Article

Factions, contestations and mining’s missing millions: the African National Congress in North West province since 1994

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‘A frontier land. Where only the tough survive and the corrupt prosper. Where justice is delivered down the barrel of a gun. The land the law forgot. The North West province’.¹

Abstract

This article traces the fortunes of the ANC in the North West province (NWP) since 1994. While political developments mirror many of those at the national level, there are some particularities about this region that set it apart from the rest of South Africa. The new province was an uneasy amalgam of the Bophuthatswana bantustan and the western Transvaal. The former had experienced considerable unrest due to Lucas Mangope’s resistance to incorporation into post-1994 South Africa and his flirtation with regional, conservative politics. The latter was the home of the white right, exemplified by Eugene Terreblanche’s Afrikaner Weerstands beweging (AWB). Popo Molefe the first premier, made significant strides in building racial reconciliation, and introduced some successful economic initiatives. However, very soon into his term, he was faced with opposition, and government drifted to elite, personal politics and in-fighting. This trend was continued and deepened into Molefe’s second term and into the new decade. The article describes and analyses the cleavages in the ANC and suggests reasons for the emergence of these byzantine affiliations and cabals. These events are set against another aspect of the NWP – its mining industry. It examines the ANC’s attempts to provide support for the industry, where it had the duty or means to intervene in the troubled platinum belt. The article concludes with the mismanagement of the ‘D’ account, in which the royalties and other benefits accruing to traditional authorities have supposedly been vested.
Introduction

Two things spring to mind in considering the evolution of the newly created North West province (NWP) since it emerged in 1994. The first is the intensity and abstruseness of factionalism within the ANC. The second is the economic and social impact of the mineral boom which began in early 1990s, whose full consequences, captured in the Marikana tragedy of August 2012, were largely unanticipated by the incoming administration. This analysis examines just how the African National Congress (ANC) has managed or mismanaged political and economic affairs, in particular relating to the mining sector in the province. The two issues are not entirely discrete, and are connected by a concern to profit from the holding of power.

The NWP emerged as a new province in 1994. It was an amalgam of territory that comprised the former western Transvaal, the Bophuthatswana bantustan and the northern part of the then Cape province. The inhabitants, as far as the African population was concerned, were overwhelmingly Setswana-speakers, and the whites largely Afrikaans-speakers, many of whom were deeply conservative. Together they had a shared if ambiguously competitive history over 150 years based on religion, attachment to the land and a common foe in British imperialism.

The ANC has a fairly lengthy pedigree and presence in the new province. Many of the founding figures of the ANC, such as Sol Plaatje and the Molema family, in particular Silas and the medical doctor, historian and long-serving treasurer of the ANC, Dr Modiri Molema, lived in Mafikeng. Many office bearers and committee members in the early years of the ANC were drawn from the ranks of the Tswana chiefly class (Odendaal 2012). In the late 1950s the Hurutshe revolt laid a rural support base that was critical in the construction of a successful underground ‘pipeline’ for political exiles and refugees to move between South Africa and Botswana (Manson et al 2015).

The ANC came to power in NWP under a unique and perhaps more complex set of circumstances than elsewhere in the country. Lucas Mangope, the former president of Bophuthatswana, had done everything in his still extant power to evade the incorporation of the bantustan into the new proposed political framework of a democratic state. The upshot was chaos, the ‘invasion’ of Bophuthatswana by the Afrikaner Weaverstandsbeweging (AWB) and a bloody coup, after which the independent electoral commission (IEC) had barely time to setup offices in Bophuthatswana for the April 1994 elections. Another cause for anxiety was that the envisaged NWP was the domain of many of those white rightists responsible for the failed coup.
These problems were alleviated by the decision to establish the office of joint administrators to oversee the transition. It was in large measure due to their efforts that the elections went off with little incident, the ANC taking 85 per cent of the vote. The administrators remained in office until at least mid-June 1994 while the new provincial government was being formed. The joint administrators gave the new province something of a head start in the attempt to set the wheels of democracy in motion. They dealt firstly with issues of security, after which they turned to the difficult issue of aligning the civil service of Bophuthatswana with that of the pre-1994 Transvaal provincial administration. They also dissolved many of the structures of the former bantustan, initiated commissions of enquiry into corruption, and brought Mangope to trial on charges of fraud and theft of state funds to the tune of R18 million. The administrators thus performed many tasks which otherwise would have fallen to a new and inexperienced NWP administration. Furthermore, one of the administrators, Job Mokgoro, went on to become the first director-general of the NWP, thus ensuring a degree of administrative continuity (Seiler 1999).

This promising start was built upon by the new administration. In particular, due the efforts of the new premier, Popo Molefe, racial tensions were calmed by a deliberate policy to appease the largely conservative white population of the old Transvaal. Furthermore, Mangope’s appeal to some larger pan-Tswanaism found little resonance with the majority of the local population (Manson and Mbenga 2012). Molefe also appointed an administration that was politically inclusive, in the spirit of the government of national unity. An effective measure was introduced by the formation of strategic management teams (SMTs) in the NWP’s ten departments. By and large, the SMTs did a good job in turning attention to long-neglected deficiencies and inequalities of the past.

**The drift to personalised politics**

Unfortunately, this promising beginning was derailed within a very short space of time. There were several reasons for this. The first was tension between Molefe and Rocky Malebane-Metsing which escalated into outright aggression. Metsing had been the leader (perhaps one of several) of a 1988 failed coup in Bophuthatswana. He subsequently went into exile where he joined the ANC. His initial popularity was reflected in the fact that he was placed 67th on the ANC electoral list on returning to South Africa. These factors clearly entitled him in his own mind to the premiership of the NWP.
In an attempt to hold out an olive branch, Molefe had appointed him as MEC for agriculture. Despite the intervention of Mandela and ANC secretary-general Cyril Ramaphosa, so blighted was their relationship that in May 1995, Metsing accused Molefe of plotting his assassination (City Press, May 12, 1995). Molefe on the other hand, accused Metsing of failing ‘to build the ANC, and spending his time reorganising his old bantustan party, the Progressive People’s Party (a relic of the old Bophuthatswana days’) (Seiler 1999: 87-88). Eventually, Metsing was suspended from the ANC and fired, a blessing as he devoted little attention to his position as MEC. Afterwards, Metsing drifted into obscurity, and his main supporters resigned or were pushed out of office.

There were further contributing factors to this animosity which affected Molefe’s relationship with other powerful figures in the ANC. He was not a ‘local’ and though Tswana-speaking, was not familiar with the NWP. In addition to being an ‘outsider’, Molefe had advocated that the seat of government be in Mafikeng and had irked regional interests in Klerksdorp/Potchefstroom and Rustenburg, the other main cities in the NWP, which many people felt would be more suitable capitals. Added to this was a growing distance between Mokgoro, and a number of MECs (New Nation, October 6, 1995). This was exacerbated by news reports that some MECs were to be investigated for alleged misuse of government funds. The reports were rejected as false by Mokgoro, but caused Molefe a lot of concern and discomfort at the bad publicity it generated (The Mafikeng Mail, September 18, 1998).

With the Metsing saga behind him, Molefe might have experienced some sense of security in his position. However, this was a luxury he was not enabled to enjoy. Johannes Tselapedi, the new MEC for agriculture, emerged as an opposition candidate to Molefe’s incumbency as chairperson of the ANC in the province and as premier, though he did so within the regulatory and democratic structures available. However, his covert supporters were less constrained. At the ANC provincial conference in Mmabatho in 1998 Molefe was elected as ANC chairperson. A few weeks later ‘letters’ objecting to the election, were received by the ANC head office in Mafikeng. These were purportedly from disgruntled ANC offices and structures, who accused Molefe, among other things, of attaining the position ‘through financial favours’. Also present in the conference, the letters further claimed, was a ‘Tselapedi group’ which was ‘intimidated and harassed’ by the ‘pro-Popo group’ (The Mafikeng Mail, September 18, 1998).
It got worse for Molefe. His opponents approached president Thabo Mbeki alleging that Molefe, Ramaphosa, and Blade Nzimande, general-secretary of the SA Communist Party, were linked in a plot to ensure Molefe secured a second term as premier. In an interview Job Mokgoro stated:

Unfortunately, he [Mbeki] believed them. That also did not help the province. We had all kinds of bogus intelligence documents written and sent [to the national leadership], but which were never discussed with me. But.... I was the most senior of all of them, so none of them could tell me that I don’t understand the ANC. That was an advantage. Even in debates, in the end they would lose an argument. (Interview by Bernard Mbenga, Mafikeng, June 19, 2010, Sadet oral history project)

As it turned out Molefe did secure a second term, from 1999-2004, which appeared only to harden the resolve of his detractors and crystallise the existing divisions. Matters came to a head at the next provincial ANC elections held in Rustenburg in 2002. Molefe was openly criticised for ‘failure to act against corrupt officials within government and the private sector’ and for ‘failing to unite the organisation’. In fact, Molefe had made attempts to curb corruption, and ironically this served only to anger his opponents the more. It was during this conference that two groupings emerged. The one, led by Thandi Modise and her supporters (including Supra Mahumapelo, the then ANC provincial Youth League leader), opposed Popo Molefe and his grouping, among them the provincial secretary, Siphiwe Ngwenya. The perception of the Modise group was that the political (and, therefore, government) leadership of the province ought to be in the hands of people indigenous to the province, i.e. herself and her supporters. The Modise faction introduced a motion of no confidence in Molefe, backed by ANC Youth League (ANCYL) heavyweights, such as Ndeleni Duma, China Dodovu and Mahumapelo. Molefe was supported by an older group of ANC stalwarts and/or long term office bearers such as Darkey Afrika and Pitso Tolo. After an intense all night meeting, the motion of no confidence was defeated. Modise accepted the outcome, but the Youth Leaguers were less graceful in doing so (The Mafikeng Mail, May 9, 2008).

With the Youth Leaguers behind her Modise’s opposition solidified in the ensuing months, recruiting support among ANC branches in the NWP. This faction came to be known as the Talibans. Those who supported Molefe were labelled ‘Mapogo’ after a security company in Limpopo, Mapogo—a—Mathamaga, which used rather harsh methods of fighting criminals, such as flogging them. In essence Mapogo represented the old guard of the ANC in
the NWP. Despite the toxic atmosphere, Popo Molefe saw out his term which ended in early 2004. He was succeeded by Edna Molewa, who had previously held various MEC portfolios in the provincial cabinet since April 1994. At that point, a number of MECs, such as Pitso Tolo, for example, left government service to join the private sector, a common trend among senior ANC and government officials both in the provinces and at national level.

New lines of dissent

However, these basic divisions did not evaporate with Molefe’s departure. The Talibans became stronger, gained more important positions in the provincial executive committee (PEC), and produced a document called ‘The eradication of the Popo Molefe legacy’ aimed at what they termed a ‘total takeover’ of the province (Naki 2009). Provincial ANC politics became increasingly byzantine. But the Talibans appeared not to find a strong figurehead in Edna Molewa, who soon became unpopular and was ‘accused of impropriety, outright indiscipline, insolence and insubordination’ (Ngalwa 2008). The degree of self-interest inherent in these factions became more apparent when they themselves splintered into sub-factions, often comprising between five to ten individuals.

The nadir of disunity and in-fighting was reached at a chaotic elective conference for the new PEC at Sun City in May 2008. About 500 ANC members were refused entry to the venue on the grounds that they were not on the official party lists and were therefore ineligible to participate in the conference proceedings. The excluded aspirant delegates accused Mahumapelo, now elevated to the position of the ANC provincial secretary, of manipulating the registration process to deny them entry (Ngalwa 2008). When a few hundred of them forced their way into the conference venue, demanding the disbandment of the PEC, the police had to be called in to restore order. According to one commentator there was evidence that ‘bogus delegates had been registered’ (Mail&Guardian Online, October 15, 2011).

From an outsider’s position, it is difficult to determine any definite patterns of political or interest group alignment from the Sun City debacle. Indeed, this is the case for most of the discord and dissention that has characterised the ANC in the NWP. However, so acrimonious were the exchanges that the ANC national working committee (NWC) was forced to appoint a provincial task team led by Saki Mofokeng. On the advice of the task team the ANC national executive committee (NEC) disbanded the PEC
and replaced it with a provincial task team headed by Mofekeng. This body effectively controlled North West ANC affairs for 17 months until in February 2011 a new provincial elective committee could be convened in Rustenburg. At this meeting, Mahumapelo was elected chairperson of the provincial ANC, China Dodovu his deputy, and Kabelo Mataboge the provincial secretary. This represented a virtual coup by the former ANCYL, and a triumph for Mahumapelo. Conversely there was little representation of the exiles who had constituted the party’s leadership in 1994.

Post-2011
There was a lull in the in-fighting and factionalism, but not for long. Mahumapelo’s confirmation as chairperson boosted his ambitions for higher office, in particular the premiership, though he insisted that the party should be the sole determinant of such an outcome (Segalo 2014). In 2013 he was also appointed speaker in the North West provincial legislature. His powerful position placed him in a position to dispense even more patronage and favours. The in-fighting from 2011 onward took place on two fronts.

The first was between Mahumapelo and Mataboge, once seemingly allies, and their respective followers. The fall out came over whether to re-elect Zuma at the Mangaung elective conference in December 2012. Mahumapelo supported Zuma’s endorsement for a second term, while Mataboge opposed it. A deeper cause lies in the fact that Mahumapelo regarded Mataboge as a potential challenger in the NWP. At the ANC provincial general council meeting in Mafikeng in June 2012, Mataboge’s faction managed to dismiss Mahumapelo and four of his key allies. In the ensuing chaos, the police (once again) had to intervene, using teargas to separate the feuding factions. The incident elicited an angry response from Gwede Mantashe, the ANC secretary-general. He called the meeting and the decision to remove Mahumapelo ‘unconstitutional’ and called on the ANC in the NWP ‘to desist from activities of this nature which ... undermine our leadership in society and ... bring the name of the organisation into disrepute’ (Daily Maverick, Feb 11, 2013). Some revenge was extracted by Mahumapelo when Mataboge was suspended in the run up to the ANC elective conference at Mangaung, ostensibly for bringing the party into disrepute.

The other source of division was the emergence of an unhealthy relationship between Mahumapelo and the premier, Thandi Modise. The causes were twofold. Firstly, Modise had refused to side with either Mahumapelo or Mataboge in the fractious ANC power struggle, in which the
former felt he could expect to receive her backing. Secondly, Mahumapelo had by then almost certainly had his sights set on the premiership (*Sunday World*, October 29, 2012). Modise earlier had described her relationship with the powerful provincial chairperson, somewhat euphemistically, as ‘a bit of headache’ (Terreblanche 2011).

ANC task teams led by Mantashe have intervened in NWP affairs at least twice since the elective conference at Rustenburg in February 2011. They have not solved the problem of continuing faction fighting that is destroying the chances for good governance in the province. Worse still for the party, it is precisely this fractiousness that led to the ANC surrendering power (albeit briefly) to the Democratic Alliance in the Tlokwe municipality in Potchefstroom in July 2013.

**Discord in the provincial ANC Women’s League**

From 2008 the ANC Women’s League (ANCWL) in the province has been weakened by dissension and discord, rendering it essentially dysfunctional. For example, a crucial meeting convened in June 2008, was cancelled because, among other reasons, of ‘tensions’ within the ANCWL provincial structure, due to ‘problems with [the] credentials of certain delegates.’ (*Mail&Guardian Online*, 15 October 2011). In addition, certain delegates from Carltonville and Potchefstroom arrived late and were denied entry. The controversy over this issue was so intense that the conference was postponed indefinitely.

The crisis prompted the ANCWL’s national president, Angie Motsheka, to call for a provincial elective conference by the end of October 2011, a year before the event was due. The reason for the provincial league’s ineffectiveness was cited by a political observer as a ‘lack of leadership’ with only one out of the organisation’s top five leaders, the deputy secretary Violet Maluleka, active in running the organisation. The other four had either resigned, citing ‘unhappiness with the leadership’, or been appointed to other political posts. The league in the province was subsequently disbanded, but a fresh set of elections for a new PEC was held early June 2013 and a new committee put in place.

**Assassinations and foul plots**

The clearest sign that these disputes are not just over personalities, ambitions and ideological disagreements, but over the control of resources
made possible through political influence, lies in the assassination of several ANC office holders by their opponents.

The Wolmarans Case

Probably the darkest days of the ANC’s governance in the province were between March 2009 and July 2012 in Rustenburg municipality. In mid-March, Moss Phakoe, a councillor in the municipality was assassinated. A few days prior to this, he had met with (national) minister of cooperative governance and traditional affairs, Sicelo Shiceka, to whom he submitted a dossier of allegations against officer bearers and officials in the Bojanala district municipality (comprising mainly Rustenburg and Brits). The dossier was compiled by a special provincial task group established in 2009 consisting of intelligence operatives set up by the ANC’s NEC to deal specifically with internal conflict and service delivery problems in the North West. The dossier made ‘a devastating assessment of the state of governance in the Rustenburg council’ and revealed ‘rampant acts of corruption ... inappropriate handling of tender processes, shabby and undeclared interests in such by council officials and or councillors’. The findings further revealed evidence of prevalent ‘organised crime’ in the council with ‘criminal corrupters [having] access and an upper hand over administrative procurement procedures and officials and ... able to influence decisions on the basis of blackmail, bribes and extortion’ (Dube and Sole 2011: 2-3).

These revelations motivated councillor Phakoe to approach minister Shiceka. He identified the executive mayor, Matthew Wolmarans, as a key figure in alleged corrupt activities related to the awarding of tenders. In addition, Phakoe’s report singled out fraud to the tune of R33 million in the administration of drought relief projects in the municipality, perpetrated by businessmen and politicians (Dube 2011). In evidence given later in court, one of Phakoe’s associates, Alfred Motsi, claimed that senior ANC officeholders in the province and nationally had been reluctant to take action (Daily Sun, April 6, 2012). Meanwhile, following the accusation and internal pressure from among the Rustenburg municipal councillors, Wolmarans was removed from his position as mayor of Rustenburg. The whistleblower had effectively signed his death warrant. It was basically common cause, even among the members of the NWP tripartite alliance, that he had been assassinated for exposing the corruption (Dube 2011).

Following sustained public pressure, the provincial police commissioner, colonel Zukiswa Mbambo, appointed a team of detectives from outside the
province to investigate the matter (*City Press*, March 4, 2012). Subsequently, Wolmarans, two Rustenburg councillors and a businessman, Oupa Mphomane, were arrested by the police and accused of the murder of Moss Phakoe. After appearing in the Rustenburg magistrate’s court a few times, the four accused remained in custody (SABC3 TV newscast July 17, 2012; *Sowetan*, July 18, 2012). Finally, on July 17, 2012 the Rustenburg high court found Wolmarans and his former bodyguard, Enoch Mashaba, guilty of the murder of Phakoe, and sentenced them to 20 years behind bars (*The Mafikeng Mail*, March 22, 2013). The two men were released on bail pending an appeal after a state witness recanted and claimed his testimony was a lie. On appeal the North-West high court in June 2014 set aside the convictions and sentences of both men.

**The Dodovu arrest**

The successful prosecution of Wolmarans and his co-accused might have served as a warning to future activities of this nature. However the NWP ANC was further shamed when the ANC regional secretary for the Kenneth Kaunda district, Oubuti David Chika, was murdered in March 2013. Eight men were arrested and charged for the murder, among them China Dodovu, the MEC for co-operative governance and traditional affairs and ANC provincial deputy chairperson. Also among the accused was ANCYL provincial chairperson Papiki Babuile who subsequently defected to the Economic Freedom Fighters (EFF) (Tau 2013a). Dodovu has disclaimed any involvement, arguing that he was set up by rivals who feared that he was about to expose corruption at the Matlosana (Klerksdorp) local municipality. Alternatively he claimed it was part of a purge of those who had not endorsed Zuma for a second term and that he had been ‘savage by factionalists masquerading as custodians of morality’, an accusation dismissed as ‘baseless and devoid of any truth’ by the ANC North West spokesperson, Kenny Morolong (Tau 2013a). The premier acted quickly and fired Dodovu. Finally, in late November, 2014, China Dodovu was acquitted; Babuile however was convicted for Chika’s murder, but immediately took the matter on appeal (Tau 2014). Revelations arising from the trial will no doubt be even more damaging to the provincial ANC.

**The ANC and mining**

Almost simultaneous with the ANC’s political ascent was the dramatic expansion in the mining of platinum and related metals in the NWP’s
The African National Congress in North West province since 1994

‘platinum belt’. By 2001 South Africa accounted for 53 per cent of the world’s platinum production, of which 65 per cent was mined in the NWP. There are a number of noteworthy consequences arising from this mining revolution. First is the intrusion of new and alien forces and influences. Thousands of non-Tswana have converged on the platinum belt, many settling in informal settlements around the mines, often living off the proceeds of wages earned by mine labourers, and placing an impossible strain on services and damaging the local environment. This destabilisation has occurred on land formerly occupied by a number of traditional communities. Second is the effect of ongoing labour unrest and union competition which has led to violence typified by the Marikana shootings. Third, and perhaps most significant for the ANC, is the vast increase in royalties and other benefits which have accrued to the traditional authorities on whose land this mining is taking place.

In respect to Marikana, the ANC in the NWP was unable to make an effective intervention. Premier Thandi Modise made the right utterances, offering condolences to those killed, calling for calm, condemning violence and calling on labour and Lonmin management to seek solutions, etc. She has at least done her best to keep the issues behind the Marikana killings in the public mind. But the real problems are of a magnitude that dwarfs the capacity of the provincial government to act effectively or decisively. Modise summed this up quite aptly at a Women’s Day celebration on August 31, 2012 when she said that:

We are not privy to agreements between the mining houses and the community or the mining house and the national departments. We only get called in when people are burning tyres in the streets and setting houses alight. We have to come in to intervene. (The Mafikeng Mail, April 12, 2013)

She elaborated further on another occasion that ‘we as a government cannot tell the mining house which union they must deal with or how much they should pay [workers]’ (Manson 2013).

The issue of the control of royalty payments to traditional communities, in which the provincial government has a much bigger say, has been recently scrutinised (Manson 2013). The NWP derives its power to intervene in such matters through legislation governing traditional leadership and governance going back to the Bophuthatswana era, when Mangope, as president had the right to intervene in the appointment of chiefs and to act as a trustee for the assets of traditional communities. The NWP essentially was vested with the same powers.
There are at least seven traditional communities which by law, earn royalties and other profits from share transactions, joint ventures, etc, from mining on land they own. These are substantial (Manson and Mbenga 2003). The mining companies enter into these agreements with the representatives of the traditional community, in most cases a practice that is at best precarious, and at worst disastrous. In sum it has created opportunities for misappropriation and corruption, led to contestations over control of these communities and to conflict between so-called legitimate authorities and their subjects. In such circumstances the NWP government is entitled to step in to avoid matters from sliding totally out of control.

Unfortunately it has on most occasions aggravated an already tense and complex situation. Two cases illustrate this. The first case involves the BaKwena Ba Mogopa, who reside at Bethanie in the Odi district. They sit on huge mineral deposits. When they entered into a joint venture with African Platinum in 2005 worth R1.9 billion, it triggered an instant battle for control of the community by contending factions of the royal family – a familiar pattern. It was precisely the kind of situation that called for the intervention of the provincial government. On the basis of information furnished by one segment of the ruling lineage, the premier, Edna Molewa, deposed the acting regent, one Emmanuel Segwagwa Mamogale, and appointed a new regent, Mothlalelepule Mathibedi in his place. It backfired spectacularly.

Mathibedi was subsequently accused by one section of the Ba Mogopa of being a lackey of the premier, who wanted to get her hands on the wealth of the chiefdom. A few months later, Molewa was asked to attend a community meeting to explain her actions. When she refused to rescind the appointment of Mathibedi, the attendant crowd became violent. The royal homestead where Mathibedi then lived was set alight and the police had to be called in to disperse the angry crowd. Mathibedi reportedly fled for her life and for months never returned to Bethanie. This particular Bakwena faction then applied for an interdict to prevent Mathibedi from conducting any business on behalf of the community. This precipitated a prolonged legal battle centred on Molewa’s adherence (or not) to the former Bophuthatswana Traditional Authorities Act of 1978 and about who precisely wielded power among the Bakwena. It was only in May 2008 that these matters were resolved – and then only temporarily. In the interim the African Platinum deal was placed on hold (Manson and Mbenga 2012).

The second case involved the BaPo ba Mogale, the community who live at Marikana. From 1970 to 2011, close to R373 million was deposited into the
‘D’ account (see below). By 2008 their financial affairs were in disarray. In terms of the Traditional Leadership and Governance Act of 2005, which empowers the state to act as a trustee in cases where there is evidence of maladministration by the traditional authority, the provincial government stepped in. Under an agreement with the provincial government, to which further reference is made below, Lonmin then lodged the R40 million per annum payable in royalties with the administration, to be held in trust for the BaPo. In addition, the provincial government appointed an administrator, Makepe Konoshi, to oversee the financial affairs of the BaPo. However, far from setting the affairs of the BaPo aright, the administrator worsened the situation by entering into a series of dubious financial dealings that alienated him from the BaPo traditional authority (BTA). The latter also had good grounds for believing that their aging kgosi, Bob Mogale, would personally benefit from these business arrangements. Thankfully none of these ventures were formally embarked upon (Manson 2013: 415-6).

The BTA then instituted disciplinary hearings against the administrator. However, the provincial government decided that it could not allow its appointee be subjected to such a course of action, and Maureen Modiselle (successor to Molewa as premier), demanded that the disciplinary action be stopped. The BTA then went to court, arguing that it had the locus standi to fire Kenoshi. Three years of legal wrangling followed. Ultimately, the Gauteng high court confirmed that the BTA had the power to fire Kenoshi. This constituted a major blow to the provincial government’s claimed authority over mineral rights held by traditional entities. Subsequently, it led to a breakdown between the BTA and the provincial government and paralysed economic and social development among the wider BaPo community (City Press, February 12, 2012).

Nonetheless, remarkably, because the BaPo are still divided (a significant section of the royal family do not accept the BTA), their affairs until mid-2014 continued to be run by the provincial administration. A lawyer acting for one of the BTA, Hugh Eisner, went on record in February 2012 as saying that ‘the premier (of the NWP), the MEC and the North-West officials have done as they pleased with the community’s monies, while they are kept in the dark’ (Business Day, November 26, 2013). He approached the public protector, Thuli Madonsela, to request her intervention in getting the funds released. However, while the community remains divided, and consequently no traditional authority can be constituted, the administration is not in a position to release these funds, thus stalling any potential development projects earmarked for the benefit of the community.
What the BaPo case (and others) has done is to throw light on the fragility of the trustee system by which most mining companies deposit royalties payable to traditional authorities. It emerged, largely from Madonsela’s investigation, that all the monies belonging to traditional communities held in trust were lodged in what is now the notorious (and probably mis-termed) development or D account established during the Mangope era (*The Star*, August 8, 2013). This account was held by the department of finance but had never been audited. In addition, it emerged that the expenditure of R300 million of the BaPo’s monies held in the D account could not be accounted for. When the province’s auditor-general was ‘prevented from investigating the account’, the North West provincial legislature’s standing committee on public accounts (Scopa) was requested by Madonsela to assist in the investigation (Tau 2013b).

The public hearings started in September 2013. The Scopa of the North West provincial legislature in the interim met with Lonmin and Samancor Chrome Ltd to ascertain how much they contributed to the D account (*The Mafikeng Mail*, September 6, 2013). However, in other respects, the auditing of the account has not made much headway. In early September, Madonsela ‘expressed dissatisfaction about the “veil of secrecy” in the way the provincial government was handling the D account’ (*Business Day*, November 26, 2013), and complained that she did not have access to the entire account. Accordingly, she tried to investigate the accounts of other traditional communities whose funds were held in the D account (Manson 2013).

These obstacles placed in the way of Madonsela’s investigation raise suspicions that government officials may have been involved in the misappropriation of funds held for the BaPo in the D account, doubts further fuelled by reports that only R50 million remained in the account. So concerned was Madonsela, that she wanted to extend her probe into the accounts of other traditional communities, apart from the BaPo. Shortly after the resumption of the investigation in October 2014, the newly elected premier, Supra Mahumapelo, promised to co-operate with Madonsela in the investigation (*The Citizen*, December 15, 2014).

All this raises the question of whether, if the BaPo, only one of a number of traditional communities profiting from mining on their land, have had R300 million illegally removed from their account, then how much more is missing and unaccounted for in total? It is very likely that this is only the tip of an iceberg that may well reveal more corruption on the part of venal state officials.
Conclusion
Under the Premiership of Popo Molefe the ANC in the NWP made important strides in building confidence and installing a democratic culture among the province’s citizens who came from divided pasts. His administration made genuine efforts to root out corruption and improve service delivery, and to initiate developmental projects. Unfortunately, however, almost from the very start, he was distracted by the ambitions of his political opponents, in particular Malebane-Metsing and Tsalapedi. Though he was able to ward off these pressures to some extent, the drift to personalised and elite politics intensified in his second term in office.

There are two discernible features of the chaotic factionalism that engulfed the NWP ANC from about 2000. Firstly, it appears strongly to have been rooted in material interests rather than ideological or other factors, and as such was a microcosm of the national picture. Secondly, the ousting of Molefe and the ‘old guard’ in 2004 represented the emergence of a younger generation of ANC politicians, many of whom had risen through the ranks of the ANCYL. Their ascent has only served to intensify competition for office and power in the province, a runaway train that became uncontrollable and finally deadly. There is little indication that such a trend, in the short term at least, will be reversed, for in late 2014 the Hawks arrested an *inyanga* (traditional healer) for his involvement in a bizarre plot to assassinate Mahumapelo (*Sunday Times*, December 3, 2014). The consequence of these developments was that for several years, especially from 2011, the provincial ANC was simply not functional and appeared out of touch with the rank and file of the party.

In respect of the ANC’s stewardship of the pillar of the province’s economy, the mining sector, the administration inherited a flawed system that it was neither capable nor perhaps willing to set to rights. The trustee system may in principle be the correct way of handling the financial incomes generated by the province’s mineral rich resources, but it is nevertheless fraught with problems amongst hopelessly fractious ethnic communities. Ethnic or indigenous communities form complex and often contradictory alliances and lack unity and coherence; it cannot be assumed that they represent a unity that allows for efficient planning and operation. Lastly, the idea that mining should benefit traditional communities, and the consequent strengthening of ethnic sentiment, harks back to an era of apartheid style ‘divide and rule’ that appears contradictory to the notion of a unitary and progressive state.
Moreover, the way the D account has been handled is obviously opaque and lacks appropriate checks and balances and general accountability. It remains to be seen precisely who may be responsible for the unaccounted assets of the D account, and if the ANC leadership in the province has the political will to bring those responsible to book. As far as deteriorating conditions in the mining areas are concerned, the provincial ANC was reluctant to involve itself in the labour related tensions of 2012-2014 or socio-economic dislocations caused by mining itself or the presence of thousands of migrants on the platinum belt.

Notes
2. Personal communication with Darkey Africa, Mmabatho, October 12, 2011. Africa was an MEC in two portfolios from 1994 until his retirement in 2009. Early in 2011 he was re-appointed political advisor to the premier, Thandi Modise.

References


