



PROVINCIAL GAZETTE

FREE STATE PROVINCE

KORANTA YA MMUSO WA PROVENSE

PROVENSE YA FREISTATA

LOKWALO LA DIKITSISO LA POROFENSI

POROFENSI YA FOREISITATA

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GENERAL NOTICE 73 OF 2021

PUBLICATION OF THE FREE STATE PROVINCIAL AND LOCAL HOUSES OF TRADITIONAL LEADERS AMENDMENT BILL

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of the Rules and Orders of the Free State Legislature.

Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 OR DominicM@fsl.gov.za to reach him not later than 15 October 2021.

ADV MJ MACHAKA
ACTING SECRETARY: FREE STATE
LEGISLATURE

TSEBISO YA KAKARETSO YA 73 YA 2021

PHATLALATSO YA BILI E E HOKISANG MOLAO WA HO THEHWA HA NTLO YA MARENA YA PROVENSE LE MATLO A MARENA A LEHAE A FREISTATA

Ena ke tsebiso e akaretsang bakeng la maikutlo afe kapa afe a mabapi le Bili e boletsweng ka hodimo mme e phatlalatswa ho latela dintlha tsa Melao le Ditaelo tsa Lekgotla la Ketsamolao la Freistata.

Maikutlo afe kapa afe a tlamehile ho romelwa ho Mongodi: Lekgotla la Ketsamolao la Freistata, Private Bag X20561, Bloemfontein, 9300 KAPA DominicM@fsl.gov.za mme a lokela ho fihla ho yena pele ho la 15 Mphalane 2021.

ADV MJ MACHAKA
MONGODI YA TSHWERENG
MOKOBOBO: LEKGOTLA LA
KETSAMELAO LA FREISTATA

KITSISO YA KAKARETSO YA 73 YA 2021

PHATLHALATSO YA MOLAO-TLHOMO O O TOKOFATSANG MOLAO WA GO TLHAMIWA GA MAKGOTLA A POROFENSI LE A SELEGAE A BAETAPELE BA NGOA LE SETSO A FOREISETATA

Eno ke kitsiso e akaretsang mabapi le ditshwaelo dife kapa dife tse di amang Molao-Tlhom o o boletsweng fa godimo mme e phatlaladitswe go latela dintlha tsa Melao le Ditaelo tsa Lekgotla la Bodiramelao la Foreisitata.

Ditshwaelo dingwe le dingwe di ka romelwa go Mokwaledi: Lekgotla la Bodiramelao la Foreisitata, Private Bag X20561, Bloemfontein, 9300 mme di tshwanetse go goroga mo go ena pele ga 15 Diphallane 2021.

ADV MJ MACHAKA
MOKWALEDI WA NAKWANA:
LEKGOTLA LA BODIRAMOLAO LA
FOREISITATA

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Free State Provincial and Local Houses of Traditional Leaders Act, 2017 (Act No. 7 of 2017), in order to provide for the recognition and representation of Khoi-San communities and leaders in the Free State Provincial House of Traditional Leaders; to provide for the establishment of Khoi-San councils and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Free State Province as follows:-

Amendment of section 1 of Act No. 7 of 2017

- | | | |
|-----|---|----|
| 1. | Section 1 of the Free State Provincial and Local Houses of Traditional Leaders Act, 2017 (Act No. 7 of 2017) (hereinafter referred to as the “Principal Act”), is hereby amended by – | 5 |
| (a) | the insertion before the definition of “ code of conduct ” of the following definition: | 10 |
| | “ ‘ branch ’ means or shall bear the similar meaning as the one in section 5(4) of the Traditional and Khoi-San Leadership Bill, 2015;”; | |
| (b) | the insertion after the definition of “ Kgosi or Morena ” of the following definitions: | 15 |
| | “ ‘ Khoi-San ’ means any person who lives in accordance with the customs and customary law of the Cape-Khoi, Griqua, Koranna, Nama or San people, or any subgrouping thereof, and is consequently a member of a particular Khoi-San community contemplated in section 5 of the Traditional and Khoi-San Leadership Bill, 2015; | 20 |
| | ‘ Khoi-San community ’ means a Khoi-San community recognised as such in terms of section 5 of the Traditional and Khoi-San Leadership Bill, 2015; | 25 |

'Khoi-San council' means a council established in terms of section 18 of the Traditional and Khoi-San Leadership Bill, 2015;

'Khoi-San leader' means a person recognised as a senior Khoi-San leader or a branch head in terms of section 10 of the Traditional and Khoi-San Leadership Bill, 2015;"; and

- (c) the insertion after the definition of "**Traditional council**" of the following definition:

" **'traditional sub-council'** means a traditional sub-council contemplated in section 17 of the Traditional and Khoi-San Leadership Bill, 2015."

Amendment of section 3 of Act No. 7 of 2017

2. Section 3 of the Principal Act is amended by –

- (a) the substitution for paragraphs (b), (d) and (e) of subsection (1) of the following paragraphs:

"(b) The membership of the Provincial House shall consist of senior traditional leaders, Khoi-San leaders and on good grounds shown or due to an insufficient number of senior traditional leaders, headmen and/or headwomen: Provided that where a traditional community does not have a sufficient number of headmen or headwomen, such community will be represented by the required number of members of the royal family which will for purposes of this section and section 9 be deemed to be headmen or headwomen."

"(d) The members of the Provincial House shall, subject to subsection (2), be elected by an electoral college for each a kingship or Queenship, principal traditional leadership and Khoi-San leadership and by traditional councils including Khoi-San Council which do not form part of a kingship or queenship, Khoi-San leadership or a principal traditional leadership: Provided that where a traditional council or a Khoi-San Council has not been established, the election shall be done by the traditional community or the Khoi-San community concerned.

- (e) The Electoral College referred to in paragraph (d) consists of the king or queen or principal traditional leader or the Khoi-San leader, all senior traditional leaders and all headmen or headwomen within the kingship or Queenship or principal traditional leadership or traditional council or Khoi-San Council concerned."; and

(b) the substitution for subsection (2) of the following subsection:

“(2) The Premier shall, subject to subsection (1)(a), by notice in the *Provincial Gazette*, determine the number of members of each kingship or Queenship or principal traditional community or Khoi-San community and of each traditional council or Khoi-San Council which does not form part of a kingship or queenship or principal traditional community or where a traditional council or Khoi-San Council has not been established, the number of members of the traditional community or Khoi-San community, to be represented in the Provincial House.”

Insertion of section 3A in Act No. 7 of 2017

3. The following sections are hereby inserted after section 3 of the Principal Act: 15

“Recognition of Khoi-San community and branch

3A. (1) (a) A community may, subject to paragraph (b), apply to the Premier to be recognised as a Khoi-San community if it – 20

- (i) has a history of self-identification by members of the community concerned, as belonging to a unique community distinct from all other communities; 25
- (ii) observes distinctive established Khoi-San customary law and customs; 30
- (iii) is subject to a system of hereditary or elected Khoi-San leadership with structures exercising authority in terms of customary law and customs of that community; 35
- (iv) has an existence of distinctive cultural heritage manifestations; 40
- (v) has a proven history of existence of the community from a particular point in time up to the present; and
- (vi) occupies a specific geographical area or various geographical areas together with other non-community members: 40

- Provided that all application for recognition as contemplated in this section must be lodged with the Commission and dealt with in accordance with the procedures set out in section 58 of the Traditional and Khoi-San Leadership Bill, 2015, until such time as the period referred to in section 57(2)(a) of the Traditional and Khoi-San Leadership Bill, 2015, has expired, whereafter all applications for recognition must be lodged with the Premier in terms of this section. 5
- (b) An application in terms of paragraph (a) must be accompanied by – 10
- (i) an application for the recognition of the position of a senior Khoi-San leader of that community as contemplated in section 10 of the Traditional and Khoi-San Leadership Bill, 2015; and 15
- (ii) a list of all community members: Provided that such a list must in respect of each community member contain his or her – 20
- (aa) full names and surname; 30
- (bb) identification number and a certified copy of his or her valid identification document or passport, or in the case of a community member who is younger than 16 years, a certified copy of his or her birth certificate; 25
- (cc) physical address as confirmed by documentary evidence, including the name of the province where such physical address is located; 30
- (dd) contact details; 35
- (cc) signature acknowledging his or her association with such community; and
- (ff) any other information as may be requested by the Commission or as may be prescribed by the Minister. 40

- Provided that in the case of any community member who is younger than 16 years, the information required by this subparagraph must be provided by any parent or the legal guardian of such member and such parent or legal guardian must sign the list on behalf of the relevant member: 5
 Provided further that only community members who are 18 years or older may participate in the official affairs of a Khoi-San community or council as provided for in this Act.
- (c) A person who has confirmed his or her association with a particular Khoi-San community by signing a list as contemplated in paragraph (b)(ii), may not be a member of any other Khoi-San community. 10
- (d) Once a Khoi-San council has been established for a particular Khoi-San community, such council must update the list of members referred to in paragraph (b)(ii) at least annually and provide copies of such a list to the Premier: 15
 Provided that the Premier may take the necessary steps to have the information contained in such a list verified. 20
- (2) The Premier may cause an investigation to be conducted to determine whether a community meets the criteria set out in subsection (1) and the guiding principles set out in section 2. 25
- (3) The Premier may, after consultation with the provincial house, by notice in the *Provincial Gazette* recognise the community contemplated in subsection (1) as a Khoi-San community.
- (4) (a) A Khoi-San community may, where applicable, consist of branches recognised in terms of subsection (5). 30
- (b) A branch may be recognised in terms of subsection (5) if it –
- (i) is recognised by the Khoi-San community as a branch of that community; 35
- (ii) consists of not less than 10% of the total number of members of such community as reflected in the list of community members referred to in subsection (1)(b)(ii); 40

- (iii) will contribute to a more effective and efficient administration of the Khoi-San council; and
- (iv) recognises the senior Khoi-San leader in terms of customary law and customs. 5
- (5) (a) A Khoi-San council may, subject to paragraphs (b) and (c), apply to the Premier of the province where the council is situated for the recognition of a branch if it meets the criteria set out in subsection (4). 10
- (b) If the Premier is of the view that the branch meets the criteria set out in subsection (4), but such branch is situated in a province other than the province where the Khoi-San council is situated, the Premier of the province where the council is situated must request the Premier of the province where the branch is situated to recognise that branch. 15
- (c) The recognition of a branch contemplated in paragraph (a) or (b) is subject to subsections (6), (7) and (8). 20
- (6) The Premier of the province where the branch is situated may cause an investigation to be conducted to determine whether a branch meets the criteria set out in subsection (4). 25
- (7) The Premier of the province where the branch is situated may, subject to subsection (8), recognise a branch that meets the criteria set out in subsection (4).
- (8) Where the Khoi-San community consists of branches in different provinces, the recognition of such branches must be done by the relevant Premiers by notice in the *Provincial Gazettes* of the provinces where the branches are situated. 30
- (9) (a) A Premier must on an annual basis, or when requested by the Minister, provide the Minister with a report on the recognition of Khoi-San communities and branches. 35
- (b) A copy of the report referred to in paragraph (a) must be submitted to the provincial house for noting. 40

Withdrawal of recognition of Khoi-San community and branch

- 3B.** (1) The withdrawal of the recognition of a Khoi-San community or branch may, subject to subsection (5), only be considered where – 45

- (a) a Khoi-San council requests the Premier that the recognition of a Khoi-San community or the recognition of a branch or branches of such community be withdrawn; or
- (b) the Khoi-San councils of two or more recognised Khoi-San communities request the Premier to merge such communities into a single Khoi-San community: Provided that such request must be accompanied by the grounds on which the request is based. 5
- (2) (a) Subject to paragraph (b) and subsection (3), the Premier may, after consultation with the provincial house, by notice in the *Provincial Gazette* withdraw the recognition of a Khoi-San community or a branch as contemplated in subsection (1)(a). 10
- (b) Where the branches of a Khoi-San community which are to be withdrawn, are situated in more than one province, the Premiers of the provinces where the branches are situated must, subject to subsection (3), by notice in the relevant *Provincial Gazette* withdraw the recognition of the branches. 15
- (3) The Premier or Premiers concerned may, before withdrawing the recognition of the Khoi-San community or branch in terms of subsection (2), cause an investigation to be conducted in order to establish whether the communities to be affected by a request contemplated in subsection (1) were consulted and support such request. 20
- (4) (a) The Premier must recognise a merged Khoi-San community contemplated in subsection (1)(b) and disestablish the individual Khoi-San communities that requested to be merged, by notice in the *Provincial Gazette*. 25
- (b) Whenever Khoi-San communities are merged, such merger automatically results in the disestablishment of any branch or Khoi-San council that has been established for such communities: Provided that a merged Khoi-San community must establish a Khoi-San council in accordance with the provisions of section 18 of the Traditional and Khoi-San Leadership Bill, 2015, and may request that new branches for such merged community be recognised in accordance with the provisions of section 5. 30
- 40

- (c) The notice referred to in paragraph (a) must stipulate the legal, practical and other consequences of the merger and disestablishment including --
- (i) if applicable, the transfer of assets, liabilities and administrative and other records of the disestablished Khoi-San community, branches and councils; and 5
 - (ii) the leadership position of the merged Khoi-San community and the vacation of office of any office bearer of a disestablished Khoi-San community or branch. 10
- (5) (a) The recognition of a Khoi-San community or branch must be withdrawn if so ordered by a court. 15
- (b) The Premier must give notice in the *Provincial Gazette* of any withdrawal of recognition in accordance with a court order. 20
- (c) The notice contemplated in paragraph (b) must stipulate the legal, practical and other consequences of the withdrawal of recognition.”. 20
- Short title and commencement** 25
4. This Act is called the Free State Provincial and Local Houses of Traditional Leaders Amendment Act, 2021, and will come into operation on a date fixed by the Premier in the *Provincial Gazette*.

MEMORANDUM

1. PURPOSE

To amend the Free State Provincial and Local Houses of Traditional Leaders Act, 2017 (Act No. 7 of 2017), in order to provide for the recognition and representation of Khoi-San communities and leaders in the Free State Provincial House of Traditional Leaders; to provide for the establishment of Khoi-San councils and to provide for matters connected therewith.

2. CLAUSE-BY-CLAUSE EXPLANATION

Clause 1

This clause introduced new definitions that were taken from the Traditional and Khoi-San Leadership Bill, 2015.

Clause 2

This clause enables Khoi-San leaders and communities to become members of the Provincial House of Traditional Leaders.

Clause 3

This clause deals with the recognition of Khoi-San community and branch.

Clause 4

This clause gives the short title.

3. CONSULTATION

The Directorate: Traditional Affairs in the Department of Co-operative Governance and Traditional Affairs will arrange consultation process with relevant stakeholders before the Bill is published in the *Provincial Gazette* in terms of the Rules of the Legislature.

4. FINANCIAL IMPLICATIONS

The Bill will be forwarded to the Department of Sport, Arts, Culture and Recreation for translation and published for comment in the *Provincial Gazette*.

POLELO E AKARETSANG YA TLHALOSO:

- [] Mantswe a hatsitsweng ha tenya ka hara masakana a sekwere a bontsha ho siuwa ha ho hong ho tswa melaong e teng.
- _____ Mantswe a sehetsweng ka mola o senang dikgeo a bontsha ho kenyeletswa ha ho hong melaong e teng.
-

BILI

Ho lokisa Molao wa ho Thehwa ha Ntlo ya Marena ya Provense le Matlo a Marena a Lehac a Freisetata, 2017 (Molao wa 7 wa 2017), e le ho fana ka kananelo le boemedi ba setjhaba le boetapele ba Makhoi-San ka hara Ntlo ya Marena Provenseng ya Freisata; ho lokisetsa ho thehwa ha makgotla a Makhoi-San mme le bakeng sa dintlha tse amanang le ditaba tsena.

HO BEHWE MOLAONG ke Lekgotla la Ketsamelao la Provense ya Freistata, ka mokgwa o latelang:-

Tokiso ya karolo 1 ya Molao wa 7 wa 2017

1. Karolo 1 ya Molao wa Freistata wa Provense le wa Lehac wa Ntlo ya Marena, 2017 (Molao wa 7 wa 2017) (ho tloha mona o tla bitswa “Molao wa Sehlooho”), o lokisitswe ka –
- (a) kenyeletso ya tlhaloso e latelang, pele ho tlhaloso ya “molao wa boitshwaro”:
- “ ‘lekala’ le hlalosa kapa le tla fupara tlhaloso e tshwanang le tlhaloso e karolong 5(4) ya Bili ya Marena le Boetapele ba Makhoi-San, 2015;”
- (b) kenyeletso, ka morao ho tlhaloso ya “Kgosi kapa Morena”, ya ditlhaloso tse latelang:
- “ **Khoi-San**’ e hlalosa motho e mong le e mong ya phelang ho ya ka meetlo le melao ya setso sa Makhoi a Kapa, Magriqua, Makoranna, Manama kapa batho ba Masan, kapa dihlotshwana dife feela tse teng tsa bona, mme ka hona e le moahi wa setjhaba se itseng sa Makhoi-San jwalo ka ha ho hlalositse karolong ya 5 ya Bili ya Marena le Boetapele ba Makhoi-San, 2015;
- ‘Setjhaba sa Makhoi-San’ se hlalosa setjhaba sa Makhoi-San se ananelwang ka mokgwa oo ho latela karolo 5 ya Bili ya Marena le Boetapele ba Makhoi-San, 2015;

'**Lekgotla la Makhoi-San**' e hlalosa lekgotla le thehilweng ho latela karolo 18 ya Bili ya Marena le Boetapele ba Makhoi-San, 2015;

'**Moetapele wa Makhoi-San**' e hlalosa motho ya ananelwang jwalo ka moetapele e moholo wa Makhoi-San kapa hlooho ya lekala ho latela karolo 10 ya Bili ya Marena le Boetapele ba Makhoi-San, 2015;"; hammoho le 5

(c) kenyeletso ka morao ho dhaloso ya "**Lekgotla la Marena**" ya dhaloso e latelang: 10

" '**lekgotlana la marena**' e hlalosa lekgotlana la setso le hlahositsweng karolo 17 ya Bili ya Marena le Boetapele ba Makhoi-San, 2015."

Tokiso tsa karolo 3 ya Molao wa 7 wa 2017

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2. Karolo 3 ya Molao o ka Sehloohong e lokisitswe ke –

(a) Kemelo ya dirapa (b), (d) le (e) tsa karolwana (1) ya dirapa tse latelang:

"(b) Botho ba Ntlo ya Borena bo tla akga ka hare marena a maholo, marena a Makhoi-San mme ka mabaka a utlwahalang kapa ka lebaka la palo e sa lekanang ya marena a maholo, boramotse le/kapa bommamotse: Ha feela setjhaba sa setso se hloka palo e anetseng ya boramotse le/kapa bommamotse, setjhaba sa mofuta ona se tla emelwa ka palo e hlokehang ya ditho tsa ntlo ya boreneng, bao ka sephco sa karolo cna le karolo 9 e tla bang boramotse le/kapa bommamotse."; 20
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"(d) Ditho tsa Ntlo ya Provense, ho latela karolwana (2), di tla kgethwa ke koletjhe ya dikgetho bakeng sa borena kapa Bofumahadi, boetapele bo boholo ba setso le boetapele ba Makhoi-San, ka nngwe le ka makgotla a setso ho kenyeletsa le Lekgotla la Makhoi-San leo e seng karolo ya borena kapa bofumahadi, boetapele ba Makhoi-San kapa boetapele bo boholo ba setso: Ha feela moo lekgotla la setso kapa Lekgotla la Makhoi-San le esong ho thewe, dikgetho di tla tsamaiswa ke setjhaba sa setso kapa setjhaba se amehang sa Makhoi-San. 30
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(e) Koletjhe ya Dikgetho e boletsweng serapaneng (d) e kenyelletsa morena kapa mofumahadi kapa moetapele e moholo wa setso kapa moetapele wa Makhoi-San, marena ohle a maholo le boramotse le/kapa bommamotse bohle ba ka hara borena kapa Bofumahadi kapa boetapele bo boholo ba setso kapa lekgotla la setso kapa Lekgotla le amehang la Makhoi-San. 40

(b) kemelo ya karolwana (2) ya karolwana e latelang:

“(2) Tonakgolo, ho latela karolwana (1)(a), le ka tsebiso ka hara *Koranta ya Provense*, o tla nka qeto mabapi le palo ya ditho tsa borena kapa Bofumahadi kapa setjhaba se seholo sa setso kapa setjhaba sa Makhoi-San hammoho le lekgotla ka leng la setso kapa Lekgotla la Makhoi-San leo e seng karolo ya borena kapa bofumahadi kapa setjhaba se seholo sa setso kapa moo lekgotla la setso kapa Lekgotla la Makhoi-San le esong ho thewe, palo ya ditho tsa setjhaba sa setso kapa setjhaba sa Makhoi-San, le tlang ho ba le kemedi Ntlong ya Provense.”

Kenyeletso ya karolo 3A Molaong Wa 7 wa 2017

3. Dikarolo tse latelang di kenyeletswa ka morao ho karolo 3 ya Molao o Moholo: 15

“Kananelo ya setjhaba le lekala la Makhoi-San

- 3A. (1) (a) Setjhaba, ho latela serapana (b), se ka ctsa kopo ho Tonakgolo hore se ananelwe jwalo ka setjhaba sa Makhoi-San e bang – 20
- (i) baahi ba na le nalane ya boitsebo ba setjhaba se amehang, se welang setjhabeng se ikgethileng se fapaneng le ditjhaba tse ding; 25
 - (ii) se latela melao ya setso le meetlo tse ikgethileng tsa Makhoi-San;
 - (iii) se latela tsamaiso e laolang ke mafa kapa borena ho kgethilweng ba Makhoi-San ka ditheo tse laolang ho ya ka melao ya setso le meetlo ya setjhaba seo; 30
 - (iv) se na le matshwao a mafa a ikgethileng a botjhaba; 35
 - (v) se na le nalane e pakilweng ya setjhaba ho tloha ka nako e itseng ho tla fihla ha jvale; mme
 - (vi) se phela sebakeng kapa dibakeng tse itseng hammoho le baahi ba bang bao e seng karolo ya setjhaba: 40

| | | |
|------|--|----|
| | Ha feela kopo tsohle tsa kananelo jwalo ka ha ho hlalositse karolong ena di tlameha ho fetisetwa Komisheneng mme di tla shebisiswa ho ya ka ditsamaiso tse behilweng karolong 58 ya Bili ya Marena le Boetapele ba Makhoi-San, 2015, ho fihlela nako e boletsweng karolong 57(2)(a) ya Bili ya Marena le Boetapele ba Makhoi-San, 2015, e fedile, ka morao ho hore dikopo tsohle tsa kananelo di tlamehe ho fetisetwa ho Tonakgolo ho latela diphelelo tsa karolo ena. | 5 |
| (b) | Kopo ho ya ka seratswana (a) e tlameha ho tsamaiswa le – | 10 |
| (i) | kopo ya kananelo ya boemo ba Morena e moholo wa Makhoi-San wa setjhaba seo, jwalo ka ha ho boletse karolong 10 ya Bili ya Marena le Baetapele ba Makhoi-San, 2015; le | 15 |
| (ii) | lenane la baahi bohle ba setjhaba: Ha feela lenane lena, mabapi le moahi ka mong, le kenyeletsa – | |
| (aa) | mabitso a felletseng le fane; | 20 |
| (bb) | nomoro ya boitsebiso le khopi e nnetefaditsweng tokomane ya nnete ya boitsebiso kapa phasepoto, kapa moo moahi a leng ka tlase ho dilemo tse 16, khopi e nnetefaditsweng ya lengolo la motho la tlhaho; | 25 |
| (cc) | aterese ya bodulo jwalo ka ha ho nnetefaditswe ka ditokomane tse pakang, hammoho le lebitso la provense eo aterese ena ya bodulo e leng ho yona; | 30 |
| (dd) | dintlha tsa kgokahano; | 35 |
| (ee) | motekeno o ananelang dikamano tsa motho enwa le setjhaba sena; le | |
| (ff) | lesedi lefe feela le tla batlwang ke Khomishene kapa jwalo ka ha Letona le ka batlang ka teng. | 40 |

- Ha eba moahi ofe feela a le dilemong tse ka tlaase ho tse 16, lesedi le hlokwang serapaneng sena le tlameha ho fetiswa ke motswadi ofe feela kapa mohlokomedi ya molaong wa moahi enwa mme motswadi kapa mohlokomedi enwa ya molaong o tlameha ho tekena lenane boemong ba moahi enwa ya amehang. Hape ha eba feela baahi ba le dilemo tse 18 le ho feta, ba ka nka karolo ditabeng tse molaong tsa setjhabeng kapa lekgotla la Makhoi-San, jwalo ka ha ho behetswe Molaong ona. 5
- (c) Motho ya netefaditseng kamano tsa hae le setjhaba se itseng sa Makhoi-San ka ho tekena lenaneng, jwalo ka ha ho hlalositse serapaneng (b)(ii), e keke ya eba moahi wa setjhaba sefe kapa sefe se seng sa Makhoi-San. 10
- (d) Hang feela ha lekgotla la Makhoi-San le se le theilwe bakeng sa setjhaba se itseng sa Makhoi-San, lekgotla lena le tlameha ho ntjhafatsa lenane la ditho tseo ho buuwang ka tsona serapaneng (b)(ii), bonyane hang ka selemo, le ho fana ka dikhopi tsa lenane lena ho Tonakgolo: Ha feela Tonakgolo a ka nka mehato e hlokehang molemong wa hore lesedi le teng ka hara lenane lena le nnetefatswe. 15
- (2) Tonakgolo a ka etsa hore dipatlisiso di etswe, ho nnetefatsa hore setjhaba se fihlella diphelelo tse behilweng karolwaneng (1) le mthcong e behilweng karolo 2. 20
- (3) Tonakgolo, ka morao ho ditherisano le ntlo ya provense, a ka etsa tsebiso ka hara *Koranta ya Provence*, a ananela setjhaba se hlalositsweng karolwaneng (1) jwalo ka setjhaba sa Makhoi-San. 25
- (4) (a) Setjhaba sa Makhoi-San, moo ho hlokehang, se kanna sa ba le makala a ananelwang ho ya ka karolwana (5). 30
- (b) Lekala le ka ananelwa ho ya ka karolwana (5) ebang le – 35
- (i) ananelwa ke setjhaba sa Makhoi-San jwalo ka lekala la setjhaba seo;
- (ii) na le persente tse seng ka tlaase ho tse leshome (10%) tsa palo e fellitseng ya baahi ba setjhaba sena jwalo ka ha ho bontshitswe lenaneng la baahi le boletsweng karolwaneng (1)(b)(ii); 40

- (iii) tla ba le seabo tsamaisong e ntle e sebetsang ka nepo ya lekgotla la Makhoi-San; le
- (iv) ho ananela morena e moholo wa Makhoi-San, ho ya ka molao wa tsa setso le meetlo. 5
- (5) (a) Lekgotla la Makhoi-San, ho latela serapana (b) le (c), le ka kenya kopo ho Tonakgolo ya provense eo lekgotla le fumanwang ho yona, ya kananelo ya lekala ha eba le fihlella dipheho tse behilweng karolwaneng (4). 10
- (b) Ha eba Tonakgolo a dumela hore lekala le fihlella dipheho tse behilweng karolwaneng (4), empa lekala la mofuta ona le fumanwa provenseng e nngwe ntle le provense eo lekgotla la Makhoi-San le fumanwang ho yona, Tonakgolo ya provense eo lekgotla le fumanwang ho yona e tlameha ho kopa Tonakgolo eo ya provense eo lekala le leng ho yona, ho ananela lekala. 15
- (c) Kananelo ya lekala le hlalositsweng serapaneng (a) kapa (b) e itshetlehile ka dikarolwana (6), (7) le (8). 20
- (6) Tonakgolo ya provense eo lekala le leng ho yona e ka kopa hore ho etswe dipatlisiso ho nnetefatsa hore lekala le fihlella dipheho tse behilweng karolwaneng (4). 25
- (7) Tonakgolo ya provense eo lekala le leng ho yona, ho latela karolwana (8), e ka ananela lekala le fihlellang peho e behilweng karolwaneng (4). 30
- (8) Moo setjhaba sa Makhoi-San se nang le makala diprovenseng tse fapaneng, kananelo ya makala ana e tla etswa ke Ditonakgolo tse amehang ka tsebiso ya *Dikoranteng tsa Provense* ya diprovense tseo makala a leng ho tsona. 35
- (9) (a) Tonakgolo e tlameha ho fa Letona tlaleho ka kananelo ya baahi le makala a Makhoi-San, selemo se seng le se seng, kapa ha kopo e jwalo e etswa ke Letona. 40
- (b) Khopi ya tlaleho e boletsweng serapaneng (a) e tlameha ho fetisetwa ntlong ya provense hore se elwe hloko.

Ho fediswa ha kananelo ya setjhaba le lekala la Makhoi-San

- 3B. (1) Ho hulwa ha kananelo ya setjhaba kapa lekala la Makhoi-San, ho latela karolwana (5), ho ka ananelwa ha feela – 45

- (a) lekgotla la Makhoi-San le kopa Tonakgolo hore kananelo ya setjhaba sa Makhoi-San kapa kananelo ya lekala kapa ya makala a setjhaba sa mofuta ona e fediswa; kapa
- (b) Makgotla a Makhoi-San a ditjhaba tse pedi kapa tse ferang moo tsa Makhoi-San a kopa Tonakgolo ho kopanya ditjhaba tsa mofuta ona ho ba setjhaba se le seng sa Makhoi-San: Ha feela kopo ya mofuta ona e tsamaiswa hammoho le mabaka ao kopo ena e itshetlehileng ho ona. 5
- (2) (a) Ho latela seratswana (b) le karolwana (3), Tonakgolo, ka morao ho ditherisano le ntlo ya provense, ka tsebiso ka hara *Koranta ya Provense*, a ka fedisa kananelo ya setjhaba sa Makhoi-San kapa lekala, jwalo ka ha ho hlalositse karolwaneng (1)(a). 10 15
- (b) Moo makala a setjhaba sa Makhoi San a tlang ho fediswa, a fumanchang provenseng tse fetang bonngwe, Ditonakgolo tsa diprovense tseo makala a fumanchang ho tsona, ho latela karolwana (3), ka tsebiso ka hara *Dikoranta tsa Provense*, di dameha ho fedisa kananelo ya makala. 20
- (3) Tonakgolo kapa Ditonakgolo tse amehang, pele di fedisa kananelo ya setjhaba sa Makhoi-San kapa makala ho latela karolwana (2), di ka etsa hore dipatlisiso di be teng hore ho fihlellwe hore ditjhaba tse tla angwa ke kopo e hlalositsweng karolwaneng (1) di ile tsa reriswa le hore di tshhetsa kopo ya mofuta ona. 25
- (4) (a) Tonakgolo e tlameha ho ananela setjhaba se kopantsweng sa Makhoi-San jwalo ka ha ho hlalositse karolwaneng (1)(b) mme a fedise bonngwe ba ditjhaba tsa Makhoi-San tse kopilweng ho kopanngwa, ka tsebiso *Koranteng ya Provense*. 30
- (b) Moo ditjhaba tsa Makhoi-San di kopantsweng teng, ketsahalo ena e tisa phediso ya bonngwe ba makala afe feela kapa lekgotla la Makhoi-San le thehilweng bakeng sa ditjhaba tsena: Ha feela setjhaba se kopantsweng sa Makhoi-San se tlameha ho theha lekgotla la Makhoi-San, ho latela diphelelo tsa karolo 18 ya Bili ya Marena le Boctapele ba Makhoi San, 2015, mme se ka kopa hore makala a ditjhaba tsena tse kopantsweng a ananelwe ho latela diphelelo tsa karolo 5. 35 40

- (c) Tsebiso e boletsweng seratswaneng (a) e tlameha ho qaqisa ditlamorao tsa molao, tsa nnete, le tse ding tsa kopano le tsa phediso, ho kenyeletsa –
- (i) ha eba ho ameha, ho fetisetswa ha thepa, ditjeho le direkoto tsa tsamaiso hammoho le tse ding tsa setjhaba, makala le makgotla a Makhoi-San tse fedisitsweng; le 5
- (ii) boemo ba ketapele ya setjhaba se kopantsweng sa Makhoi-San le ho theolwa setulong ha motshwara marapo wa setjhaba se fedisitsweng sa Makhoi-San kapa lekala. 10
- (5) (a) Kananelo ya setjhaba sa Makhoi-San kapa lekala e tlameha ho hulwa ebang ho laetswe jwalo ke lekgotla la dinyewe. 15
- (b) Tonakgolo e tlameha ho fana ka tsebiso, ka hara *Koranta ya Provense*, ka kgulo ya kananelo, ho latela taelo ya lekgotla la dinyewe. 20
- (c) Tsebiso e hlalositsweng seratswaneng (b) e tlameha ho qaqisa ditlamorao tsa molao, tsa nnete, le tse ding, ka ho hulwa ha kananelo”. 25

Sehlooho se sekgutshwane le qaleho

4. Molao ona o bitswa Molao o Lokisitweng wa ho Thehwa ha Ntlo ya Marena ya Provense le Matlo a Marena a Lehae a Freisetata, 2021, mme o tla kenngwa tshehetsong ka letsatsi le tla behwa ke Tonakgolo ka hara *Koranta ya Provense*. 30

MEMORANDAMO

1. SEPHEO

Ho lokisa Molao wa ho Thehwa ha Ntlo ya Marena ya Provense le Matlo a Marena a Lehae a Freisetata, 2017 (Molao wa 7 wa 2017), e le ho fana ka kananelo le kemedi ya setjhaba le boetapele ba Makhoi-San ka hara Ntlo ya Marena Provenseng ya Freisata; ho lokisetsa ho thehwa ha makgotla a Makhoi-San le bakeng sa dintlha tse amanang le ditaba tse.

2. TLHALOSO YA KAROLO-KA-KAROLO

Karolo 1

Karolo ena e hlalositse ditlhaloso tse ntjha tse tswang Biling ya Marena le Boetapele ba Makhoi-San, 2015.

Karolo 2

Karolo ena e dumella setjhaba le boetapele ba Makhoi-San ho ba ditso tsa Ntlo ya Marena ya Provense.

Karolo 3

Karolo ena e sebetsana le kananelo ya setjhaba sa Makhoi-San le lekala la bona.

Karolo 4

Karolo ena e fana ka sehlooho se sekgutshwane.

3. THERISANO

Bolaodi: Tsa Marena ka hara Lefapha la Kopanelo ya Puso le Borena, bo tla hlophisa ditherisano le baamehi ba tshwanetseng pele Bili e phatlalatswa *Koranteng ya Provense* ho ya Melao ya Ketsamelao.

4. DITLAMORAO TSA DITJHELETE

Bili e tla romelwa Lefapheng la Dipapadi, Bonono, Botjhaba le Boikgathollo bakeng sa phetolelo mme e phatlalatswe ho *Koranta ya Provense* ho fumana maikutlo a batho.

TLHALOSO YA KAKARETSO YA MOKWALO:

[] Mafoko a a kwadilweng mo masakaneng a dikhutlho a supa tlogelo go tswa mo molao o tsenngwang mo tirisong.

___ Mafoko a a thadilweng ka fa tlase ka mola o o kopaneng o supa tlaletso e e teng e e tsenngwang tirisong.

MOLAO-TLHOMO

Go tokafatsa Molao wa go Tlhamiwa ga Makgotla a Porofensi Le a Selegae a Baetapele ba Ngoao le Setso a Foreisetata, 2017 (Molao wa bo 7 wa 2017), e le tsela ya go tlamela kamogelo le boeteledipele jwa Morafe wa MaKhoi-San le ketapele ya bona mo Ntlong ya Magosi ya Porofense ya Foreisetata; le go tlamela ka go tlhoma lekgotla la Ma-Khoi-San ga mmogo le go tlamela mathata a a ba amang.

KA KGOLAGANO ya Palamente ya Foreisetata ka tsela e latelang:

Tokafatso ya karolo 1 ya Molao wa bo 7 wa 2017

1. Karolo ya 1 ya Molao wa go Tlhamiwa ga Makgotla a Porofense Le a Selegae a Baetapele Ba Ngoao le Setso wa Porofensi ya Foreisetata wa 2017 (Molao wa bo 7 wa 2017) (morago ga foo re o fetisetsa go nna molao oo “Okametseng”), ga jaana o tokafaditswe ke – 5
 - (a) go tsenngwa pele ga tlhaloso ya “**molawana wa maitshwaro**” go ya ka tlhaloso e e latelang: 10

“ **Lekala**’ le kaya gore gongwe le tla tshola tlhaloso e tshwanang le ya karolo 5(4) Molao-Tlhomo wa Baeteledipele ba Ngwao le MaKhoi-San, 2015;” 15
 - (b) Go tsenngwa ga lefoko “**Kgosi kgotsa Morena**” mo tlhalosong tse di latelang: 20

“ **Khoi-San**’ le raya gore motho mongwe le mongwe o phelang ka go latela melao ya setso le ngwao ya MaKhoi-San, maKhoi a Kapa, MaGriqua, Makorana, Manama gongwe batho ba Masan, gongwe sethotshwana sengwe se se welang mo go tseo, ka ga jalo a iphitlhela e le leloko la morafe mongwe wa MaKhoi San o o thalositse mo karolong (5) ya Molao-Tlhomo wa Baeteledipele le Ngwao ya MaKhoi-San, 2015; 25
- ‘**Morafe wa Khoi-San**’ Morafe wa MaKhoi-San o o amogetsweng go ya ka karolo ya (5) Molao-Tlhomo wa Boeteledipele le Ngwao ya MaKhoi-San, 2015;

'Lekgotla la MaKhoi-San' e raya gore lekgotla le le tthomilweng go ya ka karolo 18 ya Molao-Tlhomo wa Boeteledipele le Ngwao ya MaKhoi-San, 2015;

'Moeteledipele wa maKhoi-San' le raya motho o amogetsweng jaaka moeteledipele o mogolwane wa MaKhoi-San gongwe tlhogo ya lekala go ya ka karolo ya 10 ya Molao-Tlhomo wa Boeteledipele le Ngwao ya MaKhoi-San, 2015;"; gape 5

(c) daleletso (tlhomo) morago ga tthaloso ya "khansele ya Ngwao" ya tthaloso e e latelang: 10

" 'lekgotla le le kafa tlase ga lekgotla la ngwao" e raya khansele e ka fa tlase ga e tthalositsweng ka botlalo mo karolong ya 17 ya Molao-Tlhomo wa Boeteledipele le Ngwao ya MaKhoi-San , 2015." 15

Tokafatso ya karolo ya 3 ya Molawana wa 7, wa 2017

2. Karolo ya 3 ya tlhogo ya melao e tokafaditswe ke -- 20

(a) Phetolo ya ditemana tsa (b), (d) le (e) tsa karolwana ya ditemana tse di latelang:

“(b) Maloko a Ntlo ya Porofense e tla nna kgosikgolo, baetapele ba MaKhoi-San, le ka fa tlase ga mabaka a a bonalang kgotsa go sena palo e lekaneng ya baeteledipele ba dikgosi, tlhogo ya monna/mosadi: fa e le gore morafe wa ngwao eo ga o na palo e lekaneng ya tlhogo ya monna/mosadi. Morafe oo o tla emelelwa ke maloko a lelapa la bogosi, go ya ka mabaka a karolo e le karolo ya 9 a tla tlhoniwang e le tlhogo ya monna/mosadi.”; 25 30

“(d) Maloko a Ntlo ya Porofense go ya ka karolwana ya 2, a dhophiwa jalo ke segongwana sa/lekgotla la ditlhopho go tlhopha kgosi/kgosigadi, kgosikgolo le baeteledipele ba MaKhoi-San go tsenyeletsa le lekgotla la ngwao e tsenyeleditseng lekgotla la maKhoi-San e e seng karolo ya kgosi gongwe kgosigadi, Boeteledipele jwa MaKhoi-San kgotsa moeteledipele wa magosi: Ntlele fa e le gore Lekgotla la bogosi kgotsa lekgotla la maKhoi-San ga e ise e ribololwe, ditlhopho di tla dirwa ke morafe wa ngwao kgotsa morafe wa maKhoi-San a a amegang. 35 40

(c) Segongwana sa Lekgotla la ditlhopho le le kaiwang mo temaneng ya (d) le na le kgosi kgotsa mohumagadi wa moeteledipele wa dikgosi kgotsa moeteledipele wa maKhoi-San, bagolo botlhe ba baeteledipele ba ngwao/setso, ga mmogo le tlhogo ya monna/mosadi mo bogosing jo bo eteletsweng ke monna kgotsa mosadi gongwe moeteledipele wa magosi gongwe khansele ya magosi gongwe lekgotla la maKhoi-San e e amegang.”; gape 45

(b) Phetolo ya karolwana(2) ya dikarolwana tse di latelang:

“(2) Go ya ka karolwana (1)(a), Tonakgolo ka kitsiso mo Lekwalodikgang la Porofense, a baye palo ya maloko a bogosi jo bo eteletsweng pele ke Kgosi/Kgosigadi kgotsa mogokgo wa morafe wa ngwao kgotsa morafe wa maKhoi-San, mme Lekgotla la bogosi bonngwe le bonngwe kgotsa lekgotla la maKhoi-San e e seng karolo ya bogosi jwa kgosi kgotsa kgosigadi kgotsa mogokgo wa morafe wa ngwao kgotsa mo lekgotla la bogosi kgotsa lekgotla la maKhoi-San e iseng e supiwwe, palo ya maloko a morafe wa ngwao kgotsa morafe wa maKhoi-San gore o nne le kemedi mo Ntlong ya Porofense.”.

Go tshamelwa ga karolo ya 3A mo molaong wa 7 wa 2017

3. Dikarolo tse di latelang di tshametswe morago ga karolo ya 3 ya molwa o mogolo: 15

“Kamogelo ya morafe wa maKhoi-San le lekala

- 3A. (1) (a) Go ya ka temana (b), Morafe o ka ikopela mo tonakgolong go amogelwa jaaka morafe wa maKhoi-San ka fa tlase ga mabaka a – 20
- (i) O na le hisetori/sesupo seo morafe o o amegang se ka itshupang ka sona, o bontsha gore o wela mo morafeng wa letso le le farologaneng go na le e mengwe yotlhe; 25
 - (ii) O obamela molao le meetlo ya ngwao e farologaneng e e supilweng ke maKhoi-San; 30
 - (iii) E busiwa le go latela tsamaiso ya boswa jwa bogosi jwa maKhoi-San, mme popego jalo e laola go ya ka meetlo le molao wa morafe oo; 35
 - (iv) E na le mokwalo wa setso le ngwao e e farologaneng; 35
 - (v) O na le hisetori e nang le bopaki ya morafe go tswa ga lowe go tla go fitlha ga jaana; gape 40
 - (vi) Ba nna mo lefelong le le rileng gongwe mafelo a a farologaneng mmogo le maloko a merafe e mengwe: 40

- Ga dikopo tsa kamogelo, tse di tsamaelanang le karolo e di begilwe mo komisheneng, e bile e rarabolotswe go ya ka ditsamaiso tse di manegilweng mo karolong 58 ya Molao-Tlhommo ya Boeteledipele le Ngwao ya MaKhoi-San wa 2015, go fitlha nako eo e e kaiwang mo karolong ya 57(2)(a) ya Molao-Tlhommo ya Boeteledipele le Ngwao ya MaKhoi-San wa 2015 o o sa tiholeng o dirisiwa, ga fa morago ga dikopo tsa kamogelo di begilwe mo go Tonakgolo go ya ka karolo e. 5
- (b) Kopo go ya ka temana (a) e tshwanetse go tsamaya le – 10
- (i) Kopo ya kamogelo ya seemo sa moeteledipele yo mogolo wa morafe wa MaKhoi-San jaaka go lebeletswe ka kelotlhoko mo karolong ya 10 ya Molao-Tlhommo wa Ngwao le Boeteledipele jwa MaKhoi-San wa 2015; gape 15
- (ii) lenaneo la maloko a morafe: Go lebeletswe gore lenaneo le tlhomphe moleloko mongwe le mongwe ka go kwala – 20
- (aa) maina ka botlalo le sefane; 30
- (bb) nomoro ya lekwaloitshupo le kgatiso e netefaditsweng ya lekwaloitshupo kgotsa bosupi ja mokwalo gongwe pasa e e mo molaong, kgotsa ga moleloko a le ka fa tlase ga dingvaga di le 16, kgatiso e e netefaditsweng ya lekwalo la thago; 25
- (cc) aterese jaaka go netefaditswe ka mokwalo wa bopaki, go akaretsa le leina la porofense eo lefelo le o le leng teng; 30
- (dd) nomoro tsa mogala; 35
- (ee) mosaeno o o bontshang kamano ya motho le morafe oo; gape
- (ff) tshedimosetso e nngwe le nngwe e e ka kopiwang ke komishene kgotsa e laetswe ke Tona. 40

- Mo maemong a fa moleloko wa morafe a le ka fa tlase ga dingwaga di le 16, kitso ee tshokagalang go ya ka karolwana e, e tshwanetse e lerwe ke mogolo mongwe le mongwe gongwe motlhokomedi wa semolao wa moleloko oo, mme mogolo oo gongwe motlhokomedi wa semolao oo o tshwanetse go saena lenaneo mo boemong jwa moleloko o o maleba: Ga fela ntlele foo, ga maloko wa morafe a le dingwaga di le 18 gongwe go feta ba na le tetla ya go tsaya karolo mo mererong e tshwanetseng go dirwa ya morafe wa MaKhoi-San gongwe khansele jaaka go beilwe jalo mo Molaong. 5
- (c) Motho yo o netefaditseng botsalano jwa gagwe le morafe o o rileng wa MaKhoi-San ka go saena lenaneo jalo go ya ka tshekatsheko ya temana ya (b)(ii), ga a kake a nna leloko la morafe ope wa MaKhoi-San. 15
- (d) Ga fela lekgotla la MaKhoi-San e sena go supywa mo morafeng o o rileng wa MaKhoi-San, khansele ya mofuta oo e tshwanetse go bega sesha lenaneo la maloko go ya ka temana (b)(ii) bogolo ga nngwe fela ngwaga le ngwaga le go go fa Tonakgolo bopaki jwa lenaneo: Go direla gore ga Tonakgolo a ka tsaya dikgato tse di maleba go bona fa kitso e e tshotsweng e ka netefadiwa. 20
- (2) Tonakgolo o ka dira gore dipatlisiso di dirwe go re go lekolwe fa morafe o go ya ka ditlhokwa tsa karolwana (1) le molawana wa maitsholo o o beilweng mo karolong ya 2. 25
- (3) Tonakgolo o ka tshwara ditherisano le ntlo ya porofense, ka tsela ya kitsiso mo Lokwalodikgang la Mmuso mabapi le kamogelo ya morafe jaaka go lebeletswe ka ketlotlhoko mo karolwaneng (1) jaaka morafe wa MaKhoiSan. 30
- (4) (a) Morafe wa MaKhoi-San ga go tshokega, o ka nna le makala a a amogetsweng go ya ka karolwana ya (5). 35
- (b) lekala le ka amogelwa go ya ka tsamaiso ya karolwana (5), fa e le gore – 40
- (i) e amogetswe ke morafe wa MaKhoi-San jaaka lekala la morafe oo
- (ii) e na le maloko a a seng ka fa tlase ga palo gotlhe ya maloko a 10% jaaka go tshothomisitswe mo lenaneng la maloko a morafe go ya ka karolo (1)(b)(ii); 45

- (iii) E tla tsenya letsogo mo ditsamaisong tsa khansele ya MaKhoi-San tse di dirang sentle e bile di kgathisa; gape
- (iv) E amogela moeteledipele o mogolo wa MaKhoi-San go ya ka molao le meetlo. 5
- (5) (a) Ka fa tlase ga temana (b) le (c), khansele ya MaKhoi-san e ka dira kopo go Tonakgolo ya Porofense, mo lekgotla le theilweng teng go amogela lekala ga ba tsamaya ka ditlhokwa tse di manegilweng mo karolwaneng ya (4). 10
- (b) Fa Tonakgolo a lemoga gore makala a sala morago ditlhokwa tse di manegilweng mo karolwaneng (4), mme lekala le o le bonwa kwa porofenseng e nngwe e lekgotla la MaKhoi-San le bonwang teng, Tonakgolo ya porofense e khansele e leng teng e tshwanetse go direla Tonakgolo ya porofense e lekala le bonwang teng kopo ya kamogelo ya lekala leo. 15
- (c) Kamogelo ya lekala le le tlhalositsweng ka botlalo mo temaneng ya (a) kgotsa (b) e gogwa ke karolwana (6), (7) le (8). 20
- (6) Tonakgolo ya porofense e lekala le fitlhelwang mo go yona e ka laela gore godirwe dipatlisiso, gore e bone fa lekala le tsamaya ka ditlhokwa tsa karolwana (4). 25
- (7) Tonakgolo ya porofense e lekala le fitlhelwang mo go lone ka karolwana ya (8) e ka amogela lekala le le tsamayang ka ditlhokwa tse di manegilweng mo karolwaneng (4). 30
- (8) Ga morafe wa MaKhoi-San o na le makala mo diporofenseng tse di farologaneng, kamogelo ya mothale oo e tshwanetse go dirwa ke Ditonakgolo tse di maleba, ka tsela ya go phasalatsa mo Makwalodikgang a Diporofense tse makala ao a fitlhelwang teng. 35
- (9) (a) Tonakgolo o tshwanetse gore ngwaga o mongwe le o mongwe, gongwe go ya ka kopo ya ga Tona ka pegelo ya kamogelo ya morafe wa MaKhoi-San le makala. 40
- (b) Kgatiso ya pegelo e e kailweng mo temaneng ya (a) e tshwanetse go lerwe kwa ntlong ya porofense go ba itsise.
- Pusetso morago ya kamogelo ya morafe wa MaKhoi-San le makala 45**
- 3B. (1) Pusetso morago ga kamogelo ya morafe wa MaKhoi-San gongwe lekala go latela karolwana (5), e ka bonwa fela ga –**

- (a) khansele ya MaKhoi-San e kopa Tonakgolo gore kamogelo ya MaKhoi San gongwe kamogelo ya lekala gongwe makala a morafe oo a busediwe morago; gongwe
- (b) makgotla a mabedi pedi a MaKhoi-San gongwe Makgotla a fetang bongwe a amogetsweng a ka kopa Tonakgolo go a kopanya jaaka e le merafe e welang ka fa tlase ga morafe o le mongwe wa MaKhoi-San: Go tloga foo kopo eo e tla tshwanelwa ke go dirwa ka mothale o dikopo di dirwang ka o ne. 5
10
- (2) (a) Go ya ka temana (b) le karolwana (3), morago ga ditherisano le ba ntlo ya porofense, Tonakgolo o ka itsise pusetso morago ya kamogelo ya morafe wa MaKhoi-San gongwe lekala go ya ka karolwana ya (1)(a) mo Lekwalodikgang la Porofense. 15
- (b) Fa makala a morafe wa MaKhoi-San a tla gogelwa morago, a fitlhelwa mo porofenseng e feta nngwe, Ditonakgolo tsa diporofense tse makala a fitlhelwang kwa go tsona di tshwanetse go latela Karolwana ya (3), ba itsise moMakwalodikgang a Porofense a a maleba ka ga kgegelo morago ya kamogelo ya makala. 20
- (3) Tonakgolo kgotsa ditonakgolo tse di amegang pele di ka gogela morago kamogelo ya morafe wa MaKhoi-San le makala go ya ka karolwana ya (2), ba ka dira dipatlisiso tse di kgontshang go supiswa le fa e le morafe o o tla amiwang ke kopo go ya ka tshakatsheko ya ka karolwana (1) ka go rerisana le go tshagetsa kopo ya mothale oo. 25
30
- (4) (a) Tonakgolo o tshwanetse go amogela merafe e kopantsweng ya MaKhoi-San e e tshalositsweng ka botlalo mo karolwaneng ya (1)(b) le go phatlalatsa maloko ka nosi a morafe wa MaKhoi San a a dirileng kopo jaka go tshalositswe ka botlalo mo karolwaneng ya (1)(b) le go phatlalatsa maloko ka nosi a morafe wa MaKhoi-San a a kopilweng go kopanngwa ka go itsise mo Lekwalodikgang la Porofense. 35
- (b) Fa merafe ya MaKhoi-San e kopantswe, kopano eo e tsala kgegelo morago ya lekala lengwe le lengwe kgotsa khansele ya MaKhoi-San e e tlhomilweng mo morafeng oo: ga fela morafe wa MaKhoi-San o o kopantsweng o ka tlhoma lekgotla la MaKhoi-San go ya ka mabaka a tshalositsweng mo karolo 18 ya Molao Tlhommo wa Ngwao le Boeteledipele jwa MaKhoi-San, 2015, le go dira kopo ya gore makala a masha a morafe o kopaneng o amogelwe go latelwa dikgato tsa karolo (5). 40
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- (c) kitsiso e go buiwang ka yona mo temaneng ya (a) e tshwanetse go tlhalosa tsamaiso ya semolao, e dirwa le ditlamorago tsa kopano le phatlalatsa tse di tsenyeletsang –
- (i) ga go tlhokagala, go fetisiwa ga dithoto, disuga tsa semolao le tsamaiso ga mmogo le dibuka gatisitsweng tsa morafe, makala le khansele ya MaKhoi-San, gape 5
- (ii) macmo a boeteledipele jwa merafe e kopaneng ya MaKhoi-San le phatlhatiro di bulege le go tswa mo kantorong ya mongwe o o mo kantorong ya morafe gongwe lekala la morafe wa MaKhoi-San o o phatlaladitsweng. 10
- (5) (a) Kamogelo ya morafe wa MaKhoi-San gongwe lekala le tshwanetse go gogelwa morago go ya ka taelo ya kgotlatshekelo. 15
- (b) Tonakgolo o tshwanetse go ntsha kitsiso jalo mo Lekwalodikgang la Porofense ga gona le kgogelo-morago ya kamogelo, e le go ya ka taelo ya kgotlatshekelo. 20
- (c) Kitsiso e e tlhalositsweng ka botlalo mo temaneng (b) e tshwanetse e nne ya semolao, e e dirwang, mme e na le ditlamorago tsa kgogelo-morago ya kamogelo.”. 25

Setlhogo se se khutshwane le nako ya go tsennngwa tirisong

4. Molao o na o bidiwa molao o Tokafaditsweng wa go Tlhamiwa ga Makgotla a Porofensi Le a Selegae a Baetapele ba Ngoao le Setso a Forcisitata, 2021, e bile o tlile go tsennngwa mo tirisong ka letlha le le beilweng ke Tonakgolo mo Lekwalodikgang la Porofensi. 30

MEMORANTAMO

1. MAIKAELELO

Go tokafatsa Molao wa go Tlhamiwa ga Makgotla a Porofensi Le a Selegae a Baetapele ba Ngoao le Setso a Foreisitata, 2017 (Molawana wa bo 7 wa 2017), e le tsela ya go tlamela Morafe wa MaKhoi-San ka kemedi le boetapele le kamogelo mo ntlong ya magosi ya Porofense ya Foreisetata; go tlamela ka tshimologo ya lekgotla la Morafe wa MaKhoi-San, le go tlamela go ya ka mathata a a ba amang.

2. DITLHALOSO TSA KAROLWANA NNGWE LE NNGWE

Karolwana ya 1

Karolwana e e itsisitse tshaloso e ntshwa e e tswapotsweng/tserweng go tswa mo molao-tlhomong wa boeteledipele le ngwao ya Ma-Khoi le San, 2015.

Karolwana ya 2

Karolwana e e kgontsha baeteledipele le morafe wa MaKhoi-San go nna maloko a Ntlo ya Magosi ya Porofense.

Karolwana ya 3

Karolwana e na e semagana le kamogelo ga morafe wa MaKhoi-San le lekala.

Karolwana ya 4

Karolwana e e neelana ka setlhogo.

3. DITHERISANO

Bolaodi: ba Merero ya tsa Ngwao le Setso mo lefapheng la Puso ya Tirisano le ba merero ya setso ba da rulaganya manaane a ditherisano le baamegi ba ba maleba pele Molao-Tlhommo o phasaladiwa mo Lekwalodikgannyeng la Porofensi, go ya ka melawana ya Palamente.

4. TSHITSHINYO YA MATLOLE

Molao-Tlhommo o na o tla fetisediwa kwa Lefapheng la Metshameko, Botaki, Setso le Boitapoloso gore o kgone go ranololwa le go phasaladiwa, go direla go akgela dikgaba mo Lekwalodikgannyeng la Porofense.

