

BAKWENA BA MOGOPA TRADITIONAL COUNCIL

*Private Bag X1031, Bethanie 0270
Stand No.: 0499 Moseja Section
Bethanie, 0270
Tel: (012) 260 0201*

BAKWENA BA MOGOPA TRADITIONAL COMMUNITY HIGH LEVEL MEETING//BETHANIE//04.12.2021

Brief Statement by the Secretary:

The Community meeting was initially agreed to be funded by Glencore, however during the robust and unpleasant engagements between Glencore and the Council, Glencore decided to "selectively" withdraw its engagements with the Council;

Part of the Report has been withdrawn due to the unwarranted, unprecedented, unacceptable and unfair behaviour by Glencore towards the Council and the Community; we note with serious concern the on-going victimization against Community Representatives in different areas;

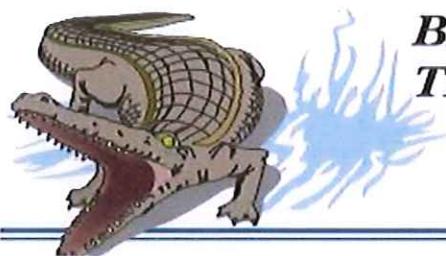
Transformation laws mainly deals with addressing the economic imbalances with reference to previously disadvantaged communities, the Bakwena Ba Mogopa Traditional Community should not in any way be apologetic of their race, more so should accept their history and acknowledge that they are black;

One of the dangers we face, is allowing and having economic migrants sowing unwarranted well planned divisions within the community for them to steal what belongs to the rightful beneficiaries of the Bakwena Ba Mogopa;

Visible facts around the wealth of the Bakwena Community are not debatable, however, it is not questionable that the Community does not economically benefit from their wealth, the biggest question to be asked should be: Why?

The following is compressed Community Economic Report, the comprehensive Community Report could not be presented due to the impasse going on between the Council and Glencore; We hope that Glencore will be persuaded to fund the Comprehensive Community report as earlier agreed for the greater benefit of the Community as they continue to hold accrued Community monies and interest due to the community;

We wish to thank our guests from different sectors/entities, traditional councillors who have always been there regardless of performing their difficult legislated responsibilities without being remunerated and everybody who is in attendance, Please stay safe in these Covid-19 trying times, marry Xmas and wishing you all the best for the coming 2022; Wake up Azania, do not bleed for ever. Yours in revolution, **Lawrance Mashigo (Secretary)**



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Preamble

Section 1

The current Traditional Council has officially started working in 2016; officially elected in terms of applicable Act, North West Traditional Leadership and Governance Act; and the 60% reluctantly instituted after community protest which forced the current chief and Provincial Government to oblige and subsequently gazetting it in terms of legislation.

The Council duties and responsibilities had to be executed with numerous pushbacks and challenges in numerous areas, from provincial government, private sector, the chief, purported head of clans and some (non)community members;

It is the Council's view that the challenges of the Bakwena Ba Mogopa Traditional Community started when the current kgosi, Motheo Mamogale was recognised as chief. After his recognition the community lost Hundreds of Millions of Rand in savings, liquid and assets in fixed, movable and in strategic community legal business entities and all these resulted into losing the then administration that was meant to service the community;

It is Council's factual view that the problems facing the general community are centered in Traditional statutes of the community, from the Royal House/Family, chieftaincy wrongful entitlement and lack of accountability, kgosana, and head of clans;

The protocols of recognition and expectations from the Royal House/Family have escalated to the administration and business of the community. This is as the result of transparent unprecedented entitlement by same statutes to community assets and administration;

The Traditional Council has been in force and working as a revolutionary structure instead of board of the community as per the applicable legislations, thus it was and will always not be safe for any Council to operate in the community as long as the current behaviour of entitlement by some statutes continues; thus this must be well viewed and carefully advised by the Council and the Community;

The laws of the Republic were and continue to be repeatedly broken by some statutes that enjoy protection of the most corrupt officials in the South African Police Services (SAPS),

Provincial and District Government (Cogta and Premier's Office) and other entities such as Private and Public Sectors;

Facts cannot be rephrased to cater and protect statutes and individuals in the expense of the greater community and or the nation as History should be the basic foundation to build the future as it has always been the norm of the most intelligent, and again, the basic proof is the attached Image Report that warned that the analysis done in the past five (5) years foreseen and warned that the biggest threat to the Bakwena Community is the Bakwena Community itself;

It cannot be normal to leave visible negative factors unchallenged; this may if left unchallenged catch up with the current Traditional Council principles;

It is our view that we did everything possible to deal and work for the community under the difficult circumstances, where there are no remunerations, resources, high level problems of criminality and recognition. This is the only Council that had to deal with one question since its inception and until its term of office will be lapsing, as assumable as it is accepted, it is done purposely to frustrate its work and execute its legislative mandate without hindrances otherwise to eventually selling the community to the highest bidders without considering and balancing applicable factors;

The highest administration office in the country and in particular in the province repeatedly failed the current Council and consequently the Bakwena Ba Mogopa Traditional Community;

The most difficult thing to deal with these issues are not necessarily centred around the community, but to powerful state organs, powerful private companies, multi nationals, criminal gangs, and etc.

It is common cause that in every revolution the biggest challenge is not necessarily to fight the enemy, but to fight the person you are fighting for and subsequently the enemy. This was reported on or about five (5) years ago in the image report attached hereto this report;

We hope that this community will do serious introspection and look deep into itself as it is about to lose all it has accumulated due to lack of sane protocols and denial of its biggest liability being traditional statutes at the top of its hierarchy;

As we compile this report, we must take into factual consideration the same report may be challenged by foreigners masquerading as members of the Bakwena Ba Mogopa Community, and the same foreigners who today benefit in the name of the same community while actual beneficiaries still swims below poverty line. It must be said that it is not acceptable to have debates with foreigners in our internal house/family matters without any appropriate invitation;

Our fear is that, in few years to come, we will be labelled as the self-hated community in Africa, thus strategic and factual reporting must be a basic method to be procured to enlighten the most affected and beneficiaries;

History is being written, and it will be a very painful history if nothing drastic is done to remedy the current unpleasant situation as soon as possible;

Since the recognition of the current chief, the Bakwena Community has become a laughing stock by other Traditional Communities, Private Sector, Neighbouring Communities, Government Sectors and it is steadily going into debts and losing in investments and social recognition;

It should be recorded that the community is being failed, and this should not be viewed with negative eye, but with positive eye in view of correcting and rebuilding and renewing. It must also be recorded that all possible measures to engage the powers that be in trying to correct have failed, and that our assumptions are that, the chieftaincy statute has and continue to be the biggest liability that needs to be addressed as a matter of urgency;

Facts are visible all over, that since the current chief was recognised, as far as it is reasonably suspicious that he was not appointed lawfully from the Royal House/Family but recognised and being protected by the provincial government which recently unlawfully appointed the Administrator for the community to pursue its unwarranted protection to Kgosi Motheo Mamogale; Facts are on record as the appointment of the Administrator was set aside by the Mahikeng High Court;

Facts around traditional leadership and its statutes are becoming complex every day due to how fast the world is moving; We are now in the 4th Industrial Revolution and our country's economy is being challenged by numerous factors; The biggest challenge we face as the traditional community is centred around having sane debates into turning our local socio economy and aligning it to the current competitive mode.

It cannot be fair to the youth, the young adults of this community to be held ransom by old people who can't engage competitively around leadership in the 20th Century;

It is acknowledged that older people should play a meaningful role as traditional advisory statutes on how practices and tradition is based on and the reasons thereof; however, the world is moving faster than it was in the 19th century and this must be acknowledged by all;

Part of the basic challenges that derails the greater community is centred around how we define the word "respect" as we are currently misinterpreting the definition thereof;

Respect should not be defined by one party, but must be reasonably be defined by parties and must not be about age, but must be redirected to be earned by any party, official, person, entity and or etc.

It is our view that regardless of what will happen in future, we as the current Traditional Council have committed to work for the community, regardless of being ridiculed, not being compensated and without any resources. The only thing that will judge us will be history, and we will be happy to refer to what we have done in future.

Success is not measured by what you accomplish, but by the opposition you have encountered, and the courage with which you have maintained the struggle against overwhelming odds. - Orison Swett Marden

Often and history is evident that every time when there are strives, certain class of individuals comes in view of running the community in pretence of education, and as much as different qualified officials are required to take over different offices, it must also be noted that success is not defined in education. Below is more than ten (10) reasons supporting this statement, and it's our view that balance is the answer.

1. **David Karp** dropped out of Bronx Science High School at the age of 15. His original plans were to continue homeschooling and work on other side projects. However, he never got his high school diploma. He ended up building the short-form blogging and social networking platform known as Tumblr in the back bedroom of his mother's apartment, which he has since sold to Yahoo! for \$1.1 billion.
2. **Quentin Tarantino** left Narbonne High School at age 15 to work at an adult film theatre. Later, he took a job in a video rental store while he took acting classes. He wrote several movie scripts in his spare time based around his love of movies and went on to become a screenwriter.
3. **Drew Barrymore** may have dropped out of high school, but technically she's been working consistently since she was just 11 months old, so she could be forgiven. While she may be widely known for her high-profile acting roles, Drew is also a highly successful businesswoman in her own right.
4. **Sir Richard Branson** dropped out of Stowe High School at just 16 to start a magazine. By the age of 20 the entrepreneur founded a mail-order record company that expanded to become Virgin Records.
5. **Carl Lindner, Jr** dropped out of high school when he was just 14 so he could deliver milk for his family's dairy farm. He borrowed some money to start an ice cream shop with his siblings. He used his entrepreneurial skills to build a business empire and invest heavily to build his estimated \$1.7 billion fortune.
6. **Jay-Z** grew up in one of the roughest housing projects in Brooklyn. Originally known as Shawn Carter, Jay-Z, never graduated from high school. That didn't stop the multi-Grammy Award-winning hip-hop artist going on to become a successful entrepreneur.

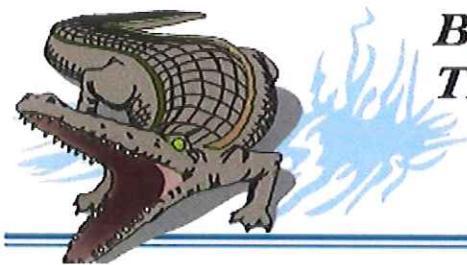
7. **Uma Thurman** left high school at just 16 to pursue an acting career. She worked as a model before being spotted by talent scouts at a drama school and went on to become one of Hollywood's leading female actresses.
8. **George Foreman** left school at the age of 15 to pursue a career in boxing. He went on to become a two-time world heavy-weight champion and an Olympic gold medalist. When he retired from boxing, he jumped into the world of business, becoming the spokesperson for the George Foreman Grill.
9. **Robert De Niro** left high school at 16 to study acting. He has become a hugely successful actor who has starred in more than 90 films. He's also a successful businessman, with a chain of eateries across New York and his own film studio.
10. **Katy Perry** left high school at the age of 15 to pursue a career as a musical artist. Her career began with gospel music as a Christian singer, but she reinvented herself to emerge as one of the world's most successful female pop superstars.

In all the ten (10) examples reflecting above, they exclude the most well-known successful business people known to us today as follows:

Mark Zuckerberg of Facebook, Bill Gates of Microsoft and Michael Dell of Dell Computers all chose to leave college to create wildly successful businesses that changed the world.

The examples above should not be used by our children to drop out from school, however, they must be acknowledged by parents to support their children in their different dreams.

Remember: "*The world does not owe you anything, and in return, you owe it to the world to become somebody.*"



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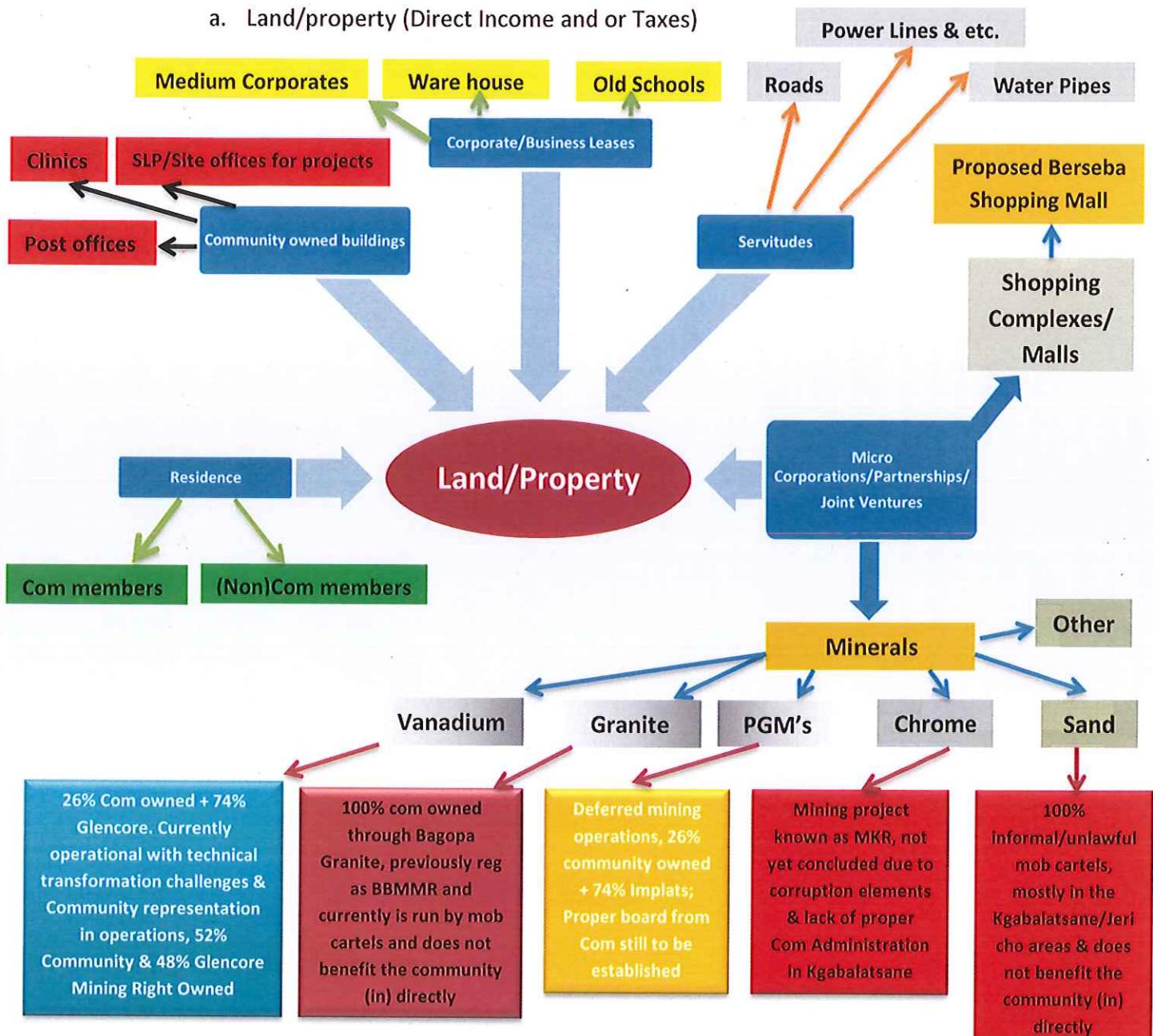
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Community Economic Resources

Section 5

1. Community Economic Resources

a. Land/property (Direct Income and or Taxes)



Agriculture is the most important sector to the world economy and in particular Bakwena economy, thus facts have to be noted that it is not commercially managed, both in crop and animal even though

history will judge the community harshly given where our ancestors are coming from, from proper abandoned traditional and commercial farming;

For the fact that agriculture is the most important factor to both the country's GDP contributor and the main factor to food security, the current state of our farms are in extremely bad conditions given the simplest ways of accessing finance for both Traditional and Economic Farming in Private and Public Sectors.

Facts are visible that the easiest way to get funding of any business from Government funding solutions is through farming, however the community has abandoned it; thus a proper community business module that caters for both animal and crop farming has to be developed ASAP.

One other important factor to economic growth is small business support because it is by far the most important contributor to job creation and eradication of unemployment;

Proper Policy of the Traditional Council/Community has to be developed to address the above management of Local Socio Economic Resources in such a way that it caters for all to benefit and address different challenges as follows:

- Business opportunities for Local Small Medium Micro Enterprises (LSMME's)
- Investment opportunities for the Community, and accountable entities to be ratified/formed/deregistered and or reviewed;
- Local socio economic benefit in terms of applicable areas such as employment and local business empowerment through Public and Private partnerships; amongst others reviewing of different schemes as follows:
 - Bursaries for identified applicable community members;
 - Burial Insurance schemes for local community indigents;
 - Old age care schemes and support plans;
 - Sporting codes support schemes developed;
 - Recreational facilities support schemes to be developed
 - Other
- b. External Investments (*This will not be reflected in this report*)
 - i. Possible partnerships
 - ii. Possible acquisitions
 - iii. Possible Investments and trading
- c. Local Socio Economic Benefit and status:
 - i. Public engagements projects where the community are direct beneficiaries include Kortbegrip Water Project which the Secretary of Council represents both the Council and the Community (The commitment to such a project reflects the commitment by the Community to participate through funding either as an Investor and or Reticulation Funding Model). In return, the LSMME's must secure maximum participation into the project and amongst others employment.
 - ii. Private engagements are stuck to Multi Nationals attitude and unwarranted behaviour, this is also noted from Black Business Council (Sandile Zungu) recent statement of Multi Nationals being reluctant to Transformation.

Short Term Goal:

2. Legal Entities of the Community (Short Term Plan) to be considered and reviewed)
 - a. NGO to be registered and deal with administration of the Traditional Council (recommendation)

Assessment and basic research advises that a short term community administrative structure is needed going forward, this will require financial budget and areas of competence personnel.

The structure may run from the Capital Village Bethanie with Administration Office to be constructed with basic resources still to be identified;

At this stage, the community has lost all movable assets in the form of vehicles, furniture, office equipment and etc. Proper analysis has to be done in terms of the short term goal to acquire some of basic resources for administration to run with additional costs to be incurred for servicing operations apart from salaries.

Desktop research for other required positions without Bonuses and over times:

NB: Salary scale differs from area to area, thus this is desktop research around our areas in terms of junior officers, thus this may be higher in terms of responsibilities, and however research is based on basic responsibilities and average junior entry level posts and basic scope of work.

Roles and responsibilities of executive Council Members must cater and cover for skill competency, thus this must also take notice that they will be fulltime Council Employees working from Monday to Friday to plan, execute Council responsibilities and apply oversight in terms of the Governing Act and preparing for required proposed resolution to be adopted and signed by Council Quorum,

- Litigation case management - R119,994/per annum and this is the personnel required for in-house short term goal (Our estimate is at R120000.00/per annum)
- 01 Sep 2021 — the average salary for **Operations Administrator** is R 16 517 per month in Johannesburg, Gauteng. Our estimate is at R17000.00)
- The average salary for **Office Clerk** is R 7 140 per month in South Africa. (Our estimate salary per month is at R7200.00/per month)
- The average salary for a **Junior Bookkeeper** in South Africa is R108,320 /per annum. Junior bookkeeper salaries by city, experience, skill. (Our estimate is at R9200.00/per month)
- The average salary for an office **cleaner** is R 4 540 per month in **South Africa**...(Our estimate is at R4500.00/per month)
- The average salary for a **Security Guard** is R 3 948 per month in South Africa. This exclude benefits, salary satisfaction and where you could earn ... (Our estimate is at R4000.00/per month)
 - Security may be required at night only for short term plan and be reviewed after;
 - Normal circumstances will require security to be on site 24hour a day and 7 days a week, this can be reviewed on Medium Term Goals depending on the running and management of the administration, resources and funds;

- In-house (economy) vehicles will also be required for administration and the Council for smooth running of the operations; (This will be the decision of the Operations Manager – NGO and the Traditional Council acting as board);
- NB: Important note, on November 2021, Petrol Price is selling at rocketing -R20.00/per litre, thus travelling will impact all areas of operations. Safe to say average price at R20.00/per litre.

No	Position	Quantity	Unit	Total/Month	Total/annum
1	Executive TC Members	8	R22 000,00	R176 000,00	R2 112 000,00
2	Councillors	24	R8 000,00	R192 000,00	R2 304 000,00
3	Operations Manager	1	R17 000,00	R17 000,00	R204 000,00
4	Administrators	5	R12 000,00	R60 000,00	R720 000,00
5	Office Clerks	12	R7 200,00	R86 400,00	R1 036 800,00
6	Security guards (2/office)	24	R4 000,00	R96 000,00	R1 152 000,00
7	Book Keepers (Finance)	2	R9 200,00	R18 400,00	R220 800,00
8	Cleaners/House keeping (2/per office)	24	R4 500,00	R108 000,00	R1 296 000,00
9	Inhouse Junior Legal Officer	1	R10 000,00	R10 000,00	R120 000,00
Total		101		R763 800,00	R9 165 600,00

Our number of Councillors (est) at 32 and Executive as per the Council adoption and resolution at 8.

The most challenging estimate for kgosi's remunerations is solely emanating from the person and not competency as the statute seems more entitled than understanding his role within the community; this is a very serious challenge.

Other unforeseen professional services from different professionals:

No	Corporate/Services/Proffesional	Monthly	Yearly
1	Auditors/Accountants	R12 500,00	R150 000,00
2	Advocate/Counsel	R41 700,00	R500 000,00
3	Business Corporate Services	R20 832,00	R250 000,00
4	Unforseen	R30 000,00	R360 000,00
Total		R105 032,00	R1 260 000,00

The only way to have the Community working is through administration structure, thus this short term structural plan is required asap with possible minimum employment positions of 101 employees less 32 councillors at 39 immediate positions;

A salary estimate of the short term structure is to cost the community about R10m /per annum; **The big question should be: Where will the money come from?**

A simple and proper business module could simply address this, the community is already losing just under R20m/per month in both Granite Minerals and Illegal Sand Mining; (a well-researched module could be able to address this assumption with references)

Currently the community is in debts as follows:

SARS/Employees of Council/Service Providers/Council Members/Litigation and related costs estimated at over R30m

Medium Term Goal:

This goal can only be achieved only if the Short Term Goal is achieved and established, running as planned and with accountable/separation of powers being visible.

- b. Bakwena Ba Mogopa Community Trust (Entity Holding Community Interest in Rhovan Operations)

The trust is designed in such a way that it can't function without kgosi, thus there is mediation process with Glencore which is the technical partner in the vanadium mining and Rhovan operations;

The Trust and the Traditional Council are currently in litigation with Glencore on its composition; this matter is of critical importance and was reported in the last community meeting;

The Banking Statements of the Community Trust reflects painful transections, from Kentucky Fried Chicken (KFC) to Taboo transections which not even a cent can be accounted for from over R70m. On this, Glencore advised that it has paid approximately R30m, but the Banking statements reflect something else. (*The ten "10" year Banking Statements have been obtained*) This reflects clear theft of community Trust Funds.

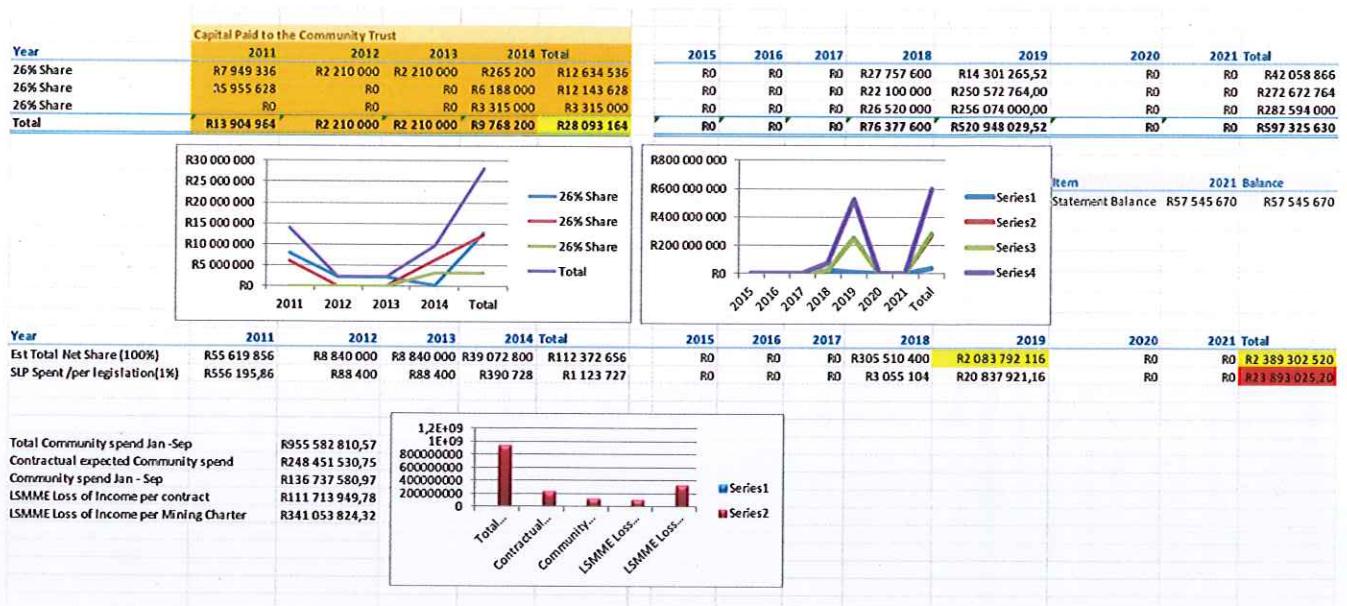
Signed Pre-Mediation Minutes and Glencore CEO recent communications annexed hereto;

According to the recent communication with CEO, they do not want certain appointed Officials to represent the Council into mediation; however, they want mediation to proceed (exclusively in their terms);

The community is currently losing in different areas of the transaction as follows:

- Share dividends; (No Community/Transformation deployed official is accepted and or appointed for the transection)
- Shareholding sittings; (Board meetings are not applicable to the Community as Glencore is litigating against the community)
- Procurement; (In our view, Local SMME's are not given reasonable participation into direct mining opportunities and into Medium and Micro projects, and in our view it is undermined as no acceptable reason is advanced by Glencore run operations. Fact is status quo remains where white owned foreign companies get more opportunities than our local companies).
- Management positions; (No deployed Managers represent transformation/community into the transection)
- Strategic Social and Labour Plan Positions;
 - We must also note that the community might be in serious debt by its entity holding Mining Right (Mining Licence) by not being compliant in terms of legislation;
 - Mining Right is governed by numerous legislations, this is a serious challenge if the Community is not represented into operations as some of the applicable legislations may result into community accruing direct debt amounting into Millions of Rand that may be difficult to address when the time comes;

- Glencore is solely running Rhovan operations that is 26% owned by the Community and 74% owned by Glencore, and 52% Minerla Rights owned by the Bakwena and 48% owned by Glencore, however the financials submitted to us are not confirmed by our representatives in the Transection, thus are very suspicious, see attached Investec Documents from Glencore CEO, there are not Credits/Debits, name of the account and where the interest of community funds are going. The council note with serious concern that any investment account could be set up in such a way that interest goes to a separate account, thus we have annexed hereto some of the desktop research document that advises of Investec Investments accounts, and the Council is not privy of which one is used;
- Rhovan transection financials: These financials are consolidated in the information we have without having representatives in our operations, thus these may be subjected to verification with Glencore. There is no reason to accept what is put before us by Glencore as the financials are very suspicious (see below figures consolidated by Secretary of Council):



- The above financials are one of the reasons the Secretary of the Traditional Council is not wanted by Glencore Alloys, thus they hide by entering community political fray; and Hundreds of Millions of Rand were also spent to acquire shares by the community, this was excluded as no financials were available to Council when compiling this report.
- Our Communication with Glencore is not easy and always frustrated by Victimization and Litigations, to this effect records speaks for themselves.
- The Community needs to advise of a possible solutions to all related challenges on this transaction as all community funds could be lost if not properly secured, and on-going Millions of Rand lost in Board sittings, Management Salaries, Procurement, SLP's and etc. (This is a serious local economic growth red flag) Our view is that the bullying of Glencore to the Community will not stop unless drastic actions are taken to fix our participation and this must be carefully considered as follows:
 - Community strong areas of engagements – Land and community collective
 - Community weaknesses of engagements – traitors, kgosi, heads of clans, lack of administration structures, manipulative economical settlers and divisions.
 - Glencore strong areas of engagements – Financial and legal muscle

- Glencore weaknesses of engagements – manipulative and divide and rule strategy, however, this may result into Rhovan battling to access new area of mining within the community as Council and the community has recently stopped them from drilling a new possible mining area;

Please see the attached Annexed "B" Communications;

Letter from Council to Glencore, Letter from BBF to Glencore, Letter from Glencore and Investec Documents

Annexure "C" Statements/Documents of Finances from Glencore – Community Funds,

Annexure "D" Procurement spend from Glencore

- c. Platinum Trust (R60m paid to Trust and not accounted for) The meeting between Implats and The Council and Business Community Leadership was held on the 18th November 2021 at Thatch Haven;
 - i. Outcome of the meeting:
 1. The decision for proceeding with the project is going to be made in mid-2023; (This decision was also rejected by Council)
 2. The SLP consultation process was rejected by Council; (The appointment of consultants for draft SLP was also rejected by Council and wanted local SMME's to be considered)
 3. Proper and on-going communications process were agreed upon by parties;
 4. The Council requested that a meeting be scheduled to buy Impala shares and or portion of shares held by Impala and it was agreed. (The Council through secretary is in the process of finalising the presentation to acquire Implats shares and start the project as soon as possible)
 5. Required of acquisition of shares requires: (Appointment of Strategic Miners on success fee and contract is required)
 - a. Funding of the project
 - b. Funding of operations
 - c. Technical ability
 - d. And restructuring of the project
 - d. Ba Mogopa Granite (Nothing to Report)
 - e. Bakwena Management Trust (The legal entity used by the Council to manage Community Finances)
 - i. Revenue on this entity comes from the following:
 1. PTO's
 2. Leasing of community buildings
 3. Loss of revenue is estimated in Hundreds of Thousands of Rand due to corruption by head of clans in Bethanie, Bo-Rangwane and cartel led by kgosi;

- a. Expenditure reflects the following:
 - i. Professional Services – Attorneys/Accountants
 - ii. Travelling by Council Members
 - iii. Basic Council and Trust Meetings which sometimes are not funded;
 - iv. The current Balance is at R170k which the R100k of it will be paid to attorneys for litigation against Glencore
 - v. Part of the expenses will have to cater for the community meeting, and this is not yet verified at the time of this draft report;
 - vi. Council would wanted to present audited financial report attached to this report, however, given the political and access to resources, it is not possible for now to present it;
 - vii. Our assumption which will be verified and confirmed by Accountants will reflect a bigger chunk of our expenditure at over 50% to professional services, travelling to about 30% and Sundries at 20% (Traditional Council is on record that all Communities entities should be audited by professional auditors and account. And is also Council's view that audited financial statements should be submitted with a full Council Report that should be funded by Glencore)
- 3. Assets of the Community
 - a. Fixed
 - b. Movable
- 4. Local Socio Economic Investments *(This will be reflected in the overall report still being compiled for the community)*
- 5. Recommendations:
 - a. Administration
 - b. Chieftaincy and traditional heads/statutes
 - c. Business
 - d. Other

a. Administration	Community resolution required
b. Chieftaincy and traditional heads/statutes	Community resolution required
c. Business	Community resolution required
d. Other	Community resolution required
- 6. Attachments:
 - a. Council resolution on Mediation and Communications "E"
 - b. Dossier "F"
 - c. Image Report "G"
 - d. Court Orders "H"
- 7. Traditional Council Resolution adopting report (The current report is drafted by the Secretary of the Traditional Council and the consolidated report will have to be adopted by Council once and if the impasse around setting up administration is addressed).

"A"

IN THE MEDIATION BETWEEN:

KGOSI TEBOGO RENEILWE MOTHEO MAMOGALE

and

THE BAKWENA-BA-MOGOPA TRADITIONAL COUNCIL

and

GLENCORE OPERATIONS SOUTH AFRICA (PROPRIETARY) LIMITED (FERRO ALLOYS DIVISION)

MINUTE OF THE PRE-MEDIATION MEETING HELD ON WEDNESDAY 5 MAY 2021

- 1 A pre-mediation meeting was held on Wednesday 5 May 2021 at the Africa Room situated at the Arbitration Foundation of Southern Africa at 1st Floor, Grinrod Tower, 8A Protea Place, Sandown, Sandton. The meeting commenced at 9h00 and terminated at 11h00.

ATTENDANCE

- 2 The meeting was attended by:

- 2.1 the Mediator, Justice Dikgang Moseneke;
- 2.2 Lucas Machake Mosane - a member of the Bakwena-Ba-Mogopa Traditional Council ("the Traditional Council");

- 2.3 Rebone Eugene Morebodi – in his capacity as the attorney representing the Traditional Council and in his capacity as a member of the Traditional Council;
- 2.4 Lawrance Mashigo – in his capacity as a member of the Traditional Council;
- 2.5 Joseph Nicky Lebetho – in his capacity as a member of the Traditional Council;
- 2.6 Othilda Maetsane Mamogale – in her capacity as a member of the Traditional Council;
- 2.7 Sannie Komane – in her capacity as a member of the Traditional Council;
- 2.8 Kgosi Tebogo Reneilwe Motheo Mamogale – the recognised Kgosi of the Community;
- 2.9 DInatsotlhe Mamogale – in his capacity as a member of the Traditional Council;
- 2.10 Lesley More – in his capacity as a member of the Traditional Council;
- 2.11 Kabelo Masike – in his capacity as a member of the Traditional Council;
- 2.12 Molebogo Mamogale – in her capacity as a member of the Traditional Council;
- 2.13 Advocate Monare Makoti – counsel to the Kgosi;
- 2.14 Neo Motsatsi-Kalil – attorney to the Kgosi;
- 2.15 Japie Fullard – Chief Executive Officer of Glencore FerroAlloys Division;

- 2.16 Richard Ward – Internal Legal Counsel for Glencore;
- 2.17 Fatima Lambrechts – Internal Legal Counsel for Glencore;
- 2.18 Adriaan Brugman – in his capacity as the Chief Operations Officer of the Rhovan Operations;
- 2.19 Dunkeld Molapisi – in his capacity as the Corporate and Social Investment Manager of the Rhovan Operations;
- 2.20 Conroy van der Westhuizen - in his capacity as Chief Corporate and Social Responsibility Officer of Glencore FerroAlloys Division
- 2.21 Advocate Isabel Goodman – counsel for Glencore;
- 2.22 Jones Antunes – Werksmans Attorneys, attorneys to Glencore;
- 2.23 Kiera Bracher – Werksmans Attorneys, attorneys to Glencore.

AGENDA

- 3 The Mediator agreed an agenda for the pre-mediation meeting with the parties as follows:
 - 3.1 introduction of the parties attending the pre-mediation meeting and in what capacity;
 - 3.2 confirmation by the parties that they are agreed on the identity of the Mediator;
 - 3.3 the issues to be referred to mediation;
 - 3.4 documents to be made available for the purposes of the mediation;

3.5 the dates upon which the mediation is to take place;

3.6 the conclusion of a mediation agreement.

INTRODUCTION

- 4 The parties attending the pre-mediation meeting introduced themselves and advised the Mediator in what capacity they were attending the pre-mediation meeting.
- 5 The Mediator advised the parties that Advocate Goodman had previously (some 19 years ago) been his clerk when he was a Judge of the Constitutional Court.

CONFIRMATION OF THE MEDIATOR

- 6 All of the parties confirmed that they were agreeable to Justice Moseneke acting as the mediator in this process.

ISSUES

- 7 Each of the parties gave a brief summary of the issues which they consider relevant for purposes of being referred to mediation. The precise nature and ambit of the disputes to be referred to mediation will be dealt with at the mediation. All parties however concurred that the objective of the mediation was to enable the establishment of a board of trustees to the Bakwena-Ba-Mogopa Community Trust. The Council further indicated that it wishes to see the Trust fully functional, and that this will only be achieved through amendment of the current Trust Deed. The Kgosi indicated at the pre-mediation meeting that he does not want any amendments to the Trust Deed. Glencore did not address the issue regarding amendments to the Trust Deed in its summary of the issues.

DOCUMENTS

- 8 There was a discussion about the documents that the various parties required for purposes of the mediation.
- 9 In this regard, Advocate Makoti, on behalf of the Kgosi, advised that the Kgosi requires:
 - 9.1 copies of the correspondence exchanged between Glencore and the Traditional Council, which correspondence culminated in the pre-mediation meeting;
 - 9.2 the records from the Master of the High Court dealing with the Kgosi's removal as a trustee of the Bakwena-Ba-Mogopa Trust;
 - 9.3 the minutes of the all meetings of the Traditional Council.
- 10 Mr Morebodi, on behalf of the Traditional Council advised that:
 - 10.1 the Kgosi is required to identify which specific minutes of the meetings of the Traditional Council he wishes to obtain, as there are minutes covering a period of 5 years and not all the minutes are relevant;
 - 10.2 the Kgosi was copied into all correspondence exchanged between Glencore and the Traditional Council and that in the circumstances the Kgosi should be in possession of all such correspondence;
 - 10.3 the Kgosi was forwarded the letter of complaint from the Traditional Council by the Master, and thereafter communicated directly with the Master, and/or through Mr Cloete included in all correspondence with the Master and that he should therefore be in possession of all such correspondence;

- 10.4 the Traditional Council requires copies of the transactional documents concluded between Glencore, the Community and the Trust, being the annexures to the Structuring and Umbrella Agreement (which agreement was concluded between Xstrata South Africa (Proprietary) Limited, the Bakwena-Ba-Mogopa Traditional Community and the Bakwena-Ba-Mogopa Community Trust. ;
- 10.5 he has received a copy of a non-disclosure agreement from Werksmans but that he had some issues in regard thereto which he would like to discuss with Mr Antunes after the conclusion of the pre-mediation meeting.

11 Advocate Goodman, on behalf of Glencore advised that:

- 11.1 the transactional documents have been tendered against the conclusion by Mr Morebodi and Mr Mashigo of a non-disclosure agreement;
- 11.2 to the extent that Kgosi requires a copy of the transactional documents, a similar non-disclosure agreement will be sent to Kgosi;
- 11.3 the court papers should form part of the documents in the mediation as they delineate some of the issues between the parties;

12 The Mediator suggested (and the parties agreed with the suggestion) that:

- 12.1 the court papers, referred to by Advocate Goodman, be included in the documents that will form part of the mediation;
- 12.2 the legal representatives of the Kgosi approach the Master of the High Court to obtain whatever documentation the Kgosi requires and that such documentation be shared with the other parties in the mediation;
- 12.3 by Wednesday 12 May 2021, the parties exchange requests for documents they require for purposes of the mediation and that on the same day the

parties tender the documents that they are willing to make available for the mediation;

- 12.4 by not later than Wednesday 19 May 2021, the parties furnish the documents requested of them by another party, or raise any objections that they may have to their production;
- 12.5 by not later than 27 May 2021, the parties attempt to resolve any outstanding objections to the production of documents and finalise the documents that are to be made available for purposes of the mediation. The Mediator may be approached for guidance, should the parties prove unable to resolve the objections between themselves;
- 12.6 the documents are to be arranged in a consolidated mediation bundle which will be indexed and paginated prior to the commencement of the mediation.

DATES OF MEDIATION

- 13 It was agreed that the mediation will take place on Thursday 3 June 2021, Friday 4 June 2021 and Thursday 10 June 2021.

MEDIATION AGREEMENT

- 14 Werksmans will prepare the first draft of the mediation agreement and will circulate a draft for comments by not later than Wednesday 12 May 2021.
- 15 The other parties will provide their comments in regard to the draft mediation agreement by not later than Wednesday 19 May 2021.
- 16 The mediation agreement will be finalised by not later than Thursday 27 May 2021.

- 17 It will not be necessary to copy the Mediator with the different iterations of the draft mediation agreement and the Mediator requested that he be provided with a final version once the agreement has been agreed between the parties.

THE MINUTES OF THE PRE-MEDIATION MINUTE MEETING

- 18 It was agreed that Werksmans will prepare a draft minute of the pre-mediation meeting and that it will circulate the minute to the other parties for comment by not later than Wednesday 12 May 2021.
- 19 The other parties will provide their comments in regard to the draft minute by not later than 19 May 2021 with a view to the minute being finalised by not later than Thursday 27 May 2021.

VENUE

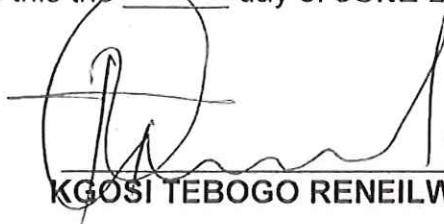
- 20 It was agreed that the venue of the mediation will be the Africa Room and that Werksmans will make arrangements to reserve the Africa Room for this purpose.

MISCELLANEOUS

- 21 It was agreed that the Traditional Council will not take any steps to convene a meeting of the members of the Community prior to 10 June 2021.
- 22 It was agreed further that the Traditional Council will, in order to report back to the Community, publish only a copy of the agreed minute of the pre-mediation meeting to the members of the Community



DATED at 5 on this the JUNE day of JUNE 2021.



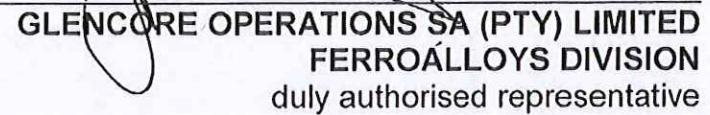
KGOSI TEBOGO RENEILWE MOTHEO MAMOGALE

DATED at 3 on this the JUNE day of JUNE 2021.



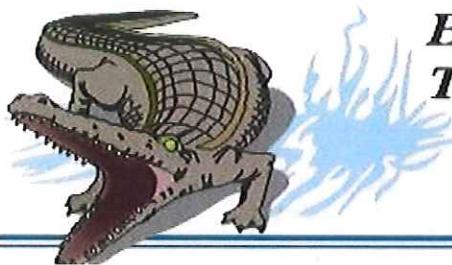
BAKWENA-BA-MOGOPA TRADITIONAL COUNCIL
duly authorised representative

DATED at 3 on this the JUNE day of JUNE 2021.



GLENCORE OPERATIONS SA (PTY) LIMITED
FERROALLOYS DIVISION
duly authorised representative

"B"



BAKWENA BA MOGOPA TRADITIONAL COUNCIL

Private Bag X1031, Bethanie 0270
Stand No.: 0499 Moseja Section
Bethanie, 0270
Tel: (012) 260 0201

DATE: 16th MARCH 2021
TO: CHIEF EXECUTIVE OFFICER
GLENCORE ALLOYS
PER: EMAIL Japie.Fullard@glencore.co.za

ATTENTION: Mr JAPPIE FULLARD

RE: BAKWENA BA MOGOPA RESSOLUTION – RHOVAN OPERATION

Sir;

1. We refer to the above matter;
2. You are hereby advised that a General Community Meeting/*Kgothakgothe* was held between Glencore and members of the Bakwena Ba Mogopa Community on the 11th March 2021 at Bethanie Kgotla. Item 1(d) of the agenda dealt with Glencore/Rhovan issues, including the recent engagements and the current status between the Council and Glencore, where after the Community took certain resolutions relating to Rhovan Operations.
3. After deliberations the Community advised as follows:
 - a. That the Traditional Council must write letter informing Glencore of the Community's decisions/resolutions;
 - b. That the Traditional Council and Glencore engage and resolve the current impasse pertaining to the Bakwena Ba Mogopa Community Trust and Community's involvement into Rhovan operations;
 - c. That the engagement referred to in 3(b) above be effected immediately and be concluded not later than the 14th May 2021;
 - d. That a report of the outcome of the engagements mentioned in par 3 (b) and 3 (c) be tabled before the Bakwena Ba Mogopa Community meeting to be called and prepared by the Traditional Council to a General Community Meeting/*Kgothakgothe* to be called by the Traditional Council on or not later than the 15th May 2021;

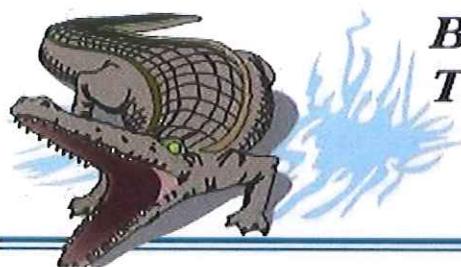
- e. That at the above mentioned General Meeting/Kgothakgothe referred in par 3 (d), should the impasse between Glencore and the Traditional Council remain unresolved, the Community will take further resolutions to finally resolve the impasse and ensure the Community's full participation in Rhovan Operations;
- f. That the Traditional Council consolidate all Community's debts and present them on the General Community Meeting/Kgothakgothe of the **15th May 2021** in view of settling them and Glencore to avail a reasonable agreeable budget to assist the process effective immediately to the Traditional Council from Rhovan operations, and if not agreeable from held Community funds/share capita;
- g. Both the Traditional Council and Glencore agree on budget to prepare and make a proposed Community Meeting/Kgothakgothe referred to above in par 3 (b) - 3 (f) be a success with possible media publications, audio equipment for communications in the meeting, and possible virtual presentation for the meeting;
 - a. That all litigation by Glencore/Mr Brugman against Mr Mashigo with regards executing his duties as a Secretary of the Traditional Council be defended by the Traditional Council and effectively the Community and be funded by Community funds;
4. We request that you advise urgently on your availability to make sure that the community interest and instructions are adhered to as requested;
5. We await your response;

Kind regards;



Lawrance Mashigo
Secretary
081 755 4861 /or 081 355 2001
tshiamomashigo@gmail.com

"B"



BAKWENA BA MOGOPA TRADITIONAL COUNCIL

Private Bag X1031, Bethanie 0270
Stand No.: 0499 Moseja Section
Bethanie, 0270
Tel: (012) 260 0201

DATE: 10TH NOVEMBER 2021
TO: GLENCORE
JOHANNESBURG/SANDTON BY EMAIL:
PAGES: 2

OUR REF: L MASHIGO
YOUR REF: J FULLARD

ATTENTION: MR JAPPIE FULLARD

RE: COMMUNITY SHARE DIVIDENDS - RHOVAN SPV

DEAR SIR;

1. We refer to the above matter;
2. Noting the disclosed outstanding share dividends due to the community from 2011 to 2019, please advise of 2020/2021 outstanding share dividends before or on the 17th November 2021 with supporting documents;
3. The council has noted with serious concerns the decision by Glencore to transfer it's share dividends to Werksman's without first consulting with the community and /or the council, this is however advised that all community share dividends held on behalf of the Community by Werksman's be transferred to a Registered Financial Institution where funds will accrue reasonable interest as follows:
 - a. Standard Bank;
 - b. ABSA;
 - c. First National Bank;
 - d. Investec and or institution that is not conflicted on the matter;
4. Par 3 above should be done in consultation with the Council before or on the 17th November 2021;

5. Werksman's is a legal representative of Glencore in litigation against the Community/Council/Trust and it is unfairly benefiting interest and other(admin) fees from community dividends/funds;
6. Assuming that there may be concerns relating to dispersing community share dividends by Glencore, this does not warrant Glencore to have been dispersed community interest/funds without first consulting and reasonably getting an opinion of how this could have been handled;
7. The council also note with serious concern its exclusion into operation as per agreement and in terms of applicable transformation laws, thus this should be attended as urgently as possible and by no later than the last day of this year, this may be attended in agreement between parties by way of community involvement into operations by parties;
8. Hoping the above matter will be interpreted with a positive eye in view of building a reasonable mutual relationship between partners;

Yours faithfully;



Lawrence Mashigo
Secretary
081 755 4861 /or 081 355 2001

18 November 2021

The Bakwena- Ba- Mogopa Traditional Council

Attention: The Secretary
Mr Lawrence Mashigo

PER E MAIL: tshiamomashigo@gmail.com

Dear Lawrence

COMMUNITY SHARE DIVIDENDS – RHOVAN SPV / BAKWENA-BA-MAGOPA COMMUNITY

1. We refer to the above matter and your letter of 10 November 2021 ("your letter") relating to what you refer to as the "Rhovan SPV". We assume this is a reference to our Rhovan Pooling and Sharing Venture ("PSV/transaction/agreement") which was concluded in 2009 between ourselves and the Bakwena-Ba-Magopa Community Trust ("Trust"), the beneficiaries of which is the Bakwena-Ba-Magopa Community ("Community").
2. We do not intend to deal with all the allegations set out in your letter, and to the extent we do not so do, we reserve the right to deal with the same at an appropriate time and forum.
3. We are all aware that a full board of trustees has not been appointed to the Trust since the transaction was concluded in 2009. We are further all aware this delay has been occasioned largely due to conflicts and various competing factions within the Community and Traditional Council.
4. As a result, Glencore has made numerous attempts (at its cost) over the last number of years to facilitate the appointment of trustees in accordance with the Trust Deed. Unfortunately, this has not happened to date and in fact certain trustees have been unlawfully (in our view) been appointed to the Trust. It is for this very reason that Glencore has engaged in litigation referred to in your letter. Glencore is of the view that its position is not only in accordance with the law but is also in the best interest of the Trust and its sole beneficiary, the Community.
5. Glencore has sought to safeguard the Trust's funds by paying the distributions that have accrued to the Trust from the PSV into an attorneys Trust account. Whilst it is true that Werksmans attorneys are representing Glencore in the litigation, the fact of the matter is that the funds that have been paid constitute trust monies as contemplated by section 86 of the Legal Practices Act ("Act") and therefore enjoy insurance protection by the Legal Practices Fidelity Fund.
6. The funds have been further invested in an interest-bearing account at Investec, one of the registered financial providers mentioned in your letter. Interest earned on the account is for the benefit of the Trust. Glencore has in this manner ensured that the Trust has earned significant interest to date. A copy of the latest Trust statement from Investec in respect of the 2021 distributions is attached in this regard as Annexure A. There were no distributions in 2020.

Portion 27 • Farm Waterval 306 JQ • Rustenburg • 0299 • South Africa

Mailing Address: PO Box 2131 • Rustenburg • 0300 • South Africa

Telephone +27 (0) 14 590 6000 • Telefax +27 (0) 14 590 6002

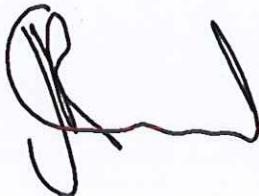
GLENCORE OPERATIONS SOUTH AFRICA (PTY) LTD

Registration Number 1997/017998/07

Directors: JPM Fullard, ES Hlatshwayo, MJ Houston, PN Mahobe, ZZD Ntlangula

7. The funds held by Werksmans in favour of and for the benefit of the Trust therefore certainly do not represent a decision by Glencore to transfer "*its share dividends*" to the firm. They furthermore certainly do not constitute "*share dividends*" or a dispersal of "*community interests/funds/ community share dividends*" as alleged in your letter.
8. Glencore will ensure that all monies currently being held in trust are paid over to the Trust as soon as a properly appointed board of Trustee's is in place which we are confident this will take place after the resumption of the mediation planned in January 2022.
9. Whilst Glencore firmly still holds the position that the Trust funds must remain in an attorneys trust account, invested for the benefit of the Trust, and are only paid over to the Trust as soon as a properly appointed board of Trustee's is in place, we are open to discussing the possibility of Glencore moving the Trust funds to one of the big commercial law firms practicing in JHB, the identity of which is agreed between ourselves.
10. Finally, Glencore would also like to see the participation of the Community in the Rhovan operations as envisaged in terms of the transaction documents. As soon as the Trust is constituted, the Community will be able (through the Trust) to nominate its representatives onto the Joint Board of the PSV which will be responsible for overseeing the Rhovan operations.
11. We trust that the above assists.

Yours sincerely



Fullard, Japie (Head Office - ZA)
Nov 18 2021 8:03 PM

DocuSign

JAPIE FULLARD
CHIEF EXECUTIVE OFFICER GLENCORE FERROALLOYS

GLENCORE

29 November 2021

The putative Bakwena- Ba- Mogopa Traditional Council
Attention: The Members

Dear members

COMMUNITY SHARE DIVIDENDS – RHOVAN SPV / BAKWENA-BA-MAGOPA COMMUNITY

1. We refer to the above matter and our letter of 18 November 2021 ("our letter") in response to a letter from the Secretary of the putative Bakwena- Ba- Magopa Traditional Council ("Traditional Council") dated 10 November 2021, requesting certain information in relation to the distributions made to the Bakwena Ba Mogopa Community Trust arising out of its participation in the PSV transaction ("Traditional Council letter"). We attach hereto a copy of both letters for your information.
2. Paragraph 2 of the Traditional Council letter provides as follows:
 2. *"Noting the disclosed outstanding share dividends due to the community from 2011 to 2019, please advise of 2020/2021 share dividends before or on the 17th November 2021, with supporting documents"* (our emphasis).
3. Paragraph 2 not only acknowledges prior disclosure by Glencore of distributions made to the Trust, but the Traditional Council letter clearly and unequivocally requests details of the **2020/2021** distributions made/due to the Bakwena- Ba Magopa Community Trust ("Trust"), and not the total amount held in favour of the Trust, to date.
4. In response to this request we attached to our letter, a bank statement from Investec Private Bank dated 18 November 2021. The bank statement provides written proof of the **2021 distribution** in the amount of **ZAR 57 545 670.00**. As further set out in our letter, no distributions were made in 2020.
5. It has unfortunately recently come to our attention that certain persons are misrepresenting to the wider Bakwena- Ba- Magopa community (and its stakeholders) that Glencore have in some manner misappropriated the total funds held in favour of the Trust, such that a balance of only **ZAR 57 545 670.00**, remains. This is patently untrue and misleading and Glencore's rights in this regard remain reserved.
6. As set out in our letter, this amount of **ZAR 57 545 670.00**, represents only the amount of the **2021 distributions** made to the Trust. A copy of the latest Trust statement from Investec in respect of the total funds held on behalf of the Trust (including the 2021 distributions) dated 29 November 2021 is attached, in the amount of **ZAR 713 597 867.34**
7. The total funds held on behalf of the Trust are safely and securely held in an attorneys Trust account and will be released as soon as a properly appointed board of Trustee's is in place.

Portion 27 • Farm Waterval 306 JQ • Rustenburg • 0299 • South Africa

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Telephone +27 (0) 14 590 6000 • Telefax +27 (0) 14 590 6002

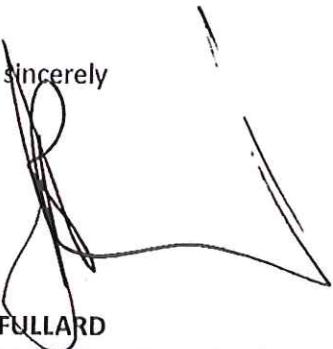
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8. We finally wish to record that in addition to the above, details of the funds currently held on behalf of the Trust have been previously disclosed by Glencore in a transparent manner to all members of the Traditional Council in both the mediation procedure that is currently underway, as well as the ongoing High Court litigation.

Yours sincerely



JAPIE FULLARD
CEO GLENCORE FERROALLOYS

GLENCORE

29 November 2021

The putative Bakwena- Ba- Mogopa Traditional Council

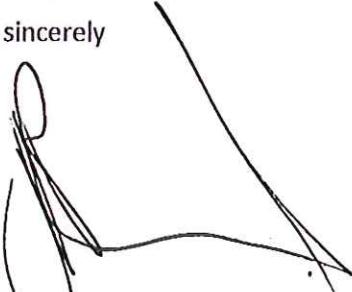
Attention: The Members

Dear members

RHOVAN OPERATIONS RESISTANCE TO TRANSFORMATION /BAKWENA BUSINESS FORUM ("BUSINESS FORUM")/BAKENA BA MAGOPA COMMUNITY ("COMMUNITY")

1. We refer to the above matter and attach hereto a copy of a letter received from the Rhovan Business Forum ("Forum") dated 25 November 2021, in relation to certain information requested by the Forum in respect to the Rhovan operations.
2. As Glencore has previously indicated at length it remains willing to make the information requested in the attached letter available to the putative or *de facto* Traditional Council ("Traditional Council"). In addition, we have also advised the Forum that the majority of the information requested in the letter being publicly available on (<http://searchlightqa.za.glencore.net/GlencoreESD/HOME>) which is the Rhovan portal. All members of the Traditional Council are also encouraged to visit this portal.
3. Glencore will in addition by the end of this week provide an electronic information pack to all the members of the Traditional Council, including its Mining Charter compliance, local spend and SLP reports, electronically. If you do not receive copies electronically for any reason, you may request copies from our Dunkeld Molapisi at Dunkeld.Molapisi@glencore.co.za.
4. We finally wish to reiterate our commitment to the mediation process currently underway to ensure the participation of the Community in the Rhovan operations as envisaged in our transaction agreements. We remain steadfast toward that aim and look forward to the participation by the members of the Traditional Council in the mediation in 2022, accordingly.

Yours sincerely



JAPIE FULLARD
CEO GLENCORE FERROALLOYS

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Registration Number 1997/017998/07

Directors: JPM Fullard, ES Hlatshwayo, MJ Houston, PN Mahobe, ZZD Ntlangula



"B2"

DATE: 25TH NOVEMBER 2021
TO: CEO GLENCORE ALLOYS
COMPLIANCE OFFICIALS DEPARTMENT OF MINERALS RESOURCES
AND ENERGY
COPY: BAKWENA BA MOGOPA TRADITIONAL COUNCIL

OUR REF: RHOVAN PSV/11/2021

YOUR REF: COMMUNITY DEMANDS

ATTENTION: ALL OFFICIALS
RE: RHOVAN OPERATION RESISTANCE TO TRANSFORMATION

Dear Sir/Madam;

1. We refer to the above matter;
2. We represent the Local Entrepreneurs and Local Small, Medium, and Micro Enterprises;
3. Glencore is solely operating Rhovan Operations which is owned 74% by Glencore and 26% by the Bakwena Ba Mogopa Traditional Community held by Trust notwithstanding 52% of mining rights by Bakwena Ba-Mogopa Traditional Community through Trust and 48% by Glencore;
4. Numerous communications on record between the Community through the Traditional Council and Different Legislated Community Structures in view of addressing Local Community Economic Benefit has been frustrated by Glencore through its financial muscle, this is on record and has reference;
5. The Bakwena Ba Mogopa Traditional Community is governed by Traditional Leadership Act as amended;
6. This letter demands the following transformation imperatives:
 - a. BBBEE Act to be applicable and implemented in totality;
 - b. Mining Charter to be applicable and implemented in totality;
 - c. DTi Codes of Good Practice to be applicable and implemented in totality;
 - d. Full adherence to tabled Social Labour Plan

GLENCORE

29 November 2021

The putative Bakwena- Ba- Mogopa Traditional Council

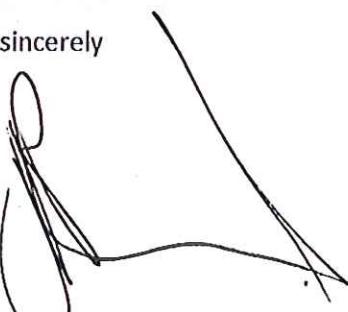
Attention: The Members

Dear members

RHOVAN OPERATIONS RESISTANCE TO TRANSFORMATION /BAKWENA BUSINESS FORUM ("BUSINESS FORUM")/BAKENA BA MAGOPA COMMUNITY ("COMMUNITY")

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4. We finally wish to reiterate our commitment to the mediation process currently underway to ensure the participation of the Community in the Rhovan operations as envisaged in our transaction agreements. We remain steadfast toward that aim and look forward to the participation by the members of the Traditional Council in the mediation in 2022, accordingly.

Yours sincerely



JAPIE FULLARD
CEO GLENCORE FERROALLOYS

Portion 27 • Farm Waterval 306 JQ • Rustenburg • 0299 • South Africa

Mailing Address: PO Box 2131 • Rustenburg • 0300 • South Africa

Telephone +27 (0) 14 590 6000 • Telefax +27 (0) 14 590 6002

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Registration Number 1997/017998/07

Directors: JPM Fullard, ES Hlatshwayo, MJ Houston, PN Mahobe, ZZD Ntlangula



- e. And other related transformation Acts and Policies applicable;
 7. Paragraph 6 above has strategically been frustrated by Glencore against different Legislated Community Structures through its financial muscle by delaying processes to apply transformation in totality;
 8. Having said the above, it is imperative that local enterprises are capable to render required competency services into Rhovan Operations, and directly into Mining Core Business;
 9. Where clarities are required in terms of paragraph 6 above, parties are requested to submit to both the Secretary of the Business Forum and the Traditional Council by not later than, **16h00 on 26th November 2021.**
10. The following are our final Demands:
- a. All communications from the Traditional Council members must be adequately responded to paragraph by paragraph without prejudice.
 - b. A consolidated report has been requested as per paragraph 6 above, such a report is to be submitted through email and or by hand to the Secretary of the Traditional Council, The Chairperson of the Business Forum and his Secretary;
 - c. We are of the view that Glencore/Rhovan PSV is fuelling, funding and sowing divisions in the so-called "*De facto*" Traditional Council as articulated by Mr Jappie Fullard in his recent email address to us. Therefore, Glencore should immediately refrain from entering the Bakwena Community Internal Politics;
 - d. Mr Conroy Van der Westhuizen to be excused in all Bakwena Ba Mogopa Community related matters where the community is affected and concerned with immediate effect; we treat him as persona non grata
11. The above demands are to be immediately addressed not later than 29 November 2021, failing which we will device alternative appropriate action, which will be implemented without notice.
12. Response to this communication must be directed to us and copy the Secretary of the Traditional Council;

Yours,

Chairperson

Secretary

Standard Bank BBBMCT Trust A/c 023224134

"C"

Date	Total amount received by BBBMCT	Amount paid to Bell Dewar	Total amount received by BBBMCT
24-Mar-11	7 949 336	2 392 912.91	5 556 423
30-Sep-11	5 955 628	-	5 955 628
14-Dec-12	2 210 000	-	2 210 000
16-Jul-13	2 210 000	-	2 210 000
14-Feb-14	2 652 000	-	2 652 000
13-Jun-14	6 188 000	-	6 188 000
13-Dec-14	3 315 000	-	3 315 000
Total	30 479 964	2 392 913	28 087 051

Investec -Werksman Attorneys Trust Fund

	Investment	Interest & Admin fees	Total Investment
13-Jun-18	27 757 600		27 214 152
12-Sep-18	22 100 000		22 100 000
14-Dec-18	26 520 000		26 520 000
30-Jan-19	14 301 265.52		14 301 266
31-May-19	250 572 764.00		250 572 764
06-Dec-19	256 074 000.00		256 074 000
Interest Received		51 500 144.64	51 500 145
Less Admin fees		-3 321 617.76	(3 321 618)
less Law Society Fee		-543 447.61	(543 448)
	597 325 629.52	47 635 079.26	644 960 708.79

"CJ"



Investec Specialist Bank
29 NOV 2021
100 Grayston Drive
Sandton, 2196

Investec Private Bank
100 Grayston Drive, Sandton, 2196
PO Box 785700, Sandton, 2146, South Africa
Telephone: 0860 335 577

Corporate Cash Manager

Werksmans Inc

GLENCORE OPERATIONS SOUTH AFRICA
Private Bag 10015
Sandton
2146

Transactional History

From : 1 October 2021 To 29 November 2021
Printed : 29 November 2021 1:08:34 PM

Available balance	0.00
Current balance	0.00
Reserved balance	0.00
Account type	CCM term deposit - maturity (effective)

Electronic account number		Client number	1100571011477
Investec branch number	580105	Client reference	XSTR000933FIX3

Posted date	Description	Debits	Credits	Balance
08/10/2021	Fixed Deposit Transfer Value Date 08Oct21 1100-571011- 310 Q064621100009		713,597,867.34	713,597,867.34

Investec Disclaimer

The account holder authorises Investec to deal exclusively with the above recorded agent on all matters relating to this account and to treat all instructions as duly authorised. The account holder shall be subject to any agreements concluded between Investec and the agent in respect of this account. Investec Private Bank, a division of Investec Bank Limited Reg. No. 1969/004763/06. Investec Private Bank is committed to the Code of Banking Practice as regulated by the Ombudsman for Banking Services. Copies of the Code and the Ombudsman's details are available on request or visit www.investecprivatebank.co.za. An authorised financial services provider. A registered credit provider registration number NCRCP9. Corporate Cash Management terms and conditions can be accessed by visiting the following link www.investec.co.za/ci-t&c



Investec Specialist Bank
18 NOV 2021
100 Grayston Drive
Sandton,2196

Investec Private Bank
100 Grayston Drive, Sandown, Sandton, 2196
PO Box 785700, Sandton, 2146, South Africa
Telephone: 0860 335 577

Corporate Cash Manager

Werksmans Inc

GLENCORE OPERATIONS SOUTH AFRICA
Private Bag 10015
Sandton
2146

Transactional History

From : 7 September 2021 To 7 September 2021

Printed : 18 November 2021 9:18:54 AM

Available balance 407,755.24

Current balance 407,141.80 CR

Reserved balance 0.00

Account type CCM Call Account

Electronic account number	50013572189	Client number	1100571011310
Investec branch number	580105	Client reference	XSTR0009 33

Posted date	Description	Debits	Credits	Balance
07/09/2021	Switch Value Date 07Sep21 BP0083869121 1100199462000 1100571011310		57,545,670.00	57,545,670.00

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The following products have statements online:

- Currency Access Account
- Direct Reserve Account
- E-easy Access Account
- Investec Cash ISA
- Investec High 5 Account
- Investec High 5 Issue 2 Account
- Investec Money Market Tracker
- Private Bank Account
- Voyage by Investec
- 1-year Fixed Term Deposit
- 2-year Fixed Term Deposit
- 3-year Fixed Term Deposit
- 3-year Base Rate Plus
- 5-year Step Up Bond
- Investec Revolving Mortgage

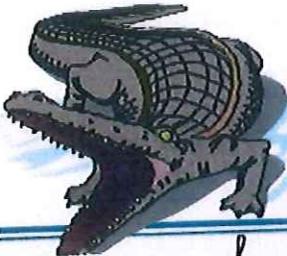
DOWNLOADS

Spend Report - Bakwena Ba Magopa 2021



"D"

Spend Category	January	February	March	April	May	June
CAPEX	R 99 084.50	R 185 501.71	R 177 379.88	R52 506.81	R846 185.65	R44 362.29
CONSUMABLES	R 8 046 338.08	R 9 731 822.52	R 9 738 394.73	R 9 065 474.46	R 10 170 586.46	R 19 961 826.38
SERVICES	R 2 926 155.86	R 4 893 243.93	R 5 564 768.56	R 6 554 671.33	R 4 887 255.89	R 6 363 674.87
RING FENCE PROJECT - SECURITY SERVICES	R 291 126.46	R 263 950.07				
RING FENCE PROJECT - BUS TRANSPORT	R 24 000.00					
Total	R11 386 704.90	R15 098 518.23	R15 768 493.24	R15 960 602.67	R16 191 978.07	R26 657 813.61
Total Monthly Procurement Spend	R81 706 677.69	R98 246 437.54	R102 012 959.55	R120 640 968.92	R107 700 838.37	R137 225 097.87
Spend Category	July	August	September	October	November	December
CAPEX	R222 340.11	R294 607.23	R657 129.27			
CONSUMABLES	R 5 758 769.64	R 6 958 814.17	R 7 330 240.93			
SERVICES	R 5 472 342.44	R 4 203 526.51	R 3 881 949.74			
RING FENCE PROJECT - SECURITY SERVICES	R 263 950.07	R 263 950.07	R 293 850.07			
RING FENCE PROJECT - BUS TRANSPORT	R 24 000.00	R 24 000.00	R 24 000.00			
Total	R11 741 402.26	R11 744 897.98	R12 187 170.01	R0.00	R0.00	R0.00
Total Monthly Procurement Spend	R100 838 343.20	R110 910 056.98	R96 301 430.45			
Total Bakwena Ba Magopa Spend	R136 737 580.97					
Total Procurement Spend	R955 582 810.57					
Percentage Local Spend	14.31%					
	26%	50%				
RFQ DETAILS	January	February	March	April	May	June
RFQ Lines Created	198	153	263	143	221	165
PO Lines Placed	186	146	247	131	197	142
PO's Placed Without RFQ's	111	49	114	92	93	104
REQ DETAILS	July	August	September	October	November	December
RFQ Lines Created	177	163	215			
PO Lines Placed	138	139	191			
PO's Placed Without RFQ's	47	100	78			
Total RFQ Lines Created						
Total PO Lines Created	1698	1517				
Total PO Lines Placed Without RFQ's	788					
Total PO Lines Placed Without RFQ's						



BAKWENA BA MOGOPA TRADITIONAL COUNCIL

Private Bag X1031, Bethanie 0270
Stand No.: 0499 Moseja Section
Bethanie, 0270
Tel: (012) 260 0201

Date: 20th January 2021

Bakwena Ba Mogopa Traditional Council Resolution:

Resolution Ref: 2021 TC / Communications

The Traditional council hereby resolve as follows:

1. That all communications directed/related/addressed to the Traditional Council should be done through the Secretary/and or Office of the Secretary, through Mr Lawrence Mashigo and /or Mr Rebone Eugene Morebodi;
2. That Morebodi Incorporated and /or Mr Rebone Eugene Morebodi shall deal with all litigations of the Traditional Council and or/legal matters arising to be dealt by the Traditional Council; and where required, another legal representative/or attorney may be appointed in writing (by resolution) to help/assist/pursue council matters where legal matters arises by resolution of Council;
3. That all correspondences relating to the business of the Bakwena Ba Mogopa Traditional Community shall be addressed/dealt with par (1) above;
4. No any other resolutions shall supercede this one(1), unless otherwise is in writing and signed by a quorum of members of the Traditional Council;

Name(s)	Surname	Center	Signature
1 LETTA	MACHETE		L Mache
2 HENDRIETTA L	MALEMBE		H. Malembe.
3 LAWRENCE	MASHIGO		(L) Lawre
4 MOTLAPEPOLE	Mashibedi		Mashibedi.
5 JACKIE JACK	Ntsie		Jackie Ntsie
6 ANN D	BOITYI		Boityi
7 MOSAS	MMONEGE		mmonege
8 OPHILIA MAETSANE	MAMOGALE		Ophilia M.
9 DANNIE ATHALIA	KOMONE		Dannie Komone
10 ALPHEUS	LETSWALO		Alpheus.
11 VICTOR	MOLEFE		Victor Molefe
12 ABISSAI M.	RAMPA		Abissai Rampa

13	REBONE MOREBODI	MOREBODI	BETHANIE MACOLOKWE	✓
14	LUCAS MOSANE	MOSANE	Sericho Makgabellane Mosane	✓
15	NICK LEBETHE	LEBETHE		✓
16	PATRICK Mofatmoi	Mofatmoi	BETHANIE	✓
17	TSWAEKI MOLEBOGO	TSWAEKI	BETHANIE	✓

MR.

L.M AMR.

PM

O.M.M.

L.H.



SAR

M.C.M.



J.J.W

AB



BAKWENA BA MOGOPA TRADITIONAL COUNCIL

Private Bag X 1031, Bethanie 0270
Stand No.: 0499 Moseja Section
Bethanie, 0270
Tel: (012) 260 0201

"EI"

DATE:

23 March 2021

RESSOLUTION:

TC Representatives /Rhovar /Glencore .

The Traditional Council resolves as follows:

1. That the following Councillors represent the above Council on the negotiations as per general community resolution/meeting with Glencore in respect of Bakwena Ba Mogopa Community Trust.
 - a. Cllr Rebone Morebodi
 - b. Cllr Lawrence Mashigo
 - c. Cllr Machake Mosane
 - d. Cllr Othilda Mamogale
 - e. Cllr Nick Lebethe
 - f. Cllr Sannie Komane
2. And where required include Advocate Daniel Makena as he was part of the previous discussions;
3. This resolution shall be effected immediately and shall cease to exist once another written resolution is resolved and signed by Councillors in terms of the governing Act;

Name	Surname	Center	Signature
Motlaleputse	Mathibedi	Bethanie	(Signature)
PATRICK	Mogotsi	BETHANIE	(Signature)
HENRIETTA	MALEMBE	BETHANIE	(Signature)
JACKIE	NTSIE	HEBRON	(Signature)
MOLEBOESE	Tsaboi	BETHANIE	(Signature)
Sannie	Komane	Bethanie	(Signature)
Othilda	Mamogale	Bethanie	(Signature)
REBONE	MOREBODI	MAROLOKWE	(Signature)
Lucas	MOSANE	JERICHO	(Signature)
D.M.M	L.M	L.H.M	(Signature)
N.J.L		J.J.N.	(Signature)
		W	(Signature)
		AMR	(Signature)
		M-N	(Signature)
		VPM	

ABUSSAF M.	RAMPA	PACHSDRAAI mogopa	RAMPA
MOSSES	MONESI	HEBRON	M. money
NICK J.	LEBETTE	Bethanie	Betho
ANN D	Baloyi	Hebron	Baloyi
Lawrance	Mashigo	Bethanie	Beth
LETIA	Machete	Jericho	Machete
ALPHAEUS	LETSHWANO	JERICHO	J. J. W.
VICTOR	Molefe	Jericho	Moy

AB Lm

PM

M.C.M.

LHM J.J.H.

O.M.M.

S.A.K.

AmR

MSI.

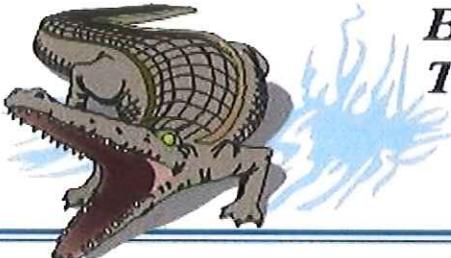
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BAKWENA BA MOGOPA TRADITIONAL COUNCIL

*Private Bag X1031, Bethanie 0270
Stand No.: 0499 Moseja Section
Bethanie, 0270
Tel: (012) 260 0201*

"F"

Document compiled from: 01 May 2016

Document completed on: 23 May 2016

Document adopted by council and amended on: June 2016

Document compiled by: Secretary -Bakwena Ba Mogopa Traditional Council (Mashigo L)

Document name: Gross Irregularities Dossier on Governance, Finance & Community Matters

Reason for the report: Operations and accounting

To:

1. Bakwena Ba Mogopa Traditional Council

Submitted on: 24th May 2016

2. Kgosi Tebogo Reneilwe Motheo Mamogale

3. Bakwena Ba Mogopa Royal Family

4. District Office & Director Madibeng/Mafikeng CATA

5. MEC – CATA

6. North West House of Traditional Leaders

7. Premier Mahumapelo – Northwest Provincial Government

8. SAPS

9. Executive Manager – Bakwena Ba Mogopa

Re: Dossier Governance, Finance & Community Matters

The Dossier should be circulated to all identified responded before or on the 30th May 2016

All parties should respond to all issues raised herein before the 30th June 2016, other issues identified to be responded to must also be noted.

The Final Report in terms of this Dossier should be compiled before or on the **30th July 2016** and be submitted to **Secretary of Council** for final draft and compilation.

All stakeholders should be invited when report is presented to the **Community** on the **06th August 2016** by the **Secretary and Traditional Council**

Dear Sir/Madam;

This document is compiled by the Bakwena Ba Mogopa Traditional Council – Mashigo L

The reason for draft and compiling the document is based on numerous reasons that are and not limiting to,

1. community concerns raised in different meetings as captured since July 2015 to date,
2. inability of kgosi to provide Traditional Council with all required information, assets and documents,
3. failure of Royal Family to attend to concerns raised against kgosi by different forums,
4. the state of affairs that reflect bankruptcy of the community
5. sabotages against the Traditional Council by his majesty kgosi
6. Disclosing of mal-administration, corruption, criminal activities, scheming and un-accounting of officials holding position of Trusts

All the above parties from **1-9** are to respond to this document on or before **30th June 2016** and must be submitted to the author (**Secretary of Council**) and noting that deliberations will also be done in his presence in council, therefore this must be led from council.

Final documents shall be drafted and made public by the **29th July 2016** for all parties and shall be presented to the community on the **6th August 2016 in Bethanie**, kgosi in council is to facilitate such a meeting immediately after receiving this document.

The following **assessment** should be responded to as stipulated above and other parties are to advice on their position on the matters of interest;

The Traditional Council must also avail the team within council to work with the **Secretary** to respond and do final document that will also be recognised as **Internal Audit Report** to be led by the **Secretary – L Mashigo** from this report before or on the **25th May 2016**.

1. The Traditional Council and brief Background

The formation of the **Traditional Council** was reported in the **November 2015** community meeting; subsequently the letter dated **17th April 2016** was written to the **Premier** to **Publish the Gazette** where all the names of our **Bakwena Council** will be reflecting;

To this effect, the traditional council has had meetings and was also inducted when it came into effect. The induction took place at **Madibeng Municipality** where other communities were involved.

It is also imperative to have the **Premier**, or perhaps the **MEC** and the **Director of Culture, Arts & Traditional Affairs** to confirm the date of when was the **Traditional Council** effected and when will the term lapse. This should be done immediately, or before the end of **May 2016**.

The democratic process was done and finalised, and the 60% was not done correctly in terms of guideline, however after serious pressure which was put by the then committee which made these processes to happen, from the **25th July 2016** meeting, **kgosi** succumbed to the pressure and wrongfully appointed his part which is comprising mostly of members of the **Royal Family**.

Appointments that were done by kgosi were also questioned in all community meetings;

Council have also learned that **kgosi** objected to the 40% that was nominated and elected democratically.

On **23rd April 2016**, a meeting also reported that it is a fact is that the **Bakwena Ba Mogopa Traditional Council** is divided;

Kgosi is in breach of Section 27 (1-3) of the NWTLGA of 2002 see below:

Code of conduct and breach of the code

27. (1) *The code of conduct contained in the Schedule II applies to a kgosi/ kgosigadi or kgosana and a traditional council.*
- (2) *Whenever there is reasonable suspicion that a traditional leader has breached any provision of the code of conduct, the Premier may charge him or her in writing with such alleged breach and may appoint a suitable person to conduct an enquiry of the alleged breach in line with the provisions of the code.*
- (3) *A kgosi/ kgosigadi or kgosana who is suspended from his or her office for the alleged breach of a provision of the code of conduct as contemplated in Schedule II is not entitled or competent to exercise and perform any function conferred or imposed*

Schedule II

CODE OF CONDUCT

I. A traditional leader—

- (a) *must perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;*
- (b) *must fulfil his or her role in an efficient manner;*
- (c) *may not conduct himself or herself in an improper or unbecoming manner;*
- (d) *must comply with any applicable legislation;*
- (e) *must act in the best interest of the traditional community or communities he or she serves;*
- (f) *must promote unity amongst traditional communities;*
- (g) *may not embark on actions that would create division within or amongst traditional communities;*
- (h) *must promote nation building;*
- (i) *may not refuse to provide any service to a person based on political or ideological grounds;*
- (j) *must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery;*
- (k) *must foster good relations with the organs of state with whom he or she interacts;*
- (l) *must promote the principles of a democratic and open society; and*
- (m) *must disclose gifts received.*

2. A traditional council must—

- (a) perform the functions allocated to it in good faith, diligently, honestly and in a transparent manner;*
- (b) execute its duties in an efficient manner;*
- (c) comply with any applicable legislation;*
- (d) act in the best interest of the traditional community it serves;*
- (e) give effect to the principles governing public administration set out in section 195 of the Constitution;*
- (f) must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery; and*
- (g) foster good relations with the organs of state with whom it interacts.*

When we proceed with this document, we will be demonstrating that the actions of kgosi are nothing but contrary to what are defined in the law. It is also impossible to reflect all transgressions done by him as there are too many, however this should also be adopted as a foundation to force for accountability from all who represent our community.

We must also put on record that the **Royal Family** is seen by some of the community members to be the one at fault of everything that is happening, since most of them benefitted from the expenditure incurred in the corrupt leadership from since **kgosi** was recognised, as a result the situation is still proceeding as it was as **The Royal Family** is unable to manage **kgosi** as they should. This matter is also evident from the community meetings held from **July 2015** to date, that members of the community have recorded their concerns on their involvement in the administration and failures to attend to complaints laid against **kgosi**.

Bo-Rangwane, as they are referred to, seems to be the most problematic since the community knows that they are not supposed to be involved in the matters of governance in all angles, however, since **kgosi** was recognised; they were always at the forefront and consistently misleading and manipulating council. **Bo-Rangwane** are the source of problems experienced by the greater community and this matter shall be referred to once it is challenged. For the record, the referred **Bo-Rangwane** are from the second house of the late **kgosi Lerothodi Mamogale** and since the history of the traditional leadership of this community, the second house has never been involved in matters of chieftaincy until recently where they are being seen as the center of the administration problems where **kgosi Motheo Mamogale** is vastly failing. In the community meeting, where **kgosi** left with no apology logged, and where he arrived late, **bo-rangwane** were there to proceed with their manipulations and they advised **kgosi** to leave before signing resolutions. **Mamogale Dinatsotlhe** has also presented to council that he have seen documents from **kgosi** and that such documents shall be submitted, to date such documents are not submitted, this simply means that he was intentionally misleading council on the matter. Same is confirmed by council members that **bo-rangwane** are at the center of unlawful council meetings that are held in **Brits** by **kgosi's** allies who are at the mission to mislead, destabilise and derail council from its constitutional and legislative duties. The following councillors are also identified to be attending such meetings, **Councillor Segwe, Moleboge Mamogale, Beutus Poho and Kabelo Masike**. Other council members may bear testimony and this matter should be articulated in council for formal adoption.

On the **23rd April 2016** community meeting, **kgosi** arrived late while the meeting was proceeding and **bo-rangwane** were with him. In his community address, after he was forced to speak for himself, he (**kgosi**) also accepted that he was misled and milked by those who surround him, and noting some community

members, **bo-rangwane** are identified as party to that. Apart from addressing what really happened, **kgosi** lied and misled the community.

This meeting in the above referred par, could have been held in **March 2016** as per agreement made in the **November 2015** general community meeting, however, it couldn't have happened as **kgosi** was unable to call it because of his acts of sabotages against council proceedings. **Kgosi** have since **November 2015** attended not more than **three (3)** council meetings.

2. The Law and Governance

- We are governed and are a legislated structure, please refer below:

In terms of the **Northwest Traditional Leadership and Governance Act 2 of 2005**

Functions of Traditional Council

- (1) The traditional council of any traditional community, shall subject to the provisions of this Act, the Constitution and/ or any other law -
 - administer the affairs of the traditional community in accordance with customs and tradition, and perform such other functions conferred by customary law and customs, consistent with statutory law and the Constitution;
 - promote the interest, advancement and well-being of members of the traditional community;
 - subject to the provisions under this Act, administer the finances of the traditional community;
 - perform such roles and functions as may be delegated or assigned to it by or under any law;
 - assist, support and guide traditional leaders in the performance of their functions;
 - support municipalities in the identification of community needs;
 - facilitate and ensure involvement of its traditional community in the development or amendment of the integrated development plan of a municipality in whose area that community resides;
 - participate in the development of policy and legislation at local level through public hearings and active participation in local structures;
 - participate in developmental programmes of municipalities, provincial and national spheres of government;
 - promoting indigenous knowledge systems for sustainable development and disaster management;
 - alerting any relevant municipality to any hazard or calamity that threatens the area of jurisdiction of the traditional council in question, or the well-being of people living in such area of jurisdiction, and contributing to disaster management in general; and
 - share information and cooperate with other traditional councils within the province.

Functions of **kgosi** are reflected in **Section 18** of the same Act, and it refers:

Role and functions of kgosi/ kgosigadi

- (1) A kgosi/ kgosigadi recognized in terms of section 8, shall subject to this Act and the Constitution -
 - administer the affairs of the traditional community;
 - maintain peace in the traditional community, by conciliating and mediating disputes between members;
 - forthwith report to the competent authorities -
 - the death of any person within the traditional community area from violence or any other unnatural causes;
 - the outbreak of any contagious or infectious disease or epidemic;
 - any allegation of an act of witchcraft or divination;
 - the commission of any offence which cannot lawfully be disposed through the exercise of the powers in cooperation with the traditional council and jurisdiction conferred upon such kgosi/ kgosigadi;
 - take such steps, which are necessary and effective, to make known to the members of the traditional community the provisions of any new law or policy;
 - convene and attend meetings of the traditional council to discuss the affairs of the traditional community: Provided that such meetings shall be convened at least once every calendar month;
 - take such steps which are necessary to make known to the members of the motsana the provisions of any new law or policy;
 - convene and attend meetings of the traditional community to discuss the affairs of the traditional community: Provided that such meetings shall be convened and attended by members of traditional community; Provided that such meetings shall be convened at least once every six months;
 - take note of any problems, grievances or matters, if any, raised by any member of the traditional community at any meeting as referred to in paragraph (h) and shall take such steps which are necessary to attempt to resolve such grievance, problem or matter, as the case may be;
- generally seek to promote the interests of the traditional community and shall take such reasonable steps which may be necessary to promote the well-being and advancement of the traditional community.

- b. In terms of our commitment, which was also presented in the **November 2015 community general meeting**, we have committed to corporate governance principles, however we should govern, we should lead and do what is necessary;

c. We have committed to do the above through consultation with the community, and the **25th July 2015** general meeting, **11th November 2015** meeting, this meeting is a proving factor. This also is supported by other engagements that were observed, such as distribution of documents as requested, allowing members of the community clarity, also, which should not be condoned by allowing unannounced community members to observe **Traditional Council** proceedings. In April 2016 we also called and attended the community general meeting and the next meeting where this amended report will be presented should be done:

A community meeting should be called and the amended report should be presented on the **06th August 2016**, **Bethanie. District Office, MEC Traditional Affairs** are requested to be part of the meeting and that the **Traditional Council** should ratify this request. Printed report should be filled before the last day of **July 2016**

d. Kgosi does not observe the law as referred in the act, this cannot be singled out as he is gross violation.

Offences and penalties

39. Kgosi/ kgosigadi, or kgosana, who –

- (a) *Willfully and unlawfully, directly or indirectly extracts, accepts, agrees to accept or attempts to obtain for himself or for any other person, any gift, reward or any other consideration whatsoever, other than the allowances to which such kgosi/ kgosigadi, or kgosana, is entitled to receive in terms of this Act or in terms of any regulations published in terms of this Act, for or on account of the services or functions performed or the doing or refraining from doing or having done or refrained from doing anything in the capacity as kgosi/ kgosigadi, or kgosana, shall be guilty of an offence and shall be liable, on conviction to pay a fine not exceeding five thousand rand or to imprisonment not exceeding two years.*
- (b) *Wilfully and unlawfully fails or refuses to comply with any procedural provisions in this Act or the regulations, shall be guilty of an offence and shall on conviction be liable to pay a fine and/ or to undergo imprisonment not exceeding six months.*
- (c) *Without the consent of the traditional council concerned, allows, induces or authorizes any person to take up residence or in any way to occupy land registered in the name of or in trust for any traditional community or any land referred to in Schedule 1, shall be guilty of an offence and shall, on conviction be liable to pay a fine and/or to undergo imprisonment not exceeding two years.*
- (d) *Without the consent of the traditional council concerned, takes up residence or in any way occupies land registered in the name of or in trust for any traditional community or any land referred to in Schedule 1, shall be guilty of an offence and shall, or conviction be liable to pay a fine and/ or to undergo imprisonment not exceeding two years.*

<i>SCHEDULE 1 Act Number and year</i>	<i>Short title</i>	<i>Extent of Repeal</i>
<i>23 of 1978</i>	<i>Bophuthatswana Traditional Authorities Act</i>	<i>The whole to the extent assigned to the province</i>
<i>38 of 1927</i>	<i>Black Administration Act</i>	<i>The whole to the extent assigned to the province</i>
<i>7 of 1976</i>	<i>Pounds Act</i>	<i>The whole to the extent assigned to the province</i>
<i>4 of 1976</i>	<i>Registration and Control of Dogs Act</i>	<i>The whole to the extent assigned to the province</i>
<i>7 of 1977</i>	<i>Registration of Customary Unions Act</i>	<i>The whole to the extent assigned to the province</i>
<i>23 of 1979</i>	<i>Bophuthatswana Wheel Tax Act</i>	<i>The whole to the extent assigned to the province</i>
<i>68 of 1951</i>	<i>Black Authorities Act</i>	<i>The whole to the extent assigned to the province</i>
<i>Proclamation No. 110 of 1957</i>	<i>Regulation Prescribing the Duties, Powers, Privileges and Conditions of Service of Chiefs and Headmen</i>	<i>The whole to the extent assigned to the province</i>

<i>Proclamation No. 129 of 1967</i>	<i>Regulations for the Control of Residents on and the Occupation of Privately Owned or Tribally Owned Land in Black Areas</i>	<i>The whole to the extent assigned to the province</i>
<i>Proclamation No. 196 of 1967</i>	<i>Betterment areas Proclamation</i>	<i>The whole to the extent assigned to the province</i>

Schedule II

CODE OF CONDUCT

1. A traditional leader—

- (a) must perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;
- (b) must fulfil his or her role in an efficient manner;
- (c) may not conduct himself or herself in an improper or unbecoming manner;
- (d) must comply with any applicable legislation;
- (e) must act in the best interest of the traditional community or communities he or she serves;
- (f) must promote unity amongst traditional communities;
- (g) may not embark on actions that would create division within or amongst traditional communities;
- (h) must promote nation building;
- (i) may not refuse to provide any service to a person based on political or ideological grounds;
- (j) must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery;
- (k) must foster good relations with the organs of state with whom he or she interacts;
- (l) must promote the principles of a democratic and open society; and
- (m) must disclose gifts received.

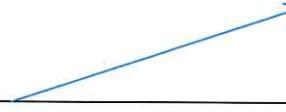
2. A traditional council must—

- (a) perform the functions allocated to it in good faith, diligently, honestly and in a transparent manner;
- (b) execute its duties in an efficient manner;
- (c) comply with any applicable legislation;
- (d) act in the best interest of the traditional community it serves;
- (e) give effect to the principles governing public administration set out in section 195 of the Constitution;
- (f) must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery; and
- (g) foster good relations with the organs of state with whom it interacts.

3. Operations

- a. **Kgosi** does not have powers to procure services, to fire and hire/appoint staff and if at all he is for some reason believe that he holds such powers, he may as well advise us of where he get that from;
- b. **Traditional Council's** proceedings/duties are sabotaged by some members of the same council ganging up with community members and **kgosi** to protect **kgosi**;
 - i. On or before **November 2015**. Council adopted the motion of holding meetings every Wednesday until most of the work is done and until council adopt another motion as and when it comes;
 - 1. This was informed by different matters such as bringing and managing revenue, making sure that **kgosi** and **Mr Phaladi** resigns/dismissed in all community owned legal entities, and making sure that community assets are registered and well managed.
 - 2. Amongst others to bring normalisation to matters of staff and labour relations.
 - ii. Unlawful meetings held at **Ms Moleboge Mamagale's** place; (On this matter and around the **Dossier**, **Ms Mamogale** has made his submission and since then never attended council sittings, and the **Traditional Council** also took notice of repeated

- occurrences where she was reprimanded not to mislead kgosi on matters of operations, the matter is still pending).
- iii. Unlawful meetings held in Brits led by the same **Ms Mamogale, Mr Segwe and Mr Poho** (Both **Mr Segwe and Poho** has since disappeared from council)
 - iv. Unlawful meetings called by **Ms Moleboge Mamogale and Mr Poho** with the aim to tarnish some councillor's name to lobby for the disbandment of **40%** elected **Traditional Councillors**
 - v. Members of the community called by **Ms Moleboge Mamogale** to attend council proceedings without making proper arrangements;
 - vi. Unlawful actions by **kgosi** to sabotage council by taking **Mr Phaladi** to court unlawfully and colluding on the matter in the pretence that **Mr Phaladi** is suspended while working, which **kgosi** does not have the authority by law to do that, refers to functions of the **Traditional Council NWTLGA Section 9** and functions of **kgosi chapter 18**.
 - vii. Council resolutions sabotaged by same members referred above, i.e. appointment of attorneys to pursue matter against **Mr Phaladi** and **Kgosi**, and execution of council/community resolutions taken on **November 2015**
 - viii. There was also a plan by the above group of people to also disrupt the **23rd April 2016** community meeting which was addressed earlier by **Mashigo**
 - ix. This is also seen on **facebook** under the status of **Mr Macoy Makhutle** for making malicious allegations against council/councillors and when he is engaged he belittle those who asks questions, this matter should be reviewed as is a crime to incite violence and intentionally mislead people for unlawful personal gains. Such allegations may be made available when required.
 - x. **Mr Segwe's** utterances and lies at the community meeting held in **November 2015**;
 - 1. **Mr Segwe's** utterances and lies in council about **Adv. Makena** and **Councillor Mashigo**
 - 2. **Mr Segwe's** transgressions include working and scheming with **kgosi** on doing unlawful and unprecedeted work against council, this was also report by him at the meeting held at **Amazingwe** and in numerous occasions in council while he tried to misled and sabotage council
 - 3. **Councillor Segwe** is alleged to have a permission from **kgosi** to mine in the **Paachsdraai** area, and if this is true, it will be proper to investigate the relationship between **kgosi** and **Councillor Segwe** given what **Councillor Segwe** has been doing, and for the record he is also appointed in the **60%** by **kgosi**.



It is recommended that **The Traditional Council** should charge **Councillor Segwe** on the misleading information uttered in the **November 2015** meeting, misleading information uttered in council about **Adv Makena** and **Councillor Mashigo**, his activities with **kgosi** on illegally collecting documents and other equipment that was never submitted to council and that such charges should be addressed immediately while he is suspended from operation within **30** days and that council should have his written representations on or before the **5th May 2016** on these matters through the secretary office. This matter should also be finalised within the **30** days from the **5th June 2016**

- c. **Traditional Council** operating without any source of income. Last year council took a resolution that stipend of **R7 000.00** be made available every month for all councillors to enable them to execute community affairs and their duties as prescribed in the **Act**. The

stipend will be reviewed once the finances of community are stabilised. The stipend has never been processed since.

- d. On the 09th May 2016, Secretary of council opened a cases against kgosi and case no's are CAS27/5/2016 and is investigated by CAPT. MJ NKOSI
- e. The Royal Family has been identified as the factor to the cause of failures in administration as they are being used by kgosi, which we note the complaints forwarded and presented to them by different organs inclusive of Traditional Council and Staff on kgosi's maladministration issues.
 - i. We have noted the condoning and scheming of the second house (**bo-rangwane**) into operations from the days when corruption was effected.
 - ii. The Mosiah Family has lodged a complaint in different forums, direct to council and in the general community meeting.
 - iii. It is also unlawful to have such number of royal family members in council; refer to the guideline in terms of the Act.
- f. Only the Traditional Council can, procure, appoint and hire/appoint staff; I refer from the same Act:

Staff of traditional councils

12. (1) A traditional council assisted from Government may, with the approval of the Head of Department, appoint such staff and employees as may be necessary to perform the duties and functions of such traditional council in terms of this Act or any other law.

(2) A person appointed in terms of sub-section (1) shall be employed on the such conditions as shall be determined by the traditional council and shall be remunerated from the funds and accounts referred to in section 30 of this Act.

(3) The Premier may on the recommendation of the Head of Department, second an officer on the establishment of the Department to any traditional council to assist such traditional council in the execution of its functions in terms of this Act and may likewise withdraw from such service such officer or employee.

g. Traditional Community Finances Report by Secretary - Actual Financial Report

See attached Annexure "A" – document prepared by staff and center managers of the community;

Annexures: _____

The Bakwena Ba Mogopa Traditional Community has been experiencing serious misconduct and misrepresentation by kgosi and his associates whom will not mention at this stage, Kgosi has a responsibility to respond to what went on since his period as he (kgosi) took upon himself to fire the then Traditional Council and work with whomever he chose, who the majority is his friends and family.

This also goes to the level whereby very serious transgressions in terms of what the law prescribes and the following are noted and the SAPS should also open a case in terms of this section:

Offences and penalties

39. Kgosi/kgosigadi, or kgosana, who –

(a) Willfully and unlawfully, directly or indirectly extracts, accepts, agrees to accept or attempts to obtain for himself or for any other person, any gift, reward or any other consideration whatsoever, other than the allowances to which such kgosi/kgosigadi, or kgosana, is entitled to receive in terms of this Act or in terms of any regulations published in terms of this Act, for or on account of the services or functions performed or the doing or refraining from doing or having done or refrained from doing anything in the capacity as kgosi/

kgosigadi, or kgosana, shall be guilty of an offence and shall be liable, on conviction to pay a fine not exceeding five thousand rand or to imprisonment not exceeding two years.

(b) Wilfully and unlawfully fails or refuses to comply with any procedural provisions in this Act or the regulations, shall be guilty of an offence and shall on conviction be liable to pay a fine and/ or to undergo imprisonment not exceeding six months.

(c) Without the consent of the traditional council concerned, allows, induces or authorizes any person to take up residence or in any way to occupy land registered in the name of or in trust for any traditional community or any land referred to in Schedule 1, shall be guilty of an offence and shall, on conviction be liable to pay a fine and/or to undergo imprisonment not exceeding two years.

(d) Without the consent of the traditional council concerned, takes up residence or in any way occupies land registered in the name of or in trust for any traditional community or any land referred to in Schedule 1, shall be guilty of an offence and shall, on conviction be liable to pay a fine and/ or to undergo imprisonment not exceeding two years.

Bagopa Properties PTY Ltd has been reported to have been collecting and dealing with community land related matters and also collecting monies/taxes on behalf of the community. This is however unlawful and the company directors should be suspended from all community based issues and be charged by the **Traditional Council** immediately.

This company should submit a written report not later than the **03rd June 2016** to council on all monies collected on behalf of council, and should also submit resolutions and advice on how the company was formed and how the directors were appointed.

It is also noted that **kgosi's salary** was increased to net of **R49 696.11/per month**, and explanation on process followed to this effect is required. (Estimated of over 300%)

- **Preliminary findings:**

- The matter is inconclusive; **kgosi** must submit and advice on the process followed when he increased his salaries
- **District office** as well must advice on approving this matter.

Kgosi does not want to work with the **Traditional Council** or anyone else and would like to pursue his unreasonable vested interests by using **community assets** and name for himself **ONLY!**

- **Preliminary finding:**

- The reason he employed the **Royal Family** members into community operations is solely on the basis of securing his absolute power and not accounting as is observed when anyone is objecting to his wrong doings is dismissed and or rejected in different ways.
- The reason **kgosi** instituted legal action against some community members who were marching in **2012** was solely done to silence the community in demanding him to account as per submitted memorandum. The legal process also cost community unlawful expenditure as **kgosi** was avoiding to account. Memorandum is attached herein as "C"
- **Kgosi** should be held personally liable for all losses in this regard.

Kgosi is using community vehicles as if they are his, without accounting and without record keeping and some vehicles were damaged under his responsibilities and this must be addressed

- **Preliminary finding:**

- **Kgosi** is simply not accountable to anyone and have abused mismanaged his powers and must be held personally liable for all vehicles and their costs. Vehicles that we note and without limiting to are **Prado, Hilux – bakkies x 3, Corsa, Toyota Quantum, Ford Ranger** and all these vehicles must be delivered and or fetched by Traditional Council immediately.

Kgosi has made community owned documents, furniture, equipment and other things his and does not want to submit them to council where they belong.

- **Preliminary finding:**

- Theft of community documents, furniture and equipment

Kgosi is misleading, has repeatedly conspired and or colluded to cause community violence/uprising

- **Preliminary finding:**

- His lack of respect for the community by not attending meetings properly, comes late, leaves while meetings are proceeding and he can't be reached by councillors and staff.
- His misleading statements on the **November 2015 and 23rd April 2016** community meetings.

2

Second Assessment: Renovation – Royal House

Second Assessment:**Construction/renovation of Royal House**

Service Provider reflecting in expenditure community documents is Ike & Sons; we have identified very serious and irregular acts and kgosi and district office needs to make representations on the matter.

Dates	Ike & Sons	Services Rendered
14/12/2010	60000	
14/01/2011	99601.9	
15/02/2011	95800	
18/03/2011	94600	
23/05/2011	46379	Building guard house
30/05/2011	43375.32	fitting kitchen unit
10/06/2011	92759.52	digging foundation
12/06/2011	40152.79	setting foundation
29/06/2011	40152.79	
07/07/2011	90000	paving at Royal House
21/07/2011	46379.76	final payment paving
21/07/2011	40512.79	final payment electricity
27/07/2011	90000	levelling of paving
03/08/2011	90000	paving at Royal House
19/08/2011	90000	levelling of paving
24/09/2011	13050	concrete works Royal House
10/10/2011	41928	
03/02/2012	85000	
15/02/2012	80000	
04/04/2012	64530	
23/05/2012	93879	Royal House
13/07/2012	72649.92	
06/08/2012	54512.93	
06/08/2012	72649.92	
25/10/2012	55404	
25/10/2012	94785.16	
15/01/2013	94785.16	
15/01/2013	64296	
Total	1947184	Proper representations with do

Preliminary findings will request that kgosi respond on the matter and should include:

- The need for service and how the project was identified;
- Procedure followed when appointing;
- Budget and resolutions where required;
 - In addition it is required for district office to confirm procedure followed when procuring services which will include budget and processing payments from community funds.

Some of the irregularities identified and expected to be explained by kgosi are:

- On other services rendered in the same house, there is extreme suspicion of theft on paving services, claim made for paving and on levelling of paving.
- All services rendered to this effect should be properly explained, for instance paving and levelling of paving, the claim that is reflecting as Royal House should be corrected and why are there final payments done for a specific service and later another payments are processed in same.

• Conclusions on Preliminary Findings are:

- Wasteful Expenditure as the house cost community R1 947 184.00 which was not necessary since the house is still not used for anything. It is also suspicious to have one service provider working on this house over the period of two years.
- We await representations from kgosi and district office,

3

Third Assessment:

Security Costs

Service Providers appearing in community documents Annexed herein are, Hydro Shock, Deterrent Shock, Deterrent Hydro Shock, Talmatas, Marata Go Bonwa, Tredstone, Pankop Trading Projects, Wilshire Trading, Wilshire Associates, Solid Glory, Bakwena Protection Service and Oumata

Dates	Solid Glory
14/12/2012	46380
15/01/2013	43320
31/01/2013	43320
23/03/2013	134520
06/05/2013	134250
19/07/2013	134520
23/08/2013	134520
23/08/2013	134520
02/09/2013	67093.65
01/10/2013	134520
20/12/2013	92666.66
20/12/2013	92666.66
20/12/2013	92666.66
Total	872443.65

Dates	Deterrent Shock	Co-Add Info
31/05/2011	33459	
01/06/2011	33458	
04/07/2011	33459	
27/07/2011	33459	
01/11/2011	41959	
21/12/2011	50256.81	Hydro
27/01/2012	66856.81	
26/03/2012	64755.1	
25/04/2012	64755.9	
Total	422418.62	

Dates	Tredstone
14/06/2012	42000
29/06/2012	42000 risk
20/08/2012	90000
Total	174000

Dates	Talmatas
28/03/2012	35320
04/05/2012	97200
13/06/2012	65880
12/07/2012	33480
03/09/2013	36000
Total	267880

03/09/2013 Wheat farming note under Talmatas.

Dates	Hydro Shock
16/02/2011	33458
13/05/2011	57459
Total	90917

Total Security Costs Excl Other Service Providers		
Wlshire	1810490.6	
Bprotection Se	5170960	
Deterrent Shock	422418.62	
Chokzo Constr	455000	
Solid Glory	872443.65	
Talmatas	267880	
Tredstone	174000	
Total	9173192.87	

Notes for security costs include BPS cost, which is excluded from this assessment as BPS is presented as community owned company. BPS report is reflected under

4th Assessment below

Notes for security costs:

Oumata also rendered security services and payment was captured on the 04/03/2013 (This is a service provider that was working Tribal Hall & Kgotsa

Over R9m has been spent on security services, the main question is where was security services rendered and why? While this matter is noted, Kgosi has been accused of maladministration and general breach of code of conduct since he came into power and to this effect it is of great concern that he used and

procured security services for his protection so that he continue with maladministration rather than attend to community raised concerns and attend to corrective measures in fixing what is raised.

Representations required by kgosi should include:

- The need for service and how the project was identified;
- Procedure followed when appointing;
- Budget and resolutions where required;
- Whether the service was provided or not, proof of report to this effect is required.
- Whether these companies are security registered companies is still a pending clarity since some these companies are reflecting in rendering other services and not within the security services, i.e. **Oumata Renase Electrical** and others.
- Representations are also required by district office on confirmation of procedure followed when processing payments from community funds

Some of the irregularities identified and expected to be explained and responded to by kgosi are:

The above companies have been identified as per our documents as security service companies that have rendered the said specialised service to the community between **2012** and **2014**, such will still have to be confirmed in both **kgosi's** and **district office** representations.

Preliminary findings are:

- Since before **kgosi Tebogo Reneilwe Motheo Mamogale** the community has new expenditure that is defined as Security Rendered, thus it is not known where, why and who is behind the need of such service and as a result, the Traditional Council needs to be advised on the basics on the matter, on why is the service rendered, and the procurement procedure in terms of the law around this matter. Since kgosi failed to provide council with the necessary documents to this effect, **The finding to this matter is that,** Monies were stolen in pretence of service rendered, this will however be reviewed on the basis of kgosi's representations given the required date.

Recommendations:

Internal budget has to be made available to council for internal audit and has to be done in the following manner:

- A team of **three (3)** councillors must be **nominated and appointed** to finalise the required community security expenditure and **kgosi's** personal security expenditure
- **Kgosi** must return the total expenditure incurred in his personal services
- A report must be tabled to council before or on the last day of **June 2016** and such report should be adopted or edited by council to be included in the **Secretary** report.

4

Forth Assessment: Bamogopa Protection Service

Dates	BProtect Service
29/01/2013	60210
29/01/2013	89069.26
29/01/2013	89069.26
29/01/2013	94225.5
29/01/2013	76345.08
29/01/2013	94225.5
29/01/2013	94225.5
29/01/2013	98157.96
22/02/2013	89042.84
22/02/2013	89042.84
22/02/2013	89042.84
22/02/2013	89042.84
22/02/2013	89042.84
04/03/2013	89042.34
04/03/2013	89042.84
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	94173.5
28/03/2013	96120.83
18/04/2013	96120.83
18/04/2013	96120.83
18/04/2013	96120.83
18/03/2013	96120.83
18/03/2013	96120.83
17/03/2013	96120.83
28/05/2013	92429.5
28/05/2013	92429.5
11/06/2013	92429.5
11/06/2013	92429.5
11/06/2013	92129.5
11/06/2013	92129.5
26/06/2013	91444
26/06/2013	91444
26/06/2013	91444
26/06/2013	91444

- Assessment, findings and recommendations:
 - In terms of the representations by **kgosi**, which he needs to confirm in writing he indicated that this company is community owned and is a subsidiary of **Bagopa Holdings PTY Ltd**;
 - The directors of **Bagopa Holdings PTY Ltd** and the **Directors of Bagopa Protection Security PTY Ltd** must account and submit a detailed report on how the companies were formed, operations and finances since inception;
 - **Kgosi** must submit the founding documents of these companies which will include community resolutions to council immediately or preferably before the end of **May 2016**;
 - A proper explanation on why this company was paid from community funds must be tabled to council before the end of this month by both **kgosi** and **District Office**;
 - **Kgosi** must in terms of community resolutions taken in and after **November 2016** and in terms of his report to council submit his resignation and related CIPC signed documents
 - The company must submit their report to council that covers other businesses and income, expenditure and operations.
 - **Kgosi** and the district office must also indicate why the company was appointed, procedure in terms of appointment and etc.

26/06/2013	91444
26/06/2013	91444
31/07/2013	90658
31/07/2013	90658
31/07/2013	90658
31/07/2013	90658
31/07/2013	90658
15/08/2013	89491.83
15/08/2013	89491.83
15/08/2013	89491.83
15/08/2013	89491.83
15/08/2013	89491.83
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
17/12/2013	87767.37
	5170960.5

5

Fifth Assessment:

Oumata Renase – Bethanie Kgotsa Renovation

Dates:	Oumata Ren	Service rendered
15/02/2012	99212.8	electricity at kgotla
15/02/2012	97055.64	electricity at kgotla
28/02/2012	95639.62	electricity at kgotla
28/02/2012	97849.45	
05/03/2012	78150.23	erection of toilets
25/04/2012	94168	erection of toilets
14/06/2012	99654	
18/06/2012	96430	renovations at kgotla
18/06/2012	98267	renovations at kgotla
18/06/2012	98276	renovations at kgotla
18/06/2012	99450	renovations at kgotla
18/06/2012	99320	renovations at kgotla
29/08/2012	95920	renovations at kgotla
29/08/2012	94780	renovations at kgotla
29/08/2012	99950	fitting airconditioners
29/08/2012	99320	painting kgotla
29/08/2012	98277	
12/12/2012	92900	painting kgotla
12/12/2012	98900	remove old plastering
12/12/2012	94900	refurbishment of tribal hall
14/12/2012	92670	refurbishment of tribal hall
29/01/2013	98990	refurbishment of tribal hall
29/01/2013	99750	refurbishment of tribal hall
04/03/2013	96500	refurbishment of tribal hall
04/03/2013	99200	refurbishment of tribal hall
04/03/2013	98420	refurbishment of tribal hall
04/03/2013	49332.36	refurbishment of tribal hall
04/03/2013	61685.4	security rendered
04/03/2013	97730	refurbishment of tribal hall
04/03/2013	99540	refurbishment of tribal hall
04/03/2013	61872.75	refurbishment of tribal hall
Total	2884110.25	irregular expenditure-general

- It has in terms of our documents claims of R2 884 110.25 have been processed and to this effect, this include another suspicious claim that is reflecting security rendered at R61 685.40 (this note is reflected above under assessment 4).
 - Doing quick assessment on how kgotla was looking like and the work done on it, given the period of claims and the alleged services rendered by Oumata, it is not without a doubt that the reflected amount above is way too much to this effect.
- Representations and reports:
 - Kgosi and the district office must submit a report on procuring services on this matter otherwise the said services are extremely suspect and cannot be left unattended.
 - Possible forensic audit that will advise on the actual amounts of work done and competence pricing, and or double invoicing.
 - A construction consultant to be appointed and ratify quotes as per appointments and competency on service rendered.

Preliminary findings:

This finding is based on repeated attempts by Traditional Council to get documents from kgosi without success, if this could still be experienced, this matter should be adopted us unnecessary and reckless.

- Wasteful Expenditure
- Theft of community funds in false pretence.

6

Sixth Assessment:

Mosiamise Business Consultants – Services not known

Fifth Assessment:

Dates:	Mosiamise B C
14/12/2011	782623.07
07/03/2012	1919008.93
30/03/2012	1312577.9
05/06/2012	1067142.91
13/07/2012	968288.24
13/07/2012	500000
13/07/2012	500000
13/07/2012	500000
13/07/2012	115046.88
19/09/2012	486368.61
19/09/2012	486368.61
19/09/2012	342000
25/11/2012	500000
25/11/2012	421431.08
04/12/2012	500000
04/12/2012	65458.99
14/03/2013	280725
14/03/2013	280725
14/03/2013	299670.23
15/03/2013	299670
Total	10654368.23

- **Mosiamise Business Consultants** reflect to have rendered services and paid from community's funds from 30/03/2012.
- It is extreme suspect on what Mosiamise was doing, how he was doing it and the service it rendered because the figures claimed from community funds on its payments references are huge as referred below:



- **Preliminary Findings:**
 - Transections done and appearing in our payments document totalling R10 654 368.23 in the period of two years.
 - It is extreme difficult to conclude on this matter, where the service provider is reflected since the only information we have is that, it (**Mosiamise Business Consultants**) rendered and advised in corporatisation of the community, which same has resulted into bankrupting the community. I would like to believe, without going into details that corporatisation was used to suffocate monies from community **D-Account** to benefit the few and not to account to anyone, however, only interested parties may proof otherwise by supplying information and making representations on the matter.
 - The following must make proper representations on how the service provider was appointed, what actual services did he provide, where are documents of reports on the service and related matters before the end of May 2016
 - Kgosi
 - District Office
 - Chief of Staff

7

Seventh Assessment:

Belldewar – Currently known as

Seventh Assessment:

Dates	Bell Dewar
18/08/2011	1052819.49
29/09/2011	489592.63
03/10/2011	769638.42
01/11/2011	135914.3
23/01/2012	212425.22
30/03/2012	1845781.17
14/06/2012	605616.44
06/09/2012	500000
06/09/2012	500000
06/09/2012	500000
06/09/2012	500000
06/09/2012	30698.92
14/12/2012	819125.33
14/12/2012	578529.57
07/02/2013	276965.22
07/02/2013	276965.22
07/02/2013	192249.6
07/02/2013	263922.04
07/02/2013	187209.8
07/02/2013	154732.99
07/02/2013	402948.55
07/02/2013	402948.54
07/02/2013	402948.54
27/02/2013	65452.5
27/02/2013	71547.9
01/03/2013	105674.39
07/03/2013	58328.1
Total	10349215.39

- Bell Dewar is currently known as Fasken;
- Bell Dewar goes back to our history of service providers and perhaps some clarity should be provided on this matter, on which services did they really render service, and whether such services were of community interests.
- All invoices and resolutions for appointments must be submitted to Council immediately by kgosi, preferably before the end of May 2016



- Preliminary findings:
 - Total R10 349 215.39 was paid for services rendered and more details of these services should be presented and responded to.
 - A distinction on services must be established on what services are these as we are aware that kgosi used the same service provider to fight his personal foes against some community members and or his personal legal matters, and such should be cleared and the account where kgosi was liable must be processed by him and not the community. This account should be submitted to Traditional Council on or before the end of the month.
 - Different services are provided by same service providers.

8

Eighth Assessment

NEF

Dates	NEF
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
04/12/2012	500000
Total	5000000

- **Preliminary Findings:**

- Capita transferred to NEF can't be accounted for;

Recommendations:

- NEF has reflected in our invoices/expenditure statement and proper explanation as to the reasons, conditions and contracts must be provided to the **Traditional Council**, and community resolution must also be submitted.
- **Kgosi** must submit all related information on this matter to council immediately, preferably before the end of **May 2016**, and without limiting to must include community resolutions and contract(s).

9

Ninth Assessment

Quantity Surveyor:

Ninth Assessment:

Dates	Carel Koen
19/09/2012	500000
19/09/2012	500000
19/09/2012	363077.77
23/03/2013	500000
23/04/2013	453290.6
Total	2316368.37

- **Quantity Surveyor** reflect to have rendered services that are generally suspect when we look deep into our community and affairs.
- Kgosi and district office needs to clarify which services are these and what procedures were followed when spending on them, the need, the procedure of appointing service provider and whether he qualifies of not. Council must also investigate.
 - Carel Koen is the identified quantity surveyor on this claims totalling **R2 316 368.37**

10

Tenth Assessment

Mokwena W & or Mokwena E

Tenth Assessment:

Mokwena W	
21/12/2011	91520
24/01/2012	91520
21/02/2012	91520
22/03/2012	58240
	241280
Mokwena E	
20/04/2012	91520
08/05/2012	91520
10/07/2012	91520
	183040

- **Mokwena W and Mokwena E were also identified in our processed invoices (Please specify periods of payments)**
- **It is not clear whether Mokwena W is the same Mokwena E as this may occur as a mistake, however, kgosi needs to advice on this matter as well.**
- **Kgosi and district office also need advice on the budget and procedure followed in this procurement process.**
 - The question is, who is **Mokwena W/and E?**
 - What services did he render and or why was he paid?
 - In terms of engaging and finally processing payments to him/her, how did it come about?
 - Payments done to **Mokwena W** are at **R241 280.00**
 - Payments done to **Mokwena E** are at **R18 340.00**

11

Eleventh Assessment

Mixed Services

Eleventh Assessment:

Dates:	Mix Services	
06/09/2011	Local area conne	198760
12/03/2012	Professor Khunou	41860
09/03/2012	Norton Rose	192177.19
15/03/2012	Professor Khunou	751600
11/04/2012	Molosiwa LM	40025.8
24/05/2012	Marata Go Bonwa	91520
05/06/2012	Design Plus	284885
30/03/2012	Walton	228255.61
13/07/2012	Design Plus	96510
31/09/2012	Lood Pretorius	1613845.5
14/12/2012	Local area service	186022.01
15/01/2013	Sekhu M	24375
28/02/2013	Professor Khunou	65452.5
19/07/2013	Xabiso Consultar	292386.62
28/03/2013	Lesedi Molosiwa	80000
20/12/2013	Ian Ashmol	45600
20/12/2013	Ian Ashmol	7913.17
20/12/2013	Estelle Pretorius	16000
	Total	4257188.4

- **Mixed Services have cost the community R4257188.40 and these services reflect different references to the invoices to have been processed from the 06/09/2011 to 20/12/2013**
- **All these services are suspicious, for example it is presented that furniture was bought for the Royal House by Design Plus and for some odd reason no one knows where it is.**
- **Kgosi and District Office needs to advice on the basics, budget, procedure that was followed for appointing service providers in all payments and that if there are goods bought, to be identified by council and updated in inventory book.**

In consultation with Mr Asmol we have discovered that the amount processed to him were R45600.00 and R76913.17. This will be edited in the final document.

Twelfth Assessment:

Dates	Withdrawl Trst Acc	Dates	Std Bank Acc	Dates	BBMT Authority
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	30/08/2013	500000
19/09/2012	500000	14/05/2013	500000	10/01/2014	500000
19/09/2012	125894.31	14/05/2013	10000	10/01/2014	500000
Total	5125894.31	Total	6010000	Total	4000000

Cash Withdrawals

Assessment; Preliminary Findings; Recommendations

- This assessment must finally get kgosi and his associates to present and account to all the monies withdrawn from community funds in the explanation/reference of processing Traditional Council Employees' salaries;
- The procedure followed and audited financial statements from the account where monies were transferred to are required to council before end of June 2016;
 - The documents processed on opening this account and how it was managed and processed are required and must be submitted to council immediately;
 - Total Withdrawals which includes
 - Withdrawal Trust Account -R5 125 894.31 (19/09/2011)
 - BBMT Authority -R4 000 000.00 (30/08/2013)
 - Standard Bank Account -R6 010 000.00 (14/05/2013)
 - Total withdrawal of community funds for assumption of salaries purposes are at R15 135 894.47 (this figure is less BBM Protection Services above)
 - Bamogopa Protection Services PTY Ltd is the company that was presented to have been owned by the community, and to this effect it is reflecting invoices processed to by the community that amounts to **R5 098 244.16**
 - Same company is suspected to have been used to suffocate community funds for benefitting the few, this awaits kgosi's representations and procurement processes when allegedly rendering services to the community, and on same a presentation of whether service was required or not?
 - The module of pricing is also required;

4. Mandate 28th Nov 15, 26 July 2015 and 23rd April 2016

- a. **Gazzette of the Traditional Council** and setting up administration structure
- b. Financial report to be submitted (Audited)
- c. A community meeting to be held on **March 2016**
- d. **Kgosi** to resign in all legal entities owned by the community
 - i. Subsequently and repeatedly kgosi has submitted in different forums that he has resigned, reffing to the 23rd April 2016 general community meeting and in different council sittings; (**This is a lie**)
- e. **Mr Phaladi** to be fired from all entities of the community
- f. **Traditional Council** to take control of community owned companies
- g. Collect all community assets and store and manage them from community offices
- h. Closing of **Sandton** office (**Reported to have been done by kgosi**)
- i. Open criminal cases against those who stole community funds
- j. Council to proceed with their duties whether **kgosi** is available or not
- k. Council to appoint attorneys whether **kgosi** is available or not
- l. Council to call a community meeting whether **kgosi** agrees/available or not

5. The failures

- a. Council operations and proceedings are still a challenge since some members are only operational to protect **kgosi** from legal proceedings.
- b. **Mr Phaladi** and **kgosi** still occupying the positions in entities (assumed to be of the community)
- c. Staff salaries still remain unpaid in full and no capital is available or can be confirmed to sustain this matter
- d. Unable to call **March** general community meetings
 - i. Councillors circulated open letter, subsequent to such a letter a petition was circulated calling councillors to come and report;

6. The achievements

- a. State of financials and in-house investigation that may assist forensic audit in future
- b. Consolidation of business contracts and documents
- c. Appointments of **Trustees** in three (3) **Trust** by traditional council
- d. Appointments of temporary directors into community owned companies
- e. Appointments of legal services and or attorneys
- f. Agreement with contract investment and restructuring **Bamogopa Granite**
- g. Transparency, availability of community documents to members of the community and community general meetings;
- h. Setting up the **Traditional Council** structure – **Bethanie Business Forum**
- i. Appointed **Phungo Incorporations** to assist in legal matters of the community where required;
- j. Arranging the 20th August 2016 meeting in terms of 23rd April 2016 community resolutions;

7. The Actual Report Conclusions

- a. **Kgosi** is misleading and playing games with the community
- b. **Kgosi** is a repeated liar.
- c. Some councillors, particularly appointed by **kgosi** are sabotaging council operation and must be charged and be suspended;

- d. Some members of council have not been attending council sittings and their participation needs to be outlined and cleared;
- e. Most council members are struggling to attend council sittings due to lack of funding/funds;
- f. Some community members are scheming and sabotaging the operations of the **Traditional Council**
- g. There are **two (2)** main dangers that we have identified that are derailing this community progress which are:
 - i. **Kgosi**
 - ii. Community members who are colluding in sabotaging council duties'
- h. There are also additional dangers that we have identified that are supplementary to derailing this community progress which are:
 - i. **Maago-kgosi**
 - ii. **Kgatla Mokgadi**, seems not to be accountable to anyone and her status of employment is not known to council but **kgosi**;
 - iii. **Some Royal Family Members** who have vested interests and scheming to sabotage all processes of council.
 - iv. **Trustees and directors** in different legal entities of the community.
- i. The community needs to resolve on the recommendations that council (**40%+elect**) will advise on, and the date for the next meeting must be agreed upon.
- j. The **Provincial Government** is also identified as problematic by failing in its legislated duties.

8. The danger we face – Community

- a. When **kgosi** came in around **2010/11**, we have people who surrounded him and wanted to work with him, all those had no interests or whatsoever of the community at heart. This evident in the current status, which include the recent reports and engagements of **Mr Phaladi**;
- b. **Kgosi's Mother**, very dangerous and misleading from behind,
 - i. Unlawfully working with other council members,
 - ii. Unlawfully working with other **Royal Family Members**,
 - iii. His affair with **Mr Phaladi** cost the community millions of **Rands**, and this is evident in the finances as **Mr Phaladi** was brought into community affairs unlawfully/un-procedural. (This matter was also raised in the **2012** community memorandum).
 - iv. her current engagements with community projects,
 - v. seeking of funds and interactions from different stakeholders;
 - vi. Unlawfully using community name to further her personal vested interest and not reporting to anyone.
- c. Some **Traditional Council** members within the **60%** appointments of **kgosi** working in bad faith and destabilizing council.
 - i. **Mashigo L** – appointment of being a **Secretary** sabotaged by both **kgosi** and **Dep. Secretary** by going behind his back and **kgosi** not communicating with **Mashigo** at all.
 - ii. **Councillor Segwe** repeated misleading of council as he brag with association of **kgosi**
 - iii. Sabotaging of council sittings by **Dep. Secretary** and **kgosi** by lying, cheating, misleading and withholding council information – See Annexure (Email communications of postponing meetings) "B" (Facilitating So-called Task Team Formed to mislead and destabilise council proceedings) "C"

- iv. Planned disruptions in the **11 November 2015** meeting by councillors to cause confusion and possible infighting by **Finance Committee Chair** by presenting finances as he did, members of council lodged a complaint in his way of presentations prior to the community meeting.
- v. The dangerous three (3) **Cllr Moleboge Mamogale, Cllr Segwe, Cllr Poho**, the drivers of **Kgosi's** protection and lobbies for destabilization of council, sabotage and making sure that council is unable to operate until its term come to an end; Facts to this matter may be elaborated on in the near future
- vi. Misleading community members without anything done against them;
- vii. We had in the past people who were working with **Mr Phaladi**, intentionally misleading and paid from community funds, - these people are known to the community and nothing is done against them and are still allowed space to do same, divide, mislead and make sure that the community is ungovernable as they do not have the opportunity to loot from community funds.
- viii. His Majesty **Kgosi** not accountable and irresponsible, (This matter can't be expressed enough by words)
- ix. **The Royal Family** needs to be constituted and this must be done immediately, additional governing document of the **Royal Family** should be drafted and adopted asap;
 - 1. The **Royal Family** needs to make a decision to protect the **chieftaincy** of the **Bakwena Ba Mogopa** immediately after an anthropologist has met with all stakeholders to sort our operations of the family in terms of tradition; this matter must be submitted to council and Premier before the **20th June 2016**;
 - 2. The **Royal Family** needs to advice on the position of **Mmago – Kgosi Motheo Mamogale** on traditional matters; before the **20th June 2016**
 - 3. The **Royal Family** needs to advice on the list of headmen in respective areas as per the tradition. Before the **20th June 2016**
- x. Holding the **District Office/Government** accountable in terms of the **Act**.

9. General Preliminary Findings and Recommendations:

- a. **Findings - Bagopa Properties PTY Ltd** has been opened to operate on illegal matters that relates to community rates and taxes.
 - i. The same company is represented by **Kgosana Lesley More of Berseba** village;
 - ii. **It is recommended** that a written report be submitted to council before or on the **03 June 2016** through the **Secretary**.
- b. **Finding - Kgosi** has repeatedly breached and committed offences in terms of **section 39(b); (c) and (d) of the NWTLG Act** and should be charged by the **SAPS** immediately;
 - i. **Advice** - On this matter, council should rely on misleading the community and council by sabotaging amongst others, council sittings, community meetings, staff payments and operation in council; he also lied by saying the community is not bankrupt.
 - ii. **Response required before the 07th June 2016** - **Kgosi** has repeatedly sabotaged the community affairs and administration;
 - iii. **Kgosi to submit all documents/equipment/vehicles** – belonging to the **Bakwena Traditional Community** immediately, failing which on **Wednesday the 25th May 2016** **Traditional Council and SAPS** must start with operation of identifying and

- collecting all the above. **Rangers** must be appointed for this specific purpose to guard these as per council resolution immediately.
- iv. **Recommendation** – **Kgosi** to respond in writing and submit financial report with regards all the community funds before the **30th June 2016**, this must also be done to the **Traditional Council** and through the secretary.
 - c. **Recommendation** - **Bo-Rangwane** should be charged in terms of section **39** by council before the **03 June 2016** and they must submit in writing a written response to council before the **12th June 2016**.
 - d. **Recommendation** - The following councillors be charged by the **Traditional Council** before the **03 June 2016** and they must submit in writing their response to council before the **12th June 2016** for breaching **Section 39**.
 - i. **Councillor Segwe**
 - ii. **Councillor Moleboge Mamogale**
 - iii. **Councillor Beautus Poho**
 - e. **Recommendation** – **The District Office** should advice on their role when monies were accessed during the absence of the **Traditional Council**
 - i. Submission should be made to the **Traditional Council** through the **Secretary** before the **17th June 2016**
 - f. **Recommendation** – **The District Office** should also advice on the position of the council as addressed in the two meetings held with the director **Seaketso** where he was requested to attend to advice and deal with the challenges and repeated breaches of the law by **kgosi**, and when was the **Traditional Council** (gazette) came into the effect and confirmation of end of office term as prescribed in the **Act**. This must be done before or on the **17th June 2016**.
 - g. **Recommendation** – **The District Office** should also advice on possible collusion between **kgosi** and **District Office Officials** on accessing of funds before the **17th June 2016**
 - h. **Recommendations:** - **The Traditional Council** make a recommendation that **kgosi** be suspended with immediate effect by the **Royal Family** and this must be done and be finalised by the **17th July 2016**, this matter should be reported to the **Traditional Council** by both the **MEC** and the **Royal Family** not later than the date referred above.
 - i. **Recommendations:** - **The Traditional Council** must call the community meeting on the **06th August 2016** and present this report; this meeting should be published immediately while preparations are to be done immediately.
 - j. **Recommendations:** - **The Traditional Council** must also decide and advice on how to deal and force all the **Trust** belonging to the community to table the report before council.
 - k. **Recommendation:** - **The Traditional Council** must also approve immediate budget to be incurred in this process that will be submitted by the **Secretary** before the **30 May 2016** and not over **R40 000.00**

10. Responses:

- a. Communications on clarities in the document should be done through or to the **Secretary**
 - i. tshiamomashigo@gmail.com /or l.mashigo@bakwenabamogopa.org /or **081 755 4861**
- b. Secondly it must followed up or copy the **Executive Manager – Adv. Daniel Makena**
 - i. Dmakena77@gmail.com or makenad@bakwenabamogopa.org or **072 285 3084**
- c. Checklist documents will be circulated by email before the last day of this month to all parties and to also assist on what issues are to be responded to, how and when.

- d. The Royal Families Decisions should be directed to Traditional Council through the Secretary where required.
- e. All costs incurred in the process must be presented to council and ratified/processed to members of council involved in this process;

To: Kgosi Tebogo Reneilwe Motheo Mamogale

No.	Subject	Page No.	Submission date & organ

To: The Royal Family - Mamogale

No.	Subject	Page No.	Submission date & organ

To: District Office – Madibeng/the Director CATA/MEC

No.	Subject	Page No.	Submission date & organ

To: The Traditional Council

No.	Subject	Page No.	Submission date & organ

To: Traditional Council Members – cited

No.	Subject	Page No.	Submission date & organ

To: Bagopa Holdings PTY Ltd/ Bagopa Protection Services PTY Ltd

Specify your corporate name: _____

No.	Subject	Page No.	Submission date & organ

11. Checklist:

To be circulated through email to all parties;

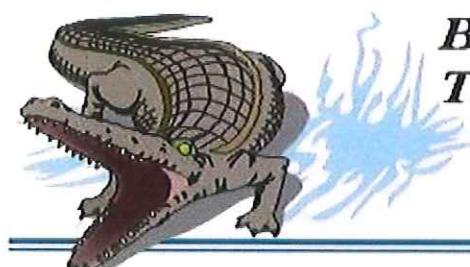
12. Gross Irregularities Dossier On Governance, Finance & Community Matters

- a. This document is a draft document compiled by the **Secretary of Bakwena Ba Mogopa Traditional Council** and is to be responded to by parties to advice on matters raised and is not to cause, discredit and or to cause any conflict but to make sure that accountability is adhered to by all those who play a role in matters of managing/leading the community;
- b. **The Traditional Council** is to ratify and adopt this documents and the final report;
- c. Changes may be advised in moving forward by any party if it feels that its necessary to do so;
- d. This document will be made public and accessible to the community;
- e. Any additional Information to be added should be proposed to the **Traditional Council** in writing through the **Secretary**
- f. **The Community Memorandum** submitted during the **march 2012** shall be circulated through emails before the **30th May 2016.05.24**

End of document. Signed L Mashigo: _____

The Traditional Council has adopted the Dossier as its own and this is not a confidential document from the 20th August 2016.

"Q"



BAKWENA BA MOGOPA TRADITIONAL COUNCIL

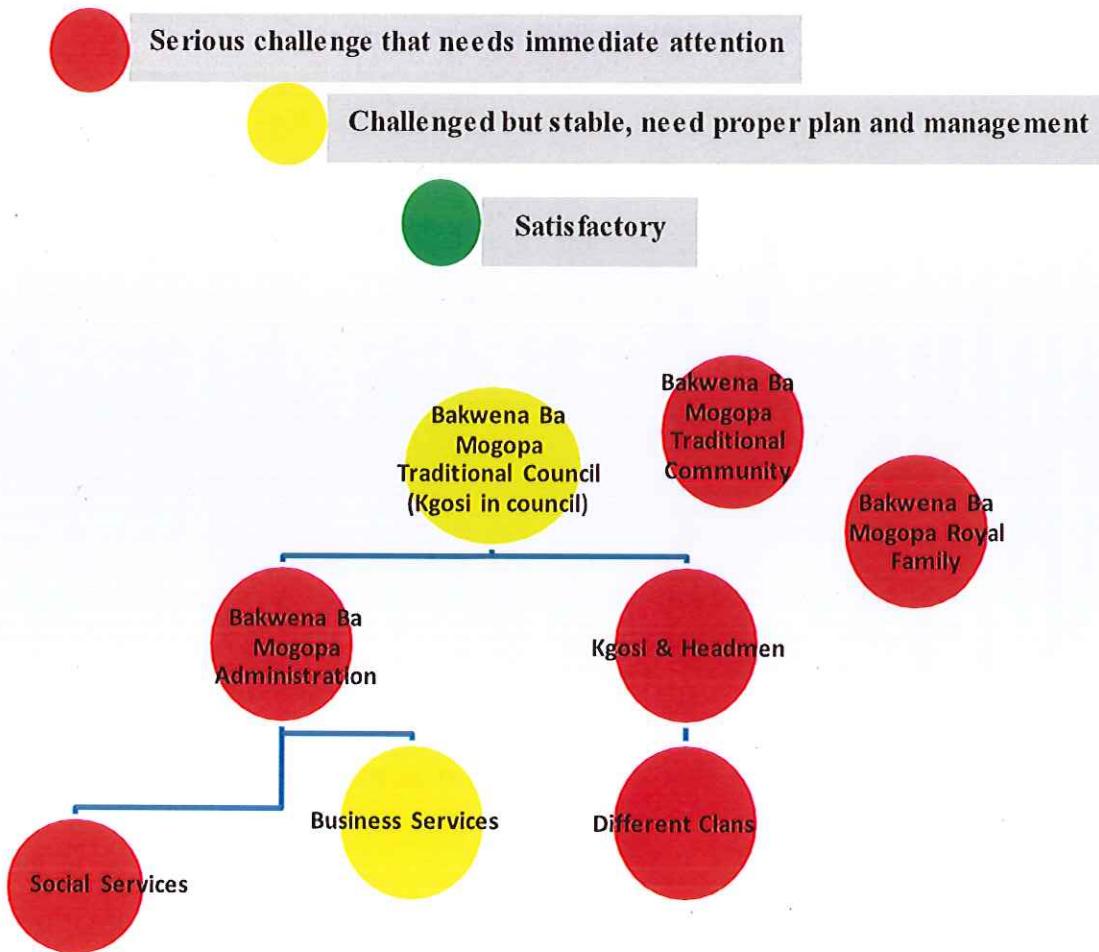
Private Bag X1031, Bethanie 0270
Stand No.: 0499 Moseja Section
Bethanie, 0270
Tel: (012) 260 0201

Date: 20th August 2016

Bakwena Ba Mogopa Traditional Community - Meeting Report (Image)

S1-
SECTION 1

How we look like?



For the first time in the History of the Bakwena Ba Mogopa Community such a detailed report is presented before the community, and perhaps we should note our recent challenges under the leadership of Kgosi TRM Mamogale;

The community is facing the most challenging times that needs immediate attention;

The cause of these challenges is ejected by the following reasons:

1. Community ignorance

- a. Community members are looking away on simple governance matters;
- b. Community members are looting community assets openly;
- c. Community members are colluding in sabotaging proper administrative processes;
- d. Community members are bringing their personal squabbles into the running of community affairs;

2. Extreme and Bad Management

a. Royal Family

- i. This Royal Family is in deep trouble
- ii. Claims by some to be part while others disagree
- iii. No income and members are facing serious financial challenges

b. Kgosi & General Leadership inclusive of Headmen

- i. This is just a deep mess, lack of appropriate education, relevant experience, lack of capacity, arrogance and all negative;

c. Government

- i. Corrupt officials

3. Corporate Crime

- a. Corruption
- b. Theft in false pretence
- c. Collusion to pursue personal interests

Our Duties as Council



1. Education

- a. Impala on board, bursaries & Learnerships

2. Youth issues

- a. Non existent
- b. Sports
- c. Music
- d. Art

3. Women issues

- a. Non existent

4. Traditional issues

- a. Art & culture
- i. In a mess

5. Elder's programmes

- a. Non existent

1. Glencore

- a. Problematic all round
- b. Agreed to sort out all relationship problems

2. Impala

- a. Proper engagement & acceleration required

3. Bagopa Granite

- a. Intervention in progress – expected to be finalised in Aug 16

4. MKR

- a. Has been stuck for over 12 years

i. Corruption

- b. Intervention in progress – to be completed & ejected Dec 16

- c. Council took over

5. New Investments

- a. Erection of Malls
- b. Granite Processing Plant

- Executive Manager – Adv. Makena
- Legal – None
- Accounts – None
- Communications - None
- Information Technology – Mr Maphosa
- Head of Administration – None
- Administrators – (Center Managers) available, needs to be revisited
- Additional Staff – Drivers/cleaners/security/general & etc.

✓ Traditional Leadership – (Exclusive of Mr Tshetlho) all representatives not the rightful ones - regents

Tax collection is problematic, not done.

Specialised services – Business Forum

Our Community is in Deep Trouble & we all have a responsibility to make sure that we build for the better.

Our Traditional Council Staff:

Bakwena Ba Mogopa TC Levels from the TOP		Secretary Report					
No	Position	Background	Duties	Gender	Area	Work Res	Vacant or
1	Executive Manager *1	Law	Exec Manager	M	Bethanie	All area	Filled
2	Executive PA *1			F			Filled
3	Information Technology Officer *1			M			Filled
4	Communications Officer *1	B-Communication	Communication	M			Filled
5	Executive Driver *1			M			Filled
6	General Assistant *1						Vacant
7	Manager Legal Services *1	Law					Vacant
8	Compliance/Contracts Officer *1	Law					Vacant
9	Conduct Officer *1	Law					Vacant
10	Manager Community Development and Social Services (Social Worker) *1	Social Work			Bethanie		Vacant
11	Administration Officer *1			F			Filled
12	Administration Officer (Events Coordinator) *1						Vacant
13	Manager Finance and Administration *1 (CFO)	B-Com /Equivalent			Bethanie		Vacant
14	Financial and Management Accountant *1	B-Com					Vacant
15	Procurement Officer/ Buyer *1	B-Com					Vacant
16	Finance Clerks *1	B-Com					Vacant
17	General Assistant *1						Vacant
18	Assistant HR Manager *1	HR					Vacant
19	HR/Skills Development /Recruitment Officer *1	HR					Vacant
20	Payroll Officer *1	HR					Vacant
21	Payroll Clerk/ Registry *1	HR					Vacant
22	Receptionist *1						Vacant
23	Manager Internal Audit *1	B-Com Auditing					Vacant
24	Auditor *1	B-Com Auditing					Vacant
25	Risk Management Officer *1	Risk Management					Vacant
26	Manager Infrastructure Development *1						Vacant
27	Infrastructure Development Officer *1						Vacant
28	Project Liason Officer *1						Vacant
29	Bethanie Center Manager *1			M	Bethanie		Filled
30	Administration Officer *3	*2F *1M					Filled
31	Receptionist Villages *1	F					Filled
32	General Assistants Villages *8	*3F *5M					Filled
33	Site Drivers Villages *2	M					Filled
34	Hebron Center Manager *1	F	Hebron				Filled
35	Administration Officer *2	*1F *1M					Filled
36	Receptionist Villages *1	F					Filled
37	General Assistants Villages *3	*2F *1M					Filled
38	Site Drivers Villages *1	M					Filled
39	Jericho Center Manager *1	F	Jericho				Filled
40	Administration Officer *2	*1F *1M					Filled
41	Receptionist Villages *1	F					Filled
42	General Assistants Villages *4	M					Filled
43	Site Drivers Villages *1	M					Filled
44	Pachsdraai Center Manager *1				Pachsdraai		Vacant
45	Administration Officer *1	F					Filled
46	Receptionist Villages *1						Vacant
47	General Assistants Villages *2						Vacant
48	Site Drivers Villages *1	M					Filled
49	Total 67						

How we look like where assessment has been done

Bakwena Ba Mogopa TC		
Image of our centers		
No	Place	Operations
1	Bethanie	Extre corrupt
2	Modikwe	Corrupt
3	Berseba	Extre corrupt
6	Hebron	Extre corrupt
7	Jericho	Good

Only areas that were assessed are reflected.

Bethanie – Kgosi, Bo-Rangwane has messed up operations; headmen duties are not properly done, for instance there is no proper managing of allocation of land, updating of population register and etc.

Modikwe – corruption reported & captured on land allocations,

Berseba/Hebron – Extreme corruption as there is no accountability.

Jericho – Good management, but started their own acc.

Traditional Leaders:

- In terms of the **Royal Family**, only one rightful **kgosana** is recognised while the rest are regents;
- The practice of non-accounting still is a big challenge;
- The most challenged area in terms of capacity and education in terms of transformation;
- The most vulnerable area that is easily manipulated by the corrupt and government officials;
- This is the only party that was there when community funds were misused and lost, however, they still can't say how, on what and whether they played a role or not, however, we note that they played a role;

The Royal Family & Tree:

Matter relating to the **Royal Family** was not only raised in the community meeting, but was also presented as a concern by the **Decedents of Kgosi Johannes "Johnny" Otto Motsile Mamogale to the Traditional Council and;**

The Traditional Council cannot be seen choosing, interfering in **Royal Family** matters and disputes, however, the **Traditional Council** where there is vacuum of leadership where the **Royal Family** is concerned in terms of the **Chapter 3, 13 and 14** without limiting to other sections and **sub-sections** must do something to facilitate, and as a result, it has. Given this challenge where there is a dispute of whom is (not) the member and can part take of the matters of the **Royal Family** as defined in the relevant **Act(s)**, **The Traditional Council** can only recognise members of this **Royal Family** simply by making reference to the signed **Royal Family Tree** by any qualified Anthropologist, which in our case, we have attached the copy at our disposal and only those who reflect in the **Family Tree** are recognised by the **Traditional Council**;

The community is advised hereto to do same;

There are some people, families and or individuals who wanted to be recognised as members of this **Royal Family** and even if they were somehow recognised in the past, are no more recognised and until another **Royal Family Tree** is made available and public by a legislated body of this community, which is the **Traditional Council**, this matter remain closed;

It is also important to take notice as the **Traditional Council** and the **Community** must guard against improper practices of our **Traditions, Customs** and practices from the family, only the traditional community through its adopted fair processes may change and align such traditions, customs and practices to be in line with the Constitution;

The second house of any **Royal Family** is excused and not allowed in matters of the **Royal Family**, and this should not be a secret as it has caused us dearly as the community by have being silent and allowed **kgosi** to grossly transgress on this matter by not fighting him enough;

It is of major concerned that the **Royal Family** should be properly reconstituted and that a proper budget may be done and finalised through processes for them to be enabled to do their duties which they must be held accountable;

The **Royal Family Tree** is herein attached; signed **14/07/2006.**

Staff outstanding salaries:

Important notes:

The following transactions were done and verified with **Mr Dikobe** and **Ms Phaloane** respectively who is seconded by **CATA** and responsible for finances and **Bakwena Henron Center Manager**;

Noting that on matters of the **Royal Family**, there are gross irregularities that occurred and needs to be engaged on; therefore the matter relating to their salaries should be noted as investigated;

Medical Aids for employees differ from one person to person and will be investigated and verified in due cause;

Bakwena Ba Mogopa Traditional Council		
All information captured till August 2016		
No.	Category	Amount
1	Net Salaries TC Employees - Staff	2251946
2	Traditional Heads x 46	1511149.8
3	Royal Family - <i>legallity to be varified</i>	1273709.49
4	SARS	1874988
5	UIF	215940
6	Pension Fund	2080863
7	Medical Aid - Info still to come	0
Total to date		9208596.29

About Glencore Rhovan:

S2-
SECTION 2

Brief Review and Challenges of project:

1. The community has lost millions from this project in the following manner:
 - a. When we review and study the definition of the word **Economics**, it's of no doubt that the community has lost from almost all aspect, given the share participation which must also include salaries, management positions, general labour, procurement and social and labour programme that should be referred from the **MPRDA**.

2. The **SPV** that was formed in terms of the agreement to hold community interest shares is still in the process to be amended and finalised – **Bakwena Ba Mogopa Community Trust**.

- a. **Mr Thapelo Molefe** is also appointed to fast track the **Trusts** amendments by the Traditional Council on fee remunerations;

Resolution on this matter will be proposed on handling different **Trusts** and advice on securing community interest is of key importance, thus the **Traditional Council** will advise on its position to be adopted by the greater community in terms of corporate governance principles.

3. In terms of the information held by the **Traditional Council**, over R30m is held by **Glencore** is due to the community;

- a. **Mr Thabo Moseki** has been appointed to recover and make sure that they pays those monies on contingency as the consultant;

4. The **Traditional Council** has appointed the following **Traditional Council Members** to effectively become **Trustees**:

The following are attached conditions for their involvement into those **Trusts**, to amongst others take instruction as they are from the **Traditional Council**, as to amend the **Trust Deeds** and take/remove **kgosi**, all traditional leaders, the business of the Trust and resolve to transfer monies to the community **D-Account**.

- a. **Bakwena Ba Mogopa Community Trust**
- i. Moses Monegi
 - ii. Nicky Joseph Lebethe
 - iii. Motlalepule Christine Mathibedi
 - iv. Hendrietta Letlhokwa Malembe
 - v. Lerothodi Fedinand Mamogale

5. The Business Forum

The Business Forum currently focusing on Glencore – must focus all round;

- a. The **Bethanie Business Forum** is making good in roads at **Glencore**, however it has reported huge challenges on transformation and engagements to council
- i. Both the **Traditional Council** and the **Business Forum** is working together to address these challenges. Refer to the **Bethanie Business Forum Report** attached herein;
 - ii. The **Traditional Council** would like other centers to open **Business Forums** as the current structures are no more recognised by the **Traditional Council** due to their failures and lack of communications, this is a simple matter that proves that the **Traditional Council** will not allow any community structure not to be accountable or fail its members;
 - iii. **Our plan is to make our local business people rich and support them where we required. We are committed to make this work and accountability is key all round.**

6. Labour Recruitment Office

- a. It is a fact that **Glencore** is using this office to divide the members of the community to not be bothered to transform, and this office is becoming an enemy of positive change and community progress; this office is a dangerous tool to the labour benefit of this community, and **Glencore** is deemed to be a dangerous organ to the centralised failures of this community. We have instructed **Glencore** to stop paying this office fees as a profit making organisation, which they looked away;
- b. **The Traditional Council** has instructed **Glencore** to fund the conversion of this wing so that it is owned by its membership and account to the **Traditional Council**;
- c. The office leadership has been identified as problematic and overlooking processes and as a result it requires proper training and proper administration;
- d. Membership needs to take full control of this office as it does not want to be accountable;
- e. **The Traditional Council** will accelerate these orders effective immediately;

Social and Labour Plan

Our assessment in boxes below on items:

f. Abet benefits:

In terms of our report from **Glencore**, we are not satisfied on this aspect since our community is assumed to be classified all round to have achieved a minimum school qualification as **Grade 12**, and if there are those who does not have this minimum qualification, they must be from foreign origin or of very minimum quantities which we can address ourselves, than **Glencore** using this class in their **Social and Labour Plan** that benefits other foreign employees. This will have to be revisited and corrected in the next **SLP** that is to be done this year or next year. The past leadership should take blame in this aspect. We either had poor leadership, or no leadership to can address this matter.

g. Learnerships:

Study Field	Traditional Council Assessments & Comments (Compressed report)		
Auto Electrician	Diesel Mechanic	Fitter	Instrumentation
Boilermaker	Electrician	Rigger	& Other

h. Portable skills:

Study Field	Level	Study Field	Level	<u>Traditional Council Assessments & Comments (Compressed report)</u>
Carpentry	Grade 12/ Std 10/N3	Plumbing	Grade 12/ Std 10/N3	The Traditional Council is worried that targets in these areas of learning are not challenged taking into account the economic challenges we face as the world, continent, country and the community.
Entrepreneurial Skills Training	Grade 12/ Std 10/N3	Welding (included coded welding-17)	Grade 12/ Std 10/N3	These are important areas of learning in all spheres and our community is not doing enough to challenge these opportunities, therefore, we urge to help those who are interested to study in these areas to come forward, for now we don't have a plan in place, however, anyone interested may consult with TC immediately.
Oxy-Acetylene	Grade 12/ Std 10/N3	Bricklaying	Grade 12/ Std 10/N3	
Computer	Grade 12/ Std 10/N3			

i. Mentorships:

Category				
Career Path	External Bursaries	Internships	Learnerships	Succession Planning

Traditional Council Assessments & Comments (Compressed report)

The Traditional Council is worried that targets in these areas of learning are not challenged taking into account the economic challenges we face as the world, continent, country and the community. These are important areas of learning in all spheres and our community is not doing enough to challenge these opportunities, therefore, we urge to help those who are interested to study in these areas to come forward, for now we don't have a plan in place, however, anyone interested may consult with TC immediately.

We have two categories in this item, **Internal and External**, and the feeling of the Traditional Council is still the same, not satisfactory on how these are challenged, particularly from the community's side.

k. Internships:

i. External

Study Field	Expected Length	Level	Accredited	TC Position & Assessment
Chemical Engineering [Analytical (1) & Electrical (1)]	1 Year	Grade 12/Std 10	Yes	The Traditional Council is worried that targets in these areas of learning are not challenged taking into account the economic challenges we face as the world, continent, country and the community. These are important areas of learning in all spheres and our community is not doing enough to challenge these opportunities, therefore, we urge to help those who are interested to study in these areas to come forward, for now we don't have a plan in place, however, anyone interested may consult with TC immediately.
Geology	1 Year	Grade 12/Std 10	Yes	
Mechanical Engineering	1 Year	Grade 12/Std 10	Yes	
Mining	1 Year	Grade 12/Std 10	Yes	
Metallurgy	1 Year	Grade 12/Std 10	Yes	
Information Technology	1 Year	Grade 12/Std 10	Yes	
Secretarial	1 Year	Grade 12/Std 10	Yes	
Sustainable Development	1 Year	Grade 12/Std 10	Yes	

ii. Internal

Study Field	Expected Length	Level	TC Position and assessment
Metallurgy/Mining	1 Year	Grade 12/Std 10	The Traditional Council is worried that targets in these areas of learning are not challenged taking into account the economic challenges we face as the world, continent, country and the community. These are important areas of learning in all spheres and our community is not doing enough to challenge these opportunities, therefore, we urge to help those who are interested to study in these areas to come forward, for now we don't have a plan in place, however, anyone interested may consult with TC immediately.
Engineering	1 Year	Grade 12/Std 10	

I. LED – Local Economic Development

LED Projects are not assessed, however, it is the view of the **Traditional Council** that all companies/projects that have been assisted and developed by **Glencore** should be assisted to run as lucrative projects that will not only be flagship project to **Glencore** to satisfy scorecard, but to employ and remunerate people properly and make profitable returns.

1. The first step is to make sure that these projects become members to **Business Forums**, they must follow due processes;
2. **Glencore** must consider them in procuring services they render before third parties and they must be prepared to be competent in their categories;
3. We must all join hands to assist each other, and this must be a principle, otherwise there is no way we can win.

- i. Tshwaranang Sewing Project - Extension in progress
- ii. Building of soccer fields
- iii. Waste Management
- iv. Pansdrift Primary School – (to be adopted and or rejected to be of our own)
- v. Bophadiphadi Jewellery Manufacturing
- vi. Computerisation – Sonop – (to be adopted and or rejected to be of our own)
- vii. Career exposition – Bakwena Secondary School
- viii. Other smaller projects – Computer classroom
 1. Community bricklaying training
 2. Scholarship training
 3. Sonop Primary School
- ix. Bethanie Clinic - Construction in progress
- x. Itseeleng Brick Project

About Impala/Leeuwkop Project

S3-
SECTION 3

Brief review and project image:

Without going into details, the relationship is fair;

1. **Platinum Trust** – Entity holding shares for the community that owns **SPV – BPI PTY Ltd.**
 - a. Hold interest in **Implats**, and owns **Bagopa Platinum Investments PTY Ltd 100% (SPV)** which has been paid all royalties fees **Totalling R60 000 000.00** and the last

R7.5m was paid this January while kgosi new the position of the community; - We refer to the November 2015 community meeting;

b. The current appointed Trustees in terms of April resolution:

- i. Rebone Eusgine Morebodi
- ii. Anna Baloyi
- iii. Letta Mmakomane Machete
- iv. Macheke Lucas Mosane
- v. Madimeja Alpheus Letsoalo

Our conclusion on this matter is that, the Trustees needs to submit a proper report that will include amongst others, the Trustees and appointees, the resolutions, community meeting consultations, operations and financial and all records pertaining to this Trust. All the monies from Implats must be transferred to D-Account.

c. Social and Labour Plan

Local Economic Development:

2. The following plans are projected over 5 years and only Total(s) over 5 years is reflected per project, excluded divisional years;

No	Beneficiary Organisation or Project name	Total Budget
1	Infrastructure Initiatives	R16 000 000.00
2	Road Construction	R10 000 000.00
3	School Infrastructure Update	R6 000 000.00
4	Other Initiatives	R5 600 000.00
5	Community Sports Center	R1 000 000.00
6	Bursaries	R4 600 000.00
Total		R21 600 000.00

- a. The Traditional Council has instructed internal team to do study and report with regards to item 3 above in the table (School Infrastructure Update) and such a report has been submitted to council for study, and thereafter will be submitted to Implats as recommendation to execute the plans and budgets.
- b. The Traditional Council has been facilitating Item 6 above in the table (Bursaries) which we are proud to have agreed with Implats that we would like to have our own be treated as such, managed from within as Bakwena Ba Mogopa Children category; Office of Executive Manager – Adv. Makena was managing and doing submissions which were advertised all round; - This process is still going on and awaiting the results;

Bakwena Ba Mogopa In-house Investments Projects – legal (or not)

S4-
SECTION 4

1. Bagopa Trust –

- a. Declare the **Trust** to have been unlawfully formed on behalf of the community as there was no consultation with the community to that effect
- b. The **Trust** has been strategically used to hold all shares of the companies annexed into this report, from **Bagopa Holdings PTY Ltd**, the company that we declare to be unlawfully founded;
 - i. This **Trust** must be resolved and a new **Trust** must be registered, if there are any assets in this trust, they should be transferred to the new **Trust**
 - ii. Propose new **Trust** must be **Bakwena Traditional Community Management Trust** should be registered with the **Master of High Court** and must be able to be used for managing community funds and new Investments inclusive of **MKR** and **Community** entities.
 - iii. This **Trust** must not exclude special terms of reference on traditional leadership and **kgosis**;
 - iv. The **Trust** must immediately manage all the companies, fire and take control as per community resolution;
 - v. Proposed **Trustees** and founders must be **Bakwena Ba MogopaTraditional Council** :
 1. **Mashigo**
 2. **Mosane**
 3. **Ntsie**
 4. **Komane**
 - vi. It is also vital to note that some of the companies will need to be assessed and if required deregistered;
 - vii. And additional two (2) community members, who are qualified as attorney and a minimum qualification of **Diploma in Accounting**;
- c. **MKR Mining Project;**
 - i. **Moduane, Kgabalatsane and Rabokala** villages came together and formed the **NPO** as an entity vehicle to be used into the mining project that was facilitated by **Odigan**;
 - ii. The vehicle was formed out of anger and poor leadership from the top **Bakwena Community** as the villages assumed that the mines around **Bethanie** are only developing **Bethanie** and that are left out;
 - iii. The **TC** has noted all the wrongs and challenges went on due to lack of proper management from the community leadership;
 - iv. In the process, a lot has happened, after the inception of the **Traditional Council in October 2015**, proper engagements were made and facilitation and interventions were done by council, from the three meetings held, a way forward and decision is made;
 - v. A memorandum advising on project schedule and duties in terms of moving forward has been circulated and will be managed, another process will be signing of the memorandum of agreement, however, we

still battling to put together a fair share to be accepted, with community holding **22%** free ride;

d. Bagopa Granite Project:

- i. The company is currently run by **Mr Ian Eshmole**, the TC does not have any confirmation of how he was appointed, however interaction has been made with him and agreed to report and account to council while other processes of taking over the company are proceeding;
- ii. The company is in debt with NEF and is badly operating by not making profit;
- iii. **The Traditional Council** has been in the process of sorting the company challenges and the first step will be taking over the company completely, and other processes that TC has engaged on is to bring immediate change by contractor appointment which will immediately bring around a minimum of **R400k/per month into Community Account**;
- iv. The future of this company lies solely on the **TC** taking it over, other engagements will be determined by council then as at this stage is very fragile;
- v. There are other legal, contractual obligations that still needs to be investigated by the **TC** with regards to this company;
- vi. The company was founded by the community through the mining committee then, which in terms of arrogant and unprofessional leadership led to unlawful directors being the current directors of the company;
- vii. There is still a determination of seizing the operation if this company is not accounting fairly while the process of taking over is still in progress, however, this will be decided by council in due cause;
- viii. Making sure that the project works – appointing (**Granite International GI**) for immediate revenue;

e. Mobile Towers:

- i. The following mobile agreements have been signed in terms of the community resolution taken on **November 2015** and **April 2016**; Transactions are paid directly into **D Account**.
 1. **Atlas Towers** – taking over Cell-C existing tower, (Signing on at R15k, + Rental of R4.5k/per month).
 2. **ATC** – erecting two (2) towers. (No signing on fee, R4.5k/per month)

f. The said structure of corporate investments is attached herein:

- i. This structure is seen and concluded by council as unlawful and not procedurally founded;

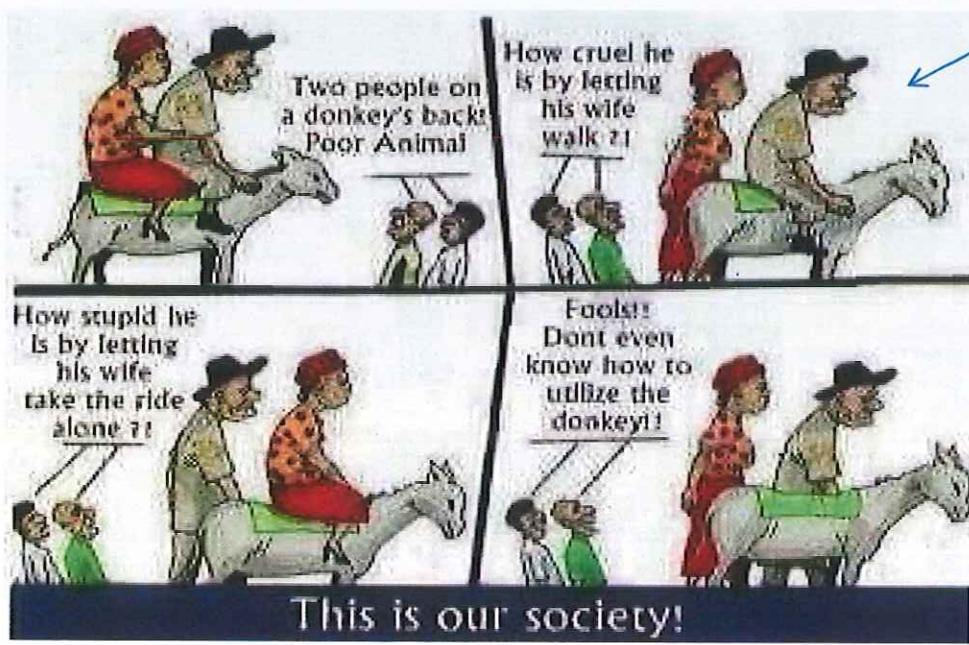
2. Character of the Traditional Councillor



TC operations still challenged:

- No resources;
- No remunerations;
- No computers;
- No vehicles;
- Adopted budget does not serve a purpose as there is no monies;
- Councillors struggle to come to council sittings & etc.

- In all operations where operations is based in teams, all participants must become team players regardless of the challenges, the focus should not be loosed all together otherwise those who want to operate alone must be let go;
- All councillors must add value;
- All councillors must compensate each other;



The sad realities of life;

This picture is a perfect example of our RSA society and this society is a proper reflection of our community;

It is within our society and the community to wake up and either assist for their own benefits or to sabotage the only legislated and accountable programme that is working on the solutions, this programme is led by the BBMTC.

Planning & Moving Forward

1. Operations:

- **Litigation** against kgosi/provincial government/Mr Phaladi & all Directors & Trustees of the Community should be our primary concerned;
 - This litigation must be directed into acquiring all community assets and holding all the officials accountable to all the losses incurred;
 - The Royal Family hasn't advised the Traditional Council and the community of their position on the chieftaincy;
- **Setting up administrative Trust** that will deal with administration and new investments of the community effective immediately and bring revenue and try to bring operations running;
- The Traditional Council must take charge of some of based community services and assists where possible, for instance provide community members with proof of residence where required, possibly every Wednesday in Bethanie;
- Effective from 01st October 2016 all Towers Accounts and payments should be moved to the New Administration Trust to be formed;

2. Investments:

- **Bagopa Granite Operations** to be redirected and managed properly from directorship level through new appointed directors by council;
- **MKR Mining** project to be fast tracked and fixed, if not community withdrawal and new application to be lodged; A pending court application to be investigated and council to make a proper decision on the matter;
- Processes and **erection shopping malls/complexes** applications to be driven and managed properly;
- **Local and Small Businesses** management plan to be advised and module to be put together for minimum revenue income, this must be presented in the next community meeting and be adopted;
- **Applications of new businesses and resolutions** to be held on the near future
 - Applications may be done immediately through email or by submitting to your local T Councillor, or Bethanie Business Forum until the following date:

Emails: Traditional Council Secretary - l.mashigo@bakwenabamogopa.org /or tshiamomashigo@gmail.com and or Executive Manager – advocate Daniel Makena – dmakena77@gmail.com or/ makenad@bakwenabamogopa.org

- Guidelines for the applications will be outlined on the website and through requests;

3. Community Engagements:

- **Community Building Exercise** that is proposed to be in the seminar form that will include business engagements, government facilitation departments/or organs, financial institutions, sports & entertainment;
 - Business forums meetings;
 - Agriculture forum meetings – to be formed and regulated
 - Different community meetings; - next meeting to be held on:
-

4. The Absolute NO-NO!

- An entertaining community member who does not see value in community meetings and come and seeks any sort of service, particularly business people; (*The TC has no debt to our local businesses, it has created a platform for operations*). Everything starts at the community meeting.
- Attempts of pulling down council will not be tolerated;
- Attempts of stealing/taking what belong to the community by some members and making such their own;
-

5. Conclusion

- Directive will be outlined in the minutes.
- Offices will remain close since the labour negotiations with staff are continuing;
- Assets that are still held by different individuals will be followed up;
 - Total Vehicle Recovered = 3
 - Office furniture = from **Sandton** office is being held in **Brits** office and not recorded as was not done properly;
 - Office furniture from **Brits Sysie House** = All stolen with house vandalised and abandoned;
 - Control and taking over of Entities = Legal process on the way and effected;
- Website to be updated and an app will be developed;
 - Closing of emails of those who are not working for the community;
- **TC** will be implementing community resolutions and securing whatever that is remaining;
- Possible engagements with other communities and planning of a huge march to the **Provincial Government/relevant authorities**;

Circulation Date, Signed by Council Secretary, Report Date:

This report is compressed.

Additional, late report

1. Traditional Council Salaries/stipend/allowances:

Notes:

- The traditional council has an allowance from government at R350.00/per month /per sitting and this has never been paid, however, it has been processed by council and district office hasn't done their part every time report complications;
- The Traditional Council has a duty to resolve on its payment and it has, refer to the table below;
- We cannot comprehend, (dis)agree on the recent absenteeism of our (regarded) councillors as no reasons have been advanced;
- Mr Tshetlo Mamogale, Lerothodi Mamogale and Victor Molefe have not been attending council sittings and in our visit to Jericho, they all made a commitment to attend, council reserve its right to comment further on this matter as they have not yet made follow-ups with them even though there are disturbing information coming through to council on the matter;
- Legal advice and service is the center of operations on council matters, this is simply caused by the current situation;
- The Ranger Programme is required asap; - (given the illegal occupation of land and corruption that is going on in our areas);

Bakwena Ba Mogopa TC salaries and or stipends							NB: far ferctched		
Report: 20.08.2016					Debt	Est payments	per 4 we	Actual	
Month	No of TC	Avar attend	Amount	Total	Add Allwnce	Total	Avar att	Payments	Payment/clrr
Oct	32	30	7500	240000	0	240000	23	0	0
Nov	32	25	7500	240000	0	240000	23	0	0
Dec	32	25	7500	240000	0	240000	20	0	0
Jan	32	20	7500	240000	0	240000	21	0	0
Feb	32	17	7500	240000	0	240000	19	0	0
Mar	32	17	7500	240000	0	240000	15	23000	1000
Apr	32	17	7500	240000	0	240000	15	0	0
May	32	15	6000 Avr	90000	20000	110000	14	126000	7000
Jun	32	15	6000 Avr	90000	25000	115000	13	0	0
Jul	32	15	6000 Avr	90000	25000	115000	15	0	0
Aug	32	15	6000 Avr	90000	25000	115000	8	0	0
				2040000	95000	2135000		149000	8000

The current balance as in 19th August 2016 in our D-Accounts:

Hebron: **R143 298.00**

Jericho: **R1186.29**

Bethanie: **R254 421.00**

2. Recognition of Local Government Elections

- We invite and recognise all local government elected councillors to introduce themselves to council and agree on programme of engagements in terms of relevant laws;

3. Announcements:

- All the **Bakwena Ba Mogopa Schools Management** who hasn't received invitations and or requests to register interested, capable sporty children for bicycle sports programme that will be facilitated by TC. This programme comes with donations of bicycles and shall be launched early **September 2016**. (The Donor will be named later).
 - **Security Training Programme** to be facilitated by TC, more information will be communicated later. (Donation is free from **Sizani Private Investigation & Training Unit PTY Ltd T/A**) – Contact person of the company is **Mr Mabaso**. More information on this matter will be communicated.
 - **Dithapediso tsa Bomme** requested by **koko wa kgosi** on the **31 August 2016**, **Bethanie Kgotla**, from **10h00**.

Special Thanks to all Bakwena Ba Mogopa Traditional Communities, Traditional Leaders, Guests, Members of Media & All.



IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

CASE NO: M 343/2020

Held at MMABATHO on this the 08th day of OCTOBER 2020
BEFORE the Honourable Mr Justice HENDRICKS DJP

In the matter between:

THE ROYAL FAMILY: BAKWENA BA MOGOPA 2nd Applicant

and

THE PREMIER: NORTH WEST PROVINCE
PROVINCIAL GOVERNMENT

JIM MATSHO

HAVING HEARD ADV L M MASHELE on behalf of the Applicants and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED

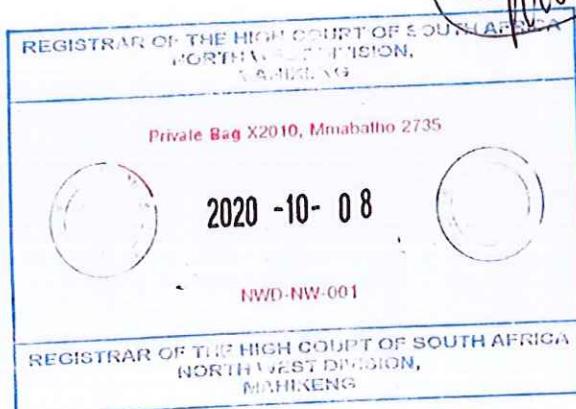
1. THAT: The decision of the First Respondent dated 17th JANUARY 2020 to appoint the Administrator for the Bakwena ba Mogopa Traditional Council is reviewed and set aside.
2. THAT: First Respondent is ordered to pay cost of this application.

BY THE COURT

REGISTRAR OF HIGH COURT
NORTHWEST HIGH COURT
MAHIKENG

REGISTRAR

S Att



"I"
8
CIS/AFPL1-CS15
1008-MU4/LSNLH
05/12/2006

SHAREHOLDERS AGREEMENT

by and between

AFRICAN PLATINUM PLC

AFPLATS (PROPRIETARY) LIMITED

THE BAKWENA BA-MOGOPA TRADITIONAL
COMMUNITY

and

THE BAKWENA BA-MOGOPA TRADITIONAL
COMMUNITY IN ITS CAPACITY AS A TRUSTEE FOR A
COMPANY TO BE FORMED

TABACKS

O.M.M
m.c.m

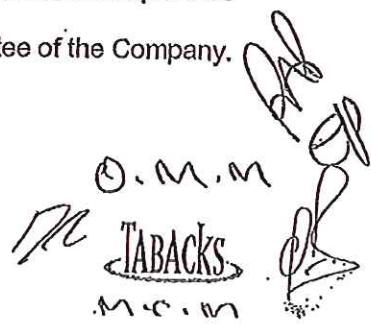
11. **SERVICES BY BAKWENA SPV**

- 11.1 The Shareholders recognise that Bakwena SPV will have a greater role in the Company than that of a passive investor. Accordingly, Bakwena SPV's contribution to the Company shall, at the direction of the Board, include liaison with Bakwena, labour, local authorities and relevant government bodies with the objective of enhancing the Exploration and mining activities of the Company and the obtaining of permits and licences in respect thereof. For the purposes of MPRDA and the Charter, Bakwena SPV undertakes for the duration of this Agreement to demonstrate to AP or at its request that it is and will continue to be an HDSA Company and that the benefit of broad based economic empowerment will accrue to the Company as envisaged in the Charter. For the purpose of fulfilling its obligation to demonstrate that it is and continues to be an HDSA Company, without limitation to the foregoing, Bakwena SPV shall provide to AP and/or its appointed agents at all reasonable times following its request, accurate and up-to-date structure charts of the members of Bakwena and the beneficiaries of the SPV Shareholder and access to the original register of shareholders of Bakwena SPV to enable AP and its appointed agents to verify Bakwena SPV's compliance with its undertaking given in this clause 11.1.
- 11.2 As consideration for the benefits which will accrue to AP (as a Shareholder of the Company) from the services which Bakwena SPV will perform in terms of this clause and from the benefits of association with Bakwena SPV

Q.M.M.
M TABACKS
M.C.M.

as co-shareholder, AP undertakes to pay to Bakwena SPV an annual cash amount of R7,5 million (SEVEN MILLION FIVE HUNDRED THOUSAND RAND) for a period of 8 (EIGHT) years commencing on the date of the granting of a Mining Right to the Company over Leeuwkop. Such annual amounts will be paid on a quarterly basis in advance in an efficient manner for Bakwena SPV.

- 11.3 Bakwena and Bakwena SPV agree to provide support to the Company in the conversion and applications for rights and in other Business initiatives where such assistance is practical and appropriate.
- 11.4 Bakwena SPV shall actively involve itself in the Business affairs of the Company in the following ways :
 - 11.4.1 nominate and make available to the Company HDSA persons after consultation with the Company, with relevant experience to be appointed as Directors of the Company in proportion to the shareholding of Bakwena SPV;
 - 11.4.2 after consultation with the Company, nominate and make available one key person, available for ongoing interaction with the Managing Director of the Company;
 - 11.4.3 Bakwena SPV will assist the Company in its transformation process and be represented on the transformation committee of the Company. This Committee will be tasked with, inter alia :


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50. MATERIAL ADVERSE CHANGE

Should there be a material adverse change in the situation relating to the Project or the commercial import thereof on either or both of the Shareholders from the Signature Date to the Initial Subscription Fulfilment Date the Parties shall negotiate in good faith changes to this Agreement to restore the Parties to the commercial position that existed as at the Signature Date.

51. BAKWENA SPV UNDERTAKING

Bakwena undertakes as soon as reasonably possible after the Signature Date:

- 51.1 to procure the formation of Bakwena SPV on the basis that all its issued shares will be held in trust by trustees of a trust of which the beneficiaries will be all the members of Bakwena on a communal (and not individual) basis and to ensure that such Company adopts and ratifies this Agreement as a pre-incorporation contract; See pg 6
- 51.2 to procure the formation of a trust (the beneficiaries of which shall be only members of Bakwena) to hold the shares in Bakwena SPV and to advise AP and the Company of the identity of such trust (and furnish a copy of the registered trust deed to AP and the Company); and See pg 13/14
- 51.3 to obtain all the necessary consents and approvals necessary to give effect to the provisions of this clause.

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TABACKS

BA-MOGOPA PLATINUM INVESTMENTS (PROPRIETARY) LIMITED
REGISTRATION NO: 2006/029085/07

("THE COMPANY")

ROUND ROBIN RESOLUTION
OF THE BOARD OF DIRECTORS OF
THE COMPANY

WHEREAS:

- A. The Bakwena Ba-Mogopa Traditional Community ("the Community"), as trustee for a company to be formed (accepted as a pre-incorporation contract), African Platinum Limited ("AP") and Afplats (Proprietary) Limited ("Afplats") entered into a Shareholders Agreement to regulate their relationship with each other as shareholders of Afplats.
- B. In terms of clause 28.2 of the Shareholders Agreement, AP is entitled to dispose of its shareholders interest to its affiliate, without first complying with the pre-emptive rights provisions contained in clause 28.3 of the Shareholders Agreement.
- C. AP has decided to invoke its rights under clause 28.2 of the Shareholders Agreement, by disposing of its shareholders interest to Impala Platinum Holdings limited ("Implats"), pursuant to a winding up of AP and a distribution in specie of its shareholders interest to its affiliate, Implats ("the Disposition") and requires the Company's consent that the provisions of clauses 28.2.3, 28.2.4 and 28.7 of the Shareholders Agreement are not applicable to the Disposal.
- D. The Company wishes to consent to the disposal

NOW THEREFORE IT IS RESOLVED THAT

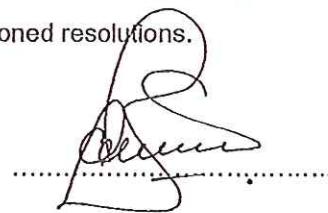
1. The Company consents to the Disposal by AP, pursuant to the winding up, of AP's shareholder's interest, to Implats on the basis that with effect from the day immediately prior to the winding up of AP, Implats shall be deemed to be a party to the Shareholders Agreement, in the place of AP and shall be liable for all compliance with the obligations and entitled to all rights of AP in terms of the Shareholders Agreement.
2. AP will no longer be party to the Shareholders Agreement and will be released from all obligations and liabilities in respect of the Shareholders Agreement.

3. Any director of the Company be and is hereby authorised to do all such things, perform all acts and sign and settle all such documents on behalf of the Company that may be required to give effect to the aforementioned resolutions.



B J R MASILO

DIRECTOR



C L LETEBELE

DIRECTOR

Date.....04/05/2010

Date.....04/05/2010



Private Banking
Investec Bank Limited

One Alterbur and Klarinet Streets, Melrose Park, Pretoria 0081
PO Box 35209, Melrose Park, 0102, South Africa
T +27 (0) 12 427 3300 F +27 (0) 12 427 8310
[www.investecprivatebank.co.za](http://investecprivatebank.co.za)

20 May 2014

Dear Mr Phaladi

We are pleased to provide you with the account details for Ba Mogopa Platinum Investments (Pty) Ltd.
Registration no: 2006/029085/07

For electronic deposits to Ba Mogopa Platinum Investments Pty Ltd:

Bank	Investec Bank
Branch name	100 Grayston Drive
Branch code	580105
Account number	50007980824
Reference	1100509169499

Should you require further assistance or have any queries regarding your account, please contact Deon Klaassen on (2712) 427 9636, or 082 755 7318 (Cell) deon.klaassen@investec.co.za

Yours sincerely
Investec Specialist Bank

A handwritten signature in black ink, appearing to read 'Deon Klaassen'.

Deon Klaassen
Investec Business Cash Solutions

A handwritten signature in black ink, appearing to read 'Elmar Lubbe'.

Elmar Lubbe
Investec Business Cash Solutions

Private Banking

Investec Specialist Bank, a division of Investec Bank Limited registration number 1969/04762 CC. Investec Specialist Bank is committed to the Code of Banking Practice as registered by the Council of the South African Banking Services. Copies of the Code and the Council's statement of principles are available on request or www.investec.co.za. A registered credit provider registration number NCRCP9.

Payment to the Bawkena Ba Magopa — See pg 10

Bank account of SPV opened with Investec — See pg 1

08-Apr-08	1 875 000
08-Jul-08	1 875 000
08-Oct-08	1 875 000
08-Jan-09	1 875 000
08-Apr-09	1 875 000
08-Jul-09	1 875 000
08-Oct-09	1 875 000
08-Jan-10	1 875 000
08-Apr-10	1 875 000
08-Jul-10	1 875 000
08-Oct-10	1 875 000
08-Jan-11	1 875 000
08-Apr-11	1 875 000
08-Jul-11	1 875 000
08-Oct-11	1 875 000
08-Jan-12	1 875 000
08-Apr-12	1 875 000
08-Jul-12	1 875 000
08-Oct-12	1 875 000
08-Jan-13	1 875 000
08-Apr-13	1 875 000
08-Jul-13	1 875 000
08-Oct-13	1 875 000
08-Jan-14	1 875 000
08-Apr-14	1 875 000
	46 875 000
08-Jul-14	1 875 000
08-Oct-14	1 875 000
08-Jan-15	1 875 000
08-Apr-15	1 875 000
08-Jul-15	1 875 000
08-Oct-15	1 875 000
08-Jan-16	1 875 000
	60 000 000

Approved for payment R 46 875 000

Brenda Berlin

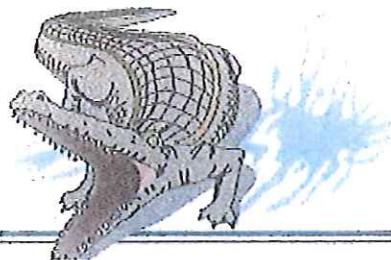


17/6/2014

2

**BA-MOGOPA PLATINUM
INVESTMENTS (PTY) LTD**

REG NO: 2006/029085/07
P.O. Box 782223, Sandton 2146
Ground Floor, Friedman Towers
13 Friedman Drive, Sandton 2146
Tel: (011) 783 4445



To: Afplats Proprietary Limited
Block 4, Fourways Golf Park
2 Roos Street
Fourways
2055

Email: Tebogo.Llale@implats.co.za

Fax: +27 (0)11 4671859

Date: 22 May 2014

BA-MOGOPA PLATINUM INVESTMENTS PROPRIETARY LIMITED

Dear Sir/Madam

1. Please note that on 19 March 2014, Mr Stephen Wissy Phaladi and Mr Tinti Enoch Rabotapi were appointed as directors of Ba-Mogopa Platinum Investments (Pty) Ltd (the "Company") by the sole shareholder Bakwena Platinum Trust. The change of directorship has been confirmed and recorded by the Companies and Intellectual Property Commission.
2. The board of the Company has subsequently opened a bank account for the Company with Investec Bank. The details of which are as follow:

Account Holder: Ba-Mogopa Platinum Investments (Pty) Ltd

Bank: Investec Bank

Bank Account: 50007980824

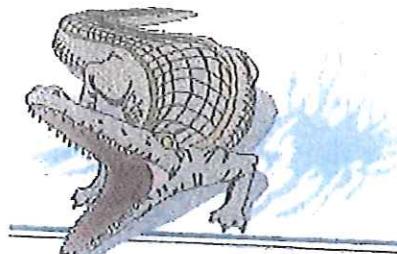
Branch Name: 100 Grayston Drive

Branch Code: 580105

Reference: 1100509169499

3. I have attached a copy of the letter from Investec Bank confirming the bank details.

Directors: Phaladi SW; Rabotapi TE



**BA-MOGOPA PLATINUM
INVESTMENTS (PTY) LTD**

REG NO: 2006/029085/07
P.O.Box 782228, Sandton 2146
Ground Floor, Friedman Towers
13 Friedman Drive, Sandton 2146
Tel: (011) 783 4445

4. The board requests that Afplats pay all monies due to the Company into the abovementioned bank account of the Company. Please forward proof of payment as soon as this is done to Mr Phaladi on the following email address: phaladisw@bagopaholdings.co.za.
5. Please do not hesitate to contact us should you have any queries or concerns.

Yours faithfully

22/5/2014

Director: Stephen Wissy Phaladi
BA-MOGOPA PLATINUM INVESTMENTS (PTY) LTD

Directors: Phaladi SW; Rabotapi TE



REPUBLIC OF SOUTH AFRICA

MAGTIGINGSBRIEF LETTERS OF AUTHORITY

Ingevolge Artikel 6(1) van die Wet op Beheer oor Trustgoed, 1988 (Wet 57 van 1988)
 In terms of Section 6(1) of the Trust Property Control Act, 1988 (Act 57 of 1988)

No: IT 8291/07

Hiermee word gesertifiseer dat /
 This is to certify that

LUCAS JOSEPH ZEBILON SEBAIBAI MOALUSI - 691017 5076 08 6
 STEPHEN WISSY PHALADI - 650113 5793 08 2
 TINTI ENOCH RABOTAPI - 680127 5767 08 0

gemagtig word om op te tree as trustee(s) van die /
 is/are hereby authorized to act as trustee(s) of the
 BAKWENA PLATINUM TRUST

GEGEE onder my hand te Pretoria op hede die 31st dag van January year 2014
 GIVEN under my hand at Pretoria this 31st day of January year 2014

Signature

ASSISTENT MEESTER
ASSISTANT MASTER

MASTER OF THE NORTH GAUTENG HIGH COURT PRETORIA PRIVATE BAG/PRIVAATSAAK X60
2014 -01- 31
PRETORIA 0001
MEESTER VAN DIE NOORD-GAUTENG HOOGGEREGSHOF PRETORIA (5)



Bakwena Business Forum

BAKWENA BUSINESS ASSOCIATION REPORT TO BAKWENA BA-MOGOPA TRADITIONAL COUNCIL

**SUBMITTED BY
EXECUTIVE COMMITTEE**

**Bakwena Business Association, Bakwena Ba Mogopa Business Hub, Bethanie Industrial, Bethanie
0270.**

**Solomon Segoati (Chairperson), Isaac Tshepe (Deputy Chairperson), Lesego Phetlhe (Acting
Secretary-General), Refilwe Tsolo (Treasurer)**

Inception date

2021/2023 leadership of Bakwena Business Community was elected on the 11th June 2021. The following persons were elected in their different capacities:

1. Mr. Solomon Segoati- Chairperson
2. Mr. Kgomotso Tshepe- Deputy Chairperson
3. **Mr. Ludger Machele- Secretary- General**
4. Mr. Lesego Phetlhe- Deputy Secretary-General
5. Ms. Refilwe Tsolo- Treasurer General

Additional members:

6. Mr. Keo Malao- Strategic Advisory
7. Mr. Mr Letlhogonolo Mokate
8. Mr. Wayne Thage- Strategic Advisory
9. Mr. Rapula Modibane- Strategic Advisory
10. Mr. Herman Mokwena

Like many organizations worldwide who were infected and affected by the global pandemic, Bakwena Business Community was not spared- particularly its leadership. Unfortunately, we lost our Secretary General months into the office. The Deputy Secretary- General has now assumed the role of Acting Secretary- General for Bakwena Business Association.

Collaboration with Traditional Council

Bakwena Business Association (formerly know Bakwena Business Forum) has always sought to collaborate with the Traditional Council for progress and local beneficiation within the Bakwena Ba-Mogopa Community. Collaboration is an important pillar for the success of local businesses and others stakeholders in the community.

- Bakwena Business Association (BBA) seeks to build strong working relationship with the Traditional Council
- BBA enjoys open door relationship with the Traditional Council

Acknowledgement and recognition by Traditional Council

Acknowledgement and recognition by the Traditional Council (TC) comes after rigorous engagement between the past leadership of the business association and the TC itself. Traditional Council needed to satisfy itself prior acknowledging and recognizing BBA; which part of it was for BBA to constitutionally elect leaders who meet the criteria set out by the TC. Leaders and members of BBA complied with the request made by the TC.

Bakwena Business Association, Bakwena Ba Mogopa Business Hub, Bethanie Industrial, Bethanie 0270.

Solomon Segoati (Chairperson), Isaac Tshepe (Deputy Chairperson), Lesego Phetlhe (Acting Secretary-General), Refilwe Tsolo (Treasurer)

Engagements continued with the Traditional Council under the new elected leadership. Progress was registered daily with several meetings between two parties and their representatives being held and the sky was beginning to clear for the newly elected leadership and the business community as whole- the TC acknowledged and recognized the business association as part of its sub-structures and forms part of its meetings on an ad-hoc basis.

Purpose

The Bakwena Business Association (BBA) is a non-profit, voluntary organisation committed to providing a platform for the inspiration and empowerment of local people in business within Bakwena Ba Mogopa areas and beyond through promoting opportunities to support, connect and grow local entrepreneurs in business, through strategic alliances.

The Association aims to be a united and non – sexist business association that helps local businesses to create connections on multiple dimensions - personal, professional and business. It also creates opportunities for local business owners to grow their businesses.

BBA it also provides forums and platforms where members can exchange ideas, be informed about topical issues, create and exchange business opportunities.

It acts as a lobby group on business issues, highlighting and publicising not only the barriers to success that may still exist but also the many opportunities available to local business in general.

Bakwena Business Association commits itself to the economic empowerment of local business in line with the principles espoused in South Africa's transformation agenda.

Achievements

Our achievements as business community are as follows:

- Advocated for the inclusion of local companies in various projects after being excluded by the mines.
- More local companies were assisted with vendor generation within the Rhovan mine despite the challenges.
- Local companies were assisted to enter into joint-venture agreements with established companies doing business inside the mine
- Exposed business fronting that took place and we will continue to expose it
- Successful screening and profiling companies doing business inside the Rhovan mine, those that are complying with BBBEE and those that do not comply
- Acquisition of business stand for ease of accessibility and assistance

Bakwena Business Association, Bakwena Ba Mogopa Business Hub, Bethanie Industrial, Bethanie 0270.

Solomon Segoati (Chairperson), Isaac Tshepe (Deputy Chairperson), Lesego Phetlhe (Acting Secretary-General), Refilwe Tsolo (Treasurer)

Challenges

Bakwena Business Association is confronted by a myriad of challenges affecting its efficiency, organizing and planning, promptness and delivery. Below are some but not limited to:

- Lack of participation of local businessmen and women in the procurement and tender opportunities of Glencore Rhovan PSV
- In ability to access and service all Bakwena Ba-Mogopa villages
- Lack of administrative and financial resources
- External companies fronting with local businessmen and women for BBBEE compliance
- Lack of local participation in the core business of the Rhovan mine
- Minimum participation by women and people with disability in business
- Lack of Enterprise Supplier Development Programs for local Small, Micro and Medium Enterprises (SMME'S)
- Harassment by SAPS Bethanie while profiling non-compliant BBBEE companies doing business with Rhovan mine
- Abuse of power and state resources by Glencore Rhovan PSV
- Non-representation in the Board of Directors of Glencore Rhovan SPV
- Resistance by Japie Fullard Glencore CEO that they will not engage us in Business related matters

Targets/Mission

- Increase the number of local entrepreneurs doing core business with the Rhovan mine
- Assist businessmen and women across all Bakwena Ba Mogopa Villages
- Become assessable to all interested parties in the Bakwena Ba-Mogopa communities
- Increase local participation- especially women and people with disabilities
- Assist more local companies be business ready and compliant

Mr. Solomon Segoati

Chairperson

Mr. Lesego Phetlhe

Secretary- General

Bakwena Business Association, Bakwena Ba Mogopa Business Hub, Bethanie Industrial, Bethanie 0270.

Solomon Segoati (Chairperson), Isaac Tshepe (Deputy Chairperson), Lesego Phetlhe (Acting Secretary-General), Refilwe Tsolo (Treasurer)