

## ECO-6 AND THE GLOBAL COMMONWEALTH OF NEW AFRICA INTERREGIONAL COURT OF JUSTICE

TO THE PLAINTIFF OR APPLICANT (OR MOVING PARTY) in the matter between,

BOKHOLOKOE ROYAL TRUST MOTAAWANA,  
Applicant(s)

v.

REPUBLIC OF SOUTH AFRICA, MALUTI-A-PHOFUNG  
LOCAL MUNICIPALITY, FREE STATE PROVINCE,  
MINISTRY OF FINANCE, SOUTH AFRICAN RESERVE  
BANK

Respondent(s)

### JUDGEMENT

Justice: The Most Honourable Supreme Justice  
HRM Rex Semako I & VI

Date Filed: January 27, 2026

CITATION: BAKHOLOKOE NATION v. REPUBLIC OF SOUTH AFRICA 2022 SRSC-001

Date: 2022/23/11

Docket: SADC83666101

Registry: Sixth Region

#### **Between:**

Bakhokoe Royal Trust Motawana, (Plaintiffs)

*Legal Submissions:* H.M. Dr. King Letsitsa Maloi III

vs.

Republic of South Africa, Maluti-a-Phofung Local Municipality, Free State Province, Ministry of Finance,  
and the South African Reserve Bank (Defendants)

*Legal Submissions:* Lyndon Gysman, Chris van der Walt, Yana van Leeve, Michael Katz, (Judge) R. Cronjé

### **FINAL JUDGEMENT**

Having considered the documents filed and recorded, apprised of the current tendency for the *law of power* to prevail over the *power of law*, having heard the legal arguments of the parties within this Indigenous land title and rights case, appreciating that this is a precedence ruling in post-erasure of Berlin Conference borders of Africa per Section 7(1, 2) of the Foreign Border Tax Act (2021)

IT IS ORDERED THAT:

1. The Applicant's non-compliance with any rules beyond traditional royal convention regarding service, including time limits, and any other non-compliance with any rules beyond traditional royal convention whatsoever, is condoned, and the ex parte application for judgment may be heard.

2. It is declared that:

2.1 The Applicant is the registered indigenous owner within the Primary Land Registry of the following immovable lands (hereinafter further collectively referred to as “the Applicant’s territory”):

**2.1.1 All lands to the sum and total of 550,000 hectares known to be the Bakhelokoe Nation tribal territory, sometimes known as Transvaal and Orange River Colony, sometimes known as Free State Province, all times known as Bakhelokoe Nation tribal territory.**

2.2 The Respondents singularly and collectively have no rights to and in respect of the Applicant’s territory, the Respondent being a non-registered holder of a primary land deed and/or Crown land.

2.3 No borders erected by the Respondents shall prevent the Applicant from participating in regional and continental free trade, tourism, and the free movement of people, goods, and services, with all Berlin Conference and external border privileges under erasure per Section 7(1,2) of the Foreign Border Tax Act, 2021.

3. The Respondents are interdicted from purporting to grant to any person rights to and/or in respect of the Applicant’s territory, including, but not limited to property deeds, mining rights, mineral rights, and other instruments of land privilege belonging to the registered *dominus* of the Applicant’s territory, or any portion thereof

**3.1 unless granted a permission-to-occupy (PTO) or other similar right, first by the Applicant, for each considered portion,**

**3.2 each portioned being registered in a secondary land ownership registry.**

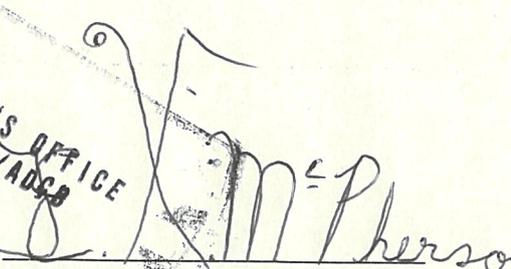
4. The Respondents are interdicted and restrained from:

4.1 Inciting any person to trespass and/or invade any of the Applicant’s territory, and/or erect any structures, buildings or dwellings whatsoever within the Applicant’s territory, and/or to conduct any farming activities in any of the Applicant’s territory, and/or to bring cattle, or any other livestock whatsoever, in any of the Applicant’s territory without the express permission of the Applicant.

- 4.2 Exercising authorities and powers (if any) beyond the lower house of parliament within the territory, all executive powers of the upper house being reserved to the Applicant.
- 4.3 Non-compliance with the monetary rules and regulations of the territory.
5. Any roads under fee or toll of the Respondents, as well as all licensed institutions, including, banks, trust companies, stores, and any retail and commercial enterprises licensed by a body of the Respondents, being located within the territory of the Applicant, must accept (AKL) as the legal tender of the Applicant.
6. The Respondents shall pay the accumulated regional fines and orders of contempt including December 16, 2025, January 12, 2026, and January 22, 2026.
7. The Applicant shall compensate any and/or all farmers or deed holders dispossessed of lands at 100% market value of the land. The Applicant shall make all payments of compensation using the local legal tender or money of the Applicant.
8. The order in terms of this application may be served by:
- 8.1 Delivery to the Office of the President,  
8.2 Ministry of Justice and Constitutional Development, or  
8.3 Legal representatives.
9. This judgement shall be served to SADC, the RECs, the AU, and relevant foreign embassies.
10. This judgement shall be publicly posted for creditors of interest.
11. This order shall be attached to the Sixth Region Primary Land Registry.

IT IS SO ORDERED.

Dated: February 2, 2025

BY: 

The Most Honourable Supreme Justice  
HRM REX SEMAKO I & VI