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# Mining, Capital and Dispossession in Limpopo, South Africa

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## PLAAS Working Paper 56: **Mining, Capital and Dispossession in Limpopo, South Africa**

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## ABSTRACT

This article explains the processes by which land, water and other natural resources were seized, and their previous users dispossessed, for the purposes of capital accumulation by Ivanplats platinum mining company in Limpopo, South Africa. The mining firm largely acquired land through non-voluntary mechanisms by disregarding South Africa's Interim Protection of Informal Land Rights Act (IPIIRA) set to protect the lawful occupiers and users of land. Through detailed empirical examination, I demonstrate how locals in Limpopo experienced dispossession through enclosure of farmland, water sources, grazing fields and cultural shrines, paving the way for accumulation by the mining firm. Beyond productive sources, the mining firm also acquired capital through imposing financial interests on unfair community loans. Corruption, coercion and bribes were useful dispossession tools in a powerful triple alliance of investors, state officials and traditional leaders. This exacerbated the crises of livelihoods for many, especially women, who did not integrate in the new mining wage-labour economy and its entrepreneurial opportunities. I partly agree with scholars who have used some Accumulation by Dispossession (ABD) features to explain this phenomenon. However, it is important to note that dispossession even through economic means and with voluntary consent can also lead to similar dire consequences for the rural poor. In addition, the farmers were not out of capitalist relations of production as implied in the conceptualisation of ABD with its genealogy in primitive accumulation and there was no full rural proletarianisation. Given the nominal welfarist benefits for the locals in this extractivist model of investment, covert, intermediary and overt resistance to land dispossession was rife, though it met with brutal state force making the future unstable and uncertain.

**Keywords:** accumulation by dispossession, capitalist, land, livelihoods, power relations, resistance, South Africa, mining, water

## ACRONYMS AND ABBREVIATIONS

ABD	Accumulation by Dispossession
B-BBEE	Broad-Based Black Economic Empowerment
DG	Director General
DMR	Department of Mineral Resources
FPIC	Free, Prior and Informed Consent
IPILRA	Interim Protection of Informal Land Rights Act
JOGMEC	Japan Oil, Gas and Metals National Corporation
JGC	Japan Gas Corporation
MACUA	Mining Affected Communities United in Action
MIAC	Mokopane Interested and Affected Communities Committee
MPRD	Mineral and Petroleum Resources Development
NGOs	Non-Governmental Organisations
RMDEC	Regional Mining Development and Environmental Committee
SAHRA	South African Heritage Resource Agency
ZAR	South African Rand

## INTRODUCTION<sup>1</sup>

This article explains the processes by which land and other natural resources were seized, and their previous users dispossessed, for the purposes of mining capital accumulation in South Africa's rural hinterland. This is illuminated through a qualitative study of how land, water and natural resources for the locals were dispossessed by Ivanplats platinum mining venture, located in the western part of Limpopo Province in South Africa. The Department of Mining granted Ivanplats a 30-year mining right on 30 June 2014 and this was legally executed on 4 November 2014 (Ivanhoe Mines Ltd 2016). This means that the mining right will continue until midnight on 4 November 2044, unless it is legally withdrawn. A total of 20 villages under Kgoshi (Chief) L.V. Kekana in Mokopane district, amounting to about 150 000 people were directly and indirectly affected. I argue that most of the land for the mining project was acquired through extra-economic and non-voluntary means as no due process was followed in line with the Interim Protection of Informal Land Rights Act (IPILRA) and other international principles for responsible investments. The investor disregarded IPILRA which protects informal land occupiers and chose the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRD Act) which promoted the easy dispossession of locals in the context of weak governance and unequal power relations. Consequently, Ivanplats easily enclosed land, water, grazing and cultural lands for many of the local farmers, creating a local crisis of livelihoods. Some features of ABD capture this phenomenon. However, some of the land was given voluntarily and even if all the land had been acquired through economic means, the consequences of capital accumulation were still going to be devastating for the dispossessed. In addition, contrary to the classic conceptualisation of ABD with its genealogy in primitive accumulation, the local farmers were not 'outside capitalism' but integrated in South Africa's uneven capitalism and full rural proletarianisation did not occur. Despite some differentiated benefits for locals, dispossession for mining accumulation activated the local farmers to resist in different ways. To substantiate my argument, I present this article in seven interrelated parts. First, I outline the theoretical approach and its adaptation. Second, I unpack the ownership structure of the investment project and the prevailing inner relations of domination. Third, I detail the qualitative methodology that was apt to capture processes of dispossession. Fourth, I provide an analytic construction of how local agents, actions and institutions enhanced dispossession. The fifth section highlights the dispossession of water, farmland, livestock and grazing lands. The sixth section is an attempt to debate the differentiated benefits accrued by the community from the mining project and the last section gives a purview of different forms of local resistance to the dispossession. The next section delves into the theoretical debates and positioning.

I posit that the new wave of mining deals in South Africa can be understood in terms of ongoing dispossession for mining capitalist accumulation. In terms of practical application, this paper is informed by Hall's (2013) three approaches that focus on process, consequences and intention. Here, I emphasise the process in question, how the land and other natural resources were acquired and if the process separated 'producers from direct access to the means of production' and look at the intention of whether the goal was to accumulate and reproduce capitalist relations of production. I do not labour much on consequences, that is, 'whether the process is functional to the creation and reproduction of capitalism' (Hall 2012:1195). In focusing on the process, consequences and intention of dispossession for capitalist accumulation, Harvey (2003) has reconceptualised this as Accumulation by Dispossession (ABD). What is ABD? Central to Harvey's (2003) proposition, is that ABD with its genealogy in Marx's primitive accumulation, is connected to the accumulation of capital through extra-economic means in the context of neo-liberal capitalism and globalisation.

Far from just dismissing ABD as an omnibus term that might not tell us anything significant, I try to disentangle some of ABD's central features that I find useful in explaining new forms of ongoing local processes of capitalist accumulation. First, the absence of voluntary market purchase (Hall 2013) or voluntary consent in land acquisitions is an important characteristic of ABD. Even where market land sales are constrained by the legal tenure systems in most of rural Africa, voluntary consent by those who use, own or have access to land should be a precondition for acquisition. A second feature of ABD is the state's backing of non-voluntary acquisition of land (Harvey 2006). Capitalists convince the state to help them acquire land cheaply and easily where locals do not give voluntary consent, agree to sell their land or where the locals have no codified ownership. ABD is, in this instance, 'a process whereby state force is

<sup>1</sup> I would like to acknowledge the partnership and co-fieldwork with Nkuzi Development Association. However, the analysis and views expressed in this paper are entirely mine. E-mail feedback to [pzamchiya@plaas.org.za](mailto:pzamchiya@plaas.org.za) and [pres1zamchiya@gmail.com](mailto:pres1zamchiya@gmail.com)

mobilised by the capitalist class to overcome the barriers to accumulation presented by land markets' (Harvey 2006:371). Third, is the marshalling of rural elites such as traditional leaders and hired gangs to acquire land. This results in coercive land acquisition. Fourth, the threat of force or use of coercion is central to ABD and is a long historic feature of capitalist accumulation (Harvey 2003). Fifth, fraud and corruption are central to Harvey's ABD and there is certainly often corruption involved in any large-scale land development project (Harvey 2003). In short, ABD is partly useful in analysing how the 'processes by which land and other resources are enclosed, and their previous users dispossessed, for the purposes of capital accumulation' (Hall 2013:1583).

However, the limitations of ABD remain its emphasis on extra-economic coercion as central to expropriation of the means of production by capital. Dispossession does not always have to be illegal for its consequences. Sometimes it typically occurs legally through pro-market neo-liberal state laws meant to attract foreign investments such as the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRD Act). In some cases, the land is acquired voluntarily and through economic means. The dispossession consequences for the poor are dire whether through economic or extra-economic means. In order to have a holistic understanding of the dispossession processes at play, one needs to go beyond the narrow definition of ABD flagged as 'the use of extra-economic coercion to expropriate means of production, subsistence or common social wealth for capital accumulation' (Levien 2012:941). In addition, a blanket ABD approach can encourage the assumption that people being dispossessed in South Africa's marginalised hinterlands live 'outside' capitalism (Hall 2012). As Hall (2013) further argued, one cannot assume that the conditions under which people are being dispossessed today reflect those of medieval English peasantry. The local farmers were already integrated into commodity circuits though socially differentiated. So, one cannot convincingly argue of pre-capitalist producers in South Africa in the 21<sup>st</sup> century waiting to 'fall prey to capital' through ABD. As Cousins (2010:10) has convincingly argued, 'smallholder farmers in the contemporary world cannot produce themselves outside of commodity circuits, i.e. of markets for agricultural inputs, outputs and consumer goods, hence they operate within capitalist relations of exchange. In addition, dispossession does not always follow full rural proletarianisation.

I now move from abstractions to give specificities on the mining investment, distribution of shares and power relations.

## INVESTMENT OWNERSHIP, SHARES AND DEBT ACCUMULATION

Data on who owns the investments and distribution of shares is usually opaque in cases of dispossession. It took a qualitative study to understand the inner power dynamics of the mining joint venture. The mining investment in Mokopane is owned by Ivanplats (Pty) Ltd (Ivanplats), formerly Platreef Resources (Pty) Ltd. It is a subsidiary of Ivanhoe Mining Ltd from Canada which holds a 64% interest, thus the majority shareholder (Ivanhoe Mines Ltd, 2016).<sup>2</sup> A Japanese consortium, Tochi, also holds 10% shares in the investment (ibid). One of the locals added that Tochi bought the 10% using pension funds from Japan<sup>3</sup>. This shows there can be north-south partnerships in the race for accumulation in Africa (Hall 2011). The Japanese consortium is composed of Itochu Corporation (Itochu); ITC Platinum (ITC) an affiliate of Itochu; Japan Oil, Gas and Metals National Corporation (JOGMEC); and Japan Gas Corporation (JGC) (Ivanhoe Mines Ltd, 2016).<sup>4</sup> The third partner holds 26% as required by the Broad-Based Black Economic Empowerment (B-BBEE) regulation.<sup>5</sup> It is registered as Platreef B-BBEE private limited and constitutes 'local communities, local entrepreneurs, and staff'.<sup>6</sup> A total of 20 beneficiary villages under Kgoshi (Chief) L.V. Kekana in Mokopane, amounting to about 150 000 people, held 20% of shares. Those who were

2 Ivanhoe Mines Ltd, 2016. The Platreef 2016 Resource Technical Report has been prepared for Ivanhoe Mines Ltd. (Ivanhoe) by OreWin Pty Ltd (OreWin), Amec Foster Wheeler E&C Services Inc (Amec Foster Wheeler), SRK Consulting Inc (SRK), Stantec Consulting International LLC (Stantec), DRA Projects (Pty) Ltd (DRA) as the Report Contributors.

3 Interview, Moremi Pehashidi, Mokopane Trustee, Mokopane.

4 Ivanhoe Mines Ltd, 2016. The Platreef 2016 Resource Technical Report has been prepared for Ivanhoe Mines Ltd. (Ivanhoe) by OreWin Pty Ltd (OreWin), Amec Foster Wheeler E&C Services Inc (Amec Foster Wheeler), SRK Consulting Inc (SRK), Stantec Consulting International LLC (Stantec), DRA Projects (Pty) Ltd (DRA) as the Report Contributors.

5 South African Mining Charter of 2004.

6 Interview, Moremi Pehashidi, Mokopane Trustee, Mokopane. Also see Ivanhoe Mines Ltd, 2016. The Platreef 2016 Resource Technical Report has been prepared for Ivanhoe Mines Ltd. (Ivanhoe) by OreWin Pty Ltd (OreWin), Amec Foster Wheeler E&C Services Inc (Amec Foster Wheeler), SRK Consulting Inc (SRK), Stantec Consulting International LLC (Stantec), DRA Projects (Pty) Ltd (DRA) as the Report Contributors.

directly employed at the mine and not through secondary companies had three percent shares (ibid). The other three percent was for local entrepreneurs. However, the mining company created some companies that fell under entrepreneurs meant to service the mine in catering, construction and transport.<sup>7</sup>

Did the B-BBEE shareholding entity depict an inclusive accumulation model? The answer is no. Actually, it resulted in the accumulation of debt by the 20 communities. On the other hand, there is accumulation of interest from the debt benefitting the mining firm. One of the trustees and B-BBEE director, Moremi Pehashidi explained:

The [mining] company did not consult or agree on a B-BBEE model. They gave us a R2.6 billion loan, but we were not aware of the conditions of the loan. We have now realised that we have to pay back 75% interest rate of prime capital. When dividends are paid, the community will only receive 20% of the dividends and the remaining 80% of the dividends will go towards servicing debt for any unstated number of years. The debt might remain beyond the lifespan of the mine. The B-BBEE memorandum is not a product of cooperation. The loan is coming through another company which they created. BELZ company was used to loan out R2.6 billion through vendor financing. No community member agreed to this. The Chief Finance Officer of Ivanplats company signed on behalf of the community.<sup>8</sup>

A mining activist Mokete Khoda confirmed that the company had borrowed 'money from themselves' in what she described as fronting.<sup>9</sup> In the B-BBEE Act, fronting is defined as 'a transaction, arrangement or other act or conduct that directly or indirectly undermines or frustrates the achievement of the objectives of this Act or the implementation of any of the provisions of this Act'. The communities were not certain how much they owed the mining firm. The figures ranged between R5.6 billion to R7 billion, showing lack of transparency by the investor, which is a key tenet of global guidelines on responsible investments. I agree with Richards' (2013) analysis that capital is a dynamic feature that seeks to increase financial returns not only in productive assets but in different forms, including interest, here, milking the already poor community of Mokopane. Most community members regarded that as fraud. As a result, they opened a case of fraud against the mining firm in 2017. The docket was opened at Sandton police station in Johannesburg after Mahwereleng and Mokopane police stations refused to open the docket.<sup>10</sup> Captain Dhlamini from Sandton was said to be investigating the case, but the community was pessimistic, given the state-investor alliance. They felt that law enforcement agents, that is, 'those that are to ensure that the laws are enforced are not doing so as they have corrupt relationships with the mines'.<sup>11</sup>

Even though the Platreef B-BBEE private limited was represented by community members in the Ivanplats board, the investor wielded immense decision-making powers. Power relations were skewed. The Ivanplats Board of Trustees had eight people. Each trustee had one vote in relation to any resolution. Three trustees were appointed by the community. The three appointed interim members were meant to represent the whole 26% community shareholding within the company decision-making structures. The three trustees/directors were: Mr Philemon Thamaga, Mr Elvis Kekana and Mr Phadishi Moremi selected on 16 June 2014.<sup>12</sup> Mr Kekana was an employee of Ivanplats therefore he was conflicted but Mr Hatwell Tshuma (representing Ivanplats) said the agreement was silent on issues of conflict of interest. Nevertheless, all three were men, showing the marginalisation of women in key decision-making processes.

The other five trustees were distributed as follows: one trustee was appointed by Ivanplats, one trustee was appointed by the secretary of the trust and three trustees were independent. These five trustees were paid some remuneration, but the three community representatives were not paid, because of the clause in the agreement that community representatives were not supposed to receive any remuneration.<sup>13</sup> The mining firm tried to bribe the three community representatives or to victimise them. For example, the outspoken Pehashidi was fired as a trustee in December 2017. They used the Company Act which gave them the latitude to fire the Director but there was no notice.

7 Interview, Moremi Pehashidi, Mokopane Trustee, Mokopane.

8 Interview, Moremi Pehashidi, Mokopane Trustee, Mokopane.

9 Interview, Mokete Khoda, Mokopane, 18 April 2018.

10 Interview, Mokete Khoda, Mokopane, 18 April 2018.

11 Interview, Shimane Kekana, the Coordinator of Kopano Formation Committee, Limpopo, South Africa, 20 October 2016.

12 Historical background of the BEeco 26% (and its constituencies) community report.

13 Deed of Trust in respect of Platreef Umbrella Community Trust.



The investor also had financial and information power. The three community trustees had no access to bank accounts. Pehashidi explained:

We have no access to bank accounts. We do not even know who the bank signatories are. Our work is to rubber stamp as Ivanplats controls the money. They draft financial reports for meetings but do not attach any supporting documents, no bank statements to back that up and not even receipts. For example, we receive 11 million (ZAR) annually. A drop-in centre was said to have cost five million (ZAR) in the financial reports but there was not even a single receipt to back that up. Community members always ask us [community representatives] who are the signatories and how much money is in the bank but we cannot provide answers. At the end we are also treated with suspicion that we are colluding with the bank. There is no adequate information provided to community trustees. In 2014 we demanded the B-BBEE agreements, but the company said they were confidential. How can they be confidential when we hold 26% shares?<sup>14</sup>

This unequal distribution of power shaped and structured the dynamics of decision-making reproducing relations of domination. We now unveil the research methods.

## RESEARCHING DISPOSSESSION

The study relied on qualitative research methods for a detailed story of processes of dispossession, accumulation and impact on wider livelihoods. It was carried out in three different periods between October 2016 and April 2018 in order to capture any patterns of change in the dispossession processes. The study covered 12 out of the 20 affected villages namely: Magongoa, Kgobudi, Madiba, Masodi, Maroteng, Masehlaneng, Mokaba, Masenya, Moshate, Polar Park (Ga-Manyama), Mountain View, (Ga-Kgosana) and Malepetleke villages.

In the affected villages, we interviewed organic local associations. These acted as key informants with details about the history, present dynamics and vision for the future. The following three local institutions were interviewed: Limpopo Stakeholders' Network Forum, Mining Affected Communities United in Action and Kopano Formation Committee. They represented a wide range of the affected communities and were locally-based. We also interviewed two traditional councils, namely Masodi tribal council and Malepetleke tribal council. For diverse views and triangulation, the Mogalakwena Municipality (LED) was interviewed. Individual households were also interviewed for in-depth stories.

In addition to field data, meeting reports of non-governmental organisations (NGOs), companies and communities, as well as government laws and policy documents helped to shed light on the dispossession processes of mining investments and the livelihoods impact thereof. Media articles were also of use. Company and community reports at times offered distinctively different views, but a careful reading of both revealed many closer accounts of developments on the ground, and of the political rhetoric that surrounded them. From such a mix of research methods the study was able to capture players and institutions at the centre of dispossession, as detailed in the next section.

## DECENTRALISED AGENTS, ACTIONS AND INSTITUTIONS OF DISPOSSESSION

As stated above, the investor disregarded IPILRA and used the MPRD Act for easy dispossession of local farmers. IPILRA applies to informal land rights holders in the former homelands. At face value it was not convincing why IPILRA was disregarded because Ivanplats acquired communal land where there were lawful occupiers and users of the land. In that regard, IPILRA was one of the important Acts that applied. Even the Constitution of South Africa recognises customary law enshrined in IPILRA.

So why did the investor negate the land law? For those who live in South Africa's former homelands, the registered nominal owner of the land is the Minister of Rural Development and Land Reform. The rights of people who use the land are not formally registered. IPILRA makes dispossession of such communities laborious and complicates the dispossession process. IPILRA was meant to 'provide for the temporary protection of certain rights to and interests in land which are not otherwise adequately protected by law;

<sup>14</sup> Interview, Moremi Pehashidi, Mokopane Trustee, Mokopane.

and to provide for matters connected therewith'.<sup>15</sup> This is meant to protect informal rights to land such as the right to use, gain access to or to occupy land under customary law in the former homeland areas. Consequently, IPILRA requires that the holder of informal land rights must consent to dispose of such a right. Section 2(1) states that,

Subject to the provisions of subsection (4), and the provisions of the Expropriation Act, 1975 (Act No. 63 of 1975), or any other law which provides for the expropriation of land or rights in land, no person may be deprived of any informal right to land without his or her consent.<sup>16</sup>

The subsequent section 4 notes that the land right,

... can only be disposed by a majority of the holders of such rights present or represented at a meeting convened for the purpose of considering such disposal and of which they have been given sufficient notice, and in which they have had a reasonable opportunity to participate.<sup>17</sup>

This was in line with international guidelines which emphasise the principle of Free, Prior and Informed Consent (FPIC). So IPILRA requires laborious consultation and consent, a process which most investors were not prepared to go through. They sought to acquire land cheaply and easily.

In addition, recognising the informal land rights through IPILRA would invoke the need for a 10% free-rider principle in equity shares according to the land policy. Ivanplats chose the B-BBEEE framed on commercial terms rather than the free-rider principle. However, the free-rider principle was suspended in April 2015 by the Department of Rural Development and Land Reform. Communities insisted that they still qualified for the free equity shares because their B-BBEEE had been concluded in December 2014. Denying the free equity shares was equivalent to applying the suspension in retrospect, a principle which is against the law.<sup>18</sup>

On the other hand, the MPRD Act which the investor chose to apply was more investor friendly and trumped customary land rights, making it easier for capital to dispossess and accumulate. Nevertheless, Section 5(4) of the MPRD Act was clear that the investor must notify and consult the lawful occupiers. The Centre for Law and Society (CLS 2015) observed that, the MPRDA's guidelines required consultation report, but did not allow a host community to say no. The local communities have challenged such a proposition as articulated: 'We need to be able to say yes or no. We did a petition to say no to mining. We need the communities to participate, to be able to say yes or no and not for other people to make decisions on our behalf.'<sup>19</sup>

Nevertheless, our respondents insisted that there was no consultation even in the narrow sense of the Mining Act. MACUA explained,

There was no proper consultation made with the communities. Mineral and Petroleum Resources Development Act No. 20 of 2002, it requires that there be consultation with the affected communities, but the mine bribes some of the activists and the traditional leadership to falsify consultation.<sup>20</sup>

Our research found that the investor largely consulted with Chief Kekana rather than the people who held the land rights. MACUA indicated that land investment was being driven by chiefs with no agreements made with the communities. They said,

Agreements are only being made with the chief and are filtering through to the communities. They are being made under the pretext of benefitting the communities, but such communities are not even part of such discussions.<sup>21</sup>

<sup>15</sup> The Interim Protection of Informal Land Rights Act (IPILRA) of 1996.

<sup>16</sup> The Interim Protection of Informal Land Rights Act (IPILRA) of 1996.

<sup>17</sup> The Interim Protection of Informal Land Rights Act (IPILRA) of 1996.

<sup>18</sup> Interview, Moremi Pehashidi, 22 April 2018.

<sup>19</sup> Interview, Betty Laka, MACUA coordinator, Mokopane, 18 April 2018.

<sup>20</sup> Interview, Glenn Monye, the Provincial Coordinator of Mining Affected Communities United in Action (MACUA), Limpopo, South Africa, 18 October 2016.

<sup>21</sup> Interview, Glenn Monye the Provincial Coordinator of Mining Affected Communities United in Action (MACUA), Limpopo, South Africa, 18 October 2016.

In some villages, the mine only consulted a few people. For example, they did not consult with the entire Amadiba community.<sup>22</sup> Vallrey Kgosana captured this well:

There are instances when our traditional leaders call a meeting to discuss issues. The meetings are used as roll-calls to say we consulted. Fake minutes and registers are compiled. Chiefs are selfish. They think of material gains, so they do fraudulent minutes. Mines are also just concerned of making profit only.<sup>23</sup>

Pearl Kekana concurred,

I fully agree with my friend; both parties are guilty. Chiefs call on pretext they discuss employment, so people will attend. Because there are no jobs most people come hoping for employment. In these meetings they will say there are jobs being offered by the mines. You submit the curriculum vitae and tick the register. The attendance register is then used as proof of consultation.<sup>24</sup>

Some of the affected communities who had given away the land 'voluntarily' now felt betrayed by the traditional leaders who had misinformed them on prospects of new livelihoods. Betty Tshabalala clarified,

Many communities were either ill-advised by the consultants or instructed by the 'Tribal Authority' to stop tilling the land because mines were going to provide jobs. Many people were told in a very sly manner by their own traditional leadership to stop ploughing, all in the name of making way for mining. In some cases, those who owned ploughing fields were promised monies which were not paid as agreed. To date, three villages have been moved to new dwellings.<sup>25</sup>

The investor seemed to understand the chief as the bastion of rural power as in the apartheid era, despite modern laws that promote public participation. In this case, decision-making became highly centralised at the apex of the traditional leadership. We are inclined to cite SWOP researchers in that,

... now chiefs (of different ranks) in these areas are empowered to become custodians of communal land and other natural resources. Not only does this go against many rural peoples' understanding of the authority of chiefs, it can also violate the cultural meanings attached to and connections with the land (Mwana et al, 2016).

However, the notion of the Chief as owner of the land was contested as illustrated below:

The chief is not the owner of the land. The land belongs to us, the community. The chief never bought the land. We should be the ones to give the Department of Mining authority but with government it is not like that. Chiefs do not even consult us. They come to us after everything is done, just to inform us this mining company is coming.<sup>26</sup>

Aubrey Langa, a local mining activist, castigated the power of the chief as an unelected official who was abusing his powers. He said the agreements with the chief were null and void because the company had to consult the people. He said categorically that Kgosi (Chief) Lesiba Kekana was not the people's elected representative. The problem was conflict between traditional and democratic institutions and practices causing deepening conflict and tensions.

There was also no accountability from the chiefs and corruption and bribery allegations were rife. The Limpopo Stakeholders' Network Forum confirmed that 'when issues are discussed, it is the chief and the mine involved, the Ndunas are not part. They are just verbally informed of the outcomes (whether what is

22 Interview, Solomon Kwetse, Amadiba village, 21 April 2018.

23 Interview, Vallrey Kgosana, Amadiba village, 21 April 2018.

24 Interview, Pearl Kekana, 21 November 2018, Amadiba village.

25 Interview, Mrs Betty Tshabalala (nee Mabunda) from Masodi Village (community member), Limpopo, South Africa, October 2016.

26 Interview, Mokete Khoda, Mokopane, 18 April 2018.

said is true or not – only the chief knows).<sup>27</sup> As Cousins (2017:149) has argued in his seminal study of Msinga,

Because land relations are politically as well as socially embedded ... downward accountability of authority structures to rights holders is vital. It serves not only as a check on the potential abuse of authority but also helps to ensure that the content of land rights is consistent with the needs and desires of the majority of rights holders. Where accountability is absent, corruption and abuse become real possibilities.

These are not mere assumptions by Cousins, as the traditional leaders in Mokopane were allegedly corrupted by the investor through bribes. Langa alleged that, 'Kekana receives a R30 000 a month salary and other unspecified benefits from the company ... he speaks for Ivanplats, not us.'<sup>28</sup> Michaels, the company's spokesperson denied that the payment was a bribe. He explained, 'the chief was paid reasonable remuneration for time he has rendered to the company and company-related activities ... including holding meetings and facilitating the company's exercise of its prospecting rights'.<sup>29</sup> With such a hefty payment in a society where the majority survived on social grants, this was bound to raise suspicion and compromise the independence of the chief.

One of our respondents, Betty Tshabalala, captured this phenomenon well,

Any investment contemplated by any investors, the Kgosi will be the first one to be bribed and he will just instruct his indunas to conform. The communities will only be informed of the planned investment. Their input is not necessary to the chief and it will be used as if it was consultative. In actual fact there will be no consultations with communities. Even when we say, 'no mining on the land', we are just ignored.<sup>30</sup>

There was also a gendered dynamic to consultations led by patriarchal chiefs. Betty Laka explained,

Women are the most affected by traditional leaders-led consultations. Yet we want women to be part of the decision-making process. In our culture men say women are not allowed to speak. We say, let us allow women to speak at consultation meetings. Loss of land really affects women who have to feed the children.<sup>31</sup>

Others have argued that traditional councils in South Africa should act as the customary land administration council. However, in this case there was evidence of the erosion of the 'traditional contract' with the people, as explained below:

When you look at the traditional council, there are no community representatives. The chief elected his or her family. They make decisions. It affects us as a people. It affects us as land owners. The traditional council is in collusion with mining companies. We want them to consult communities, to be part of negotiations.<sup>32</sup>

For example, we had a follow-up appointment with the Masodi traditional council. On the day of the meeting, on entering the traditional council office, the atmosphere was very tense. After re-introducing the purpose of our visit, the council told us they no longer wanted to be involved in the issue of large-scale investments on land by the mine because they were victimised by the community members on numerous occasions for colluding with the mine. They feared for their safety once things started going wrong. The council further indicated that the situation in Masodi Village was volatile.

27 Interview, Limpopo Stakeholders' Network Forum, Limpopo, South Africa, 18 October 2016.

28 Enelless Nyale, 2016. Limpopo's Aubrey Langa fights to keep Ivanplats project out of town, 22 Apr 2016. Can be accessed on <http://mg.co.za/article/2016-04-22-00-limpopos-aubrey-langas-fights-to-keep-ivanplats-project-out-of-town>, Accessed 1 January 2017.

29 Enelless Nyale, 2016. Limpopo's Aubrey Langa fights to keep Ivanplats project out of town, 22 Apr 2016. Can be accessed on <http://mg.co.za/article/2016-04-22-00-limpopos-aubrey-langas-fights-to-keep-ivanplats-project-out-of-town>, Accessed 1 January 2017.

30 Interview, Mrs Betty Tshabalala (nee Mabunda) from Masodi Village (community member), Limpopo, South Africa, 20 October 2016.

31 Interview, Betty Laka, MACUA coordinator, Mokopane, 18 April 2018.

32 Interview, Mokete Khoda, Mokopane, 18 April 2018.

However, there were also contradictions within the institution of traditional leadership with a few still favouring an accountable system in the administration of customary land. Nevertheless, they were powerless given the intersection of interests of the paramount chief, the state and investors. In this case, those who opposed were removed from power and there was the superimposition of those who were submissive to the dictates of capital. Below is the explanation:

The chief acted with four corrupt headmen. The four headmen started a security guard company to fight those who were protesting against the mine. These were Madiba, Kgubudu, Tshamahanzi and Magongwa. Tshamahanzi is now working for the mining company. Some were hospitalised because of their company.<sup>33</sup>

One of the indunas was appointed by Chief Kekana, ahead of Moses Madiba who was recognised by the community as the rightful heir. Madiba emphasised, 'The chief did not give us the processing letter. This is because they do not want me to be an induna because I do not agree with the way the mine is doing business in this area. They consult illegitimate indunas imposed by chief Kekana'.<sup>34</sup> Most community members said they wanted Moses Madiba to be registered as a legitimate induna so that Ivanplats could go through him and their land rights be supported.<sup>35</sup>

Violence was at the core of dispossession and an inherent but undesirable feature of capitalist expansion. For opposing the mine, Moses Madiba and his wife were shot at their homestead in 2016. He narrated, 'I was shot by local gangsters paid by the mine, on the upper side of my left arm. My wife was also shot with three bullets on her breast. This is well coordinated by the mine because I am against the way the mining is doing business.'<sup>36</sup> Mrs Madiba also narrated how she was shot. They were treated at Mokopane hospital. The scars were visible and looked permanent. Moses Madiba had previously dodged a bullet in 2015. Upon arrival at his home in 2015 the pro-mining gangsters opened fire but the bullet went astray. Another community member, Holy Maponya was also shot in 2016.<sup>37</sup> He had eight bullets in the stomach and was treated at Pietersburg hospital. Cases of attempted murder were opened with the police, but nothing was done till now.<sup>38</sup> Kekana, who was also part of the anti-dispossession movement, was shot dead. He was shot next to Masodi high school. Mokete Khoda, a mining activist, was threatened with death by the chief. She lamented, 'as activists we fear for our lives. If you expose the mine, they can send people to come and kill you. However, we are ready to die. This is our land; this is our community.'<sup>39</sup> It is evident in Mokopane that dispossession was aided by decentralised agents of coercion such as hired gangs. As Levien (2012:936) has argued, 'capital in general requires—or more precisely attempts and achieves—forceful expropriation at any given place and time to sustain accumulation'.

Allegations of bribery and corruption were not only levelled against chiefs but also against local elites entrusted with leading community-based associations. The dual intention was to enhance easy land alienation and to weaken the anti-dispossession movements. Glenn Machaba explained,

Leadership structures have collapsed in the past ...The mine lures powerful activists with money and other lucrative offers in the mine and they too are tempted due to the poverty and unemployment situation prevailing. These days people are trying to figure out whom to trust due to the emergence and collapse of activist structures. And it is also not easy for the forum to mobilise the communities.<sup>40</sup>

The community also wrote a petition where they alleged that,

33 Interview, Margret Malomo, Mokopane, 19 April 2018.

34 Interview, Moses Madiba, Mokopane, 21 April 2018.

35 Interview, Johannes Madiba, Mokopane 21 April 2018, Interview Solomon Kwetse, Mokopane, 21 April 2018.

36 Interview, Moses Madiba, Mokopane, 21 April 2018.

37 Interview Solomon Kwetse, Mokopane, 21 April 2018.

38 Interview Solomon Kwetse, Mokopane, 21 April 2018.

39 Interview, Mokete Khoda, Mokopane, 18 April 2018.

40 Interview, Glenn Machaba and Molebogeng Modisane of Limpopo Stakeholders' Network, Mokopane, Limpopo, South Africa, 18 October 2016.

Mr Vinesh Devchander [Government official in mining department] received a kickback (gratification) for improperly assisting Ivanplats against an objection Kopano lodged with Regional Mining Development and Environmental Committee (RMDEC). The alleged kickback is indirectly received from Ivanplats as a rain-water harvesting contract awarded to his wife. Directly, he was on the 3<sup>rd</sup> July 2015 introduced at the Ga-Kgobudi traditional council sitting as 'the contractor' for the water harvesting contract. We allege that the kickback is for his abuse of his position of authority, forbearance and violation of administrative justice.<sup>41</sup>

Many voices echoed the corruption malpractices which were central features of dispossession. They said investors bought government officials and that South Africa was corrupt.<sup>42</sup> Derick Tsita elaborated, 'Our government officials are corrupt. They take bribes. We have knocked on every government door, but our concerns are on deaf ears. No one is above the law, but capital can get away with it. Maybe Cyril Ramaphosa will bring change because he stated that he is anti-corruption.'<sup>43</sup> As Hall (2013) has observed, acquisition of land is also generated by state priorities and opportunities for corruption. In capitalist dispossession there seems to be 'an implicit state promise ... not to investigate the dubious practices of the oligarchs in return for their investment in the country' (Hall 2013:1590).

Beyond the chiefs cited above, even the local state institutions did not adequately consult the local communities. However, the local municipality insisted that it had consulted community structures such as: Masehlaneng Development Committee; Kopano Formation Committee (representing ga-Madiba Village); Kgobudi Forum (representing Masehlaneng Village); Mzumbane Development Committee (representing ga-Magongoa Village); Mokopane Interested and Affected Communities Committee (MIAC) and MAEDO.<sup>44</sup> The communities acknowledged the consultations but complained about the degree of inclusivity, the rigidity of officials and said meetings were meant to tick boxes. They also complained about the top-bottom approach. Modisane, a community member, highlighted that,

What is being taken to the community are the resolutions by the two parties and they are not open for discussions, no matter how hard the community feels to input [our emphasis].<sup>45</sup>

Other local associations concurred that, 'there are certain issues as alleged that have been agreed and signed for by the municipality and the mine, the communities are only being used as window dressers.'<sup>46</sup> MACUA believed that, 'the municipality does not help the communities or the civil society organisations. Instead, it colludes with the mines and the traditional leadership.'<sup>47</sup> Glenn Machaba and Molebogeng Modisane of Limpopo Stakeholders' Network Forum in Mokopane concurred that,

The LED section of the Mogalakwena Municipality has been engaged but it has indicated that they could not help due to lack of funds and continued instability within the municipality. Councillors are also not visible because once elected they no longer come to the communities.<sup>48</sup>

Our respondents from the affected communities felt that they were up against an oligarchic state, traditional leaders and business elites' alliance locked into a web of corrupt practices and oiled by prebends for material accumulation, rather than for local people's emancipation. The dispossessed considered themselves as owners of the land, hence they wanted shared and legitimate decision-making processes over their land.<sup>49</sup> In the next section we elaborate what was dispossessed.

41 Community Petition: The Director-General, Department of Mineral Resources; Request for Investigation of Allegations of Impropriety, 05 December 2015.

42 Interview, Margret Molomo, Mokopane, 19 April 2018.

43 Interview, Derick Tsita, Mokopane, 19 April 2018.

44 Interview, Mogalakwena Municipality LED Manager, Mr Tezz Maharala, Limpopo, South Africa, 19 October 2016.

45 Interview, Mr and Mrs Modisane of Mahwelereng Location, Zone 2 in Mokopane, Limpopo, South Africa, 19 October 2016.

46 Interview, Glenn Machaba and Molebogeng Modisane of Limpopo Stakeholders' Network, Mokopane, Limpopo, South Africa, 18 October 2016.

47 Interview, Glenn Monye the Provincial Coordinator of Mining Affected Communities United in Action (MACUA), Limpopo, South Africa, 18 October 2016.

48 Interview, Glenn Machaba and Molebogeng Modisane of Limpopo Stakeholders' Network, Mokopane, Limpopo, South Africa, 18 October 2016.

49 Interview, Limpopo Stakeholders' Network Forum, Limpopo, South Africa, 18 October 2016.

## DISPOSSESSION OF WATER, FARMLAND, LIVESTOCK AND GRAZING LANDS

The Mokopane case confirmed that a mineral right is inherently embedded in not only land but water rights. A long history of mining activities in Mokopane by Anglo American had transformed the 'waterscape'. The entrance of Ivanplats was only going to worsen the water situation. From water samples carried out by Ivanplats in the area, 'all rivers in the area show high concentrations of iron, manganese and aluminium...and some high levels of chloride and high conductivity readings'.<sup>50</sup> The company suggested this was probably because of the geology of the area, sewers, animals passing waste into the rivers, high metal contents and the effect of groundwater sources feeding the river. From our respondents, it was evident that mining in the area had an effect on water contamination.<sup>51</sup> As a result, there was scarcity of water due to the mining activities. This contradicts the perception of an abundance of natural resources in Africa (World Bank 2010). It was a case of 'grabbing' in the context of scarcity.

Sediments, which contained heavy metals and chemicals used in processing platinum were washed by the rains directly into the river. Discharge from the mines increased the rivers' sediment load and led to the drying up of rivers. Hwana River was evidently drying.<sup>52</sup> Water was no longer flowing freely in Musesechana Small River.<sup>53</sup> I also saw that Thwathwe River had dried up. One of our respondents complained, 'The river is no longer flowing. We used to wash our clothes fetch water to drink, water our gardens and now we are short of water. Animals have nowhere to go after grazing'.<sup>54</sup> Motlhosane River was evidently drying up too. Those rivers that still had some water freely flowing could no longer support livestock. Locals had to be extra careful to make sure their donkeys, cattle and sheep did not stroll down to the river for a drink. This is because animals got sick from drinking the water. More than ten calves died because of drinking contaminated water.<sup>55</sup>

Communities also complained of acidic rain which destroyed their crops. A respondent explained, 'We have a disaster. When the rains fall they will be acidic due to emissions from the mines. Food crops like maize die due to the acidic rains. As a result, most people have abandoned their fields'.<sup>56</sup> I observed stunted maize crops in fields nearer the mine. As Capel (2013:1) has observed on the effects of platinum mining on water in South Africa,

Carbon dioxide and sulphur dioxide emissions associated with platinum smelters, together with nitrogen oxide, give rise to acid rain. The rain is acidic and wreaks havoc on crops, plants, aquatic animals, as well as on infrastructure. We continue to receive reports from farmers...who claim that emissions from smelters and acid rain have harmed their crops and that their yield has decreased significantly since the increase in mining.

As Sneddon (2007:186) captured it, 'processes of accumulation always necessarily involve transformations of nature'.

The mining company did not only grab blue water from the rivers but also underground water. Locals were dispossessed of groundwater essential for their domestic water supply, gardening and stock. Ivanplats affected the water supply as it enclosed 216 boreholes that supplied water to the communities. Even though the investor designed a plan with the municipality to provide alternative sources of potable water, the supply failed to meet the people's needs. As a community member remarked, 'currently the community does not have water, instead the municipality is delivering water in a tanker once a week, but the infrastructure is not developed'.<sup>57</sup> Due to water shortages some ceased farming activities. For example, William Malla, who was involved in a large agricultural project, stopped farming because his

50 Ivanhoe Mines Ltd, 2016. The Platreef 2016 Resource Technical Report has been prepared for Ivanhoe Mines Ltd. (Ivanhoe) by OreWin Pty Ltd (OreWin), Amec Foster Wheeler E&C Services Inc (Amec Foster Wheeler), SRK Consulting Inc (SRK), Stantec Consulting International LLC (Stantec), DRA Projects (Pty) Ltd (DRA) as the Report Contributors.

51 Interview, Glenn Monye, the Provincial Coordinator of Mining Affected Communities United in Action (MACUA), Limpopo, South Africa, 18 October 2016.

52 Interview, Betty Laka, MACUA coordinator, Mokopane, 18 April 2018.

53 Interview, Margret Malomo, Mokopane, 19 April 2018.

54 Interview, Gertrude, Mapela village, 24 April 2018.

55 Interview, Derick Tsita, Mokopane, 19 April 2018.

56 Interview, Margret Malomo, Mokopane, 19 April 2018.

57 Interview, Ntona Vista Mokgaetji Lebelo of Malepetleke Village in Mapela, Limpopo, South Africa, 20 October 2016.

borehole was producing less water. The water supply was affected by the mine's boreholes that were deeper.<sup>58</sup>

Pollution, contamination, toxics and enclosure of water sources shaped processes of dispossession of local dwellers from their water. This illuminates a classic case of contamination of nature and its relationship with dispossession (Sneddon 2007). The water and water rights formerly enjoyed by the Mokopane community were eroded. Yet water scarcity in the area was bound to worsen as the investor continued to search for new paths of accumulating the 'public good' into a 'private resource' for mining. As Woodhouse and Ganho (2011) observed, foreign investors are usually given priority access to water in cases of scarcity. What else was enclosed?

Part of the common grazing fields were enclosed by the mine and some households lost their livestock for lack of fodder. This adversely affected their livelihoods, as captured by Vallrey Kgosana:

Our livestock has nowhere to graze and as a result we are forced to sell them, yet the livestock value in our lives cannot be replaced by once-off cash payments. We used donkeys for ploughing, to transport our crops after harvest and to fetch water in times of drought. The goats were important for cultural and religious rituals. When a child falls sick we slaughter a goat and do our rituals for spiritual healing. Sheep is also important because during a marriage ceremony one has to slaughter a sheep. Cattle is the mainstay. We use it for meat, to sell so as to cover basic household costs and is also essential for relish during funerals. Now without grazing land and with contaminated water sources, we are losing our livestock and we will continue to lose it and no doubt we will be poorer.<sup>59</sup>

Livestock was for diverse uses such as food, financial income, cultural and religious functions.

Ivanplats' enclosure of common lands also led to the loss of ploughing fields which resulted in the reduction of crop harvests. The local farmers produced a variety of crops for consumption and for selling and agriculture was the mainstay of the local economy. Respondents highlighted that some had their ploughing areas fenced off, others were negotiated out of their land in unfair deals and some had their fields covered by pipes of water for the mine. Shimane Kekana explained, 'It [Ivanplats] took the grazing fields...of people of ga-Magongoa, Mzumbane and Tshamahansi. People's livelihoods have been greatly affected as people no longer make use of the land. They were not even fairly compensated.'<sup>60</sup> According to a number of key informants, acquired fields were compensated with a once-off payment of two thousand rand only per household.<sup>61</sup> Other studies have also observed a decline in the ploughing fields. As illustrated in the Mwanza et al (2016) study more than 50% of households in one Tshamahansi village lost access to grazing lands after Ivanplats mine grabbed land.

Beyond overly economic considerations emphasised by Harvey (2003) in ABD there was also non-economic dispossession in the form of cultural, spiritual and heritage rights. As acknowledged even by the investor, within the Platreef Project areas,

Graves are still connected to those inhabitants residing in nearby villages. They are part of the living heritage of the communities and are significant as shown by the comments made during public meetings. Community members still visit their ancestors as shown by various burial grounds showing signs of on-going maintenance.<sup>62</sup>

58 Interview, Margret Malomo, Mokopane, 19 April 2018.

59 Interview, Vallrey Kgosana, Amadiba village, 21 April 2018.

60 Interview, Shimane Kekana the Coordinator of Kopano Formation Committee, Limpopo, South Africa, 20 October 2016.

61 Interview, Glenn Monye the Provincial Coordinator of Mining Affected Communities United in Action (MACUA), Limpopo, South Africa, 18 October 2016.

62 Ivanhoe Mines Ltd, 2016. The Platreef 2016 Resource Technical Report has been prepared for Ivanhoe Mines Ltd. (Ivanhoe) by OreWin Pty Ltd (OreWin), Amec Foster Wheeler E&C Services Inc (Amec Foster Wheeler), SRK Consulting Inc (SRK), Stantec Consulting International LLC (Stantec), DRA Projects (Pty) Ltd (DRA) as the Report Contributors.



The investor also noted that '55 burial grounds were identified within the Platreef Project areas...all of these sites are located in proposed infrastructure footprint areas and will be impacted on by the proposed development.'<sup>63</sup> The investor addressed this through re-burials. However, due to lack of local knowledge, the investor failed to locate all the graves and even damaged some. For example, in a letter of complaint to government the community stated that, 'at the site inspection of the 10<sup>th</sup> June 2015, we pointed out the burial ground of Moasi family which was previously unknown to Ivanplats. A month later Ivanplats was still using an access road that traverses the burial...Ivanplats has failed to immediately cease using the access'.<sup>64</sup> Damages to Monyamane family graves and Mposhi were also observed by the community.

There was no consultation with the relatives in some of the re-burial exercises as our respondent explained, 'Mines disrespect our graves. They relocated some graves without the knowledge of the families. Yet there are cultural issues that must be done to appease the dead before relocation.'<sup>65</sup> Letty Mboyana, a member of the affected community also complained about lack of consultation in the re-burial exercise. She lamented,

As a family, we practice African cultural and religious beliefs. The graves of our ancestors were relocated to Mukapa and we are not sure where exactly. The family was not invited for exhumation. It is a taboo. They threatened to go ahead with exhumation without us. When exhumation took place, we should have been there. A proper traditional funeral should have been done. They have not respected the dead. It is difficult to say what can be done to atone.<sup>66</sup>

When I visited the re-burial sites, I witnessed graves cracking with huge holes and some were collapsing. That showed that non-durable and cheap materials were used.

Ivanplats should have relied on '*local metis*' (Scott 1998) that is, seeking specialist knowledge of the area to get adequate information about the existence of graves and spiritual shrines. This dispossession of non-economic spiritual shrines and cultural rights is not adequately captured by Harvey's (2003) overly economic formulation of accumulation by dispossession. Yet in this case it was evident that spiritual shrines, graves, cultural and heritage rights were eroded. At this juncture the story reads like one of linear dispossession, yet there could have been possibilities of accumulation by local communities, as we analyse next.

## LOCAL ACCUMULATION?

There were some socially differentiated benefits from the capitalist mining venture. Local elites benefited from entrepreneurship projects. Others started small businesses that were booming and supplied food and other things to the mining community. So, the Ivanplats mining venture was not necessarily dispossessing to everyone. It stirred business growth for local elites. With the population influx into the area, some rented out houses and built lodges that increased their financial returns. Whether they will be able to sustain their small investments will require long-term tracking. One hopes such accumulation pathways will not end with the lifespan of the mine, as theorised by Ferguson (1999) in expectations of modernity in his study of Zambia copper mines.

Another mode of accumulation for the locals was through wage labour. However, only a few were absorbed by the new mining economy on a long-term basis. Most were adversely incorporated as casual labour. Most skilled labour was sourced outside the affected 20 communities. Hence, most respondents expressed concerns about the failure of the mine to employ local labour. Glenn Monye of MACUA even highlighted that some of the skilled labour was sourced from overseas. He explained:

63 Ivanhoe Mines Ltd, 2016. The Platreef 2016 Resource Technical Report has been prepared for Ivanhoe Mines Ltd. (Ivanhoe) by OreWin Pty Ltd (OreWin), Amec Foster Wheeler E&C Services Inc (Amec Foster Wheeler), SRK Consulting Inc (SRK), Stantec Consulting International LLC (Stantec), DRA Projects (Pty) Ltd (DRA) as the Report Contributors.

64 Community Petition: The Director-General, Department of Mineral Resources; Request for Investigation of Allegations of Impropriety, 05 December 2015.

65 Interview, Vallrey Kgosana, Amadiba village, 21 April 2018.

66 Interview, Letty Mboyana, Mokopane, 22 April 2018.

In terms of labour, the mine brings its own people who will be using the machinery brought from Canada. They do not even consider training the locals to be able to use the machines as skills are never transferred to the locals.<sup>67</sup>

This was corroborated by Betty Tshabalala who emphasised that skilled labour was sourced from other areas and locals benefitted from casual labour. She said,

Permanent employment for our children is non-existent. The mine will prefer to employ skilled people from other mining towns throughout South Africa and our children are not working. When they are employed, it is for low-paying casual labour and not permanent and secure jobs.<sup>68</sup>

Mnwana et al (2016) found that in Chief Kekana's area only 30% of respondents were formally employed, depicting high levels of temporary wage-labour. Yet even for casual labour, women felt marginalised in the employment processes. There were local stereotypes that mining work was a preserve for men.<sup>69</sup> In summary, this is what Bernstein (2010) would probably conceptualise as a systemic crisis of livelihoods, a process whereby capitalism is failing to provide adequate and secure livelihoods for the poor.

The mine also promised to fund some community projects, but these were welfarist projects rather than projects meant to generate capital for locals and its reinvestment in expanded production. On paper, these community-based initiatives included childhood development, environmental cleaning programmes, emergency feeding drives for communal benefit, community awareness and adult education programmes, religious initiatives, health care, youth development, female-driven initiatives for community members, development initiatives for disabled people, and 'any other initiative deemed to be a community benefitting initiative as per the Tax Exemption Guide for Public Benefit Organisations in South Africa'.<sup>70</sup> As a result, some critical community members were not happy with the projects. They did not compensate for their separation from natural assets through dispossession.

However, Ivanplats did not only promise, but engaged in corporate social investment projects in 2015, 2016 and 2017. The main projects focused on training, education, health and sanitation. Sanitation units were built in local schools.<sup>71</sup> At Bokwalakwala clinic in Moshate, the investor constructed two wooden houses used as consultation rooms for patients. Ivanplats had seven interns getting on the job training mainly in geology, environmental management, metallurgy, human resources, mechanical engineering and electrical engineering.<sup>72</sup> However, the training and education was focused on drilling a 'mining ideology' and creating a cheap labour base. Ivanplats also trained 578 community members in plumbing, brick-laying, basic electrical skills and HIV-AIDS peer education.<sup>73</sup> Some community members ridiculed the training, arguing that people only received certificates that were not helping them much, moreso in comparison to owning land.<sup>74</sup>

Following the failure of inclusive models of accumulation, most households dispossessed of their means of production were left to rely mainly on social grants. As one of the respondents said, 'People are now surviving mainly on social grants. Us the youths are not employed. Families get enough food immediately after the payment of social grants. Sources of income have shrunk to child- and old-age grants. Families without elderly people are suffering. It is a crisis'.<sup>75</sup> A survey by Mnwana et al (2016) in Kekana traditional authority also confirmed trends of families relying on social grants. In Kekana traditional authority, Mnwana et al (2016) found that 67.5% of 80 sampled households received old-age grants; 2.5% of households received disability grants. Those from private pensions were 2.5% of households, while 45% of households received child support grants. Households had to rely on social grants which were inadequate to support their livelihoods. They needed to be augmented by land-based livelihoods.

67 Interview, Glenn Monye, the Provincial Coordinator of Mining Affected Communities United in Action (MACUA), Limpopo, South Africa, 18 October 2016.

68 Interview, Mrs Betty Tshabalala (nee Mabunda) from Masodi Village (community member), Limpopo, South Africa, October 2016.

69 Interview, Ntona Vista Mokgaetji Lebelo of Malepetleke Village in Mapela, Limpopo, South Africa, 20 October 2016.

70 Services Agreement between Ivanplats Proprietary Limited and the trustees for the time being of the Platreef Communities Umbrella Trust, 2016. Page 2.

71 Ivanhoe Mines Ltd, 2016. Community Commitment Scorecard, September 2016.

72 Ivanhoe Mines Ltd, 2016. Community Commitment Scorecard, September 2016.

73 Ivanhoe Mines Ltd, 2016. Community Commitment Scorecard, September 2016.

74 Interview, Glenn Monye, the Provincial Coordinator of Mining Affected Communities United in Action (MACUA), Limpopo, South Africa, 18 October 2016.

75 Interview, Vallrey Kgosana, Amadiba village, 21 April 2018.

Nevertheless, households that lost their land and water sources still practiced cropping, gardening and livestock as an important axis of their livelihoods, albeit on a decline. Even those who got temporary employment continued to practice agriculture. It was a wage-hoe relationship. There was no linear trajectory to full proletarianisation as reflected in the origins of Harvey's (2003) ABD, which is primitive accumulation. From the colonial era, African family farmers have resisted full proletarianisation, in other cases through resistance, which is the focus of our next section.

## RESISTANCE TO DISPOSSESSION

Given the nominal benefits for rural livelihoods in this extractivist model of investment, local resistance to land dispossession was a common feature that posed a threat to capitalist accumulation. The communities were not passive victims. As Adnan (2011:3) has observed, 'the seizure or denial of lands necessary for their means of livelihoods has often activated the poor peasants to resist such process despite their lack of wealth and influence.' The dispossessed engaged in overt resistance, transcending Scott's (1985) disguised 'everyday forms of resistance'. 'Toyi-toying has become the order of the day in the area', said a community member.<sup>76</sup> A number of demonstrations occurred. On 26 November 2014, members of the communities blocked the entrance to the mine, demonstrating against the decision by the Department of Mining to award a mining licence to Ivanplats without their consent. Consequently, 13 demonstrators were arrested by the police for public violence and later appeared at the Mokorong Magistrates' Court on 18 December 2015.<sup>77</sup> Here, state force was mobilised to enhance dispossession, which is a key characteristic of ABD (Hall 2012). On 21 May 2015, the Mokopane community protested outside the South African Heritage Resource Agency (SAHRA) in Pretoria and demonstrators forced themselves inside. The protestors demonstrated against the violation of graves that were discovered within the Ivanplats projects area. An official from SAHRA, Hussein Kopole, addressed the protestors, promising to institute an investigation into the matter.<sup>78</sup>

Another protest by the Mokopane community took place on 21 May 2015 outside the Canadian High Commission in Pretoria, demanding the recognition of their land rights and for Canada to compel Ivanplats to uphold national and international laws and to stop corrupting South African government officials for support.<sup>79</sup> The demonstrators blocked the entrance to the High Commission and waved placards demonising Ivanplats. One of the placards had the following message: 'IVANPLATS, ROBERT FRIEDLAND ALIAS MR TOXIC BOB PLS RETIRE FROM DAMAGING OUR ENVIRONMENT OUR ANCESTRAL GRAVES AND BURIAL GROUNDS'.<sup>80</sup> This attracted widespread local and international media coverage and outrage in human rights circles, prompting the company to respond through a press statement, albeit in a defensive manner.

Alongside demonstrations were intermediary forms of resistance such as petitions to authorities expressing grievances about the mine. For example, the Mokopane community, through Aubrey Langa, petitioned the Director-General of the Department of Mineral Resources in Pretoria, T. Ramontja, on 5 December 2015. As referred to earlier, they wanted 'the Director-General (DG) of the Department of Mineral Resources (DMR) to institute investigations against officials Mr Aaron Kharivhe and Mr Vinesh Devchander for alleged improprieties committed in the course of their duties as officials of the DMR'.<sup>81</sup> The improprieties related to 'the pair's undermining the rule of law with a clear intention of disadvantaging the rights of the community whilst forbearing from exercising duties of the office in order to accept or be given gratification'.<sup>82</sup> One of the damaging petitions was released in partnership with Mining Watch on the eve of the investor's General Meeting in Vancouver, Canada.

<sup>76</sup> Interview, Mrs Betty Tshabalala (nee Mabunda) from Masodi Village (community member), Limpopo, South Africa, October 2016.

<sup>77</sup> Mining Rights Questioned: 13 appear before court for public violence. See: [www.reviewonline.co.za](http://www.reviewonline.co.za).

<sup>78</sup> Members of the Mokopane community protest at the Pretoria office of the South African Heritage Resource Agency (SAHRA), 21 May 2015. See: [www.reviewonline.co.za](http://www.reviewonline.co.za).

<sup>79</sup> See: <http://miningwatch.ca/blog/2015/5/21/mokopane-residents-picket-canadian-high-commission-south-africa-protest-ivanhoe-mines>.

<sup>80</sup> Message on poster. 2015. Mokopane Residents Picket Canadian High Commission in South Africa to Protest Ivanhoe Mines.

<sup>81</sup> Petition to Department of Mineral Resources, re: Request for Investigation of Allegations of Impropriety, 05 December 2016.

<sup>82</sup> Petition to Department of Mineral Resources, re: Request for Investigation of Allegations of Impropriety, 05 December 2016.

Litigation has also been an integral part of the resistance from the onset. With the help of Nathan Jacobs, from Lawyers for Human Rights, the Kgobudi community won an order to nullify the interim interdict by Platfree that banned community members from coming within 200 metres of Ivanplats' drilling operations. The ban had effectively barred members of the community from gaining access to their crops, grazing land and in some cases, their homes. The judgement was delivered on 16 October 2012 in North Gauteng High Court by Judge Jody Kollapen.<sup>83</sup> Due to high costs of litigation, communities negotiated legal assistance from the Legal Resources Centre and Richard Spoor Attorneys. Their main demand was to seek the enforcement of legislation such as IPILRA.<sup>84</sup> Reinterpretation of the laws became the order of the day. Some members of the Kopano Information Committee are of the opinion that mining can be stopped in Mokopane if they could get assistance to take the mine to court to claim their right to say 'NO' to mining. However, other community members insisted that, 'mines are big companies using their financial muscle to buy the justice system and have their way out; hence it is difficult in South Africa to challenge the mines in court'.<sup>85</sup>

Influential local figures such as Langa emerged to lead what James conceptualized as 'confrontational articulations of resistance', against the new wave of material domination by mining companies. They also embarked on inside track advocacy through lobbying the company and government officials. A delegation was sent to Canada to lobby the government to urge 'their' company to recognise their land rights and respect for human rights. An array of associations was formed, made up of long-time informal landowners who knew the local politics, and indunas excluded in the deals by the chiefs. These local associations combined with international human rights organisations like Mining Watch, university research institutions (PLAAS), professional associations like the human rights lawyers, a Limpopo-based NGO (Nkuzi), and local leaders to form a loose coalition advocating for an alternative model of inclusive rural development.

As people waged the struggle – arguments around restitution of ancestral lands as well as claiming the mineral rights were also deployed. Reclaiming the land rights through restitution offered great agency in the face of mighty business-state power alliances. The Mamashela community instituted a restitution claim for Rietfontein farm (acquired by Ivanplats) which was gazetted. The Mokopane community also lodged a restitution claim for Turfspruit farm (acquired by Ivanplats) which was still to be gazetted. It seems there were more potential claims to follow. Evidently local communities were prepared to protect and reclaim their collective informal land rights.

The ultimate goal of resistance was not linear as people had different views. On the other hand, there were radical voices who wanted the closure of the mine and deportation of the investors from South Africa to 'where they came from'. Kopano Formation Committee added,

The communities and the activists will continue with protests and marches to force the mine to shut or discontinue functioning. They are aware that these protest actions could be fatal but that is the risk they want to take to protect their livelihood. In doing so, they are also thinking about the lives of others.<sup>86</sup>

The Limpopo Stakeholders' Network Forum, was of the view that mining must continue but,

The mine must invest more in life skills programmes like engineering, financial management, and also invest in the education of youth and children. The mine must also be clear on the South African Mining Charter which indicated that the community where the mine is operating should have 26% beneficiation shares.<sup>87</sup>

However, one cannot overlook power relations in constraining forms of resistance (Scott 1990). As already stated, the investor used a divide and rule strategy amongst community organisers. Ivanplats allegedly bribed some key state officials and had the financial power to engage expert power in public relations and courts. As Betty Tshabalala said,

83 Blainne, S. 2012. Judge set aside Platreefs restraining order against community. *Business Day*, 17 October 2012.

84 Interview, Shimane Kekana, the Coordinator of Kopano Formation Committee, Limpopo, South Africa, 20 October 2016.

85 Interview, Shimane Kekana, the Coordinator of Kopano Formation Committee, Limpopo, South Africa, 20 October 2016.

86 Interview, Shimane Kekana, the Coordinator of Kopano Formation Committee, Limpopo, South Africa, 20 October 2016.

87 Interview, Glenn Machaba and Molebogeng Modisane of Limpopo Stakeholders' Network, Mokopane, Limpopo, South Africa, 18 October 2016.

When we demonstrate against the police, force is always on the side of the mines. The leaders that we always elected to negotiate with the mines on our behalf are the first ones to be bribed with jobs. They also become employees within a very short space of time.<sup>88</sup>

As already argued, mobilisation of state force, bribery and corruption were some of the key features of ABD playing out in this local context. Only time will tell if an alternative to large-scale mining will emerge in Mokopane.

## CONCLUSION

In conclusion, Ivanplats acquired land largely through non-voluntary means, in contradiction to IPILRA and international principles for responsible investments, which are meant to protect informal land occupiers. In fact, the investor preferred the MPRD Act, which promoted easy dispossession in the context of unequal power relations. Consequently, Ivanplats easily enclosed land, water and grazing lands for many of the local farmers. Beyond productive assets, the mining firm also imposed interest on unfair community loans in murky shareholding arrangements. Corruption, coercion and bribes were useful dispossession tools in a powerful alliance of investors, state officials and traditional leaders. This exacerbated the local crises of livelihoods for many, especially women and the poor, who could not get secure jobs and entrepreneurial opportunities associated with the mine. However, it is important to highlight that even if the land had been acquired through economic means that are beyond the classic conceptualisation of ABD with its roots in primitive accumulation, the consequences would still be dire for local farmers. I also acknowledge that the local farmers were not operating 'outside capitalism' and that dispossession did not lead to full rural proletarianisation as envisaged by ABD theories. Given the token benefits for the locals in this extractivist model of investment, covert, intermediary and overt resistance to land dispossession was rife and only time will tell whether processes of dispossession will be reversed.

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<sup>88</sup> Interview, Mrs Betty Tshabalala (nee Mabunda) from Masodi Village (community member), Limpopo, South Africa, October 2016.

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