



Mining Wars: The People vs The Leaders

1. Introduction

The 19th century history of South African colonial mining marked the beginning of the 20th century's oppressive laws and structures that culminated in Apartheid. Many of the underlying issues of land ownership, power relations, questions of economic development, poverty, unemployment, and the relationship between mainly traditional communities and their leaders, including government, have created serious points of contestation around mining and mining areas post 1994. The deadly Marikana conflict was but one of the many areas in that contestation. At the heart of many of these conflicts is the contestation for power between the traditional leaders on one side, and traditional communities on the other. Put another way, whose land is it and thus whose resources are these! Unfortunately, in the dealings between mining interests and traditional leaders - the supposed "guardians of the land", the latter have been accused of failing their communities. Is there a war going on between the people and their leaders around mining?

2. Mining Conflicts

Since 1996, the Australian company, Mineral Commodities Ltd. (MRC), through its subsidiary Transworld Energy and Minerals (TEM) and with a local BEE partner, Xolco, has been seeking to mine ilmenite, a source of titanium, and other minerals in the sand dunes of the Wild Coast. To date, not much mining has taken place due to sustained opposition from the local community at Xolobeni in the Amadiba traditional area. The conflict has led to the death of several people in the area, including the killing of well-known leader, and chairperson of the Amadiba Crisis Committee, Sikhosphi 'Bazooka' Rhadebe¹, who

was passionately opposed to mining in the area.

Twenty-five kilometres south-east of Melmoth, in Uthungulu District,² northern KwaZulu-Natal, an Indian mining company, Jindal,³ with its local BEE partner, Sungu (Pty) Ltd., is facing opposition, from some in the community of Makhaseni, to its proposed magnetite open-cast mining in the area. Threats to life were allegedly being made against anti-mining activist Jaconias Dlodla by a member of the Entembeni royal family, who allegedly said that "mining is going ahead or blood will be shed."⁴

Allegations that traditional leaders and their families are working against local communities and that they are being corrupted to agree to mining on traditional lands, are often levelled against these leaders.⁵ Apart from the examples in Uthungulu⁶ and in Amadiba,⁷ there are numerous others.

In the Limpopo communities of Mapela, Ga-Pila, Ga-Puka, Ga-Molekane, and Ga-Chaba there was discontent around the activities of Angloplats, with the previous traditional leader, Kgoshigadi Athalia Langa, implicated in the conflict as the one who negotiated with Angloplats.⁸ The present traditional leader, Kgoshi David Kgabagare Langa, is accused by the community of Ga-Chaba of signing a R175million settlement with Angloplats, allegedly without consulting the people.⁹ However, Kgoshi Langa asserts that consultations did take place.¹⁰

In Kwazulu-Natal, conflict is also raging in the area around the Somkhele coal mine. Community members and members of the Mpukunyoni Community Property Association have been accusing local leaders of collusion, corruption, and maladministration.¹¹ There is also conflict around Ibutho Coal's proposed Fuleni coal mine on the

border of the iMfolozi Wilderness area.¹²

2.1. Bad faith?

Allegations of bad faith on the part of leaders, both Government and traditional leaders, have been levelled by communities in traditional areas, and especially around mining areas. Various communities have engaged in public demonstrations, and sometimes the conflicts have led to violence and even the death of community activists. Some of these conflicts have ended up in the courts, several of which, from the Eastern Cape High Court to the highest court in the land, the Constitutional Court, have ruled in favour of the communities involved. Often the rulings have asserted the rights of communities to decide what happens on their lands, and to have a say over land divisions that traditional leaders and other local leaders have sought to appropriate for themselves.

2.2. The threat of violence

This is what is often at the heart of the various conflicts. Where communities feel that leaders are engaging in either corrupt or simply self-serving deals and decisions, often excluding or going against community sentiment, conflict, often violent, has followed. The Xolobeni saga serves as a good case in point.

When the Australian company, Mineral Resource Commodities (MRC), was trying to overcome the opposition to mining in Xolobeni, it is alleged that the local chief, Lunga Baleni, was made a director of the mining venture, together with one Zamile Qunya, who was spearheading the push for mining, and was offered all kinds of benefits, including a 4% share of the mining profits.¹³ A headwoman, Cynthia Duduzile Baleni, who opposes mining, was allegedly terrorised by armed men at her residence, trying to get her to change her position on mining.¹⁴ If indeed it is true that the chief has become a director in a mining venture that his community opposes, it raises serious questions of conflict of interest, corruption, transparency, and lack of integrity in the transactions taking place. But when large sums of money are at stake, for instance the R175million in the Mapela Angloplats settlement in Limpopo, it should perhaps not be surprising when people are prepared to do anything to benefit from these transactions.

3. Traditional Authority: Whose Authority?

One of the main issues underlying the conflict stems from the question of power in traditional authorities and lands. In the case of the Bakgatla-Ba-Kgafela community against their chief, Kgosi Nyalala Pilane and the Bakgatla-Ba-Kgafela tribal authority, over how their land should be shared, the Constitutional Court ruled in favour of the community, effectively saying that the land belonged to the people and not the chief.¹⁵ However, this stands in contrast to the view of the Rural Development and Land Reform Minister, Gugile Nkwinti, who, facing revolt from the House of Traditional Leaders, asserted that traditional leaders were the “*de facto* owners of the land.”¹⁶

This matter has again come to the fore as government tries to deal with the question of Khoi and San traditional leaders who have been left out of the process of restitution of traditional authorities. The *Traditional and Khoi-San Leadership Bill* (TKLB) seems to “mirror the failure of the earlier Traditional Courts Bill and the Communal Land Rights Act to redress the distortions and unconstitutionality of the colonial and apartheid understanding of traditional leadership and governance, and more importantly, indigenous land rights.”¹⁷

In response to all these conflicts and challenges that they are facing, many traditional communities have started forming networks and alliances to fight what they perceive as powerful interests that are not listening to their complaints. The Mining and Environmental Justice Community Network of South Africa (MEJCON-SA)¹⁸ is a network of communities, community-based organisations and community members whose environmental and human rights are affected, directly or indirectly, by mining and mining-related activities. Another network of over 70 organisations in mining-affected areas, the Mining Affected Communities United in Action (Macua),¹⁹ has also been started. Time will tell if these associations are able to stand up to the massive financial and political power wielded by the mining companies.

4. Conclusion

The campaign to support communities in mining areas has taken an international turn with international organisation coming out in support of these organisations and putting pressure on investors to pull out of some of these ventures.²⁰ If

indeed these mining wars are being translated into campaigns against investors, government needs to take a serious look at the cries of the affected communities. Failure to do so will lead to other sectors of the economy being impacted. If international investors begin to feel that investing in South Africa exposes them to threats of boycotts and other social and economic pressures, South Africa's standing as an investment destination will suffer. Why, then, does government not listen to what the people are saying and intervene in such a way that the views of traditional communities are respected?

Finally, everyone concerned, not only government, but also Parliament, needs to look at the question of the power of traditional leaders and their relationship to their various

communities. It seems that, while the people and the courts seem to share the sentiment that traditional power lies with the people and that traditional leaders must, should, and can only derive their power from the community, the leaders themselves, with the acquiescence of government, seem to be taking the position that they have some kind of inherent power that gives them not just authority over, but outright ownership, of traditional lands and resources. This is an untenable position which respects neither centuries-old customary law nor today's constitutional principles.

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 - ¹² <http://saveourwilderness.org/2016/04/25/kzn-residents-up-in-arms-over-proposed-coal-mine-sabc-news/>
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 - ¹⁵ <http://mg.co.za/article/2015-08-20-concourt-hands-land-back-to-north-west-community>
 - ¹⁶ <http://www.bdlive.co.za/opinion/2015/07/24/asserting-traditional-leaders-own-land-opens-old-wounds>
 - ¹⁷ <http://www.iol.co.za/business/opinion/new-bill-leaves-communities-at-leaders-mercy-1937965>
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 - ¹⁹ <http://www.theconmag.co.za/2014/06/17/ramathodi-more-of-the-same/>
 - ²⁰ <http://www.gaiafoundation.org/news/campaigners-stand-in-solidarity-with-south-african-communities-opposing-conflict-ridden-mining>

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