from gas to oil based on no new data.

It is again apparent that GlobalAffairs should have had expert opinions available and the conviction to ask for those opinions.

p. 118: They mention Economic and Social Justice Trust.

Chris Cooter and others had been to the drillsite but never heard the other side of the story until very late in the process. Rob Parker of the ESJT was contacted by the RCMP in April 2022 long after the company's conduct had been exposed.

p 16: Notes that the company is under investigation by BCSC and US Securities commission.

It appears that GlobalAffairs were aware of investigations into the company, yet said in September 2021, despite public evidence to the contrary, that no stock manipulation was proven.

Global Affairs- Partners in crime

p. 14-15: The Trade Commissioner Service at the High Commission of Canada in Johannesburg and HQ have provided Recon with trade commissioner services.

Canada's new High Commissioner vouches for ReconAfrica.

*A Canadian oil and gas exploration company, ReconAfrica would **continue to** comply with the labour and environmental laws, just like any other foreign company operating in Namibia. This was the assurance given by Canada's*

⁸⁵ https://www.facebook.com/watch/live/?ref=watch_permalink&v=4331592006948865

new High Commissioner, Christopher Cooter, after meeting with President Hage Geingob at State House.

Global Affairs' visit to ReconAfrica's premises was taken as an endorsement of the company and Canada's High Commissioner ended up being used as PR fodder by the company and their partners the Namibian Broadcasting Company.

The NBC has been found to have contravened the Namibian Media code of Ethics by refusing to allow opponents to ReconAfrica an opportunity to challenge the misinformation the company spreads on the nation's public broadcaster.

p. 16: The company has met with Ambassador to the UN Bob Rae and the Minister of International Trade (MINT).

ReconAfrica is not a productive company in any sense. It contributes nothing to Canadian security or influence. It is a junior mining company filled with unprincipled insiders who told a preposterous series of lies that were easily debunked using Google.

Despite widespread evidence of rights violations and stock fraud, Canadian officials appeared to, as of September 2021, believe every word. They, including Ambassador Bob Rae, met with Recon numerous times, offered them trade services, and gave them names of Namibian NGOs.

p. 51: The firm Intuit seems to have been mandated by Recon to organize meetings with GAC.

Intuit owns Quickbooks. We would like to understand what someone who works for Quickbooks is lobbying to happen in Namibia.

p. 66: The High Commissioner for Canada in South Africa, Chris Cooter is actively engaged on the file and in the past the company has expressed appreciation that he has taken interest in their activities.

It seems Mr.Cooter wrote a letter to ReconAfrica in March 2021 'emphasising Canada's expectations' which was duly ignored. ReconAfrica knows this is the only arrow in the quiver.

p. 84: Seems like Recon requested this meeting solely as a PR move. Some GAC employees seem confused about the reason for the meeting, others understand the PR strategy. They don't ask for another reason.

The company seeks to associate publicly with more credible entities such as The Namibian and Canadian governments. Attempting to cultivate a relationship with the Canadian government was part of their strategy to deflect community criticism and lend credence to their unsupported claims about finding a 'deep onshore basin that could be worth billions' .

p. 84: A GAC staff's "subjective comment" on compliance/consultation/CSR has been redacted.

GlobalAffairs redacted several parts of the email made public, although it is not clear which aspect of Canada's security is at risk. It seems more like those redactions were made to save ReconAfrica and GlobalAffairs from embarrassment. Redactions of these emails are done in white so it is difficult to see where redactions have been made.

p. 127: Summary of Sept 23 meeting. Also, "Mr. Steinke expressed an interest in getting GoC support on the company's operations in the Kavango Basin."

The man truly has no shame.

p. 129: WER/JBURG (GAC) agreed to supply Recon with a list of NGOs, ENGOs, Canadian CSOs, and GoC officials operating in Sub-Saharan Africa to help Recon's work on developing ESG plans.

ReconAfrica sought meetings with Namibian Civil Society Organisations. ReconAfrica has consistently sought the legitimacy that would come with engaging with Civil Society organisations. To the enormous credit of Namibian CSOs, they were too savvy to end up being used for company public relations.

p. 147: The office of the minister of international trade had a conversation with Recon prior to the 2021 federal election.

p. 157: Suggested NGOs for Recon to connect with in Namibia: Legal Assistance Centre, Chamber of Environment, WWF Namibia.

Global Affairs and their Trade Services act as an extension of the mining industry. Human rights violations are the natural and predictable consequence of their collusion to remove all remedy from affected communities. When Canadian companies were implicated in the murder of Tanzanians, the diplomats showed a now familiar disdain for the lives of people on this continent.

The documents also appear to take Acacia's denial of responsibility at face value, with talking points drawn up that stress any death is unfortunate and that the allegations are disputed by Acacia⁸⁶.

The Mining industry which lobbied so vociferously during the process to create a CORE Ombudsman claimed that we were all on the same side, and desired the same outcomes. Win-win situations but when workers were enslaved by the Canadian company Nevsun, the mining association lobbied for the enslavers to get away with their crimes. They have never condemned one of their members for human rights violations and they

⁸⁶<https://miningwatch.ca/news/2022/12/11/report-finds-canadas-policies-human-rights-and-environment-defenders-are-effectively>

never will. Justin Trudeau said he was going to do something about it. Namibians need a process that is not designed to benefit ReconAfrica at our expense, but one that makes possible a meaningful remedy and consequences for violating our rights.

Rob Parker

Rinaani Musutua

On Behalf of the Economic and Social Justice Trust

Cosigned by:

Reinhold Mangundu

Max Muyemburuko

Jonas Kalenga

Thomas Muronga

Appendix 1 timeline of detention of Max Muyemburuko

Order of events:

- Friday 25 Mar: Max and [REDACTED] ([REDACTED] and [REDACTED]) were conducting a public community meeting near Mbambi in Kavango East with ReconAfrica present to allow community members a chance to ask RA their questions.
- RA was unable to answer more than 10 different questions and concerns raised by the community.
- The meeting became heated over RA's inability to answer questions posed by the community – these included questions about water pollution and chemicals used on the drill sites.
- Approx 1 hour later after the meeting, Max was at a nearby community forest.
- The police's criminal investigations department arrived and told Max that they were there for his own protection because "accidents can happen".
- Max then overheard the police talking about how they were planning to apprehend the [REDACTED] team who at that point were with a local San community.
- Max confronted them and they told him that he needed to come to the Rundu police station with them
- On the way to the station with the police, Max and the police encountered a second group of police with the [REDACTED] team near the Kawe drill site
- At this point [REDACTED] and [REDACTED] were also told that they had to go to the police station.
- They arrived at the police station in Rundu around 1pm
- They were told that any meeting against ReconAfrica was illegal (false) and the police then insisted that [REDACTED] leave the region that day
- The police detained them for 6 hours in total for questioning
- The police tricked Max into unlocking his phone by asking to see the invitation for the community meeting held earlier that day
- The police took Max's phone and kept it for approx. 3 hours
- The police released the three after dark and told Max to report to the Rundu police station on Monday morning with his phone

- On Saturday the 26th one of RA's representatives, ██████████ asked Thomas Muronga (chairman of Kapinga Kamwalye Conservancy) if he knew that Max had been detained the day before. At this point Thomas did not know.
- ██████████ warned Thomas that Max was in danger of being arrested because the police were being instructed by ReconAfrica to arrest Max.
- ██████████ told Thomas that he was probably going to be fired by RA because he and RA's ██████████ ██████████ ██████████, had told RA that if **Max was arrested it would cause a global outcry that would make the government look terrible**
- ██████████ said that he did not expect to keep his job and told Thomas that RA has definitely broken the law in its dealing with the communities in many aspects.

Norman Tjombe, highly respected human rights lawyer, assisted in the matter,

- Norman instructed Max not to go to the police and said that Max was to give the police Norman's instruction and phone number should they try to contact Max again.

Lawyer to Police instructing them to stop infringing the rights of Max Muyemburuko.



**B D BASSON INCORPORATED
LEGAL PRACTITIONERS | NOTARY PUBLIC**

P. O. BOX 50088, BACHBRECHT
TEL.: +264-61-386 600/1
FAX: +264-61-307 866
WINDHOEK

1 HADDY STREET
WINDHOEK
REPUBLIC OF NAMIBIA
E-MAIL: bdlaw@bwg.na

Our ref: MUY1/0001
Your ref:
Date: 19 April 2022

By Email: j.ngondo@nampol.na

**Regional Commander: Commissioner J.N. Ngondo
Namibian Police Force
Private Bag 2086
Rundu
Republic of Namibia**

Attn: Commissioner Ngondo

Dear Sir,

**RE: ILLEGAL AND UNLAWFUL CURTAILMENT OF FREEDOM OF MOVEMENT,
FREEDOM OF ASSOCIATION, INTERROGATION AND INVASION OF PRIVACY BY
NAMPOL OF MAX MUYEMBURUKO ON FRIDAY, 25 MARCH**

We refer to the above matter.

We act herein for and on the instructions of our client, Max Muyemburuku, a Namibian national with national identity number 840202 11 574.

Our instructions are that on 25 March 2022 and in the Kavango Region our client was instructed by NAMPOL to attend to the Rundu Police Station. We are further instructed that upon his arrival at the police station in Rundu at about 13h00, our client, in the presence of the two representatives of [REDACTED] was informed by a certain Mr. Muronga

Poulinus, whose rank is not known to our client, that a community meeting our client earlier attended to in Mbambi earlier during the day was illegal. The police then requested of our client to unlock his phone in order for them to see the invitation for the Mbambi community meeting that was circulated electronically on social media platforms. After our client unlocked his mobile phone in order to accede to the police's request, his mobile phone was confiscated from him and the police snooped around on his phone for a period of three hours all the while interrogating him as to some of the contents on his phone. Our client was released from their detention by the police after a period of six hours, well after dark. However, before so releasing him, our client was informed by the said Mr. Muronga Poulinus, to report to the police station on Monday, 28 March 2022 and to bring his phone along with him. Our client, on legal advice proffered to him, did not attend to the police station on Monday, 28 March 2022.

Police's conduct a violation of our client's constitutional and common law rights

Article 5 of the Constitution provides as follows:

Article 5 Protection of Fundamental Rights and Freedoms

The fundamental rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all organs of the Government and its agencies and, where applicable to them, by all natural and legal persons in Namibia, and shall be enforceable by the Courts in the manner hereinafter prescribed.

The pronoun "us" used in the preceding paragraph is inclusive of the Namibian Police Force. Thus is established, the basis and foundational values upon which police work and conduct must be founded. Differently stated, the police may not conduct itself in any manner that is not authorized by law and is under a constitutional obligation to uphold the fundamental rights and freedoms as enshrined in the country's founding document. These propositions are so trite, it almost seems embarrassing to have to repeat them herein. Their repetition seems, however, necessary, since on the facts as explicated above, the Namibian Police Force conducted itself in violation of a number of our client's rights as ascribed to him by the Constitution and other laws including but not limited to:

1. our client's right to assemble peaceable with others and without arms;
2. our client's right to freedom of association;
3. our client's right not to be arbitrarily detained
4. our client's right to freedom of movement;
5. our client's right to privacy;

6. our client's right not to be subjected to unlawful interrogation.

Whilst we do recognize that no constitutional right is absolute, we also know that they can only be limited in terms of the law. We state that nothing in the police's conduct as described above was authorized by law and as such we view same as illegal and unlawful. Worst still, is the perception created by the police's conduct as described herein, that is, that it is partial to the activities of Recon Africa in the Kavango Region. This brings to our client's mind, the age old story of corporations exploiting Africa's mineral wealth and people, leaving environmental destruction and misery in their wake, all the while being aided and abetted by the powers that be. It is therefore imperative that the police conduct itself in a manner that is prescribed and authorized by law.

The Constitution demands that the police acts with accountability and not a manner that treats people's rights and dignities as trifling.

Our instructions are to inform you, that if your illegal and unlawful conduct as sketched above persist, we hold instructions to seek urgent relief for our client in the High Court of Namibia.

Sincerely yours,



.....
BD BASSON

Appendix 6- Labour Inspector SLAPP lawsuit threat from ReconAfrica



SHAKWA NYAMBE & CO INC
LAWYERS AND BUSINESS ADVISORS

ORIGINAL

09 February 2021

REF: REN0001

Mr. Bro-Matthew Shingudja
The Executive Director
Ministry of Labour, Industrial Relations and Employment Creation
32 Mercedes Street, Khomasdal
Private Bag 19005
Windhoek

CC:

Dear Sir

BY HAND
BY EMAIL: Bro.Matthew.Shinguandja@mol.gov.na

RE: COMPLAINT WITH RESPECT TO THE CONDUCT OF MR. GABRIEL SHIKERETE KUPEMBONA, AN EMPLOYEE OF THE MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION AT RECONAFRICA'S DRILL SITE, SITUATED AT KAWE, KAVANGO EAST ON THE 4TH OF FEBRUARY 2021

1. Reference is made to the above matter.
2. We act herein for and on behalf of our client, ReconAfrica, on whose instance we address this urgent letter to you.
3. We hold instruction that on the 4th of February 2021, a certain Mr. Gabriel Shikerete Kupembona (Mr Kupembona), believed to be stationed at Rundu's office of the Ministry of Labour, Industrial Relations and Employment Creation demanded access to ReconAfrica's drill site at Kawe, Kavango East in order to conduct an inspection.

DEPUTY SHERIFF
WINDHOEK DISTRICT
2021-02-10
P.O. Box 11687 - Tel: 248568
KLEIN WINDHOEK

4. We hold further instruction that when Mr Kupembona was advised to follow the correct procedures as stipulated in the applicable labour laws, he became hostile and continuously demanded to see a copy of ReconAfrica's Environmental Impact Assessment (EIA) study. He further accused ReconAfrica of operating illegally due to the fact that they had not contacted his office.
4. We further hold instruction that Mr. Kupembona threatened our client with severe consequences for denying him access onto the drill site at Kawe.
6. In terms of **Section 125(3) of Labour Act, 2007 (Act No. 11 of 2007)** a labour inspector may enter the premises to conduct a search under the Act only if it is done in accordance with **Chapter 2 of the Criminal Procedure Act, 1977 (Act No.51 of 1977)**.
7. If Mr. Kupembona had reasonable grounds to believe that our client had not complied with a provision of the Labour Act, 2007 (Act No. 11 of 2007), he should have issued a compliance order as required in terms of **Section 126(1) of Labour Act, 2007 (Act No. 11 of 2007)**, which would have afforded our client an opportunity to appeal against the compliance order in terms of **Section 126(3) of the Labour Act, 2007 (Act No. 11 of 2007)**.
9. Additionally, although **Section 30(2) of the Employment Services Act, 2011 (Act No. 8 of 2011)** allows an employment officer to enter and inspect any place of employment, that has to be done in accordance with **Chapter 2 of the Criminal Procedure Act, 1977 (Act No.51 of 1977)**, as obligated by **Section 30(4) of the Employment Services Act, 2011 (Act No. 8 of 2011)**.
10. We hold further instruction that the requirements outlined in **Chapter 2 of the Criminal Procedure Act, 1977 (Act No.51 of 1977)** which would have enabled Mr Kupembona to enter and inspect or search our client's drill site under the Labour Act, 2007 or the Employment Services Act, 2011 were not complied with.

11. Mr. Kupembona's conduct was not only illegal but unprofessional, rude and demeaning to our client's personnel at the drill site in Kawe. The manner in which he behaved, points towards ulterior motives in his demands, and as such, his conduct was unbecoming of an individual in his capacity as a representative of the Ministry of Labour, Industrial Relations and Employment Creations.
12. Henceforth, our Client requests that your office investigates this matter further, as Mr Kupembona's actions constitute the harassment of our client and portrays a bad picture of the Ministry of Labour, Industrial Relations and Employment Creation's attitude towards foreign investors. A copy of Mr Kupembona's identification document is attached hereto as Annexure A.
13. Should you require any further information, our contact details are available herein.

Yours Faithfully,



SHAKWA NYAMBE & CO INC

PER: SHAKWA NYAMBE

Appendix 3. This is an excerpt from an ESJT complaint to Reporters Without Borders

ReconAfrica's spokesperson and Confidante

The right to information was curtailed by the activities of ReconAfrica and their spokesperson Ndapewoshali Shapwanale.

She prevented journalists and community members from attending public meetings, going so far as trying to confiscate the phone of a reporter. [REDACTED]. Max Muyemburuko was prevented from entering a public meeting until the community members present insisted he be allowed to enter⁸⁷.

Shapwanale threatened the livelihood of a freelance journalist [REDACTED] [REDACTED] while on speaker.

[REDACTED] [REDACTED] Is a freelance reporter who was working on a story about independent geologists who cast doubt on the 'working petroleum system' claim of ReconAfrica. ReconAfrica's claim to have found the 'working petroleum system' was the basis for a massive increase in share price. The story was a follow up to an earlier story which appeared in the government paper New Era.

The company spokesperson failed to reply, even after requesting the questions be rewritten. [REDACTED] told Shapwanale that he would print the story without ReconAfrica's responses to the questions which were sent over a week prior to the call. The questions which were detailed and targeted the company's claims to have found a working petroleum system were unanswered.

[REDACTED] was working on a story for New Era, but [REDACTED] freelanced at another paper, Confidante, owned by Max Hamata. Confidante was the previous employer of Shapwanale.

⁸⁷<https://www.namibian.com.na/6222332/archive-read/Anxiety-intimidation-accusations-swirl-over-Kavango-oil-development>

Confidente was a freelance journalist [REDACTED] primary source of income and [REDACTED] was the breadwinner for his family.

In late March 2022, A roomful of witnesses heard her threaten to 'report' the journalist to 'Max Hamata", his boss at Confidente.

Even though the ReconAfrica story [REDACTED] was writing wasn't for Confidente, she reported the matter to the owner of the paper.

According to the reporter, Confidente editor, Hillary Mare, called [REDACTED] on and allegedly told him that ReconAfrica paid the Confidente 200,000 and that they would not let him write about ReconAfrica. He also alleges that Recon spokesperson Shapwanale, whom he knew previously, called him and asked if he was having financial struggles.

The ESJT reported the matter to Sakeus likela of the Namibian Media Professionals Union and informed other members of the Namibian media establishment.

It was also included in the story submitted to the New Era. A copy of the story, which was never published, is below.

Shapwanale was formerly employed by Confidente⁸⁸ and is reportedly related to the newspaper's founder Max Hamata.

The ESJT requested the reporter to detail the events and an excerpt from that letter is reproduced here with his permission:

[REDACTED] sent the article on ReconAfrica's 'working petroleum system' to the New Era newspaper on 7 April after receiving no feedback from Shapwanale. April 19, resubmitted the article to the New Era Newspaper without any comment from ReconAfrica.

⁸⁸ <https://www.pressreader.com/namibia/new-era/20200922/281917365511801>

On the same date, made a phone call to Shapwanale requesting for feedback on ReconAfrica's working petroleum system questions that he sent to her on April 4th and repeatedly on the same day of 19 April.

Shapwanale told on the call that she will call his employer, Max Hamata instead.

On the same phone call, Shapwanale told that he was going to be reported for asking questions based on ReconAfrica.

"I am going to call Max Hamata right now, he will call you because you are threatening me," said Shapwanale.

Furthermore, sent a text message stating the article he was writing on ReconAfrica was to be submitted to New Era Publications and not Confidante.

However, Shapwanale had concluded that was permanently employed by Confidante News paper whilst he is a freelance journalist.

Hillary Mare, managing editor of Confidante, then called for a meeting at Confidante with

Confidante's managing editor, Hillary Mare then called to a conversation regarding the phone call that was made between Shapwanale and Max Hamata, owner of Confidante.

Hillary Mare disclosed that the conversation between Max Hamata and Shapwanale was about dropping from writing articles for the company because he was using Max Hamata's name.

"Right now Max does not want you here anymore because you are going behind his back to write stories on reconAfrica," said Hillary Mare to

At the same time, Hillary Mare told about the conversation he had with Max Hamata regarding the ReconAfrica article he was working on.

"I believe now you know that all those stories regarding ReconAfrica will not be published here," he said.

Hilary Mare added that Max Hamata will never allow the story to be published because of a payment that was made to Confidante by ReconAfrica officials.

"There was a payment of N\$ 200 000 that was paid to Confidante by ReconAfrica, clearly there is no way he will allow you to write any story that tells ReconAfrica is a bad company," explained Hillary Mare.

Hillary Mare continued that Shapwanale was going to give the journalist a phone call to have a word with him.

Mare then asked the journalist if he was aware that he was 'Moonlighting' because he was submitting stories for the New Era Newspaper.

Moonlighting as he explained was the process whereby a journalist is selling stories to different publications whilst working for another media house.

He added that Rob Parker and Rinaani Musutua are activists who are working against the government and that journalists could serve up to 20 years imprisonment for 'moonlighting'.

However, there is no contract agreement between the two parties (..... and Confidante) stating that he is working on a freelance basis and a freelancer is free to work with whomever they choose.

Hillary Mare confirmed that ReconAfrica's 'people' came by the office at some point to look at how Confidante operated and how it looked.

"They were even here with Hamata at some time back," added Mare.

Furthermore, on a Friday morning 22 April 2022, Shapwanale gave the journalist a phone call as discussed with Mare.

She asked the journalist why he was writing articles on ReconAfrica, why he was working alongside Rob Parker and if it was financial assistance that he needed.

"My brother, I am talking from a friend's perspective and not from ReconAfrica's side, please tell me what's wrong, do you need any help or financial assistance," she said to

"We can meet up in Rundu once I am there so we can have the conversation in person," said the journalist to Shapwanale.

..... was told by Hillary Mare that he could not be offered full employment by Confidante because he was working with the activists, Rob Parker and Rinaani Musutua, and alleged the government was against the two activists.

Hillary Mare explained that if he is to be offered full employment by Max Hamata, he has to stop working with the two above-mentioned activists.

"They fired you because you are using Max Hamata's name somewhere else but I fought for you because I believe you have potential and that you can do the work at Confidante," Mare added.

Furthermore, was told by Hillary Mare on 27 April that he could not write any articles related to ReconAfrica until the dilemma was over after he presented findings from a trip to Kaute.

The call where Shapwanale threatened to report the journalist to his boss at Confidente was on speaker. A roomful of local activists were able to hear the spokesperson threaten his livelihood.

Confidente 'managing editor' Hillary Mare wrote a story asserting that journalists deliberately lied about Andreas Mawano and that Mawano had never been the rightful owner of his land. We suspect this to be ReconAfrica's paid content rather than journalism.

The Confidente version of events:

Recently, UK-based Sky News reported that numerous villagers, including one family headed by Andreas Mawano, had been pushed off their land and appeared 'powerless' to take the oil exploration company on.

On the contrary, Mawano has refuted these claims, affirming that the land where ReconAfrica had set up to drill did not belong to him despite him having temporarily settled on it. He had done so as the land he had been allocated by the Kawe village committee appeared to be on low ground and prone to flooding in the rainy season.

"It is the journalists that came and suggested the idea that I had been displaced off my land. I was allocated a place to stay by the village committee down the road but I self-moved and settled on this land because there, where they gave me, is depressed land which holds water.

"When I moved, no one came to move me back and say that I had settled in a place where I was not allocated. I also did not tell anyone that I had moved because I thought I could move anywhere since I did not know where the land allocated to me ended. The committee also never gave boundaries and they never pointed out to me that I had moved to a place that was earmarked for an oil project," he said, adding that he was keen to see the project prevail because it potentially could bring benefits to the people of Kawe.

"Before the project started, the headman informed me that there was an oil exploration project to be done but I was waiting for the equipment to come so that I can further talk to the headman on how we must move forward. I

am willing to see the project move forward because we are going to get much more out of it," he further explained.

Mawano resides closest to the drill site; land which the headman of Kawe says was reserved for the exploration project and not previously allocated to the villagers⁸⁹.

The account exonerates the company for taking the land of Andreas Mawano and claims that journalists came and made it all up, yet Mawano's prior public statements across multiple media outlets make it obvious his land was taken.

It is unclear if Hillary Mare's claim is that multiple journalists each individually decided to make up a story about ReconAfrica or if journalists from different media houses, and indeed continents, colluded to make up a story about an oil company and decided they will all misquote Mawano.

We believe that Andreas Mawano was deprived of his property and then slandered by Canadian company ReconAfrica and Confidente.

ReconAfrica has a record of paying for content and disguising it as news. The Namibian Sun editor was forced to apologise⁹⁰ after publishing a full page ad filled with misleading statements without labelling it as paid content. The Sun editor blamed the 'error' on a copy editor.

The national broadcaster the NBC has been found guilty of not allowing opposing voices on air to challenge the false claims of ReconAfrica⁹¹. The NBC claimed that the Namibian ministries who refer to themselves as 'partners' of ReconAfrica who told demonstrable untruths about critics of the project, also simultaneously represent these critics.

⁸⁹ <https://confidentenamibia.com/recon-kawe-villagers-find-consensus/>

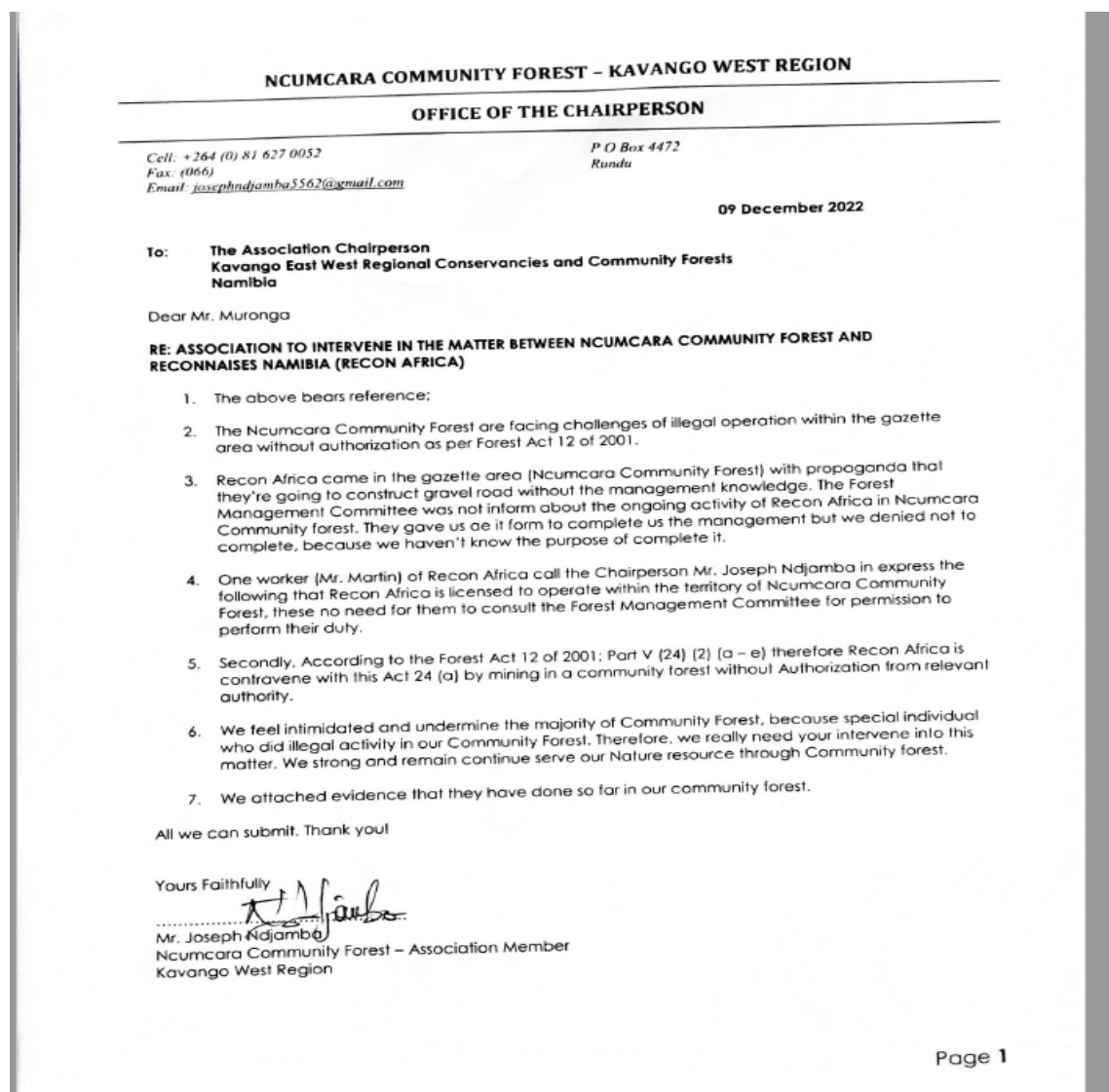
⁹⁰ <https://www.namibian.com.na/6224533/archive-read/Namibian-Sun-found-guilty-for-violating-code-of-ethics>

⁹¹ <https://www.namibiansun.com/local-news/nbc-ordered-to-apologise2022-11-01>

The broadcaster appealed the decision and again, a panel convened by the media ombudsman found that they failed to allow opposing voices⁹². They added that three callers into the program also was sufficient to represent critics of the project.

Appendix 4

Letter from Community Forest Association December 09 details that ReconAfrica feels no need to gain consent within their licence area.



⁹² <https://nbcnews.na/node/98294>

Appendix 5 New Era story submitted April 2022

Doubts surround ReconAfrica's 'Working Petroleum System'

██████████ ██████████

April 15, 2021, ReconAfrica, A Canadian oil company exploring in the Kavango region, announced the preliminary analysis of the data from the 6-2 well, the first of a three well drilling program, and claimed that the results provide clear evidence of a 'working petroleum system in the Kavango Basin, but independent geologists suggest that the company is misrepresenting the facts.

The company claimed, based on only an aeromagnetic survey, they had discovered one of the 'world's deepest onshore basins' containing 120 billion barrels of oil. The company first told investors that the 120 billion barrels were gas, but after the Namibian Ministry of Mines and Energy put out a press release that said ReconAfrica had no licence for fracking, the company did an abrupt about face and said they said the basin contained oil.

The company had raised eyebrows with its unorthodox practice of drilling wells before doing a seismic survey. Normally, a seismic survey is done to determine where drilling should happen. ReconAfrica was accused of 'drilling blind' by research firm Viceroy in their June 2021 report titled 'No Oil-Pump Stock'

I believe the company's illogical process and minimal publicly released details about the findings of the survey and the test wells come across as very shady' said Elisabeth Kosters. Kosters is a highly regarded petroleum geologist. During her 40 year career, Kosters taught petroleum geology in Canada, the U.S and the Netherlands before retiring as executive director of the Canadian Federation of Earth Science.

The company said in a press statement released on October 21 that it had 'clearly established the presence of a working petroleum system and conventional reservoirs'. Kosters says the information ReconAfrica has made available does not support this claim.

According to her, having found a working petroleum system, simply means that all conditions are met, but it doesn't tell you anything about the volume of recoverable oil that's present. It just says, 'There's oil here.' It could be a few buckets. In an August 5 article published by the Earth Science Society, Kosters examined 11 available scientific studies about the geology of the region where ReconAfrica is drilling.

From that review, she says she doesn't believe that the company has made a significant oil find. 'I don't see a massive basin' Matt Totten, Jr., is a petroleum geologist who lives in Namibia and did oil and gas exploration in Texas and the Gulf of Mexico while working for BP.

Totten has examined all the data released by the company, as well as the publicly available gravity, magnetic, seismic, and well data across north-central and northeastern Namibia. Which he says shows that there's 'limited to no source rock present, without which commercial quantities of oil and gas cannot exist' said Totten, casting doubt on the idea that the company has found a working petroleum system at all.

Research firm Viceroy released a report claiming that the company is deliberately misleading investors in order to increase the share price.

'The trick is to persuade potential investors to promote the stock through paid ads and articles, get them to believe the narratives, and then sell your shares as top executives' Namibian conservationist Reinhold Mangundu explained.

Initial permits and approvals were given before any consultation with affected communities. A business deal behind closed doors. A Namibian environmental activist, Veruschka Dumeni, said that ReconAfrica has largely disregarded national and international standards and laws. 'The entire consultation and EIA process of ReconAfrica was rushed and flawed, i.e., lack of translation, dismissal of questions, and sudden meeting cancellations,' said Dumeni.

A lawsuit filed in New York by investors against the company for making 'false and misleading statements' names spokesperson Ndapewoshali Shapwanale as a defendant.

Questions were sent to ReconAfrica's spokesperson Shapwanale however, no response was seen. A follow up with a phone call to ReconAfrica was made whereas Shapwanale said she would report the journalist for pressuring him.

ReconAfrica's Shapwanale went ahead and told the Journalist that she would report him to his superior at *Confidante* for pressuring her for her response.