



GRAVE MATTERS:

**Dispossession and the
desecration of ancestral graves
by mining corporations in
Tweefontein (Ogies), South Africa**

by Dineo Skosana

October 2019



**Society, Work
& Politics Institute**

'the making and unmaking of social order'

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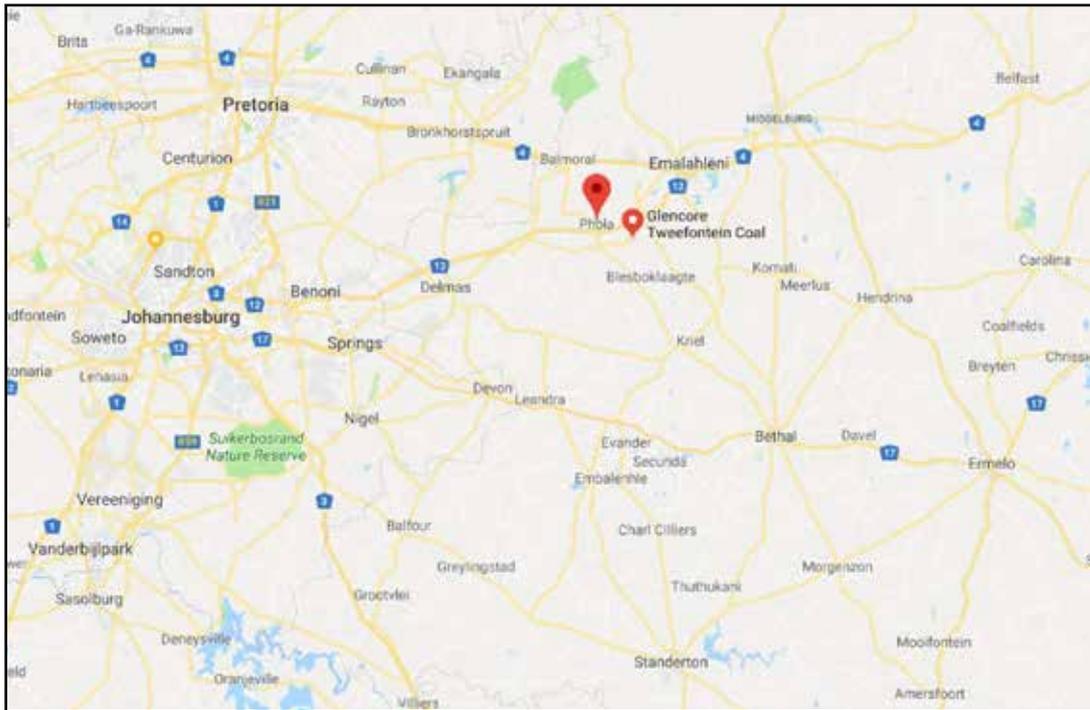


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Research site



The research presented here was conducted at Ogies in Mpumalanga province. Most of the informants stayed in Phola, a township 8km from Ogies.

During a fieldtrip to Goedgevonde farm, Ntate Thankga points to where his family lived.



1. Introduction

Stories of household and grave relocations are common in open-cast coal-mined areas. The key question in this paper is what communities lose because of coal mining. Early work covers the history of coal mining in Witbank (Graham and Lategan 1931), as well as the labour history of coal mining in South Africa (Alexander 2008). Since the 1990s, there has been a shift from a focus on the economic history of coal mining in Witbank, to studies that examine coal-based pollution in the area, as well as its impact on environmental policy (Carruthers 2002; Aiken 1994; Singer 2010; Hallowes and Munnik 2016; 2017). Other works focus on the social impacts of mining on workers and give details about the living and working conditions of the early twentieth-century migrant populations (Alexander, 2001; Moodie 1994).

This literature helps construct the history of coal mining in South Africa; covers the social conditions under which mine labourers have been subject to for profit-making; and contributes to the critical debates raised as far as environmental policies are concerned. However, there have not been any studies that focus on how coal mining continues to dispossess previously marginalised communities. Post-apartheid coal mining-induced dispossession is largely neglected because dispossession is conceptually linked to the period of colonial and apartheid South Africa. Moreover, key studies, e.g.

Delius (1983), Bundy (1979) and Desmond (1969), conceptualise dispossession only in relation to land. Undoubtedly, this framework was useful to understand loss during the plight of colonial and apartheid South Africa, but it is also narrow. To rethink dispossession, this paper points that communities not only lose their land because of coal mining, they also lose homes, land-based livelihoods, access to clean water, health, rights to dignity and importantly, for this paper, their graves. The story of grave relocations features as an aspect of dispossession, in which communities also lose ties to their ancestors. This results in spiritual insecurity – a state in which the living are anxious about their standing with ancestors. In other words, if the relationship of good standing between the living and dead is disturbed, the living feels subjected to harm and bad omens and therefore, not protected by their ancestors.

The paper submits that when mining corporations relocate communities from the land, their homes, as well as their graves, they only see physical things which are movable and therefore, subject to a transaction; this is material reductionism. There is a failure to understand the deeper meaning and experience attached to the land, a house, and a grave, and how these shape people's notion of home, histories of belonging, memory and identity. So, dispossession is not simply the loss of the material thing; it is also the loss of intangible possessions which cannot be weighed for monetary compensation.¹

1. To this end, this paper recounts the experience of grave and/or household relocations, as collected through oral history interviews from at least 40 families who were either affected by one or both. For manageability, the paper draws from extracts which illustrate consensus and in other instances provide areas of variation to present a holistic picture of all the families' experiences. Further, the study utilises archival documents such as the applications for the relocations submitted by Professional Grave Solutions to the South African Heritage Resources Agency (SAHRA) and its Burial Grounds and Graves (BGG) Unit. The documents are drawn from to illustrate specific problems intrinsic to the National Heritage Resources Act no. 25 of 1999 (NHRA) and the Mineral and Petroleum Resources Development Act no. 28 of 2002 (MPRDA), which both provide the legal framework for the relocations.

2. Dispossession in South Africa

Dispossession in South Africa has received extensive scholarly attention (William, Delius, & Trapido 1986; Baldwin 1975; Freund 1976; Beinart & Dubow 1995; Dithlake 1997). Two assumptions are deducible from the existing literature. First, that dispossession only refers to the loss of land; and secondly, dispossession is inherently a colonial and apartheid South African phenomenon.

While a significant number of scholars focused on the nineteenth-century land dispossession (William, Delius, & Trapido 1986 and Plaatje 1916), much attention has been given to the devastating Native Land Act no. 27 of 1913 and other discriminatory laws enacted to underpin land dispossession, such as the Native Urban Areas Act no. 21 of 1923 and the Native Administration Act no. 38 of 1927. However, others have also cautioned against according the Land Act of 1913 undue weight and recommended that the Act is located within the much longer history of colonisation, capitalist penetration, and agrarian change that has shaped modern South Africa (Claassens 1990, & Beinart & Delius 2014).

The consensus within early and recent accounts on land dispossession is that the passing of the twentieth-century string of legislation was driven by an intense goal to destabilise and inhibit the growth of an African peasantry (Bundy;1979) and to provide cheap labour for the booming mining economy at the time (Mendelsohn 1991; Wolpe 1972). As such, there was a shift in the mechanisms of dispossession from the colonial warfare of the seventeenth to the nineteenth century, to new economic forces and pressures, such as the increased use of the law to dispossess African communities (Bundy 1990). This tactical shift paved the way for the heightened forced removals which were aimed at creating labour reserves for mining and agricultural needs (Marcus 1990: 17).

Land dispossession did not only affect small- and large-scale African farmers, traditional leaders who lived on South Africa's countryside were immensely affected by the 1900s laws of dispossession. For example, the Land Act of 1913 advanced a relationship between the newly formed African National Congress (ANC) and some chiefs whose concerns were the effects of the formation of the Union of South Africa in 1910, and subsequently the impact of the Land Act on tribal land (Skosana 2019b). Their intricate alliance was enabled by the fact that some members of the ANC were themselves either born within chiefly lineage or worked and served the royal families (Odendaal 2012: 10). The cooperation of the Congress and traditional leaders saw them stand in unison, opposed to the discriminatory provisions of the South African Act of the Union 1909, as well as Britain's possession of the British Protectorates. They thereby devised various resistance methods in which, for example, Paramount

Letsie Moshoeshoe of the Sotho, Sebele Sechele of the Bechuanaland and the Queen Regent of Swaziland raised their apprehensions by sending some congress members as a delegation to convey their grievances to King Edward VII in Britain (Odendaal 2012: 370).

The struggle against dispossession intensified in the 1920s when the Native Administration Act of 1927 was passed. One of the provisions in the legislation was that the Governor-General was the Supreme Chief – who could forcibly remove African communities from the land and overthrow any disobedient chief. During this period, there was continued meddling by the colonial state in matters of traditional leadership. As a consequence, some chiefs were used as pawns of the apartheid administration, which was common from the 1840s (Meyers 2008: 2). So land dispossession affected both urban and rural parts of South Africa well into the 1950s. At this time, dispossession was extended through the Bantustan policy. This entailed an increase of repressive policies such as urban influx control, population relocation, and the tribalisation of local administration in the reserves (Walker 2017). While the Bantu Administration department spoke about 'voluntary removals' in the creation of the reserves from the 1950s to the 1980s, "the persuasion of people to move by means that progressed rapidly from discussion, to withdrawal of health services, to demolition of schools, to withholding pension..." (Claassens 1991: 31), was the order of the day. To give a clear picture of the forced removals of the 1970s, the Surplus People Project (Walker & Platzky 1985) recounts the story of Jamangile Tsotsobe on his behalf:

...that day when they were taken to Glenmore, the trucks came very early, when they were asleep. They had to collect their pigs. Some people left all their belongings behind. They were so full of grief that they could not pack their belongings properly. The officials were angry men who shouted get out. There were buses for the women and children.

Although this was a common experience and narrative during apartheid South Africa, it strikes a resemblance to the story of the Zulu family who recalled: "We were removed from the farm in May 2014, to Makausi – to make way for the coal mine.... We were forced to move. We were told that the mine has a strong legal team, so you can't refuse," When asked about how, if at all, they have adjusted to the new place, Zulu explained: "When we came here it was difficult. Even now, I am not coping because it is expensive to live here, in a township. We used to plant spinach and other vegetables back on the farm. Even though you did not have money, you would never sleep on an empty stomach."

The Zulus narrate a similar story to the account and experience of many Africans during apartheid South Africa. The difference between the Zulus' and Tsotsobe's narrative is that dispossession during colonial and

apartheid South Africa often took a form of physical violence – in which, for example, houses were raided, and families were given very little notification time, if at all, about the relocations (Murray and O'Regan 1990). Moreover, any injuries or death sustained during the raids or evictions would not be widely publicised as it would today, with social media.

Overall, the political climate and the conditions under which people lived changed after 1994. The socio-political and economic management of the country and its people are now subject to the Constitution of the Republic of South Africa, 1996. Regardless of such political developments, the interviews conducted in Phola 2018, as well as case studies in various areas such as Xolobeni, Somkhele and parts of the Limpopo Province (not discussed here), illustrate that communities continue to be subjected to dispossession that is induced by coal and other mining in the post-apartheid era. The dimensions and mechanism of dispossession in some of the accounts of the families who were briefly interviewed, remarkably resemble the colonial and apartheid context described at the start of this background section. This suggests that the previously marginalised continue to be marginalised and dehumanised in continuous and new ways in the post-apartheid era.

3. Rethinking Dispossession

In South Africa's historiography, dispossession is abstracted as land deprivation through a series of colonial and apartheid laws that intended to deepen segregation and confer material gains for a portion of South Africa's population. Many scholars define dispossession like Colin Bundy (1990: 4) who wrote, "it is a historical process – divorcing small scale producers from their land and their means of working it". This manner of framing dispossession is common in literature. For example, Desmond's (1969) insightful study on forced removals in the 1960s Natal, Transvaal, Cape and Orange Free State, as well as the Surplus People Project's (SPP) outstanding work, remarkably outlines the experiences of the families who were removed across different parts of South Africa to the reserves. However, in both accounts much attention is given to the numbers of the dispossessed families – understandably, because both projects sought to highlight the extent of the workings of the apartheid system.

The relocation of communities from white agricultural land in Ogies to Phola township illustrates that dispossession is not only historically rooted, it is also a perpetual post-apartheid experience in African communities; that it has underlying layers of loss; and that it not only encompass the loss of material things such as land and property, but also include the loss of intangible possessions, such as the connection with ancestors, identity, memory and belonging. This theoretical framing of dispossession

eliminates what the sociologist Walker (2017: 5) describes as a simplistic account of land dispossession where "scholars write about dispossession which is often depicted as a relatively simple morality tale – heroic resistance on the part of the colonised versus savage dispossession on the part of the colonisers – more ambiguous themes of accommodation, assimilation, stratification, and innovation thread themselves through this extended encounter as well". To rethink dispossession also means to acknowledge, as Cock (2018) maintains in her recent book about the history of Kowie River in the Eastern Cape, that history and memory are tied to the landscape and the environment. The connection of landscape and history helps to show that dispossession is also the loss of attachment and belonging.

4. Coal-mining-induced Dispossession in Post-Apartheid South Africa

The coal industry provides 90% of South Africa's electricity (Chamber of Mines 2018: 16). Coal is the third-ranked source of employment in mining after gold and platinum group metals. In 2018, at least 86 919 people with annual earnings of R24.7 billion were employed by the coal mining industry (Minerals Council South Africa 2018). In addition to the extensive use of coal in the domestic economy, about 28% of South Africa's production is exported, making the country the fourth-largest coal exporting country in the world.²

India and China are amongst the countries that prefer South Africa's high-quality coal (Mineral Council South Africa 2017: 8). The coal fossil is dug in different parts of the country such as Kwa-Zulu Natal, Limpopo and the Mpumalanga province. The latter has the largest coalfield reserves, Highveld³ being the biggest, followed by Witbank and Ermelo (Schmidt, undated). As a result, "Eskom has 11 coal power stations in the Mpumalanga Highveld" (Hallowes & Munnik 2017: 11). About 51% of South African coal mining is done underground and about 49% is produced through open-cast methods.⁴

Mpumalanga is home to at least 127 coal mining projects. The old underground and new open-cast mines lie on what used to be some of South Africa's most fertile land. Open-cast mining is currently the most preferred method of extraction because it is cost-effective and requires less skilled labour, unlike shaft mining.⁵

However, surface mining takes up vast amounts of space and it causes more land and environmental damage.

There are political and economic contextual similarities and differences between land dispossession in the apartheid and colonial era and post-apartheid mining-induced dispossession. Coal-mining-induced dispossession, as in the segregation period, is geared towards a market-driven mining economy, as well as state-led capitalism (Skosana 2019a). A significant difference, however, is that the mining revolution that erupted during the discovery of diamonds and gold gave more impetus to the colonial government to consolidate and entrench white hegemony (Walker 2017). By contrast, the MPRDA aims to produce a Black elite through Black Economic Empowerment (BEE), in line with the country's post-apartheid principles of economic transformation. Another

striking similarity is that during colonial and apartheid South Africa, land dispossession was geared towards the destabilisation and eradication of an African agriculturally based economy and a market-driven mineral law; in the new political dispensation, dispossession has had similar consequences. The relocation of the families who lived on white agricultural farmland to the township compels communities to shift from land-based modes of living to the township-based monetarised economy. In other words, this shift forces communities to be dependent on the coal mines for jobs. This level of dependency on jobs has detrimental consequences for communities because it means families who would otherwise live on the land are now vulnerable if there is no income.

In Ogies the interviews illustrate two inter-related approaches employed by the Glencore mining company. First, the mine used a classist approach to expropriation. The starting point to this approach is an assumption that the affected communities are poor, illiterate, jobless, disadvantaged and therefore, in no position to negotiate or make demands. Hence, Glencore is not concerned about the kind of housing provided as compensation to the community. Its premise is that the poor must accept any offered thing. The provision of houses is a favour, rather than a moral obligation that is necessary for disturbing people's way of life for coal mining. Secondly, the mine applied material reductionism. The latter means seeing, for example, a house in purely materialist terms so that it is deemed replaceable – therefore, subject to relocations. There is failure to comprehend the intricate meaning and experience attached to the material thing that is dispossessed. This brings us to the story of grave relocations, which is important to highlight as an aspect of dispossession which is rarely considered.

2. Coal Resources Overview (energy.gov.za/files/coal_overview.html), accessed on 2 July 2019

3. Although Witbank and Ermelo are part of the Highveld, the term "Highveld coalfield" standardly refers to a particular region around Ermelo. See e.g. XMP Consulting, "South African Coal: Desktop Study", undated, available at xmpconsulting.com/...pdf

4. Coal Resources Overview, energy.gov.za/files/coal_overview.html, accessed on 23 July 2019

5. A surface mining technique which requires extraction from the coal seams over the surface, unlike underground mining which require tunneling into the earth.

A typical
farmhouse on
Goedgevonde
farm.



5. Household and Grave Relocations: 2012-2016

Xstrata identified 120 families to relocate for an open-cast mining project, Tweefontein Optimisation. (The multinational mining company Xstrata, with all its mines, was taken over by Glencore in 2013.) In 2009, Goedgevonden (GGV) colliery began to negotiate with labour tenant families who lived on four different farms, namely Goedgevonden village, Kleinsekerpose, Makaupany and Bloepass. Glencore called meetings to a central place before it concluded that mass meetings were ineffective because people tend to persuade one another to make demands from the mine. As a result, families were approached individually about the plans to mine the farms. These were token consultations because the decision was already made to relocate them. As such, they were told, but not asked for their permission.

Dispossession on white agricultural land takes place through an agreement between the mine and the 'landowner' who is in other instances an absent landlord. The dispossession of communities takes place regardless of the fact that South Africa has the Interim Protection of Informal Land Rights Act 31 of 1996 (IPILRA), Labour Tenants Act 3 of 1996 ("the Labour Tenants Act") and Extension of Security of Tenure Act 62 of 1997 ("ESTA"), which are meant to safeguard communities' informal rights.

To persuade families, Glencore promised to build new resettlement houses in three areas, namely Witbank, Clewer and Phola. This gave the families a sense of choice. The reality, however, is that it is difficult for the mine to secure different areas for resettlement because this requires arrangements with various local municipal

structures. Amongst other things, families were promised monetary compensation, jobs, and the provision of water and electricity at their new houses. The promises were made verbally, and if documented, it was for Glencore's records. The consultations included an examination of the farmhouses so that the new houses' size is equal to the previous.

Although a few families agreed to be relocated, many refused because they had lived on the farms since the mid-1950s and the 1980s. For instance, *ntate* Thankga recounted, "I was born at GGV farm in 1956. My father worked on the land. I used to be a welder. I worked for a white man. I had my grandchildren there. Look at everyone here, they grew under my wing." Nkosi recalled: "We began to live in Klippaart in 1986. We came from another farm, Albion. I came to look for a job. It was during the height of apartheid. I worked from 1986 to 2014, as a foreman on the farm and we continued to live there even after I retired. We were paid every month and we've never paid rent." The two men, both above age 60, are a representation of many who were unhappy about being moved from what were once agricultural and livestock farms. Many of these families revealed that their parents were labour tenants. Most had cattle, sheep, goats and chickens, as well as fields with vegetables and fruits.

Relocation agreements were done with a committee community which was elected in 2013, to represent each farm. Seeing that the relocations were inevitable, the committee demanded adequate compensation, jobs and service delivery from the mine in return for relocating. However, the consensus is that the committee members were, in the end, bribed by Glencore, and therefore sold out the community. When asked about the actual relocation process, the participants were filled with emotions of anger, disappointment and helplessness.

One of the participants, Mavimbela, explained: “Just before the relocations, we were told that the land is no longer ours. We were told that we no longer belong here; that they will build us houses because they want the land to mine. We were told, not asked. When we ask for the white farm owner, we were told that he has moved to town.” One female resident recalled: “The mine did not give a specific relocation date. They would arrive in the morning, and you must get ready on the spot to move.” During the group interviews, the relocated residents would often nod, chant or clap in agreement or support of a respondent. Ntate Thankga reminisced about the day of his relocation when he said:

Glencore organised trucks and trailers to transport our belongings. The mine covered the cost, but they did not give us an exact date, so when we saw our neighbors pack their belongings in the trucks, we packed too because we knew the mine was coming for us. You would only know when the truck was at the gate, that you are relocating. On the day of relocations, we were loaded into trucks and left our vegetable gardens and other things. The mine said they will compensate me [us]; that they will pay for my cattle. Ziphi namhlanje izinkomo zami, ziphi izimvu zami? Anginalutho. [Where are my cattle today, where are my sheep? I have nothing.]

After Ntate Thankga’s recollection of his experience, all the residents murmured in agreement and it was immediately silent as if he had ignited memories which they thought had passed. Some women said, “kwakunzima khona, kwakunzima (it was difficult, it was difficult). Simson Nkosi shared his experience when he recounted:

I did not want to leave, so they packed my things as I sat and watched them. They never issued a date. They simply showed up on the day. Inside the truck, they combined my things with my neighbours’. It was not one truck per family. My livestock was left on the farm, it was fetched by the mine only after. I was given a place that is very far from here (Makause) for my livestock. It is so far, you must drive there. I had 16 cows and 21 sheep. I lost it all. I lost my livestock to theft, starvation and illness.... I lost my being. Ngiluze ibhangi lami (I lost my bank).

Simelani recounted a similar experience when she said:

I packed when I saw everyone packing. When I finished, I was told that drivers are done for the day; they will relocate me the following day. I had packed up everything, so I had no choice but to find my transport. I paid R300. The mine never reimbursed me. I left some of my things at the farm. I could not take my fence. We were told that they don’t want rats or trash at the new houses. It was difficult to come here.

All the families revealed that they only saw the new houses for the first time when they arrived at Makause, the site of resettlement. They were issued with a list that detailed their new addresses. Many were shocked to learn that the new houses are installed with pre-paid electricity and water meters. Rate payments are not common at the farms. On top of this, the families are dissatisfied with the conditions of the new houses. The common grievance is that the quality of the houses is poor; that



Housing built by Glencore in Makause (Phola) for the resettlement of the relocated families.

they cracked within less than five years of construction. This is regardless of the fact that the housing project is estimated to have cost R70 million.⁶

Additional complaints are about the reduction of land space from a minimum of 1000 square metres to less than 200 square metres of land; and that the soil in Phola is more acidic and less fertile than farmland in Ogies; and that they were resettled 500 metres away from another commencing opencast mine. Another resident summed up their relocation experience when he said: “There is no difference between how the mine relocated us to how the apartheid government removed people.”

6. Grave Exhumations and Relocations

My father and brothers who were all buried in Tweefontein- were exhumed by the mine and reburied in Phola. When everything was done, they gave me R4,500 for the graves.⁷

John is one of many African family representatives whose graves were removed to make way for Glencore’s open-cast colliery in Tweefontein. His fathers and two of his brothers’ graves were relocated from the Tweefontein farm to the townships municipal cemetery (Phola) in 2013. He and many others come from families of either migrant labours, who worked in the colliery mines, or labour tenants, who worked and lived on white-owned agricultural farms. When faced with death, many of the families buried on the farms. Some voluntarily vacated the farms and left their graves behind. Other families were forced to relocate because of colonial and apartheid laws, while others were forced to move as a result the transfer of land ownership to the mine as at first discussed in the paper.

When the Tweefontein Optimisation Project (TOP) was initiated by the then Xstrata in 2008 to extract the remaining coal reserves in Ogies, three Heritage Impact Assessments (HIA) were conducted – over 2006, 2010, and 2013 – on the Tweefontein farm,⁸ as well as the Boschmans, Waterpan, Zaaiwater, Grootpan, and Vlaklaagte farms, to identify the heritage resources that would be impacted by the intended mining projects.⁹

The Tweefontein farm is the main focus in this study. HIA surveys are conducted by heritage consultants to establish whether any of the types of heritage resources outlined in Section 3 of the National Heritage Resources Act, no. 25 of 1999 (NHRA), will be impacted during planned developments on an area. The surveys thereafter propose mitigation measures to reduce any possible impact on the heritage resources. reports by the first appointed heritage consulting agency for this project, Digby Wells & Associates, indicated, amongst other things, that residential areas, historical structures, and most importantly with regard to this thesis, the mining project, would impact ancestral graves. The 2006 HIA and its 2010 extended report recorded at least 13 grave

6. polity.org.za/article/glencor-glencore-hands-over-r75-million-school-in-mpumalanga-2015-06-12

7. John Mnguni, Interview by Dineo Skosana, Phola Park. 28 April 2016.

8. This paper focuses on the Tweefontein 13IS farm, which is the biggest portion of these farmsteads, and the portion with the most graves.

9. See, for instance, J. Pistorius (2006) “Heritage Impact Assessment (HIA) Report: A Base Line Heritage Impact Assessment Study for Xstrata Coal’s Tweefontein Division – On the Eastern Highveld In the Mpumalanga Province of South Africa,” Mpumalanga: Digby Wells & Associates; J. Pistorius (2013) “A Phase I Heritage Impact Assessment (HIA) Study for Xstrata South Africa (Pty) Tweefontein Optimisation Amendment Project – Top Amendment Project – On the Eastern Highveld In the Mpumalanga Province of South Africa,” Mpumalanga: Digby Wells & Associates.

sites consisting of single and cluster graves discovered in the Tweefontein project area, whereas the 2013 HIA indicated that there are at least 24 graveyards in the project area.¹⁰

Both reports acknowledge that more gravesites could possibly exist in the project area as these are difficult to locate considering the vast expanse involved and the dense stand of the vegetation, particularly after high rainfall. Mining development impacts these formal and informal graves – some of which are new, but the majority are older than sixty years.¹¹

Grave relocations were recommended as a mitigation measure in all the HIA reports: a common recommendation in South Africa as far as mining and graves are concerned. As a result, about 1000 graves were relocated on the Tweefontein farm. Whilst the household of some of the owners of the graves were also relocated, many continued to live in Witbank and Phola, whereas others have gone back to their homes in the former homelands such as kwaNdebele. Others went back to Mozambique, leaving their graves on the farms.

In 2009-2010, Xstrata contracted a Cultural Resources Management (CRM) company, Professional Grave Solutions (PGS), to mediate the relocations on their behalf. The consultant company began the negotiation

with the owners of the graves in 2011; the grave relocations commenced in 2012.

All the interviewed families recalled being approached by the mine's consultant, *baba Mqcina*, a local old man employed to facilitate the negotiations. When asked how he was appointed as a consultant, *baba Mqcina* recounted:

*Mr Leeds, I was his driver, said to me, 'Shorty, you'll be retiring in the next few months... me and the mining committee are thinking of giving you a job. The coal seam underground is running out. Workers under Glencore mine will soon be out of jobs. We are now going to mine using the open-cast method. So, we would like you as a local person born here to be the person of contact for the relocations of graves project because you know almost everybody.'*¹²

To give a description of his responsibility in the project, *baba Mqcina* said: "The important role that I play is to identify people. I look for the owners of the graves. They take me to their graves. People say 'Yes, we know these graves.' I work through referrals."¹³

10. Furthermore, the report indicates that "many of the graveyards contain between ten to hundred graves whilst at least one holds more than a thousand individuals. It is highly likely that more small graveyards or single graves may exist and that they have been missed during the different surveys that were conducted during the past decade."; see more details in J. Pistorius, J. (2013) "A Phase I Heritage Impact Assessment (HIA) Study for Xstrata South Africa (Pty) Tweefontein Optimisation Amendment Project – Top Amendment Project – On the Eastern Highveld In the Mpumalanga Province of South Africa," Mpumalanga: Digby Wells & Associates, p. 31.

11. This means that both require different forms of mitigation measures according to the heritage law.

12. Mqcina, interview by Dineo Skosana, Phola Park, Ogies, 13 May 2015.

13. *Ibid.*



Graves on the Tweefontein farm which belong to former migrant labourers and labour tenants before the relocations

The Tweefontein grave relocations were publicised through local newspapers, as well as on the radio. The meetings between the mine and the affected families began in 2011 and were intensified in 2013.

At first, the mine conducted group consultations with affected families, but after realising the effects of group dynamics,¹⁴

the PGS consultants decided to conduct private family consultations.¹⁵

Explaining his first encounter with the mine's consultant, Peter Mokalapa, a family representative, recounted that: "there was a radio announcement that if you have graves on these cemeteries, be informed that they will be relocated. They then came to the houses of the people who responded."¹⁶

The house visits accelerated the negotiations as most families were compelled to believe that they could not challenge the mine's decision to relocate their graves.

Peter Mokalapa further explained the mine's strategy when he mentioned that: "they would tell you that you refusing the relocations slows down the process as some families have already agreed. In fact, they used dividing tactics on us. We should have been united on this issue."¹⁷

The Mathibela family representative, Jimmy Mavimbela, mentioned an additional critical reason for not refusing to relocate:

The things is, when the mine tells you that they want to relocate your graves, you already know that they have money and can afford good lawyers. You agree to everything because hiring a lawyer is very costly. So, you just go along with the mine's instructions.¹⁸

Mokalapa shared the same sentiment when he said:

The problem is that we found some graves already dug up. You could not see your graves clearly. The landscape had changed. So, if you refuse, it's almost like you are the only one. So, if it were just up to me, I would have refused to have our graves relocated. I would ask for enough compensation before I agree to the relocations, but they were already digging our

graves – maybe because we are illiterate.¹⁹

All affected families echoed the sentiment that the PGS consultants did not facilitate a dialogue about the relocations during their visits. Instead, the meetings were called to convey Glencore's decision to relocate the families' ancestral graves. The consensus among the families that I interviewed is that they were simply informed about the grave relocations and that it was not a negotiated process. This is contrary to PGS consultant Henk Steyn's account of the consultation process:

So, we go out in the field. We've got field workers. We would find the next of kin and then we will explain the project to them and have them sign the request for exhumation form. Like the legislation says, you can't get permission, you have to request permission. So, we ask them; if they are happy, they will sign the forms. We then take them to the police station for an affidavit, which states that they are the closest family members.²⁰

Not only did the families recount a different experience from PGS, they also emphasised the problems related to the coordination of the actual relocations process. For example, the mine issued its scheduled dates for relocations after each visit. The proposed date was often on a weekday which meant that some family representatives could not attend because they had to be at work. This played in Glencore's favour because it complemented their rule that not more than two people per family will be allowed to attend the relocation and reburial process.

Come the day, most of the families stated that the graveyard was already fenced in when they went to exhume their loved ones. Recounting his experience on the day, Abel Mtshweni said: "As visitors, we had to get permission from the gate. You are kitted in safety boots, glasses, helmet and a vest, just like someone who is going into an underground mine, not graves."²¹

Glencore granted permission for family representatives to bring a priest from their church denomination. However, on each family's scheduled day of relocation, the mine provided inadequate transportation for family members to travel to the new gravesite. This meant that only one member per family could oversee the process. Families

14. Families conversed about their legal rights and brainstormed about adequate compensation for the relocation of their graves.

15. What the participants refer to as "a divide and rule strategy."

16. Peter Mokalapa, group interview by Dineo Skosana, Vorsman, Witbank, 28 April 2016.

17. *Ibid.*

18. Jimmy Mavimbela and Mrs Mtshweni, interview by Dineo Skosana, Kwaguqa, Witbank, 20 May 2016.

19. Peter Mokalapa, group interview by Dineo Skosana, Vorsman, Witbank, 28 April 2016.

20. Henk Steyn, interview by Dineo Skosana, Waverley, Pretoria, 30 September 2014.

21. Abel Mtshweni, interview by Dineo Skosana, Phola Park, Ogies, 11 June 2016.



Some relocated graves now reburied at Phola cemetery.

who wished to be accompanied by their relatives had to organise their own transport – and this was always a financial challenge.

The mine's failure to provide sufficient transportation was a major concern for the families, because in most instances it meant that the family representatives – who were sometimes younger or lacked knowledge related to customs which are performed during relocations – were not part of the process. Concerned about the mine's travel arrangements, Peter Mokalapa disclosed that:

At the gate, few people are permitted. I understand that because when you are many you might not be able to control the people, but there should at least have been transport for people to get to the reburial cemetery, because we don't know every ritual that ought to be performed and there are elders who know all these. Now that we left them, it means things did not go accordingly. The mine did not follow our protocol. They did not even allow us to bring a priest. They brought their own priest.²²

Another family representative, Elizabeth Mnguni, added: "They did not tell us that they have their own priest, we were surprised on the day."²³

Although the presence of a priest hired by the mine worried some families, not everyone was concerned about this. For instance, the Mathibela family representative offered a different perspective:

No, it's no longer intoyabafundisi [a priest related matter], it is a cultural thing because we slaughter. The family must be there to see where the remains are relocated. A snuff [crushed tobacco] is needed when communicating with your ancestors. When you get home, you slaughter and drink traditional beer. Relocations are more of a cultural thing – different from normal burials.²⁴

All the families commonly mentioned that the dead must be spoken to during the relocation process. They are informed prior to being moved about the disturbance of their place of rest and assured that they will be rested at another site. This is done to ensure that the spirits of the deceased does not linger and torment the living. For instance, John Mguni explained:

You have to call upon the spirit of that person, praise their surname and totems, and say to them we are about to move you. You see. I am Mnguni, so I'll say [he recites his praise names] 662246021 Mnguni babili bakwa Mhlamunye, bakwa Magalela... baba ungaphazami. Namhla siyakuthatha ninomma siyonibeka endaweni e so... [Do not be alarmed. Today, we move you and mother to a new place.]

The Mathibela and Mabhena are the only families who challenged the mine when agreements related to the relocations could not be reached. These families have the most graves on the affected cemetery – eleven

22. Peter Mokalapa, *op cit*.

23. Elizabeth Mnguni, interview by Dineo Skosana, Phola Park, Ogies, 11 June 2016.

24. The relevance of this contraction in which the mine brought its priest to rebury all the families' remains (a Christian gesture), whilst some families see this process fundamentally as a cultural process, is discussed below.

and 35 respectively – and used these numbers as leverage during the negotiations with the mine. The representatives from both families are relatively well-educated and to some extent aware of their legal rights. The Mathibela representative owns various local stores in Kwa-Mhlanga, whilst Dan Mabhena is the son of Chief Mabhena whose chieftaincy is based in the former Kwa-Ndebele homeland. Both families are well renowned in their communities and have strong business connections. Recalling the negotiations, Mathibela recounted:

They sent this Boer man to conduct the negotiations. If you ask my wife, she will tell you that I sent Henk off. He was here, seated, and I told him to leave because this is my house. I said: 'You are not here to tell me what you are going to do with my graves.' I told him that: If I want, I can delay this process for 3 to 5 years. I am not stranded for money. If you come to my house, you negotiate with me otherwise, get out!' He never came back. They sent Mqina instead. They had to negotiate.²⁵

On the other hand, Dan Mabhena explained that the mine wanted to directly negotiate with his father in the hope that he would sign the agreement for the relocations. Dan Mabhena shared his negotiation experience when he said:

I told the mine that they can relocate the graves provided they will take care of the families, because we are the beneficiaries of that place. The mine had to consider opening job opportunities. We gave them an endless list with our demands. When they realised that these demands were hefty, they began giving people money – bribing those with similar surnames to sign on our behalf. As we speak, we do not know what happened to our graves and who signed for the relocations. It's something I still need to take up.²⁶

Mathibela gave a similar rationale to Mabhena when he said: "Our culture says that you cannot be a Skosana and want to appease ancestors from Mathibela. That's what the mine intended to do. They wanted to slaughter a cow and call all the affected families to feast on it. That is unacceptable!"²⁷

Although the Mathibela were eventually able to reach an agreement with the mine, the Mabhena – whose ancestral graves belonged to former labour tenants who lived on the farm for over 50 years – could not come to an amicable understanding. This is because the mine

could not agree to their terms related to compensation for the Tweefontein farm for which they have launched a land claim. Mathibela mentioned that their family's land claim was launched by his uncle in the first phase of call for claims in 1998 – and that they do not have the claim number because of the land claim system then in operation.

The Mathibela contend, as do all of the families interviewed, that the standard wake fee (offered by the mine) of R1,500 is inadequate compensation for the number of years their families have lived on the farms on which the mines are now situated and for the relocations of their homes that took place when mining houses began to expand over the 1970s and 1980s. The families asserted that the R1,500 wake fee was determined by Glencore; there was no consultation with regards to what might constitute fair compensation. All the families except the Mathibela and the Mabhena felt compelled to accept this compensation fee. Thus, the Mathibela were the only family that was able to secure higher compensation, of R9,000 per grave. Explaining how their family representative could negotiate R99,000 for their eleven graves, Mathibela recounted:

I had already erected tombstones for my father and some of the elders. I said to them that I will not agree to have my graves relocated in the manner that you usually do. So, I went to Home Affairs in Witbank. I asked them to disclose how much I should be compensated per grave. They said there is no specific fee. The agreement is essentially between me and the mine. So, I said to them: 'How much will the mine make from the piece of land that my eleven ancestral graves occupy?' The Home Affairs Department then said the matter is not within their jurisdiction. So, I delayed the process. Three weeks after, the mine came to me with an offer of R9,000 per grave plus transport and other services. They said they will erect the tombstone for the graves which already had tombs and my choice of headstones. We had an agreement.²⁸

Glencore honoured their agreement with the Mathibela, but this was not the case for all of the families. For instance, families were concerned that their graves with headstones (which they used to identify where their loved ones were buried) were not replaced. These headstones were mostly old concrete-like stone inscribed with the date of birth and death of the deceased. Only a few were modern marble headstones. The mine failed to honour

25. Mathibela, interview by Dineo Skosana, eKangala, 11 June 2016.

26. Dan Mabhena, interview by Dineo Skosana, Witbank, 20 August 2016.

27. Mathibela, *ibid.*

28. Mathibela, *ibid.*

its verbal and written agreements even though some families had clearly indicated on the relocation forms that they would like headstones to be erected on their graves. The failure to provide documentation of agreements is one of the major problems in this process.

Families whose graves are younger than 60 years old did not have copies of their relocation agreements and were not aware that these can be accessed online or from the local municipality. Moreover, there are no legal verification systems to verify completed documents. Thus, any person can sign an agreement purporting to be the rightful representative. Mqcinna revealed the repercussions of this when he mentioned that on a few occasions people falsely claimed, for financial gain, that certain graves held the remains of their family members.²⁹

Mqcinna also disclosed instances where there have been generational tensions, with younger representatives perceiving the elderly as being too susceptible to manipulation.

Both young and old family representatives expressed concern over the actual relocation process. There was no standard legal process to adhere to during the relocations except for provisions relating to the removal of graves younger than 60 years old and older than 100 years old. Thus, the mine improvised throughout the process with each family. For example, while some family representatives reported arriving at graves that had already been opened with the remains exposed, some families could witness the exhumations. Those families who owned old graves recalled finding fossilised remains that were hard to identify. This was a result of various factors related to environmental preservation. For example, if the soil is too acidic it is most likely that the remains would decay over time and become largely indistinguishable from the soil. As Abel Mtshweni recalled: "We didn't find bones. We only found the soil. The remains had turned into darker soil – much darker than the soil surrounding these. So, the undertakers placed that soil in black plastic bags."³⁰

None of the families were pleased with the provision of black plastic bags for the removal of the remains. The Mathibela family was particularly vocal about this to the mine; their representative recounted lashing out that:

This is not acceptable! A black plastic bag is for rubbish. It is the same even when I go to a shop and you use a black plastic bag,

*for me I don't accept it. I did not accept the bags. These people are too important to me to be placed in a dust-bin bag. Something you throw away? Never! These people must be respected.*³¹

Moreover, all the families were against the provision of small coffins for the reburials. When I asked whether they were given a choice regarding the coffins, Mtsweni said: "We were never asked about our choice."³² Mokalapa described the process when he recalled that: "Everything was done as if they are reburying a child, even the grave was small. They would put all the remains together and put everything in a plastic. And everything would be put in a box."³³ The families saw this as disrespect to their ancestors and as disregard for their cultural beliefs. The Maseko representative concluded that their "remains were treated like the relocation of dogs."³⁴

The Mathibela family demanded nine adult coffins and two child coffins, whilst other families felt compelled to accept just the small coffins. The families revealed that they were not consulted about the coffins' sizes, the desired type, or the quality. Jimmy Mavimbela explained that: "We would have chosen our own coffins because we buried our people initially in the coffins we liked and picked for them as a family."³⁵ Families also complained that the remains from different families were transported together to reduce costs. This is considered disrespectful to cultural beliefs as the spirits of the deceased should not be combined; the coalescing of the spirits is believed to confuse ancestors and may portend a bad omen.

After the reburials, the families received the above-mentioned R1,500 wake fee. This fee was one of the thorniest issues regarding the whole relocation process – with the families tying demands for higher compensation to ideas of ownership and belonging. Some of the families claimed ownership to the sites of the graves in the sense that they either: historically owned the land (in some instance, as a chieftaincy – the Mabhena); were removed without compensation for the commencement of mining activities; or, that the deceased family members worked the land as labour tenants. Such sentiments were echoed by those whose graves date from the 1920s to the late 1980s, as opposed to those whose graves were newer. As a result, some families had lodged claims in the 1990s and 2000s call for land restitution. Another concern about the compensation arose from that the fee is insufficient for the purchase of necessary items for traditional rituals

29. Mqcinna, *op cit*.

30. Abel Mtsweni, interview by Dineo Skosana, Phola, 11 June 2016.

31. Mathibela, *op cit*.

32. Jimmy Mavimbela and Mtshweni, interview by Dineo Skosana, Kwaguqa, Witbank, 20 May 2016.

33. Abel Mtsweni, interview by Dineo Skosana, Phola, 11 June 2016.

34. Maseko, interview by Dineo Skosana, Hlalanikahle, 20 May 2016.

35. Jimmy Mavimbela and Mtshweni, interview by Dineo Skosana, Kwaguqa, Witbank, 20 May 2016.

– such as a cow, and groceries – required before or after the relocations. The Mtsweni representative said: “Our main concern was the compensation because R1,500 is little. In fact, there was nothing we could do because we were not being asked – we were told that the mine will be relocating graves on this date.”³⁶ The Motaung representative shared the same view: “The money was not enough considering that they are violating our ancestors.”³⁷ Elizabeth Mnguni added that “there should be a hefty compensation for grave relocation. Maybe if we were white, this amount would not have been agreed upon.”³⁸ Most families were, as a result, unable to conduct the essential rituals tied to relocation. Troubled by the issue of compensation, Mnguni mentioned that:

*We slaughter, but if you don't have the money what can you do? Everything is costly. If you vow to have a traditional ceremony how would you pay for it? There is nothing more important than ancestors. There is nothing! As you drive in that car [662246040 pointing at me], here is your grandfather. All of them including those who gave birth to your father. They are always watching over you. If they are not there, you never get anywhere.*³⁹

The failure to perform ceremonies is seen to create spiritual instability. Consequently, the families had to incur at their own cost the items and traditional ceremonies necessary for themselves and their ancestors' wellbeing. Not only was it evident that there were serious problems related to spiritual security, it was also clear that some representatives and their families needed professional counselling.

7. The Commercialisation of the Sacred

There are two contentious dimensions to the story about household and grave relocations. First, for the families a grave and house, including the land which both occupy, are sacred. To explain their sanctity, Geschiere, in his study of the migrant labour system (2009), explains notions of home and belonging in Cameroon: he notes that from an African perspective, the burial of an umbilical cord on the soil when a child is born marks the land, and therefore constructs the notion of home for the new member of the family. The marking arguably creates a connection between ancestors, land and the migrant labourers who will, at the end of life, be returned to the soil. In this regard, a grave is a site of connection between the living and the dead; beliefs around it are intangible, and sacred. Additionally, a house and the land which the house occupies are significant because of the psyche and social experience, as well as meaning attached to it. Meaning is created through lived experience, oral exchange between the different generations, as well as memory.

Secondly, for the heritage consultant, PGS and Glencore, the house and graves are mere material things which stand in the way of profit making. The material reductionism of the two makes these movable, and therefore subject to transections. For example, to explain his view on grave relocations, the director of PGS had the following to say:

So, there is competition; especially in the past few years – there are a whole lot of small archaeological companies that sprung up. If it comes to grave relocations, I'd certainly say that we are the biggest company in the country doing that.

Professional Grave Solutions has been involved in grave relocation projects since 2003. Steyn and other members of the company hold Honours Degrees in Archaeology from the country's leading universities. In a brief introduction about his background, Steyn recollected: “I never saw myself working at a university or museum. So, since 1998, after I completed my Honours, I've been doing *business* in Archaeology.”⁴⁰ This was an ideal time to take opportunity of the newly legislated demands that Archaeological and Heritage Assessment be carried out as part of the EIA. At this time, a number of Cultural Resources Management (CRM) companies started, but only a few were able to negotiate the business terrain because of the tendering system. PGS remains one of the most successful.

36. Abel Mtsweni, interview by Dineo Skosana, Phola, 11 June 2016.

37. Motaung, interview by Dineo Skosana, Empumelweni, Hlalanikahle, 20 August 2016.

38. Elizabeth Mnguni, interview by Dineo Skosana, Phola Park, Ogies, 11 June 2016.

39. John Mnguni, interview by Dineo Skosana, Phola Park, 28 April 2016.

40. Steyn (*op cit.*) (emphasis added).

Not only are CRM companies profiting from the business of grave relocations but also funeral parlors and undertakers. The latter are contracted to CRM companies to assist in the relocations and the erection of tombstones.⁴¹ Grave relocations have become a lucrative business for them too.

In a nutshell, every company – coal mines, heritage consultants as well as funeral parlors – benefit from the disturbance of life from which communities suffer. This is mainly because the South Africa's state is geared towards neo-liberal policies. Evidently, the Mineral and Petroleum Resources Development Act no. 28 of 2002, which was framed to vest minerals in the hands of the state and the previously marginalized communities, is administered with a neo-liberal framework which, in the end, makes it a state-led market driven law that is masqueraded by a nationalisation rhetoric (Skosana 2019a). Urry (2010: 93) observes similar trends in his study of the impacts of capitalism on climate change when he notes, “on many occasions, the freedom of the market is brought about by the state that is used to wipe the slate clean and to impose sweeping free-market solutions”. Moreover, for the state and the mining companies to maximise their profits, what Harvey (2005) calls ‘accumulation through dispossession’ is inevitable; the story of household and grave relocations is a classic example. Urry (2010) adequately captures Harvey's idea when he writes that accumulation through dispossession is a state in which “peasants are thrown off the land, collective property rights are made private, indigenous rights are stolen and turned into private opportunities”. In turn, this market-based rationale sees the continuing and reworked legal exclusion of the previously marginalised – who are compelled to find alternative ways to survive.

8. Conclusion: Dispossession of the Intangible

This paper demonstrates that dispossession is broader than how it has been historically conceptualised. Moreover, it is also perpetuated as a post-apartheid experience because coal mining continues to extract from the previously marginalised. In this paper not only does dispossession mean the loss of the material thing, historically conceptualised as land; it is also the loss of the experience and meaning attached to the house and graves or the land. For Glencore and the cultural management company, Professional Grave Solutions, houses and graves are materially reduced to commodities, movable and replaceable things that stand in a way of profit-making. Whereas for communities, sacred meaning and a connection are attached to the house and a grave, and therefore the relocation of both is the loss of the intangible experiences attached to them. Dispossession is, therefore, the loss of incorporeal possessions such as history and belonging and the dislocation of the memory attached to the material things. It is also the manifestation of spiritual insecurity which vests on a connection between the living, material things and the sacred world.

41. The newly relocated graves are erected with tombstones which are engraved with the name of the funeral parlor for branding purposes. This is done irrespective of that some of the owners of the graves or the deceased could not be identified, which often means the tombstone only has the name of the funeral parlor.

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