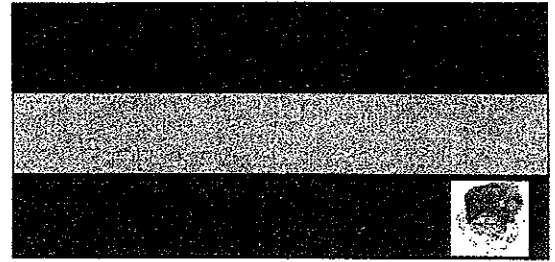


KGOTLA- KGOLO YA BAPHIRING

**Pluring Section
Luka Village
Rustenburg, NWP, RSA**

**P. O . Box 768
Luka. 0322**



Morafe wa Baphiring

2012 July 10

The office of the Public Protector
Private Bag X677
Pretoria
0001

Attention : Advocate Thuli Madonsela

Sir/Madam

Baphiring Community may hem caused by the Bafokeng Admnistration and Governance

1. Background

A. Historical preface

Baphiring is a Traditional and Indigenous Community with 16 clans, domicile in Luka , Farm JQ 106. The arrival of the boer in and around the now district of Rustenburg, brought with it an oppressively firm colonial and a subsequent apartheid grip that sought to subject Baphiring to free labour in Paul Kruger 's and other whites farms.

This , if not the only basis, forms part of the basis of the then Bafokeng Chief recorded friendship with the whites that not only elevated the Bafokeng Chief's status at the expense of Baphiring's chief status and hence the registration of some if not all farms bought by groups like Baphiring, in trust for Bafokeng Kgosi August Mokgatle and his tribe, as well as suppressing the furtherance of Baphiring's own cultural identity and customs .

The farm which was bought in 1890 according to the oral history, was not the only defiance campaigning against the presence of the boer and their rule , the other was experienced in 1915 when the Baphiring dissociated themselves from the Hemmansberg Missionary yoke which advocated the deprivation of the Baphiring customary practices . This resulted in them building in their own bought soil , the AME church (see the document found in the bottle behind the stone - **Annex A**) which still stands today.

The village was formerly called Stuurman's Stadt after its then Morena (as Chief was commonly called then) Stuurman Mekgwe while his counterpart's village Phokeng was called Magata's Stadt of Morena Mokgatle (the boer's pronunciation of Mokgatle).

Like all individuals(the Mathuloe ; the Tsue ; the Jonathan etc, individuals of Phokeng Village owning farms) or collective land buyers who had similar colonial experiences in and around Phokeng and elsewhere in the country ,Baphiring, with a view of seeking to enjoy the fruit of the new democratic South Africa for all and the provisions of the New Constitution, took advantage of the call to claim farms they have bought and could not in the apartheid era, be registered in their name. This was done in 30 December 1998 under the Land Restitution Act. Farms JQ 84 ; JQ 262 and JQ 106.

B. Turn of events:

It was only and shortly after the failure of the Bafokeng Chief Leruo in 2006 to push down the throats of the entire community including Baphiring, his unilaterally drafted and adopted Trust Document, in a local tribal General Meeting(Kgotha-Kgothe) - where a Mophiring stood up and with reason that,

- not while the restitution of lands claimed is not completed yet,
- it is not true that the document was coined by the Bafokeng
- it should be given thorough scrutiny by various Bafokeng Makgotla,

raised his voice and workshopped the audience on how and why like Baphiring they had to claim farms in and around Phokeng, that the relationship of Baphiring with the Bafokeng begun to be sour. This escalated to a level that lead Baphiring to requesting the assistance of the Provincial Government structures(see **Annex B**) like we are doing hereby, this time, the assistance and intervention of the National Government structures.

On the other hand, the Bafokeng also took advantage of

- (a) the collectiveness of the late 1980's that stood for the return of their leader(Kgosi Edward Molotlegi) exiled by then Bophuthatswana,
- (b) the new SA democratic order
- (c) as well as the favours afforded to it by both colonial and apartheid SA ,but

they turned a blind eye from that

- (a) not only were their healed wounds itched by the sight of the new political platform on offer, so were the wounds of communities like Baphiring in Luka, whose worth to exist and cultural identity were compromised and squashed by being forced to be part of them.
- (b) the events of
 - the 1922 Malebogo deportees ;
 - the 1907 Thekwana land case;
 - the suppression of the truth during the 1953 ethnological research by the P. L. Breutz ;
 - the exodus of the residents purported to be non Bafokeng in the 1980s as well as

- the infamous apartheid style raids of “Maphodisa a Kgosing” that invaded the privacies of most Bafokeng families in the 1980’s , whatever given time of day.

are still fresh in the memories of the affected grand children.

If we could remember Arthar Bartman ,who could not remember that Pinagase) Mekgwe was deported to Mmalebogo.

During the colonial and apartheid grip, ownership of land as well as sovereignty were well observed by Baphiring. They recognised the same for all the other clans which the regime, with an attempt to seal the Bafokeng Chief and the boers’ friendship, forced to come and occupy the Baphiring farm, to proportionate the size of the community and the size of the farm as the colonial native control legislated. The move was met with resilient opposition by these clans and hence duplications of clans in Phokeng.- the Madibana in Luka and in Thekwana JQ 300 As allegiance to the sovereignty and autonomy of Baphiring, the other clans would periodically converge on request by Baphiring for

(a) how to further utilise the land which they were forced to occupy.

(b) prayer for rain.

They all respected their coexistence.

Baphiring autonomy extended to

(a) calling own community, meetings, Keeping record of statistics on number house holds , life stock , death cases, the births , the population ; contributions for local and national duties and obligations.(see 1898 minutes and rule book, **Annex C**)

(b) leading projects of common interest to all residents of the farm(**Annex C** - that 1945 monumental Luka primary school building project)

The building that had the same structure as the old Bafokeng High school (part of the premises of Bafokeng stadium).The Old Luka School buildings were demolished without consultation with neither the people who contributed to its establishment nor those who prided themselves of its looks; its existence and their benefit from it, the alumni .

(c) The allocation of sites for Baphiring including and strangers who eventually formed part of us.

(d) Allocated site for public institutions (The Luka Primary ,Old Luka Clinic , Thethe High, Ramotse Primary , existing cemeteries in the village)

(e) Allocation of plots for ploughing (Farm JQ 262-Turfontein is consists of only the Baphiring plots for crop farming as well as part of JQ 109 annexure(Ponto)are only Baphiring plots for crop farming-).Every Mophiring had two to three such plots in the Baphiring farms.

(f) Identification of cattle posts .

(g) Identification of spots for all purpose water pits digging and bore holes.(the monumental windmill that could only be erected in a farm nearer to the owner’s residence)

(h) Installation and inauguration of their own traditional leader.

At the onset of democracy the advancement of all the above was their objective.(see their 2007 adopted Constitution drafted on basis of their 2005 Supreme Council resolution (**Annex D**), copies of which were given to the Bafokeng Kgosi Leruo by letter (**Annex E**)

As a result of the participation of Baphiring in afore cited 2006 tribal meeting, the Bafokeng intensified their encroachment and invasion of the Baphiring autonomy under the guise of the so-called Blue print and Vision 2020.

You would have expected Bafokeng who are heralded as the wealthy tribe in Africa by media and some historians looking for a platinum hand shake, to have a system of broader, sound and genuine consultation that is matched by supervisory monitoring (with no incomprehensive controversies and tribal funds mismanagement) given its handful population of 500 000 and 72 clans (subtract 6 or even more if you consider the duplication stated above) but, the opposite is happening.

If we the citizens of SA expect such a practice from the National Government as our constitutional right, given the length and breadth of this country and its limited resources, why can't the one Bafokeng tribe, staying in 27 villages (of farms they have bought individually or collectively), within radius of ± 22 km distance of each other, demand it.

Their encroachment resulted in

- (a) Assuming the implementation of strategies to taking over site allocation for both business and residence.
- (b) Establishing a commission on Bafokeng headmanship, to divide and rule and crush whoever is in Kgosi's opposition like Baphiring.
Established in 2007. In their turn, Baphiring laid and agreed with the commissioner the following terms of reference among others:
 - Entire written commission report be given to Baphiring at the end.
 - A copy of the electronic recording of the commission be given to Baphiring too.

To our regret, in contempt of the terms of agreement too, and after numerous unanswered letters in this regard only the erratic extract of the report was sent to Baphiring for their consumption. The finding had no basis and lacked competence. (see Annex F)

- (c) Demolishing the pride of individuals and communities in the pretext of development (Luka Primary school)
- (d) Converting headmen into his henchmen by giving them stipend which has now seemingly become a monthly salary for some.
Our forefathers have contributed dearly to the purchase of these farms. It was not for the benefit of Kgosi and his henchmen alone.
- (e) created enticing packages to lure insightful headmen and individuals from just courses of their communities.
- (f) Instituted oppressive administrative and governance structures (the Land unit which is constant conflict with the grass roots user of land)
- (g) keeping on the toes of the some government officials for constitutional considerations (section 14 right saw the further development of Lebone II Independent school).
- (h) Had the 2001 memorandum of understanding with the Local Municipality which has ever since its inception robbed the entire tribe all tax payer benefits
 - Service delivery from the local Rustenburg municipality is just a dream. There had to be a 2005 march to force the inception of high mast lights in Luka.

- Voting for the Local Municipality ward councillor is just for fun and waste of tax payers money. They have no space to operate.
- (i) Self proclaimed Kingship ,with headmen subordinates. No consultation with the people this is intended to benefit .
- (j) Keeping mum about declaring Phokeng a kingdom-which is done already. No consultation with the people that is intended to impress and benefit.

Recently recorded incident are(speaking of Luka alone):

- (a) Demolishing a number of self employment business structures(court case has since been opened against Kgosi).The matter is still with the Mmabatho High Court.
- (b) Constantly using the tribal security to harass and threaten owners with demolition of similar other structures.
 - They are used as his spear and shield .We are heading for total instability in Phokeng given recent spade of incidents.
- (c) Pursued the division of a once strong Baphiring Traditional Community with the sole purpose of derailing the land claim Baphiring have advocated for since 1998.
 - The Headmen who was used to divide Baphiring is referred by the Bafokeng Legal team document (**see Annex G**) to have denied knowledge of a legal representative in Baphiring land claim quest.
This was no wonder to the larger part of Baphiring
 - (a) for he has spent the larger part of his life away from the community because of a pending punishment for failure to partake in grave digging (an custom by which Baphiring measured and marked the dawn of male adulthood.
 - (b) for, his level of ignorance in Baphiring domestic affairs was recorded from his denial of
 - the existence of his late grandfather's elder brother's, the late Mokhuwa Mekingwe
 - that of his late 2 sons of his first wife.
 - that of the recently late daughter of his second wife in the 1920's.
 - Mokhuwa Mekingwe's 5 years role as Baphiring Traditional Leader. His grand children should be heirs to the current Baphiring Leadership throne.
 - (c) his father's(the son of a regent himself) recorded appointment of his uncle for the Baphiring leadership during a duly convened Baphiring Supreme Council meeting ,returning it to where it originated.

3. The current situation and complaint:

The bone of contention and the reason for Baphiring's request for your intervention is

- 3.1 Ill-treatment and inhumane punishment now levelled by Chief and his employees to parents and children of families not in cahoots the headman which he imposes on them.

3.2 Like the land and the farms are his private property, and Baphiring are just strangers and squatters, the following harsh measures are currently used by Kgosi to force Baphiring to recognise and affiliate to his headman.

- Services Baphiring are deprived of are
 - (a) Denial of right to burial of the deceased Baphiring. Very soon they will be told they are neither Baphiring nor Bafokeng. A repetition of the 1980's history. (see **Annex H**- to the chair of Council of Headmen)
After reporting with valid documents from his/her legitimate headman ,a non supporter will be issued with a hard copy that instructs him or her where the deceased and his family should belong(what arrogance)
While Baphiring are advocating neither lawlessness nor instability in Phokeng, we can not be treated like foreigners in our forebearers land.This must culminate.
 - (b) Due site allocation services are withheld.(see **Annex I**- letter of complaint to the Bafokeng Site Allocation Committee)
 - (c) Bursaries.
 - (d) RDP house(see **Annex I**)
 - (e) Business venture
 - (f) Employment opportunities
 - (g) Refusal to acknowledgement documents that have gone through locally recognised procedures.(even his office practices that of recent)

3.3 Several meetings were sought with, letters were written to the Bafokeng Administration including Kgosi, with the aim of raising this issues to be addressed .This exercise dates from as far back as 2000, after the death of his elder brother Mollwane.All are in vain.

Most recent meeting request with Kgosi was with a letter date 18 June(**Annex J**) :

- (a) Meeting of the 9th July 2012 which he granted after a struggle.,
 - To our embarrassment he decided to absent himself (as usual with the promise that he will join us soon)and left the charge to his henchmen , chair of the council of headmen who was equally helpless.
 - After their failure to come up with the solution to the service delivery problem they have created. Baphiring tabled three motions to break the deadlock(of a neutral administrator in Baphiring ; of dual signatories and of the second commission opinion)
 - We left been disgraced further by that, although his uncle seconded the second motion in support of the 3 Baphiring, the chair allowed a somersault, worse of all through his mouth, refusal of all of those motions.Fruitless meeting and incompetent chairmanship.
We have requested the minutes.Not sure they will be forth coming.
 - Kgosi was not there to echo the promises of disbanding his headman group he made to Baphiring Delegation of Elders on the 13 February 2012
 - He was not there to say anything about the two letters of complaints send to his administration nor did any of his delegation.(**Annex H and I**)

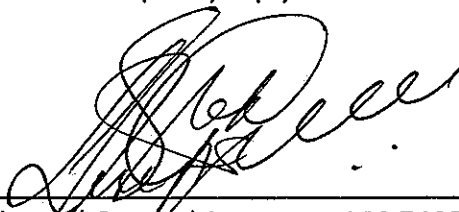
- (b) The repeated attempt requesting the NW House of Traditional Leaders' intervention .It referred us back to the cause of our problems. Rendering themselves and us helpless **(Annex B).**
- (c) We have made an attempt with the Local Municipality Mayor and the Regional Public Protector. **(Annex K)**
- (d) Baphiring are used to verbal attack in Bafokeng General Meetings for their stance against disregard for their constitutional rights to exist by someone only by virtue of his position. We think it is "Abuse of power which has become absolute in Phokeng"
Pre democratic SA political struggle was purely against such myopic views of minorities using financial muscles to strangle and attack helpless majority.

All these must be brought to a dead end.

(4) Conclusion :

- **The urgency and magnitude** of this problem is such that if we Baphiring don't get assistance any time soon, Baphiring will go on and do anything they deem fit to protect their cultural identity and traditional sovereignty.
- With these experiences and worsening still, Baphiring are asking themselves
 - (a) Why does it look like the rural communities are left at the mercy of tyrannical Traditional leaders who spent armed chair meeting time speaking for themselves and their statuses.
 - (b) what good is a so called born traditional leader to an elected leader in South Africa.
 - (c) Not only did a just a few of traditional leaders struggle for the liberation of this country, majority of ordinary citizens of this country did and lost their lives , young inclusive ,while most Chiefs were enjoying the puppetry leadership in apartheid homelands.
- People are getting impatient of the dictatorship of Kgosi and his Administration. It has no place in the Rainbow Nation.
- Baphiring
 - (a) request your intervention soon
 - (b) Trust for a speedy reply.

Regards



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