



**NORTH WEST  
NOORDWES**

**EXTRAORDINARY • BUITENGEWOON**

**PROVINCIAL GAZETTE  
PROVINSIALE KOERANT**

Vol. 261

**MAHIKENG**  
10 JANUARY 2018  
10 JANUARIE 2018

**No. 7840**

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ISSN 1682-4532



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## PROCLAMATION • PROKLAMASIE

## PROCLAMATION 1 OF 2018

*Schedule 1*

***The Commission of Inquiry (herein referred to as the Commission) shall conduct investigations under the following Terms of Reference (as gazetted under gazette number: 7838)***

**1. Bakgatla Ba Kgafela**

- 1.1 The role of a Paramount Chief in terms of the tradition and custom specifically in Botswana *vis a vision* Moruleng;
- 1.2 The powers and procedure, if any, to appoint senior traditional leader of Bakgatla Ba Kgafela in Moruleng;
- 1.3 To determine who the rightful heir is in terms of the tradition and custom had Tidimane Pilane not acted in the manner he did which led to the appointment(the manner and procedure is not in dispute) of Chief Nyalala Pilane;
- 1.4 The merits and demerits of Mr Ramono Merafe's claim as senior traditional leader as was referred to the North West Provincial Committee during 2014;
- 1.5 The role of senior traditional leader of Bakgatla Ba Kgafela in Moruleng;
- 1.6 The correct relationship between Kgafela Kgafela II and the senior traditional leader in Moruleng under our Constitutional dispensation;
- 1.7 The role of the 32 sub villages officiating the appointment of the senior traditional leader of Moruleng Village;
- 1.8 The role of the 32 villages under Moruleng in the acquisition-making process;
- 1.9 The flow of financial benefits in any transactions conducted with any third party in the name of or on behalf of Bakgatha Ba Kgafela by any person;

- 1.10 In considering the content of customary law, the commission shall be enjoined to apply sections 39(2) and 212 of the Constitution and any relevant case law.

Given under my hand and seal at **MAHIKENG** on ..... **November 2017**

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**PREMIER: NORTH WEST PROVINCE**

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**MEC: CULTURE, ARTS AND TRADITIONAL AFFAIRS**

**Schedule 2*****To investigate the succession dispute around the Chieftainship of the Batlhako Ba Leema in Tlhatlhaganyane (as gazetted under gazette number: 7838)***

- 1.1 To identify the descendants of the late Kgosi Tlhogoane, and determine the rightful person to have succeeded in after his death.
- 1.2 To identify the legitimate members of the Royal Family and Khuduthamaga of the Batlhako Ba Leema Traditional Community.
- 1.3 To investigate the ascendancy of the Makabe house to the chieftaincy of Batlhako Ba Leema traditional community and the legitimate of such ascendancy.
- 1.4 The commission will further investigate whether the Royal Family and/or Council of Batlhako Ba Leema had in terms of customary practice and in line with their tradition paid any *bogadi* (bridewealth) for Kgosisigadi Nkibi Batleng on behalf of Kgosi Leema Batleng.

Given under my hand and seal at **MAHIKENG** on .....November 2017

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**PREMIER: NORTH WEST PROVINCE**

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**MEC: CULTURE, ARTS AND TRADITIONAL AFFIARS**

**Schedule 3**

***The Commission of Inquiry (herein referred to as the Commission) shall conduct investigations under the following Terms of reference (as gazetted under gazette number: 7838)***

The Commission is established by the Premier to investigate claims relating to the bogosi of the Bapo Ba Mogale and to determine:

**1. Bapo I**

- 1.1 Hierarchy of the houses constituting the Bapo Ba Mogale royal family.
- 1.2 The rightful ruling house.
- 1.3 The rightful heir to the bogosi of the Bapo Ba Mogale.
- 1.4 Members of the Bapo Ba Mogale royal family.
- 1.5 Members of the Khuduthamaga of the Bapo Ba Mogale.

**2. Bapo II**

- 2.1 To investigate whether the bogosi of the Bapo I and II traditional community is properly constituted and in accordance with the customs of the traditional community and determine the rightful successor to the bogosi of the Bapo I and II traditional community.
- 2.2 To determine the relationship amongst the Mogale clan, the Maimane sub-clan and the Moerane sub-clan.
- 2.3 To identify the legitimate members of the Royal Family and the Khuduthamaga of the Bapo I and II traditional community.

Given under my hand and seal at **MAHIKENG** on .....**November 2017**

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.  
Contact Centre Tel: 012-748 6200. eMail: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065  
Also available at the **North-West Province**, Private Bag X2036, Mmabatho, 8681. Tel. (0140) 81-0121.