



MERGER NOTICE NO 35: 2021

THE PROPOSED ACQUISITION OF 100% OF THE ISSUED SHARE CAPITAL IN GEM DIAMONDS BOTSWANA (PTY) LTD FROM GEM DIAMONDS LIMITED BY OKWA DIAMONDS (PTY) LTD

Pursuant to section 49(1) of the Competition Act of 2018, the Competition and Consumer Authority (“the Authority”) has received a merger notification for the proposed acquisition of 100% of the issued share capital in Gem Diamonds Botswana (Pty) Ltd (“Gem Diamonds Botswana”) from Gem Diamonds Limited by Okwa Diamonds (Pty) Ltd (“Okwa Diamonds”).

The Primary Acquiring Enterprise, Okwa Diamonds, is a private company incorporated in terms of the Company Laws of the Republic of Botswana. The Acquirer is a joint venture between Botswana Diamonds Plc (“Botswana Diamonds”) and Vast Resources Plc (“Vast Resources”). Botswana Diamonds controls the following entities: Kukama Mining & Exploration (Pty) Ltd; Kukama Diamonds Investments Limited; Orapa Diamonds Plc; Kukama Diamonds Cameroon Limited SARL; Botswana Coal Plc; Congo Diamonds Plc; Sunland Minerals (Pty) Ltd; Atlas Minerals (Pty) Ltd; Siseko Minerals (Pty) Ltd; Maibwe Diamonds (Pty) Ltd; and Vutomi Mining (Pty) Ltd. Vast Resources controls the following enterprises: Vast Baita Plai SA; Sinarom Mining Group SRL; Vast Resources Romania Limited; Vast Resource Zimbabwe. However, Okwa Diamonds does not directly or indirectly control any firm. Okwa Diamonds has been established to focus on project development and diamond production.

The Directors of Okwa Diamonds are John James Teeling and James Michael Finn (both Irish citizens).

The Target Enterprise, Gem Diamonds Botswana, is a company incorporated under the Laws of the Republic of Botswana. Gem Diamonds Botswana is wholly owned by Gem Diamonds Limited. Besides Gem Diamonds Botswana, Gem Diamonds Limited directly or indirectly controls the following entities: Gem Diamond Technical Services (Pty) Ltd; Gem Equity Group Limited; Letseng Diamonds (Pty) Ltd; and Gen Diamonds Investments Limited. Gem Diamonds Botswana in turn owns and operates Ghaghoo Diamond mine in Botswana. Gem Diamonds Botswana was involved in diamond mining, evaluation and development and is the holder of mining licenses and concessions for the Ghaghoo mines in Botswana.

The Directors of Gem Diamonds Botswana are Haile Mohusi (Motswana citizen) and Michael Michalakos (South African citizen).

According to section 50(3), of the Competition Act of 2018, “any person, including a third party not a party to the proposed merger, may voluntarily submit to the inspector or the Authority any document, affidavit, statement or other relevant information in respect of a proposed merger.”

The Competition and Consumer Authority therefore seeks any stakeholder views for or against the proposed merger, which may be sent within 10 days from date of this publication to the following address:

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