

BINDING MEMORANDUM OF UNDERSTANDING

BETWEEN

**Committee Members representing the Mfolozi Community Environmental Justice Organization
("MCEJO")**

AND

**Tendele Mining (Pty) Limited ("Tendele or Mine"),
(Collectively referred to as the "Parties")**

1. Introduction

- a. Following years of disagreements between the Parties, the Parties agreed to set aside their differences and agree on a way forward.
- b. The Coronavirus has resulted in a war against the virus and a war against poverty. The Community around the Mine and its 1600 employees and the Community based entrepreneurs and the schools and crèches in the area all depend on the Mine's ability to operate and survive the Coronavirus.
- c. An Interministerial Task Team has been established to assist all Parties to try and find a way to work together.
- d. The Parties would like to find a way to ensure the survival of the Mine, as only a strong Mine can assist the Community in the fight against poverty, and make a difference in the life of some of the 220 000 people in the Community.
- e. The purpose of this **MEMORANDUM OF UNDERSTANDING ("MOU")** is to confirm that the Parties agree to work together as outlined below.

2. Good Faith and confidentiality

- a. The Parties will work in the utmost good faith at all time to:
 - i. Obtain a mandate from MCEJO to execute this agreement, and will ask for a legitimate meeting of members to discuss the issue as the 3 September meeting ended in chaos.
 - ii. Resolve issues
 - iii. The Parties will work together in the utmost good faith at all times to assist each other in finalizing all issues.
 - iv. The Parties will find ways to engage in an open and transparent manner to resolve historic issues, including future mining areas.

3. Agreement

- a. The MCEJO Committee members that sign this document agree that all pending court cases and all outstanding legal issues between the Parties shall be withdrawn and support Mr. Dadla's withdrawal as an applicant in the various court cases.
- b. If a mandate is obtained from the MCEJO Members, the Committee will implement the remainder of this document.
- c. Formal notices of withdrawal of all the court cases described above will be signed, served and filed in the respective courts within 7 days from signature of this document.
- d. This MOU shall be in full and final settlement of all and any dispute between the Parties.
- e. The Parties and their legal representatives undertake not to bring any legal action or court proceedings against each other for a period of 5 (five) years from the date when the Mine starts mining in the new mining areas.
- f. Accordingly and without ousting the court's jurisdiction or any Party's right of access to court as guaranteed in the Constitution of the Republic of South Africa, the Parties agree to work together, mediate and resolve any dispute between them amicably should there be any dispute during the 5 (five) year period referred to herein.

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- g. Should the Parties fail to resolve any dispute amicably between them, the Parties agree that such unresolved dispute will be referred to the senior executives of the Parties who will resolve the dispute and their decision will be final and binding.
- h. Should the senior executives of the Parties fail to resolve the dispute, the senior executives will jointly appoint an independent mediator or arbitrator to assist the Parties to resolve the dispute and whose decision shall be final and binding.

4. Signature

- a. Each signatory to this MOU will use their best endeavors, always acting with the utmost good faith, to implement this agreement.

Dated at Somkhele on this the 7th day of September 2020.


TENDELE

MCEJO COMMITTEE MEMBER

Name & Surname of MCEJO Committee Member	Isigodi	Position	Contact No	Signature
1. Sabelo Dladla	Dubalenini	Treasurer	0832184529	Dladla
2. Phillip P ZWANE	MYEKI	Member	0721326576	P. Zwane
3. Ntombikhona Mhlobo	Mtendabantu	Member	0796092055	Ntombikhona
4. Ntombi MESHALI	MAHUSINI	Member	07208309242	Ntombi
5. DUBURILE MKHWANAZI	OGENGILE	DEPUTY SECRETARY	079 328 8650	Duburile
6. NOZIPHO NGQULUNGA	ESITJEMBE	SECRETARY	0763422911	Ntombi
7. Mafuza Ndlovu	Machibini	Member	0714975228	Mafuza
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