

**NORTH WEST  
NOORDWES**

**EXTRAORDINARY  
PROVINCIAL GAZETTE**

**BUITENGEWONE  
PROVINSIALE KOERANT**

Price R1,50

Prys R1,50

**Vol. 250**

21 SEPTEMBER 2007

**No. 6434**

---

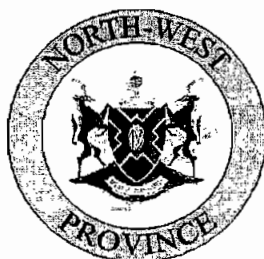
---

**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>TERMS OF REFERENCE</b>			
	Commission of Inquiry into the problems and/or challenges of leadership and administration of traditional community affairs of the Bakwena Ba Mogopa Traditional Community.....	3	6434
<b>PROCLAMATION</b>			
1	Constitution of the Republic of South Africa Act (108/1996): Commission of Inquiry into the problems and/or challenges of leadership and administration of traditional community affairs of the Bakwena Ba Mogopa.....	6	6434

---

---



## Office of the Premier

### SCHEDULE I

#### **TERMS OF REFERENCE FOR THE COMMISSION OF INQUIRY INTO THE PROBLEMS AND/OR CHALLENGES OF LEADERSHIP AND ADMINISTRATION OF TRADITIONAL COMMUNITY AFFAIRS OF THE BAKWENA BA MOGOPA TRADITIONAL COMMUNITY**

---

1. On 12<sup>th</sup> October 2006, His Lordship: Mogoeng J. P. issued an order of Court directing the Premier to re-instate Mr Emmanuel Segwagwa Mamogale as regent of Bakwena Ba Mogopa traditional Community. Paramount in its decision the Court found that the reasons for relieving Mr Mamogale as regent stems from allegations of misconduct against him and the Premier should have followed the provisions of the Bophuthatswana Traditional Authorities Act, Act 23 of 1978 and appointed a commission to investigate those allegations.
2. In terms of the North West Commissions Act No. 18 of 1994, read with section 127(2)(e) of Constitution of the Republic of South Africa Act No. 108 of 1996, I have appointed a Commission, the Hendler Commission of Inquiry, with the following terms of reference:-



- 2.1 To determine whether Motheo Mamogale is the natural offspring of the late Kgosi Letlhogile Royal David Mamogale and therefore the rightful incumbent to the sit of chieftainship of the Bakwena Ba Mogopa traditional community;
- 2.2 To investigate whether or not Kgosi Emmanuel Segwagwa Mamogale is the rightful person to be appointed regent of the Bakwena Ba Mogopa traditional community. If not, who is the rightful person to be appointed regent to lead the traditional community on behalf of the children of the deceased Kgosi Letlhogile Royal David Mamogale;
- 2.3 To investigate and establish the membership of the Royal Family as informed by the family tree indicating the changes (if any) as from the date of appointment of Kgosi Letlhogile Royal David Mamogale as the chief of the said traditional community.
- 2.4 To investigate the possible origins and/or causes of repeated disputes and/or demonstrations within the traditional community relating to the administration of traditional community affairs.
- 2.5 To investigate the problems relating to the administration, including financial administration, of the traditional community affairs of the Bakwena Ba Mogopa traditional community.
- 2.6 To investigate any unauthorised expenditure and or withdrawal of money belonging to the traditional community, whether held in an account opened with any financial institution or held in trust elsewhere in the name of the traditional community.

2.7 To investigate the basis and reasons for the decision of the Royal Family to recommend the appointment of Mr Emmanuel Segwagwa Mamogale as regent, including but not limited to the following: -

2.7.1 Who were the members of the Royal Family involved in his appointment?

2.7.2 Was the decision of the Royal Family taken unanimously to appoint and recommend the recognition of Mr Emmanuel Segwagwa Mamogale as regent of the traditional community?

3. Witnesses

The Commission shall call such witnesses as may be necessary to assist it in the execution of its mandate, including but not limited to members of the Royal Family of Bakwena Ba Mogopa traditional community.

4. The Commission shall submit a report to the Premier containing its findings and recommendations within four months or such extended period as the Premier may have granted.

5. Any other matter related to the chieftainship dispute of Bakwena Ba Mogopa traditional community.



**Mrs B. E. E. Molewa**  
**Premier of the North West Province**

22/ 05/ 2007

**PROCLAMATION***by the**Premier of the North West Province***No. 1, 2007****THE COMMISSION OF INQUIRY INTO THE PROBLEMS AND/OR CHALLENGES OF LEADERSHIP AND ADMINISTRATION OF TRADITIONAL COMMUNITY AFFAIRS OF THE BAKWENA BA MOGOPA**

In terms of section 127(1)(e) of the Constitution of the Republic of South Africa Act, Act No. 108 of 1996 read with the North West Commissions Act, Act No. 18 of 1994 and pursuant to a Court order issued on 12<sup>th</sup> October 2006 by the Bophuthatswana Provincial Division of the High Court, I hereby appoint a Commission of Inquiry to investigate the problems and/or challenges of leadership and administration of traditional community affairs of the Bakwena Ba Mogopa community situated at Bethanie.

Schedule I hereof contains the structure of the Commission while Schedule II contains the terms of reference for the Commission.

**GIVEN UNDER MY HAND AT MMABATHO, THIS THE 22ND DAY OF MAY, TWO THOUSAND AND SEVEN (2007).**



---

**Mrs B. E. E. Molewa****Premier: North West Province**

**SCHEDULE II****STRUCTURE****COMMISSION OF INQUIRY**

TO INVESTIGATE PROBLEMS AND/CHALLENGES FACING BAKWENA BA MOGOPA  
TRADITIONAL COMMUNITY

CONDUCTED BY : JUDGE HENDLER  
CHAIRPERSON

ASSISTED BY : PROF. I. P. MAITHUFI;  
PROF. S. SEEPE;

LEADER OF EVD : ADV. P. MONCHUSI

SECRETARY : ADV. B. MOLOTO

---