

The interface between tradition and modern in post-apartheid South Africa: An outline of the Kekana family succession dispute and their encounter with the Platinum Reef Resource mine

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Abstract

The terms traditional and modern and the processes thereof are often discussed in isolation; as if they do not intersect. Some scholars have argued that chieftaincy, as a traditional form of governance in South Africa cannot coexist with modern democratic governance. Additional discussions have separated agrarian activities from modern economy. This article seeks to show the complexities of the terms modern and traditional, the institutions they characterise as well as the processes that are involved, essentially to demonstrate the fluidity of these terms. The familial chieftaincy dispute that erupted in 2001 between two Kekana candidates with personalities, backgrounds and histories that are inextricably bound up in controversies that are not of their making, is central to this paper. The Mokopane local government and the Limpopo provincial government officials arbitrated the dispute and then awarded one of the contenders with slightly more modern aspirations and whose father was an ally of the apartheid and democratic administrations, the position of chief. Also significant to this paper is the encounter between the chief and Platinum Reef Resource (Plat- Reef) mine. The chief in this article is key to the local economy of Mokopane. He, along with the local and provincial government are responsible for approving any economic activities that Plat- Reef seek to embark on. This creates a complex intersection of a traditional and a modern institution, systems and processes that are conventionally understood to be dissociated.

Keywords: Traditional; Modern; Kekana, Chief; Dispute; Mokopane; Local government; Provincial Government; Legitimacy; Platinum Reef; Mining.

Introduction

Mokopane (previously known as Potgietersrus), is a relatively small town located in the south of the Limpopo province. The town is represented by the Mogalakwena Local Municipality, within the Waterberg District Municipality. The municipal area is mostly rural in nature consisting of agricultural land.¹ Chiefly authority is still prevalent in the area regardless of the recently established democratic structures.² The Limpopo Province contains the largest concentration of platinum reserves. Mogalakwena Municipality falls into the Bushveld Mineral Complex in South Africa, and it is said to have one of the richest ore deposits on earth. The reserves of chromium, platinum, palladium, osmium, iridium, rhodium and ruthenium are the world's largest. The Bushveld Indigenous Complex is over 66,000km² in extent.³ It extends from Rustenburg in the west through Mokopane, in the North Lydenburg and in the East.⁴ As a result, the platinum mining industry is a vigorously flourishing economic sector not only in the area of Mokopane but also in South Africa.⁵

While mining houses such as Impala and Amplats have established themselves as platinum producers during the early and mid-1900s, Plat- Reef mine intends to start a mine that might operate in the area of Mokopane for the next 30 years according to Plat-Reef's draft scoping report.⁶ The mine engaged in prospecting negotiations with the South African government since 1988.⁷ These negotiations it would seem, were affected by the constant amendment of the mineral rights legislation in South Africa and the dawn of the unpredictable democratic era. The mining dialogue between the Kekana chiefly family and Plat- Reef were mute until 2000. In the same year, the Department of Land Affairs enjoined Plat-Reef to enter into prospecting discussions with the Kekana family. During this time the then chief regent of

1 Mogalakwena Statistics SA, LED Strategy and the Integrated Development Plan, 2007-2008.

2 DE Skosana, "Why are chiefs recognised in South Africa's new democracy? Issues of legitimacy and contestation in local politics: A case study of chiefly and local government in Vaaltyn" (MA thesis, Wits, 2012).

3 F Cawood & R Minnitt, "A historical perspective on the economics of the ownership of mineral rights ownership", *Journal of South Africa Institute of Mining and Metallurgy*, 98(7), 1998, pp. 369-371.

4 R Spoor, "Communities take shine off platinum players in South Africa's Bushveld", *Mines and Communities*, 2006; MG Wilson, "A summarised mineral profile of the Limpopo Province" (available at: <http://www.geoscience.org.za/index.php/limpopo-region/428-mineral-profile-of-limpopo-region>), as accessed on May 2006.

5 G Capps, "Victim of its own success? The platinum mining industry and the apartheid mineral property system in South Africa's political transition", *Review of African Political Economy*, 39(131), 2012, pp. 63-84.

6 Digby Wells Environmental, "Draft scoping report for the proposed Platreef Mining Project for public review", DMR Reference: LP30/5/11/2/2/10067MR, May 2013.

7 The unrecognised Kekana tribal council's minute book dated, 1993-2007.

the Kekana chieftaincy, Alfred Kekana died. His death ignited a chieftaincy dispute that has profoundly shaped the local politics of the area of Mokopane.

This article first, engages with the two concepts, traditional and modern in an attempt to illustrate that the terms, and the systems they represent, as well as the processes that come about, cannot be compartmentalised, particularly in the context of South Africa. The article then briefly outlines the mineral rights in South Africa and draws attention to why chiefs are key actors in the decisions making processes pertaining to the mineral economy. Some examples are drawn from the Kekana family's interaction with Plat-Reef mine. In light of the afore mentioned ideas, this article shifts focus to the Kekana family chieftaincy dispute, teasing out the historical backgrounds of the Kekana contenders for chieftaincy and the role of the government in the dispute.

Traditional vs Modern

The terms traditional and modern are often polarised in linear theory of social change⁸ and in general academic and non-academic discussions. In accord with Joseph Gusfield's argument, this paper suggests that modern and traditional are overlapping concepts and experiences. As Joseph Guesfield suggests, "the relations between traditional and modern do not necessarily involve displacement, conflict, or exclusiveness." Following the same argument, this article also proposes that the institutions and processes attributed to both modern and traditional, at various points overlap, particularly in the context of South Africa. Studies have recorded that although democratic structures have been erected post 1994, chiefs still enjoy support from their constituencies.⁹ The existence of chiefs alongside democracy has raised contested and prolonged arguments among scholars. Some contend that chieftainship should not be given recognition within a democratic system, because it undermines the democratic values and principles espoused in the

8 JR Gusfield, "Tradition and modernity: Mismatched polarities in the study of social change", *American Journal of Sociology*, 72(4), 1967, pp. 351-362.

9 N Pillay & C Prinsloo, "Tradition in transition?: Exploring the role of traditional authorities", *Information update*, 5(3), 1995; L Schlemmer, "Traditional leadership and the restructuring of rural local government", G Houston et.al, *Traditional leadership in Southern Africa* (Johannesburg, Konrad Adenauer Stiftung, 1997); B Oomen, "Walking in the middle of the road: People's perspectives on the legitimacy of traditional leadership in Sekhukhune", O Vaughan et.al, *Indigenous political structures and governance in Africa* (Ibadan, Sefer Press, 2005).

South African Constitution.¹⁰ Further conceptual compartmentalisation of the terms modern and traditional is employed in discussions about the rural economy. Although the consensus is that rural communities in South Africa draw their livelihoods from agricultural farming, there is a growing mining economy particularly in the rural areas found in the provinces of Limpopo, North West and Mpumalanga.¹¹ Most of these areas are subject to the authority of chiefs. The role of chiefs in the post democratic era has not been thoroughly articulated. However, it is clear from the Communal Land Rights Act, 2004 that chiefs remain key actors in land administration affairs in their communities. This allows them to play a central role in the decision-making processes of the mining economy. Their role in the mining economy presents once more an intersection of traditional and modern institutions, principles and processes which are conventionally comprehended as isolated.

The Mineral rights Act in South Africa

Early South African land and property ownership was based on the both Roman-Dutch statutes as well as British precedents. According to the Roman Dutch legal system, the owner of land had the right of possession of what was beneath the land extending to the space above the sky.¹² While the legal system largely still exists today, laws that came in with the British colonial period superseded the earlier Dutch system. According to 1912 Land Settlement Act under the Union government, mineral rights were vested in the state which would then lease these rights to whoever it pleased.¹³ Years later, the mineral rights law was overturned to favour private owners. Subsequently, the Reserved Mineral Development Act of 1925, gave owners of alienated state land or their nominee's exclusive rights to prospect or to mine on their land. The government however declared the rights to royalty payments if the mine was established in this type of land.¹⁴ The mineral rights legislation was modified again in 1942 to allow the state to intervene should the owners of

10 L Ntsebeza, *Democracy compromised: Chiefs and the politics of the land in South Africa* (Leiden, Brill Academic Publishers, 2005), p. 20; L Bank & R South Hall, "Traditional leaders in South Africa's New Democracy", *Journal of Legal Pluralism and Unofficial Law*, 37-38, 1996; DI Ray, "Divided sovereignty: Traditional authority and the state in Ghana", *Journal of Legal Pluralism and Unofficial Law*, 37-38, 1996.

11 G Capps, "Victim of its own success?..." , *Review of African Political Economy*, 39(131), 2012, pp. 63-84.

12 F Cawood & R Minnitt, "A historical perspective on the economics of the ownership of mineral rights ownership", *Journal of South Africa Institute of Mining and Metallurgy*, 98(7), 1998, pp. 369-371.

13 F Cawood & R Minnitt, "A historical perspective on the economics of the ownership of mineral rights ownership", *Journal of South Africa Institute of Mining and Metallurgy*, 98(7), 1998, pp. 369-371.

14 Union of South Africa, Reserved Mineral Development Act of 1925.

land not exercise their exclusive rights to prospect for and mine base. Cawood and Minnitt state that with the formation of the Republic of South Africa in 1961, mineral rights ownership developed in a such a way that various minerals were regulated by separate statutes which added to the complexity of the system. The Mineral Act 50 of 1990, was a continuation of the existing private ownership of minerals. Landowners on alienated state land or their nominees lost their exclusive right to prospect in favour of the state. For Cawood and Minnitt, this entailed the continuation of the past practice in which mining houses secured prospecting rights. The state relinquished its control over proclaimed mining areas in favour of the surface owner.¹⁵ The aim was to reduce government involvement and to create a market for state owned mineral rights. In Cawood and Minnitt's observation, the African National Congress (ANC) opposed the direction that the mineral rights legislation was taking in South Africa when they enacted the Mineral and Petroleum Resources Development Act, 2002. The latter vested the state, as opposed to private property owners, with custodianship of South Africa's resources. Although some scholars see the enactment of the Mineral and Petroleum Resources Development Act, 2002 as indicative of an epoch of change towards state owned and regulated minerals,¹⁶ others argue that throughout the history of South Africa, the state continuously imposed itself as the custodian of minerals, although in disguise.¹⁷

Entwined with the complexities of the mineral rights legislation has been the nature of land tenure in South Africa. During the course of colonialism and apartheid, the nature of the legal terms of tenure changed frequently. Following the appropriation of states through colonial occupation and overlordship, the Boer Republics were granted control over land in which most African people remained settled on as tenants.¹⁸ During the apartheid period, tenure was confirmed and land was held in trust by the South African Development Trust (SADT). Like many areas of the then Lebowa and Bophuthatswana Bantustans, Vaaltyn, the area in question in this study, was held in trust for the Ndebele Tribe under Acting Chief Alfred Bernard Kekana who was chief Alfred Kekana's father. According to Gavin Capps, tribal trust property refers

15 The South African Mineral Act 50 of 1991 allows for the disposal of the state owned mineral rights to the private sector.

16 S Lenahan, *The Minerals Bill Presentation to the Diggers & Dealers*, Conference (Kalgoorlie, 2002).

17 See also, E Van der Schyff, "South African Mineral Law: A historical overview of the state's regulatory power regarding the exploitation of minerals", *New Contree*, 64, July 2012, pp. 131-154.

18 P Delius, "Contested terrain: Land rights and chiefly power in historical perspective", B Cousins, & A Claassens et.al, *Land, power & custom: Controversies generated by South Africa's communal land rights act* (South Africa, Juta and Company Ltd, 2008).

to “land historically purchased by Africans through a variety of routes, and subsequently registered to a state official in trust for a recognised chief and his tribe, in terms of the distinctive property laws that emerged in the colonial Transvaal during the late nineteenth and early twentieth centuries”.¹⁹ Gavin Capps also suggests that the tribal trust property, arrangement “possibly endowed the tribal authorities in question with far greater autonomy in respect of mining activity than their counterparts on state land”. Post 1994 the Department of Rural Development and Land Reform took over yet assumed a duplicate pattern of state land ownership and administration of the homeland territories in South Africa. As a result chiefs in some parts of South Africa, as in this study remain key actors in the administration of land and in the decision making processes regarding economic activities in their areas.²⁰

In Vaaltyn, the role of chief Kekana concerning land allocation, is not defined however, he remains relevant. His significance can be observed when Plat-Reef mine was advised by the Department of Mineral Resources in 2000, to begin negotiations with him prior to prospecting in the area. It is also apparent that Plat- Reef realised the substantial role of chief Kekana in furthering its interest, thus it prepared to do whatever it takes to maintain good relations with him. The attempt to maintain good relations is pointed out on the traditional council’s minute book²¹ which contains letters of invitation from the mining company for occasions such as braais, acceptance from the royal family and subsequently a letter from the Kekana family expressing gratitude for the gracious way which they have been received by the Plat-Reef. The minute book of the unrecognised traditional council also records a R1,000 donation from Plat-Reef for the burial of chief Alfred Kekana in 2000. Subsequent to the split in 2001, Plat Reef agreed to bring the very expensive leopard’s skin from Canada for the current chief Vaaltyn B Kekana’s inauguration. In order to give some clarity about why Plat- Reef had to bring an animal skin from Canada for the traditional council, Joseph Kekana, a member of the recognised traditional council explained that:

19 G Capps, “Victim of its own success? The platinum mining industry and the apartheid mineral property system in South Africa’s political transition”, *Review of African Political Economy*, 39(131), 2012, p. 71.

20 B Oomen, *Chiefs! Law, power and culture in contemporary South Africa* (Leiden, University of Leiden, 2002); I van Kessel & O Barbara, “One chief, one vote: The revival of traditional authorities in post-apartheid South Africa”, *African Affairs*, 96(385), 1 October 1997, pp. 561–585; A Manson & B Mbenga, “‘The richest tribe in Africa’: Platinum mining and the Bafokeng in South Africa’s North West Province, 1965–1999”, *Journal of Southern African Studies*, 29(1), 2003, pp. 25–47.

21 The unrecognised Kekana tribal council’s minute book dated, 1993-2007.

During a chief's inauguration, we buy the skin of a leopard, so because the skin of a leopard is now scarce, we got it from Canada - somewhere in Canada. They brought it; they were contributing because they have activities in our area. They own mines. So they are the ones who bought the skin for us. The Canadians!

The need for Plat Reef mine to secure mineral rights in the area has created a multifaceted relation between the mining house and the chief- a state in which "modern" economic activities flowed into chiefly realms. This connection is not only limited to the chief and the present day economic activities in Mokopane, the local and provincial government is also key in the polity of the Kekana chieftaincy and the facilitation of the local economy.

Contestations for chieftaincy between two Kekana candidates

The son of the late chief regent Alfred Kekana, Vaaltyn A²² was born in 1964 in Vaaltyn (Moshate). His mother was the first wife, but not the principal wife to Alfred. Thus he was not raised differently from his three siblings as it was not expected that he would one day be a candidate for the position of chief. When asked about his childhood and schooling, he shut his eyes, his head facing up as he slowly recounted:²³

I attended primary eh, at the time it was sub A. I went to Vaaltyn Primary School in 1971. And then 71, 72, 73, eh, I was still at primary because at the time one used to fail standards, then you pass, then you fail and so on and so on, because we were still young and also mischievous. At times we would skip school while others are attending. You busy munching vetkoeks (fat cakes) there; they would call on the register, Vaaltyn! Vaaltyn! Only to find that I have ran away. Then I passed and went to attend at Moshupsa, for standard 3. I then went to Bakenberg, at the school in Rooivaal named Mabusela Primary. I spent most of my school life there. I then continued in 86, 87, I was in form 2, 88, form 3, 89, form 4. In 1990 I failed form 4. In 1991, I failed again. In 1992 I passed form 4 then I went to do my matric. Then in 1993 I failed. In 1994 I failed- Ai! Then I came back to do some supplements of the subjects that I had failed. Then I got some E's and A's here and there.

22 Both the contending chiefs have been named Vaaltyn after Vaaltyn (Likxhobo) who was chief in 1910. In order to avoid confusion I have named the contending chiefs Vaaltyn B (born in 1974) and is recognised by the government and some people in the area of Vaaltyn, Moshate (the royal kraal), and Vaaltyn A (born in 1964) who is apparently largely recognised by the people as the legitimate chief. The distinction between the two chiefs as Vaaltyn A and Vaaltyn B, both sharing the last name, Kekana is my own and is based on their age differences.

23 Wits collection, Interview, I Vaaltyn/Mr Mocks, 15 September 2011.

The chiefly family then decided to send him to Boaparankwe²⁴ located in Marble Hall where he completed his studies and returned to Vaaltyn thereafter. Vaaltyn A mentioned that he never thought about becoming involved in politics because he thought it would delay his studies which he was already struggling to complete.

On the other hand, Vaaltyn B was born a decade later to Vaaltyn A, also in the Kekana chiefly kraal. His father, John Molalakgori Kekana (Alfred's uncle) took advantage of Alfred's physical shortcomings- diagnosed as weak minded and rose to being regent in 1962 instead of Alfred. In the early 1970s the Kekana council exerted pressure on the Commissioner's office resulting in Alfred rightfully being installed as regent and Molalakgori as his guardian.²⁵ Molalakgori was given the task of finding a principal wife for Alfred even though he had already being married. Instead Molalakgori found a principal wife, Naomi from the Langa chiefdom²⁶ and impregnated her. For this reason Molalakgori, his wife Naomi and Vaaltyn B were ousted in late the 1970s and forced to move to the township of Mahwelereng and later to the area of Langa.

In Langa, Vaaltyn B, his siblings and mother stayed with his maternal uncle and he attended school at Mmantotolo. As compared to Vaaltyn A, he did not attend Boaparankwe and the unrecognised traditional council divulged that he did not go to the initiation school either. One of the unrecognised traditional council members Abram Kekana, scolding Vaaltyn B's masculinity, said that "he is not circumcised". Not being circumcised is associated with the lack of indigenous education²⁷ As a result the unrecognised traditional council perceived him as in possession of modern traits which they believe do not make up an "authentic" chief.

Northern Ndebele Identity

The history and origins of the Northern Ndebele is widely contested. Isabel Hofmeyr remarks that "ethnic categories are not rigid, particularly in the

24 A school in which the children of the chiefs are sent to.

25 Wits collection, Tribal council, Interview, A Esterhuysen/P Bonner/S Lekgoathi, 1 August 2009.

26 AO Jackson, "The Ndebele of Langa Department of co-operation and development", *Ethnological Publication, No. 54* (Pretoria, Government Printer, 1983), p. 125. Sites Mathogo while the recognised traditional council sites Mapela as the area which Naomi was from and was later back to.

27 TA Matobo, M Makatsa & E E Obioha, "Continuity in the traditional initiation practice of boys and girls in contemporary Southern", *Studies of Tribes and Tribals*, 7(2), 2009, p. 105.

nineteenth century Transvaal where constant interaction amongst societies ensured a fluid sense of ethnic definition”.²⁸ At least four perspectives concerning the History of the Northern Ndebele can be drawn. The first and most popular viewpoint was advanced by scholars such as Van Warmelo and Van Vuuren who argued that there is a genealogical relation among the Northern and Southern Ndebele people of South Africa.²⁹ By contrast, the second view maintains that the Ndebele people originated from the then Rhodesia, moved south and spent time in Phalaborwa and then settled among the Swazi before moving to Mokopane. According to this view there is a connection between the Swazi and the Northern Ndebele. The third dimension is that the Northern Ndebele are the people of Langa who originated from the former Zululand and that they are the descendants of an ancestral chief, called Langalibalele.³⁰ The last perspective comes from Wilkes who argues that there is a misunderstanding of the Ndebele patterns of migration.³¹ He points to a split within the Northern Ndebele which steered some group to move to Phalaborwa then Zimbabwe and later Potgietersrus. Wilkes perspective does not speak to the origins of the Northern Ndebele per se but traces their patterns of movement. What is clear is that the origins, history, genealogy, orthography and patterns of migration of the Northern Ndebele remains disjointedly presented and contested. These inconsistencies could perhaps be accounted for by the fact that the scholars who studied the Northern and Southern Ndebele ethnic groups such as Van Warmelo, Van Vuuren, Zietvogel, Jackson and De Beer during the 20th century, were unfamiliar with the spoken language of their subjects. They relied on translated versions recorded by their field assistants. The genealogies and movement patterns could have been distorted through the transmission of oral and written testimonies. An example in this article, is that the presentation of certain names may at times be inconsistent with those presented by other scholars who have studied the Kekana. While a faction of the chiefly family interviewed for this research presented themselves as the Kekana, another faction preferred being recorded as the Gegana. The first representation is associated with the orthography of the Pedi of Limpopo whereas the second belongs to the orthography of the Northern Ndebele. This illuminates among other things the entwined relations of the Northern

28 I Hofmeyr, *We spend our years as a tale that is told* (Johannesburg, Witwatersrand University Press, 1993).

29 J Van Warmelo, *Transvaal Ndebele Texts, South Africa* (Ethnological Publications, 1930); CJ Van Vuuren, “Die verstigtspatroon van die Suid-Ndebele” (MA thesis, UP, 1983).

30 AO Jackson, *The Ndebele of Langa* (Pretoria, Department of Cooperation and Development, Ethnological Publications, 1969).

31 A Wilkes, “Agtvoegsels van die werkwoord in Zulu” (Ph.D, RAU, 1971).

Ndebele and the Pedi but also suggests factors that influence orthography such as the informants in a study and the context within which a study is conducted. Again further deductions can be made about the fluidity of culture, tradition and in this instance identity.³²

Both the contending chiefs seem to be greatly influenced by the elders in their family. The chiefs in question have differing traits, backgrounds and currently live in different social settings. Chief Vaaltyn A leans more towards what may be considered as “traditional traits”. His four cornered brick home is positioned in a horseshoe like manner of the Ndebele, Tswana or the Zulu homesteads in earlier centuries.³³ On the right hand side of the Vaaltyn A’s house is the house built for the principal wife while on the left hand side, is the house belonging to the Kekana family’s traditional healer. At the entrance of Vaaltyn A’s home, lies a small graveyard with the tombstones of the late chiefs of the Kekana. Kuper observed a similar pattern among other Nguni chiefdoms indicating that often “the chief’s hut is placed at the apex of the settlement. The sacred elements of the settlement - graves of ancestors, places of sacrifice- are also concentrated there”. He suggests that “this domestic settlement forms the crucial unit in the economy, kinship system and regional political organisation; and that its layout is a symbolic representation of the principles of the socio-cosmic system”. For this study, the researcher was received by the unrecognised traditional council, which was seated in a traditional African circular manner. The council is comprised predominantly of elderly men who were dressed in blue, others in orange, overalls, while others matched overall jackets with casual pants or jeans. Those in shirts wore the sleeves rolled up and shirt tails loosely hanging out of their trousers. A few wore suit jackets with un-matching trousers. Most of them wore hats which they held tightly close to their chests as they bowed to greet the council and then hung the hats on their knees during the interview. Taking off a hat is a gesture that illustrates respect to the chief and the royal kraal. The women sat on hand-made mats in the shade within the circle but separate from the men. During the interviews that were conducted in Northern Ndebele, chief Vaaltyn A sat in a corner quietly, while the traditional council spoke on his behalf. It appears to be common for the traditional council to converse on behalf of the chief. The council urged the respondents to converse in Northern

32 For a detailed discussion about this see, J Comaroff & S Roberts, *Rules and processes: The cultural logic of dispute in an African context* (Chicago, University of Chicago Press, 1981).

33 A Kuper, “The ‘House’ and Zulu political structure in the nineteenth century”, *The Journal of African History*, 34(3), 1993, pp. 469-487.

Ndebele. The researcher was informed towards the end of the interviews that it is not usual according to Northern Ndebele culture to see the chief or enter his space without paying homage. As a result, a skinned sheep was offered on the subsequent visit.

On the contrary, Vaaltyn B who seem to have slightly more contemporary aspirations was said to leave in a house that has been paid for by Plat- Reef Resource Mine.³⁴ The Researcher met the traditional council of chief Vaaltyn B, at Protea Hotel Mokopane. Chief Vaaltyn B was absent from the meetings although the researcher subsequently met him. In much the same way as the traditional council in contention for the chieftainship, Vaaltyn B's traditional council spoke on his behalf. The three men wore suits with their shirts neatly tucked in. They set on leather chairs, around a shiny wooden table in the hotel's conference room. The interviews were conducted in Northern Sotho. In most cases, the traditional councillors would respond in both Northern Sotho and English.

The different social settings and the ideas around tradition for both the contending Kekana chiefs and their traditional councils is somewhat different even though they belong to the same Kekana lineage. The last section of the articles concludes that among other things Vaaltyn B's level of sophistication which has been largely shaped by his background and social setting, secured him the position of chief. Certainly, the negotiations between the chief, the local and provincial government and the mine, would have to be conducted with quite a high level of understanding. In order for a non-contentious relationship with the mining company, the chief had to be reasonably sophisticated, if not professional and arguably, have modern aspirations.

The role of the Mokopane local government and the Limpopo Provincial government on the Kekana dispute

Vaaltyn B was was fetched from the area of Mapela by Molalakgori's first wife after Alfred died in the year 2000. He was according to the recognised traditional council, 26 years old and worked as a driver for Avis. He was informed after the funeral by some of the councillors that he was the next chief. This stirred a chieftaincy dispute that continues to date. In 2003 a panel in the Mokopane local government and Limpopo provincial government, as

³⁴ Wits collection, Tribal council, Interview, A Esterhuysen/P Bonner/S Lekgoathi, 16 August 2009.

well as the Provincial House of Traditional Leaders ruled against the claims presented by the traditional council in support of Vaaltyn A (son of Chief Alfred) in favour of the council supporting Vaaltyn B (son of Molalakgori and Naomi). The precise criteria used to determine the rightful chief remain opaque. Both sides presented contending views about the nature of the kind of investigation undertaken by both the House of Traditional Leaders and members of the local and provincial government. On the one hand, Jeff Kekana (who sits on the council of the recognised chief) stated that:

[...] the government conducted interviews for at least two years, which is year 2001 and year 2002. They came, I think about four times. We went to the Traditional Office, then to the Provincial Office and came back to the Local Government and Tradition office, here in Vaaltyn.

Klass Kekana (who is also a member of the tribal council in office) adds a further opaque detail observing that:

The office of the Premier, Moloto, had Form A and Form B which had a set of questions. Abram Kekana and Bernard Kekana [from the tribal council and chief whose candidate is not recognised by the government] did not win the case based on the answers they gave on the forms.

The tribal council now in power concluded during the interviews that they won their claim because they articulated to the members of the local and provincial government of Mokopane the authentic line of succession in Vaaltyn. The section of the royal family disputing the chieftainship wrote a letter to the Commission of Traditional Claims and Disputes to lay out their grievances about the manner in which the provincial government and the House of Traditional Leaders conducted their investigations.³⁵

It became apparent during all of the interviews the researcher conducted with members of both tribal councils, that Molalakgori (father of the current chief, Vaaltyn A) was an ally of both the apartheid and the democratic administrations. According to the unrecognised tribal council, he worked closely with the Transitional Local Councils of the then Greater Potgietersrus.³⁶ Molalakgori's long standing relation with the apartheid administration was also highlighted when it was mentioned that he had received police protection arranged by the Native Commissioner, when he was threatened by some members of the tribal council who felt that he was being tyrannical in matters of chieftainship. Abram Kekana, senior councillor in the tribal

³⁵ Kekana tribal council's minute book dated, 1993-2007.

³⁶ Wits collection, Tribal council, Interview, A Esterhuysen/P Bonner/S Lekgoathi, 1 August 2009.

council contesting chieftainship observed that:

On the 13th September 1973, we decided to go and lock the council's office and chase away Molalagori's councillors. Molalagori ran to report us to Van Niekerk - a magistrate in Potgietersrus. Van Niekerk sent the police to reinstate Molalagori and his councillors [...]. Then they started to guard around the house of Molalagori, to protect him. One day I asked in anger, that why are the police guarding a toilet instead of guarding the house of the chief?

Another perspective offered by the unrecognised traditional council is that since Molalagori had a good relationship with the Native Commissioner in the 1970s it would not have been difficult for him to submit his son's birth certificate to pave way for his reign in the later years.

The cosy relationship between the traditional council currently in power and the government can be traced as far back as the apartheid era. Arguably, Molalagori's long standing attachment to governments secured Vaaltyn B with the chieftaincy even though he is customarily not the rightful heir.³⁷ The government's investigations may have camouflaged a decision that was long paved by Molalagori. Moreover, Vaaltyn B's background and to some extent his social setting made him a somewhat sophisticated and perfect candidate in a context that connects a chief to present day economic activities. The intersection of chiefly affairs and government policies is not unique to this case or the history of chieftaincy in South Africa or Africa. Some scholars have analysed state intervention in chiefly politics through one lens, in which chiefs were historical used by the state to advance the colonial and apartheid projects.³⁸ This article stems from a different viewpoint that the connection between chiefly politics and the government is somewhat symbiotic particularly in a context that is as profit driven such as the platinum mining industry.³⁹

Conclusion

As this article has shown, traditional and modern, the systems and the processes they characterise cannot be compartmentalised. Ideas about both "traditional

37 F de Beer, "Groepsgebondenheid in die familie- opvolgings- en erfreg van die Noord Ndebele" (Ph.D., UP, 1986), p. 1.

38 M Mamdani, *Citizen and subject, contemporary Africa and the legacy of late colonialism* (Uganda, David Phillip Publishers, 1996); L Ntsebeza, *Democracy compromised: Chiefs and the politics of land in South Africa...*

39 I van Kessel & O Barbara, "One chief, one vote...", *African Affairs*, 96(385), 1 October 1997, who suggest that whilst some chiefs gain financially from the democratic government, they are also in a position of influence regarding their constituencies' votes.

and modern”, institutions and processes associated with these terms are fluid, and do not always involve displacement of what is traditional with modern or exclusion such that traditional systems, institutions or processes cannot be modern. To facilitate the flow of the argument, the article first outlined the mineral rights in South Africa and drew attention to why chiefs are key actors in the decisions making processes pertaining to the mineral economy. Some examples were drawn from Kekana family’s interaction with Platinum Reef Resource (Plat Reef) mine that has continuously appeased the Kekana family in order consolidate a relationship. The Kekana chieftaincy dispute was then outlined with some reference to the historical backgrounds of the Kekana contenders for chieftaincy. This article suggested that the current chief Vaaltyn B, was awarded the position of chief because his father had relations with both the apartheid and democratic government administrations. Adding to which, was Vaaltyn B and his traditional council’s relative level of sophistication. The latter is arguably required particularly in an instance in which profit making negotiations have to take place between the chief, the mining house and the government. The relationship between the chief, Plat Reef and the government is highly complex in nature as it conglomerates ideas on modern and traditional, the institutions and processes characterised thereof that are often presented in isolation when they are in fact intertwined.