



# CONNECTING THE DOTS...

## MINING COMMUNITIES SEEK ANSWERS AND TRANSPARENCY FROM PROVINCIAL GOVERNMENT

---

Time has gone by and resources have been spent on commissions of inquiry to establish the lawful traditional leaders of the Bapo Ba Mogale community. The Mafereka commission is one of the early commissions dealing with traditional disputes in the North West.

Many years on, the affected communities still have no answers from those commissions. While the Mafereka commission report is being kept under wraps, communities are bearing the brunt.

**What exactly is the hold-up? Is it the royalties?**

**Is the Premier's Office interfering?**

**Is it a case of negligence from the office?**

**Does the Mafereka report have the answers that the community has been waiting so long for?**

**THE PREMIER'S OFFICE MUST RELEASE THE MAFEREKA COMMISSION  
REPORT AND STOP HOLDING THE COMMUNITY TO RANSOM!**

START



**2004**

Nhlapo Commission established to determine existing positions of paramount chiefs that had been recognised and were still in existence before commencement of the Traditional Leadership and Governance Framework Act, 2003.



**2008**

The Nhlapo commission investigated and released its first report.



**2010**

The Nhlapo commission concluded with some determinations made but also with 1 300 outstanding claims over traditional leadership from various traditional communities in the country.



**2011**

A new commission was established – the Commission on Traditional Leadership Disputes and Claims (CTLDC) – as an extension of the first commission. It was chaired by Prof. Thandabantu Nhlapo and was to deal with the resolution of the 1 300 outstanding claims from the first Nhlapo commission, as well as traditional disputes.



**2011**

Mafereka commission was established in 2011 by the North West Government, as part of the CTLDC, to determine the chieftaincy and succession in NW traditional communities under section 22 of the Traditional Leadership and Governance Framework Act, 2003.



**2015**

Mafereka commission concluded and sent its findings to COGTA, which sent the report to the then NW premier for publication.



**2015**

The High Court ordered that the Mafereka commission report and its findings be made available, after affected members of the community sought an order that the report be publicly released.



**2016**

Premier Mahumapelo failed to release the Mafereka report despite the court order. A contempt of court order was made but not served, for unknown reasons.



**2016**

Premier Mahumapelo instead established the Baloyi commission "to investigate traditional succession disputes and claims around:  
**A.** Bakgatla Ba Kgafela traditional dispute and claim;  
**B.** Batlhako Ba Leema succession and dispute;  
**C.** Bapo I and II traditional disputes".



**2017**

The Public Protector released the report of its investigation into alleged improper prejudice suffered by Bapo Ba Mogale as a result of maladministration in the management of its D-Account. The report revealed more than R600-million missing from the community's coffers, and named the culprits as officials from the North West traditional affairs department, who were appointed as custodians of the Bapo community benefits.



**2019**

A claimant to Bapo Ba Mogale chieftainship obtained a High Court order interdicting the release of the final Baloyi commission report, on the basis that the Mafereka commission report was still withheld.



**2019**

On the above matter the High Court ordered that some parts of the report, which implicated other parties such as the Bakgatla Ba Kgafela, be made available. The Baloyi commission report was released in part, excluding the Bapo Ba Mogale findings as per the interdict.



**2020**

Premier later released all the Baloyi commission reports including Bapo Ba Mogale I and II – referring to two clans of the Bapo.



**2020**

Following the Baloyi report release pertaining to Bapo Ba Mogale, the premier's office recognised Andrew Nkwane Mogale as chief of Bapo Ba Mogale I.



**2020**

Corruption Watch wrote a letter to the North West premier's office, requesting reasons for the failure to release all reports, including the report of the Mafereka commission. There was no response.



**2020**

Newsroom Africa interviewed the North West premier's spokesperson and Corruption Watch on the failure to release the Mafereka commission report. Corruption Watch sent follow-up correspondence to the premier's office, with no response.



**01/2021 - DATE**

The premier has failed to release the Mafereka commission report to the public despite repeated litigation processes, attempts by community members and affected parties, and attempts to engage.

END