


RESEARCH ARTICLE

# Below the Land Deals: The Making of Mineral Property in Ga-Mphahlele, South Africa, 1880–1994

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## Abstract

This article examines the transformation of mineral matter into mineral property from the vantage point of Ga-Mphahlele, a section of northern South Africa's platinum belt in which minerals are particularly complex to access. Building on Thomas Sikor and Christian Lund's work, I show that the demands of mining capital played a key role in facilitating a co-constitutive relationship between political authority and mineral property. Because of the geological difficulties accessing Ga-Mphahlele's platinum, mining companies have only shown an intermittent interest in the area's minerals, resulting in a volatile relationship between mineral property and political authority. In turn, this has meant that minerals have often been a relatively unstable property form. By adding the role of capital to Lund and Sikor's analytic lens for studying property and authority, this article tracks the relationship between chiefly authority, African land purchasing, platinum companies, and the emergence of mineral rights.

**Keywords:** South Africa; apartheid; chieftaincy; land; mining

Over 80 per cent of the world's platinum reserves lie in South Africa's rural northern hinterlands.<sup>1</sup> Though rich platinum deposits were discovered in the region in the mid-1920s, much of it remained unexplored and undocumented until the late 1960s and 1970s when the global platinum market began to boom with the development of catalyst technology, used in car manufacturing and industrial processes. Until this point, however, platinum primarily existed as mineral matter, rarely held or conceptualised as a form of commodified property in South Africa. But, in the wake of major shifts in the world market, the economic, political, and legal nature of platinum across large swathes of South Africa was transformed. This article examines platinum's development from subterranean mineral matter to commodity, arguing that capital's efforts to secure mining rights catalysed a process in which mineral property and political authority entered into a co-constitutive relationship.<sup>2</sup>

There is already an extensive literature explaining how Africans' usage of and claims to land, wood, water, and other forms of nature were transformed into property that could be codified and held value in colonial and postcolonial contexts.<sup>3</sup> As Pauline Peters has summarised, 'the multiple types of authority and sets of claims over land and its products were glossed by the label

<sup>1</sup>A. Bowman, 'Financialization and the extractive industries: the case of South African platinum mining', *Competition & Change* 22:4 (2018), 369.

<sup>2</sup>This analysis is underpinned by a Marxist understanding of the making of property and value, as outlined in K. Marx, *Capital: Critique of Political Economy* (New York, 2011), 45–51.

<sup>3</sup>S. Berry, 'Debating the land question in Africa', *Comparative Studies in Society and History* 44:4 (2002), 638–68; P. Peters, 'Inequality and social conflict over land in Africa', *Journal of Agrarian Change* 4:3 (2004), 269–314; C. Lentz, *Land, Mobility, and Belonging in West Africa* (Bloomington, IN, 2013); H. W. O. Okoth-Ogendo, 'Some issues of theory in the study of tenure relations in African agriculture', *Africa: Journal of the International African Institute* 59:1 (1989), 6–17.

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“communal tenure” . . . [and] many authors have shown how the formation of . . . communal tenure served to promote both state and private European interests in African colonies.<sup>4</sup> While on the ground, rights to land, grazing fields, forests, and water across much of Africa were often managed through what Ben Cousins terms ‘a hierarchy of nested systems of authority’, forms of ownership and the nature of property were flattened to be legible and productive in the eyes of colonial — and post colonial — states too.<sup>5</sup> At times landed property has been classified as state-owned, in other instances as privately-owned, and in other cases still, as tribal or communal land.<sup>6</sup>

Minerals have been subject to a similar set of processes, transforming them from buried rock into codified property. As Gabrielle Hecht argued in the case of uranium, its ‘nuclearity’ and commodified status was facilitated by a discursive and political process driven by Western interests.<sup>7</sup> As with other minerals, out of its socio-historical context uranium is neither commodity nor property. In studies of South Africa, mineral property has primarily been written about in one of two ways. First, the discovery of diamonds and gold drove South Africa’s fast-paced and dramatic industrialisation in the late nineteenth century. The land on which these minerals were discovered was classified as ‘white-owned’ property — or could be easily and quickly transferred into the hands of white owners.<sup>8</sup> As Gavin Capps explained, this meant that the mining industry ‘had largely been able to eliminate the potential barriers posed to investment by an independent class of landed property by acquiring the private rights to mineralised farms through the land market’.<sup>9</sup> Keith Breckenridge reflects on this process as one in which mineral resources were created as a form of property characterised by ‘simplicity, precision and consistency’.<sup>10</sup> Thus the story of diamonds and gold, to the degree that they are wrapped up in debates about land and property, has been explained in relation to eighteenth- and nineteenth-century-processes of conquest and dispossession.

However, by the second half of the twentieth century, diamonds and gold were losing their position on the world stage, and instead minerals such as platinum became more important to the global economy.<sup>11</sup> At the point at which platinum prices increased, the land under which it fell in South Africa was primarily already designated as ‘native land’, and by the 1970s, incorporated within the borders of one of apartheid’s ten Bantustans, created to decentralise, further segregate, and ethnicise the governance of Black South Africans. Land relations in these territories were markedly different to areas classified as white and there were a series of prohibitions on Africans conducting mining themselves or managing the commercial possibilities of minerals.

The best-known story of platinum property in South Africa has been told from the vantage point of the mineral rich northwestern part of the country, the home of the Bafokeng chieftaincy, whose territory fell within the Bantustan of Bophuthatswana.<sup>12</sup> Though the Bafokeng made claims to own the minerals below their land, as with most African claims to property, their ownership was

<sup>4</sup>Peters, ‘Inequality and social conflict’, 272.

<sup>5</sup>B. Cousins, ‘More than socially embedded: the distinctive character of “communal tenure” regimes in South Africa and its implications for land policy’, *Journal of Agrarian Change* 7:3 (2007), 293.

<sup>6</sup>W. Beinart, ‘Introduction’, in W. Beinart, R. Kingwill, and G. Capps (eds.), *Land, Law and Chiefs in Rural South Africa: Contested Histories and Current Struggles* (Johannesburg, 2021).

<sup>7</sup>G. Hecht, *Being Nuclear. Africans and the Global Uranium Trade* (Cambridge, 2012).

<sup>8</sup>W. Worger, *South Africa’s City of Diamonds: Mine Workers and Monopoly Capitalism in Kimberley, 1867–1895* (New Haven, 1987), 13.

<sup>9</sup>G. Capps, ‘Tribal-landed property: the value of the chieftaincy in contemporary Africa’, *Journal of Agrarian Change* 16:3 (2016), 469.

<sup>10</sup>K. Breckenridge, ‘Special rights in property: why modern African economies are dependent on mineral resources’ (working paper, Brooks World Poverty Institute, 2008), 3.

<sup>11</sup>B. Fine and Z. Rustomjee, *The Political Economy of South Africa: From Minerals-Energy Complex to Industrialisation* (Boulder, 1996).

<sup>12</sup>More recently, there has also been scholarly exploration of the story of the Bakgatla ba Kgafela. See G. Capps and S. Mswana, ‘Claims from below: platinum and the politics of land in the Bakgatla traditional authority area’, *Review of African Political Economy*, 42:146 (2015), 606–24.

mediated by a system of trusteeship, overseen by a state official.<sup>13</sup> Thus, Impala Platinum — one of the largest platinum companies in the world — was able to obtain access to the minerals by making a deal over the heads of the Bafokeng, with the leader of Bophuthatswana, Lucas Mangope.<sup>14</sup> This bypassed the interests and wishes not only of the Bafokeng chieftaincy but of the residents on the land under which minerals fell, formally classified as Bafokeng subjects though many disputed this status. Until the mid-1990s, Bophuthatswana's platinum — and the multiple and varied claims to it — was standardised, defined, and commodified through the relationship between Mangope and Impala.<sup>15</sup> Thus Impala's insistent demand for mineral access and their elite pact with Mangope settled — at least to some degree — what would otherwise have been an ongoing contestation over the nature of Bophuthatswana's mineral property and the political authority with the legitimacy to make claims over this property.<sup>16</sup>

Where capital, political authority, and land relations were multiple and less hegemonic, and mining companies' interest in platinum less consistent, mineral property was a far less stable concept. This article takes the Ga-Mphahlele region, situated in South Africa's rural north, in the Northern Sotho Bantustan of Lebowa, to examine these issues. Unlike in Bophuthatswana or other parts of Lebowa, Ga-Mphahlele's platinum seams presented complex geological barriers to mining. Though different mining companies showed interest in portions of Ga-Mphahlele's minerals, there have never been any sustained mining projects on the property. Instead, various mining companies entered Ga-Mphahlele and for a brief period demanded access to minerals, initiating a complex process in which numerous political authorities made claims to be the legitimate owner of mineral property and the land under which it fell. The process of claims-making was always short-lived and each time another mining company came on the scene, new actors would jostle for the power to define and control mineral property. To examine the transformation of Ga-Mphahlele's platinum from mineral matter to commodified property then is to explore an uneven and multi-layered process of mineral property-formation.

In exploring the making of mineral property in Ga-Mphahlele, this article builds on the work of Development Studies scholars Thomas Sikor, Christian Lund, and others, who have argued that property and authority are co-constitutive, as 'the process of recognition of claims as property simultaneously works to imbue the institution that provides such recognition with the recognition of its authority to do so'.<sup>17</sup> At various times in Ga-Mphahlele, chiefs, Lebowa government departments, and private individuals all made claims to own and control platinum in the region. Receiving recognition of their claims bolstered their already existing power and constituted it in relation to platinum-property.

However, I argue that it was capitalist demands to access platinum that led to this co-constitution of political authority and property rights in Ga-Mphahlele. Sikor and Lund make a crucial distinction between 'access' and 'property', noting that accessing property does not automatically equate with owning it, nor does owning property necessarily translate into controlling its access.<sup>18</sup> Quoting Jesse Ribot and Nancy Peluso, they explain that 'access is about "the ability to benefit from things"'.<sup>19</sup> As the analysis of mineral property in Ga-Mphahlele shows, 'things' need to be

<sup>13</sup>J. Bergh and H. M. Feinberg, 'Trusteeship and black land ownership in the Transvaal during the nineteenth and twentieth Centuries', *Kleio* 36: 1 (2004), 170–93.

<sup>14</sup>At this stage, Bophuthatswana had been declared an independent country, so the position of trustee was handed over from a South African state official to Mangope, in his role as Bophuthatswana Chief Minister.

<sup>15</sup>The nature of mineral property was reconfigured in the post-apartheid period, but nonetheless has remained relatively stable. See: A. Manson and B. Mbenga, 'Bophuthatswana and the North-West Province: from pan-Tswanaism to mineral-based ethnic assertiveness', *South African Historical Journal* 64:2 (2012); Capps, 'Tribal-landed property'.

<sup>16</sup>While there have been serious contestations in almost all communities affected by platinum mining, the tensions around mining on Bafokeng land are somewhat different to those in Ga-Mphahlele for example.

<sup>17</sup>T. Sikor and C. Lund, 'Access and property: a question of power and authority', *Development and Change* 40:1 (2009), 1.

<sup>18</sup>*Ibid.*

<sup>19</sup>*Ibid.*, 4–5.

constituted to allow for, in this case, mining companies to benefit from them. The relationship between ‘property’, ‘authority’, and ‘access’ are thus key conceptual tools in understanding the transformation of platinum into mineral property in late apartheid South Africa. In this article, I argue that, in demanding access to platinum, mining companies sought out and bolstered the power of local authorities who could make claims to mineral ownership. In turn, this delineated mineral property, facilitating capital’s access to these minerals.<sup>20</sup> While many scholars have identified instances where ‘access’ is a less powerful claim than ‘ownership’, in the case of platinum in Lebowa, it was in demanding access to platinum that many different local authorities and different forms of mineral property were jointly constituted.

Tracking this history through Ga-Mphahlele, this article begins by outlining the three different types of landed property that developed in the region over the late nineteenth and early twentieth century, and how they intertwined with different forms of political authority. It is through this variation and patchwork that much of the complexity of later mineral property formation can be understood. The article then demonstrates a brief moment in the mid-1920s when a number of mining companies first tried to access minerals, putting pressure on local authorities to define and make claims over the platinum in the Ga-Mphahlele farms. This was cut short by the Great Depression. In the next decades, two new political authorities rose to power, the Lebowa government backed chieftaincy under the reign of *Kgoshikgadi* (Chieftainess) Ngwanamohube and, later, the Lebowa Minerals Trust. Thus, when platinum’s value rose again from the 1960s, the new mining companies on the scene appealed to these local authorities to define mineral property in the region and facilitate their access to it. This led to major contestations and, in some cases, violence. However, because of the geological limitations of Ga-Mphahlele’s mineral seams, mining companies’ presence has always been short-lived in Ga-Mphahlele. Thus, the constitution of commodified mineral property — as developed through the relationship between mineral property and political authority — has been uneven and contingent on a range of external factors.

### The making of Ga-Mphahlele

In the early nineteenth century, a young and charismatic royal, Mphahlele, broke away from his father’s rule in the tropical area of Tzaneen, in what is today the Limpopo Province, and settled about 100 kilometres southwest, in the territory today known as Ga-Mphahlele.<sup>21</sup> Upon arrival in the area, Mphahlele found local populations settled in the region. Over several decades the local groupings were subjugated, through a combination of violence and negotiation. By the 1880s Mphahlele’s descendants claimed rule over a vast territory, though not everyone who lived in the region recognised their leadership.<sup>22</sup>

In the second half of the nineteenth century the greatest threat to Mphahlele’s leadership came from white farmers in the region, settling under the protection of the Afrikaner-led Zuid Afrikaansche Republiek (ZAR). With the encroachment of the Boer state, white settlers and state officials demarcated, settled, and sold the land on which Mphahlele’s followers lived. His followers found themselves living on farms now claimed by private white farmers or land companies. Some African residents had to pay rent and others offered their labour in exchange for tenancy. But, compared to some of their neighbours, particularly to the east in Sekhukhuneland, the Mphahlele had a

<sup>20</sup>For another instance in which the process of co-constituting property and authority was driven by capital’s demands, see: R. Dumett, *El Dorado in West Africa: The Gold-Mining Frontier, African Labour and Colonial Capitalism in the Gold Coast, 1875–1900* (Athens, OH, 1998); K. Amanor, *Global Restructuring and Land Rights in Ghana: Forest Food Chains, Timber, and Rural Livelihoods* (Uppsala, 1999).

<sup>21</sup>S. M. Mphahlele and S. M. Phaladi, *Ba-Xa-Mphahlele* (Pretoria, 1942); M. L. Bopape, ‘Northern Sotho historical dramas: a historical-biographical analysis’ (unpublished PhD Thesis, University of South Africa, 1998), 84–6. Ga-Mphahlele refers to the place, Mphahlele to an individual, and ‘the Mphahlele’ to the polity.

<sup>22</sup>Bonner Private Archive, Johannesburg (BPA), P. Bonner, ‘Transforming communities: Ga-Mphahlele and Lebowa’ (unpublished, n.d.).

relatively amicable relationship with the state. Many of the Mphahlele's senior leaders had converted to Christianity and were mission-school educated. This did not automatically make them more amenable to the state's encroachments, but it did mean that they often had a less confrontational relationship with officials.

In the early 1880s, the ZAR established a Location Commission, ostensibly to demarcate land for 'Native Tribes', but, as scholars have shown, in effect the commission further formalised white expropriation of African land in the Transvaal.<sup>23</sup> African communities not granted a designated location were expected to align themselves with a state-recognised 'tribe', provide labour on white-owned farms, or enter into tenancy agreements with their white landlord, though this was a slow process and many were able to hold out for several decades. However, because of the Mphahlele's political power and their relatively good relationship with the white state, they were recognised as a tribe and thus deserving of land. After conducting surveys and a round of interviews with the chief and his advisors, in November 1882, the ZAR Location Commission cordoned off around 30,000 acres for the Mphahlele Location.

In much of the Northern Transvaal, locations were created out of land formally held by the ZAR state.<sup>24</sup> The establishment of the locations removed the land from the land market, shielding it from all potential purchasers, white or Black.<sup>25</sup> While it was still owned by the state, it was now held in trust, on behalf of its African residents. State officials understood location residents to be represented by their political and cultural leader, a chief who held a vague set of rights to regulate the land. The creation of the location also reconfigured land usage and settlement. Despite historically living on a far wider range of farms across the region, it confined Mphahlele's followers to the allocated set of farms. In 1905, under a new Transvaal government soon to be incorporated into the Union of South Africa, the Mphahlele Location was expanded, including more state-controlled land into its boundaries. It was thus that an enlarged Mphahlele Location became designated as 'state' land.

But there was another developing property relation in the region. After the location was declared, there was a strong feeling among the Mphahlele leaders and followers that their allocated land was inadequate, especially compared to the earlier size of their territory. Having been convinced of the value of holding property, the Mphahlele leaders were committed to 'buying back' their land.<sup>26</sup> Thus, in 1892, the chief decided that the Mphahlele should buy additional farms to be added to their location, imposing a levy to raise money for their purchase. Those who did not have cash were expected to donate their cattle.<sup>27</sup> However, not everyone agreed with the chief's decision to purchase the land they had long lived on, nor was there unequivocal agreement that the Mphahlele leaders were the legitimate rulers in the region. With many of the Mphahlele's subjects being forcibly incorporated into the chieftaincy in the preceding century, there remained significant fissures in the polity.

Nonetheless, the Mphahlele chief successfully gathered £2,280 from his subjects, enough to purchase eleven white-owned private farms adjacent to the demarcated location. The local field cornet and native commissioner took the money and began the transfer process, but it quickly unravelled because, unbeknownst to Mphahlele's leaders, the two men did not have access to the original title

<sup>23</sup>S. Lekgoathi, 'Ethnicity and identity: struggle and contestation in the making of the Northern Transvaal Ndebele, ca. 1860–2005' (unpublished PhD Thesis, University of Minnesota, 2006), 69. Scare quotes around 'native' and 'tribe' are implied from here onwards.

<sup>24</sup>This stands in contrast to the locations created in the western Transvaal, where many African communities had purchased land already. Capps, 'Tribal-landed property', 189.

<sup>25</sup>National Archives of South Africa, Pretoria (NASA) GOV 1087, Extract from the minutes of late Location Commission, 5 Nov. 1889.

<sup>26</sup>In contrast, the Pedi paramountcy in Sekhuhuneland were unwilling to purchase land that they considered rightfully theirs: P. Delius, *A Lion Amongst The Cattle: Reconstruction and Resistance in the Northern Transvaal* (Johannesburg, 1996), 11.

<sup>27</sup>BPA, 'The history of Bakgaga ba Mphahlele', 2011.

deeds. By the end of the century, after much legal and bureaucratic wrangling, the Mphahlele managed to secure title deeds to two farms — Doornvlei and a portion of Molgat — while their efforts to claim the remaining nine were scuppered by the South African War.<sup>28</sup> The boundaries of the location were expanded to include these two farms, but they were subjected to a different set of property relations from the rest of the Mphahlele Location. Because they had been purchased by the tribe, the land was recognised as a form of property referred to by Gavin Capps as ‘tribal title trust’, in which land was understood as the private property of a racialised group structure, controlled by the chief but nonetheless subject to vaguely defined regulation by the state acting in trust for its residents.<sup>29</sup>

There was also a third set of property relations established in Ga-Mphahlele in the early part of the twentieth century. In a handful of cases individual Black residents purchased farms in their own names. This was unusual for the time, as race laws were becoming increasingly muscular, limiting private property ownership for Africans, especially on land that had not been cordoned off for African settlement by the 1913 Native Lands Act. However, it was not unheard of for Africans to purchase land in this period, either as individuals, small groups (of between two and fifteen people), or as larger groups, often classified as tribes.<sup>30</sup> African land purchases around the Mphahlele Location were made possible primarily because a state-appointed commission, led by William Beaumont, recommended the broader area should be classified for African settlement, extending the boundaries drawn by the 1913 Act. Individual African land buyers were often politically prominent individuals from the region, with their own accumulated wealth.<sup>31</sup>

There were two farms in particular that came to have significant bearing on the mineral deals in subsequent decades. In 1919, a wealthy Ga-Mphahlele resident, Takalo Kgokolo purchased a portion of the farm Davidspoort from a white landowner.<sup>32</sup> Soon after, Kgokolo sold his portion of Davidspoort to a six-person syndicate of Ga-Mphahlele residents, and in the following decades their relatives inherited the property.<sup>33</sup> The second farm of significance was Dwarsrand, purchased in 1921 by three politically prominent residents of Ga-Mphahlele, with links to the chieftaincy. The three way split of the land — and the difficulties of some of the early African owners to pay off their debts — complicated its ownership. From the early 1940s there was bitter back and forth, with various claims made to the ownership of the farm, who could legitimately reside on it, and to whom the proceeds of the land should be allocated.

These two farms — Dwarsrand and a portion of Davidspoort — formally remained in private hands, along with a number of other privately purchased farms in the region. However, in the subsequent decades ownership of the farms became increasingly murky, and later, official documents listed the privately-owned farms as tribally-owned land, in the same category as the farms that the Mphahlele purchased in the 1890s.<sup>34</sup> As was true elsewhere in South Africa, land purchases could not completely secure Black people’s land rights and even privately held property constituted a complex mix of rights.

Nonetheless in the first decades of the twentieth century, there were three distinct legal forms of property that made up the Mphahlele Location: state land held in trust for the followers of the Mphahlele chief; tribal-title-trust land in which the Mphahlele chief acted as the supposed

<sup>28</sup>NASA GOV 1087, Extract from the minutes of late Location Commission, 5 Nov. 1889.

<sup>29</sup>Capps, ‘Tribal-landed property’, 470.

<sup>30</sup>H. M. Feinberg and A. Horn, ‘South African territorial segregation: new data on African farm purchases, 1913–1936’, *The Journal of African History* 50: 1 (2009), 41–60.

<sup>31</sup>NASA BAO 5/367 54/1525/17, letter from Lebowa Government to Boezart, 12 July 1978. See, T. Weinberg, ‘Segregated landscapes in South Africa, 1800–1994’, in D. Magaziner (ed.) *The Oxford Handbook of South African History* (Oxford, 2020), <https://doi.org/10.1093/oxfordhb/9780190921767.013.8>.

<sup>32</sup>NASA NTS 3695 1668/308, Deed of Sale, Feb. 1919.

<sup>33</sup>NASA NTS 3695 1668/308, Memo, n.d.

<sup>34</sup>Republic of South Africa, ‘Definition of the boundaries of the area of the Bakgaga-Ba-Mphahlele’, *Government Gazette* 513:2026, 29 Mar. 1968, 13–14.

legitimate representative of the people in making decisions about the land; and privately held land increasingly subsumed under the control of the chief.

### Mineral property in the 1920s

While land was purchased, fought over, and reallocated, another form of property was also under scrutiny. While Africans had a long history of mining copper, tin, and iron ore across the Transvaal region, there is no documented evidence of pre colonial mining in Ga-Mphahlele.<sup>35</sup> However, in the wake of South Africa's mineral revolution, geologists started showing an interest in the possibility of mineral deposits in Ga-Mphahlele, but the laws governing mineral access in native locations or on African-owned land were in flux. When South Africa was first colonised by the Dutch, minerals were subjected to the principles of Roman Common Law, making land owners not only owners of the land's surface but of the full 'fruits of the land', including its minerals.<sup>36</sup> In the eighteenth and nineteenth centuries however, the relationship between surface and mineral ownership shifted many times. After the Union of South Africa was declared in 1910, an effort was made to consolidate mineral property law. In theory mineral rights could now be severed from land, but land buyers who had purchased land prior to the separation of surface and minerals were understood to own both forms of property: minerals and surface rights.<sup>37</sup>

Despite the efforts to standardise mineral law, it remained a very complex and changeable form of property, partially because land rights were also very complicated. This was particularly true for minerals on African-owned land and in the Native Reserves, delineated by the 1913 Land Act. As with land, Africans were deprived of full control over mineral resources even if they — as individuals or as a state-recognised tribe — had purchased land before it had been severed from its minerals. The Minister of Native Affairs was appointed as the Trustee of minerals on African land, and was required to sign off on any commercial deals, producing complex and obscure systems of mineral ownership.

However, the nature of mineral property in the Ga-Mphahlele territory only came under scrutiny in the mid-1920s, with the discovery of the platinum group metals on the Merensky Reef, a section of which ran through the territory. As Africans were prohibited from prospecting or mining themselves, it was only when prospectors, geologists, and newly established mining companies swarmed across the region that both Ga-Mphahlele residents and state officials began to debate, negotiate, and contest the nature of mineral property. Who owned and controlled minerals on land purchased by the tribe and who owned minerals on land purchased by individuals who affiliated to Mphahlele? Did the Mphahlele chief or his followers have any control over minerals on state-owned land on which Mphahlele's followers had lived for decades? Were minerals tied to farm boundaries or could they be purchased independently of the delineation of surface rights? Until the collapse of the world economy after the 1929 Wall Street Crash, these issues were hotly contested in Ga-Mphahlele.

For example, in early 1925, Theuns Kleinenberg, a wealthy white land owner and local politician, entered negotiations to buy the mineral rights to farms purchased by the Mphahlele in the preceding years. Following the standard practice on tribally-owned land, it was accepted by all parties that the tribe had to agree to the sale of minerals on the land and the Minister of Native Affairs had to endorse it. However it was less clear who could make decisions on behalf of the tribe and what type of property its minerals were.

Demonstrating how authority and property relations are mutually constitutive, a heated argument broke between the newly appointed chief, Mmutle III, and Ben Leshilo, a Ga-Mphahlele resident and politically active critic and subject of the chief, with ties to the South African National

<sup>35</sup>P. Ndzamelala, *Native Merchants. The Building of the Black Business Class in South Africa* (Cape Town, 2021), 16–8.

<sup>36</sup>F. Cawood and R. Minnitt, 'A historical perspective on the economics of the ownership of mineral rights', *The Journal of South African Institute of Mining and Metallurgy* 98:7 (1998), 370.

<sup>37</sup>*Ibid.*

Native Congress, later known as the African National Congress (ANC). Leshilo had long been a thorn in Mmutle III's side. In 1922, as the newly elected head of the Ga-Mphahlele Cattle Owners' Association, Leshilo spoke against the chief's involvement in the fining of residents who refused to send their cattle for dipping.<sup>38</sup> Over the next few years, Leshilo criticised other aspects of Mmutle III's leadership. Having contributed towards purchasing farms, he insisted that he — and others who had similarly contributed — should be consulted in decisions about the farm. Mmutle III accused him of implying that 'the Chief converted the peoples [*sic*] money to his own use' and went on to issue him with an official warning.<sup>39</sup> In 1925, when a tribal meeting was called with Kleinenberg and the sub-native commissioner to ratify the sale of minerals, Leshilo argued that Kleinenberg's offer was too low.<sup>40</sup> Along with a group of men who rejected the offer, Leshilo walked out the meeting, to the chief and sub-native commissioner's chagrin.<sup>41</sup>

In response, the chief and state officials, mounted a few different arguments. Mmutle suggested that 'by words and actions [Leshilo] inspired a bad spirit among the people'.<sup>42</sup> He and the sub-native commissioner were also distressed at Leshilo's defiance of white officials. Accusing Leshilo of being disrespectful, the sub-native commissioner explained that when Leshilo was instructed to make his supporters return to the meeting, he allegedly said, 'do it yourself'.<sup>43</sup> The chief, his headman, and advisors further wrote to the sub-native commissioner, saying, 'the system of deciding matters by vote amongst primitive and illiterate people is dangerous. The usual way of deciding matters by Chief's decision is still necessary'.<sup>44</sup> Thus, they suggested that making claims to mineral property was dependent on affirming political hierarchies in the region.

In the end, however, Leshilo won. In the struggle to control and define mineral property, he threw his weight behind another, better offer, this time from Philip Wouter Roos, a white attorney from Pietersburg, who signed a contract to begin prospecting the minerals on Mphahlele farms. In this instance then, minerals were understood to be controlled and owned by a wider group than the chief and his supporters.

Another debate was also underway. In the process of drawing up the contract between Roos and the Mphahlele Authority, the Native Affairs Department made a concerted effort to tie mineral rights to the boundaries on the land under which it fell. At first the contract allowed Roos to prospect on the farms owned by Mphahlele, and gave him the right to purchase minerals in units smaller than the average size of a farm.<sup>45</sup> However, the department intervened to change the contract, insisting instead that if Roos chose to purchase, he would have to buy all the minerals on the farm.<sup>46</sup> They feared that if he was allowed to only buy a portion of the farm's minerals, Roos would pay a small fee but hold disproportionate power to dictate mining operations. Other interested parties would then have to negotiate with him to access linked geological seams. One of the outcomes of this change in the contract was that mineral property was now tied to land surface boundaries, styming the emergence of a mineral rights market divorced from the landed relations that often privileged chiefly authority.

But defining and alienating minerals was put to a halt by the contingencies of the global platinum market. Though Roos signed the contract giving him the option to purchase minerals, the dramatic downturn in the economy after the Great Depression prevented him from acting on the

<sup>38</sup>NASA NTS 7714 39/333, letter from Sub-Native Commissioner to Native Commissioner, Pietersburg, 4 June 1925; NASA NTS 7714, 39/333, Charges against Ben Leshilo, Apr. 1925.

<sup>39</sup>*Ibid.*

<sup>40</sup>NASA NTS 7714 39/333, Ben Leshilo to Sub-Native Commissioner, 2 Sep. 1926.

<sup>41</sup>NASA NTS 7714 39/333, letter from Sub-Native Commissioner to Native Commissioner, Pietersburg, 4 June 1925

<sup>42</sup>NASA NTS 7714 39/333, letter from Paduli Mphahlele to Sub-Native Commissioner, 2 Apr. 1923.

<sup>43</sup>NASA NTS 7714 39/333, letter from Sub-Native Commissioner to Native Commissioner, Pietersburg, 4 June 1925

<sup>44</sup>NASA NTS 7714 39/333, letter from Paduli Mphahlele et. al. to Sub-Native Commissioner, 19 May 1925.

<sup>45</sup>The unit used was 'morgen,' about 2 acres.

<sup>46</sup>NASA NTS 3520 354/308, letter from Stegman, Oosthuizen, and Jackson to Secretary for Native Affairs, 27 Aug. 1925.



option. By the time the effects of the Great Depression hit South Africa, platinum prices collapsed with little hope of revival in the near future.<sup>47</sup> Without pressure from prospectors or mining companies, there was no catalyst to bring mineral property and authority into a closer co-constitutive relationship. The transformation from mineral matter to mineral resource was neither unidirectional nor total, and it would take a much more concerted effort by mining capital to sustain the commodification of platinum.

### Political authority

With the collapse of the platinum market, mineral property formation took a backseat to bigger contestations over forced removals, white farmland and tenancy relations and, importantly, the making and development of political authority in the region. Apartheid policy produced two major shifts in the nature of authority in Ga-Mphahlele that became key to later battles over the making of mineral property. These two developments affirmed the co-constitution and entanglement of new forms of political authority and property. In outlining these two developments, this article emphasises the importance of paying attention to the nature of political authority in conceptualising property forms.<sup>48</sup>

### The chieftaincy

In 1948, the apartheid government was elected to power. Under the helm of the National Party, state officials began a slow and complicated process of trying to bolster the power and authority of the chieftaincy, about which the pre-apartheid state had been highly ambivalent.<sup>49</sup> The Bantu Authorities Act was passed in 1951, giving increased powers to the chiefs who accepted the law's dictates. As a range of scholars have argued, chiefs now had the backing of the apartheid state to act in ways far more authoritarian than their predecessors.<sup>50</sup>

In Ga-Mphahlele, this played out in complex ways. In 1950, the reigning chief, Kgoshi Mmutle III, died, opening up old feuds and initiating political jockeying in the power vacuum that followed. While there had been dissent under Mmutle III's rule, there had been no challenge to his legitimacy as ruler. Though he had many sons, he had not designated an heir and in the coming years factions emerged around potential successors. The majority of the late Mmutle III's followers lent their support to his younger brother, Moepadira. But many of Mmutle's sons, particularly those who were well educated, were horrified by Moepadira's leadership, describing him as uneducated and illiterate.<sup>51</sup> Moepadira was opposed to the new apartheid government and refused to accept state interventions into rural governance, and thus soon became a target of apartheid officials who tried to unseat him.

Nonetheless, for a period of about fifteen years Moepadira and his supporters successfully dug in their heels. The Bakgakga Youth League, a group of Johannesburg-based migrants originally from Ga-Mphahlele, raised funds to pay the legal fees of those arrested for challenging the state or supporting Moepadira.<sup>52</sup> At meetings with the native commissioner, large groups of dissenters shouted down any suggestion of Bantu Authorities, rallying around the slogan 'Away with the Whiteman's Rule'.<sup>53</sup> By the mid-1960s, however, the apartheid state's power became harder to withstand. In addition to ongoing pressure to accept Bantu Authorities, internal divisions within the Mphahlele weakened Moepadira's leadership. Mmutle III's educated sons, who had never supported Moepadira, also launched a campaign to unseat him, working with and appealing to the native commissioner

<sup>47</sup>W. Black, *Platinum Group Metals Industry* (Cambridge, UK, 2000), 7.

<sup>48</sup>Sikor and Lund, 'Access and Property'.

<sup>49</sup>Delius, *A Lion*, 78–9.

<sup>50</sup>L. Ntsebeza, *Democracy Compromised: Chiefs and the Politics of Land in South Africa* (Leiden, 2005).

<sup>51</sup>Bopape, 'Northern Sotho historical dramas', 154.

<sup>52</sup>NASA HKN 1/1/71 25N1/1/3(7), letter from Native Commissioner to District Commandant, 20 Apr. 1955.

<sup>53</sup>NASA HKN 1/1/71 25N1/1/3(7), letter from Unknown to Information Officer, 28 Apr. 1955.

to intervene.<sup>54</sup> At the head of this campaign was Cedric Phatudi, one of the late chief's sons, a school inspector, and rising figure in local politics in the region.

With Phatudi's support, the apartheid officials ramped up their pressure, withholding services to Ga-Mphahlele residents and forming a parallel administrative board to manage the governance of the land.<sup>55</sup> The native commissioner and other officials clamped down on the supposedly 'unauthorised' meetings of Moepadira's supporters, either arresting them or threatening violence.<sup>56</sup> The final blow to Moepadira's reign came in the immediate aftermath of the formalisation of Lebowa Bantustan, as part of the apartheid state's Homeland policy. In 1973, Lebowa held its first elections and Cedric Phatudi was elected chief minister of the Bantustan. In this powerful position he oversaw the replacement of Moepadira with a young woman, Ngwana-Mohube, brought to Ga-Mphahlele from Sekhukhuneland to bear a new heir.<sup>57</sup> Little is known about Ngwana-Mohube's early life, but it is clear that once she arrived in Ga-Mphahlele she became an active political player in local politics, strongly allying with Phatudi and refusing to bear an heir with Moepadira. Her regency was soon authorised by the apartheid state — which still held ultimate authority over Lebowa's affairs — while Moepadira's supporters were forced out of the region or imprisoned. By 1975, under the rule of the Regent Chieftainess Ngwana-Mohube, the Mphahlele Tribal Authority had now fully accepted Bantu Authorities and was allied with the Bantustan administration and its apartheid government backers. Though political tensions remained, there was little question about which faction at Ga-Mphahlele had the upper hand. The chieftainess' power and leverage would make her and her supporters key actors in negotiating and defining the nature of mineral property in the region.

### **The Lebowa Minerals Trust**

The second significant political authority was the Lebowa 'state' and, eventually, the Lebowa Minerals Trust (LMT). When Lebowa was formally established in 1972, the Bantustan administration had limited autonomy and control over its territory. Most land, for example, was managed through the agencies of the central South African state, though chiefs retained localised control over land usage. Similarly, minerals were out of the hands of Lebowa officials. However, this policy changed as the apartheid state attempted to introduce reform measures from the mid-1980s to placate its critics. In December 1986, Proclamation R228 was gazetted, transferring trusteeship over large tracts of Lebowa land and minerals to the Bantustan government.<sup>58</sup>

Early the next year, the Lebowa Minerals Bureau (LMB) was established to administer and control the newly transferred mineral rights. But the LMB's powers and jurisdiction were not well defined, and the institution was quickly captured by the interests of subsidiary companies within the Anglo American mining group and a number of high-ranking officials in the Lebowa government.<sup>59</sup> Thus, in 1991 the controls of the bureau were tightened and it was relaunched as a legally defined entity, named the Lebowa Minerals Trust (LMT). In its new guise, the LMT was now classified as a private owner of the minerals previously owned or controlled by the central South African state. In the cases where Africans had purchased land with the minerals attached, the LMT still acted as trustee, but this distinction between trustee and owner was confusing and rarely understood. In this vagueness, it formed just one of several authorities making claims over mineral property in Lebowa.

<sup>54</sup>NASA BAO 5/367 54/1525/15, letter from C. S Phatudi et al. to Bantu Affairs Commissioner, 16 Dec. 1964.

<sup>55</sup>NASA BAO 5/367 54/1525/15, letter from Moepadira Mphahlele to Native Affairs Department, 11 Mar. 1966.

<sup>56</sup>C. Mahlaba, 'Chief Rejects Bantu Authority', *The World*, 21 Nov. 1966

<sup>57</sup>NASA BAO 5/367 54/1525/15, letter from Bantu Affairs Commissioner to Chief Bantu Affairs Commissioner, 9 Sep. 1976.

<sup>58</sup>L. Phillips, 'Mining in Lebowa: the pre-history of Limpopo's platinum boom' (History Workshop Seminar Series, Johannesburg, 2020).

<sup>59</sup>Phillips, 'Mining in Lebowa'. The Anglo American mining group was one of the largest producers of platinum in the world.

## The making of mineral property

Until the 1960s, there was very little new mineral activity or exploration in the Northern Transvaal. However, as Russia limited its platinum supply and platinum group metals became increasingly important in industry, platinum prices started to increase and mining companies again set their sights on South Africa. In the late 1960s, in the northwest of the country, Impala Platinum secured a thirty-five-year lease on the land held in trust for the Bafokeng Tribal Authority.<sup>60</sup> Other mining companies looked eastwards to do similarly. In the process, mineral property became a contested issue once more. For mining companies to prospect and mine platinum in Lebowa, they needed a property regime in which minerals were commodified and marketable, with clearly demarcated owners empowered to give them access. This final section examines how capital's demand for access to platinum in different parts of the Ga-Mphahlele territory helped intertwine and further co-constitute mineral property and political authority in three different forms of land tenure regimes.

### *Tribal land*

In 1977 Messina Transvaal Development Company applied for prospecting rights on a number of Ga-Mphahlele farms. Messina was established in the early twentieth century by John Pascoe Grenfell after the discovery of copper south of the Limpopo River. Over the course of the next seventy years, Messina diversified its interests and entered the platinum sector, trying to secure mining rights on the Ga-Mphahlele farm, Doornvlei. By seeking access to Doornvlei's minerals, Messina initiated a process establishing a co-constitutive relationship between political authority and mineral property.

At the heart of Messina's efforts to access the platinum on Doornvlei was their concern to confirm who owned the minerals, what legal form these minerals took, and who was authorised to grant Messina access. While it was well accepted that the minerals belonged to 'the tribe' because the Mphahlele had purchased Doornvlei in the 1890s, it was uncertain who constituted the tribe and in what capacity they owned the minerals.

On the one hand, the Ga-Mphahlele subjects living on the farm Doornvlei argued that they should be granted a particular stake in the deal, as they would be required to relocate when full-scale mining began. Many Ga-Mphahlele residents also increasingly felt that their interests diverged from those of the tribal authority, and tried to take control of the land they lived on. As the Black youth and anti-apartheid activists of the region took an overtly oppositional stance against the Bantustan system and its chiefly representatives over the course of the 1980s, the Mphahlele royalty were under greater and greater pressure to forgo their control over communal resources.

On the other hand, however, the Lebowa government did not recognise subcategories of polities within 'the tribe'. With the backing of the Lebowa administration, the tribal authority mandated the Mphahlele Mining Committee to take charge of negotiations, though its committee members did not live on Doornvlei farm. The mining committee was chaired by R. R. Mphahlele, whose family had a long history of working with the tribal authority. His grandfather and father were well educated and had allied with Mmutle III and his predecessors.<sup>61</sup> R. R. was also an advisor to the regent chief-tainess and held influence in the Lebowa government, and was thus well positioned to navigate the local dynamics of Ga-Mphahlele and the broader interests of the Lebowa government. To work with R. R. Mphahlele and his mining committee was, for Messina, to secure a mining deal.

In 1987 the Mphahlele Mining Committee gave Messina assurance that '[t]he residents accepted that their properties would be relocated and there would be no cash compensation'.<sup>62</sup> When the final mining contract was signed, this clause was confirmed: Messina would pay no compensation and instead would pay rental for use of surface rights directly to the Mphahlele Tribal Authority,

<sup>60</sup>Capps, 'Tribal-landed property', 471.

<sup>61</sup>BPA, Follow up interview with Ratau Ray Mphahlele, 2 Feb. 2011.

<sup>62</sup>Mphahlele Private Archive, Lebowakgomo (MPA), letter from Messina to Lebowa Department of Economic Affairs, 30 Mar. 1987.

not individual residents.<sup>63</sup> For the Mphahlele elite, this was considered a highly favourable deal, especially as 50,000 shares were offered to the Lebowa government and 62,000 were offered directly to the tribal authority, in addition to surface rental, also paid to the tribal authority.<sup>64</sup>

Some ordinary Ga-Mphahlele residents also hoped to benefit from the deal — because of the 100,000 preferentially priced shares put aside for Ga-Mphahlele residents and Messina's promise to donate R300,000 to the Lebowa Education and Training Trust — but their hope was misplaced, and the share benefits and donation never reached them.<sup>65</sup> Instead, the deal had, de facto, transformed the minerals on Doornvlei into privately-owned property held by the political elite of Mphahlele, who staked their claim to it through the pathways created by the Messina deal.<sup>66</sup>

### Private land

Other mining companies were also interested in accessing minerals in Ga-Mphahlele, but, because of the varied nature of land and political authority in the region, followed different paths to access rights. In the rare cases where land and minerals were owned by individual Black residents, such as in Davidspoort and Dwarsrand, a new dynamic between mineral property and local political authority was created.

In 1986, the mining company Gencor sought to prospect on the farms in Ga-Mphahlele, including Davidspoort and Dwarsrand. They paid little attention to the history of the farms and simply approached the mining division of the central South African state for access, which was soon granted. The administration of mineral and land rights in Lebowa was so confusing and complicated that it was possible for one administrative department to award prospecting rights without all the other relevant bodies knowing.<sup>67</sup> Because prospecting could entail simply sinking a hole or geological mapping of rock outcrops, these activities often went almost unnoticed by residents. In seeking access to minerals then, Gencor initiated a co-constitutive relationship between mineral property on Davidspoort and Dwarsrand and the mining subdivision of the South African state.

However, in mid-1989, a new mining company, Trojan Exploration, applied for prospecting rights on Dwarsrand and Davidspoort. Their application reconfigured the meaning of mineral property on the two farms. Trojan was established by Martin Brink, Lawrence Blomkamp, and Roger Scoon, a white South African lawyer and businessman, and a British geologist, respectively. Despite coming up against the superior power of the major mining houses, Trojan did surprisingly well in seeking out mineral rights across the region. One of their successes was tracking down the descendants of the original purchasers of Dwarsrand and Davidspoort. Brink had developed his reputation as an established mineral rights lawyer in the 1970s and in the 1980s, he and Blomkamp (and later Scoon) established the new company, which began explorations in Lebowa.<sup>68</sup> Brink tracked down the registered Black owners of Davidspoort and Dwarsrand and then worked with them to argue that Gencor's rights were illegitimate.

But it was insufficient simply to track down the descendants of the owners of the farms. Though the farms were privately owned, they had effectively been incorporated into the jurisdiction of the Mphahlele Tribal Authority through the imperatives of the 1951 Bantu Authorities Act and the creation of the Bantustans which gave chiefs increased power over land. Thus, though Trojan

<sup>63</sup>MPA, Notarial Lease, May 1990

<sup>64</sup>'The platinum link', *Lebowa Times*, 20 Apr. 1990; 'Platinum deal benefits Mphahlele tribe', *The Star* (Johannesburg), 5 June 1990.

<sup>65</sup>*The Star*, (Johannesburg), 'Platinum deal benefits Mphahlele tribe'.

<sup>66</sup>BPA, Tribal Authority minutes, 9 Feb. 1992.

<sup>67</sup>For example, in 1987 the South African Development Corporation Trust (STK) awarded Gencor prospecting rights for Davidspoort. See: Geosciences Archive, Pretoria, (GA) STK 2402, Mineral Rights Ownership and Mineral Potential of the Thabamoopo Farms, July 1987. However, for a different documentation of awarded rights, see NARS K428 20 6/3/2/1/90 Volume 1, Advice, 3 Aug. 1990.

<sup>68</sup>Interview with Roger Scoon, Skype, 10 Dec. 2020.

negotiated with the owners as recorded in the deeds office, the negotiations were subject to the approval of the tribal authority.<sup>69</sup> This process had transformed the minerals from property managed by South African state officials to a multi-layered form of property — with ‘nested’ rights — in which ownership was held by individuals but decisions were taken by a larger collective.

But there was yet another change underway. Despite the fact that the minerals were privately owned, because the owners were Black, Trojan’s initial efforts to negotiate directly with the owners and tribal authority were quickly put to a stop. Lebowa and South African officials argued that all Black-owned mineral property was still managed through a ‘trustee’. The land and mineral owners were infuriated by this insistence. In an appeal to Lebowa officials to be given unfettered ownership of the properties, advocate and high-ranking relative of the Mphahlele’s, Vincent Maredi Mphahlele, argued in a 1990 letter: ‘that acts such as the repugnant Lands Act of 1936 [were] still being used to prevent a so-called Black person to freely decide and enter into a prospecting contract without the consent of an official of the present White government’.<sup>70</sup>

This effort failed, and soon after the owners and local power brokers tried to bypass the regulations again, by trying to change the form of rights by ‘deracialising’ the ownership. With Brink’s support in September 1990, the ownership of the two farms was transferred to the newly established Dwarsrand Minerals (PTY) Limited and Davidspoort Minerals (PTY) Limited, with the directors of the new companies listed as the descendants of the original purchasers.<sup>71</sup> The minerals and the land were thus, it was hoped, transformed into a corporatised, and hence deracialised form of property that would allow a direct deal to be made between Trojan and the companies.

This plan however also did not work and eventually the directors of Dwarsrand and Davidspoort Limited asked Trojan Exploration to secure the signature from the appropriate official so prospecting could be confirmed. From mid-1990 to early 1991, Trojan’s representatives were embroiled in a complex back and forth with various government officials in both the South African state and Lebowa government, about who should act as trustee over Dwarsrand and Davidspoort’s minerals.<sup>72</sup> Months after Trojan first tried to secure prospecting rights, it was eventually agreed that the Lebowa minister of economic affairs would act as trustee to facilitate the contract.<sup>73</sup>

In trying to secure prospecting rights over the minerals on the two farms, Trojan’s efforts to access minerals produced a contestation over the nature of mineral property and the institution authorised to control and make claims over this property. Land and mineral ownership, property law, trusteeship, and tribal authority overlaid in complex ways, and under the right circumstances could be reconfigured to open a pathway for mining companies to access platinum.<sup>74</sup> By challenging Gencor’s mineral access, Trojan’s demands reopened the relationship between property and local authority in Ga-Mphahlele.

### *State land*

In both the case of the privately-owned farms and the tribally-owned Doornvlei, the mining company seeking prospecting and mineral rights had to work with the designated owners or the most powerful political faction able to make this claim. However, the vast majority of the land that Ga-Mphahlele residents lived on was still classified as ‘state’ land, held in trust by a South African institution established in 1936, called the South African Development Trust. Efforts to

<sup>69</sup>See BPA, Tribal Authority minutes, 1989–93.

<sup>70</sup>NASA BAO 4/2929 6/9/5/3 Part 1, Minutes of a Meeting of the Directors of Dwarsrand Minerals, 17 Sep. 1990.

<sup>71</sup>NASA BAO 4/2929 6/8/5/3 Part 1, Certificate, 12 Sep. 1990.

<sup>72</sup>NASA BAO 4/2929 6/9/5/3 Part 1, letter from the Director General Development Aid to STK, 14 Sep. 1990; letter from Trojan to STK, 18 Oct. 1990.

<sup>73</sup>NASA, BAO 4/2929 6/9/5/3 Part 2, letter from Ministry of Economic Affairs to Trojan, 8 Feb. 1991.

<sup>74</sup>This process of reconfigured tenurial relations is also documented by Capps in the case of the Bafokeng, see Capps, ‘Tribal-landed property’, 470–1.

access the minerals on this land highlight yet a different set of dynamics as capital's interests furthered the co-constitution of mineral property and political authority.<sup>75</sup>

In the early 1990s, a different company, Goldfields Mining & Development made several attempts at prospecting on farms in the Ga-Mphahlele territory. In late 1993, however, the Mphahlele Mining Committee insisted that the minerals that Goldfields sought access to formed part of tribal property. They argued that Goldfields thus should negotiate all prospecting deals with them. In this case, as with several others in the region, there was a dispute over the nature of ownership of mineral property on the land.

On 13 May 1993, the LMT, which also claimed to own and control the mineral rights on the farms, issued Goldfields the sole rights to prospect for base minerals on the Ga-Mphahlele farms. As the prospecting contract explained, the contract 'constitutes the consent of the Lebowa government in its capacity as the private holder of mineral rights'.<sup>76</sup> The LMT also stipulated, however, that before beginning prospecting Goldfields had to reach out and meet with the local magistrate and 'Tribal Chief' before starting any prospecting.<sup>77</sup>

Following this instruction, officials started trying to set up meetings with the local authorities in the region in August. This, however, proved difficult, and when, in late September, Goldfields met with the Mphahlele Mining Committee, R. R. Mphahlele made it clear that they did not consent to the prospecting. R. R. Mphahlele went on to suggest that if any prospectors from Goldfields showed up on the land, he would not be able to guarantee their safety.<sup>78</sup> His comments were based on years of trying to secure ownership over the vast range of farms historically understood to be part of the Mphahlele's historical territory.<sup>79</sup> They complained that the farms were theirs and profit from the land should not accrue to other parties. As Goldfields had failed to make a deal or negotiate directly with the Mphahlele, they should be refused access to the farms.<sup>80</sup>

Nonetheless, over the next few months Goldfields worked with the LMT to override the Mphahlele's objections. Since its establishment and the transfer of the mineral rights previously held by the central South African state, the LMT had developed a reputation for working closely with the mining companies to make mutually beneficial deals that favoured elites.<sup>81</sup> Mining companies were particularly anxious to secure and sign deals in the lead-up to the democratic elections in 1994, because they understood that this would likely bring about the end of Bantustan authority and possible obstacles to mineral access. Living up to their reputation, the LMT wrote to R. R. Mphahlele demanding he apologise for the threats made. The LMT went on to threaten to charge the Mphahlele Mining Committee with obstruction and hold them responsible for the financial damages associated with this.<sup>82</sup>

Ultimately, however, the LMT was able to outmanoeuvre the Mphahlele, by appealing to a 1985 decision taken by the Thabamoo Regional Authority, of which the Mphahlele Tribal Authority was a member. The regional authority, which brought together all the tribal authorities in the region had decided that 'all applications for prospecting rights on any farm within the district should be processed without having to await the comments of the tribe in question'.<sup>83</sup> At the 1993 regional authority meeting the 1985 decision was affirmed, and in doing so, recognised the LMT's authority

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<sup>75</sup>This, for example, is how Anglo Platinum secured access to vast swathes of minerals across Lebowa, including in Ga-Mphahlele.

<sup>76</sup>GA, GFS NR 085 (02), Prospecting Grant, 13 May 1993.

<sup>77</sup>GA, GFS NR085 (04), letter from S de Villiers to Mining Rights Department, 24 May 1993.

<sup>78</sup>GA, GFS NR085 (17), Goldfields to LMT, 18 Feb. 1994.

<sup>79</sup>BPA, Tribal Authority meeting, 1 Oct. 1993; BPA, Tribal Authority meeting, 10 Oct. 1993.

<sup>80</sup>BPA, Tribal Authority minutes, 14 Nov. 1993.

<sup>81</sup>Phillips, 'Mining in Lebowa'.

<sup>82</sup>GA, GFS NR085 (10), letter from LMT to R. R. Mphahlele, 12 Oct. 1993.

<sup>83</sup>GA, 085.001, letter from Magistrate Thabamoo to Secretary Department of Economic Affairs and Planning, 12 Sep. 1985.

over mineral property. In turn, the Mphahlele were forced to accept that minerals on state-owned land constituted the LMT's private property, despite the fact that they made historical claims to the land.<sup>84</sup>

Despite the Mphahlele Mining Committee's claims to the land, the LMT had the upper hand as the recognised authority in the region, and they were thus able to insist that they held ownership over mineral rights. Goldfields's efforts to prospect on the farms put pressure on the LMT to confirm their control over the minerals and, in doing so, define the minerals as a privately held property right.

## Conclusion

None of these deals lasted for very long though. Within a few years, Messina pulled out, Trojan's prospecting bore minimal fruit, and Goldfields soon lost interest. Though a major platinum boom started gathering momentum from the late 1990s, the geological conditions in Ga-Mphahlele made platinum too difficult to access, especially compared to the easily accessible platinum seams elsewhere in South Africa's platinum rich northern provinces.<sup>85</sup> Each time a new mining company has tried to gain access to minerals in Ga-Mphahlele, violence and tension has broken out, as the dialectic of mineral property and political authority is re opened.<sup>86</sup> Far from Breckenridge's characterisation of mineral rights as 'simple and ... definite', mineral property in Ga-Mphahlele is volatile and dynamic.<sup>87</sup>

This stands in sharp contrast to the case of the Bafokeng. After the fall of the Bophuthatswana government and the ending of apartheid in 1994, Impala's historic and continued interest in the area reconfigured the relationship between political authority and mineral property. Though there are no longer legal barriers to African involvement in mining, mining is so costly that capital (Impala) has remained distinct from local authority (Bafokeng chieftaincy). Since the mid-1990s, the relationship between political authority and mineral property however has remained relatively stable, especially in comparison to Ga-Mphahlele.

This article explains why. Whereas Impala's presence established a relationship between property and authority that, though tense, eventually came to a stabilised equilibrium — first in the apartheid era under the authority of the Bophuthatswana Bantustan, and then postapartheid under the Bafokeng chieftaincy — mining capital's fleeting presence in Ga-Mphahlele has not done the same. Instead, the material properties of Ga-Mphahlele's platinum seams and mining capital's ambivalent interest in them, have made mineral property and its relationship with political authority far less stable. By exploring the patchwork of land relations in Ga-Mphahlele and the linked development of competing political authorities, this article has shown capital's role in shaping the transformation of platinum from buried mineralised rock to mineral property. By demanding access — however briefly — the interests of mining capital in Ga-Mphahlele have profoundly shaped and contributed to the co-constituted relationship between political authority and property in the area.

**Competing Interests.** The author declares none.

<sup>84</sup>GA, 085.012, Minutes of the Thabamopo Regional Authority, Nov. 1993.

<sup>85</sup>R. N. Scoon, 'A new occurrence of Merensky reef on the flanks of the Zaaikloof dome, northeastern Bushveld Complex. Relationship between diapirism and magma replenishment', *Economic Geology*, 97: 5 (2002), 1037–49.

<sup>86</sup>M. Reddy, 'Malema buddy's mine leaves community reeling', *Amabhungane*, 18 July 2019.

<sup>87</sup>Breckenridge, 'Special rights in property', 3.