

BAKUBUNG BA RATHEO

HISTORY OF OUR TRIBE

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KGOSI SOLOMON MPUPHUTHE MONNAKGOTLA'S INAUGURATION

The Department of Culture, Arts and Traditional Affairs (CATA) in Bokone Bophirima will on the 28th May 2016 celebrate the inauguration of Kgosi Solomon Mphuphuthu Monnakgotla together with Bakubung Ba Ratheo in Ledig.

The Bokone Bophirima Department of Culture, Arts and Traditional Affairs (CATA) are supporting the royal house with regard to inaugurations, through the Chief Directorate Traditional Affairs-Traditional support.

Kgosi Solomon Mphuphuthu Monnakgotla is the first child of the Kgosi Gabonewe David Monnakgotla by his wife Mapelo Agnes Monnakgotla. On 14 February 2010 Margaret Mapaseka Monnakgotla was recognised as acting kgosi for a year. She was replaced by Kgosi Solomon Mphuphuthu Monnakgotla with effect from 1 March 2016. He was recognised on the basis that he is the rightful heir. His official inauguration is set for 28 May 2016.

Among expected dignitaries are House of Traditional Leadership Nationally and Provincially, Provincial and National leadership as well as business leaders and more than 3000 community members on the day.

Traditional Leaders are recognised by government as per our constitution: Chapter 12 stating that, "Government recognises the status and authority of Traditional Leaders and customary law, subject to the constitution as well as the creation of Provincial houses of Traditional Leaders as well as the National Council of Traditional Leaders".

ARRESTMENT OF PROTESTERS

Kgoathe, Mr Solomon Modipane and Mr Jacob Monnakgotla. Each had been detained because of his involvement in local disputes about chiefly powers. Again, the name of Major 'Rooi Rus' Swanepoel was mentioned, this time in connection with the arrest of ten Bakubung tribe members, one of whom was Jacob Monnakgotla. 89 Mr Nicomedus Kgoathe and Mr Solomon Modipane were arrested in November 1968 with sixteen others while protesting against the appointment of a new headman. Attempts had been made to burn the offices of headman Herman More at the tribal offices in Hebron. Some of the detainees were held for up to eight months before being charged.

12 90 Mr Nicomedus Kgoathe [JB00113/03NWRUS] was taken from the Silverton police cells to the HF Verwoerd hospital on 21 January 1969 and died in February, allegedly because of pneumonia. Kgoathe had been moved to hospital after admitting to the district surgeon, Dr PJE Joubert, that he had been assaulted. 91 Kgoathe's son, Mr Ben Kgoathe, described the condition in which he found his father when the family was finally informed of his whereabouts two months after his detention: When we arrived there, we found my father. He was lying on the floor, flat

on the floor. He just raised his head and he recognised me and we greeted each other. We spoke about family matters. When I asked what the problem, my father Nicodemus said, was he told me he slipped while he was bathing at Compel building at Pretoria. 92 At the inquest, the district surgeon, Dr PJE Joubert, testified that he had examined Kgoathe two weeks before his death and had arranged for him to be admitted to hospital after finding that he moved with extreme difficulty.

Dr Joubert stated: "It is my opinion that he was suffering from the after-effects of a concussion and needed to be treated by a specialist." He went on to testify that Kgoathe had told him that he had fallen in the shower room but, after the surgeon refused to accept this explanation, Kgoathe admitted that he had been assaulted. "It is my opinion that Kgoathe's injuries were the result of an assault," the surgeon told the court. He said that linear marks on the shoulders of the deceased could have been caused by a sjambok (whip) and the three u-shaped wounds behind the right thigh by the buckle of a belt.

BAKUBUNG CROWN SOLOMON MONNAKGOTLA AS CHIEF

Ledig - There was jubilation in Ledig near Sun City in North West on Saturday when kgosi Solomon Mphuphuthu Monnakgotla was crowned chief of the Bakubung-Ba-Ratheo.

Women ululated and men whistled, some punching the air with their fists, as Solomon Monnakgotla donned the leopard skin to signal his chieftainship.

His inauguration was preceded by a court battle this week in which acting chief Margaret Monnakgotla, who took over the reins in 2012, claimed that Solomon Monnakgotla did not have the support of the tribe.

The North West High Court dismissed the application to interdict the inauguration.

After his coronation Solomon Monnakgotla walked around draped in a leopard skin waving to the cheering crowd.

Among the dignitaries present at the inauguration ceremony were kgosi Nyalala Pilane of the Bakgatla Ba Kgafela in Moruleng, who is also the deputy president of the Congress of Traditional Leaders of South Africa (Contralesa), Kgosi Madoda Zibi, chairman of the North West House of Traditional Leaders, and other chiefs from various villages across the North West.



THE FAMILY TREE OF MONNAKGOTLA

It was argued by the Applicants that the entire judgement relate to the meeting of **27 May 2017** which is contained in prayer two of the notice of motion and ignored prayer three. As a result there are no reasons why the application in respect of prayer three was dismissed and on that basis there are reasonable prospects of success.

The Applicants further dealt with the issue of the requirements of a final interdict in that they will be able to demonstrate on appeal that the requirements of a final interdict had been made out. It was argued that the Applicants as members of the Royal family whose names appear on the official family tree have a clear right to be granted a final interdict. Further that the Applicants are members of the Khuduthamaga which is a core structure consisting of the senior adult descendants of the first house of Kgosi Ratheo. This therefore entitles them to continue to be part of the Royal Family.

It was the Applicants' case that there is a well- founded apprehension of harm in that the existing officially recognised Royal family tree would be excluded which would negatively affect the challenge to the management of the financial affairs and interests of the Bakubung Ba Ratheo Community.

On the third requirement of a final interdict the Applicants submission was that if the Royal family tree is changed many of the well-established blood descendants of the Royal family will be excluded and there will be no alternative remedy. During argument counsel for the Applicants submitted that if the Family tree is changed it will too late for the applicants to do anything about it as there would be confusion about the identity of the leaders and most importantly the control of the community would fall into the hands of the first and fourth Respondents who are alleged to be engaged in a conspiracy with the so-called financial advisors of the community to deprive the community of its funds and resources.

It was contended by counsel for the Respondents that the Applicants in their grounds for leave to appeal have not made out a case for prospects of success. The Respondents' argument was that the Court was fully aware of the relief sought in prayer three of the notice of motion and dealt with it. In relation to the undertaking made during argument of the application by the Respondents it was submitted that the Applicants had persisted with a final relief and rejected the solution suggested by the Respondents. Further that the Court was not bound to make the solution offered by the Respondents an order of Court.

The Respondents submission was that the Applicants have not made out a case for a final interdict. Firstly that the Applicants have not produced any evidence that they will be removed or excluded from the Royal family tree. Further that the Applicants have no authority to act on behalf of the Royal family. As such they have failed to establish a clear right entitling them to a final interdict.

It was argued for the Respondents that in the absence of a clear right there can be no apprehension of injury. Further that the Applicants have not given any evidence what the new family tree would be and if they would indeed be excluded from it.

It is the Respondents contention that if the family tree is indeed changed and the Applicants are excluded then there is a remedy available to them which is to approach court on urgent basis to have the decision set aside. Having regard to the above stated submissions the Respondents argued that the application for leave to appeal should be dismissed

The Applicants approached this Court on an urgent basis for an order as stated in the notice of motion. As indicated in prayer two the Applicants sought an order interdicting the Respondents from continuing with a meeting that was purported to be taking place on **27 May 2017** wherein the Royal family tree was to be changed. The Applicants brought the urgent application pursuant to a letter received from one Mr Simon Ruthoane of the North West Provincial Government stating that: *“certain long-standing and well-recognised members of the Royal Family of the Community lack the requisite status as per the Family Tree of the Bakubung Ba Ratheo Royal Family and therefore they cannot hold themselves out as members of the Khuduthamaga”*

In arguing the main application the Applicants could not give any evidence of when a meeting was to be held and the purpose thereof. The issue that prompted the Applicants to come to court is the alleged change of the Royal Family Tree by the Respondents. However throughout their papers the Applicants were not able to provide any evidence of such an intention and whether they would be excluded from the Royal Family Tree.

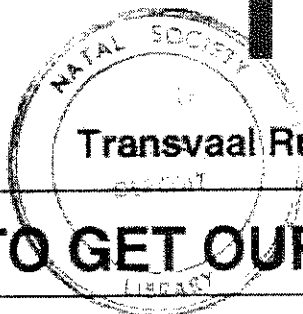
In paragraphs of my judgment I extensively dealt with the absence of any evidence of a meeting where the purpose thereof was to change the Royal Family Tree or whether the Applicants are to be excluded. The Applicants brought an application based on *“a believe”* which was unsubstantiated and as such they were not able to make out a case for both prayer two and three. The evidence required for the relief sought in prayer two and three was for the Applicant to establish whether there was an intention by the Respondents to exclude them from the Royal Family Tree. Failure to provide such evidence could not and cannot entitle the Applicants to a final interdict.

After careful consideration of the submissions on behalf of both the Applicants and the Respondents, I am of the view that there is no reasonable prospect that another Court might come to a different conclusion. Consequently the application must fail. There is no plausible reason why costs should not follow the result.



TRAC

Newsletter No. 22 May 1992



Transvaal Rural Action Committee

STANDING HARD TO GET OUR LAND BACK



Old photograph of the village of Molotestad, home of the Bakubung ba Ratheo (Monnakgotla), before the removal.

Pic: G. Monnakgotla

"Our forefathers sold everything to get that land. They even let Barclays Bank look for minerals so that they could finish paying the debt," said a member of the tribe.

The Bakubung ba Ratheo (Monnakgotla) tribe known as the 'people of the hippo' ('Bakubung' in SeTswana) bought the farms, Elandsfontein 19 and Palmietkuil 21 (measuring over 6 000 hectares) near Boons in the district of Ventersdorp in the late 1800s. They were successful farmers marketing some of their produce through the local "Landbou Kooperasie" (agri-

cultural co-operative in Afrikaans). In 1966, a portion of the tribe was forcibly removed to a rudimentary settlement, Ledig 100km away which became part of Bophuthatswana on independence. The tribe has submitted an application to the government Advisory Commission on Land Allocation (ACLA) to have their ancestral land restored.

BASIS OF THE CLAIM

In 1884, the tribe comprising about 400 families bought portions of fertile farming land during the presidency of Paul Kruger. The people tell of families

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contributing money, cattle or even donkeys to raise sufficient funds to pay for the land. Eventually the tribe entered an agreement to lease the mineral rights to Barclays Bank in order to afford the payments.

The land was held as communal freehold ownership in the name of the Bakubung tribe with a registered title-deed.

Shortly after the land purchase, the tribe split into two clans (over a chieftainship dispute) -- the followers of Lesele who today form the clan of the Mathopes, and the followers of Ratheo or the Monnakgotlas. Two stable agriculturally based settlements developed on this land around the neighbouring villages of Molotestad and Mathopestad. During the apartheid government's separate development era, both of these settlements were termed "black spots" (within 'white' South Africa) and earmarked for forced removal to a bantustan.

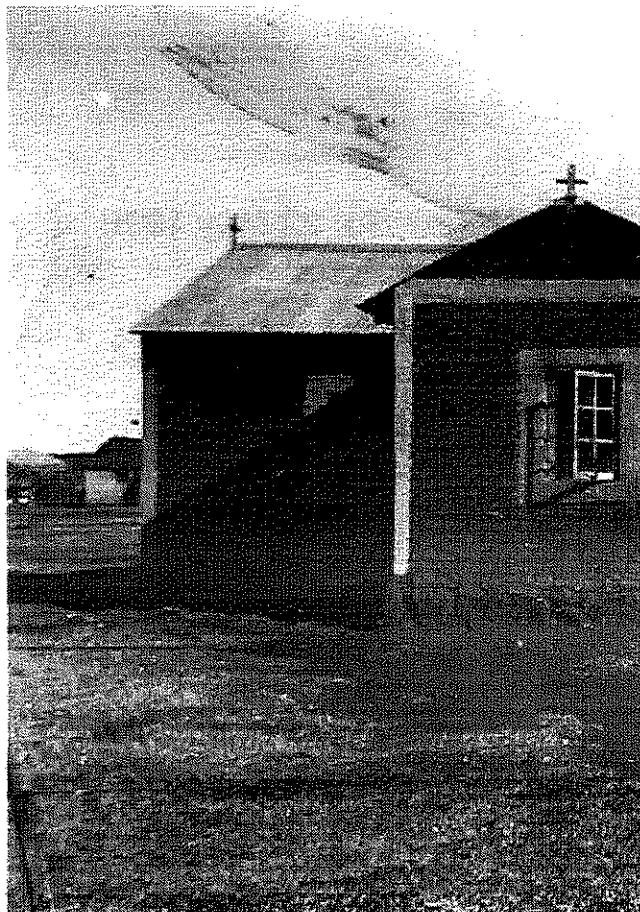
The Monnakgotla community first heard rumours of the removal in the early 1960s. Six years later the village of Molotestad was demolished and the community was trucked to Ledig. The Mathopestad residents struggled on for another 20 years to resist removal before finally winning a reprieve in the late 1980's.

The Monnakgotla's land was expropriated and became property of the South African Development Trust. It has remained in government hands since then on temporary leases to white farmers who use it for grazing. In May 1990, the Department of Agricultural Development announced its intention to sell the Monnakgotla land. After an outcry, the Minister concerned, Mr Van Niekerk made an undertaking that the sale of land would be halted and "...no agricultural land which previously belonged to Black communities, and had been expropriated at an earlier stage in accordance with previous consolidation policy, will be sold." (Minister's statement, 22/05/90)

LIVING ON THE LAND

The Monnakgotla clan had a sophisticated system of farm management for their 4 412 hectares of land. As is common in tribal communal systems, the *kgotla* or tribal authority of the area was responsible for allocating land. Each family belonging to the tribe was eligible for a portion of residential land for building a homestead, for a ploughing plot and for access to collective grazing for stock. Village elders were appointed to allocate land to families.

Each family was given 4 separate portions of land to plough with different soil types. The different soils' reaction to rainfall would have different effects on cultivation, an important factor since the community relied upon dryland farming. Some of the soil on the 4 412 hectares of land has better water retention capacity than others. Therefore in times of low rainfall, no farmer would be disadvantaged because of this land allocation.



The school built by the community on their land.

While there were some wage labourers in the community, the majority of the members of the tribe were full-time farmers. If a head of household was in full-time employment, the family would enter a share cropping arrangement with another farmer -- this ensured that the land was well utilised and the family still had some supply of fresh produce. The farmers produced mielies, sorghum, beans, sweet cane, sunflowers pumpkins and other seasonal vegetables. Community informants put the output level per family at 200-250 bags of produce per year. The family would keep aside enough of the crop to feed themselves and then market the rest through the local farmers' co-operative.

There were fruit trees and poultry in each homestead. The community developed an effective farming system which kept their households supplied and generated income for the families other needs.

"Many years ago, my father was ploughing and keeping cattle -- there was never any question of tiring the land. Whatever grew there was fertilizer for the soil -- the leaves, branches and bark all provided fertilizer for the soil," told a delegate to a farming workshop whose father farmed at Molotestad.



Pic: G. Monnagotla

The land is well supplied with natural water and there were three operating boreholes installed by the tribe. There were two schools built with stones by the community and four churches.

THE REMOVAL

By the 1960's the population of Molotestad had increased because of the practise of leasing plots to tenants. There were still about 200 landowning families, who were now outnumbered by approximately 300 tenants families. The community had heard of other forced removals taking place in the district but remained convinced of their security.

In 1965, the Native Commissioner of Rustenburg told a meeting of the tribe that they had to move from their land and transfer to Ledig at the foot of the Pilansberg mountains.

A chieftainess (whose legitimacy was disputed by the majority of land owners) agreed to the move and left the farm with a large number of tenants and three families of the original owners. Government officials launched a campaign of harassment to try and force the remaining families to move -- cattle were impounded and sold without compensation, 238 members of the tribe were

charged with trespass and the schools and churches were demolished.

Ten leading members of the tribe who were living in Johannesburg were arrested in 1969 and charged with terrorism. They were detained for 9 months pending the case going to court. Finally the charges of terrorism were withdrawn, but six were convicted of assault and served one years imprisonment. While these leaders were in jail, the government managed to force the remaining 190 families to move to Ledig. On release from prison, the community leaders found their ancestral home destroyed.

THE PROMISED LAND

"From the lush beauty of the Maize Triangle with its reliable rainfall and unpolluted air and open terrain to Ledig, a congested, barren, dirty squatter village was depressing to an extreme. There was an atmosphere of misery and unfriendliness and hostility, with no feeling of community. The crime rate was high, with thieving and murder every day occurrences according to the residents of Ledig. There was no hope for improvement."

In 1976 Ledig automatically became part of Bophutatswana. There was no consultation with the inhabitants. The people bitterly resented their incorporation and most maintain their South African citizenship. This attitude has not endeared them to the Bop authorities.

This is an extract of a report by Black Sash community researcher, Anne Evans after a visit to Ledig in 1981:

"Ledig is a resettlement area about 10km from the Pilansberg Game Reserve and Sun City, the glitzy entertainment centre frequented by rich South Africans.

On arrival at Ledig, the exiles were allocated 100 feet square plots and forbidden to keep cattle. There was no possibility of continuing their agricultural way of life -- there was not enough land, their resources had been destroyed and it was a completely different agricultural environment from which the farmers were familiar. Before the removal, the tribe had been promised 4 farms in compensation as well as financial reimbursement for the destruction of homes."

INADEQUATE COMPENSATION

They never received most of the land promised to them. The duplicity of the Department concerned (the predecessor to the now defunct and discredited Department of Development Aid) can be graphically illustrated. As early as 1966 the four compensatory farms of Wydhoek, Ledig, Koedoesfontein and Vrisge-

wacht were indicated in a government "ethnological" survey as belonging to the Bakubung ba Ratheo. This was before the removal, and before any transfer had taken place. In 1970 the puppet chieftainess was asked to sign the transfer and R7300 of the tribal funds were withdrawn to pay the transfer duty. The land was to become theirs under the trusteeship of the minister. At the time the tribe was unaware that they were owed the four farms and were told that they were only allowed to occupy a portion of Ledig (less than 20% of the area owed to them). Their leader was only told about the other 3 farms in 1977, but apparently did not inform the community or make any attempt to occupy the land. Transfer was only formally effected in 1981, 11 years after the chieftainess had signed. Transfer was to be under the trusteeship of the President of Bophutatswana, since the land now fell under it. In the event transfer was only on paper. The Bop government had already taken 50% of the land for part of the Pilansberg Nature Reserve in 1979!

It is impossible to avoid the conclusion that the delay in making the formal transfer were because both the government and Lucas Mangope had planned taking the land for the reserve during the 1970's, knowing that the land should have been transferred to the tribe. When lawyers for the community demanded redress, the community was offered 3 other farms as "compensation" for the compensatory land taken for the reserve. Needless to say this second promised land has never been transferred and there is no possibility of access to it, as it is settled by other peoples.

Furthermore, not only did they not receive their full compensatory land, but the R450 000 which the government claims was paid out in compensation to the tribe at the time of the removal has never been received by the victims of the removal.

COMMUNITY INSULTED

During 1991 some of the sad ironies of this situation were realised. Private developers opened up a new "luxury hotel and timeshare" in the Pilansberg National Park called the "Bakubung Lodge".

"For the time-bound tourist the glorious new resort, Bakubung, which means 'The people of the Hippo' is a welcome escape into the tranquillity and excitement of the bush." Advertising feature in Sunday Magazine, Sunday Star, 28/07/91.

Members of the tribe took up the matter with the developers:

"South Africa has a sad history of creating game parks for the wealthy, while ignoring the basic needs of its own citizens on the very same land. One

would have hoped that in the "new South Africa", developers would show more sensitivity to the history of the areas in which they work." (extract of a letter from the tribe, 31/07/91)

STANDING HARD

Members of the community have instructed a lawyer to submit a formal application to the government's Advisory Commission on Land Allocation (ACLA) to have their land restored to them. They struggled to stay on their land in the 1960's and lost. They have been struggling since then to get their land back, and they have been unsuccessful. They now say that the government must prove its commitment to "peace and progress" by correcting past injustices.

"If they are taking the African National Congress out (of jail), why can't we get our farm back? We are going to stand very hard to get our land back," said one of the tribe in an interview with The Star, 16/03/91.

The Bakubung-ba-Ratheo (Monnakgotla) long to return to their ancestral land, and to try and rebuild their shattered community. The urge to do so is particularly strong since the neighbouring clan, the Bakubung ba Mathopes managed to remain on the land and today are stable farming community.

SPECTRE OF APARTHEID

The Monnakgotla tribe is just one example of the many communities which were forcibly removed from land occupied by them for generations. After initially refusing to consider any restoration of land in its first public announcement on Land Reform in June 1991, the government's position has shifted. As a result of intense pressure from communities and organisations in South Africa, the government set up ACLA to consider the land claims of communities (see TRAC Newsletter No.19 Nov 1991).

There was much controversy surrounding the setting up of the commission, its terms of reference and the selection of its members. ACLA has not yet sat to consider cases of community land claims. The Bakubung ba Ratheo will be waiting for a response. But the community has stated on many occasions that it is tired of waiting. Will the commission manage to deal with this legacy of forced removals – one of the greatest spectres of apartheid? The communities want to see justice done if they are to believe all the talk of a "new South Africa". And they want their land back soon.

