

## Fiona Bolton

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**From:** Willie Boonzaaier <wb18@mweb.co.za>  
**Sent:** 16 February 2012 10:52 AM  
**To:** Fiona Bolton  
**Subject:** RE: [Norton AntiSpam]Environmental assessments for various mining operations near the Pilanesberg National Park

Fiona,

I am no longer involved. Please take me off the stakeholder list and make sure this information is sent to North West Parks and Tourism Board.

Best regards,

Willie Boonzaaier

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**From:** Fiona Bolton [mailto:fbolton@slrconsulting.com]  
**Sent:** 14 February 2012 11:31 AM  
**To:** contour@mweb.co.za; sdell@nwptb.co.za; yakwa@nwptb.co.za; lynnf@vsbattorneys.co.za; anjones@mweb.co.za; franskalp@assore.com; petrus@chrometco.co.za; CatherineReichardt@assore.com; Annah.Kgaswane@implats.co.za; lukebotha@telkomsa.net; ckoekemoer@xstrata.co.za; jdewet@nkweplatinum.co.za; reotshepile@bafokeng.com; Heather.booyesen@samancorcr.com; jonasregan@yahoo.com; sbyleveldt@xstrata.co.za; bbaxter@golder.co.za; hprinsloo@angloplat.com; bbierman@angloplat.com; jaco.pretorius@volclay.com; kat@vgnet.net; dudleym@uwp.co.za; matshegot@velavke.co.za; innocentthabiso@yahoo.com; arephidisaneng@webmail.co.za; kfreeman@platinumaus.com; rwallis@platinumaus.com; shunns@platinumaus.com; byron@atlamining.co.za; lbetha@wessanorth.co.za  
**Cc:** Linda Munro; Hylton Allison  
**Subject:** [Norton AntiSpam]Environmental assessments for various mining operations near the Pilanesberg National Park

### **ENVIRONMENTAL ASSESSMENTS FOR VARIOUS MINING OPERATIONS NEAR THE PILANESBERG NATIONAL PARK**

#### **PILANESBERG PLATINUM MINE; SEDIBELO PLATINUM MINE AND THE PROPOSED MAGAZYNSKRAAL MINE**

Dear Interested and/or Affected Party (IAP)

As part of a joint venture agreement Pilanesberg Platinum Mines (Pty) Ltd, the Itereleng Bakgatla Mineral Resources (Pty) Ltd and Richtrau No 123 (Pty) Ltd proposed to develop three separate projects that could function as a combined mining operation. These projects are situated adjacent to one another and are located to the north of the Pilanesberg National Park in the Moses Kotane Local Municipality of the North West Province. The following is proposed:

- Pilanesberg Platinum Mine (PPM) is an existing mining operation. PPM proposed to extend the existing opencast pit and establish related surface infrastructure. In addition, PPM proposed to use dried sewage sludge as fertiliser for disturbed areas at the mine.
- Sedibelo Platinum Mine (Sedibelo) is an approved and currently developing mining operation. It is proposed that approved surface infrastructure will be repositioned and additional infrastructure, including a waste facility, will be established.
- Magazynskraal Mine (Magazynskraal) is a proposed underground mining operation and will include the establishment of related surface infrastructure, including a waste facility.

Prior to the commencement of the proposed projects, environmental authorisation is required under the following Acts:

- Mineral and Petroleum Resources Development Act, 28 of 2002 (MPRDA).
- National Environmental Management Act, 107 of 1998 (NEMA).
- National Environmental Management: Waste Act, 59 of 2008 (NEMWA).
- National Water Act, 36 of 1998.

SLR Consulting (Africa) (Pty) Ltd (SLR), an independent firm of environmental consultants (formerly known as Metago Environmental Engineers (Pty) Ltd), has been appointed to manage the environmental assessment process.

You have been identified as an IAP who may want to be informed about the projects and have input into the environmental assessment process. In this regard, please find attached a copy of the projects' background information document (BID) that has been prepared by SLR for your information. In order for your comments to be included in the scoping reports please ensure that they reach us on or before 14 March 2012. Please note that you will be given the opportunity to review both the scoping and environmental impact assessment (EIA) / environmental management programme (EMP) reports and submit comments at a later stage.

As part of the public consultation process, various public scoping meetings have been planned. The same information will be presented at all the meetings. Details of the meetings are provided in the table below.

Date	Village	Venue	Time
Monday, 5 March 2012	Saulspoort/Moruleng	BBKTA Administration Office	09h00
	Lesetlheng	Lesetlheng Community Hall	13h00
Tuesday, 6 March 2012	Manamakgoteng	Manamakgoteng Community Hall	09h00
	Lekutung	Lekutung Village Kgotla	13h00
Wednesday, 7 March 2012	Sefikile / Spitskop	Sefikile Village Kgotla	09h00
	Monono	Mononono Primary School	13h00
Thursday, 8 March 2012	Kgamatha / Lesobeng	Mr Manganye's Homestead	09h00
Friday, 9 March 2012	Lekgraal / Bofule	Legkraal Uniting Reformed Church	09h00
	Ramasedi	Ramasedi Uniting Reformed Church	13h00
Saturday, 10 March 2012	Ntswana-le-Metsing	Ntswana-le-Metsing Community Hall	09h00
	Motlhabe	Motlhabe Community Hall	13h00
Monday, 12 March 2012	Ngweding	Ngweding Community Hall	13h00
Tuesday, 13 March 2012	Magalane	Magalane Community Hall	09h00
	Magong	Magong Community Hall	13h00

Should you have any queries or comments please do not hesitate to contact me.

Regards  
Fiona

**Fiona Bolton**  
**Environmental Practitioner**  
SLR Consulting (Africa) (Pty) Ltd

Email: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

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SLR Africa (Block 7)  
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South Africa, Johannesburg, 2060, South Africa

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Registered Office: Unit 2 Fourways Manor Office Park, Cnr Roos and Macbeth Street, Fourways, 2055, Gauteng, South Africa

## Fiona Bolton

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**From:** John Wesson <jwesson@wessanorth.co.za>  
**Sent:** 17 February 2012 03:40 PM  
**To:** Fiona Bolton  
**Subject:** FW: Environmental assessments for various mining operations near the Pilanesberg National Park

Hi Fiona

**Please register us as an I&AP  
It will be difficult to get to meetings but will monitor progress**

Thanks

All the best



**John Wesson**  
**Region Manager Conservation**  
**Wildlife & Environment Society of SA - Northern Areas**  
**ADD YOUR VOICE TO CONSERVATION. SEND A R20 SMS TO 40706 WITH THE KEYWORD " WESSA "**  
**Terms and conditions apply. See [www.thumbtribe.co.za](http://www.thumbtribe.co.za)**



**Tel:**  
**Fax:** 0866142338  
**Cell:** 083 444 7649  
**Email:** [jwesson@wessanorth.co.za](mailto:jwesson@wessanorth.co.za)  
[jjwesson674@gmail.com](mailto:jjwesson674@gmail.com)  
**Skype:** john.wesson2

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**From:** Fiona Bolton [<mailto:fbolton@slrconsulting.com>]  
**Sent:** Tuesday, February 14, 2012 11:31 AM  
**To:** [contour@mweb.co.za](mailto:contour@mweb.co.za); [sdell@nwptb.co.za](mailto:sdell@nwptb.co.za); [yakwa@nwptb.co.za](mailto:yakwa@nwptb.co.za); [lynnf@vsbattorneys.co.za](mailto:lynnf@vsbattorneys.co.za); [anjones@mweb.co.za](mailto:anjones@mweb.co.za); [franskalp@assore.com](mailto:franskalp@assore.com); [petrus@chrometco.co.za](mailto:petrus@chrometco.co.za); [CatherineReichardt@assore.com](mailto:CatherineReichardt@assore.com); [Annah.Kgaswane@implats.co.za](mailto:Annah.Kgaswane@implats.co.za); [lukebotha@telkomsa.net](mailto:lukebotha@telkomsa.net); [ckoekemoer@xstrata.co.za](mailto:ckoekemoer@xstrata.co.za); [jdewet@nkweplatinum.co.za](mailto:jdewet@nkweplatinum.co.za); [reotshpile@bafokeng.com](mailto:reotshpile@bafokeng.com); [Heather.booyesen@samancorcr.com](mailto:Heather.booyesen@samancorcr.com); [jonasregan@yahoo.com](mailto:jonasregan@yahoo.com); [sbyleveldt@xstrata.co.za](mailto:sbyleveldt@xstrata.co.za); [bbaxter@golder.co.za](mailto:bbaxter@golder.co.za); [hprinsloo@angloplat.com](mailto:hprinsloo@angloplat.com); [bbierman@angloplat.com](mailto:bbierman@angloplat.com); [jaco.pretorius@volclay.com](mailto:jaco.pretorius@volclay.com); [kat@vgnet.net](mailto:kat@vgnet.net); [dudleym@uwp.co.za](mailto:dudleym@uwp.co.za); [matshegot@velavke.co.za](mailto:matshegot@velavke.co.za); [innocentthabiso@yahoo.com](mailto:innocentthabiso@yahoo.com); [arephidisaneng@webmail.co.za](mailto:arephidisaneng@webmail.co.za); [kfreeman@platinumaus.com](mailto:kfreeman@platinumaus.com); [rwallis@platinumaus.com](mailto:rwallis@platinumaus.com); [shunns@platinumaus.com](mailto:shunns@platinumaus.com); [byron@atlamining.co.za](mailto:byron@atlamining.co.za); [lbetha@wessanorth.co.za](mailto:lbetha@wessanorth.co.za)  
**Cc:** Linda Munro; Hylton Allison  
**Subject:** Environmental assessments for various mining operations near the Pilanesberg National Park

# ENVIRONMENTAL ASSESSMENTS FOR VARIOUS MINING OPERATIONS NEAR THE PILANESBERG NATIONAL PARK

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	Magong	Magong Community Hall	13h00

Should you have any queries or comments please do not hesitate to contact me.

Regards  
Fiona

**Fiona Bolton**  
**Environmental Practitioner**  
SLR Consulting (Africa) (Pty) Ltd

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## Fiona Bolton

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**From:** MATSHEGO MATSHEGO <matshego@8tamil.com>  
**Sent:** 03 April 2012 11:40 AM  
**To:** Linda Munro  
**Subject:** RE: EIA Consultative Processes regarding Sedibelo Infrastructure

Dear Linda

I have not checked my emails for a long time since the previous email to your office. I appreciate your response and commitment to establishing correct communication channels with the Lesetlheng Community representatives. I am sure that you will understand that land issues are highly emotive and in our case the situation is very volatile. A culture of mistrust has been cultivated, hence the need from your side to be thorough and highly professional.

I further acknowledge your preparedness to listen and wish to indicate that I am also available for positive and constructive engagement with you as a (concerned) member of the community.

regards

---

**From:** lmunro@slrconsulting.com  
**To:** matshego@8tamil.com  
**CC:** matshegojn@gmail.com; mwillson@slrconsulting.com; fbolton@slrconsulting.com; hallison@slrconsulting.com; calebmatshego@yahoo.com; setshedir@nhbrc.org.za; lmunro@slrconsulting.com  
**Subject:** RE: EIA Consultative Processes regarding Sedibelo Infrastructure  
**Date:** Mon, 2 Apr 2012 07:39:24 +0000

Dear Mr Matshego

Thank you for your email and interest in the project. We were under the impression from the meeting at Lesetlheng that that you were one of the contact persons from the Lesetlheng Community. Now that you have indicated that you attended in your personal capacity, we will continue to establish other communication channels with the Lesetlheng Community. As for your request to be added as an IAP, you have already been included as an IAP on the project database and you will receive information on the project going forward. We have also captured your comments into the Issues and Response Report which will be attached to the Scoping Report.

Should you have any other concerns related to the project, please do not hesitate to contact me.

Kind regards

---

**From:** MATSHEGO MATSHEGO [mailto:matshego@8tamil.com]  
**Sent:** 16 March 2012 10:04 PM  
**To:** Linda Munro  
**Cc:** Nkashe Matshego; Michael Willson; Fiona Bolton; Hylton Allison; Masellane Matshego; setshedir@nhbrc.org.za  
**Subject:** RE: EIA Consultative Processes regarding Sedibelo Infrastructure

Dear Linda

Please find attached my comments on the EIA/EMP.

Please also note that I take serious exception to the email send to me by one of your colleagues about the meeting of 17 March which your organisation agreed to with the community. It is totally unacceptable to suggest that you cannot attend the meeting because you could not find me when the community clearly and openly nominated a contact person regarding that meeting.

I would appreciate if SLR Consulting can correct this mess with who ever you communicated this situation with. I do not want my name and reputation and integrity in the community to be associated with SLR Consulting confusion and inability to take correct minutes. I take this very serious as it also puts SLR Consulting professionalism at stake.

I await SLR Consulting's positive response and will further consider consulting with my lawyers to decide what to do in case my name is not cleared from this.

Regards

---

From: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com)

To: [matshego@8tmail.com](mailto:matshego@8tmail.com)

CC: [matshegojn@gmail.com](mailto:matshegojn@gmail.com); [cmatshego@nwpg.gov.za](mailto:cmatshego@nwpg.gov.za); [mwillson@slrconsulting.com](mailto:mwillson@slrconsulting.com); [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com); [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com)

Subject: RE: EIA Consultative Processes regarding Sedibelo Infrastructure

Date: Tue, 21 Feb 2012 06:58:19 +0000

Good morning Aubrey

Thank you for your communication and interest in the project. Please find attached a Background Information Document (BID) relating to the Sedibelo Project. As you will see in the BID, as part of a joint venture agreement Pilanesberg Platinum Mines (Pty) Ltd, the Itereleng Bakgatla Mineral Resources (Pty) Ltd and Richtrau No 123 (Pty) Ltd propose to develop three separate projects that could function as a combined mining operation. These projects are situated adjacent to one another and are located to the north of the Pilanesberg National Park in the Moses Kotane Local Municipality of the North West Province. This includes the Pilanesberg Platinum Mine (PPM), Sedibelo Platinum Mine (Sedibelo) and the Magazynskraal Mine.

One public consultation process is being implemented for these three projects, as described in the BID. We are planning numerous public meetings early in March for the Scoping Phase of our Environmental Impact Assessment – please see the notification attached and attend one that suits you best.

We will add you to our interested and affected party (IAP) database and you will receive all relevant information related to these project going forward.

Kind regards

**Linda Munro**  
**Senior Environmental Scientist**  
SLR Consulting (Africa) (Pty) Ltd

Email: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com)

Mobile: +27 82 335 1871

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---

**From:** MATSHEGO MATSHEGO [<mailto:matshego@8tamail.com>]  
**Sent:** 21 February 2012 07:50 AM  
**To:** Linda Munro  
**Cc:** Nkashe Matshego; Masellane Matshego  
**Subject:** EIA Consultative Processes regarding Sedibelo Infrastructure

Dear Linda Munro

I am a member of the Matshego Family who are part of the Lesetlheng Community which have ownership and landuse rights on farm Wilgespruit JQ2 and interest on developments on surrounding farms.

As an affected party in terms of Wilgespruit and interested party regarding other farms (particularly Magazynskraal) I would like to be registered appropriately on your database for the abovementioned project.

Please send me all relevant documents relating to the project so that we can study them and make representation.

Your response will be highly appreciated.

I work in Pretoria and can be contacted on 082 331 8114 or P.O Box 11698, Wierda Park South, 0057 or [matshego@8tamail.com](mailto:matshego@8tamail.com)

Matshego Matshego (Aubrey)

Regards

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD; AND  
 RICHTRAU NO 123 (PTY) LTD

PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	15/03/2012	TIME	20h00
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	MATSHENO (AUREY) MATSHENO		
POSTAL ADDRESS			
	POSTAL CODE		
STREET ADDRESS	LESETHENG VILLAGE		
	POSTAL CODE		
WORK/DAY TELEPHONE NUMBER		WORK/DAY FAX NUMBER	
CELL PHONE NUMBER		E-MAIL ADDRESS	matsheno@8tmail.com

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

An affected member of the Matshego family who are part of the affected Lesetheng Community - the rightful owners of Wilgespruit and users of Mabazynskraal

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

Authorisation is sought to amend a Sedibelo EIA/EMP which we as affected party were never consulted about and do not know its contents. Our view is that the proposed amendments should be suspended to allow proper and lawful consultation process to take place on the original EIA/EMP for Sedibelo. In order to proceed from an informed position we request that you provide us with the following:

- ① ~~the~~ Notice of meetings of IAPs for the EIA/EMP report referred to for Sedibelo Project
- ② Minutes of meetings of IAPs for the EIA/EMP referred to
- ③ Attendance registers of IAPs meeting for the EIA/EMP referred to
- ④ The final EIA/EMP report referred to for the Sedibelo Project.

Please return completed forms to:

SLR Consulting (Africa) (Pty) Ltd  
 (Previously known as Metago Environmental Engineers)  
 Hylton Allison: hallison@slrconsulting.com; Linda Munro: lmunro@slrconsulting.com;  
 Fiona Bolton: fbolton@slrconsulting.com  
 Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD; AND  
 RICHTRAU NO 123 (PTY) LTD

PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	15/03/2012	TIME	20h00
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	MATSHEGO (AUBREY) MATSHEGO		
POSTAL ADDRESS			
	POSTAL CODE		
STREET ADDRESS	Lesetheng village		
	POSTAL CODE		
WORK/DAY TELEPHONE NUMBER		WORK/DAY FAX NUMBER	
CELL PHONE NUMBER		E-MAIL ADDRESS	matshego@gmail.com

**PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT**  
 An affected member of the Matshego family who are part of the affected Lesetheng village community.

**PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE**  
 You point out that power will be sourced from Eskom in terms of the approved EIA/EMP. In fact the sub station is shown on one of the maps on your document and a power line cuts across cultivation fields including one of our family member. As affected parties we were never consulted about this EIA/EMP or made aware of its existence. Our view is that the current process should be suspended until proper, fair and lawful consultation on the Eskom EIA/EMP is made with IAPs. In order to move forward we request the following:  
 1) Notice of meetings of IAPs for the mentioned approved EIA/EMP  
 2) Minutes of meetings of IAPs for the said EIA/EMP  
 3) Attendance registers of IAP meetings for the said EIA/EMP  
 4) The final EIA/EMP report referred to for the Eskom power.

Please return completed forms to:  
 SLR Consulting (Africa) (Pty) Ltd  
 (Previously known as Metago Environmental Engineers)  
 Hylton Allison: hallison@slrconsulting.com; Linda Munro: lmunro@slrconsulting.com;  
 Fiona Bolton: fbolton@slrconsulting.com  
 Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD; AND  
 RICHTRAU NO 123 (PTY) LTD

PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	15/03/2012	TIME	20h00
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	MATSHOGO (AUREY) MATSHOGO		
POSTAL ADDRESS			POSTAL CODE
STREET ADDRESS			POSTAL CODE
WORK/DAY TELEPHONE NUMBER		WORK/DAY FAX NUMBER	
CELL PHONE NUMBER		E-MAIL ADDRESS	matshogo@stamail.com

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

An affected member of the Matshogo family who are part of the affected Lesetheng village community in respect of Wilgespruit and magazankral.

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

You mention intention to commence mining operations at Sedibelo as per approved EIA/EMP. As affected parties and members of the Lesetheng village we were never consulted about this 'approved' EIA/EMP. Our view is that the operations should be suspended until proper, fair consultation takes place as required by the laws of this country.

In order to move forward on this matter we request the following:

- ① Notices of meetings of IAPs for the 'approved' EIA/EMP referred to for Sedibelo.
- ② Minutes of meetings of IAPs for the EIA/EMP referred to
- ③ Attendance registers of IAP meetings for the said EIA/EMP
- ④ The final EIA/EMP report for the said mining operation

Please return completed forms to:

SLR Consulting (Africa) (Pty) Ltd  
 (Previously known as Metago Environmental Engineers)  
 Hyton Allison: hallison@slrconsulting.com; Linda Munro: lmunro@slrconsulting.com;  
 Fiona Bolton: fbolton@slrconsulting.com  
 Fax: (011) 467-0978

ITEREENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD; AND

RICHTRAU NO 123 (PTY) LTD

PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION

REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	2012/03/16	TIME	21:00
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	MATSHEGO (AUBREY) MATSHEGO		
POSTAL ADDRESS			
	POSTAL CODE		
STREET ADDRESS	Lesetheng village		
	POSTAL CODE		
WORK/ DAY TELEPHONE NUMBER	WORK/ DAY FAX NUMBER		
CELL PHONE NUMBER	E-MAIL ADDRESS		

matshego@gmail.com

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

Affected member of the Matshego family who are part of the affected Lesetheng village community

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

You identified post-mining land use changes as an issue for mitigation. However you left out PRE-MINING land use changes despite your maps clearly showing agricultural activity in the area. For us, affected party, this is very critical because the proposed mines are threatening our livelihood as the land is used for agriculture, by people who ~~can~~ some can never be employed by any mine even if you promise jobs for the affected. The imposed mining development have in fact already impacted negatively on us because they brought uncertainty and disrupted our agricultural activities and plans for future activities on the land. The use of the land for agriculture has been passed on from one generation to the present since early 1900 and is expected to continue into the future with support from government and other structures.

Please return completed forms to:

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 Hylton Allison: hallison@slrconsulting.com; Linda Munro: lmunro@slrconsulting.com;  
 Fiona Bolton: fbolton@slrconsulting.com  
 Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD; AND  
 RICHTRAU NO 123 (PTY) LTD

PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	15/03/2012	TIME	20h00
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	MATSHOGO (AUREY) MATSHOGO		
POSTAL ADDRESS			
	POSTAL CODE		
STREET ADDRESS	LESETLHENG VILLAGE		
	POSTAL CODE		
WORK/DAY TELEPHONE NUMBER	WORK/DAY FAX NUMBER		
CELL PHONE NUMBER	E-MAIL ADDRESS matshego@8tmail.com		

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

An affected member of the Matshego family who are part of the affected Lesetlheng village community

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

You indicate that in "consultation with IAPs" you will report on "measures required to mitigate impacts to an ACCEPTABLE LEVEL". WHAT EXACTLY IS MEANT BY "ACCEPTABLE LEVEL"? This must be clearly explained to us without ambiguity because our experience since the opening of a mine in the area in question is that of an extremely unacceptable level characterised by violation of our rights (whether formal or informal) and the absence of good governance practices.

Our view of "acceptable level" is where our rights as affected party are recognised, upheld and protected where there is consensus with us about what needs to happen and where there is practical, genuine implementation of what is agreed upon with the affected parties.

Please return completed forms to:

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 (Previously known as Metago Environmental Engineers)  
 Hylton Allison: hallison@slrconsulting.com; Linda Munro: lmunro@slrconsulting.com;  
 Fiona Bolton: fbolton@slrconsulting.com  
 Fax: (011) 467-0978

ATTENTION: HYLTON ALLISON

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD; AND  
 RICHTRAU NO 223 (PTY) LTD  
 PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	06/02/2012	TIME	10H00
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	RELEBOGILE SELBY MOLEFE		
POSTAL ADDRESS	P.O. Box 318		
	LESETLHENG		
	SAULSPOORT		
	POSTAL CODE	0318	
STREET ADDRESS	369 TSWANENG SECTION		
	LESETLHENG		
	POSTAL CODE	0318	
WORK/DAY TELEPHONE NUMBER		WORK/DAY FAX NUMBER	
CELL PHONE NUMBER	0769762686	E-MAIL ADDRESS	

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

*I would like the proposed project managers to provide well educational skills training. To develop our youth in different way.*

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

*I like the way the project comes to our area. Proper jobs and youth development. Let us give youths a chance let forget about old peoples because they have ruined our life and the opportunities. Their time is gone and they have wasted their time. Give us a job so that our life can change. We will develop the area by ourselves. Help; help the poor community. We are not happy with the decisions taken by our elders.*

Please return completed forms to:

SLR Consulting (Africa) (Pty) Ltd  
 (Previously known as Metago Environmental Engineers)  
 Hylton Allison: hallison@slrconsulting.com; Linda Munro: lmunro@slrconsulting.com;  
 Fiona Bolton: fbolton@slrconsulting.com  
 Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD;  
LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO  
FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	05-03.12-	NAKO	64100
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	Mabanya Tshapiso		
ATERESE YA POSO	P.O. Box 152		
	SAULSPOORT		
		KHOUTU YA POSO	0318
ATERESE YA MMILA			
		KHOUTU YA POSO	
TIRO/ LEGAE NOMORE YA TELEFOUNU		NOMORE YA FEKESÉ YA TIRO/ LEGAE	
NOMORE YA SELEFOUNU		ATERESE YA E-MAIL	

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

UNDER SLR, I CAN CONFIRM THAT LOCAL RESIDENTS ARE NOT THE MAIN WORKFORCE AND THESE PROJECTS ARE NOT BENEFITING THE COMMUNITY AT ALL, ECONOMICALLY, SOCIALLY AND SUSTAINABILITY.

Tsweetsweé busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd  
(e pele e neng e le Metago Environmental Engineers)  
Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);  
Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)  
Fax: (011) 467-0978



**ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD; AND  
 RICHTRAU NO 123 (PTY) LTD  
 PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES**

DATE	07/03/2012	TIME	13h00.
<b>PARTICULARS OF THE INTERESTED AND AFFECTED PARTY</b>			
NAME	G. W. RAMSAY		
POSTAL ADDRESS	POSTNET SUITE 208 PRIVATE BAG X75 BRYANSTON		
	POSTAL CODE	2021	
STREET ADDRESS	17 GEORGIAN CRESENT NORTH DOWNS BLOCK 3 BRYANSTON		
	POSTAL CODE	2021	
WORK/DAY TELEPHONE NUMBER	0117065333	WORK/DAY FAX NUMBER	0114638998
CELL PHONE NUMBER	0827145635	E-MAIL ADDRESS	g.ramsay@platinummines.com

**PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT**

Platinum in Australia South Africa, have a share in the Roodelands project on portion 2 of the farm Roodelands.

**PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE**

\* Can we please have a copy of the following covering the above mentioned project

- i) Prospecting permits
- ii) EMP on Prospecting permits
- iii) Mining Right
- iv) EMP relevant to mining right + scope change

**Please return completed forms to:**

**SLR Consulting (Africa) (Pty) Ltd**  
 (Previously known as Metago Environmental Engineers)  
 Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);  
 Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)  
 Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES, PILANESBERG PLATINUM MINES (PTY) LTD; AND  
 RICHTRAU NO 123 (PTY) LTD

PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	09 March 2012	TIME	09H00
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME			
POSTAL ADDRESS			
P.O. Box 198			
SAULSPORT			
			POSTAL CODE
			0318
STREET ADDRESS			
10141111 BORITENG SECTION			
LEGKRAAL			
			POSTAL CODE
			0376
WORK/DAY TELEPHONE NUMBER	01145563 900	WORK/DAY FAX NUMBER	
CELL PHONE NUMBER	082 3962 893	E-MAIL ADDRESS	

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

① Create work & reduces unemployment rate.  
 ② Increases Public transport

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

① Will they hire much people on permanent basis not temporary basis?  
 ② How about health and safety of workers and community due to high rates of HIV & AIDS.  
 ③ Will they upgrade standard of our health care especially our local clinics?  
 ④ Will they help local community with developments like roads, water, electricity & infrastructure?

Please return completed forms to:

SLR Consulting (Africa) (Pty) Ltd  
 (Previously known as Metago Environmental Engineers)  
 Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);  
 Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)  
 Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD;

LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO

FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

I.ETLHA	05-03.12.	NAKO	09100
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	Mabanya Tshetiso		
ATERESE YA POSO	P.O. Box 152		
	SAULSPOORT		
		KHOUTU YA POSO	0318
ATERESE YA MMILA			
		KHOUTU YA POSO	
TIRO/ LEGAE NOMORE YA TELEFONU		NOMORE YA FEKESÉ YA TIRO/ LEGAE	
NOMORE YA SELEFONU		ATERESE YA E-MAIL	

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

ANNEE SLR, I can confirm that local residents are not the main workforce and these projects are not benefiting the community at all, economically, socially and sustainability.

Tsweetsweé busetsa diforomo tse di tladitsweng go:

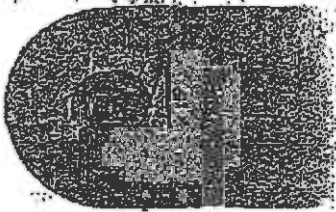
SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

Fax: (011) 467-0978



**BAKGATLA-BA-SEFIKILE  
TRADITIONAL COMMUNITY  
ASSOCIATION LIMITED**

Postal address: P.O. Box 9  
Swartklip  
0376  
Cell: 082 307 9704

P O BOX 76  
NORTHAM  
0360  
13/03/2012

THE MANAGER

SLR CONSULTING (AFRICA) PTY LTD  
GLOBAL ENVIRONMENTAL SOLUTION

Rre/Mme.

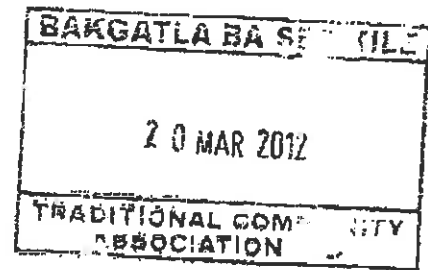
Dingongorego ka di-project mo motseng wa Sefikile

Rona re le mokgatlho o o fa go tloga ga re dumelane le lona ka di-project tseo le batlang go di tliša mo motseng wa rona wa Sefikile, ka go lefatshe la rona la Sefikile le sa ntse le sekiwa. Ka molao fa lefatshe le sekiwa ga go dirwe sepešepa go lona. Kana tota re bua ka Spitzkop 298.

Re tšhepa gore kopo/Ngongorego ya rona e tla sekegalwa tsebe

Ba lona

Mokaledi: M F Moilwe



M. F. Moilwe

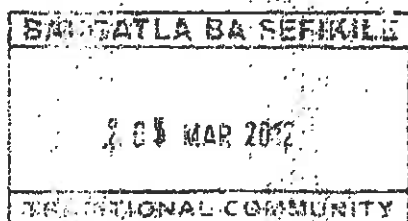
Letlha: 13/03/2012

Moduasetulo: A Manyako

ATT: SLR CONSULTING (AFRICA) (PTY) LTD

A. R. Manyako

Letlha: 13/03/2012



TERELENG BAKGATI LE DINIWA RESOURCES POLARISBERG PLATINUM MINES (PTY) LTD.  
 LERICHTRAD (P) (P) LTD.  
 TSHIKINYO/TSHITSHINYO YA TSHABOLOLO YA TSHO SE KOPANETSWENG YA GO EPA POLATINAMO  
 FOROMO YA KWALISO YA MAKALAPA A NANG LE KGATHHEGO LE A A AMEGANG

LETLHA	13	2012	NAGO	09:00
DINTLHA TSA BAAMEGILE LE BAKGATI	LHEGI			
LEINA	BAKATLA BA SEFIKILE TRADITIONAL			
AITERESE YA POSO	COMMUNITY ASSOCIATION			
	P.O. BOX 76			
	MATHAM	SOUTH YA POSO	0360	
ATERESE YA MMELE				
TIRAKO GA				
MELORE YA				
TELEFONO				
YONORE YA				
SELEDINI				

ISWEE SWEE SOPA SPO SE ...  
 TSHIKINNGWANGTSHITSHINYO WANG

RONA RE LE BAKATLA BA SEFIKILE CIA RE  
 DUMELLAME MO LONA KA DI-PROTECT TSED LE  
 BATLANA GA MO TUSA MO MOISENY WA ROMA WA  
 SEFIKILE KA GORE LEFATSHE LA ROMA LA SEFIKILE  
 LE SA NIRE LE SEKWA KA MOLAO FA LEFATSHE LE  
 SEKINA GA MO DIRNE SOPERSEPE MO GO LONA  
 KANA TOJA RE BUA KA SPITZKOP 298

...  
 ...  
 ...

The Manager  
SLR Consulting (Africa) Pty Ltd  
Global Environmental Solution

Dear Sir/ Madam

Comments on the projects taking place at Sefikile

We, as the above mentioned party (Bakgatla Ba Sefikile Traditional Community Association Limited), do not agree with the proposed projects planned for Sefikile. This is because the Sefikile land is still in dispute. According to the law, if the land is in dispute, nothing can take place on that land. I am referring to Spitzkop 298.

We trust that you will take our comments into consideration.

Yours  
Secretary: MF Moilwe

Chairperson: A Manyako

The Comment sheet translates to the exact same words.



**M.D PHETO ATTORNEYS  
ATTORNEYS AND ADMINISTRATORS OF ESTATE  
BABUELEDI**

SUITE:  
143 - 145  
FIRST FLOOR  
MOGWASE  
COMPLEX  
  
P.O BOX 2886  
MOGWASE  
0314

PHONE:  
014 5555 822

FAX:  
014 5555 825 /  
0865925223

E-MAIL:  
davidpheto@mweb.c  
o.za

**ATTORNEYS  
AT  
LAW.**

OUR REF: MR PHETO/1832/CIV

**PROJECT MANAGER  
SLR CONSULTING (SA) (PTY) LTD  
FOURWAYS  
JOHANNESBURG  
2060**

**20 APRIL 2012**

**Dear Madam**

**ATTENTION: NTSAKO BALOYI  
E-mail: nbaloyi@slr consulting.com  
PER FAX: 011 467 0978**

**RE: LESETLHENG COMMUNITY PUBLIC ENGAGEMENT.**

We refer to the above matter and to your e-mail of 10 April 2012.

The writer hereof has been busy in Courts hence the delay in response to your request.

We advise that the relevant people to contact are:-

1. Setshedi Rasepae  
082 4880 398 and  
rasepae1@vodamail.co.za
2. Thari Pilane  
071 1007 178 and  
pilane@nwpg.gov.za

We believe you will find the above in order.

We apologies for the delay herein.

Yours faithfully  
(Sgd) M.D PHETO  
**M.D PHETO ATTORNEYS**

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD;

LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO

FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	13/03/2012	NAKO	20h00
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	JULIA M. MPETE		
ATERESE YA POSO	P.O. BOX 791 RHENOSTERKRAAL		
		KHOUTU YA POSO	0344
ATERESE YA MMILA	423 KHUTSHWANE SECTION MAYONG		
		KHOUTU YA POSO	0344
TIRO/ LEGAE NOMORE YA TELEFONU	UNEMPLOYMENT	NOMORE YA FEKESÉ YA TIRO/ LEGAE	
NOMORE YA SELEFONU	0738023376	ATERESE YA E-MAIL	

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

POROJEKE E, E TLILE GO FOKOTSA BOTLHOKA TIRO MO LEFATSHENG LA RONA, LE GO O KEISA DITIRO DILE DINTSI THATA FA RE KA THAPIWA MO GO YONA.

TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

- ① POROJEKE E E TLILE GO THAPA BATHO JANG?
- ② FA RE THAPIWA RE ILE GO BATLWA ENY BA DITHUTO?
- ③ A FA POROJEKE E E SIMOLOLA E TLA KYONA GO RE FITHELE LA KWA METSENY?
- ④ YONA RE JA GO ITSE JANG GORE LETLHA LA GO THAPA BATHO KE ELENY?
- ⑤ A FA O SENA DIPAMPIRI TSA TIRO YA O KITLA O THAPIWA KYOTSA JANG?
- ⑥ KE MANG MOTHO O O MALEBA O RE TLO ITSENY GORE O TLILE GO THAPA BATHO?
- ⑦ A FA POROJEKE E E SIMOLOLA GO DIRA, MME JA RETELELWA KE GO THAPA BANA BA MOGAE GO DIRIWE ENY?
- ⑧ A YONA LE KYONAGALO JA GORE FA E RETELETSWE KE GO THAPA MOTHO, O TLA IKOPANJA LE BO MANG?

Tsweetsweé busetsa diforomo tse di taditsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

Fax: (011) 467-0978



ITEREENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD;

LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO

FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	09/03/2012	NAKO	16H00 P.M
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	DIPHO MOWEFE		
ATERESE YA POSO	P.O. Box 1627		
	MONONONO		
	KHOUTU YA POSO	0358	
ATERESE YA MMILA	HOUSE No 10178		
	MAKHOROTSIANE SECTION		
	MONONONO		
	KHOUTU YA POSO	0358	
TIRO/ LEGAE NOMORE YA TELEFOUNU		NOMORE YA FEKESYE YA TIRO/ LEGAE	
NOMORE YA SELEFOUNU	072 1234 189	ATERESE YA E-MAIL	

TSWEETSWE E SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

. CLINNING / PHEPAFATSO MO TIKOLOGONG YA MOEPO.

TSWEETSWE KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

1. JAAPA LE TSENE KA KLOTLA-KHOLO A LE FA LE  
SENA DUMELLWA GO TSENA MO TIRONG A LE TLA ITSISE  
KLOTLA KHOLO; CORE LE A ISWELA KHOTSA LE YA GO  
TSEWELELA FELA? BAKGATLA BA TSHWANETSE GO NNA LE  
MOPUTSO MO LEFATSHENG LA BONE.
2. A HAA RE TILLE GO UNLWA SEMWE MO MOEPONG?
3. AABANA BA RONA BA TILLE GO FIWA DITSHONO TSA  
DITHUTO LE DITIBLO?
4. AA METSI A A RETAMU MO LEFATSHENG RONA RE TLA A  
FIWA JAAPA KE BELIWA KE LENYORA?
5. AA MATLO A RONA FA KA THUBEGA MOEPO O TLA NNA  
LE MAIKRABELO NAA?

Tsweetswee busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [harrison@slrconsulting.com](mailto:harrison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD;

LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO

FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	23/03/2012	NAKO	6:10
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	MARIAM KOMANE		
ATERESE YA POSO	P. O BOX 63		
	NORTMAN		
	0360		
	KHOUTU YA POSO	0360	
ATERESE YA MMILA	House 10009		
	DITSHWAELO SECTION TSHALE SECTION		
	MONONGMO		
	KHOUTU YA POSO	0360	
TIRO/ LEGAE NOMORE YA TELEFOUNU	-	NOMORE YA FEKESÉ YA TIRO/ LEGAE	-
NOMORE YA SELEFOUNU	073 7115 637	ATERESE YA E-MAIL	-

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

PATLHA TIRO LE DITSHABUHOLO TSA DITSELA.

METSI LEUNA A TLHOKOALA.

TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

A. DIPHATLHA TIRO DITENG. LE KERE A CIA LIONA  
MAPHELO ABATHU A LINE, MU KOTSI, FA 40 LE  
JALO KE ENG SEU BAAGI KA KARABO SE BA TLA  
SEITHEMANG GO TSWA MO POROJEKENG E.M.A.

Tsweetsweé busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

Fax: (011) 467-0978

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LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO

FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	30/03/2012	NAKO	11:20
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	DEBRA KHEBE		
ATERESE YA POSO	P.O.Box 1625		
	Mononono		
		KHOUTU YA POSO	1625
ATERESE YA MMILA	House No. 10016		
	TSHAILE SECTION		
		KHOUTU YA POSO	
TIRO/ LEGAE		NOMORE YA FEKESÉ YA	
NOMORE YA TELEFOUNU		TIRO/ LEGAE	
NOMORE YA SELEFOUNU	0843073217	ATERESE YA E-MAIL	

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E TSHIKINNGWANG/TSHITSHINNGWANG

I AM PUTTING MY INTEREST IN THIS PROJECT IF THEY ONLY FULFILL THEIR PROMISES TO US, AND IF THEY GIVE US A CLEAR CO-OPERATION!

TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

THERE SHOULD NOT BE ANY RISK IN PEOPLE'S LIVES AND THE LOSE OF LIFE STOCK THEN THE PROJECT MUST CONTINUE AS LONG AS THEY WILL RESPOND TO PEOPLE'S NEEDS

1. WHAT ~~IS~~ ~~THE~~ WILL BE THE BENEFIT OF THIS PROJECT CONCERNING US AS YOUTH OF MONONONO IN OUR COMMUNITY?

Tsweetsweé busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD; AND  
RICHTRAU NO 123 (PTY) LTD

PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	23/03/2012	TIME	6:10
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	PREXILLA MUTLHABANE		
POSTAL ADDRESS	P.O BOX 63 NORTHAM 0360		
	POSTAL CODE	0360	
STREET ADDRESS	HOUSE NO 10008 ISHALE SECTION MUNYOND		
	POSTAL CODE	0360	
WORK/DAY TELEPHONE NUMBER	012 7215923	WORK/DAY FAX NUMBER	-
CELL PHONE NUMBER	083 750 2247	E-MAIL ADDRESS	pr.mutlhabane@gmail.com

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

WELL I AM INTERESTED IN THIS PROJECT; FOR ONLY IF THEY MEET THEIR PROMISES TO US THE COMMUNITY AND TO CO-OPERATE WITH EVERY AUTHORITY IN OUR AREA. AND TO LISTEN TO US.

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

1. MY COMMENTS ON THAT IS AS LONG AS THERE WILL NOT BE ANY RISK IN THE LIFE OF PEOPLE AND THE LOSS OF LIFE STOCK, THEN THE PROJECT MUST CONTINUE. NOT FORGETTING TO APPLY THE LEGAL RULES BASED ON THEIR PROJECT.

2. WHAT IS THE BENEFIT OF THIS PROJECT CONCERNING YOUTH IN OUR COMMUNITY AND WHY DO YOU THINK IT IS THE BEST?

Please return completed forms to:

SLR Consulting (Africa) (Pty) Ltd  
(Previously known as Metago Environmental Engineers)  
Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);  
Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)  
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TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO  
FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	09 MARCH 2012	NAKO	11h30
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	ZACHARIA DIBATANA		
ATERESE YA POSO	P.O Rhenosterkraal		
		KHOUTU YA POSO	0344
ATERESE YA MMILA	P. DR HENOSTERKRAAL MAGALANE SECTION HOUSE NO 100911		
		KHOUTU YA POSO	0344
TIRO/ LEGAE NOMORE YA TELEFONU	0731480079	NOMORE YA FEKESÉ YA TIRO/LEGAE	N/A
NOMORE YA SELEFONU		ATERESE YA E-MAIL	N/A

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

1. Ke tumelelata thata ka gore go sokola ka metsi
2. Ke kgobelelelata project e, because e fana ka mesebetsi.

TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

1. Ke botsa gore aa project e, e tisa metsi le go lukisa difopo tsa nyaa.
2. Ke botsa gore le hira jang.
3. Ke botsa gore aa metsi ba a tsenya mo dijara tsa jang.

Tsweetsweé busetsa diforomo tse di tladitsweng go:

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(e pele e neng e le Metago Environmental Engineers)  
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Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)  
Fax: (011) 467-0978

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TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO  
FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	20/03/2012	NAKO	14:00
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	MANTWA MERRIAM MOSIKABI		
ATERESE YA POSO	P.O Box 977		
	RHEBOSTERKRAAL		
		KHOUTU YA POSO	0344
ATERESE YA MMILA	MAGALALANE SECTION		
	HOUSE NO: 10007		
		KHOUTU YA POSO	0344
TIRO/LEGAE		NOMORE YA FEKESÉ YA TIRO/LEGAE	
NOMORE YA TELEFOUNU		ATERESE YA E-MAIL	
NOMORE YA SELEFOUNU	0714026535		

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E TSHIKINNGWANG/TSHITSHINNGWANG

Ditshoane tsa leano - Ekuvoni le tsa go thapiwa  
Gago ditshoane tsa haloletso tsa ditiro tse di ha tlhahlang, gago  
karolo ya projeke, dikgwetso tse di teng tsa di thapiwa ditiro otoloswa, leano la  
leano le ha ditiro la PPM, le ha tlhahlang tsa ka karolo ya projeke ee tshikinyo, tshikinyo,  
TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

NTA ke itumelano katoloso ya masima o o ha otolo  
Sungu. Ka gote tetta banna ditiro.  
① Potso Ad Gotta thapiwa banna ba Magalane?  
② Ka banna go itse gote banna ba Magalane banna thapiwa  
ka Mokwena o e?  
③ AA re thapiwa banna ba ba ka thapiwa banna wa?  
Tlala eutsi mo banneng ba banna, re kapa banna ba thapiwa  
piwe. atle tlala e jale. Dingwaga tsa banneng diya peja, banna  
e ha ba fitlhetla, a  
H. Ke kapa tsewe-tsewe. Manna wa banna wa banna o o  
tsewe ke go tshela, sekantso, ga pula e ule ke seetse  
jela mo ditshoane, sebase ditiro, di tshwarwa ke seetso banna  
oba loje le banna banna seyegetwa ke ditiro.

Tsweetsweé busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e nang e la Metago Environmental Engineers)

Hylton Allison: [harrison@sirconsulting.com](mailto:harrison@sirconsulting.com); Linda Munro: [lmunro@sirconsulting.com](mailto:lmunro@sirconsulting.com);

Fiona Bolton: [fbolton@sirconsulting.com](mailto:fbolton@sirconsulting.com)

Fax: (011) 467-0978

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TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO  
FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	13.03.2012	NAKO	
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	Shiela Mampu		
ATERESE YA POSO	P.O. Box 738		
	Renoetekraei		
		KHOUTU YA POSO	0314
ATERESE YA MMILA	Motseng section		
	Mtswana le metsing		
		KHOUTU YA POSO	0314
TIRO/ LEGAE NOMORE YA TELEFOUNU	Ward Committee	NOMORE YA FEKESÉ YA TIRO/ LEGAE	
NOMORE YA SELEFOUNU	0833649459	ATERESE YA E-MAIL	r/1/1

TSWEETSWEE SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

Ke itumeletse projeke eno eonne re solofetse  
tlhabololo ya metse ya rona le ditshono  
mo batseng le morafe jake metse eno  
ele exauji le mepo ena.

TSWEETSWEE KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

Sentle re le baeji re batla go itse  
maitlhommo le maitlhommo a baofisi sive  
ba mepo le maitlhommo gore phoso e  
fa kae ga ba sa re thapela A ke ba  
ba romilwane kaotsa jana. Ka gore re  
bona batho ba elva mme ele batswa  
ntle ba ba re utlwisane botlako metseng  
ya rona. Re sa dire bona ba elva. Seo  
se tsosana dikgotlang, le dintwa gonne batho.

Go ka nna jana eja go ka tlhopiwa batla  
ba ka tsamane dingongoro mo morafeng le go  
leba jake ka thovamo ba tsamane le metsana (committee  
ya morafe le mine wa Pilanesberg Platinum mine

Tsweetswee busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

Fax: (021) 467-0978

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LE RICHTRAU NO 123 (PTY) LTD

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FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	073/19/2012	NAKO	
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	MORELLE JAU STEPHEN		
ATERESE YA POSO	P.O BOX 857		
	SAULSPORT		
	0318		
	KHOUTU YA POSO	TRIBAL HALL	
ATERESE YA MMILA	House No 30725		
	Voka section		
	KHOUTU YA POSO		
TIRO/ LEGAE	NOMORE YA FEKESE YA		
NOMORE YA TELEFOUNU	TIRO/ LEGAE		
NOMORE YA SELEFOUNU	ATERESE YA E-MAIL		
	0796155497		

TSWEETSWE E SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E TSHIKINNGWANG/TSHITSHINNGWANG

GA GONA SEPE SE KE SE KATLELELANI. KA GO NNE LE TSONA MASIMO A RONA RE LE BAKGATLA LE A BIRA A MEGPO. KA NNE LE DIPUSANA TSA SEMORRAFE

TSWEETSWE E KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

IA GO SIAME GO BIRA FULA MO MASIMONLI A RONA, KE BATLA GO NRELA BANA BAME SA LOIPHEBISA, E LENLI BEKAMOSA BA ME LE BAKAKE. MASIMO A KE A BOTATAMELELE BA RONA BA RE TLAGETSE O NA. GO RE RELEMB MOGONA, IA SE A MEGPO KE TSONA DINGONO RELE TSA ME ISEA, KE SWARILE NIKO GO PETA MOLOMO, KA GORE LERAO GARE FISE GORE LO FULA HAE RE KOPA LE REFG FORGA DI FUDISANTENI. LE RE FE LE MASIMO FO REKA LEMA TENU KA KORO

Tsweetswee busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com);

Fax: (011) 467-0978



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 RICHTRAU NO 123 (PTY) LTD

PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	13 MARCH 2012	TIME	08H 30
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	MR MOSAP, Timothy TSHEOLE		
POSTAL ADDRESS	P.O BOX 57 SAULSPOORT		
	POSTAL CODE	0318	
STREET ADDRESS	30465 GREENSIDE SECTION MOLULEMS SAULSPOORT		
	POSTAL CODE	0318	
WORK/DAY TELEPHONE NUMBER		WORK/DAY FAX NUMBER	N/A
CELL PHONE NUMBER	0792286497	E-MAIL ADDRESS	

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

Not interest in this project as we don't benefit in it. Our interest is to breed our stock and cultivate our land because the beneficiary is the only person we don't know.

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

Magazynskumul is the only land that is fruitful for the people of Mamitlwe (The greater Tsheolespoort) to grow crops and breed their livestock. We were called at Lesweny and we met with people we don't know along with the whites.

Where are we going to get land the same as Magazyn that is rich in growing crops and grazing livestock? Why do you sent white people to us before calling mass meeting? Why did not sent tribal elders to tell us to tell us about the whole thing, Like kobedi, Filane?

When will we benefit from the whole project and How? Give us training in mining and we can start to extract.

Please return completed forms to:

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 (Previously known as Metago Environmental Engineers)  
 Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);  
 Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)  
 Fax: (011) 467-0978

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FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	11. 03. 2012	NAKO	
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	Meme Rebecca Moeng		
ATERESE YA POSO	P.O. Box 738		
	Rhenosterpaal		
		KHOUTU YA POSO	0344
ATERESE YA MMILA	House 119		
	Maatibanyeng Section Ntswana le Metsing		
		KHOUTU YA POSO	0344
TIRO/ LEGAE	Community Forum ward Committee	NOMORE YA FEKESE YA TIRO/ LEGAE	
NOMORE YA TELEFOUNU	N/A		N/A
NOMORE YA SELEFOUNU	0782678750	ATERESE YA E-MAIL	N/A

TSWEETSWEET SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

Seo ke se kgatlhegelang projenteng ena ke gonna teng  
ga yena fatsheng la rona la Bakgatla mo ve  
iseng ve. Jelelwe ke tshope le tumelo ya rona le  
bana ba rona go tumana ditiro (mosebetsi).

TSWEETSWEET KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

Ke le moagi wa motse wa Ntswana le Metsing  
ke eletsu eja mine o ka nna le letheo le le  
ntshoetso go bapaga ka eufi le moepo go ba  
naya the opportunities gore ve tlogele dingengo  
vego. Ke belawa ke tlaia metse ya rona ya  
Swabisa ditsele di senyegile ga gona tse  
epe. From 2005 ke nse ke participata mo  
kageng le workshops ke le forum mme le jang  
ga ke dire. Matsapa eka ke eng, morafe wa  
etsho o amogela eng?

Go tlokega banywe ba baka tsamayeng le  
metsana yotlhe ene jaaka ve eitse ga e bile ve boug  
tshoetso mme ba bo bakatshwe tirong e.

Tsweetswee busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hilton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com)

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

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FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	25 Matlue 2012	NAKO	09h00
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	Pedi Kamogelo Moya		
ATERESE YA POSO	P.O. Box 724		
	Rhenosterkraal 03144		
		KHOUTU YA POSO	03144
ATERESE YA MMILA	House No 120		
	Madibaneng section Ntsuana-le-Melising		
		KHOUTU YA POSO	
TIRO/ LEGAE NOMORE YA TELEFONU		NOMORE YA FEKESE YA TIRO/ LEGAE	
NOMORE YA SELEFONU	078 9141 925	ATERESE YA E-MAIL	

TSWEETSWEWE SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

Fa porojete e e ka tisa ditlhabolo mo melang ya tona segolo-segolo Ntsuana-le-Melising, Nalediny le Matlue ka gonne ditsele ga diyo. Basha ga ba dire go tlhokega ditlo tsa DdP mo tikobang ya tona.

TSWEETSWEWE KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

Ke gaeeng moelo wa tona/diporojete dia ikisetse basha mo dikobang tsa ditito go kereya botlogi bo bo tlhokegang fa go thalwa?  
Tota-tota diporojete tse ditla le naya ditsele naya?  
Ke eng se sengwe se se tla le lodditsang go tshetsetsa diporojete tse?  
Moelodiporojete ditshwanetse tsa tsaya maikarabelo a melae mabapi ka ntsha ya gare tshenyego ya matlo/mebila e tlike go ohelela go fitisa.

Tsweetswee busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com),

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

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PROPOSED DEVELOPMENT OF A COMBINED PLATINUM MINING OPERATION  
 REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE	11.03.2012	TIME	
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME	MEME REBECCA MONG		
POSTAL ADDRESS	P.O. Box 738		
	RHEHOSTEKRAAL		
	POSTAL CODE	0344	
STREET ADDRESS	Metsweng-le-Metsing		
	House 119		
	POSTAL CODE		
WORK/DAY TELEPHONE NUMBER	N/A	WORK/DAY FAX NUMBER	
CELL PHONE NUMBER	0782678750	E-MAIL ADDRESS	

PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

Ke le moagi wa Metsweng le Metsing, moone waka le mabapi le ke gore go batlwe monqwe go ya ka metsema ya rona, ya tla iswang katsona gore a go jalo le yona, mme a netefatse ditlholo tsa metsema yona e mabapi le moepo. Kgobisa gona go kopanyetse metsema ka boraro ba le monqwe le monqwe a tla isang ditlholo go baofisiri ba moepo.

Please return completed forms to:

SLR Consulting (Africa) (Pty) Ltd  
 (Previously known as Metago Environmental Engineers)  
 Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);  
 Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)  
 Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD;

LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO  
FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	09/03/2012	NAKO	08:30
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	Veerapetse Pilane		
ATERESE YA POSO	P.O. Box 738 Rhenosterdal 0214		
ATERESE YA MMILA	Nomoro ya ntlo 3B Medipany Section Atteridgeville-Mossburg		
TIRO/ LEGAE NOMORE YA TELEFOUNU	NOMORE YA FEKESÉ YA TIRO/ LEGAE		
NOMORE YA SELEFOUNU	ATERESE YA E-MAIL		

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

Porojete e nemesitse gole go ntsi gore ke tshwanetse go tlhokomela  
tikolago ya me jang, ke ka mabala kelego a e direle bakgatlhego tse di molomo.

TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

Go tshwa mo porojekeng ee ke eng se sete tlogo se unguang?  
A porojete e tshwa gore tshwa ka go tlamele metse e e mabala  
ka ditshwa tse mabala?

Porojete e tshwanetse go dira le morafe ka botswalelo e seng bo  
nwenwee ka gone morafe o e tshwanetse go efa kfatsho la yone.

Tsweetsweé busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

Fax: (011) 467-0978

ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD;

LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO

FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	21x Mopitlue 2012	NAKO	OBhoe
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	Confidence Refone Mmualafe		
ATERESE YA POSO			
		KHOUTU YA POSO	03111
ATERESE YA MMILA	Hq Nomoro yo ntlh: 118 Madibanyeng section Aitshwane-ke-Metsing		
		KHOUTU YA POSO	03111
TIRO/ LEGAE NOMORE YA TELEFOUNU		NOMORE YA FEKESÉ YA TIRO/ LEGAE	
NOMORE YA SELEFOUNU	082 7811 921	ATERESE YA E-MAIL	

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

Ke a tshela e bile ke a dumela gore Porajete e etlike go tisa diPhetogo mo mafsheleng a rona ka bonfisi.

TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

A Porajete efa he ageta dikolo tsa bogareng le tsa godimo mo tikolagong ya rona?  
Ke goreng Porajete e sa tse tiseke mabone a magolo mo metseng ya rona jaaka meelo ya implants e dira?

Porajete e tshwanetse go fana maitshatsho ha go tlamele ba ba dikoto di dikhutswane ka dijo kafa diafano.

Tsweetsweé busetsa diforomo tse di tladitsweng go:

SLR Consulting (Africa) (Pty) Ltd

(e pele e neng e le Metago Environmental Engineers)

Hilton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com);

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ITERELENG BAKGATLA MINERAL RESOURCES; PILANESBERG PLATINUM MINES (PTY) LTD;

LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO

FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	12.03.2012	NAKO	
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	SEIPHITLHILE MOATE		
ATERESE YA POSO	MADIBANCH SECTION		
	NTSWANA-LE-METSINGI		
		KHOUTU YA POSO	0344
ATERESE YA MMILA	P.O. BOX 738		
	RHENOSTERKRAAL		
		KHOUTU YA POSO	0344
TIRO/LEGAE	N/A	NOMORE YA FEKESÉ YA TIRO/LEGAE	
NOMORE YA TELEFOUNU	N/A		
NOMORE YA SELEFOUNU		ATERESE YA E-MAIL	

TSWEETSWEÉ SUPA SE O SE KGATLHEGELANG MO POROJEKENG E E TSHIKINNGWANG/TSHITSHINNGWANG

Go ne go le botoka gove maene oho o re thuse jaaka re o vatile go tswilela mo lefatsheng la bona. Le go thusa thata ka ditsele go thusa le meepo kajotsa mafapha TSWEETSWEÉ KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

manewe go ajea tsele jaaka ditumalano tsa ntlha. Bana ga ba dire mme le diskris ea ba di rutwe jaaka go ne go builwe mo ntsheng gore re tla rutwa.

A re thusaneng borre ba ntse ga ba dire. Ba fua ditso tsa ntlwana (Contracts) for 3 months e fela, ele vre a lebile go godisa bana. Le dikhutsang di a sotlega ga gona letseko dija le bona basadi ba batho. Re thuseng go ise go tle dingwe tse di tla thusana phapany. A go me kopolajano meape a mona le madikahanyo e ntse ga forum e sena go ntshwa ga itirelwa fela.

Tsweetsweé busetsa diforomo tse di tladitsweng go:

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(e pele e neng e le Metago Environmental Engineers)

Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);

Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)

Fax: (011) 467-0978



ITERELENG BAKGATLA MINERAL RESOUJCES; PILANESBERG PLATINUM MINES (PTY) LTD;  
LE RICHTRAU NO 123 (PTY) LTD

TSHIKINYO/TSHITSHINYO YA TLHABOLOLO YA TIRO E E KOPANETSWENG YA GO EPA POLATINAMO  
FOROMO YA KWADISO YA MAKALA A A NANG LE KGATLHEGO LE A A AMEGANG

LETLHA	16.03.2012	NAKO	07:30
DINTLHA TSA BAAMEGI LE BAKGATLHEGI			
LEINA	MATSHIDISO KHARIMETSA		
ATERESE YA POSO	P.O. Box 683		
	MANAMAKHOTENY		
	0352		
		KHOUTU YA POSO	0352
ATERESE YA MMILA	RAMAUSU SECTION		
	HOUSE NO 73		
	MANAMAKHOTENY		
		KHOUTU YA POSO	0352
TIRO/ LEGAE NOMORE YA TELEFOUNU		NOMORE YA FEKESE YA TIRO/ LEGAE	
NOMORE YA SELEFOUNU	0761233694	ATERESE YA E-MAIL	

TSWEETSWEE SUPA SE O SE KGATLHEGLANG MO POROJEKENG E E  
TSHIKINNGWANG/TSHITSHINNGWANG

HE RATA GO DIRA POROJEKE YA DIKOLIBE

TSWEETSWEE KWALA DITSHWAELO TSA GAGO LE DIPOTSO FA

KE KGATLHEGELA TSAMAU YA MINE.

Tsweetswee busetsa diforomo tse di tladitswang go:

SLR Consulting (Africa) (Pty) Ltd  
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Hylton Allison: [hallison@slrconsulting.com](mailto:hallison@slrconsulting.com); Linda Munro: [lmunro@slrconsulting.com](mailto:lmunro@slrconsulting.com);  
Fiona Bolton: [fbolton@slrconsulting.com](mailto:fbolton@slrconsulting.com)  
Fax: (011) 467-0978



THE CHAIRPERSON  
Manamakgoteng Vegetable Project  
P.O. Box  
MODDERKUIL  
29/07/2003

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-----  
-----

APPLICATION FOR FUNDING- Modderkuil Vegetable Project

Sir

I ~~am~~ hereby apply for assistance with funding of our community based vegetable project.

The objectives of the project ~~is~~ <sup>are</sup> to improve the quality of life of our rural communities, create job opportunities, and train community members.

The project will be situated in MANAMAKGOTENG village under the BAKGATLA tribal authority.

The money will be used to start the project from scratch ( Infrastructure, equipments, training and production inputs).

Your attention to this application will be highly appreciated.

Yours sincerely

Matshidiso Kgarimetsa(Project Manager) 

Gopolang Kgarimetsa(Chairperson) 

# M.D.PHETO ATTORNEYS

SUITE NO. 143-145, 1<sup>ST</sup> FLOOR  
MOGWASE BUSINESS COMPLEX  
MOGWASE  
TEL: (014) 5555 822

P.O.BOX 2886  
MOGWASE  
0314  
Fax: (014) 555 5825/0865925223  
E-mail: davidpheto@mweb.co.za

## FACSIMILE

TO : THE DIRECTOR - SLR CONSULTING  
ATTENTION : MS FINNO BOLTON  
FAX : 011 467 0978  
FROM : DAVID PHETO  
DATE : 01 MARCH 2012.  
RE : PUBLIC PARTICIPATION IN ISSUING  
OF MINING LICENCE RIGHTS.  
PAGES : 5 pgs Including this  
MESSAGE : KINDLY RECEIVE  
THE FOLLOWING DOCUMENTS.

### NOTICE OF CONFIDENTIALITY

This fax, all documents and letters accompanying this facsimile transmission contain confidential information, which may be legally privileged, alternatively, may be protected by Attorney or client privilege. Kindly note that the information contained herein is intended only for the use of the recipient named above.

If you have received this facsimile in error or are not the recipient mentioned above. Kindly immediately notify us by telephone to arrange the return of this documents to us. Kindly further note that any action in reliance of such faxed information, is strictly prohibited.

### NOTICE

IF YOU DO NOT RECEIVE ALL THE PAGES OR THE PAGES ARE NOT CLEAR, PLEASE NOTIFY US BY TELEPHONE.

**M.D.P.**

**M.D PHETO ATTORNEYS  
ATTORNEYS AND ADMINISTRATORS OF ESTATE  
BABUELEDI**

SUITE:  
143 - 145  
FIRST FLOOR  
MOGWASE  
COMPLEX

P.O BOX 2886  
MOGWASE  
0314

PHONE:  
014 5555 822

FAX:  
014 5555 825 /  
0865925223

E-MAIL:  
davidpheto@mweb.c  
o.za

**ATTORNEYS  
AT  
LAW.**

**THE DIRECTOR  
SLR CONSULTING  
ATT. Ms FIANO BOLTON  
E-MAIL: sbolton@slrconsulting.com  
FAX: 011 467 0978**

**29 FEBRUARY 2012.**

Dear Sirs

**RE: BAKGATLA-BA-KGAFELA ROYAL FAMILY/BAKGATLA  
-BA-KGAFELA TRADITIONAL COUNCIL.  
(PUBLIC PARTICIPATION IN ISSUING OF MINING  
LICENCE/RIGHTS AS FROM 5 MARCH 2012)**

We act on behalf of our above named client, viz Bakgatla-Ba-Kgafela Royal Family (BBKRF).

Our clients have instructed us to approach you regarding the above matter.

Our clients instruct that the Traditional Council of Bakgatla-Ba-Kgafela ceased to exist as from 24 September 2010 upto the date hereof.

An effort to re-elect the new council on 12 November 2011 came to nullity when the Premier declined to recognise the newly elected councillors last week due to flawed procedure in the elections.

As it stands, Bakgatla-Ba-Kgafela have no council and no one can enter into any legally binding contract with Bakgatla-Ba-Kgafela Traditional Community.

Our clients further instruct that the status of Kgosi Nyalala Molefe John Pilane and his council as from 24 September 2010 is the matter before the High Court of North West under case Number 582/2011.

Our clients instruct us that there is presently no structure or anyone at the Bakgatla-Ba-Kgafela who has any *locus standi* to legally act on behalf of the community.

There is a pending appeal in the above matter which is scheduled to

appear before court soon.

Our clients further state that Itireleng Bakgatla Mineral Resources Pty Ltd (IBMR) is the company purportedly created on behalf Bakgatla to deal with their mineral rights without Bakgatla's knowledge and consent.

The aforesaid company has several subsidiary companies established without Bakgatla's knowledge and consent.

The Directors in IBMR and its subsidiaries are not known to the community with the effect that no AGM was ever held by IBMR or its subsidiaries.

No financial statements from IBMR or its subsidiaries were ever afforded to Bakgatla.

No dividends were ever declared by IBMR or its subsidiaries to the community.

No audit was ever done by Kgosi and his council since they came to power.

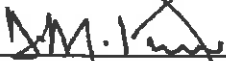
Our client instructs that there is no proper "GOVERNANCE" at Saulspoort.

In the light of the above, our clients instruct that we should demand from you as we hereby do, immediate stoppage of all financial, mineral and/or any action incidental thereto with Kgosi NMJ Pilane and his defunct council especially the public participation of the community intended to commence on the 5th March 2012 pending the resolution of the above issues by the community itself, government and/or by the courts.

Unless we hear from you by latest the close of business on the 1<sup>st</sup> March 2012, our instructions are to proceed against you by way of court interdict and claim costs against you.

We await your urgent response by latest the 1<sup>st</sup> March 2012.

Yours faithfully



**M.D PHETO ATTORNEYS**

549A



the dlgtA

Department  
Local Government & Traditional Affairs  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA

---

**DIRECTORATE: TRADITIONAL AFFAIRS**


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Ref: 11/2/10/P  
Enq: Rutoane S A

**CIRCULAR MINUTE**

**TO: ALL HEADS OF SECTIONS, DISTRICT MANAGER, DISTRICT COORDINATORS, ASSISTANT DISTRICT COORDINATORS AND SECRETARIES**

**RE: VOTERS ROLL: RECONSTITUTION OF TRADITIONAL COUNCILS**

---

1. The above matter refers.
2. As you are aware, the term of our traditional councils expired on 24 September 2010.
3. By law all the traditional councils in the province must be reconstituted in the prescribed manner.
4. To that end, the Department has requested the Provincial Office of the Independent Electoral Commission (IEC) to conduct traditional councils' elections on its behalf. During our meeting with the IEC the issue of the voters roll in respect of all the affected traditional councils came up sharply.
5. Colleagues, it is on this basis that you are hereby requested to set aside the next seven days in order to capture the names, identity numbers and physical addresses of bona fide members of our traditional communities 18 years and older. Such lists will constitute the voters' roll for traditional councils' elections.
6. District Coordinators are hereby requested to join hands to ensure that we finalise the exercise within seven days. In some instances it might be necessary to deploy staff to areas where there is a need for more hands.

Regards,

  
RUTOANE S A  
DIRECTOR: TRADITIONAL AFFAIRS

2010/11 03

(TUE)MAR 8 2011 10:42/ST. 10:40/No. 761905388 P 2

FRGM

59 13A



the dlga

Department  
Local Government & Traditional Affairs  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA

**DIRECTORATE: TRADITIONAL AFFAIRS**

REF: 11/2/10/P

CIRCULAR MINUTE: 03/2011

**TO: ALL CHAIRPERSONS OF TRADITIONAL COUNCILS, REGIONAL  
MANAGER, DISTRICT COORDINATORS AND SECRETARIES OF  
TRADITIONAL COUNCILS**

**RE: CONTRACTS/DEALS CONCLUDED POST 24 SEPTEMBER 2010:  
TRADITIONAL COUNCILS**

The above matter refers.

As you probably are aware, the term of office of members of all traditional councils in the North West Province expired on 24 September 2010 by operation of the law.

However, in the recent past it was brought to the attention of the Department that some traditional councils carried on with their activities, regardless. We are made to understand that such traditional councils concluded contracts/deals with other parties.

The danger about contracts/deals concluded post 24 September 2010 is that they might be of no force and effect, therefore invalid. The basis therefor being that such traditional councils lacked legal standing at the time the said contracts/deals were concluded.

Against this background, all Chairpersons of traditional councils are hereby called upon to cease forthwith from concluding contracts/deals with other parties until such time that they are duly reconstituted.

Sent along with this circular minute find a list of proposed dates for reconstitution of traditional councils. Kindly note that the dates are subject to change and you will be notified without delay in that eventuality.

Regards

**RUTHOANE S A  
DIRECTOR: TRADITIONAL AFFAIRS**

12 APR 2011

*"Together, doing more, better"*

DEPT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS DIRECTORATE: TRADITIONAL LEADERSHIP SUPPORT PRIVATE BAG X1021  11 APR 2011  MOOBASE 0314 MOSER-KITANE CENTRAL SUB DISTRICT NORTH WEST PROVINCE REPUBLIC OF SOUTH AFRICA
--

Lowes Building, 1 Modiri Molama Road, MMABATHO 0205 Private Bag X2005, MMABATHO, 2735 Tel: 018 387 2922, Fax: 018 387 2400/0866517895, Email: eruthoano@nwp.gov.za

# **MOTHULOE**

**ATTORNEYS, NOTARIES & CONVEYANCERS**

No. 20A St John Road, Houghton Estate 2198  
P. O. Box 616 Melville, 2109  
DOCEX 3 HOUGHTON

Tel: +27 11 487-1246  
Fax: +27 11 487-1256

Direct email: law@mothuloe.co.za

JNB Lodgement 392  
PTA Lodgement 892  
Vat No. 4030168991

**09 MARCH 2012**

**MESSERS M.D.PHETO ATTORNEYS  
SUITE 143-145  
MOGWASE COMPLEX**

**For Attention: Mr. David Pheto**

**Fax Number: (014) 555 5825**

Dear Sirs

**RE; BAKGATLA-BA-KGAFELA ROYAL FAMILY (SO - CALLED) v BAKGATLA-BA-KGAFELA TRADITIONAL COUNCIL; ISSUING OF MINING LICENCE AND ASSOCIATED RIGHTS BY THE DEPARTMENT OF MINERAL RESOURCES**

1. We act for the Bakgatla-Ba-Kgafela Traditional Council.
2. The letter from your office on behalf of the so - called Bakgatla-Ba-Kgafela Royal Family dated 29 FEBRUARY 2012 and addressed to the Director, SLR Consulting, for the attention of Ms. FIANO BOLTON, refers. It has been handed to us by the Bakgatla-Ba-Kgafela Traditional Council for us to reply thereto.
3. The abovementioned letter contains several misrepresentations of facts, which both Mr. PHETO of your Office and his so - called royal family clients know full -well to be false in the following ways, namely:-

**WYCLIFFE THIFF MOTHULOE BURS. LL.B. (NATAL) LL.M (CP). Assisted by CHRISPEN MACHUNGURA B. PROC., LL.B. (UFR).**

- 3.1 This so - called Royal Family is an illegitimate, fabrication which is far from authentic and runs parallel to the proper Bakgatla-Ba-Kgafela Royal Family which has both KGOSI M.J. PILANE and KgosiKgolo KGAFELA II in it;
- 3.2 This so-called royal family further has demanded of the Provincial Government of the North West Province to recognise it after a fabricated genealogical history and the Provincial Government, on account of both the correct facts and the several court decisions, which were launched by those aligned to this pretender-to-the throne royal family, rejected and dismissed their demand out of hand;
- 3.3 These judgements include:-
- (a) CHIEF T.R. PILANE v CHIEF LENCHWE II by the Honourable Justice Hendler; and
  - (b) MODIMAKWANE v THE TRADITIONAL COUNCIL OF BAKGATLA-BA-KGAFELA TRADITIONAL COMMUNITY & OTHERS, Case No 706/2011, by the Honourable Justice Hendricks; and
  - (c) PILANE & OTHERS v PHETO & OTHERS, Case No 582/2011, also by the Honourable Justice Hendricks.
- 3.4 The Itireleng Bakgatla Mineral Resources (IBMR) Company is not trading as yet. It has only one asset which is its Bankable Feasibility Study Report;
- 3.5 It is therefore unthinkable and unnecessary that IBMR will have financial reports and pay out dividends;
- 3.6 All of the irregularities that are alleged therein have either been the subject of STATE versus PILANE & TWO (2) Others (2006) Criminal Case which KGOSI PILANE successfully appealed against, or the inquiry which was conducted by the Department of Local Government and Traditional Affairs

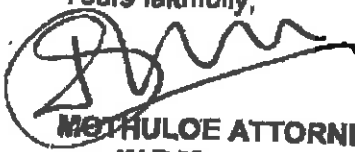


under the stewardship of the erstwhile M.E.C. KEGAKILWE at the instance and request of the very clients of Mr. PHETO;

- 3.7. In the abovementioned Modimakwane Case, Mr. MODIMAKWANE was the Applicant and he sought, on the strength of the circulars of the Office of Mr. RUTHOANE, dated 03 NOVEMBER 2010 and 11 APRIL 2011, an order that the Bakgatla-Ba-Kgafela Traditional Council be disbanded, on account of their expired Statutory Term of Office, new elections be held etc. The Court dismissed the Application with costs on an Attorney and Client scale because, in the main, it is the function of the abovementioned Department to oversee these Traditional Council elections across the province. In addition, MODIMAKWANE's Application, if granted, would have caused a *lacuna* in the governance of the Bakgatla-Ba-Kgafela Traditional Community as the Department itself was not even ready to conduct the said elections. Further the Court Order sought by MODIMAKWANE, on his own papers, would have lead to an untenable situation.
- 3.8. This judgement was not appealed against and it stands. In addition, the Honourable Premier of the North West Province has neither decreed nor announced that the subsequent elections, held under the auspices of the very Department of Local Government and Traditional Leadership in the Provincial Government, are, either improper or void. So the elections are good and the Bakgatla-Ba-Kgafela Council is good.
4. We attach for the attention of Ms. F. BOLTON a copy of the Court Order in the MODIMAKWANE Case.
5. The Appeals which they are lodging will not change the above-mentioned judgements. Your Office is quite aware that the decision in the MODIMAKWANE case was not appealed and therefore, the allegations represented, in your letter, are incorrect and false. There is a legitimate and lawfully constituted Traditional Council and

"Governance," in the Bakgatla-Ba-Kgafela Traditional Community which your Office and your clients are, we are instructed, trying to topple for your improper purposes.

Yours faithfully,



**MOTHULOE ATTORNEYS**  
per: W.T.M

**CC: THE DIRECTOR-SLR CONSULTING**  
**ATTENTION: MS FIANO BOLTON**  
**FAX NO: (011) 467-0978**

**CHIEF DIRECTOR**  
**ANDRE CRONJE**  
**Andre.Cronje@dmr.gov.za**

**REGIONAL MANAGER**  
**PIETER SWART**  
**Pieter.Swart@dmr.gov.za**

**HEAD OF OFFICE OF DEPUTY MINISTER**  
**SOLOMON RASMENI**  
**Solomon.rasmeni@dmr.gov.za**

KK2



IN THE HIGH COURT OF SOUTH AFRICA  
(BOPHUTHATSWANA PROVINCIAL DIVISION)

Held at MMABATHO on this the 03<sup>rd</sup> day of DECEMBER 2008  
BEFORE the Honourable Madam Justice KGOELE AJ

CASE NO: 1369/2008

In the matter between:

PILANE NYALALA JOHN MOLEFE  
THE TRADITIONAL COUNCIL OF BAKGATLA  
BA KGAFELA TRADITIONAL COMMUNITY

1<sup>st</sup> Applicant  
2<sup>nd</sup> Applicant

And

PHETO MPULE DAVID  
PILANE, MATLAPENG JOHN  
PILANE, THARI ERNEST  
PILANE, SEGALE  
COMMUNAL PROPERTY ASSOCIATION  
CONCERNED BAKGATLA ANTI - CORRUPTION  
ORGANIZATION  
ROYAL HOUSE

1<sup>st</sup> Respondent  
2<sup>nd</sup> Respondent  
3<sup>rd</sup> Respondent  
4<sup>th</sup> Respondent  
5<sup>th</sup> Respondent  
6<sup>th</sup> Respondent  
7<sup>th</sup> Respondent

HAVING READ the proceedings and other documents filed of record, and having heard ADV. GUTTA on behalf of the Appellant and ADV. VAN MAAKANE on behalf of the Respondents;

**IT IS ORDERED**

THAT: The Rule Nisi be and is hereby granted on the 20<sup>th</sup> June 2008 in the application with Case No. 1369/2008 and the other be and is hereby granted on the 27<sup>th</sup> June 2008 in the application with Case no. 1418/2008 are hereby confirmed and made final.

THAT: The respondents to pay the costs of this application.

BY THE COURT

DANIEL SWABI  
PRACTISING ATTORNEY  
(BOTSWANA)  
COMMISSIONER OF OATHS

REGISTRAR  
REGISTRAR OF THE COURT  
BOPHUTHATSWANA PROVINCIAL  
DIVISION

DANIEL SWABI  
NOTARY  
PUBLIC

SM

JT

KK

"KKI"



**IN THE HIGH COURT OF SOUTH AFRICA  
(BOPHUTHATSWANA PROVINCIAL DIVISION)**

Held at MMABATHO on this the 27<sup>th</sup> day of JUNE 2008  
BEFORE the Honourable Madam Justice KGOELE AJ

CASE NO: 1369/2008

In the matter between:-

NYALALA JOHN MOLEFE PILANE

1<sup>st</sup> Applicant

THE TRADITIONAL COUNCIL OF THE  
BAKGATLA - BA - KGAFELA TRADITIONAL  
COMMUNITY

2<sup>nd</sup> Applicant

And

MPULE DAVID PHETO  
MATLAPENG JOHN PILANE  
THART ERNEST PILANE  
SEGALE PILANE  
COMMUNAL PROPERTY ASSOCIATION  
CONCERNED BAKGATLA UNCORRUPTION  
ROYAL HOUSE

1<sup>st</sup> Respondent  
2<sup>nd</sup> Respondent  
3<sup>rd</sup> Respondent  
4<sup>th</sup> Respondent  
5<sup>th</sup> Respondent  
6<sup>th</sup> Respondent  
7<sup>th</sup> Respondent

HAVING HEARD ADV.GUTTA on behalf of the Applicants and having read the  
Notice of Motion and other documents filed;

**IT IS ORDERED**

**THAT:** The matter be and is hereby removed from the roll.

**BY THE COURT**

**REGISTRAR**

SM

DT

**DRAFT ORDER**

Having heard Adv. Gutta on behalf of the APPLICANTS and having read the papers in support of the application

**IT IS ORDERED**

1. THAT : Paragraphs 1, 2, 4 & 5 of the Notice of Motion are granted.
2. THAT : Service must be effected by the Sheriff of this Honourable Court.

BY ORDER

*KCS*

REGISTRAR

SUPREMACY DIVISION

**IN THE HIGH COURT OF SOUTH AFRICA  
BOPHUTHATSWANA PROVINCIAL DIVISION**

**CASE NO:** 1309/08

In the matter between

**PILANE: NYALALA JOHN MOLEFE  
THE TRADITIONAL COUNCIL OF THE BAKGATLA  
BA-KGAFELA TRADITIONAL COMMUNITY**

**First Applicant**

**Second Applicant**

and

**PHETO: MPULE DAVID  
PILANE: MATLAPENG JOHN  
PILANE: THARI ERNEST  
PILANE: SEGALE  
COMMUNAL PROPERTY ASSOCIATION  
CONCERNED BAKGATLA ANTI-CORRUPTION  
ORGANIZATION  
ROYAL HOUSE**

**First Respondent**

**Second Respondent**

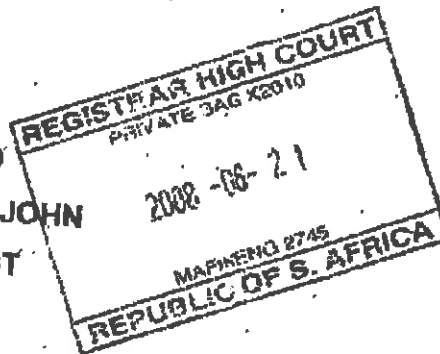
**Third Respondent**

**Fourth Respondent**

**Fifth Respondent**

**Sixth Respondent**

**Seventh Respondent**



---

**NOTICE OF MOTION**

---

**KINDLY TAKE NOTICE** that the Application will be made to the above Honourable court as a matter of urgency, on Friday the 20th day of June 2008 at 10h00 or soon as thereafter as soon as the counsel may be heard, for an Order in the following terms:

1. Granting the applicants leave to bring this application as a matter of urgency in terms of rule 6(12) of the rule of this Honourable Court and dispensing with the requirements relating to the ordinary rules of forms, service and time periods.

2. Interdicting each of the Respondents and one or more or all of them, directly or indirectly and in such form as one or all of them may seek to organise themselves, from:-

2.1. proceeding with the meeting planned by Mpule David Pheto and/or the Royal House and/or anyone on his behalf or whom he may represent on 21 June 2008 at 10h00, which is planned to be held at Moruleng Stadium, Saulspoort, Pilaesburg, District Rustenburg, North West Province or anywhere else within the jurisdiction of this Honourable Court, wither on such a date or otherwise;

2.2. organising or proceeding with any meeting purporting to be a the a meeting of the Traditional Community or *Kgothakgothe* of the Bakgatla-BaKgafela Traditional Community without proper authorisation by either of the applicants or order of this Honourable Court first had or obtained;

2.3. organising or proceeding with the steps to remove the First

Applicant, Nyalala John Molefe Pilane, from his position as a Kgosi (traditional Leader) of the Bakgatla-Ba-Kgafela in the North West Province other than by lawful means.

2.4. claiming that the alleged Royal House has the power and authority to represent Traditional Community of the Bakgatla-Ba-Kgafela.

2.5. claiming that the alleged Royal House has power and authority to call meetings of the Traditional Community of the Bakgatla-Ba-Kgafela.

2.6. Claiming that the alleged Royal House has power and authority to remove the First Applicant as a Kgosi of the Traditional Community of the Bakgatla-Ba-Kgafela tribe.

3. For Further and/or alternative relief.

4. For costs of suit jointly and severally against the Respondents if they may oppose the grant of this application.

5. Alternative to 2.1 to 2.6 above, calling the Respondents to show cause to this Honourable Court on Thursday, 3 July 2008 at 10h00 why an order should not be granted:-

5.1. Interdicting each of the Respondents and one or more or all



of them, directly or indirectly and in such form as one or all of them may seek to organise themselves, from:-

- 5.1.1. proceeding with the meeting planned by Mpule David Pheto and/or the Royal House and/or anyone on his behalf or whom he may represent on 15 June 2008 at 10h00, where to be held at Moruleng Stadium, Saulspoort, Pilanesburg, District Rustenburg North west Province or anywhere else within the jurisdiction of this Honourable Court, whether on such a date or otherwise;
- 5.1.2. organising or proceeding with any meeting purporting to be a meeting of the Traditional Community or *Kgothakgothe* of the Bakgatla-Ba-Kgafela Traditional community without proper authorisation by either of the Applicants or Order if this Honourable Court first had or obtained;
- 5.1.3. organising or proceeding with the steps to remove the First Applicant, **Nyalala John Molefe Pilane**, from his position as a Kgosi (traditional Leader) of the Bakgatla-Ba-Kgafela in the North West

Province other than by lawful means.

- 5.1.4. claiming that the alleged Royal House had the power and authority to represent Traditional Community of the Bakgatla-Ba-Kgafela.
- 5.1.5. claiming that the alleged Royal House has power and authority to call meetings of the Traditional Community of the Bakgatla-Ba-Kgafela.
- 5.1.6. Claiming that the alleged Royal House has power and authority to remove the First Applicant as a Kgosi of the Traditional Community of the Bakgatla-Ba-Kgafela.
- 5.2. For Further and/or alternative relief.
- 5.3. For costs of suit jointly and severally against the respondents if they oppose the granting of this application.
- 5.4. Directing that the orders in terms of 5.1 above (i.e. 5.11 to 5.16 above) should operate as an interim interdict pending a return day.

**TAKE NOTICE FURTHER** that the affidavit of **NYALALA JOHN MOLEFE**

PILANE with annexures thereto, together with confirmatory affidavits of

1. KOBEDI PHINEAS PILANE

2. DIKOBO THOMAS MASENYE

3. KAUTLWALE MOSES PILANE

4. MMAKGOTHA GRACE MASUKU

will be used in support thereof.

TAKE FURTHER NOTICE that the Applicants have appointed SM MOOKELETSI, Unit 1, 2211 Sekame Road, Mmabatho, at which they will accept notice and service of all process in these proceedings.

TAKE FURTHER NOTICE that if you intend to oppose this Application your are required:-

(a) to notify SM MOOKELETSI Attorneys prior to the hearing of this Application;

(b) and to file your answering affidavits, if any, prior to the hearing of this application, alternatively and in the event of a rule nisi being granted as prayed, within seven (7) days from the date thereof, alternatively within

2  
17/3/12

such time as this Honourable Court may direct having regard also to such return day as may be determined by this Honourable Court at the first hearing.

**KINDLY** set the matter down for hearing accordingly.

Dated at **MMBATHO** on this 21 day of **JUNE 2008**



**MOTHULOE ATTORNEYS**

**c/o S.M. MOOKELETSI ATTORNEYS**

**2211 Sekame Road, Unit 1**

**Mmabatho**

**(T) 018 384 0536**

**(F) 018 384 4235**

**TO: THE REGISTRAR OF THE HIGH COURT**

**BOPHUTHATSWANA PROVINCIAL DIVISION**

**AND TO: MPULE DAVID PHETO**

**1<sup>st</sup> Respondent**

**Suite 143/5, 1<sup>st</sup> Floor**

**Mogwase Business Complex**

**Mogwase**

**AND TO: MATLAPENG JOHN PILANE**

**2<sup>nd</sup> Respondent**

**Suite 143/5, 1<sup>st</sup> Floor**

**Mogwase Business Complex**

**Mogwase**

**AND TO: THARI ERNEST PILANE**

**3<sup>rd</sup> Respondent**

**Suite 143/5, 1<sup>st</sup> Floor**

**Mogwase Business Complex**

**Mogwase**

**AND TO: SEGALE PILANE**

**4<sup>th</sup> Respondent**

**Suite 143/5, 1<sup>st</sup> Floor**

**Mogwase Business Complex**

**Mogwase**

**AND TO: COMMUNAL PROPERTY ASSOCIATION**

**5<sup>th</sup> Respondent**

**Suite 143/5, 1<sup>st</sup> Floor**

**Mogwase Business Complex**

**Mogwase**

**AND TO: CONCERNED BAKGATLA ANTI-CORRUPTION ORGANIZATION**

**6<sup>th</sup> Respondent**

**Suite 143/5, 1<sup>st</sup> Floor**

**Mogwase Business Complex**

**Mogwase**

20/3/12

AND TO: ROYAL HOUSE

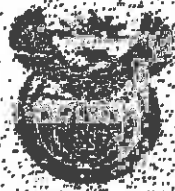
7<sup>th</sup> Respondent

Suite 143/5, 1<sup>st</sup> Floor

Mogwase Business Complex

Mogwase

31/31



REGISTRAR HIGH COURT  
 PRIVATE BAG 2801  
 2009-09-19  
 MAFIKENG  
 REPUBLIC OF S. AFRICA

**IN THE HIGH COURT OF SOUTH AFRICA  
 (NORTH WEST HIGH COURT, MAFIKENG)**

**CASE NO. 2589/2009**

Held at MMABATHO on this 10<sup>th</sup> day of SEPTEMBER 2009  
 BEFORE the Honourable Mr. Justice GURA

In the matter between:

NYALALA JOHN MOLEFE PILANE

1<sup>st</sup> Applicant

THE TRADITIONAL COUNCIL OF THE  
 BAKGATLA-BA-KGAFELA TRADITIONAL COMMUNITY

2<sup>nd</sup> Applicant

And

VICTOR MODIMAKWANE

Respondent

HAVING HEARD ADV. PISTOR with ADV. GUTTA on behalf of the Applicant  
 and having read the Notice of Motion and other documents filed;

**IT IS ORDERED**

**THAT:** The Respondent be and is hereby interdicted from:-

1. proceeding with the meeting planned on 11 September 2009 at 11:00, referred to in the invitation attached to the founding affidavit, which is planned to be held at Rustenburg Golf Club, District Rustenburg, North West Province;
2. taking any steps or conducting himself in any manner, which is contrary to the provisions of the North West Traditional Leadership and Governance Act 2 of 2005 (the North-West Act)



and the Traditional Leadership and Governance Framework Act, 41 of 2003 (the Framework Act), which steps or conduct is prejudicial to the Applicants.

- 3. Acting for or on behalf of the legitimate Kgosi of the Bakgatla Ba Kgafela.
- 4. pretending to be authorised by the legitimate Kgosi of the Bakgatla Ba Kgafela traditional community.
- 5. representing to any persons that he is authorised by the legitimate Kgosi of the Bakgatla Ba Kgafela traditional community to act on his behalf.

**THAT:** The Respondent pay the costs of this application, which costs are to include the costs of the two counsels on an attorney and client scale.

**BY THE COURT**

  
**REGISTRAR**  
 REGISTRAR OF HIGH COURT  
 BOPHUTHATSWANA PROVINCIAL  
 DIVISION

S.M.M

FMS

# GUMBO & CO

*Attorneys, Administrators of Estates, Labour and Mining Law Practitioners*

Suite 219-224  
Second Floor  
Augustus Business Forum

P.O. BOX 1390  
MOGWASE  
0314  
Tel: (014) 555-5283 & 555-6435  
Fax: (014) 555-5638 / 086 625 0581  
email: mgumbo@mumb.co.za

Our ref : TCG/B.318/CIV  
Your ref :  
Date : 11/01/2010

Mr. Victor Modimakwane  
MORULENG

**Per Sheriff**

Sir

re: RETC & YOURSELF

Your letters of 10<sup>th</sup> December 2009 and 04<sup>th</sup> January 2010 addressed to the Secretary Traditional Council have been referred to us for attention.

We wish to remind you of a court interdict under case 2589/2009 obtained against you, especially paragraph 2 of thereof, which inter alia states "that you are interdicted from taking steps or conducting yourself in a manner which is contrary to the provisions of North West Traditional Leadership and Governance Act No. 2 of 2005, and Traditional Leadership and Governance framework Act No. 41 of 2003, which steps are prejudicial to the applicants (in this case, Kgosi and his Council)".

Contents of your aforesated letters are in contravention of the said interdict.

**HARRY GUMBO A (UR) LEO, CEO & MINTING & MINERALS (TUB) L.L.M (RAU)**  
**ASSISTED BY: T.M. KJANARE LEO, (UR) (WEST) (RA)**  
**A. M. MOTSEDIKUMO LEO (UR) (WEST) (CA)**

We are calling upon you to, within a period of seven (7) days from date of receipt or service hereof to withdraw those letters, failing which we have instructions to take steps to protect our clients interests.

Yours faithfully  
GUMBO & CO

Per: T. C. GUMBO





IN THE NORTH WEST HIGH COURT, MAFIKENG

In the matter between:-

CASE NO: 582/2011

**NYALALA MOLEFE JOHN PILANE  
THE TRADITIONAL COUNCIL OF THE  
BAKGATLA-BA-KGAFELA TRADITIONAL  
COMMUNITY**

First Applicant  
Second Applicant

and

**MPULE DAVID PHETO  
THARI ERNEST PILANE  
SEGALE PILANE  
OUPA PILANE  
TINY MOTSHEGWA**

First Respondent  
Second Respondent  
Third Respondent  
Fourth Respondent  
Fifth Respondent

**CIVIL MATTER**

**DATE OF HEARING**

11 AUGUST 2011

**DATE OF JUDGMENT**

30 SEPTEMBER 2011

**COUNSEL FOR THE APPLICANTS**

ADV PISTOR SC with

ADV CHWARO

**COUNSEL FOR THE RESPONDENTS :**

ADV BREDEKAMP SC with

ADV MATSHEGO

---

**JUDGMENT**

---

**HENDRICKS J****[A] Introduction:**

[1] On the 1<sup>st</sup> April 2011, the Respondents published or caused to be published in the Sowetan newspaper a notice directed at all the members of the Bakgatla-Ba-Kgafela Royal Family of an urgent meeting to be held on the 3<sup>rd</sup> April 2011. This prompted the Applicants to approach this Court on an urgent basis on the 2<sup>nd</sup> April 2011 for the following relief:-

"2. **THAT:** a Rule Nisi be issued calling upon the Respondents to show cause if any, on Thursday, the 26<sup>th</sup> May 2011 at 10H00, or as soon thereafter as the matter may be heard why the following order should not be made final;

2.1. **THAT:** Interdicting and Restraining the First to the Fifth Respondents or any person or group acting as their agents or on their own individually or as a group, in association with the Respondents, from convening addressing and/or attending a meeting scheduled for Sunday the 3<sup>rd</sup> April 2011 at 09H00 at the Lesetheng Village, North West Province and as more fully publicised in the Sowetan newspaper of Friday the 1<sup>st</sup> April 2011 and at any date time and place thereafter until the final determination of this matter.

2.2 **THAT:** Interdicting and Restraining the First to the Fifth Respondents or any person or group of persons / people acting as their agents or on their own individually or as a group, in association with the Respondents, from organising and/or proceeding with any other meeting convened under the

*auspices of the Bakgatha-Ba-Kgafela Royal Family in terms of section 25 of the North West Traditional Leadership and Governance Act 2 of 2005 at any date time and place until the final determination of this matter.*

**2.3 THAT:** *Calling upon the First, Second and Third Respondents to show cause, if any, on 26<sup>th</sup> May 2011, why they should not be committed to jail for contempt of court;*

**3. THAT:** *pending the final determination of the application, the relief set out in paragraphs 2.1 and 2.2 supra, serve as an interim interdict with immediate effect;*

**4. THAT:** *the First to Fifth Respondents pay the costs of this application on an Attorney and Client scale jointly and severally, the one paying the other to be absolved."*

[2] An interim order was granted in the terms prayed for. This application was met with a counter application by the Respondents, the notice of motion which reads thus:-

*"Kindly take note that the Applicants in the counter application (Respondents in the main application) intends, on the date of the hearing of this matter (11/08/2011), to apply for an order in the following terms:-*

- (i) That the Respondent in the counter claim (Applicants in main application) be ordered to submit their financial books and statements to the North West Province and Auditor General;*
- (ii) that the contents of the papers in this case, be referred to the Premier of the North West Province and he/she be requested to urgently appoint a Commission of Enquiry*

- with the brief to investigate whether the First and Second Applicants in the main application, are guilty of fraud or gross irregularity or maladministration of the affairs of the Second Applicant in the main application, and
- (iii) investigate the appointment of the First Applicant as Kgosi;
- (iv) costs of the counter application.

Kindly take notice that the answering affidavit of S Pilane will be used in support of this application.

Signed at Mafikeng this 11<sup>th</sup> day of August 2011."

**[B] Issues to be determined:-**

- [3] Central to this case are the issues to be determined:- whether the Respondents are members of the Royal Family of the Bakgatla-Ba-Kgafela tribe and as such, whether they are entitled to call a meeting of the Royal Family. Incidental thereto is to be determined the *locus standi* of the Applicants in this matter.

**[C] Historical background:-**

- [4] The Bakgatla-Ba-Kgafela Traditional Community (hereinafter referred to as "the Traditional Community" or Bakgatla-Ba-Kgafela) comprises of 32 sub-villages and approximately 300 000 (three hundred thousand) tribes-people. The capital village is Moruleng or Saulspoor. Moruleng and Saulspoor mean the same village and the names are frequently used interchangeably. Moruleng

often also refers to this conglomeration of villages of the Bakgatla-Ba-Kgafela.

- [5] The Traditional Community in Moruleng have a historical consanguinity and attachment to the Bakgatla-Ba-Kgafela in Mochudi, Botswana. This affinity manifests itself in the tribal administration of the two tribes, among several other ways, in that the Kgosi of the Traditional Community in Moruleng is appointed by the Paramount Chief of Bakgatla-Ba-Kgafela, who is based in Mochudi, Botswana.
- [6] Historically, the Mochudi Bakgatla-Ba-Kgafela and the Traditional Community in Moruleng was one tribe. The Mochudi based Bakgatla-Ba-Kgafela then relocated further to the west and settled in Mochudi, about 50 km North-East of Gaborone, the capital city of Botswana. When this happened a few decades ago, the then ruling monarch of the Bakgatla-Ba-Kgafela, Kgosikgolo Linchwe I Pilane, appointed his brother, Ramono to hold the fort for him in Moruleng as he also relocated with the Mochudi section of the tribe. Paramount Chief Kgamanayane Pilane was succeeded by the Paramount Chief Linchwe I, who was succeeded by his son Kgosikgolo Kgafela, then Kgosikgolo Molefi and finally the Paramount Chief (or Kgosi Kgolo) Linchwe II. Kgosikgolo Linchwe II passed away in 2007 and has now been succeeded by his eldest son Kgosi Kgolo Kgafela Kgafela.
- [7] The Paramount Chief in Mochudi rules both sections in Mochudi and in Moruleng of the Bakgatla-Ba-Kgafela but does so with the Kgosi representing him over Moruleng. This function is at present



discharged by the First Applicant. The two villages are not independent, but are inter-dependent, both in substance and in form. The communities are substantially intertwined. This long-standing position remains in force and applicable even today. The fact that the one village is in Mochudi, Botswana and the other in Moruleng, South Africa neither inhibits nor prevents the exercise of traditional laws and customs of the Bakgatla-Ba-Kgafela for the two communities. As Landman J so eloquently put it in the unreported judgment of Nyalala John Molefe Pilane and Another v M K Pilane and Another, case no 263/2010, "*The Bakgatla-Ba-Kgafela Traditional Community or tribe straddles the border of South Africa and Botswana.*"

- [8] The Paramount Chief in Mochudi has vested powers to appoint and enthrone the Kgosi to rule over the Traditional Community in the North West Province, Moruleng by virtue of his office and status as Kgosisigolo. The Paramount Chief is also consulted on and approves any material governance issues in Moruleng. On the 6 April 1996, the late Paramount Chief Linchwe II appointed and enthroned the First Applicant as the Kgosi/Chief or Senior Traditional Leader of the Traditional Community in Moruleng. The installation by the Paramount Chief was subsequent to the approval by both the members of the Royal Family of the Bakgatla-Ba-Kgafela, and the members of the Traditional Community resident in the North West Province in a properly constituted tribal community meeting in terms of customary law and custom.
- [9] The Premier of the North West Provincial Government recognised the First Applicant's appointment as Kgosi of the Traditional

Community in terms of the then applicable Act. In recognition of his appointment there was a publication of the enthronement in the Government Gazette. In addition, he was issued with the statutorily prescribed Letter of Designation by the office of the Premier of the North West Province.

**See:-** Pilane v Linchwe and Another 1995 (8) BCLR 932 (B); also reported in 1995 (4) SA 686 (B).

This case was never overturned on appeal and therefore stands. Unless clearly wrong, I am bound to follow it based on the principle of *stare decisis*. After a careful study of the aforementioned case, I am of the view that Hendler J was correct in his findings.

[D] **Locus Standi of the First Applicant:-**

**Certificate of recognition:-**

[10] First Applicant contended that he is lawfully recognised by the Premier of the North West Province in terms of the provisions of section 36 of the Traditional Authorities Act 23 of 1978. As proof of such recognition is attached a Letter of Designation. The appointment of the First Applicant as Kgosi is challenged by the Respondents alleging that such appointment was not lawful. Being faced with the Letter of Designation, it was submitted by Adv Bredenkamp SC, on behalf of the Respondents, that there is a difference between a Letter of Designation and a Certificate of Recognition. To illustrate this, a copy of a Certificate of Recognition was annexed to the Answering Affidavit.

[11] Apart from the difference in the heading ("Certificate of Recognition" and "Letter of Designation"), the wording of the contents of these two documents are *verbatim* the same, save for reference to two different acts that was and presently are applicable. The Letter of Designation is dated 18 January 1996 and refers to Section 36 of the Transitional Authorities Act 23 of 1978 which was applicable at that time. The Certificate of Recognition refers to chapter 3 of the North West Traditional Leadership and Governance Act 2 of 2005 which replaced the aforementioned Traditional Authorities Act 23 of 1978 and is presently applicable.

[12] The submission by Adv Bredenkamp SC that there is a difference between the Letter of Designation and a Certificate of Recognition is nothing but a question of semantics. With respect, not much turns on this submission. I am satisfied that the First Applicant was duly recognised and enthroned as Kgosi of the Bakgatla-Ba-Kgafela tribe since 01 January 1996. As such, I find that the First Applicant as Kgosi does have the necessary *locus standi* to bring this application.

See:- Pilane v Linchwe and Another, supra.

[E] Locus Standi of the Second Applicant:-

[13] The attack on the *locus standi* of the Second Applicant is premised on the fact that the term of office of the members of the Second Applicant expired on 24 September 2010. Because their term of office has expired, so it was contended, the members of

the Second Applicant lack the necessary *locus standi* to bring this application.

[14] Whilst it is true that the term of office the members of the Second Applicant expired on the 24 September 2010, no new Traditional Council is elected into office. The election of members of Traditional Councils is a process that is regulated by statute. It is incumbent upon the Provincial Government to ensure full compliance with both the North West Traditional Leadership and Governance Act 2 of 2005 and the Traditional Leadership and Governance Framework Act, 41 of 2003 (the National Act). Pursuant to the provisions of the Traditional Leadership and Governance Framework Act 41 of 2003 (the National Act), the Minister (or designate) for Cooperative Governance and Traditional Affairs must publish guidelines in terms of Section 3 (2) of the Act, for the determination of the number of members of a Traditional Council to set the process of electing a new Traditional Council in motion:

[15] In terms of section 3 (2)(a) of the Framework Act, 2003, the Minister must issue guidelines by Notice in the Government Gazette prior to the Premier issuing the formula determining the numbers of the members of the Traditional Councils in the provincial gazette. In terms of section 6 (2)(a) of the North West Act, 2005, read with section 3 (2)(a) of the Framework Act, the Premier is also expected to publish her formula after consultation with the Provincial House of Traditional Leaders.

- [16] The Acting Minister for Cooperative Governance and Traditional Affairs published in Government Gazette No 34242 of 21 April 2011 the said guidelines. Up to now, the Premier's formula and determination of numbers is still to be published by notice in the Provincial Gazette. It is therefore important and imperative that all these jurisdictional facts must be attained first before there can be elections held for the new Traditional Councils. Until such time that all these statutory requirements are met, the law cannot allow a situation where there is a vacuum created by the expiry of the term on the one hand and the non-compliance with the legislative requirements for the re-composition of the Tribal Council on the other hand.
- [17] This issue was decided by this Court in the matter of **Bito Victor Modimokwana v Traditional Council of Bakgatla-Ba-Kgafela Traditional Community** case no 706/2011 in which the Applicant applied for an interdict against the members of the Respondent to refrain from:-

"2. .... entering, working from and/or conducting the affairs of the Bakgatla Ba Kgafela Tribal Council, holding meetings or in any manner whatsoever, utilizing the premises and/or offices of the Bakgatla Ba Kgafela Tribal Council for the period from the date of the notice of motion to which this affidavit is attached up to and including the date on which a new Tribal Council of the Bakgatla Ba Kgafela Community shall have been selected, elected and constituted.

3. *Using, operating or operating on any funds, assets movable or immovable property belonging to the Bakgatla Ba Kgafela Tribal Council and/or Bakgatla Ba Kgafela Tribal Community as recognized by the Premier of the North West Province in terms of section 3 of the North West Leadership and Governance Act no 2 of 2005."*

[18] ~~After listening to the arguments and evidence presented,~~ I dismissed the application because it lacked substance. There can never be a *lacuna* in that no Traditional Council exists to run the affairs of the traditional community. Although their term of office expired on 24 September 2010, the members of the Traditional Council must remain in office until the process of re-composition of Traditional Council's is finalized.

[19] This much was conceded to by Adv Bredenkamp SC on behalf of the Respondents, which concession was in my view well made. For the sake of good governance, a council whose term of office has expired should continue to be in existence until it is replaced by a newly elected council. In my view therefore, the contention by the Respondents that the Second Applicant lacks the necessary *locus standi* to bring this application, does not hold water. I find that the Second Applicant does have the necessary *locus standi* to bring this application.

[F] Whether the Respondents are members of the Royal Family:-

[20] There is a dispute between the parties as to whether or not the Respondents are members of the Royal Family. Adv Bredenkamp SC, on behalf of the Respondents, submitted that this dispute

cannot be resolved on the papers whilst Adv Pistor SC, acting on behalf of the Applicants, submitted the contrary. Before deciding on this issue, it is necessary to deal with the averments of both parties in some detail.

[21] Starting with the Respondents version first, their being part of the Royal Family is described as follows, and I quote:-

*"In the culture of the Bakgatla-Ba-Kgafela community, the ruling family is the Pilane House. The Pilane House, in South Africa, as the community's tradition provides, consist of the Kgamanyane, Tshomankane, Mantirisi and Moselekatsi Houses. The head of a ruling family can and has historically had more than one wife, each accorded a specific level of recognition in terms of seniority, expressed as "Dintlo" (Royal Family Houses). The above families constitute such Dintlo. Each and every descendant of the Royal Family Houses constitutes the Royal Family irrespective of whatever degree they are removed from the ruling family. It is in terms of this context that Section 1 (Definitions) of Act no 2 of 2005 also defines who constitutes Royal Family. This concept in the Bakgatla-Ba-Kgafela community is also known as Royalty by blood.*

*In this context, it is submitted that the Respondents are members of the Royal Family and are described as follows:-*

- *First Respondent is a close relative of the ruling family. He descends from the House of Pheto.*
- *Second Respondent descends directly from the House of Tshomankane.*
- *Third Respondent descends directly from the House of Mantirisi.*

- *Fourth Respondent descends directly from the House of Moselekatsi.*
- *Fifth Respondent descends directly from the House of Tshomankane; cognisance must be taken of the fact that "Kaekoa, refers to Tiny Motshegwa."*

[22] In case no. 2482/08 before this Court, Kgosi-Kgolo Kgafela Kgafela deposed to an answering affidavit. This Court was asked to incorporate the contents of the said answering affidavit, a copy whereof is attached to the replying affidavit of the Applicants, as part thereof. No replying affidavit was filed in case number 2482/2008 to contest the averments made by Kgosi-Kgolo Kgafela Kgafela. Furthermore, no application was made to file further affidavits in the present case. Therefore, the averments contained in the said affidavit remains uncontested. Kgosi-Kgolo Kgafela Kgafela can authoritatively state who is a member of the Royal Family and who is not. He states:-

- *"Royal Family" is defined in the Traditional Leadership and Governance Framework Act 41 of 2003 (a statute of the Republic of South Africa) ("the Act") as meaning:-*

*'the core customary institution or structure consisting of immediate relatives of the ruling family within a traditional community, who have been identified in terms of custom, and includes, where applicable, other family members who are close relatives of the ruling family.'*

- *The definition of "Royal Family" in the South African Act is consistent with the position in Bakgatla customary law.*



- Taking that definition into account, the ruling family of Bakgatla, situate both in Botswana and South Africa, at the present moment is the family of Kgosi Kgafela Kgafela. His family has been identified as the Ruling family in terms of Bakgatla customary law. This ruling family descends from Kgosi Kgamanyane and his first house (i.e. from his first/senior wife) and not from any other of the many wives he had taken. This is in accordance with the history and customary law. Expressed differently, the monarchy of the entire Bakgatla nation is patriarchal and draws from the first house. The male issue would ascend the throne on the basis of primogeniture (i.e. the first born male if not incapacitated) and failing him, the eldest surviving male (if not incapacitated).
- The immediate relatives of the ruling family would constitute the inner circle as the core of the Royal Family, traditionally described as Khuduthamaga. It is drawn from close family and immediate relatives of the Kgosi Kgolo, who over and above being born to those positions, would invariably be the Kgosi-Kgolo's preference for consulting on sensitive issues concerning the entire Bakgatla nation. Such consultation would ordinarily initially take place with the heads of such select families.
- Since the Bakgatla has many members in South Africa, the Royal Family, as described above, being the inner circle or core, includes the First Applicant who descends from Ramono, who himself descended from Kgosi Kgamanyane. For purposes of administering the affairs of Bakgatla resident in South Africa, the First Applicant consults with and is assisted by his siblings and cousins.

- First Applicant has the prerogative under customary law to co-opt persons into the Traditional Council, provided that such persons would ordinarily be descendants of Kgosi Kgamanyane's siblings by order of lineage. For example, he has co-opted Mr. Linchwe Letlakana Pilane (also known as Uncle Vroeg) and Mr. Kobedi Phineus Pilane into the consultative body, they both being descendants of the first house of Tshomankane Pilane who was Kgosi Kgamanyane's half-brother, from the third wife of Kgosi Pilane, who was Kgosi Kgamanyane's father.*
- The third house of Kgosi Pilane, the Tshomankane House, in South Africa can step "into" the place of the second house of Kgosi Pilane, there being no descendants of the second house in South Africa. However should a decision be taken in Moruleng for the First Applicant to co-opt a member of the Third house, it would be open to a member of the second house in Botswana to claim a precedence over such third house choice, provided he would come to live in Moruleng, for him to be present and active in the daily affairs of the Council.*
  - Accordingly, the First Applicant chose and co-opted from the third house those persons referred to above. Had there been any male issue descendants of the second house in South Africa it would have been incumbent on the First Applicant (should he have decided to co-opt) to have chosen and co-opted from the second house ahead of the third house, in keeping with both the principles of consanguinity and primogeniture.*

- *Consequently the ranking of the third house, namely Tshomankane's house, from where the Respondents claim descent, is in fact further from the Royal Family than it appears, on account of the absence of members of the second house in South Africa. The many descendants of the second house resident in Botswana would have precedence over the third Tshomankane house on the basis of consanguinity and primogeniture.*
- *It must be emphasised that inasmuch as it would be incumbent upon a Kgosi-Kgolo to surround himself in the consultative body, being the inner circle or core of the Royal Family with persons of descent according to a certain family hierarchy, and inasmuch as a Kgosi-Kgolo would be entitled to deviate from these guidelines where applicable (e.g. where issues of loyalty and trust render it inappropriate to have certain people in such consultative body, notwithstanding their descent), the First Applicant is similarly at liberty to deviate from these principles where necessary. The meetings of the Royal Family in Mochudi are usually attended by the First Applicant and his brother, Mr Kautlwale Pilane, in their capacities as being head of their families, the First Applicant also attending in his further capacity as representative of Kgosi-Kgolo Kgafela Kgafela in Moruleng. Invariably if the meeting was concerned with affairs in South Africa, attendance would be necessary.*
- *The inner circle or core is limited by the preference of Kgosi-Kgolo. Much as one may qualify to be part thereof by reason of birth, he or she cannot impose himself/herself thereon if the Kgosi-Kgolo does not wish*

him or her to be part thereof. In other words, participation in the inner circle or core is at the discretion of the Kgosi-Kgolo over and above an "entitlement" arising out of proximity to the Royal Family. Secondly, if the number of the inner circle is too large, the Kgosi-Kgolo may limit it on the basis of his preferences by reducing the membership. Thirdly, those who have revoked their loyalty and repudiated his trust are automatically excluded.

- There are instances where some family member, who otherwise qualifies to be in the inner circle, may be excluded in circumstances where the exercise of their membership to the inner circle is unworkable due to their personal circumstances. These personal circumstances may include marriage (which may cause them to move away from the villages), distance or simple disinterest. The inner circle or core has one solitary function. It is to advise and be the "eyes and ears" of the monarch within the entire Bakgatla nation. Because of their station within the Bakgatla nation they attend to confidential and sensitive matters affecting both the Kgosi-Kgolo and the Bakgatla nation. Confidentiality, loyalty and trust are critical for the proper functioning and success of the inner circle. It is for this reason, *inter alia*, why the inner circle has to be limited to a manageable number of members. Their suggestions, ideas and reports usually take preference ahead of those of ordinary citizens.
- The inner circle must, in its nature and functions, be distinguished from the Traditional Council which is established by statute. On the one hand, the inner circle serves a totally different function, which is neither to

overlap, support nor supplement the functions of the Traditional Council. On the other hand, the Traditional Council performs those administrative functions directed by statute."

[23] The First Applicant in his Founding Affidavit and an answering affidavit deposed to by him in case no 2482/2008 states with regard to the question as to whether the Respondents are members of the Royal Family:-

- *In terms of Bakgatla-Ba-Kgafela Customary and Traditional Law, the Royal Family is determined by the closest lineage to the Paramount Chief Kgamanyane. The closest male descendants to him from his First House will rule. Expressed differently, the first male descendant of the Kgosi from his First House will be his successor. The descendants of Kgamanyane from other subsequent houses will not rule and the further they are from the first house of the ruling monarch, the more unlikely they are to be members of the Royal Family as Royalty. Matlapeng Pilane, David Pheto and others mentioned in the abovementioned Annexure M1 and M2 are far removed from Kgosisigolo Kgamanyane's First House. Kgosisigolo Kgamanyane had taken many wives and even these far-flung houses used his surname, Pilane. This is where Matlapeng Pilane is placed, as a descendant of these further houses, much too distant from the First House. The rest of them in M1 and M2 are in analogous positions.*
- *The Royal Family comprises immediate and select members of the family from which the ruling Monarch, usually male issues considered in the sequence of their births or the eldest surviving male, are born. Among the BBK these can be traced as far as the Paramount Chief Kgamanyane.*

- *May I now turn to Ségale Pilane. He is born in the Second House of Mantirisi and there are at least TWO males, before him. Mantirisi is even further away from the ruling lineage than Kgamanyane, who himself is quite far. Similarly, if there ever was anything of royalty status, the males ranking both ahead and above him would be the ones to pick up cudgels, not him. To do so, he would have to supersede them and that is never done in chieftanship or royalty.*
- *Thari Pilane is my next focal point. He is born out of the Fifth House and is even further away from the Royal Family than Mochéle Pilane.*
- *Pheto Mpule David is himself uncertain of his own identity. He is not a Pheto because his mother was never married into any Pheto family. Instead, he is an illegitimate child of a Pheto who is nowhere on the Royal Family tree. His mother is born of the Magobye family. The basis on which a man takes his father's surname, being the payment of Bogadi for his mother in betrothal never happened with Pheto and therefore he cannot call himself Pheto. Not that if he did, as is the case it brings him any closer to the Royal Family. "*

[24] Adopting a robust approach to the issues in dispute, it is abundantly clear that the Respondents are not members of the inner circle or core of the Royal Family of the Bakgatla-Ba-Kgafela tribe and also not royalty.

[25] Though none of the applicable legislative prescripts define, with precision, as to who these immediate relatives of the ruling family are and to what extent such institution is supposed to be

constituted in terms of size and formation, it was contended by the Applicants that the Respondents cited in this application are not members of the Royal Family either jointly and/or individually as they are not the immediate relatives of the ruling family.

[26] On their own version, the Respondents are descendants from the houses of Tshomankane, Mantirisi and Meselekatsi respectively, none of which is the First House of Kgamanyane which is the ruling family of the Bakgatla-Ba-Kgafela Traditional Community in terms of the well-known patriarchal and primogeniture doctrine of succession to Traditional Leadership.

[27] In as far as the primogeniture doctrine of succession to Traditional Leadership is concerned, it will only be members of the First House of Kgamanyane, from which the ruling Kgosi-Kgolo Kgafela Kgafela II and the First Applicant comes from, who will be regarded as the immediate relatives of the ruling family who would then constitute the Royal Family.

[G] Cases before Court:-

[28] In case no 2482/2008 before this Court, the question as to whether or not the Respondents in the present case are members of the Royal Family was an issue to be decided. Gura J dismissed that application with costs. It was contended by the First Applicant that:-

*"the Respondents, calling themselves the Bakgatla-Ba-Kgafela Royal Family, had their case, issued under case number*

2482/2008, dismissed with costs by Gura J on the 6<sup>th</sup> August 2008 and thereby nullifying their stance to hold, call and/or refer to themselves as the Royal Family and/or Royal House of the Bakgatla-Ba-Kgafela traditional community".

This order granted by Gura J was never overturned on appeal and it consequently stands.

[29] Cases no's 1369/2008 and 1418/2008 were consolidated and served before Kgoele J. The interim orders granted were confirmed. Leave to appeal was refused both by this Court and the Supreme Court of Appeal. The interim orders read thus:-

In case no 1369/2008:-

"2. Interdicting each of the Respondents and one or more or all of them, directly or indirectly and in such form as one or all of them may seek to organise themselves, from:-

2.1 proceeding with the meeting planned by Mpule David Pheto and/or the Royal House and/or anyone on his behalf or whom he may represent on 21 June 2008 at 10h00, which is planned to be held at Moruleng Stadium, Saulspoort, Pilansberg, District Rustenburg, North West Province or anywhere else within the jurisdiction of this Honourable Court, wither on such a date or otherwise;

2.2 organising or proceeding with any meeting purporting to be a meeting of the Traditional Community or Kgothakgothe of the Bakgatla-Ba-Kgafela Traditional Community without proper authorisation by either of the



Applicants or order of this Honourable Court first had or obtained;

- 2.3 organising or proceeding with the steps to remove the First Applicant, Nyalala John Molefe Pilane, from his position as a Kgosi (traditional leader) of the Bakgatla-Ba-Kgafela in the North West Province other than by lawful means;
- 2.4 claiming that the alleged Royal House has the power and authority to represent the Traditional Community of the Bakgatla-Ba-Kgafela;
- 2.5 claiming that the alleged Royal House has power and authority to call meetings of the Traditional Community of the Bakgatla-Ba-Kgafela;
- 2.6 claiming that the alleged Royal House has power and authority to remove the First Applicant as a Kgosi of the Traditional Community of the Bakgatla-Ba-Kgafela tribe."

In case no 1418/2008:-

"That the respondents are interdicted from interfering with a General Meeting of the Bakgatla-Ba-Kgafela Community 'Kgothakgothe' on the 28<sup>th</sup> June 2008 to be held at Moruleng Kgotla and any other meeting of the Bakgatla-Ba-Kgafela Tribal Community, or any meeting of the Applicants in any of the villages of the Bakgatla-Ba-Kgafela."

[30] In her *ex-tempore* judgment in the abovementioned matters, Kgoele J states:-

"I wish to point out the relief sought by the applicant in this matter is not relating to interdicting the royal family from holding any meeting or holding the royal family meeting but they are specific in the sense that they want this court to interdict the respondents from convening or holding a tribal community meeting." [sic]

[31] It is not difficult to comprehend why the Respondents reacted to place the notice in the "Sowetan" newspaper in the following format:-

**"NOTICE TO MEMBERS OF THE BAKGATLA-BA-KGAFELA  
ROYAL FAMILY ("ROYAL FAMILY")  
URGENT MEETING OF THE ROYAL FAMILY**

*A meeting of the Royal Family is hereby called as envisaged in Section 25 of the North West Traditional Leadership and Governance Act, (Act No 2 of 2005), to be held as follows:*

**VENUE:** Lesetlheng Kgotta, North West Province

**DATE:** Sunday, 3<sup>rd</sup> April 2011

**TIME:** 09h00 – 11h00

*To consider the matters listed in the agenda below.*

**AGENDA**

- |   |               |               |
|---|---------------|---------------|
| <b>1. Announcement of Program</b>                                       | 09h15-09h20am | Thari Pilane  |
| <b>2. Opening Prayer</b>  | 09h20-09h22am | Tiny Motshewa |
| <b>3. Welcoming Remarks</b>   | 09h25-09h30am | Oupa Pilane   |
| <b>4. Chairperson's Address</b>   | 09h35-09h45am | David Phelo   |
| <b>5. DUTIES AND FUNCTIONS OF TRADITIONAL AUTHORITY</b>                 |               |               |
| Overview by Chairman  | 09h50-10h00am |               |
| Open Discussion   | 10h05-10h15am |               |
| <b>6. CONSTITUTION OF TRADITIONAL AUTHORITIES</b>                       |               |               |
| Overview by Chairman  | 10h20-10h30am |               |
| <b>7. IMPLICATIONS OF DECISIONS BY BAKGATLA TRADITIONAL AUTHORITIES</b> |               |               |

Overview by Chairman 10h35-10h45am

Open Discussions and Resolutions 10h45-11h00am

VOTE OF THANKS Segale Pilane

CLOSING REMARKS Chairman

REFRESHMENTS 11H10-11H30

For any enquiries regarding the meeting please contact Thari Ernest Pilane

Cell: 0711007178 \* Fax 002714 555 5825

Copies of this Notice can be collected at the Lesotheng Kgotta"

[32] Being debarred from holding community meetings, the Respondents holds themselves out as members of the Royal Family (no longer as the Royal House) and attempt to, under the disguise of being the Royal Family, to hold a meeting in an attempt to circumvent the court order prohibiting them as individuals to hold a tribal community meeting. It is noteworthy that in terms of the proposed agenda, the Chairperson's address would have been delivered by David Pheto (First Respondent). David Pheto is not the Chairman or Chairperson of the Royal Family.

[33] This is the sixth application involving more or less the same parties that served before this Court. Litigation centres around an attack on the Applicants' authority as lawfully recognised structures of the Bakgatla-Ba-Kgafela traditional community. Orders had been given against the Respondents in the form of prohibiting interdicts. It seems however that the Respondents do not heed to the court orders granted against them and that they are always attempting to invent new methods to challenge the authority of the Applicants. A good example is the way in which they circumvent the court order of Kgoele J in cases no's 1369/2008 and 1418/2008, and caused the present application to be brought against them.

[34] Adv Pistor SC submitted that the *ratio* behind the judgment of Kgoele J does not support paragraph 2.2 of the order in case number 1369/2008. I am holding a different view. No judgment can be all inclusive. As a matter of fact, the wording of the paragraph is clear and unambiguous and should be accorded its natural meaning. It is not for me to second-guess what was meant by paragraph 2.2. As it stands in the order, the Respondents were interdicted and restrained from conducting community meetings.

[35] Both counsel for the Applicants as well as counsel for the Respondents made reference to the judgment of Landman J in the matter of Pilane: Nyalala John Molefe and Another v Pilane: Matlapeng John and Others case no 1250/2009, for different reasons. Adv Bredenkamp SC quoted paragraph [32] of the said judgment which reads:-

*"[32] The applicants are not entitled, at least on these papers, to an order that the respondent (and others) be interdicted from holding themselves out as a traditional community under the names mentioned. The respondents belong to a group which has a distinct identity. To an extent identity is what a group of people call themselves. It is their cultural right to do so even if others identify the group differently or decline to recognise their identity."*

He submitted that based on the said decision, the Respondents in the present matter have a right to call themselves the Royal Family.

[36] Adv Pistor SC quoted paragraph [34] of the said judgment which reads:-

[34] "Ms Cowen suggested that the applicants have alternative remedies. Should the applicants wish to attend they are welcome to do so and to voice their concerns. This submission does not any cognizance of the right of legitimate structures to resist unconstitutional structures and to insist that, for example, as in this case, secessionist work in terms of and under the law."

[sic]

He submitted that the gist of this aforementioned paragraph is that legitimate structures such as the Applicants in the present matter can lawfully resist unconstitutional structures such as the Respondents that hold themselves out as the body corporate or core (inner circle) of the Royal Family that can convene and call meetings when in fact they are not authorised and entitled to do so. As already concluded, the Respondents are not members of the Royal Family who has the right to call meetings for or on behalf of the Royal Family.

[37] The order of the said judgment reads:-

"1. *The Second Respondent and all persons acting through him or in collaboration with him, is interdicted from:*

1.1 *proceeding with the meeting of members of the Bekgatla-Ba-Kgafela Traditional Community planned for 23 May 2009 at 09H00, arranged and convened by John Matlapeng Pilane (First Respondent) and/or anyone on*

his behalf or who he may represent him or his agents, which is planned to be held at Raserapane Recreation Centre, Saulspoort, Pilansberg, District Rustenburg, North West Province or anywhere else within the jurisdiction of this Honourable Court;

2. Organising or proceeding with any meeting purporting to be a meeting of the Traditional Community or Kgothakgothe of the Bakgatla-Ba-Kgafela Traditional Community without proper authorisation by either of the Applicants or order of this Honourable Court first had or obtained on the 23<sup>rd</sup> May 2009 or any other day with the jurisdiction of this Court at any other time or stage;

3. The Second Respondent, and all persons acting to through him or in collaboration with him are interdicted from:

3.1 interfering in any manner whatsoever with a General Tribal Meeting ("Kgothakgothe") of the Bakgatla-Ba-Kgafela community which meeting is to be held on the 23 May 2009 at 09H00 at the MANAMAKGOTHEENG VILLAGE, SAULSPOORT, a village of the Bakgatla-Ba-Kgafela Community of his or her right to participate in organising and attending the said meeting'

3.2 Interfering in any manner whatsoever whether before or after meeting referred to in paragraph 3.1 above with the rights of any person to convene, conduct and attend the said meeting and from threatening or causing bodily harm to any person, present at the said meeting on the 23 May at the MANAMAKGOTHEENG VILLAGE;

SAULSPOORT, a village of the Bakgatla-Ba-Kgafela Community.

3. The Second Respondent is ordered to pay the costs of this Application."

[38] Much as it may be argued that the paragraphs [32] and [34] of the said judgment of Landman J are contradictory, the order granted is clear and unambiguous. It prohibits *inter alia* the holding of the planned meeting much the same as in the present case.

[39] Whilst everybody and anybody has the right to call a meeting and enjoys freedom of association, nobody is allowed to call a meeting for and on behalf of an entity or body corporate whilst he/she does not have the necessary *locus standi* to do so. The Respondents who are not core members of the Royal Family cannot call a meeting under the guise of the Royal Family and even hold out in an advertisement that the First Respondent (Mpule David Pheto) is the chairperson or chairman when in fact this is not the case. Without any stretch of the imagination, the placing of this advertisement was intended to create confusion amongst members of the tribal community of the Bakgatla-Ba-Kgafela tribe who the Royal Family is and who has the right to call a meeting.

[H] Requirements for a final interdict:-

[40] The requirements for a final interdict are:-

- a clear right;

- reasonable apprehension of harm;
- no other remedy.

As far as a clear right is concerned, the First Applicant, being the nominated representative of the Kgosikgolo in South Africa, has the necessary standing and clear right as a member of the Royal Family, as defined in terms of the Bakgatla-Ba-Kgafela custom and the law, to bring this application.

[41] In as far as the Second Applicant is concerned, 60% of its members are nominated by the First Applicant as Kgosi in terms of the relevant provisions of both the Framework and the North West Acts. Such members so nominated are mainly drawn from those immediate relatives of the ruling family who would constitute part of the Royal Family as explained above. The Second Respondent also has a clear right to bring this application as alluded to earlier on in this judgment.

See:- Section 6 read with section 9 of the North West Traditional Leadership and Governance Act 2 of 2005.

[42] As for the reasonable apprehension of harm, the fact that the Respondents are not members of the Royal Family of the Bakgatla-Ba-Kgafela Traditional Community that are entitled to call, convene and address any meeting under such an authority is a *fait accompli* to the fact that their intended actions to act as such have the potential to cause actual harm or a reasonable apprehension of harm to those members of the Royal Family, including the Applicants, as well as the members of the tribe.



[43] I am satisfied that the Applicants had no other suitable alternative remedy other than to seek an interdict on an urgent basis against the Respondents. Previous court orders notwithstanding, the Respondents still pursue their objectives of referring to themselves as members of the Royal Family of the Bakgatla-Ba-Kgafela and who as such, have the right to call meetings for and on behalf of the Royal Family or Royal House.

[1] The Counterclaim:-

[44] In as far as the Respondent's counterclaim is concerned, it is apparent that the orders sought therein are on the basis of the following factors:-

- That the First and Second Applicants have not complied with section 31 of the North West Act by failing to submit the books of the tribe for audit purposes by the Audit-General.
- That the First Respondent is not the legitimate Traditional Leader of the tribe as he was never granted recognition in terms of section 13 (4) of the North West Act.
- That the Second Applicant is non-existent as its term of office has expired.

As far as the last two bullet points are concerned, they are already dealt with earlier on in this judgment.

[45] With regard to the prayers that the Applicants (in the main application) be ordered to submit their books and statements to the Premier and the Premier be ordered to appoint a commission of enquiry, it need to be stated that the Premier of the North West Province, the North West Government and the Auditor-General are not party to these proceedings and as such, I am of the view that this Court cannot order the Applicants to submit their financial books and statements to them – even further, to appoint a commission of enquiry to investigate whether the First and Second Applicants (in the main application) are guilty of fraud or gross irregularity or maladministration of the affairs of the Second Applicant in the main application.

[46] To that end, I am convinced that there are alternative remedies and other avenues open to the Respondents (in the main application) to pursue in the event they feel aggrieved by the conduct of the First and Second Applicants (in the main application).

[47] In my view, there is no merit in the counterclaim and it must be dismissed with costs.

[J] Respondent's behaviour:-

In Case number 2482/08

[48] The Applicants in that case (Respondents in the present application) refers to the First Applicant in the present case as:-

"Chief Pilane Nyalala John Molefe, a senior traditional leader of the Bakgatla Ba Kgafela Tribe..." and to the Second Applicant as "the Bakgatla Ba Kgafela Traditional Council a Tribal Council/Authority duly established in terms of the Traditional Laws of the Republic of South Africa ...." It states further:- "After several disputes on who should succeed Chief Pilane, the matter was resolved at the Court and the First Respondent (First Applicant in the present matter) was appointed as the successor to Chief Pilane." "The First Respondent (First Applicant in the present matter) was installed as the Chief of the tribe during 1996." "I may mention that the four (4) Kgoros (houses) namely Matshego, Pheto, Pilane and Molefe as well as the tribe, were involved in the process that led to the appointment of the First Respondent" (First Applicant in the present application). "The First Respondent (First Applicant in the present application) enjoyed the support of the Royal Family (Applicant) as well as the tribe."

[49] The resolution taken by the Royal Family to authorize Mr Mochele Pilane to depose to the founding affidavit which contains the aforementioned averments were signed and consented to by the first three Respondents in the present matter. The Fourth and Fifth Respondents did not sign the said resolution.

[50] In the case at hand, Segale Pilane (Third Respondent), who is authorized to depose to the answering affidavit, the allegations whereof are confirmed by the other Respondents, states:-

*"I deny that the First Applicant was ever enthroned or that there was ever any Government Gazette published for such enthronement.*

*I deny that the First Applicant was ever issued by anyone, with a Certificate of Recognition.*

*I deny that Nyalala Pilane is a Senior Traditional Leader as stated above, and therefore, the allegation of de-throwing him has no substance."*

[51] It is clear that the deponent to the answering affidavit in this matter, and by implication the other Respondents too, are not honest and truthful with this Court. At first the enthronement of the First Applicant was acknowledged and confirmed in case number 2482/08 and now it is disputed and denied.

[52] The same applies to the Second Applicant. In the case at hand it is stated in the answering affidavit deposed to by Segale Pilane and confirmed by the other Respondents that "*the Second Applicant is occupying the offices of the Traditional Council unlawfully, in spite of notification by the Directorate, Local Government and Traditional Affairs that their term of office expired on 24 September 2010.*"

[53] I have already dealt with the position with regard to the *locus standi* of the Second Applicant earlier on in this judgment. This answering affidavit was deposed to on 16 May 2011 whilst this aspect has already been comprehensively dealt with in the matter of Bito Victor Modimokwana v Traditional Council of Bakgatla-Ba-Kgafela Traditional Community case no 706/2011 referred to earlier on in this judgment, which was decided on 26 April 2011.

**[K] Conclusion:-**

[54] I am convinced that a case has been made out for confirmation of the interim order. As far as paragraph 2.3 of the interim order is concerned, the Applicants contended that there is a case of contempt of court pending before the Magistrates Court with regard to this aspect. As to why such contempt of court proceedings was instituted in the Magistrates Court and not proceeded with in this Court, I do not know. Suffice for me to state that seeing that such proceedings are pending before another court, it is not necessary at this point in time to confirm the paragraph in the interim order that deals with the contempt of court issue. The rest of the paragraphs contained in the interim order must be confirmed.

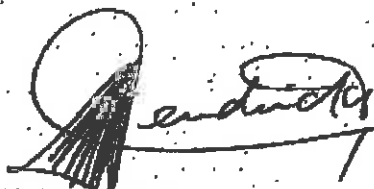
**[L] Costs:-**

[55] A punitive costs order on an attorney and client scale is prayed for by the Applicants, such costs to include the costs occasioned by the employment of two counsel. As already alluded to earlier on in this judgment, the Respondents weren't candid with this Court. Furthermore, it is quite apparent that the Respondents are doing everything within their means to unseat and undermine the authority of the Applicants and to litigate as often as possible in an attempt to create confusion within the tribe. This behaviour borders on being vexatious. This, to my mind, calls for a punitive costs order. In my view too, the complexity of this matter is not questionable, this was the view of counsel for both the Applicants and the Respondents.

**[M] Order:-**

Consequently, the following order is made:-

- [i] Paragraphs 2, 2.1 and 2.2 of the *rule nisi* issued on 02 April 2011 are confirmed.
- [ii] Paragraph 2.3 of the *rule nisi* is discharged.
- [iii] The counter application is dismissed.
- [iv] The Respondents are ordered to pay the costs of this application on an attorney and client scale, jointly and severally, the one paying the other to be absolved.
- [v] Such costs to include the costs occasioned by the employment of two counsel.



**R D HENDRICKS**

**JUDGE OF THE HIGH COURT**

**ATTORNEYS FOR THE APPLICANTS: MOTHULOE ATTORNEYS  
c/o S M MOOKELETSI ATTORNEYS**