

# Land claims in South Africa: Uniqueness, historical distortions and injustices on the copper miners of Musina

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## ***Abstract***

This article argues that the case of the land claim by the descendants of the Copper Miners of Musina (the Musina clan) presents a unique case of historical distortions and injustice of land and mineral resources ownership by a South African black community. Land claims in South Africa have become widespread since the advent of the country's democracy. With the land reform programmes in South Africa, some communities have been able to lay their hands on lost land that was forcefully taken from the locals under apartheid. The achievement with regards to reparation in South Africa has seen some claims being successfully processed. However, there are some beneficiaries who undeservedly possess land through undetected fraudulent claims. When such exists; deserving claimants like the Musina clan remain landless because of historical distortions and failure by the current regime to restore justice. This article is conceptual and it uses literature analysis approach to argue that archeologists and ethnologists deliberately ignored the historical studies on the copper miners of Musina in order to hide the truth about the discovery of copper mining in Messina. There are writings making incorrect assumptions regarding how Lieutenant Colonel Pascoe Grenfell, James Harper and James Campbell in 1903 discovered coal in mines deserted by the natives in order to ascribe the discovery to the white community in Messina. The author argues that there were no deserted mines in Messina when Lieutenant Colonel Grenfell arrived in Messina in 1903, instead what he did was to register the company and obtain a discoverers certificate, introduce new technology of mining and expropriate the mine from the Musina clan without compensation. It is suggested that new avenues regarding such history be fully researched towards gaining a more comprehensive view of the role and impact of the Musina clan.

**Keywords:** Coal; Copper Miners; Land Claim; Musina; Messina; Historical Distortions.

## **Introduction**

Land claims have become prevalent in post-apartheid South Africa as a way of redistributing resources to address the existing problems regarding the ownership of economic resources. It is acknowledged that in resolving

this incessant inequality, the economic achievement of the past practices may not unnecessarily be disturbed by awarding land to novice black farmers.<sup>1</sup> Resolving the land issue will include ensuring that agricultural production as well as mining activities are not unnecessarily stopped from operating. In addressing the past injustices of land reform, the South African government established the Land Reform and the Land Restitution Programme. The South African government claims that they have indeed achieved significant progress in addressing the injustices created by the Native Land Act of 1913.<sup>2</sup> Indeed, some land claims have been successfully concluded, and those South Africans have gained access to resources or have become part of the current economic establishment which was established through the removal and exclusion of their forefathers. Such victories include and are not limited to the Makuleke Community ownership of part of the Kruger National Park in Limpopo Province, the stake ownership of some families (The Machete and the Tshivhula) on the Mapungubwe heritage site, Zebediela Citrus Farm (The Zebediela Community), and Soekmekaar Farm (The Soekmekaar Community).<sup>3</sup> Despite all the achievements claimed by the South African government, some critical land claim were not settled and therefore remain unresolved because they are complex as their histories were distorted for ulterior political motives of the past regime which undermined the capability and wisdom of the African communities. The Copper Miners of Musina present a typical example whose case has been extensively reflected in archeological and ethnological literature. Some South African sources such as Bronson<sup>4</sup> and Biographical Database of Southern African Science<sup>5</sup> claims that the discovery of coal mines in 1903 was by Lieutenant Colonel Pascoe Grenfell who was an South African War English Army Officer and a Mining Engineer, and two other mining prospectors, James Harper and James Campbell. The claims in literature go further to allege that the former discovered old mining operations deserted by the natives in the area, a move which compelled Lieutenant Colonel Grenfell to obtain the Discoverers Certificate from the

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1 MP Sebola and MA Mamabolo, "The engagement of beneficiaries in farm governance of restituted land through the Communal Property Association model: The ideal versus the reality of beneficiary farms in South Africa", *Common Wealth Youth and Development*, 16(2), 2018, pp.1-14.

2 HP Binswanger-Mkhize, "From failure to success in South African land reform", *African Journal of Agricultural and Resource Economics*, 9(4), 2014, pp. 255-256.

3 MP Sebola MP & JP Tsheola, "Economics of agricultural land restitution and redistribution in South Africa: Willing-seller, willing-buyer business imperatives versus socio-political transformation?", *Journal of Human Ecology*, 46(2), 2014, pp. 113-114.

4 P Bronson, "Local wildlife and the history of Musina. Safari: South Africa"(available at <https://www.southafrica.com/regions/limpopo/musina>, as accessed on 28 August 2019), p. 2012.

5 Biographical Database of Southern African Science, *Colonel John Pascoe Grenfell* (Johannesburg, 2019), p. 1.

government, register and operate the Musina Coal mines from 1906.<sup>6</sup> In this article it will be argued that there were no deserted mines when Lieutenant Colonel Grenfell took over the mine from the Musina clan in 1903. Thus this article argues the processes taken by Lieutenant Colonel Grenfell to register the company and obtain discoverers certificate, introduce new technology of mining and take the mine from the Musina clan without compensation deprived the Musina clan of the intellectual property rights to the mining operations. The focus of the article will be on Land Reform in South Africa, the history of the Musina clan, the distorted history of the Musina clan, the uniqueness of the Musina clan's case and whether justice can be restored for the clan.

### **Land claims and reforms in South Africa**

The National Party apartheid regime in South Africa operated within a legislative framework based on territorial segregation, namely the Native Land Act 27 of 1913, The Native Trust and Land Act 18 of 1936 and the Group Areas Act 41 of 1950.<sup>7</sup> All these acts are the basis for the systemic inequalities which have been the unfair political balance brought forward to be dealt with by the African National Congress (ANC) when it took over and presided over the first democratic government in 1994. According to Metellerkamp<sup>8</sup> and Cousins<sup>9</sup> the ANC government replaced the previous apartheid framework with a complex process of land reform, restitution and tenure. Moving from an unjust system of government, the ANC government ventured into an ambitious land reform programme which promised to redistribute 30% of white-owned commercial agricultural land by 2014 to black South Africans.<sup>10</sup> Such ambitions have not been easy to achieve through the available legislative framework. Moreover, the 30% land distribution achievement is mainly based on hectares than agricultural potential.<sup>11</sup> This suggests that fictitious assumptions are being made about the state of land ownership in South Africa. Such failures mean that land remains an emotional and a highly

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6 P Oldfield, *Victoria crosses on the Western Front August 1914-April 1915: Moons to hills 60* (Barnsley, Pen and Sword, 2014), p. 221.

7 The listed acts are known to have promoted segregation and land inequality in South Africa.

8 L Metellerkamp, *Land reform in South Africa: Reflection on Indian experiences* (Pretoria, Sustainability Institute, 2011), pp. 7-10.

9 B Cousin, *Land reform in South Africa is sinking. Can it be saved?* (Cape Town, Council for the advancement of the South African Constitution, 2013), pp. 5-10.

10 H Kloppers, & GJ Pienaar, "The historical context of land reform in South Africa and early policies", *Potchefstroom Electronic Journal*, 17(2), 2014, pp. 677-707.

11 E Pringle, "Land reform and white ownership of agricultural land in South Africa", *The Journal of the Helen Suzman Foundation*, 70, 2013, pp. 37-42.

charged issue of contestation in which white land owners continue to be blamed for possessing a higher portion of land.<sup>12</sup> In contesting this skewed picture, the Economic Freedom Fighters have become an additional voice agitating for land redistribution, and this issue has become their main political campaigning tool.<sup>13</sup>

Cousins<sup>14</sup> noted that “access to land through redistribution is not a right because the state has to take reasonable measures”, within its available resources’, to foster conditions enabling equitable access to land. Many issues pose a threat to successful land redistribution to the deserving communities. Some of them include but are not limited to the willing seller willing buyer principle, which has many loopholes,<sup>15</sup> the complex application procedures and bureaucratic inefficiency<sup>16</sup> as well as the exorbitant prices required by sellers. Branson<sup>17</sup> however mentioned that at least 8 million hectares have been transferred to black South Africans since the process of redistribution of land began. This figure does not include the success or the failures of redistributed land as shown by other studies of various South African provinces. Du Toit’s<sup>18</sup> compilation of “The Great South African Land Scandal” also confirms that there are South African commercial farmers within this programme of land redistribution who are doing well and are assisted by white farmers. However, an approach which continues to empower the previously advantaged through such partnership is criticized. To a particular extent the approach is supported as it is based on the spirit of making amends amongst South Africans than attempting to balance unequal land ownership which is currently a bone of contention in South Africa.<sup>19</sup>

## **The discovery of copper and the history of the copper miners of Musina**

The fact that Africa is endowed with rich mineral resources is not in dispute.<sup>20</sup>

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12 SF Belinkie, “South Africa’s land restitution challenge: Mining alternatives from evolving minerals taxation policies”, *Cornell International Law Journal*, 48(1), 2015, pp. 219-245.

13 M Nkosi, *Is South Africa’s land reform an election gimmick* (Johannesburg, BBC News), 2018.

14 B Cousins, “Land reform in South Africa is failing. Can it be saved?”, *Transformation: Critical Perspectives on Southern Africa*, 92(1), 2016, pp. 135-157.

15 E Lahiff, “Willing buyer, willing seller: South Africa’s failed experiment in market-led Agrarian reform”, *Third World Quarterly*, 28(8), 2007, pp. 1577-1598.

16 R Hall, “A political economy of land reform in South Africa”, *Review of African Political Economy*, 100, 2004, pp. 23-33.

17 N Branson, “Land, law and traditional leadership in South Africa”, *Africa Research Institute*, 9(19), 2016, p. 2.

18 P du Toit, *The great South African land scandal* (Pretoria, Legacy publications), 2004, p. 4.

19 N Andrew, *The dilemmas of apologizing for apartheid: South African land restitution and the Modimolle land claim* (Pretoria, Land and Rural Research in Southern Africa), 2006, pp. 1-3.

20 KPMG, *KPMG full sector report: Mining in Africa towards 2020* (Amstelveen, KPMG, 2012), pp. 2-14.

South Africa itself is termed one of “the most resource-rich nations of the globe”.<sup>21</sup> Africa continues to serve as a mineral resource base for the globe. Africans mined minerals and traded with people of other continents prior to the arrival of Europeans in the continent.<sup>22</sup> In South Africa, the copper miners of Musina have been reported as unknown despite their history of mining being recorded since 1940 by the South African government.<sup>23</sup> The history of the copper miners of Musina is recorded in several writings such as in Mamadi in 1940,<sup>24</sup> Van Warmelo in 1940<sup>25</sup> and Schoettler<sup>26</sup> in 1974, thus the existence of such people in the past and the mining activities in the ancient times of the Limpopo valley cannot be ignored. The history of these African miners is traceable to the ancient Phalaborwa region in what was known as the Eastern Transvaal. They became famous in Musina and acquired this name which, according to Matsaung,<sup>27</sup> means “The Spoiler or the Corrupter” because of the belief that mixing copper and iron has a corrupting effect on each of the metals, such that copper can be easily worked on. It is not known what these miners were called before they arrived at Musina where they established a settlement which today is called Musina, formerly known as Messina, a corrupted form of its name given by the White settlers when they arrived in the early 1900s.

The earliest person to write about the copper miners of Musina is Mamadi,<sup>28</sup> under the auspices of NJ van Warmelo,<sup>29</sup> a white South African ethnologist who assisted literate Africans to write the history of their own people through their own lens.<sup>30</sup> In his writing titled “The Origin of the Mosenana People” Mamadi consistently refers to his source, a retired old Musina copper miner called Ralethlaka, who was a miner and a son to Dopokabatho, a Chief of the

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21 D Antin, *The South African mining sector: An industry at a crossroads* (Johannesburg, Hanns Seidel Foundation, 2013), p. 1.

22 MP Sebola, “The Mapungubwe story and land claims. The battle for the soul of the dead, greed, and deception”, *Anthropos*, 112(2), 2016, pp. 596-601.

23 EOM Hanisch, “Copper working in the Messina district”, *Journal of South African Institute of Mining and Metallurgy*, 1974, pp. 250-253.

24 MF Mamadi, “Ihlaho ya ba ha Mosenana”, *Ethnological Publications*, VIII, 1940, pp. 193-195.

25 NJ van Warmelo, “The copper miners of Musina and the early history of the Zoutpansberg”, *Ethnological Publications VIII* (Pretoria, Government printer, 1940).

26 GS Schoettler, “The Sotho, Shona and Venda: A study in cultural continuity”, *African Historical studies IV*, 1971, 1, pp. 1-18.

27 LE Matsaung, “De-colonising history: On being a church on the borders of South Africa”, *Studia Historiae Ecclesiasticae*, XXXI(2), 2005, pp. 427-442.

28 MF Mamadi, “Ihlaho ya ba ha Mosenana”, *Ethnological Publications*, VIII, 1940, p. 195.

29 NJ van Warmelo, “The Copper miners of Musina ...”, *Ethnological publications*, p. 195.

30 SP Lekgoathi, “Revisiting the Dr. N.J. van Warmelo manuscript collection: Iron and copper mining and smelting in the Zoutpansberg Region in the Precolonial Era” (Paper, 2011 The Politics of Heritage Conference, Museum Africa, Johannesburg, 8-9 Jul 2011), pp. 1-4.

Musina clan whom he interviewed in 1907 and died in 1909. It is not clear as to when the copper miners arrived in Musina. Matsaung<sup>31</sup> suggests that they arrived around the 18<sup>th</sup> century, a highly contested view, as it contradicts the few studies written about the clan itself. Mamadi,<sup>32</sup> who is the most referenced person on the subject of the copper miners of Musina, does not provide clues of the arrival because his account lacks dates of events. Mamadi makes reference to their arrival in the introduction of “The History of the Tshivhula people” where he says:<sup>33</sup>

After the Musina people had settled in the area, years later arrived the Tshivhula people as a strong tribe coming from *Bokgalaka* [Current Zimbabwe].

This suggests that they are the earliest known inhabitants of the area which might have shared borders with the Venda people.

They are believed to be a group that mined at Phalaborwa in precolonial times before proceeding to Musina. According to Mamadi,<sup>34</sup> they discovered only iron and no copper in Phalaborwa, and being copper smelters they could not stay long in the Phalaborwa area and so headed to Venda land. The Phalaborwa mines which are an offshoot of the Musina copper mining activities, originated around 770-780 AD according to carbon dating.<sup>35</sup> Schoetler<sup>36</sup> goes further to argue that the copper miners of Musina that lived next to Mapungubwe are less known because no archeological studies that could determine their dates, excavations and the systems of kinship among miners themselves were conducted. Since it proved possible to conduct research on the extinct settlement of Mapungubwe and the defunct Phalaborwa mines, studies could still be conducted into the life and activities of the Musina people, to recoup their lost or overlooked history.

Mamadi describes their journey of the discovery of copper at Musina in the following way:<sup>37</sup>

The Musina people came from the East and landed in South Africa at Phalaborwa. When they found only iron and no copper at Phalaborwa, they left in the direction of the Venda land. With them was their Chief and his name was Dopokabatho. His name literally means ‘a begetter of people’ or

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31 LE Matsaung, “De-Colonising history..”, *Studia Historiae Ecclesiasticae*, XXXI(2), 2005, p. 427.

32 MP Sebola, “The Mapungubwe story and land claims...”, *Anthropos*, 112(2), 2016, pp. 598-599.

33 MF Mamadi, “Thlaho ya ba ha Mosena”, *Ethnological Publications*, VIII,1940, pp. 84-86.

34 MF Mamadi, “Thlaho ya ba ha Mosena”, *Ethnological Publications*, VIII,1940, p. 193.

35 GS Schoetler, “The Sotho, Shona and Venda: A study of cultural continuity”, *African Historical Studies*, 4, 1971, p. 8.

36 GS Schoetler, “The Sotho, Shona and Venda...”, *African Historical Studies*, 4, 1971, p. 11.

37 MF Mamadi, “Thlaho ya ba ha Mosena”, *Ethnological Publications*, VIII,1940, p. 193.

figuratively a relative of all people. They went north and proceeded along the Moeketsi (Sand River) and found a hill called Balahe or Balabye on the Manyee where they found more water. From there they went to a little Hill called Zwikae (near Messina) and occupied the area. Again they left for a hill called Zwamokale (near Messina) where they decided to settle. After sending young Musina and Makushu men to prospect for copper at different places, it was found by the Makushu men at Zwamokale and the Musina men found it at Greater Messina. That is how they discovered copper and started mining and establishing a copper trade.

### **The copper mines, disasters and losses**

It is not known in which year the copper miners of Musina discovered the mines, but what comes out of the writings of Mamadi<sup>38</sup> as orally narrated by Ralethlaka in 1907 was that Chief Dopokabatho sent two groups of young men from his clan and their cousin clan (The Makushu) to look out for copper through their known means of discovery. The Makushu men were the first to discover it at Zwamokale and the Musina men found more of it at Greater Musina (today located next to the China Mall). From then, they started mining copper and produced copper products that made them prominent and very wealthy, quite different from other clans in the area. They are believed to have operated at least three mines, namely; Zwamokale (now called Harper), Greater Musina (called Messina) and the third one (now named Western Campbell). Matsaung<sup>39</sup> mentions that they produced and sold articles such as ploughs, arm, neck and leg rings, assegais, bows and arrows. Ralethlaka,<sup>40</sup> Mamadi's informant, claims that at the time of production, the youth, young men and women of the clan all had to work. They shared the products equally to sell at the markets to other clans from various neighboring places.

Mamadi<sup>41</sup> claims that people of diverse groups of the Bopedi (Ga Sekhukhune), Ndebele (Ga Langa), and Ga-Mphahlele, Venda, people from North, East and Southern Africa travelled to Musina to buy copper products. The copper miners lived in luxury, a way of life rare amongst many African people of their era. They had servants and unlike people of the area, they donned an expensive cloth called *malekapo* (a black cloth tied around a hip) while their counterparts from other surrounding tribes wore loin cloths made of animal skin. *Malekapo* was a typical clothing imported from East Africa

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38 MF Mamadi, "Thlaho ya ba ha Mosena", *Ethnological Publications*, VIII,1940, p. 194.

39 LE Matsaung, "De-Colonising history...", *Studia Historiae Ecclesiasticae*, XXXI(2), 2005, p. 429.

40 He was the informant on the history of the Musina clan to the author MF Mamadi.

41 MF Mamadi, "Thlaho ya ba ha Mosena", *Ethnological Publications*, VIII,1940, p. 193.

and Portugal.<sup>42</sup> In addition to this, meals were eaten with a wooden spoon and not with bare hands as was common during their time.<sup>43</sup> The lavish lifestyle could not stem other misfortunes for the copper miners of Musina. They suffered from both artificial and natural causes which included mining disasters, tribal assaults from jealous tribes and finally as a result of the arrival of the white settlers.

### ***The mining disaster***

The mining disaster suffered by the Musina copper miners was recorded and passed on through the oral tradition of storytelling. Mamadi<sup>44</sup> recorded the incident of the collapse of the mine that killed a large number of the copper miners of Musina in the history of the Tshivhula people. It is not known which of the three mines owned by the copper miners experienced the rock fall that killed the Musina clan. It is not known why Mamadi<sup>45</sup> did not record this significant event in his interview with Raethlaka in 1907. Maybe he considered it less significant as it was well known and he only considered hearing about the Langa assault on the Musina people than the mining disaster which also affected them adversely. Matsaung,<sup>46</sup> however, mentions this incident and lists names of some survivors of the mine collapse such as Dyasala, Masilo (Dysala's son) and Rathathane. Dysala is recorded on the genealogy of the Musina clan as a son of Chief Dopokabatho.

### ***Tribal assaults from the jealous clans***

There are two reported assaults on the Musina clan from rival tribes by the author Mamadi.<sup>47</sup> The Messina Mail-Coach Organising Committee of the Van Riebeeck Festival<sup>48</sup> suggested that Chief Dopokabatho lived up to his name of having a good character and love for people. It was indeed after his death that his people had troubles with the neighbouring tribes, an incident which ultimately led to them firstly being attacked by the Mphahlele regiment which complained of the way they were mishandled and undermined by the

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42 NJ van Warmelo, "The Copper miners of Musina ...", *Ethnological Publications*, p. 81.

43 MF Mamadi, "Thlaho ya ba ha Mosena", *Ethnological Publications*, VIII, 1940, p. 194.

44 MF Mamadi, "Thlaho ya ba ha Sebola", *Ethnological Publications*, VIII, 1940, p. 84.

45 MF Mamadi, "Thlaho ya ba ha Sebola", *Ethnological Publications*, VIII, 1940, p. 85.

46 LE Matsaung, "De-colonising history...", *Studia Historiae Ecclesiasticae*, XXXI(2), 2005, p. 429.

47 EOM Hanisch, "Copper working in the Messina district", *Journal of South African Institute of Mining and Metallurgy*, 1974, p. 250.

48 The Messina Mail-Coach Organising Committee of the Van Riebeeck Festival (Messina, The Messina Mail-Coach Organisation Committee of the Van Riebeeck Festival, 1952), pp. 6-33.

clan and its people. The final straw, according to Ralethlaka in 1907 in his interview with Mamadi,<sup>49</sup> was an attack by Chief Langa of the Ndebele which resulted in most of the copper miners fleeing and leaving active mining activity in Musina. This had serious repercussions on the Musina mining. There is no recorded date for the Langa assault on the Musina people, only vague estimates; it is an incident that has been orally narrated from one generation to the next. Ralethlaka told Mamadi in 1907 that the Ndebele assault took place when he was about thirty years old. Mamadi himself was born in 1875 (if correctly recorded) and therefore in 1907 when he interviewed Ralethlaka he could have been 34 years old. In his reference to Ralethlaka then he referred to him as “the old man Ralethlaka” which means that by the time the old man Ralethlaka could have been around 75 years of age. That would suggest that the Langa assault on the Musina clan could have taken place in 1864. Frank Mamadi also reported that his mother Fundzane was an infant on her mother’s back when the Ndebele raided the Musina’s and his mother was wounded when the Ndebele soldiers wanted to determine if she was a girl or a boy. The instruction was that the Ndebeles should kill all Musina men and their boy children. Mamadi<sup>50</sup> claimed that his mother was then one-year-old. The problem of this claim is that it contradicts Mamadi’s age as it may suggest that his mother could have been 12 when she conceived him if indeed he was born in 1875, which is not probable. Frank Mamadi’s date of birth could not be exact as people around him were not literate to have recorded it correctly. Frank Mamadi is Fundzane’s first born and the probable age she could have given birth to him could have been at age 18 or 20 at the most, which in all probability suggests that Mamadi could have been born in 1882 or 1884. It is not clear as to which theory can be assumed as to the exact date at which the Langa assault on the Musina clan took place, but it could be safe to assume in the 1850s and the 1860s. But the believable theory could be based of Frank Mamadi’s mother Fundzane who was one year when the incident took place. Therefore, if we take calculations from Fundzane’s estimated year of birth, then it suggests the event to have taken place in either 1862 or 1864. It is however acknowledged that the estimates could completely be wrong considering that it is made about people that lived a different life from what we live today.

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49 EOM Hanisch, “Copper working in the Messina district”, *Journal of South African Institute of Mining and Metallurgy*, 1974, p. 250.

50 MF Mamadi, “Thlaho ya ba ha Mosena”, *Ethnological Publications*, VIII, 1940, p. 194.

## **The distortion of the history of the copper miners of Musina**

Mamadi being the main informant on the history of the copper miners of Musina, never reflected in his document that the Musina mining ever stopped after the disaster. He did, however, note that the Langa assault on the Musina miners caused them to flee to the neighbouring tribes, leaving Ralethlaka at the mine. Ralethlaka was indeed reported to have been an aged miner in 1907 when interviewed by Mamadi. There seems to have emerged western literature that accords the discovery of the coal mine at Musina to one British Army Officer of the Anglo-Boer War, Lieutenant Colonel Grenfell in 1903. Bronson<sup>51</sup> writes of Lt. Col Grenfell's story of the deserted mines with rich coal deposits. The Messina Mail-Coal Organising Committee of the Van Riebeeck Festival<sup>52</sup> states that one of the Musina copper miners named Makushu showed Grenfell the ancient work of the copper miners of Musina. This literature argues that Makushu himself was the last surviving Musina copper miner in 1903. This can now be disputed through Ralethlaka's 1907 interview, conducted when he still had mining equipment in his possession and was still bitter that Makushu had sold the clan's mine to the white people. Mamadi reported that when the white people arrived and wanted to take over the mining business of the copper miners, the person in charge was Monyesakgope Musina who refused to negotiate the taking over of the mine because he was not the owner, but was put in charge by the clan. Oral and written work by Mamadi blames a historical Makushu who was indeed a nephew of the copper miners and not an owner or at least the person in authority to hand the mining activities of the clan to the white people.<sup>53</sup> Monyesakgope does not feature in records of mining in Musina, except in Mamadi's work. It is understood through some African historical account that Europeans employed tactical strategies of dismantling and diminishing the truth of Africa's state of affairs when they arrived.<sup>54</sup> They shaped and recorded history to suit their own philosophical stand.<sup>55</sup>

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51 P Bronson, "Local wildlife and the history of Musina" (available at <https://www.southafrica.com/regions/limpopo/musina>, accessed on 28 August 2019).

52 JAG Mills, "Messina: A short history", The Messina Mail-Coal Organising Committee ..., 1952, p. 7.

53 MF Mamadi, "Thlaho ya ba ha Mosena", *Ethnological Publications*, VIII, 1940, p. 195.

54 FG Mabutla, "The fate of traditional leaders in a post-apartheid South Africa" (Paper delivered at the Spring Meeting of the South-eastern Regional Seminar in Africa Studies, held at the Northern Kentucky University on the 6th and 7th Apr 2001), p. 2.

55 SP Lekgoathi, "'Colonial' experts, local interlocutors, informants and the making of an archive on the 'Transvaal Ndebele', 1930-1989", *The Journal of African History*, 50(1), 2009, pp. 61-80.

There is however no written document to suggest that Lieutenant Colonel Grenfell compensated Makushu in any form when the mines were taken. What is clearly documented is that after seeing the potential of the mines created by the copper miners he went back to England to secure 110,000 pounds to start the operations at Musina. He registered and incorporated the Messina Development Company which became the largest coal producing company in South Africa.<sup>56</sup> It is agreed that Lt. Col. Grenfell obtained the Discoverers Certificate from the government of South Africa in order to operate the coal business legally. The distortion of the history of the copper miners of Musina only became possible because white people undermined the methods and manner of business operations by Africans. It should be understood that although Grenfell found them operating three mines in the area, their business was not registered and therefore they could not be recognised as having legitimate commercial claims and interests.

The Messina Mail-Coach Organising Committee of the Van Riebeeck Festival writes this about the development of coal mining at Musina:<sup>57</sup>

First of all the early Native Copper miners worked with their picks and crowbars. To get down into the shafts when they had dug them, they made ladders of thongs and wooden rungs; to give them light for work underground they made candles out of pods of the munembenembe plant; to hoist the pieces of rock they used the skins of impala, buffalo or wildebeest. Then on the surface they broke the rock with hammers and put it into baskets to eliminate the dust by the winnowing, the ore remaining thereafter being put into crucibles which the natives' heated bellows made out of the hide of a cow or kudu. When the copper had melted they ran it off into holes prepared as moulds which they could fashion to any desire shape. A process simple and effective enough for those primitive days.

The above depicts the perception of European community about the Copper Miners of Musina and how their native methods of mining is undermined against the new introduced methods of mining technology by the people of European descendants. Writings by Friede<sup>58</sup> and Trevor<sup>59</sup> only confirm the old narrative of abandoned old mines like all other western literature. It makes it clear for one to understand why until today the discovery of copper at Musina is accorded to Grenfell and his colleagues. The European

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56 Biographical Database of Southern African Science, *Colonel John Pascoe Grenfell* (Johannesburg, 2019), p. 1.

57 JAG Mills, "Messina: A short history", *The Messina Mail-Coach Organising Committee ...*, 1952, p. 27.

58 HM Friede, "Iron age mining in the Transvaal", *Journal of the South African Institute of Mining and Metallurgy*, 1980, pp.156 -165.

59 TG Trevor, "Some observations on ancient mine working in the Transvaal", *Chemical, Metallurgical and Mining Society of South Africa*, 12, 1912, pp. 267 -275.

community would have simply perceived the Musina Copper Miners as illegal miners, hence Grenfell incorporated and formalized their work as his own business. Today many South Africans still resort to what is called illegal mining,<sup>60</sup> as they operate outside the formalized structures that govern mining activities, but still use mining methods similar to those described in the extract above. Murombo<sup>61</sup> mentions that Africans are still failing to transform themselves from the state of being “the robbed” to being the owners of natural resources taken away from them. One of the Musina informants named Nkombezekwa<sup>62</sup> argues that copper mining at Musina never stopped until Grenfell, Harper and Campbell took over the operations from the clan in 1903. It is argued that even though the existing historical records accord the discovery to settlers, they acknowledge that the copper trade in Musina was discovered by ancient African tribes<sup>63</sup> many years before the arrival of the Europeans in Africa.<sup>64</sup> However, they distort it again by claiming that such mining was conducted by the Venda people, a claim which disempowers the Musina copper miners’ descendants’ claim over mining ownership. The copper miners of Musina were and are still a different clan from the Venda. The distortion of the history indeed strengthened Grenfell’s ownership of the largest coal producing company in Africa which exported high grade matte for refining in South Wales between 1906 and 1914. Until the closure of these five mines in 1992 after 88 years of productive operations, between 700 000 and 750 000 tons of copper were produced.<sup>65</sup> Prevost<sup>66</sup> also provides the information that coal mining in South Africa started in 1870 in Kimberly which suggests that the Musina coal mining activities are indeed recognised from 1903 after Grenfell’s discovery which implies that he does not recognize any form of coal mining which happened before and which took place. The fact that coal mining existed in Musina long before the arrival of Europeans but is not reflected in historical records illustrates the erasure of black histories that were affected through the writing of South African history as beginning

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60 J Munakamwe, “The interface between the legal and illegal mining process: Unpacking the value chain of illegally mined gold. South Africa” (Paper presented at the GLU Conference, University of the Witwatersrand, South Africa, 2015), p. 2.

61 T Murombo, “Regulating mining in South Africa and Zimbabwe: Communities, the environment and perpetual exploitation”, *Law, Environment and Development Journal*, 9(1), 2013, pp. 31-49.

62 K Nkombezekwa (Personal collection), interview, Kgathatso (Member of the Musina clan and a descendent of the last Musina Chief Nkombezekwa at Musina), 17 September 2016.

63 Messina Mining Tokens, 2016.

64 CO Beale, “Copper in South Africa-part II”, *Journal of the South African Institute of Mining and Metallurgy*, 85(4), 1985, pp. 109-124.

65 Mindat, “Musina (Messina), Vhembe District, South Africa” (available at <http://www.mindat.org/loc-3093.html>, accessed on 19 August 2019).

66 XM Prevost, “The South African coal industry”, *ESI Africa*, 2, 2004, pp. 15-27.

with the arrival of settlers.<sup>67</sup>

In all these instances many continue to accord the legacy of mining at Musina to Lt. Col. Pascoe Grenfell than the Musina clan. What Grenfell did was to introduce new technology and export the materials produced in Africa back to his own country. Other than his role on developing the Musina mine through new technologies which the Musina clan did not have, he did not discover mining, which was already an established concern in its own form. It is unclear where and how his life ended in 1948, nor is it known where James Harper and James Campbell ended. But their names remain encrypted in Messina for the role they played in developing mining which they found being carried out by the Musina clan. At the Messina cemetery there lies the tombstone of James Campbell who died on March, 13, 1904 almost two years before Grenfell's formal takeover on the Musina clan mining could start. As Jankielson and Duvenage<sup>68</sup> correctly pointed that " While settlement of land throughout South Africa's history was based on violent conquest, the colonial and apartheid eras were different in that conquest was followed by legislated dispossession, displacement and deprivation of land". Suffices to conclude that the taking over of the Musina mines could not have been a violent conquest, but instead a legislated dispossession.

### **The uniqueness of the copper miners case in land claims**

Various land claims in South Africa though achieved have unanswered questions like whether the beneficiaries are genuine or whether the land claimed and obtained is deserved. There are instances where people continue to question the legitimacy of claims especially where people claimed places that are economically productive<sup>69</sup> and which when successfully settled within a short space of time are reported to be dysfunctional.<sup>70</sup> Often and in most instances it has become difficult for the claimant to prove their case, but in the case of the copper miners of Musina the clan has a rich oral and written literature.<sup>71</sup> The clan is known to have created mines that were taken over from them through the Incorporation Laws of the time. Historical distortions

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67 A Mafeje, "The ideology of 'Tribalism'", *The Journal of Modern African Studies*, 9(2), 1971, pp. 253-261.

68 R Jankielson and A Duvenage, "Expectations and the issue of land in South Africa: The Historical origins and current debate", *Journal for Contemporary History*, (80), 2018, pp. 22-23.

69 MP Sebola MP & JP Tsheola, "Economics of agricultural land restitution and redistribution in South Africa...", *Journal of Human Ecology*, 46(2), 2014, p.114

70 P du Toit, *The great South African land scandal...*, p. 3.

71 EOM Hanisch, "Copper working in the Messina district", *Journal of South African Institute of Mining and Metallurgy*, 1974, p. 253.

are not uncommon in African history and have been protested in extensive scholarship. Mafeje<sup>72</sup> and Gumede<sup>73</sup> argue that there are many distortions which colonisers introduced to the understanding of Africa's natural resources economy. Many of these distortions have unfortunately been on agricultural matters rather than other natural resources such as minerals; hence land claims in South Africa have been more focused on the loss of agricultural land, and less on mineral resources. The case of the copper miners of Musina is a special consideration for land claims because it involves a takeover of a natural resource initially explored and operated by the Musina clan. Moreover, after all the taking over of such mining operations, there has not been any form of compensation to the clan as, it may have happened with others who received compensation either in cash or in land form.

### **Can justice be restored by a more inclusive narrative?**

The current Government of South Africa try to do all in its power to restore justice where it was not done to benefit all South Africans. In the case of the copper miners of Musina a need for restorative justice is evident because the injustice on the clan does not only involve their removal from settlement but also two important factors that stripped them of their dignity as a society, namely the appropriation of the mineral resource as well as the destruction of their chieftainship. Gade defines restorative justice to mean "repairing the damage caused by the criminal act and restoring, insofar as possible, the dignity and wellbeing of all those involved".<sup>74</sup> In South Africa, this restorative justice has taken the form of various means of compensation through restitution programmes. Restitution is seen as a partial apology for apartheid crimes committed by the previous white minority class government under the National Party.<sup>75</sup> What is ironic about the South African situation is that the current ANC government is responsible for the restitution of crimes committed by the previous white minority ruling government, which entails buying back land from those who displaced the claimants. In stark contrast, former Zimbabwean President Robert Mugabe refused to sanction that the government would buy farms from the white minority class for restitution for the

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72 A Mafeje, *The Agrarian question, access to land, and peasant responses in Sub-Saharan Africa* (United Nations, Geneva, Research Institute for Social Development, 2003), pp. 1-3.

73 V Gumede, "Radical land and Agrarian reform on the horizon in South Africa: Following Zimbabwe's footsteps?" (Johannesburg, Vusi Gumede professional network), Undated, p. 1 (available at <https://vusigumede.com/content/2014/ACADEMICpdf>, as accessed on 28 Aug 2019).

74 CBN Gade, "Restorative justice and the South African truth and reconciliation process", *South African Journal of Philosophy*, 32(1), 2013, pp. 11-35.

75 N Andrew, *The dilemmas of apologizing for apartheid...*, 2006, p. 15.

Zimbabwean African majority that required farms for agricultural production.<sup>76</sup> The South African government reformed its land allocation to restore justice through three programmes, namely Land Restitution, Land Redistribution and Land Tenure<sup>77</sup>. Land restitution allows those that have been dispossessed of their land to claim for restitution or financial compensation through the Land Claims Court or the Commission for an award. In the Western Cape Province of South Africa, a huge settlement bill of 1.5 billion Rand in restitution of land was incurred, however, 1.2 billion was spent on financial compensation.<sup>78</sup> The Land Redistribution Programme provides for the reallocation of residential and agricultural land to improve the claimants' livelihood.

Bromley<sup>79</sup> indicates that within the land claim process in South Africa there are two critical options, namely a) claims that are economically and physically impossible to honour such as lands where there are developments such as towns, reservoirs or major conservation areas such as the Kruger National Park, b) those that are easy to honour though existing uses must be terminated such as agricultural land or tourism farms which the owners are willing to sell to government. But the case of the descendants of the Copper Miners of Musina may involve both in the sense that they have lodged their claims for the Town of Musina and some farms out of Musina where their mines are said to have operated before the 1903 colonial takeover.<sup>80</sup> It is not clear as to whether any form of compensation is available for the profit loss of the Copper Miners of Musina from 1903 until their mines operated by the Grenfells were halted in 1992. It is not clear as to who bears the brunt for the compensation of the Copper Miners of Musina between the South African government and the then shareholders of the Messina Development Company registered by Grenfell.<sup>81</sup>

## Conclusion

The article concludes that indeed Western literature shaped knowledge about the Copper Miners of Musina in a specific way. Lekgoathi noted the influence of both Van Warmelo and his mentor Carl Meinhoff as not been

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76 D James, "LSE land for the landless: Conflicting images of rural and urban in South Africa's land reform programme", *Journal of Contemporary African Studies*, 19(1), 2001, pp. 93-109.

77 M Weideman, "Who shaped South Africa's Land Reform Policy?" *Politikon* 31(2), 2004, pp. 219-238.

78 Department of Rural Development and Land Reform, "CPA Annual report 2014/2015" (Pretoria, Government Printer), 2015, pp. 1-5.

79 DW Bromley, "South Africa-where land reform meets land restitution", *Land use policy* 12(2), 1995, pp. 99-103.

80 G Mosena (Personal collection), interview, Gilbert (Member of the Musina clan and a descendent of the last Musina Chief Nkombezekwa at Musina), 11 Sept 2016.

81 Author's contribution.

politically innocent in the collection of the history of South African tribes.<sup>82</sup> It is misleading and is presented in a manner that does not recognize existing mining enterprise, however primitive compared to the advanced technological development introduced by colonial settlers. It is acknowledged that while the literature acknowledges the role of the Copper Miners of Musina in the discovery of coal in the area, it does little to acknowledge the taking over of land from the Musina people by Lieutenant Colonel Pascoe Grenfell, James Harper and James Campbell who were already mining it.<sup>83</sup> Although some literature mentions the lack of archeological or ethnological literature on the copper miners of Musina, such scientific deliberations do not consider pre-colonial mining or commercial enterprises, as those could distort colonial histories and claims to discoveries of what the Musina clan had already discovered.<sup>84</sup> Mamadi serves as the main informant of Musina mining, as a result of a strong oral tradition which preserved the Musina histories that could have been erased. It may seem that even if Mamadi's text implies that copper mining activities were ongoing when Lieutenant Colonel Grenfell arrived, Van Warmelo an overseer of the project, did not consider them as a potential threat. However, it remains the only document that can be used to argue in favour of the Copper Miners of Musina. This article therefore concludes that the history of the mines of Musina was distorted in recording the South African colonial encounter, that the copper miners were erased from the commercial and economic accounts of the area, and now rely on the process of land claims to rewrite themselves into South African history, and for restitution.

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82 SP Lekgoathi, "Colonial experts, local interlocutors, ...", *The Journal of African History*, 50(1), 2009, pp. 61-80.

83 Confirmed by Kgathatso Nkombezekwa, 17 Sept 2016.

84 EOM Hanisch, "Copper working in the Messina district", *Journal of South African Institute of Mining and Metallurgy*, 1974, p. 250.