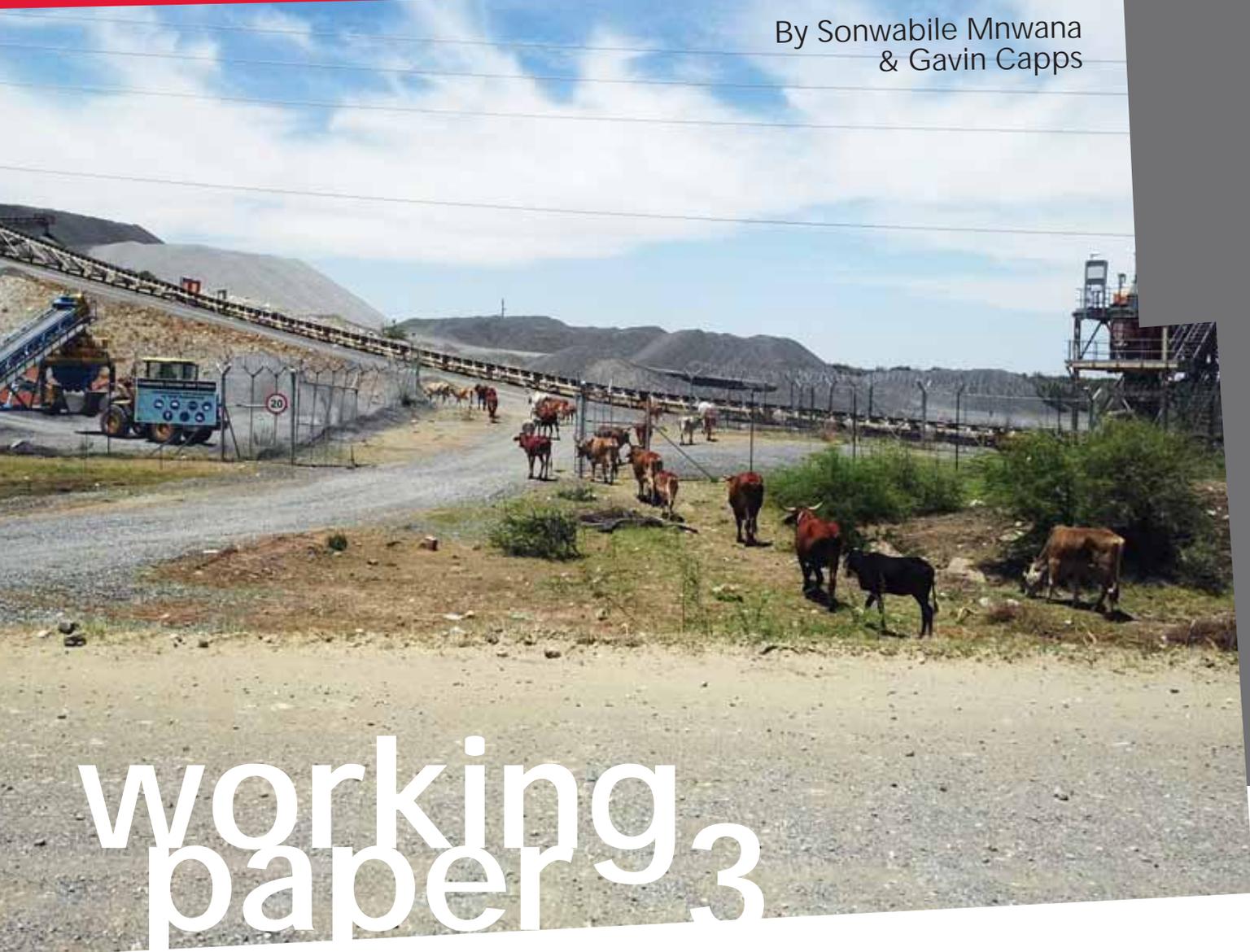


# 'No chief ever bought a piece of land!'

Struggles over property, community and mining in the Bakgatla-ba-Kgafela Traditional Authority Area, North West Province

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& Gavin Capps



working  
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MARCH 2015

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*All photos: Sonwabile Mswana*

*Cover photo: Village cattle on the gravel road that runs past the PPM operations*

# WORKING PAPER: 3

MARCH 2015

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### About MARTISA

Mining and Rural Transformation in Southern Africa (MARTISA) is a comparative research project established by the Society Work and Development Institute (SWOP) to investigate the impact of new mining activity on evolving forms and relations of communal land, traditional authority and corporate community in mineral-rich rural areas of Southern Africa. In particular, it seeks to explore the interconnections between broader changes in the regional political economy of extraction, and the highly localised trajectories, patterns of differentiation and modes of contestation of these diverse configurations of rural property and power. MARTISA is thus concerned with the making and unmaking of rural social orders as mining capital expands out of its historic heartlands into the former homeland and labour-sending areas, which increasingly constitute the region's mineral-commodity frontiers and hence some of its most intensive sites of rural transformation and struggle.

As well as aiming to generate high quality research in its own right, MARTISA seeks to advance a pro-poor agenda by supporting local human-rights NGOs and community-based organisations active in these areas, and by building collaborative links with academic researchers and civil society organisations elsewhere in the Global South. The project is generously funded by the Human Rights and Governance Programme of the Ford Foundation.



FORDFOUNDATION

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## Acronyms & Abbreviations

AEIC	African and European Investment Company
Amplats	Anglo American Platinum
BBKCPA	Bakgatla-ba-Kgafela Community Property Association
BBSTCA	Bakgatla-ba-Sefikile Traditional Community Association
BEE	Black Economic Empowerment
BC	Bushveld Complex
COBACO	Concerned Bakgatla Anti-Corruption Organisation IBC
DRC	Dutch Reformed Church
IBMR	Itereleng Bakgatla Mineral Resources (Pty) Limited
JCI	Johannesburg Consolidated Investment Co. Ltd
LGTA	Local Government and Traditional Affairs
LLC	Lesetlheng Land Committee
LTAA	Land Title Adjustment Application
MKLM	Moses Kotane Local Municipality
PGMs	platinum group metals
RPM	Rustenburg Platinum Mines
MPRDA	Mineral and Petroleum Resources Development Act 28 of 2002
PPM	Pilanesberg Platinum Mines
SADT	South African Development Trust
TC	Traditional Council
TLGFA	Traditional Leadership Governance and Framework Act 41 of 2003
YDOs	Youth Development Officers



## Glossary

The list below contains the generic Setswana words that have been used in the paper. Other contentious and context-specific Setswana phrases and terms are explained wherever they are used in the text.

<i>Bogosi</i>	The chieftainship
<i>Dinawa</i>	Beans
<i>Kgoro</i>	Ward - a decentralised politico-administrative unit comprised of families of common patrilineal descent that venerate the same totem (aka a clan) and, typically, affiliates of diverse origin (plural: <i>dikgoro</i> )
<i>Kgosana</i>	Hereditary headmen or sub-chief or wardhead (plural: <i>dikgosana</i> )
<i>Kgosi</i>	Chief or King (plural: <i>dikgosi</i> )
<i>Kgosikgolo</i>	Paramount chief
<i>Kgoro ya Kgosing</i>	The royal ward
<i>Lekgotla</i>	Village/ward meeting (plural - <i>makgotla</i> )
<i>Mabele</i>	Sorghum
<i>Mephato</i>	Age regiments
<i>Morafe</i>	The political community - 'chiefdom', 'nation' or 'tribe'

## Note on nomenclature and participant anonymity

It has become common in the 'new' South Africa to use the terms 'traditional leaders' and 'traditional communities' when referring to what were previously called 'chiefs' and 'tribes'. At one level, these changes in nomenclature are to be welcomed as part of the attempt to move away from South Africa's racist past and restore dignity to the previously oppressed. However, they can also in their own way be misleading and potentially derogatory. In reality many 'traditional' communities and leaders were fundamentally reshaped (or at times created) by centuries of colonial, segregationist and apartheid rule, very often in the face of the resistance of their subjects. To treat such constructs as 'traditionally African' can thus give them a legitimacy that they do not possess and, thereby, deny a defining element in the modern history of South Africa's black majority.

In this Working Paper, we therefore use the terms 'chief', 'tribe' and 'tribal authority' interchangeably in order to make it clear that these are not only products of South Africa's comparatively recent past, but ones that very much remain a feature of the post-apartheid rural landscape in a more or less unchanged form.

Respondents who participated in this study requested to remain anonymous. We have honoured this request and refrain from using respondent's names in this paper.

# One

## Introduction: Bakgatla in Context

### 1.1 New rural struggles on the platinum belt

Unlike the gold industry, which largely developed in urban industrial centres, the platinum industry has shifted the geographical focus of post-apartheid mining. The vast platinum-rich geological formation of the Bushveld Complex primarily spreads beneath communal land under the administrative control of traditional (formerly known as 'tribal') authorities. In the past two decades, these densely populated rural areas have become the focus for the expansion of the platinum industry, particularly in the North West and Limpopo provinces. Having previously fallen under the 'independent homelands' of Bophuthatswana and Lebowa, respectively, they bear the bitter hallmarks of the apartheid order: extreme poverty, massive unemployment, poor education and a paucity of basic public services. Major operations of the world's largest platinum producers such as Anglo American Platinum Limited (Amplats), Impala Platinum Holdings Limited (Implats) and Lonmin Plc (Lonmin) compete for space with rural communities on this new mining frontier.

The dramatic expansion of extractive activity in these communal areas coincides with post-apartheid attempts to redefine residents in the former homelands as subjects of 'traditional communities' (or 'tribes') under chiefs. Legislation enacted since the early 2000s has not only enhanced the powers of traditional leaders in South Africa, but has also enabled chiefs to play an increasingly significant mediating role between rural communities and the mining corporations.

Although the post-1994 African National Congress (ANC) government at first vacillated about defining and codifying the powers and status of traditional leaders, it eventually passed legislation that increased their power in rural local governance. The Traditional Leadership and Governance Framework Act of 2003 (Act 41 of 2003) re-empowers traditional (tribal) authorities to preside over precisely the same

geographical areas that were defined by the apartheid government. Among other things, the Act enables chiefs and their traditional councils to be granted powers over the administration and control of communal land and natural resources, economic development, health, welfare, and to administer justice. As such, it not only imposes former apartheid tribal authority demarcations on rural citizens, but also promotes a controversial governance role for 'recognised' chiefs.<sup>1</sup>

Post-apartheid laws regulating mineral rights, particularly the Minerals and Petroleum Resources Development Act of 2002 (Act 28 of 2002, or the MPRDA) and its accompanying regulations, has also facilitated the integration of traditional leaders into the mining industry. In seeking to redress past injustices by transforming relationships between the mining companies and local communities, this legislation has adopted a range of measures, including continued royalty payments, black economic empowerment (BEE) mine-community partnerships, and social labour plans as requirements for mining companies (Capps, 2012b). In particular, the state has encouraged 'communities' who previously received royalty payments for the exploitation of their mineral resources to convert these into direct equity stakes in the mining companies.

The combined effect of these laws is that chiefs are increasingly controlling the interactions between mining corporations and the 'traditional communities' they formally represent. It is far easier for mining companies to talk to a single chief than the thousands of rural people who are affected by each mining development. As the presumed custodians of communal land, chiefs thus enter into mining contracts and receive mineral revenues on behalf of their rural subjects. With the state's support, traditional leaders have become powerful intermediaries of mining deals and mineral-led development in the former homelands.

This chief-centred model of community participation in the mining industry has received increased media attention, particularly since the 2012 Marikana massacre. In the face of protracted labour unrest in the platinum sector, the dominant view propagated by government, mining companies and chiefs alike is

that the involvement of traditional leaders is crucial for establishing and maintaining congenial relations within the platinum sector. However, recent research has shown that this has not yet led to tangible benefits for community members (see, for example, Mnwana, 2012). Rather, it has tended to enhance the power of the chiefs while undermining transparency and their accountability. And this in turn has generated a wave of new rural struggles over land rights and legitimate authority, which are increasingly fought out through languages of custom, and competing definitions of group boundaries.

Chiefs argue that those versions of custom which emphasise their 'traditional' powers over rural property and people must be respected - a line that stretches back to the 'indirect rule' policies of the colonial and apartheid periods (Mamdani, 1996). This, however, is frequently opposed by ordinary villagers who point to their customary rights in land-use decision-making, and the popular constraints that this places on chiefs in their relations with mining corporations. At the same time, disputes over the control of land and the benefits arising from its exploitation are expressed in terms of social identity and belonging. Competing claims to land thus frequently manifest through contested constructions of community, and disputes over who legitimately belongs to that group - and who should be excluded.

If these are common features of the new rural struggles erupting across the platinum belt, the forms that they take are also profoundly shaped by the specific land

and political histories of each locality. In this study, we explore one such case in detail, that of the Bakgatla-ba-Kgafela traditional council area in the North West Province, focussing on the interrelationships between property, community and authority at the village level.

## 1.2 The Bakgatla study

[A] local community with strong leadership is an [asset] to a mining company, providing easy access to labour and lowering costs ... Companies ... can approach these communities in a structured way ... it's a win-win situation for everyone (Kgosi Nyalala Pilane, 2014)<sup>2</sup>

Encompassing some 40 farms, the Bakgatla territory spreads over the north-eastern and north-western foothills of the magnificent Pilanesberg Mountains, about 60 km north of the town of Rustenburg (see *figure 1 - map*). With an estimated population of 160 000 residents living in 32 villages (Hamilton, 2012:35), it is one of the largest traditional authority areas in the North West Province. Bakgatla has also been implicated in the regional platinum economy since prospecting began in the 1920s. But it is in recent years that mining has really taken off with the broader expansion of the platinum industry - and with the enthusiastic support of its current leader, Kgosi Nyalala Pilane, as suggested by the quotation above.

Mining proper began in Bakgatla in 1968. That year, Kgosi Tidimane Pilane, uncle of the current chief, signed an agreement on behalf of the tribal authority with Rustenburg Platinum Mines - the forerunner of



Satellite view of PPM's giant open pit operation (note outlines of ploughing fields to the right)



Ground view of PPM's giant open pit operation

Anglo American Platinum (Amplats) - to extend its Union operation over the tribally-registered farm, Spitskop.<sup>3</sup> Royalty payments began in terms of this lease in 1982. Earmarked for community development projects, these flowed into a dedicated 'trust account' for the Bakgatla tribal authority, via the then Bophuthatswana homeland government. According to a local government official, the Union royalties amounted to several million rand when the new North West provincial government took over the administration of this account after 1994.<sup>4</sup> However, it was the onset of the global platinum boom in the late 1990s that decisively ushered Bakgatla on to the national mining stage.<sup>5</sup>

In keeping with the BEE component of the ANC government's new minerals policy, Kgosi Nyalala Pilane reached a critical new agreement with Amplats in 2006. Through this, the projected value of the tribe's future royalties from Union was converted into a 15% direct equity stake in the mine, and the mining rights to two farms in the Bakgatla area, previously been held by Amplats, were released for development with a new partner. This in turn opened the door to a complex series of transactions with a number of different investors, which are summarised in the Appendix. The main results were, first, the development of the Pilanesberg Platinum Mine (majority owned by Platmin, a subsidiary of Pallinghurst Resources) and, in December 2012, the formation of a major new

producer, Sedibelo Platinum Mines Ltd, through a joint venture between Pallinghurst (42%), the Industrial Development Corporation (IDC) (16.2%) and the Bakgatla tribe (27%). Dubbed the 'African Queen Project', and with a mining right area of 150.19km<sup>2</sup> that encompasses at least nine Bakgatla farms, this is set to become one of the largest platinum mining operations in South Africa. At the same time, Chief Pilane has invested the revenues from these mining ventures and other sources, such as lucrative gate receipts from the Pilanesberg National Park, in a bewildering variety of companies on which he sits as Director to create a Bakgatla business empire estimated to be worth R15 billion (Khanyile, 2012).

So what have been the social impacts of this extraordinary expansion of mining in the Bakgatla area?

PhD research first brought one of us (Mnwana) here in August 2009. On returning to conduct the present study in July 2013,<sup>6</sup> it at first seemed little had changed in the area. Bakgatla's scattered villages were still markedly poor and overcrowded. The roads, schools and health facilities were still in a state of neglect. Many people remained unemployed. However, in the 'principal village' of Moruleng (formerly Saulspoort), multi-million rand infrastructural projects had sprung up almost overnight: the Tribal Administration had gained a gleaming new office and cultural centre;

Figure 1: Map of the Bakgatla traditional authority area and research sites



Moruleng Soccer Stadium was completed; and a giant, gleaming shopping mall had risen from the dust. About 10 km north-west from Moruleng, another change caught the eye. The Pilanesberg Platinum Mine's open pit operation had grown almost three times in size since 2009, while giant trucks thundered past. Elsewhere, tracts of village land had been fenced off for the new mining projects that hold the promise of mega-profits for distant investors and further prestige developments in the tribal 'capital'. Bakgatla has become a land of ever sharpening contrasts, in which old rural-poverty and new platinum-wealth nestle side-by-side.

In this study, we focus on three local villages - Sefikile, Lesetlheng and Motlhabe - that share key features typical of the whole:

1. They co-exist with major mining and prospecting operations. Such activity has profoundly altered

the physical landscape and overwhelmed much of what used to be the villagers' agricultural and pastoral land, either directly or through the influx of labour migrants.

2. The Bakgatla chieftaincy has entered into numerous contracts and deals with the mining companies operating on these farms, without, some claim, adequate consultation with their users or occupants, or compensation for the loss of these communal assets, which turn has led to massive corruption.<sup>7</sup>

3. Over the past few years they have experienced heightened resistance to the Bakgatla chieftaincy and mining corporations, at both the local and the tribal levels, and in the courts.

As will be seen, however, there are also important variations in the ways that these struggles have



### Community development? Moruleng's new mall

unfolded in each of the three villages. To contextualise and make sense of these differences, we will now briefly sketch the history of the Bakgatla area, and how this connects with a broader pattern of tribal property and power that developed across the Rustenburg region.

### 1.3 A brief history of Bakgatla

The Bakgatla-ba-Kgafela (Bakgatla), like other African groups in the former western Transvaal, has a turbulent history characterised by wars, secessions, colonial conquest and dispossession. Here, we highlight three key processes that would combine over the course of the 19th century to lay the foundations of the modern polity and its numerous tensions.

First, was the expansion of the chiefdom through the incorporation of ethnically diverse groups. As elsewhere in the Rustenburg region, the Bakgatla were one of a number of comparatively small Tswana chiefdoms that had been subordinated by Mzilikazi's Ndebele during the *difaqane* - the Sesotho term for the series of indigenous wars and migrations that spiralled across Southern Africa in the 1820s and 1830s. In 1837, the entry of the first Voortrekker (Boer) columns displaced Mzilikazi and created new opportunities for the reconstruction of these chiefdoms, through the

assimilation of refugees and the conquest of weaker neighbours.

This state-building process was facilitated by the distinctive political structure of the Sotho-Tswana formations. Each chiefdom (*morafe*) was comprised of smaller politico-administrative units commonly known as wards, which were made up of distinct clans (*dikgoro*) and their adherents. Every ward exercised considerable autonomy over local affairs with its own council (*kgotla*) and land rights, under the authority of a hereditary leader (headmen, *kgosana*) drawn from its core lineage. Incomers (*bafaladi*) could either be attached to existing wards or permitted to form their own, which would then owe their allegiance to the chief (*kgosi*) and his descent group. As will be seen, the history of Sefikile village exemplifies how bafaladi groups were incorporated into the Bakgatla chiefdom through this ward system. But there is also evidence that at least "seven previously independent African groups" were subordinated to the Bakgatla during the reigns of Pilane (1825-1850) and his successor Kgamanyane (1850-1870) (Morton, 1992:108; see also Schapera, 1942:3).

Second, however, was the progressive formalisation of the Bakgatla 'tribe' as an ethnically singular unit of

'native' administration, in line with the evolving policy of indirect rule. The colonial conquest of the Transvaal in 1837 had paradoxical consequences for the Rustenburg chiefs. On the one hand, the entire African population was dispossessed of its land rights and subjected to despotic regimes of forced labour and racial control. Yet, on the other, it also provided openings for indigenous elites (existing or aspiring) to collaborate with leading figures in the settler community, in exchange for politico-military backing and privileged participation in the colonial economy.

According to Morton (1992, 1998), *Kgosi Kgamanyane* was one of the most prominent chiefs in this 'Tswana-Boer partnership'. The Bakgatla chief mobilised African labour for local white farmers, assisted the Boers in slave-raiding operations, reinforced hunting expeditions, and engaged in battles on the colonial side against indigenous groups resisting settler domination (Morton 1998:83). His loyalty and obedience earned him many privileges. In the early 1860s, the Rustenburg Veldcornet, Paul Kruger, accommodated Kgamanyane and his followers on the farm Saulspoot, and as the chief's political status grew so too did his wealth - in wagons, houses, horses, guns and cattle - which in turn enabled him to attract and hold more followers (Morton 1992:108).

During the final third of the 19th century, the strategy of ruling Africans through the aegis of 'recognised' chiefs was further refined in the Transvaal, following a brief occupation by the British (below). Partly as a result of their privileged relationships with Kruger and other Boer notables, the Bakgatla chiefs were granted a 'location' centred on Saulspoot (Mbenga and Morton, 2009). This official territory was further consolidated through the forced incorporation of a number of outlying villages, and the formal redefinition of all its inhabitants as 'Bakgatla', regardless of their origin (Breutz, 1953:265). A significant tension was thus generated at the core of the modern Bakgatla polity between the rigid tribal identity imposed on the entire population, and those of the ethnically diverse clans that had swelled its ranks through the aegis of the ward system.

Finally, were a series of fissures and splits within the ruling lineage itself. During the 1850s and 1860s, *Kgosi Kgamanyane's* brothers Tshomankane, Lebetse and Moselekatse seceded from the chiefdom, each with a large number of followers, to establish independent settlements (Schapera 1942; Morton

1998; Breutz 1953). As Delius (2008:215) notes, disputes within royal descent groups during this period frequently led to population movements between chiefdoms, or the emergence of new ones, which both contributed to their "cultural heterogeneity" and "placed important checks on chiefly abuse of power". However, as the social and spatial boundaries of the tribes were increasingly formalised by the colonial authorities, the room to manoeuvre diminished. By the turn of the century, the 'breakaway' groups had been reincorporated into the Bakgatla polity and allocated their own wards - though, as will be seen, not without retaining a sense of their former independence. But by this stage the chiefdom had experienced an even more dramatic rupture.

In 1870, Kgamanyane himself left the Transvaal with the greater part of his chiefdom and settled in Mochudi in British Bechuanaland (Botswana). Paradoxically, this event was sparked by the implosion of the collaborative relationship that had previously underpinned his rising power. Unwilling or unable to meet the escalating labour demands of Paul Kruger, Kgamanyane was publicly flogged before the chiefs of the district (Mbenga, 1997). Shortly after the Bakgatla *kgosi* and his followers emigrated over the colonial border, and hence beyond the reach of his former patron. On his death in Mochudi in 1874, Kgamanyane was succeeded by his son, Lenchwe Pilane (1875-1924) as the leader of the Botswana group, while Lenchwe's brother, Ramono (1903-1917), was subsequently appointed chief of the (remaining) Saulspoot branch.

But this geopolitical schism would also lay the basis for considerable contestation over the relative seniority of the two groups. Throughout the 20th century, the South African state recognised the authority of the Bakgatla chiefs in Botswana (Lenchwe's descendants) over the Bakgatla area in the North West province. Nevertheless, the uncertain relationship between the two branches would remain a constant feature of Bakgatla politics, as would the separatist impulses of the different strands that ran through the Pilanesberg chiefdom itself. We now turn to consider how these political dynamics would combine with the chiefdom's land history.

#### 1.4 Land buying and the tribal-trust regime

A striking feature of the modern Bakgatla territory is that it encompasses a large number of farms that were purchased by African groups, and formally registered 'in trust' for the 'Bakgatla chief and tribe'. As with the

chiefdom's political formation, this land history reflects a broader pattern. Critical here was the evolution of a distinctive system of African land tenure in the colonial Transvaal, which, following Capps (2010), we term the 'tribal-title-trust regime' (hereafter, tribal-trust regime).<sup>8</sup> There were two main phases in the development of this property system, whose generic features will first be sketched before seeing how it manifested in Bakgatla.

#### *Early group land-buying in the Transvaal*

The antecedents of the tribal-trust regime are to be found in an initial phase of group land-buying between the mid-1860s and 1877. As noted above, the colonial conquest of the Transvaal was accompanied by ruthless land alienation. By the 1850s, the entire land area of its central and western regions had been surveyed and parcelled out among the settler community, and the Africans living on these farms largely converted into a semi-servile tenantry. Moreover, the entire African population was racially excluded from the emergent land market. But the early weakness of the colonial state also made it possible to circumvent this measure.

By the mid-1860s, Africans had begun to form syndicates to 'buy back' land through the intermediation of white nominees, mainly missionaries. Typically, the land-buying group would raise the purchase price, but the farm would be officially registered to a missionary, who would then informally hold the title-deed on the syndicate's behalf.

A common feature of these land syndicates was that they were bound together by some form of collective identity. This not only facilitated the mobilisation of resources, but demarcated the social boundaries of who benefit and who would be excluded. However, there was also considerable variation in their scales and motivations. At one end of the spectrum, chiefs mobilised their followerships in a collective endeavour to regain control of erstwhile territories, ostensibly for the benefit of the tribe as a whole. At the other, groups of successful peasants increasingly banded together to acquire their own private farms, not only free of the oppressive demands of white landlords, but also the coercive jurisdictions of chiefs. These smaller syndicates often incorporated themselves through claims of a common clan origin.

There was thus a vital interconnection between the assertion and/or formation of discrete group identities and the collective acquisition of land, which intersected in complex ways with different levels and scales of indigenous political organisation. Yet, regardless of their social compositions or political affiliations, all these corporate groups were denied the formal protection of recorded rights. This not only left them vulnerable to unilateral land sales by their white nominees, but would prove particularly significant in the second phase of the development of local tenurial relations.



*DRC Missionary Henri Gonin's church building in Moruleng*

'No chief ever bought a piece of land!' | Struggles over property, community and mining in the Bakgatla-ba-Kgafela Traditional Authority Area, North West Province

### *Tribal trusteeship*

Between 1877-1881, the Transvaal was briefly annexed by the British and placed under the administration of Sir Theophilus Shepstone - the architect of 'indirect rule' in the Natal colony. This led to an important change in 'native' land policy, whose terms were embodied in the 1881 Pretoria convention, which ceded control back to the Afrikaner state.

From this point forward, all Africans in the Transvaal would be permitted to buy land, thus eliminating the need for white nominees. However, their formal entry into the title market would be increasingly subject to two distinct yet complementary forms of trusteeship. First, an appropriate state authority would have to sanction the transaction and then assume trusteeship of that property on the African purchaser's behalf. Second, it would only be possible for a land-buying group to acquire title via the recognised chief of a designated tribe, acting in his presumed role of 'traditional custodian' of its communal property.

These parallel institutions of 'state' and 'tribal' trusteeship would progressively, though unevenly, evolve over the remainder of the colonial period, and then be fully incorporated into the segregationist and apartheid states. The effect was to produce a novel form of tribal landownership in the Transvaal that, for present purposes, entailed three key dynamics.

The first concerns the title that had previously been acquired by different land-buying groups during the first phase. This would now be simultaneously transferred from the missionaries to the formal trusteeship of the state, and re-registered in the name of the recognised tribe within or near whose jurisdiction that property fell. Tribal landownership would thus be privileged over all other forms of corporate possession, while the identities of the original purchasers would be further obscured by the tribal registration itself.

Second, because the colonial authorities worked within an ideological framework that presumed all Africans to be members of tribes, they would only sanction new group land purchases if they were tribally based. This in turn encouraged such groups to seek out the nearest chief, or simply reconstitute themselves as a 'tribe', in order to enter the land market. Although this requirement first evolved as an administrative practice after 1881, it was decisively legislated by the 1936 Native Trust and Land Act, which stated that: "No association of, syndicate, partnership, aggregation

or number of persons which includes more than six natives other than a recognised tribe, shall acquire or hold land ... save with the permission of the Governor-General" .. The imperative of tribal land-acquisition would therefore now contribute to the construction of the segregationist order.

Finally, the effective redefinition of the chiefs as the 'traditional trustees' of tribal title radically extended their proprietorial control over all group-purchased land. Moreover, it also provided a means of consolidating their power over those landed groups that had previously enjoyed varying degrees of political autonomy. Yet, the facts remained that the collective identities of the actual buyers were inextricably tied to their group acquisition of this land, and that the fiduciary powers of their chiefly trustees were conceived in terms of customary rather than statutory law. There was thus considerable scope for contestation in land-use decisions over the customary rights and powers of each party, and whether the parameters of corporate possession should be defined in terms of the landed clan or the chief and his tribe.

### *Group land-buying in Bakgatla*

If these are the common features and tensions of the tribal-trust regime, how did it manifest in Bakgatla? Here three preliminary observations may be made ahead of a more detailed exploration in the village cases that follow.

First, and as elsewhere in the Rustenburg region, group land-buying became an increasingly dominant feature of the Bakgatla area from the 1860s. It was the arrival of a Dutch Reformed Church (DRC) missionary, Henri Louis Gonin, in 1862 that provided the opportunity for local Africans to start acquiring land through white intermediation. The earliest recorded group land-purchase was for the farm Saulspoor - site of the present Moruleng village. As mentioned above, this farm had been owned by Paul Kruger, who had accommodated Kgamanyane and his followership there. In 1868, he went further and allowed his client chief to buy it in conjunction with Gonin, who sought to establish a mission station. By the end of the century, Gonin had acted as nominee in at least three further group land purchases, which would in turn all be transferred to the Native Location Commission as the relevant state trustee.

Second, the rate of group land-buying further accelerated in the early twentieth century.



*Homesteads at Sefekile*

According to Mbenga (1996:203):

The Bakgatla's major resource of cattle was then relatively plentiful due to their large-scale looting of Boer cattle during the South African War. Consequently, the Bakgatla, who had far more cattle than any other group in the Pilanesberg region, were better able to buy more land than anyone else.

A critical result of this was the radical expansion of the Bakgatla territory. By this point, all African land purchases in the Pilanesberg region were being registered 'in trust' to the Bakgatla, in line with the evolution of the tribal-trust regime. Consequently, when the apartheid authorities sought to establish the formal territory of the Bakgatla Tribal Authority in terms of the 1951 Bantu Authorities Act (68 of 1951), they were able to amalgamate 27 tribally registered farms with a further eight, which had been acquired by the South African Development Trust. The Bakgatla tribal authority area today remains one of the largest in the North West province.

Finally, however, there is evidence that these were not

all tribal purchases, as accounts like Mbenga's suggest. In both phases of the tribal-trust regime, the identity of the land buyers was generally obscured by the nature of the formal registration: in the name of the missionary or some other white nominee in the first, and in the name of a recognised chief and his tribe in the second. Reconstructing land histories from title deeds alone is therefore a hazardous exercise. And so too from the records of colonial officials, courts or missionaries, who were generally unable to penetrate African realities beyond Eurocentric notions of absolutist chiefs and homogenous tribes.

The significance of this can be seen in the first phase of group land-buying in Bakgatla, through the intermediation of the missionary Gonin. As was discussed in the previous section, tensions within the ruling dynasty had led three of *Kgosi* Kgamanyane's brothers to split from the chiefdom in the 1850s and 1860s. These breakaway groups were scattered across the Pilanesberg on white-owned farms, when Gonin arrived in the area. And although the DRC missionary regarded *Kgosi* Kgamanyane as the "big chief" (Gonin, cited in Mbenga and Morton 1997:150), his 'dissident'

brothers exercised significant independence and authority over their followerships. Oral histories collected during fieldwork suggest that at least one of these independent groups purchased a farm for its exclusive benefit, after Kgamanyane's departure to Botswana. In this version, the followers of *Kgosi* Tshomankane (Kgamanyane's brother), who had settled at Boipitiko (site of the Sun City resort), acquired Kruidfontein 40JQ (the present Lesetlheng village) through Gonin's intermediation in 1877. Given the highly fragmented and fluid nature of the Bakgatla chiefdom, it is quite possible that other farms were purchased by similarly discrete syndicates during this period, even if Gonin himself perceived them to be under Kgamanyane's singular authority.

A similar story may be told of the farms acquired during the early twentieth century. These were all directly registered to the state 'in trust' for the Bakgatla chief and his tribe. Yet oral testimony and other evidence from our three study villages reveal a far more complex story beneath the official cover of these tribal registrations. Indeed, one of the main arguments put forward in this working paper is that the mineral-driven land-struggles of the present, and the political forms that they take, can only be understood with reference to the ways in which the vicissitudes of the tribal-trust regime have simultaneously conditioned and obscured the interrelationships between land, community and authority in each case. The following chapters (2-4) will explore the intricate connections between property and power and the past and the present in each of the three villages in turn. Chapter 5 concludes with some comparative observations, and what this might mean for social justice on the rural platinum belt.

## Two

# Lesethleng: 'Modimo Mmalo!'

The village of Lesethleng lies on the north-eastern foothills of the Pilanesberg Mountains. One of the oldest settlements in the Bakgatla area, it occupies the farm Kruidfontein 40JQ, a few kilometres north of the 'principal's village' Moruleng. Flanked on its north-western side by the operations of Pilanesberg Platinum Mines (PPM) and the new Sedibelo Project, Lesethleng is at the centre of the new tribal mining economy. Although development of PPM's open-pit operation only started around 2008 and the Sedibelo Project is in its earliest stages, the impacts are already sharply visible. Significant tracts of Lesethleng's historic farming land have been fenced off for mining activities, yet residents argue that they were neither properly consulted by the chief about these mining deals, nor have they benefitted from the revenues now flowing to Moruleng. Key here is the farm Wilgespruit 2JQ. This property was historically registered 'in trust' to the Bakgatla chief and tribe, but is now subject to a major claim by a large and well-organised village land committee in Lesethleng. In this chapter, we explore how the purchase history of Wilgespruit has shaped this particular land struggle, which is at once unusually advanced, but also marked by significant divisions at the village level. The story begins with the political formation of the Lesethleng community and how this would ultimately facilitate the acquisition of Wilgespruit in the first decades of the twentieth century.

### 2.1 From Boipitiko to Lesethleng: Origins of the village

Lesethleng is today a fairly large village, and one that continues to grow through a new influx of mine migrants. However, it is still predominantly comprised of people who claim a common origin and identity, tracing their ancestry back to one of the cleavages within the Bakgatla ruling lineage discussed in the introduction. As we have seen, a breakaway group led by Tshomankane Pilane (a brother *Kgosi* Kgamanyane) established a new settlement at Boipitiko in the final third of the nineteenth century. Here they raised the

purchase price for the farm Kruidfontein, which was officially registered to the missionary Gonin, acting as their nominee. But it is what happened next that is of particular interest here.

In 1888, the group, now under the leadership of Tshomankane's son and successor, Ditlhake Pilane, decamped from Boipitiko to found Lesethleng on Kruidfontein (Morton, 1998:87). This move would also mark its reintegration into the 'official' Bakgatla polity, a process apparently cemented by Ditlhake's elevation to the chiefship (Schapera 1938:306). Yet this would prove short-lived. In 1903, with the assistance of the British colonial authorities, *Kgosi* Lenchwe Pilane I, the 'paramount' chief in Botswana, managed to remove Ditlhake from the chiefship of the (South African) Bakgatla in favour of his brother, Ramono Pilane. Ramono's appointment as Lenchwe's "representative ... at Saulsport" was approved by the Native Commissioner on the grounds that Ditlhake was "a weak man and does not command the respect of the people". But perhaps more instructive was the Commissioner's additional comment that he was "much pleased" with Ramono's "expressions of being prepared to work with the government".<sup>9</sup>

Ditlhake was now demoted to the status of *kgosana* (headman) at Lesethleng. Nonetheless, his followers continued to regard him as a chief, and even today many residents in this village still argue that Tshomankane and Ditlhake were *dikgosi*. This, we suggest, can be understood as a means of differentiating the Lesethleng core from the wider Bakgatla polity: an identity rooted in the claim that they are the descendants of the group that seceded with Tshomankane in the late 1800s, and one that is intimately connected with the group purchase of the farm Wilgespruit over half-a-century later.

### 2.2 The History of Wilgespruit

Wilgespruit is currently registered as a tribal property. It also contains rich and easily accessible platinum reserves, the rights to which are held by Itereleng Bakgatla Mineral Resources (IBMR) - a Bakgatla-owned holding company. (see appendix).



*Dithake's house in Lesethheng in 2013*

There is an ongoing dispute over the ownership of Wilgespruit. A group of residents in Lesethheng claim that their forefathers bought it, and in 2012 applied to the Department of Rural Development and Land Reform (DRDLR) for this to be reflected in the title deed, in terms of the 1993 Land Titles Adjustment Act (Act 111 of 1993). At the time of fieldwork, the DRDLR had appointed a Commissioner to investigate the adjustment application. The outcome was still pending, but it seems from the oral and written evidence that we collected in Lesethheng that the claimants have a strong case. Here, we reconstruct the purchase history of Wilgespruit from these sources, and then consider its implications for the current land struggle.

#### *A sub-tribal purchase*

After settling on Kruidfontein in the late 1880s, and realising its limited agricultural potential, the people of Lesethheng leased some of the neighbouring European-owned farms for grazing and ploughing. But they also looked out to buy more fertile land of their own, and Wilgespruit provided the opportunity.

The evidence suggests that Wilgespruit was purchased by an independent syndicate made up of 13 clans (*dikgoro*) from Lesethheng.<sup>10</sup> They were led by the kgosing *kgoro*, the senior clan under *Kgosana* Dithlake:

He [Dithlake] told them [the buyers] that if they could buy and own land it would save them from having to pay rental after harvest. (Interview: Lesethheng: 31.10.2013)

It was under Dithlake's leadership that the money, cattle, and other resources that made up the purchase price were collected. Yet, the land-buyers also identified themselves as Bakgatla-ba-Kgafela, affiliated to the tribe under *Kgosana* Dithlake's leadership. We may therefore characterise this as a 'sub-tribal' purchase; that is, one conducted by a group integrated into the chiefdom through the ward system, but under its own initiative and for its own benefit.

#### *A painful process*

Oral traditions in Lesethheng recount that buying Wilgespruit was a protracted and painful process. Beginning in 1916, there were several collections of cattle, crops and money until the farm was finally registered in 1919. It was purchased from N. Gluckman and E. Judes, who themselves had bought the farm for £1,560 in 1914.<sup>11</sup> It was hardly two years later that they sold it to the Lesethheng syndicate for a staggering £2,600.<sup>12</sup>

According to our informants, most members of the purchasing syndicate were neither literate nor numerate. They depended on Dithlake to tell them if and when collections were to be made and how much money was still needed. Elders recalled their parents' and grandparents' stories about the endless payments that were made when Wilgespruit was bought, and the distress and economic hardship it caused.

Oral tradition has it that whenever Dithlake's *mephato* - labour regiments - went around the village collecting contributions, buyers were shocked and disheartened. Some would lament '*Modimo mmalo!*' - 'Oh God!' Even today this farm is known as Modimo Mmalo.

A village elder recalled:

There was no standard number of cattle that people contributed. Each family would contribute according to how much they could afford. When they did not have enough money because they found themselves paying over and over again, people cried 'Modimo mmalo!' That is why that farm, which you call Wilgespruit, is called Modimo Mmalo. (Interview: Lesethheng, 31.10.2013)

### A tribal registration

The deed of sale for Wilgespruit is dated 16 March 1918. As we have seen, by this point in the evolution of the tribal-trust regime, African land-buying groups were compelled to register their purchases through the aegis of a recognised chief. And so it was with the Lesethheng syndicate.

The Union Government in South Africa regarded *Kgosi* Lenchwe Pilane I in Mochudi as the official senior leader - the *kgosikgolo* - of the Bakgatla in South Africa and Botswana. *Kgosi* Lenchwe's son, Isang Pilane, signed the deed of sale on behalf of his father. Dithlake Pilane co-signed the deed together with Dialoa K. Pilane who was the acting chief of the Bakgatla in Pilanesberg. The transfer for this purchase was thus registered in 1919 under the "Minister in charge of Native Affairs ... in trust for the Bakgatla tribe under Chief Linchwe K. Pilane".

### The 'Old Preserved Book'

Although there is little trace in the official records of the 'sub-tribal' nature of the Wilgespruit purchase, the Matshego clan in Lesethheng possess valuable written evidence in what they call the 'Old Preserved Book'. Members of the Matshego clan have passed this precious record from generation to generation. Though not detailed, the book contains some crucial entries about the members of the Matshego clan who contributed towards the purchase of Wilgespruit and other farms. When collections were made for purchasing Wilgespruit a member of the clan recorded these contributions.

The information, which is written in Setswana in both ink and pencil, includes the following:

- A list of names of male members of the Matshego family who contributed different amounts to the purchase of Wilgespruit. The



The 'Old Preserved Book' of the Matshego clan

amounts are written next to each name. In one instance, five members of the Matshego clan together contributed £168.

- One of the pages records that a certain Mr Kgafele Matshego, who had earlier contributed £70 towards the purchase of Wilgespruit, had changed his mind. He went to *kgosana* Dithlake and requested his money back. It is recorded, apparently by other members of the clan, that [Matshego]'... *go supa gore ga a reke*' - 'this act means he did not buy'.
- On another page there is an interesting record titled: '*Molao oa Polasa sa Wilgespruit*' - 'The Law of the farm Wilgespruit'. There is a brief explanation about its purchase. Of key interest is a declaration made in May 1919 by a certain Raiyana Pilane, who was apparently the acting *kgosana* in Lesethheng at the time, due to Dithlake's ill-health. Raiyane states:

*'Ke le segela Polesa. Ka li kgoro o sa rekang ge baabo ba mokoba. Molato ga se oa kgosi.'* - 'I'm demarcating the farm. The clans that did not contribute should not come to the *kgosi* if they are chased out of the farm [by the buyers]. It will not be chief's problem.'

### Clans and land-use rights

Raiyane Pilane made this statement less than three months after Wilgespruit was transferred to the Minister

of Native Affairs 'in trust' for the Bakgatla chief and his tribe. It supports a further claim by our informants, namely that Wilgespruit was sub-divided among the clans (*dikgoro*) that purchased it.

Although it is apparent that the *kgosana* was involved in early decisions about the demarcation of the farm, the constituent clans of the syndicate also seem to have had significant powers of land allocation within their ranks. It is said that each of the 13 clans that comprised the syndicate was allocated a large ploughing plot called *panka* (plural: *dipanka*). Each *panka* was further divided into smaller portions of cultivated plots called *diakere* (singular: *akere*). Each *akere* belonged to one of the families of that buying clan (*kgoro*). Some informants even claimed that the size of the plots given to different clans was determined by the size of their contributions when the farm was purchased.

It was each clan's prerogative to grant portions of ploughing plots within their *dipanka* to non-buyers. These included relatives, friends, neighbours and immigrants who became attached to certain clans in Lesetlheng. The following response captures the intricate process of allocating usufruct rights:

The farm portions continued to be used by each clan until now. New members joined the clans through marriage and adoption as 'refugees' from other villages or tribes. These families were allocated pieces of land within the portion of the

adoptive clan to cultivate and feed the children. It is said that *Kgosi Ramono* was also allocated a piece to cultivate in the same manner. My uncle told me that the oxen and plough that were used to demarcate the farm into portions for each clan belonged to Nong Matshego, who was one of the buyers, and also my great grandfather. (Interview: Pretoria, 10.11.2013)

As we shall shortly see, the distinction between buyers and non-buyers has emerged as important line of demarcation in the current land claim.

#### *Production and dispossession*

Wilgespruit was one of the most productive farms in the Bakgatla area. Elders in Lesetlheng recall how their families used to harvest countless bags of sorghum, maize, beans, and many other crops. Literature also attests to this. Breutz (1953:282), for instance, records that 221 bags of sorghum and 485 bags of maize were harvested at Wilgespruit in 1949 alone. The harvest of sorghum at this farm far exceeded other farms in that year, and it also produced the second largest harvest of maize. Every winter, after harvesting, the farm was opened for communal grazing.

However, when this study was conducted, most of the agricultural land at Wilgespruit had been fenced off for mining operations. Families who still had cattle were using the remaining land for grazing. It was becoming increasingly difficult for Lesetlheng famers



A hand-dug dam belonging to a clan on Wilgespruit



*Shacks, mud structures and abandoned tools on Wilgespruit*

to visit their cattle posts since the entrance was often guarded by heavily armed private security officers. In 2009 IBMR attempted to relocate the farmers on Wilgespruit but later abandoned the plan when Lesetlheng residents resisted.

There is also physical evidence of the former productivity of this land. The small mud and corrugated iron structures where people used to live during ploughing season are still there. It is also common to see old rusty ploughs and other farming implements lying around. Some of the former ploughing plots had small dams that various clans dug to water their crops. Some of these dams were still there although most of them have dried up. The report of the Sedibelo Resettlement Project (that never took place) enumerated at Wilgespruit, 39 small houses, 8 dams, 29 crop fields, 3 bore holes, and 25 cattle kraals.

### 2.3 Land claim divided? *Dibeso* and 'others'

Mining has introduced rapid socio-economic shifts in the villages of Bakgatla and, as elsewhere in the area, new tensions and divisions have surfaced in Lesetlheng. Many villagers refute the chief's 'custodianship' over the land, and in particular his 'right' to alienate it for mining purposes and control the revenues so derived. They mainly cite the historical injustice that their

forefathers were forced to register their purchase in the name of the Bakgatla chief and tribe, rather than the Lesetlheng syndicate. This discontent has led to the creation of a village movement called Lesetlheng Land Committee (LLC). Its goal is to mobilise the villagers on issues relating to land, mining impact and the distribution of mineral revenues.

Since its formation in 2007, the LLC had always enjoyed a popular following in Lesetlheng. Like other formations in the village, the LLC was perceived to be representing the interests of the community as a whole. However, things took an unexpected turn in 2012 when the Land Title Adjustment Application Commission began its investigation.

The Commissioner required the claimants to validate their claims by demonstrating who the original buyers were in each family, and how they were each related to members of the original land-buying group. Sensitive issues started to surface. Some of the elders had always known that not every family that was ploughing on Wilgespruit descended from the original buyers, but this had never disrupted their sense of community.

The requirement for land claimants to produce family trees raised two contentious issues. First, the descendants of non-buyers who had been allocated

usufruct rights were unable to submit family trees since their ancestors did not contribute to the farm's purchase. They were excluded. This in turn discouraged other villagers who did not belong to the clans that constituted the original land syndicate, and support for the LLC dwindled.

The land title adjustment process thus exposed divisions between the buyers and non-buyers. It also revealed splits between the decedents of the 13 clans that had actually made up the land syndicate. The questions around which families or households would submit claims on behalf of each clan, and who would submit a claim on behalf of each family in a clan, proved contentious. This in turn revived other kinds of division.

According to informants, the actual families that bought Wilgespruit are called *dibeso*:

*Kgoro* refers to a clan which is a group of households that mainly share the same surname and some identity. However, some clans expanded by allowing other families who either married or sought refuge to become members of their *kgoro*. Apparently, the expansion was due to either a strategy to strengthen the clan or out of pure humility and compassion. For example, the Matshego clan in Lesetlheng is made out of four surnames. Matshego is the *sebeso* ... (Interview: Pretoria, 10.11.2013)

The clan itself had never been an egalitarian social unit. In Lesetlheng, for instance, it is said that some of the immigrant families were called *bagotsi-ba-mollo* (*bakgotsi*) - those who make fire for others. This term was applied to families who were adopted by clans of buyers. The *bagotsi* were usually landless immigrants of different ethnic origin. The host clans would grant them ploughing land on Wilgespruit, some cattle, and equipment. In return, the *bagotsi* were required to provide labour. Their daily task was to wake up early every morning and make fires for the main families in the clan. *Bagotsi* also performed various other tasks, including helping with ploughing and looking after cattle. They were, in effect, incorporated into these clans as labour tenants.

What is particularly fascinating about these older forms of differentiation is the way in which they are being mobilised, or perhaps even invented, as the basis of

more exclusive identities in the land claim. For instance, some informants argued that the notion of *sebeso/dibeso* was recent. They said it emerged as a response to the challenge of distinguishing between the descendants of the buyers from the non-buyers. Elderly informants in Lesetlheng could not tell when and how the notion of *dibeso* came into being. One said:

We grew up using the word *kgoro*. It was in 2008 when the word *sebeso* started to be used more and more. (Informal conversation: Lesetlheng, 12.08.2013)

Undoubtedly, the notion of *dibeso* expresses tensions that have emerged among residents, especially around exclusive rights to land in the context of rapid mining development. A village elder who was also an active member of the LLC offered the following explanation:

[*Kgosi*] Nyalala has been calling meetings and telling people that we, the people of Lesetlheng, are claiming land which belongs to the 32 villages of Bakgatla. Look, people know that their [the chief's] forefathers never bought Modimo Mmalo [Wilgespruit]. They have never used that land. No other village has land that is divided according to clans. Our farm is divided according to the 13 clans - those who bought it. These clans must get their share of mining revenues first and then a certain percentage will go to the Bakgatla tribal office. That percentage will be shared by the whole community. (Interview: Lesetlheng, 07.08.2013)

Other social clan divisions surfaced around whether women should be allowed to submit claims during the application process. The majority of male elders felt that women were not eligible since, according to custom, women did not inherit land. An elderly man argued:

It is the men who inherit the land. If there is some movable property like money, we share with the female siblings. But the land is shared among the males only. (Interview: Lesetlheng, 06.09.2013)

Due to this disagreement, the LLC handed the responsibility over to individual clans to decide whether to include women or not. Eventually most clans decided to include women. But a few women are still excluded

by male elders. This exclusion mainly targeted three categories of women: those who joined the clan through marriage - *ngwetsi*, widows, and daughters or granddaughters of the original buyers who married into clans of non-buyers. The divisions are therefore multiple, tracing social cleavages of gender as well as political origin and settlement history.

## 2.4 Summary

Three points have been established in this discussion of the Wilgespruit claim by villagers in Lesethleng. First there is strong oral and written evidence that this was a 'sub-tribal' land acquisition, organised by a discrete syndicate that at once stressed its independent political identity, formed through an earlier process of secession and reincorporation, but which was forced to register the purchase through the Bakgatla chieftaincy in terms of the tribal-trust regime.

Second, the alienation of this farm for mining purposes has combined with widespread perceptions of chiefly corruption to generate a vibrant village land-claim committee. This is seeking to challenge the chief's 'trusteeship' of this property through a land title adjustment, which will in turn establish their rights in land-use decisions and the distribution of mineral revenues within the tribe. Finally, however, the very process of making the claim has revived and perhaps even created numerous divisions among the claimants. These are rooted in older differences between buyers and non-buyers, clan members and affiliates, 'owners' and 'tenants', and men and women. The land claim struggle in Lesethleng has thus itself generated multiple and overlapping dynamics of inclusion and exclusion, articulated through contested notions of belonging and group rights.

## Motlhabe: 'ba-Kgafela' or 'ba-Kautlwate'?

Motlhabe village spreads over dry and rocky land, dotted with thorn bushes and traversed by rutted tracks. The narrow tarred road which runs through Moruleng and Lesetlheng villages ends abruptly some 10 km from Motlhabe, as if to suggest that it falls beyond the Bakgatla territory. Where the tarred road ends, a dusty gravel-road begins. This skirts around PPM's enormous opencast mine, whose thick dust and thundering trucks must be navigated to reach Motlhabe, along with wandering herds of cattle that used to graze on the land now fenced-off for its operations. Part of this land - the farm Witkleifontein 136JP - is subject to a land claim in Motlhabe, as too is Welgewaagd 133 JP, on which the village is located. This land struggle has in turn combined with an attempt to secede from the Bakgatla traditional authority, by a group, whose freedom of association has also been the subject of a celebrated Constitutional Court judgment. This political dispute has deep roots, but it has gained new momentum with the frenetic expansion of the local platinum industry and the skewed distribution of its benefits. However, there are also doubts among some residents about the secessionist strategy, particularly whether it might simply end up reproducing the logic of chiefly control at a more local level.

### 3.1 From *Motlhabe-Mogologolo*: Village origins

Motlhabe is located on the farm Welgewaagd, about 3 km north-west of the PPM operations. Many residents trace their origins to a group of Bakgatla led by Kautlwale Pilane, the firstborn son of the great *Kgosi* Pilane from the 11th house. During the second decade of the 20th century, this group lived as labour tenants on the farm Witkleifontein. It is said that Kautlwale's group was politically independent of the Bakgatla-ba-Kgafela, and there is considerable dispute about the seniority of the two royal houses. As was the case with the other brothers, like Tshokomankane, who split from Kgamanyane's Bakgatla, the colonial state never

recognised Kautlwale's chiefship, even if his followers did. Nonetheless, it is generally agreed that Kautlwale assumed a leadership role over the group of Bakgatla who resided at Witkleifontein, and the elders in Motlhabe still call it 'Motlhabe-Mogologolo' - the old Motlhabe.

In 1932, as the first Land Act (of 1913) began to bite, the white owner of Witkleifontein expelled Kautlwale's people from the farm. At first they tried to resist but eventually drifted in small family groups to the farm Welgewaagd, where they established the present-day Motlhabe settlement.

The struggles in Motlhabe are twofold. First, there is a contestation over the ownership of the farms Welgewaagd and Witkleifontein. Second, there is a longstanding dispute about the status of the Kautlwale lineage, which has culminated in a recent secession attempt by a group of his descendants, who demand complete independence of the Bakgatla-ba-Kgafela under *Kgosi* Nyalala. We shall consider each in turn, as well as some of the other forms of resistance that have emerged in this village.

### 3.2 Disputes over land

There are two separate land disputes connected with Motlhabe. The first concerns Welgewaagd, which is registered as a tribal property and is the site of the present settlement.

In the official version of events, Welgewaagd was purchased on 6 March 1926 by the Bakgatla from Francois Hercules Du Toit and ten other white owners.<sup>13</sup> *Kgosi* Ofentse Pilane<sup>14</sup> signed the deed of sale for a portion of this farm, which measured 2370 morgen 503 square roods and cost £3,550. On approval of the sale *Kgosi* Ofentse was required to pay no less than £2 000 upfront - apparently on behalf of the tribe - with the remainder due over the next five years. In the event, the purchase was quick. By 1 June 1926, barely three months after the initial installment, *Kgosi* Ofentse had paid £3,000 upfront, and by the end of August that year the outstanding balance of £550 had been paid off. At that point, the farm was formally registered to the 'Minister of Native Affairs in Trust for Bakgatla Tribe under Chief Ofentse Pilane'.<sup>15</sup>



*Village cattle on the gravel road that runs past the PPM operations*

But the chief also had his own interests in the farm, acquiring a portion of it as his personal property.<sup>16</sup> It was (and still is) quite common for the Bakgatla chiefs and other members of the local elite to hold private titles to farms in the Bakgatla area. The chiefs later sold some of their farms to the tribe or to individual Africans. *Kgosi Ofentse*, for instance, sold his portion of *Welgewaagd* in the early 1940s to Mr Shadrack Makubire, an individual African buyer.<sup>17</sup>

However, residents in *Motlhabe* challenge the validity of the tribal registration of the greater portion of *Welgewaagd*, in manner similar to the *Lesethleng* claimants. They argue that the purchase price was raised by an independent syndicate, which was comprised of the families that resided on *Witkleifontein* under *Kautlwale*. But, they were forced to register the purchase through the aegis of *Kgosi Ofentse*, presumably again in terms of the tribal-trust regime. Since the early 1980s, *Kautlwale's* descendants have and as we shall shortly see led a group of villagers who contend that *Welgewaagd* should be registered

to them. This claim has not advanced as far as the one in *Lesethleng*, but there is another involving the same group.

According to some informants, a restitution claim was lodged over the *Witkleifontein* in 1998 by the descendants of the *ba-Kautlwale*, who had been evicted from the farm in the early 1930s.<sup>18</sup> However, for reasons that remain unclear, the claim was incorrectly registered in the name of *Bakgatla-ba-Kgafela*. Moreover, *Kgosi Nyalala* has opposed subsequent efforts by the *ba-Kautlwale* to have their rights in the claim recognised, pursuing it instead on behalf of the entire tribe. As Mr *Mmuthi Pilane*, one of the leaders of *ba-Kautlwale* puts it:

*Nyalala* is now claiming that the land, which only we as the [b]a-Kautlwale ever occupied, belongs rightfully to him. He hired a lawyer to follow up the claim and paid him R20, 000 a month collected from the community.<sup>19</sup>

The South African Development Trust (SADT) purchased Witkleifontein in 1937, which was subsequently integrated into the Bakgatla 'location'. Since this farm was good grazing land, the people of Motlhabe continued running their livestock at a place called Phatswane. Some of this grazing land has now been fenced off for PPM mining operations.

Unfortunately, it was not possible to investigate both of these land claims more fully during fieldwork. However, what was apparent were the very strong connections between these disputes over land and political authority.

### 3.3 Succession and Secession

The secessionist impulse in Motlhabe has deep roots. In 1982, what would become a protracted succession dispute over the village headmanship was initiated by Mainole Pilane. Maniole argued that his grandfather, Kautlwale Pilane, was a headman at Witkleifontein, and that when Kautlwale's people relocated to Motlhabe both his sons, Pilane Pilane and Kobedi Pilane had successively led the village as headmen. The second of these, Kobedi Pilane, was Maniole's father, but when Kobedi died the then Bakgatla chief, Tidimane Pilane, blocked Maniole's 'rightful' succession. This, argue Mainole's supporters, was a move to quash the historic independence of Motlhabe, which had been articulated through the Kautlwale lineage. And, as such, represented the culmination of a process that had been set in motion by the formal constitution of the Bakgatla-ba-Kgafela Tribal Authority in the 1950s, which subordinated all the previously autonomous Bakgatla groups to the singular authority of the Kgafela chiefs in Moruleng.

The dispute over the leadership of Motlhabe further intensified in May 1984 when Kgosi Tidimane Pilane attempted to appoint his own choice, Ramotwana Kgotsamaswe Moses Pilane, as acting *kgosana* in Motlhabe. Mainole filed an urgent objection through a local magistrate. He maintained that Kgosi Tidimane's appointment of Ramotwana was in contravention of custom. As noted above, Mainole and his supporters also argued that Welgewaagd was a private purchase by the independent group of Bakgatla who were under Kautlwale's leadership and resided on Witkleifontein in the 1920s. Kgosi Tidimane countered that the headmanship belonged to the descendants of Mantirisi,

who had first settled at Welgewaagd and therefore had seniority over the Kautlwale lineage. Moreover, the farm had been purchased by the entire tribe, not by the small group of clans under Kautlwale.

The then President of the Bophuthatswana Bantustan, Lucas Mangope appointed a commission to investigate this dispute. This commission was chaired by a Mr H.A. Viviers. Due to constant rebuttal by Mainole and his followers, it took more than three years for the Commission's findings and recommendations to be finally implemented. The Vivier Commission repeatedly dismissed Mainole's claims to land and the headmanship. In June 1986 President Mangope accepted its finding that the "rightful heir is Tlhabane Pilane from Mantirisi's lineage".<sup>20</sup> Since the latter was still employed as a school headmaster, Ramotwana Kgotsamaswe Moses Pilane was officially appointed as the acting *kgosana*. Mainola did not give up. He filed another claim, but lost again in 1991.

It is not difficult to see from the Commission's report and other official statements that the Bophuthatswana government was unwilling entertain any challenge to Kgosi Tidimane's power. In order to protect the integrity of the Bakgatla Tribal Authority, it was the chief's version of custom and history that would prevail, as the following attests:

- In November 1982, the magistrate in Mankwe District<sup>21</sup> remarked:  
...[T]hough [Mainole's claims and allegation against Kgosi Tidimane ] may ... appear to be true, they are not so easy to resolve as the chief's councilors are always ready to protect him at all costs. The tribal councilors regard Mr Mainole as a troublemaker in the village. Some even suggested his complete expulsion from the tribal area.<sup>22</sup>
- In April 1986 Viviers' commission concurred in its findings that:  
Mainola ... is in great disfavor with the chief and his uncles. Recognition of Mainola will just create friction.<sup>23</sup>
- In August 1991, while the outcome of Mainola's headmanship claim was still pending,

Mr Magodiri, the administrator in Mankwe District reported to President Mangope:

Mainola Pilane has vowed publicly that if he can be appointed as headman of Motlhabe ..., he will secede from the rule of the Bakgatla-ba-Kgafela.<sup>24</sup>

Greatly alarmed by the centrifugal pressures building up in Bakgatla, Mangope summoned Mainola to his office in September 1991. What transpired from that meeting is not clear, but Mainola again, lost his claim to headmanship towards the end of 1991. Nonetheless, his threat to secede from the Bakgatla chieftaincy would outlive both Mainola and Mangope's regime.

### *The new secession dispute*

In 2009, a group of residents identifying themselves as Bakgatla-ba-Kautwale and led by Mainola's son, Mmuthi Pilane, initiated a move towards the secession of Motlhabe from the political jurisdiction of the Bakgatla-ba-Kgafela Traditional Authority. A crucial part of their argument was that their ancestors bought Welgewaagd, as an independent syndicate, under Kautlwale Pilane, and that they were the first to settle on the farm Witkleifontein before that in the early 20th century. Consequently, the land occupied by PPM belonged to them and the mine should negotiate directly with PPM, and not through Kgosi Nyalala.

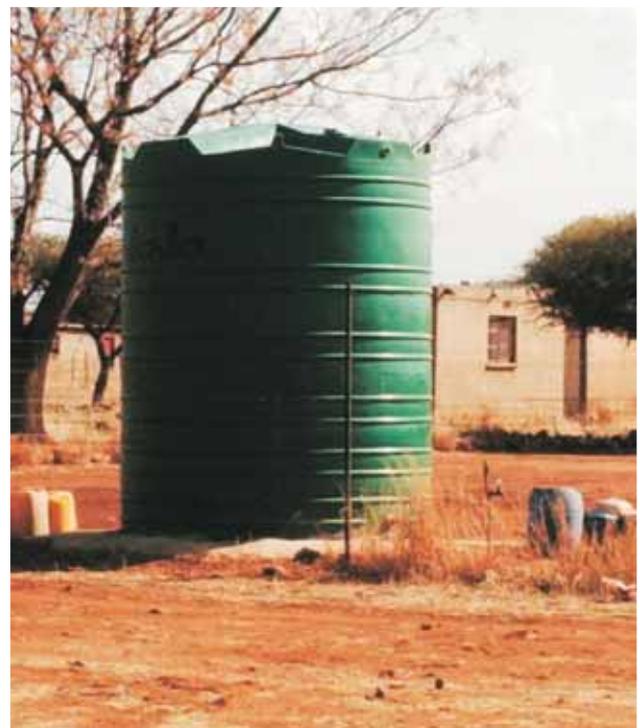
The move to secede began with a notice in July 2009 from the leaders of the Bakgatla-ba-Kautlwale group to the traditional council of Bakgatla. It declared that Motlhabe was no longer under the jurisdiction and administrative control of the Bakgatla chieftaincy. In February 2010, Kgosi Nyalala's threats of legal action materialised when the leaders of the ba-Kautlwale group circulated an invitation to 'The Residents of Motlhabe Village' to a meeting to discuss secession. Kgosi Nyalala filed an urgent High Court application to interdict the leaders. The interdict prohibited the Bakgatla-ba-Kautlwale from convening any village meeting without the tribal council's permission. This was the beginning of a protracted legal battle between the chief and the secessionist group that would go as far as the Constitutional Court.

At the North West High Court on 30 June 2011, Judge Landman's judgement upheld Kgosi Nyalala's interdicts against the two ba-Kautlwale leaders and village

activists Mmuti Pilane and Reuben Dintwe. The judge argued:

Any action by a parallel but unsanctioned structure that is neither recognised by law or custom seeking to perform or assume functions that are clearly the exclusive preserve of recognised authorities ought to incur the wrath of law.<sup>25</sup>

The North West High Court and the Supreme Court of Appeal denied Pilane and Dintwe leave to appeal against this judgement. Lawyers from the Legal Resources Centre, which represented the two activists, took the matter to the Constitutional Court in a landmark judgement, set aside the three interdicts in February 2013 primarily on the grounds that they "adversely impact on the applicants' rights to freedom of expression, association and assembly".<sup>26</sup> This not only set an important precedent for people living under traditional authorities, but handed the ba-Kautlwale group a significant victory by removing all of Kgosi Nyalala's interdicts while reaffirming the



*Waiting for a municipality truck to fill the communal tank in Motlhabe*

constitutional right of villagers to meet without having to seek permission from the chief.

Just a few weeks after the court case victory, the ba-Kautlwale leaders filed an application to be recognised as an independent traditional authority in terms of the Traditional Leadership Governance and Framework Act of 2003. The outcome of this application was still pending at the time of writing.

Yet the political battle also generated divisions among residents. Another group which maintained that they were Bakgatla-ba-Kgafela were against the move to secede. Apparently, though not in full support of Kgosi Nyalala, they were reticent about the strategy adopted by the leaders of the ba-Kautlwale group. Some even accused them of using broader social issues, like the marginalisation of Motlhabe by the mine, to pursue their narrow political ambitions. Tensions between the two groups were high. At one stage, the rival groups convened a village meeting where they attempted to conduct a 'referendum' on the question of secession by asking residents to write down which group they belonged to. As one informant recalled:

Everybody must come and sign that 'I am Mokgatla-wa-Kautlwale and you are Mokgatla-wa-Kgafela'. (Interview: Motlhabe, 25.07.2013)

Apparently, the meeting ended in a chaos because of the power struggle between the two groups.

### 3.4 We want development! Youth marginalisation and resistance

A particular line of political division has opened up in Motlhabe between the generations. Many of the youth interviewed in this study argued that the leaders of the ba-Kautlwale group were more interested in gaining power than with confronting the bread-and-butter issues faced by ordinary residents. As one local activists, who had mobilised village youth to demand jobs at PPM, explained:

As the youth we see that the mine close to this village, but it is doing nothing for us. Unemployment is too high. Development is very slow. We oppressed by the chief. All the levies [revenues] from this mine [PPM] go to the Bakgatla-ba-

Kafela in Moruleng. The descendants of Kautlwale are also fighting for chieftaincy and they claim that they bought this land. But, the title deed does not confirm their claim. We are confused. Whenever the ba-Kautlwale call a meeting they talk about chieftaincy - not about our needs as the community. If they want chieftaincy they must leave us alone. The youth want jobs. They want development! (Interview: Mothlabe.05.04.2014)



A billboard about local recruitment outside PPM's entrance

Motlhabe has experienced random uprisings ever since mining activities began next to the village in 2008. Residents' resistance was mainly targeted at PPM and the tribal authority. Sometimes the uprisings became violent. In May 2012, for instance, Motlhabe residents barricaded the gravel road next to the mine and burnt a PPM truck. They also demolished a block of single-roomed flats rented out by a local resident to migrant mine workers. The mine had to suspend its operations.

Residents of Motlhabe historically used the land occupied by PPM for ploughing and gazing. Villagers felt that the tribal authority, as the recipient of revenues from the mine, was side-lining them. Villagers were mainly aggrieved by the lack of public infrastructure in the village. Except for the small post-office and a

few schools that the villagers said they had fundraised to build, public services were - and remain - either poor or non-existent. With intermittent water supply from the Moses Kotane Local Municipality, many villagers had no option but to buy water from residents with bore holes in their yards. They sold water for between R5 and R10 for a 20 litre bucket.

The villagers also accused PPM of marginalising the youth of Motlhabe in its local recruitment processes. Some informants alleged that *Kgosi* Nyalala was behind this. They said that he instructed the mines not to employ the youth from Motlhabe because the villagers were challenging his authority. This allegation cannot be overlooked, especially when one considers that the tribal authority office in Moruleng played - and still plays - a critical role in local mine recruitment. *Kgosi* Nyalala had previously appointed his own recruitment agents called the Youth Development Officers (YDOs) or Youth Coordinators. The YDOs had become infamous for alleged corruption and other abuses of power. For example, they were accused of forcing youth to pay bribes, or perform other favours, in exchange for jobs in the local mines. A youth informant said:

People were buying jobs ... I got a job at Anglo Platinum [Amplats] because I cleaned up the yard of the [YDO] coordinator. (Interview: Lesethheng, 29.08.2013)

### 3.5 Summary

The case of Motlhabe presents a particularly striking example of the reciprocal relations between disputes over land and struggles over political authority, and how these are rooted in village-specific histories. The longstanding claims by the descendants of Kautlwale Pilane and their followers over the farms Welgewaagd and Witkleifontein have intensified with the expansion of mining. But in contrast to Lesethheng, this has escalated into a full-blown attempt to secede from the tribe, which in turn revives an older dispute. There are also tensions between villagers who want to secede and those who don't. Generational cleavages are particularly apparent here. Many youth feel marginalised from the struggles over land and chiefly authority, and view them as driven by elite interests. Hence youth activists tend to mobilise for mining

benefits outside the the traditionalist identities constructed by the secessionists, no matter how valid their historical claims may be.

## Sefikile 'The place of abundant cattle'

Sefikile village is located on the south-western portion of the farm Spitskop 410 JQ, roughly 20 km north-east of the Pilanesberg Mountain range. Clustered around a dramatically beautiful hillock, it stands adjacent to Amplats' Union section, which, as was seen in the introduction, is the oldest platinum mine in the area. Yet, despite yielding royalties to the Bakgatla chieftaincy since 1982, Sefikile itself is deeply impoverished. The only visible public amenities are two overcrowded schools, a half-built clinic, and a rutted, rocky track with a billboard proclaiming this 'internal road is maintained by the Anglo Platinum Union mine'. The evident underdevelopment of Sefikile has led local residents to contest the tribal registration of Spitskop. They argue that the farm was purchased by their forefathers and that the revenues from the mine should directly flow to the community rather than to the chief in Moruleng. Their claim in turn reveals a critical connection between the multi-ethnic origins of the village, its distinctive system of governance and the history of this group-land acquisition. However, while this has generated a remarkably inclusive political identity, new group boundaries are also being erected as mine migrants stake their own claims in Spitskop, including through a burgeoning land market.

### 4.1 'Atamelang!' The diverse origins of Sefikile village

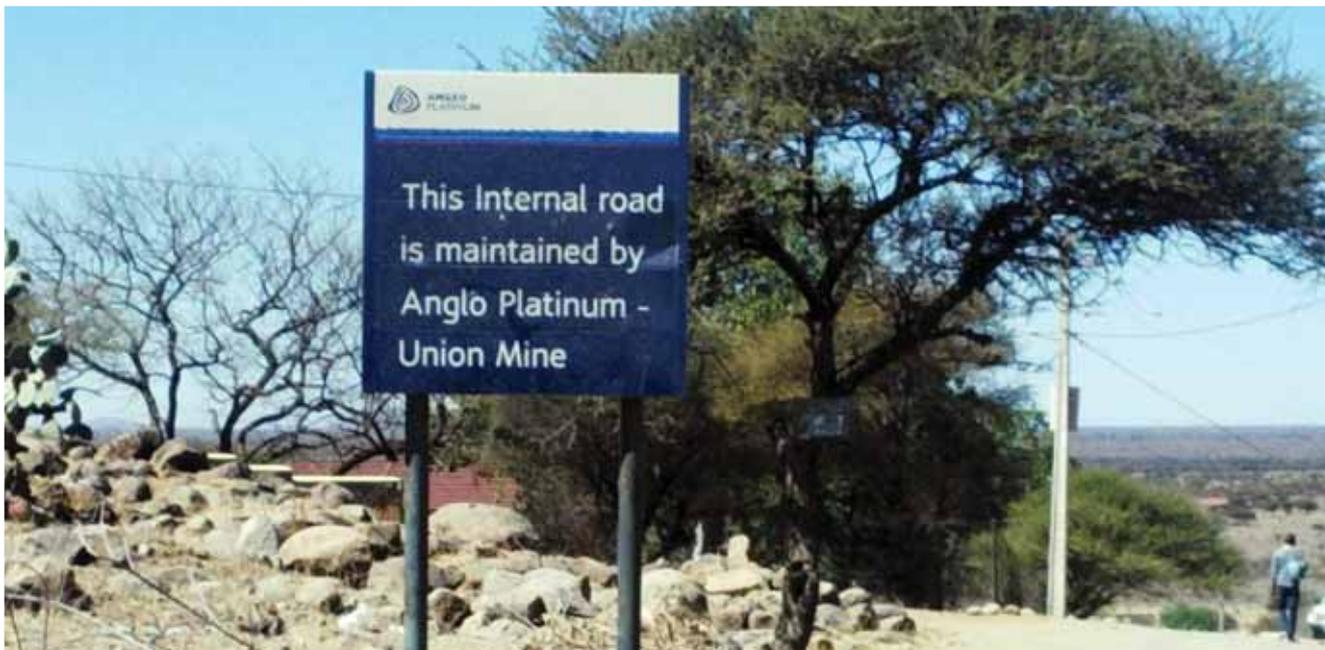
In contrast to the villages of Lesethleng and Motlhabe, which trace their origins to the nineteenth century splits within the ruling lineage, Sefikile has had a profoundly multi-ethnic character from its inception. Tradition has it that when Mzilikazi's Ndebele arrived at the small rocky mountain, that would come to form the heart of the settlement, they declared 'Sifikile!' - 'We have arrived!' / 'We are here!'. Moreover, a number of their captives were left behind when Mzilikazi was driven westwards by the Voortrekkers. Over time these founders of the Sefikile settlement were joined by other refugees from the *difaqane*, former labour tenants

from white-owned farms, and other Africans displaced by various forms of injustice during the colonial and apartheid eras.

The politically inclusive character of the village is well-illustrated by the story of one of its sections, colloquially known as Atamelang. Initially, a group of former labour tenants established a settlement some distance from Sefikile. However, as time went on they were accepted as part of the community and allocated residential land on the north-eastern side, across the Sefatlhane River. As one villager put it, "we said to them 'atamelang!' ['come closer!']. Now you are part of Sefikile" (Informal conversation: Sefikile, 20.07.2013). There is also one *kgoro* - ward, called Morema in Sefikile. Throughout its history, families and individuals of diverse ethnic origins have also been integrated into the village through this *kgoro*.

But what was it that had first bound all these disparate elements together and created a sense of community into which others could be invited?

In researching the land claim of the ba-Sefikile, it became apparent that there was a crucial relationship between the group acquisition of Spitskop and the creation of their distinctive political identity. What follows is a three part account of this land and political history, based on oral histories and archival material. First, we provide a brief description of the independent syndicate of 52 families that acquired Spitskop between 1910 and 1912. Second, we detail the process through which the farm was purchased and registered in two lots. Third, we discuss how land-use rights on the farm gradually diminished as the operations of the Union mine intensified during the second half of the 20th century. This ignited popular resistance against both the mine and the tribal authority, which further strengthened and defined the ba-Sefikile identity.



Amplats billboard in Sefikile

## 4.2 Contesting Spitskop

### A multi-ethnic syndicate

According to our informants, the independent syndicate that purchased Spitskop was ethnically mixed. It was comprised of African families who came from different areas and found a niche around the Sefikile Mountain during the last half of the 19th century. Some were Bakwena who originated from Sebilong near Thabazimbi. Others were Basotho. Some were Ndebele people who came with Mzilikazi, and remained behind when he left Pilanesberg in the late 1830s. Some originated from the Bakgatla-ba-Mosetlha in Hammanskraal near Pretoria.

Evidently, when Spitskop was bought in the second decade of the 20th century there were relatively few families living in Sefikile. The village consisted of a loosely-scattered cluster of small homesteads around the mountain. Between 1912 and 1918, the Native Commissioner of Rustenburg recorded 50 to 59 "native families" living on Spitskop farm. If these numbers were accurate, then the claimants' argument that 52 families contributed towards the purchase of the farm may not be farfetched.

Oral traditions hold that the families who raised money for this purchase did so without an instruction from a chief. Kgosi Ramono Pilane of Bakgatla only came later in the process when the deed of sale had to be

signed. The narratives converge on one name - a certain Reverend Caiphus Makgale. He was, the elders said, the person who collected the money, cattle, crops, goats, and other items for the purchase of the farm. Rev Makgale was a Dutch Reformed Church (DRC) minister, whose church was based at Sefikile. Apparently, beyond proselytising, Rev Makgale also played a leadership role in the village. It is said that the reverend was also literate, and recorded the names of the buyers and their contributions.

In addition to their collective interest in Spitskop, the buyers had one other thing in common - an agrarian lifestyle. Tradition has it that some of the farm buyers were successful peasant farmers who raised a significant number of cattle and produced a wide range of crops. This narrative is rooted in a popular aphorism passed on from generation to generation: 'Sefikile-sa-kgomo-le-mabele':

It [the phrase] means that this is a place where our grandparents had abundant cattle and crops. The cattle were happy here. (Informal conversation: Sefikile, 12.10.2013)

Most elders in Sefikile had grown up farming with their parents. Without hesitation, they listed the range of crops they raised on Spitskop. These included *mabele* (sorghum), *dinawa* (beans), potatoes, sweet potatoes and pumpkins. At times they sold or bartered livestock

and crops to meet other family and communal needs. The main challenge facing them was a shortage of land for grazing and ploughing. The villagers had to lease some the white-owned portions of this farm. For instance, between 1926 and 1945 the African and European Investment Company (AEIC) leased the north-eastern half of the farm Spitskop to Africans living at Sefikile. The number of the lessees ranged between 44 and 51. The prices changed each year when a new contract was signed.

*'No chief ever bought a piece of land!'*

It was land shortage which first led the syndicate to purchase a portion of Spitskop. However, they were compelled to do so through the office of the Bakgatla chief, Ramono Pilane. The deed of sale, dated 28 October 1910, stated that *Kgosi* Ramono as the "[p]urchaser" agreed "to buy certain remaining half part ... of and in the quitrent farm Spitskop No. 298 situate [sic] in the District of Rustenburg ... for sum of eight hundred pounds (£800) sterling".<sup>27</sup> The deed also acknowledged an initial payment of £260, broken down as follows:

- Cash £149.10
- Four large oxen at £35
- Three small oxen at £6.10 each
- Three cows at £7 each
- Five goats at 15p each [and]
- Two Hammels [farm equipment used for crushing] at 15p each<sup>28</sup>

The transfer for this sale was registered on 28 August 1912 to "Ramono Kganyane Pilane, a native chief in trust for the Bakgatla Tribe of Natives".

Another significant portion of the farm Spitskop was purchased between 1916 and 1918. In 1919 this portion was transferred to the 'Minister of Native Affairs in Trust for Bakgatla Tribe of Natives Chief Linchwe K. Pilane'. Combined with the first purchase, this gave the Bakgatla chiefs full control and custodianship over the south-western half of Spitskop.

Registration of group-purchased farms in the name of a recognised chief and his tribe was, as we have seen, the only way African syndicates could formalise and maintain rights to such land at this time. A village elder in Sefikile, who was also a former government employee and retired businessman, captures the fundamental injustice at the heart of this

administratively-driven tribal trusteeship:

People bought land [here] before and after 1913. The apartheid laws deprived black people of the right to own land, even if they bought it. So, no one except the chief and the then Native Affairs Commissioner ... had the right [title] over whatever portion of land they bought, whether privately or not. If a group of people bought land, they had to give away that land into the custodianship of the chief. No chief ever bought a piece of land! Chiefs owned land by virtue of them being guardians ... they had to own land which was not bought by them ... So, my great grandfather is one of the people that bought the farm [Spitskop]. (Interview: Sefikile. 08.11.2013)

After the farm was purchased, however, residential and agricultural plots were allocated for every household in the village. Grazing land was communal. New members who joined the village after the farm had been purchased were also granted ploughing and residential plots, thus themselves becoming ba-Sefikile. They were also allowed to graze and water their livestock on the farm. However, as the years went by, it became increasingly difficult for villagers to use this land to support agrarian production. This problem mainly resulted from drought and Union Mine's unexpected entry onto village land. The mine had a particularly severe impact on villagers' land rights and livelihoods.

#### *Village-level governance*

The multi-ethnic composition of the village of Sefikile links not only to the historical purchase of Spitskop, but also to the distinctive system of local governance which characterises this village. Although Sefikile was historically integrated into the territory under the administration of the Bakgatla Tribal Authority, until 2011 Bakgatla chiefs never formally appointed any *dikgosana* - headmen - to rule over the village. Thus, unlike other settlements in the Bakgatla area, Sefikile's *dikgosana* were neither derived from the lineage of the great *Kgosi* Pilane Pilane, nor did they inherit their position from their fathers. Rather, at different historical times, influential men voluntarily assumed this local leadership role.

These men undertook several tasks including dealing with disputes among residents, and distributing residential and agricultural plots. They also served as representatives of Sefikile in the Tribal Administration office in Moruleng. As such they were generally regarded as *dikgosana* - headmen - although they volunteered for this position. Nevertheless, these men also had to be endorsed and officially recognised by the Bakgatla chiefs in order for them to represent Sefikile in the tribal affairs, and at no time did women assume these positions.

Sefikile had no '*kgosana*' between 2009-2011. Residents removed the previous headman on the alleged grounds of his corruption. A group of activists who identified themselves as the Bakgatla-ba-Sefikile Traditional Community Association (BBSTCA) took over the leadership of the village. They elected a committee which administered community finances and allocation of residential land.

However, the BBSTCA itself soon lost popularity because of allegations of corruption. It was claimed that these leaders had misused R1.2 million from Eskom, which had been paid to acquire servitude rights to construct a power station and to run power lines on the farm Spitskop. It is said that Eskom paid this amount to the seven 'board of directors' of the BBSTCA on behalf of the community. Now dubbed 'The Gang of Seven', they are also accused of appropriating bribes from 'outsiders' - mainly migrant mine workers - in exchange for residential plots.

In 2011 residents demanded that the BBSTCA leaders be removed from power. They also requested *Kgosi* Nyalala to appoint a *kgosana* in Sefikile. The chief immediately granted both demands. For the first time accepting his 'customary' prerogative to install a headman may have brought a degree of order, but tensions in Sefikile remain high.

According to some respondents, the chiefs have never fully regarded the people of Sefikile as part of the Bakgatla. 'The chiefs at Moruleng' - as they are commonly called - have allegedly given away land to incoming migrant groups without consulting local residents. Some assert that the chiefs were bribed. We shall deal with these issues at the end of the discussion of the Sefikile case.

*Enter Union Mine: 'Sinkgalaleng!' said the villagers*  
A significant portion of the farm Spitskop is now leased

to Union for its mining operations. Although the mine officially developed over Spitskop in the early 1970s, local farmers began losing their ploughing fields in the late 1940s when the mine started operations on Swartklip 405KQ, an adjacent farm. Grazing land was fenced off for the mine's operations. According to some village elders, residents were never consulted before the mine came. The mine signed an agreement with the chief and simply occupied the land. Villagers nicknamed the mine Sinkgalaleng! - Don't undermine us! This is how an elder narrated his early encounter with Union Mine:

I can remember clearly when they began mining in this village. I was about ten years old. On one side of this farm we were ploughing. On the other side we grazed cattle. There were families that had cattle posts on the part of the farm that is now occupied by the mine. They were removed by force from that area. There was no compensation from the mine. (Interview: Sefikile, 28.07.2013)

There have been sporadic uprisings against the mine. But these never proved particularly significant. However, matters took a different turn in the late 1990s when a group of village youth activists took up the struggle against the tribal authority and Union mine. The youth were concerned that, ever since mining began in Sefikile, residents had never benefited. Their initial focus was on getting jobs in the mine and public infrastructure in their village. The mine responded by funding two projects: the renovations at Sefikile Primary School and a short tarred road that runs along the western side of the village. Resistance subsided for a while.

Tensions surfaced again in 2006 when the people of Sefikile became aware that Amplats had been paying royalties for its operations on their village lands since 1982. The tribal administration in Moruleng had been receiving these payments. Towards the end of 2006 rumours circulated that *Kgosi* Nyalala was about to enter into another transaction with Amplats. He was in the process of converting future royalties from Union mine into a 15% equity stake. When this transaction was finalised and announced in the media in December 2006, the growing sense of disquiet broke out into the open.

What had initially begun as a youth-led uprising now became broader village opposition to the royalty-to-

equity conversion. Most residents - young and old - joined in. Villagers blockaded the road between the village and the mine. They demanded an urgent reversal of this transaction. It was during the peak of this conflict that some of the elders told the young protesters about the land purchase history. They learnt that Spitskop was not really a tribal purchase, but had bought privately through the contributions of local families between 1910-1912. From that moment, the locus of the village struggle shifted. Contestation over the farm Spitskop became central to the struggle against the *Kgosi Nyalala* and the mine.

The zenith of this struggle was a court battle, which raged for almost two years between 2010 and 2011. On 14 June 2010 the BBSTCA filed a court application with the North Gauteng High Court to challenge tribal ownership of the farm. The BBSTCA represented the descendants of the 52 families who contributed towards the purchase of the farm between 1910 and 1912. This group sought a court order to compel the Minister of Rural Development and Land Affairs to transfer the ownership to the names of the original buying families. This application sought to effectively remove *Kgosi Nyalala's* custodianship over this property and its mining revenues.

North Gauteng High Court, 'probably because of lack of jurisdiction ... over this matter<sup>29</sup>' transferred the application to the North West High Court on 31 January 2011. Judge Leeuw handed down her judgement on the case on 1 December 2011. She relied strongly on the perceived 'customary' custodianship of chiefs over communal land, and made reference to the Constitution and post-apartheid legislation that empowers chiefs to act as trustees over communal land.<sup>30</sup> Citing Sec. 211(3) of the Constitution, Leeuw argued:

In this matter I am enjoined by the Constitution to recognise that land that is held by the *kgosi* or traditional leader on behalf of a tribal community should be dealt with in terms of legislations that have been enacted for the purpose of regulating amongst others, the ownership thereof as well as the role and powers of the traditional leaders.<sup>31</sup>

The judge dismissed the application of the BBSTCA with costs. The distorted conception of chiefly custodianship that evolved with the tribal-trust regime thus prevailed. The BBSTCA, apparently facing financial challenges, has been unable to challenge the

judgement. But as mentioned, tensions and divisions had also emerged within this group when its leaders were accused of misusing community funds. This contributed significantly towards the BBSTCA's loss of popular support in Sefikile, but there are still many residents that want to take the land struggle forward.

But there are also other kinds of land disputes unfolding at the village level, which point to the potentially exclusionary nature of the prevailing conception of corporate community in Sefikile.

#### 4.3 'Thula Mtswana!': 'Locals' and 'foreigners'

The impact of the mining operations is more visible in Sefikile than in any other village in the Bakgatla area. The loss of pastoral and agricultural land is among the most glaring consequences. Even more land has been lost as a result of the mushrooming informal settlements all around the village. The informal settlements provide home to thousands of migrant mine workers and job seekers mainly from the Eastern Cape, Mozambique, Lesotho and other labour sending areas.

It is important to note that Union Mine operates using vertical and decline shafts. Unlike PPM, it is not open-cast. As a result the immediate incursion of the mine on farm land was less drastic than at Lesethleng and Motlhabe. Deep-level mining, however, requires a much larger underground workforce which is largely recruited as migrant labour. After 1994, when the mines started to pay living out allowances, migrant workers moved out of mine hostels and into informal settlements on surrounding land. This process led local village challenges to customary authority to take an ethnic form. It was "foreigners" who were perceived to be taking over agricultural land with the chief's approval, as well as the mine directly.

Migrant miners forced their way onto Sefikile's communal land and built informal settlements in the early 2000s. A village activist in Sefikile who was also a Union Mine worker narrated the events that led to the establishment of the informal settlements:

Foreigners are the mine workers from the Free State and the Eastern Cape who are occupying our land by force. This all started when these guys began moving out of the hostel and occupied [mine] land behind this mine hostel [pointing



*Shacks rented out to mine workers at Machela Pata*

through the window], the A Hostel. Unfortunately, the management of this mine removed them. Police came and demolished their shacks. That was when they began to occupy our ploughing and grazing fields at Sefikile. We tried to stop them. A conflict started. Two of our youth leaders were killed during that conflict. (Interview: Union Mine, 07.09.2013).

Residents of Sefikile pleaded with *Kgosi Nyalala* to intervene, but, despite several attempts to get the chief's intervention, he never acted. The largest informal settlement, *Khwecheza*, straddles the land between Union Mine and the original village of Sefikile. It was alleged that some of the occupants of *Khwecheza* paid the chief to get residential plots. *Khwecheza* has become an enormous shack settlement nicknamed by its inhabitants 'Thula Mtswana' - isiXhosa for 'Shut up Tswana'.

Residents of Sefikile generally refer to *Khwecheza* residents as 'foreigners'. A particularly virulent notion of 'foreigners' originated in the 1980s during the reign of former Bophuthatswana leader President Lucas Mangope, who often dealt harshly with non-Tswana migrant miners. Some residents narrate nostalgically

how Mangope's Bophuthatswana police chased and arrested non-Tswana miners found wandering in the village. The arrested miners were at risk of losing their jobs and of being deported back to their 'homelands'.

When this study was conducted there were no services at *Khwecheza* except for a few communal taps and pit latrines in every small yard. There were no roads, electricity, health care centres or even a school. From the ground at least, it appears that neither the mine nor the local municipality has shown any interest in upgrading *Khwecheza*. The fading edges of what used to be ploughing plots were the only sign that there was once productive agricultural land in the area now occupied by this informal settlement.

#### *From Komasingling to Machela Pata: Informal land sales on Spitskop*

Informal sales of land by some members of prominent families have also increased social tensions in Sefikile. This practice began in the late 1990s. Two male residents of Sefikile sold portions of their ploughing fields as residential plots to unmarried women. Until that time customary law denied single women the right to own land. As more women entered the informal land market, this area soon developed into a new section of the village. It became known as

Komasingling - the place of the singles - since it was mainly occupied by unmarried women. It is said that these residential plots were sold for between R2 500 and R5 000 each.

The chief and his traditional council in Moruleng did not intervene to stop the practice. Instead, they 'formalised' it by issuing stand cards for the women who had acquired stands. For the first time in Sefikile's history, unmarried women owned residential plots in their own names.

Customary law also excludes migrants from other ethnic groups from acquiring residential plots in the Bakgatla area. A stand card must be obtained from the Bakgatla-ba-Kgafela tribal administration office in Moruleng, and only a recognised village *kgosana* can forward the requisite letter of approval confirming that the applicant is a village resident and a member of the tribe. Here the 'land-sellers' spotted a new market opportunity. They bought up land much faster than the single women did. The name of this section had to change from Komasingling because it was no longer occupied only by single women. It was renamed Machela Pata - across the road.

Mine workers who buy these plots usually build rows of shacks and rent them out to other migrant miners. Machela Pata has become the section of Sefikile with the most single-roomed shacks. Most of the new shack owners in this section are also isiXhosa speakers from the Eastern Cape. Renting out shacks seems to be the most lucrative business at Machela Pata. Between eight and 20 shacks can be found in one plot (see *Plates 5 and 6*). Without any form of public infrastructure and services, Machela Pata, is now the most overcrowded section of Sefikile after Khwecheza.

#### 4.4 Summary

A distinguishing feature of Sefikile is that the political community was constructed through the group purchase of Spitskop. United and defined by their common property in this farm, the original buyers forged a new corporate identity which transcended their diverse origins. This in turn enabled incomers to be incorporated into the settlement and was reflected in the evolution of a non-hereditary form of local governance, which set Sefikile apart from other Bakgatla villages. However, the development of the local mining economy has fostered new tensions. On the one hand, the impending royalty-to-equity conversion had the effect of uniting disaffected youth with older residents

in a common opposition to the mine, and pushed the struggle over the ownership and control of Spitskop centre stage - the diametric opposite of Motlhabe. However, on the other hand, new boundaries and divisions have emerged between 'locals' and 'foreigners' as migrant mineworkers have struggled to gain a toehold on the land. In particular, the rapid growth of an informal land market has at once allowed single women to strike out on a path of their own, but has also deepened ethnic tensions as a new generation of 'shacklords' cash in on migrants' desperate need for accommodation and services.

## Five

### Conclusion

Drawing on the case of the Bakgatla-ba-Kgafela traditional authority, this study has investigated how local land and political histories have shaped a new wave of rural struggle on the platinum belt. The focus has been on the interrelationships between land, community and authority at the village level, and how these have been conditioned by a distinctive 'tribal-trust' property regime, which crystallised in the Rustenburg region during the late nineteenth and early twentieth centuries. We conclude with five comparative observations.

First, a remarkably similar pattern of group-land acquisition has emerged from the three study villages. In each case, mineral rich farms are being contested that were purchased by private land syndicates in the first quarter of the twentieth century. As elsewhere in the Rustenburg area (Capps, 2010), these were acquired independently of the Bakgatla chieftaincy for the exclusive benefit of the people who raised the purchase price. However, the land-buying groups were forced to register these properties through the aegis of the Bakgatla chief in order to meet the administrative requirement that their acquisition was registered as a tribal purchase. This resulted in formal registrations that bore no trace of the actual buyers and thereafter treated the land as tribal property.

Second, there was also an intimate connection between the assertion and/or formation of discrete political identities and the collective acquisition of this land through syndicate buying. In the cases of Lesethleng and Motlhabe, the land buyers were able to draw on existing identities, formed through histories of secession from the ruling lineage in the 1850s and 1860s. However, in Sefikile, a new corporate identity was actively constructed to facilitate the acquisition of Spitskop, and demarcate the boundaries of who would benefit. These localised configurations of group property were thus also vitally connected with the form and exercise of political authority at different levels of the Bakgatla hierarchy.

Third, it is precisely the institution of 'tribal trusteeship' that has enabled the Bakgatla chieftaincy to play such a powerful mediating role between the mining corporations and the land and people under their jurisdiction. In its latest and most extreme phase, the Bakgatla authority has itself become a shareholder in the platinum corporations that are currently expanding their operations over this 'tribal' land. Rather than leading to the development of the mine-hosting villages investigated in this study, it has delivered land alienation, the radically unequal distribution of mining benefits and a near-universal perception of chiefly corruption. At the same time, post-apartheid legislation has further strengthened the role of the chiefs as tribal trustees, while the courts have generally upheld versions of 'custom' that emphasise these powers, as was seen in the case of Sefikile. The effect has been to generate new land struggles in all three villages whose aim is to re-register ownership to the descendants of the original purchasers. This directly challenges the assumption, seemingly shared by the state, corporations and chiefs alike, that the 'tribe' is the only legitimate African land-holding unit in the new platinum areas.

Fourth, these new land struggles all draw upon, and are being articulated, through the independent political identities which were variously strengthened or forged through the original process of group land-buying. This has reached its most extreme in Motlhabe village, where the ba-Kautlwale group is seeking to secede from the Bakgatla tribe. But there also seems to be a strong (re-)assertion of independent clan and village identities in Lesethleng and Sefikile. Although these political dynamics cannot simply be reduced to the 'land question' there is clearly a strong connection between them as recognised claims to simultaneously resisting adverse extractive expansion, regaining local control over land-use decisions and/or staking claims in mineral revenues free of chiefly intermediation.

Finally, however, the flip-side of this process is that it is also generating new lines of social demarcation that have the potential to undermine these rural struggles. In Lesethleng, the very process of making the claim has revived and perhaps even created older differences

between buyers and non-buyers, clan members and affiliates, 'owners' and 'tenants', and men and women. In Motlhabe, the secessionist strategy of the ba-Kautlwale group has seemingly been rejected by the youth and other categories who fear that it will simply replicate the logic of chiefly power at a more local level. And in Sefikile, significant tensions have emerged between local residents/land claimants and mine migrants and single women struggling for independent access to residential land and public services. All of these different social cleavages and divisions point to the dangers, if not the limits, of seeking social justice through narrowly defined claims to private group ownership. Indeed, as was seen in Lesethleng, it was precisely the process of identifying the legitimate beneficiaries of any future title adjustment that exacerbated the divisions within the wider claimant community. These problems are not necessarily insurmountable, but they do pose searching questions about the use of the law as an instrument of social transformation in circumstances where rights to land are defined and realised through socio-political groups ('communities') that are simultaneously differentiated, overlapping and contested.

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Access on: 20 August 2013.

## Seven

# Appendix: Table Summary of Bakgatla mining investments since 2006

Transaction	Date	Ownership	Affected Farms	Activity	Other Details
Union Section Transaction	1 December 2006 <sup>32</sup>	15% owned by Bakgatla 'tribal' authority <sup>33</sup>  85% owned by Rustenberg Platinum Mines, a subsidiary of Anglo American	Portion 2 of the farm Spitskop 410 JQ and Swartklip 405 KQ	Shaft mining  Two active shafts	BBTA took a loan of R420-million <sup>34</sup> from Rand Merchant Bank in order to secure a 15% share in the union mine. This loan was in addition to a royalty conversion. Bakgatla relinquished their entitlement to the royalty payments over Portion 2 of Spitskop 410 JQ, <sup>35</sup> where the extractive activities of the Union Mine take place
Pilanesburg Platinum Mines (PPM)	2008	PPM is a wholly owned subsidiary of Boynton Investments (Pty) (Boynton)  Boynton Shareholding Structure  72.39% owned by Platinum Resources Ltd <sup>36</sup>  BEE Shareholdings: 25.96% owned by Bakgatla Pallinghurst Joint Venture (Pty) Ltd ("BPJV") <sup>37</sup>  1.65% owned by other shareholders	Tuschenkomspt 135 JP, Witkleifontein 136 JP, Rooderand 46 Jq (Portion 3), Groenfontein 138 JP, Wilgespruit 2 JQ, Cyferkuil 1 JQ, and Ruighoek 169 JQ (various portions)	Open cast mining - massive pit	

Transaction	Date	Ownership	Affected Farms	Activity	Other Details
Sedibelo Platinum Mines Ltd. A consolidation of 3 assets: <sup>38</sup> PPM, Sedibelo Project and Magazynskraal (Richtrau No. 123 (Pty) Ltd	December 2012	42% owned by Pallinghurst Resources Industrial Development 16.2% Corporation (IDC) 27% Bakgatla	Tuschenkomspt 135 JP, Witkleifontein 136 JP, Rooderand 46 JQ (Portion 3) and Ruighoek 168 JP; Wilgespruit 2 JQ, Rooderand 46 JQ (portion 1), Legkraal 45 JQ and Koedoesfontein 42 JQ; Magazynskraal 3 JQ	Consolidation not yet complete	In December 2012 the IDC contributed 3.24 billion Rand towards this project for which it secured the 16.2% stake
Sedibelo Platinum Project (West, Central and East)	1998 <sup>39</sup>	100% owned by Itereleng Bakgatla Mineral Resources (Pty) Ltd (IBMR) <sup>40</sup>	Wilgespruit 2 JQ, Rooderand 46 PQ (portion 1), Legkraal 45 JQ and Koedoesfontein 42 JQ	A developing project Open pit and shaft mining	
Magazynskraal Project	23 September 2008	Wholly owned and operated by Richtrau No. 123 (Pty) Ltd <sup>41</sup> Ownership: 20% - Rustenberg Platinum Mines (RPM) 40% - Lexshell 38 (Pty) Ltd <sup>42</sup> 40% - Clidet <sup>43</sup>	Magazynskraal 3 JQ	Development Underway	

## Eight

### Endnotes

- 1 Other controversial laws that, so far, have been successfully resisted by rural citizens include the Communal Land Rights Act of 2004 (Act 11 of 2004) and the Traditional Courts Bill.
- 2 Kgosi Nyalala Pilane, cited in N Grove, 2014. 'Traditional communities should be seen as partners, not rivals', *Mining Weekly*, 3 February 2014, <http://www.miningweekly.com/article/traditional-communities-should-be-seen-as-partners-not-rivals-to-mining-cos-bakgatla-chief-2014-02-03> (accessed 7 February 2014).
- 3 The Union Mine began operating in 1947 on the farm Swartklip, adjacent to Spitskop and less than 4 km away from the village of Sefikile, which we consider further below. In 1949 it became part of the Rustenburg Platinum Mines (RPM), a subsidiary of Johannesburg Consolidated Investment Co. Ltd (JCI), which was in turn held by the giant Anglo American Corporation. When JCI was unbundled in 1995, RPM was transformed into Anglo American Platinum along with Anglo's other platinum assets.
- 4 Interview with the Manager of the District Office of Local Government and Traditional Affairs, Mogwase, 02/08/2013.
- 5 On the global platinum boom, and its relationship with the distinctive structures of mineral property found in the former homeland areas, see Capps, 2012a.
- 6 Mnwana conducted the research for this study, with the assistance of two research interns, Stanley Malindi and Gregory Maxaulane. The data was collected and analysed in three stages between July and November 2013. The first stage was local-level fieldwork. Methods included in-depth interviews, observations and analysis of documents. The second involved several visits to the South African National Archives in Pretoria. The third stage entailed the collection of detailed oral histories. During the different stages of data collection, the research team participated in a range of activities including *makgotla* (village meetings), youth gatherings, court cases, and state-instituted commission hearings on Bakgatla chieftainship disputes. Details of Mnwana's earlier research in the Bakgatla area can be found in his PhD (Mnwana, 2012).
- 7 In June 2008, Nyalala Pilane was found guilty of fraud and corruption, but this was later overturned on appeal. Claassens and Matlala (2013:124-126) present a useful summary of the evidence of financial mismanagement in Bakgatla.
- 8 In his PhD, Capps discusses the evolution and dynamics of the 'tribal-title-trust regime' in relation to the land history of the neighbouring Bafokeng chiefdom. The following draws closely on his original argument and full references can be found there.
- 9 Pretoria National Archives: NTS, Vol. 372, Ref. 36/13/F1237
- 10 According to our informants in Lesethleng, these clans were: Kgosing, Pheto, Mogorosi, Ramolefe, Tlagadi, Huma, Matshego, Serema, Rampedi, Morema, Ramolome, Ramolemane, and Botalaota.
- 11 Pretoria National Archives:, Register, RAK 3020.
- 12 Pretoria National Archives, NTS, 254, 1137/16/F596.
- 13 Pretoria National Archives, NTS, Vol. 3514, Ref. 323/308.
- 14 Chief Lenchwe's I third son, who was the chief (some say regent) of the Bakgatla in South Africa during that period. He was appointed by *kgosikolo* Isang Pilane (in Botswana) to rule over Bakgatla in South Africa.
- 15 Pretoria National Archives, NTS, Vol. 3514, Ref. 323/308.
- 16 Portion B, measuring 503 morgen, 421 roods, NTS, Vol. 3514, Ref. 323/308.
- 17 Pretoria National Archives, NTS, Vol. 3514, Ref. 323/308.
- 18 In terms of the Restitution of Land Rights Act, 22 of 1994.
- 19 Submission by Mrs Mary Mokgaetsi Pilane and Mr Mmothi Pilane of Bakgatla baKautlwale to Rural Development Portfolio Committee on the repeal of the Black Authorities Act Bill, 21 July 2010.
- 20 North West Provincial Archives (NWPA), File 191, 6/4/2.
- 21 The Bakgatla area fell under Mankwe District during Bophuthatswana regime.
- 22 Letter to the Department of the President of Bophuthatswana. 23 November 1982. NWPA, File 191, 6/4/2.
- 23 Department of the President, Bophuthatswana. 22 April 1986. NWPA, File 191, 6/4/2.
- 24 Department of the President, Bophuthatswana. 22 April 1986. NWPA, File 191, 6/4/2.
- 25 Pilane and Another v Pilane and Another (263/2010), (30 June 2011), para 21.

26 Pilane and Another v Pilane and Another (CCT 46/12), (28 February 2013), para 70.

27 Pretoria National Archives, NTS 3541 478/308.

28 Ibid.

29 Bakgatla BaSefikile Community Development Association and Others v Bakgatla ba Kgafela Tribal Authority and Others (320/11) [2011] (1 December 2011), para 2.

30 Especially the provisions of the now defunct Communal Land Rights Act No 11 of 2004.

31 Bakgatla BaSefikile Community Development Association and Others v Bakgatla ba Kgafela Tribal Authority and Others (320/11) [2011] (1 December 2011), para 42.

32 This transaction is said to have been indorsed by the members of the community "at a *Kgotha-Kgothe* (or general meeting) of the Bakgatla ['tribe'] on 25 November 2006" (Anglo American Platinum 2006 /Media Release 14 December 2006). This is disputed by many ordinary residents who argue that they did not understand the details of this transaction.

33 The 15% equity stake is held through a Bakgatla owned trading company called Lexshell 36 (Pty) Ltd. the latter is directly owned and managed Lexshell 703 (Pty) Ltd (also a Bakgatla company).

34 This debt is serviced through the dividends that accumulate to the Lexshell 36 (Pty) Ltd Company.

35 The Bakgatla tribal authority has been receiving royalties for mineral rights (under the old order) on this farm since the early 1980s.

36 Based in the British Virgin Islands. Platmin Resources Ltd is a wholly owned subsidiary of Platmin Limited which is owned collectively by a group of diverse South African and international investors. Platmin Limited has changed its name to Sedibelo Platinum Mines (SPM) since 06 December 2013. The leading investor in SPM is Pallinghurst Resources Limited.

37 In this joint venture, the Bakgatla's share is 50.1% while Pallinghurst owns 49.9%

38 This project is tagged 'The African Queen Project'

39 Several changes have occurred in the ownership structure of the Sedibelo Project since 1998. The Sedibelo Project was set up in 2008 as a joint venture between Bakgatla-ba-Kgafela's IBMR and Barrick Platinum (a subsidiary of Barrick Gold Corporation). Barrick owned 10% which it inherited when it acquired and integrated more than 80% of Placer Dome shares in 2006. Bakgatla owned 90% of the Sedibelo Project. During the prospecting stage, the agreement between Barrick and IBMR was that Barrick's holding was to increase up to 65% once the decision to mine was made. For this increased stake, Barrick was to contribute \$106 million. Sedibelo's feasibility study was described as 'bankable', based on the promise of 4, 76 million ounces platinum, 4, palladium, rhodium and gold coupled with a 16-year long mine production lifespan. The initial investment of this project was estimated at \$700m. This project was supposed to begin operating in 2009, but was placed on hold due to the impact of the global economic crisis. In October 2009, Barrick decided pull out of South Africa's platinum industry. It sold its 10% stake to IBMR, thus leaving the latter with 100% ownership of the Sedibelo Project and exclusive hold over mineral rights in the project.

40 IBMR is a 100% Bakgatla-owned holding company. In 2012 IBMR sold Sedibelo West to Platmin for \$75-million for the expansion of the Tuschenkomst pit. This expansion enters deep into the farm Wilgespruit.

41 A subsidiary of Anglo Platinum's Rustenburg Platinum Mines (RPM)

42 A wholly owned subsidiary of the Bakgatla community.

43 A company controlled by Newshelf 927 (Pty) Ltd. The latter is owned by Ivy Lane Capital Limited - a subsidiary of the Pallinghurst Investment Consortium (PIC). The PIC participants in this transaction are: Pallinghurst Resources (Guernsey) Ltd ("PR") (21.89%), AMCI ConsMin Cayman L.P. ("AMCI") (27.74%), Investec Bank Limited ("Investec") (15.09%), and NGP Midstream and Resources L.P. ("NGPMR") (21.89%).





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