



Office of the Premier

North West Provincial Government
REPUBLIC OF SOUTH AFRICA



STATEMENT BY NORTH PREMIER, PROF TEBOGO JOB MOKGORO, ON THE RELEASE OF THE COMMISSION INTO THE TRADITIONAL DISPUTES AND CLAIMS: BAKGATLA BA KGAFELA TRADITIONAL COMMUNITY AT THE RUSTENBURG CIVIC CENTRE ON MONDAY, 26 AUGUST 2019

Ladies and gentlemen,

Good evening.

The basis upon which the Commission was established on 15 June 2016 was based on the numerous complaints received by the Office of the Premier at the time; ranging from lack of transparency, accountability and failure by either design or omission to comply with enabling legislation.

Having considered all the submitted issues, ranging from governance to administration, including the issues of traditional

leadership; consideration was therefore made to craft inclusive Terms of Reference for the purposes of guiding the mandate of the Commission as well as take into account all issues raised.

It was a result of such an effort that Bakgatla Ba Kgafela availed themselves to duly participate in the whole process and avail all the necessary and supporting documents to assist the Commission.

It is a result of such an effort which I hereby want to acknowledge that your effort were not in vain, and I can categorically announce that the report in relation to the Terms of Reference is hereby released.

Having considered the same report, it is clear that the Commission operated within the ambit of the Terms of Reference, took into account all the evidence led and took into account the Constitution of the Republic in relation to tradition and custom together with the North West Traditional Leadership and Governance Act of 2005.

Having read the report, it can now be confirmed that I have accepted the recommendations as contained therein.

What is key, under the circumstances, is the extent of the role that is expected to be played by the Office of the Premier in matters relating to traditional affairs and lead

Furthermore, core to the responsibilities entrusted is to ensure that at all material times that the interest of the traditional communities are safeguarded in relation to all their activities; ranging from governance to engagement in commercial transactions within the spirit of the North West Traditional Leadership and Governance Act of 2005.

The effect of the findings is that there was non-compliance with the North West Traditional Leadership and Governance Act of 2005, specifically Section 30 of the Act.

It is a result of such non-compliance, notwithstanding my approval of the recommendations, that I am considering such steps, not inconsistent with the Provincial Act, to deal with

failure to implement the provision of the Act and the disfunctionality of the Traditional Council in general.

Such consideration will be invoked whilst implementation of the recommendations are executed.

The recommendations of the Commission, based on evidence presented and findings, are as follows:

1. The Premier takes note of the findings in respect of Terms of References 1 to 8
2. The Premier exercise his powers in terms of the Sections 9(3) and 10(2) of the North West Traditional Leadership and Governance Act of 2005 to:
 - To appoint a person to take control of the affairs of the Bakgatla Ba Kgafela Traditional Council and to exercise the powers of the Traditional Council, including, to establish systems and processes for accounting by Bakgatla Ba Kgafela companies; consulting, accounting and reporting to the community.
 - To appoint a forensic investigation to conduct a comprehensive investigation of transactions and the financial affairs of the Bakgatla Ba Kgafela Traditional Council and its companies.

- To instruct the MEC for Cooperative Governance and Traditional Affairs and/or the Department of Cooperative Governance and Traditional Affairs to take steps to assess the skills of members of the Bakgatla Ba Kgafela Traditional Council and to provide appropriate training in terms of Section 35 of the North West Traditional Leadership and Governance Act of 2005.

The Executive Summary of the Report will be published before the end of today the North West Provincial Government website; containing the Terms of Reference of the Commission and the Recommendations.

ENDS

Issued by:

Office of the Premier

North West Provincial Government

For more information, contact:

Mr Vuyisile Ngesi

Spokesperson

018 388 4972

079 778 1772

vngesi@nwpg.gov.za