Rural social movements, mineral rights and indigenous land rights in post-Apartheid South Africa: The case of the Xolobeni Community

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Declaration

I, Trevour CHAITEZVI (37026895) declare that this thesis entitled, *Rural social movements, mineral rights and indigenous land rights in post-Apartheid South Africa: The case of the Xolobeni Community*, which I submit herewith to the North West University, in fulfilment for the degree Doctor of Philosophy in Sociology, is my own work, and in no way has it been submitted to another institution.

Signature: T. Chaitezvi **Date 5 December 2024**

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Abstract

The Xolobeni mining conflict demonstrates the complex dynamics of land conflicts in post-Apartheid South Africa. In this context, it demonstrates the continued land dispossession of indigenous communities by imperial forces, which stretches back to historical periods like the colonial era. Although the issues underlying rural resistance in the Xolobeni community seem obvious and apparent, the premise of the study is that there are deep-seated ideological perspectives and interpretations which motivate the Xolobeni community to resist the proposed mining project in their area. Therefore, the aim of this study was to provide a comprehensive understanding and interrogation of the underlying ideologies, narratives and interpretations that shape rural resistance to state and capital ownership of communal land and resources in rural South Africa, specifically in Xolobeni. A qualitative case study design was used, employing in-depth interviews and focus group discussions with key role players, namely community members, members of the Amadiba Crisis Committee, members of the Save the Wild Coast and members of the Mining Affected Communities in Actions. The study interrogated the underlying ideologies, narratives and interpretations shaping rural resistance to state and capital ownership of communal land and resources in Xolobeni.

To critically interrogate the underlying ideologies, narratives and interpretations shaping rural resistance to state and capital ownership of communal land and resources in Xolobeni, the study used the political ecology and accumulation by dispossession theoretical frameworks. The political ecology theoretical framework demonstrates that issues like resource distribution, access and control are shaped through particular complex power dynamics. The struggles and contestation for land between members of the Xolobeni community, landowners and resistance movements like the Amadiba Crisis Committee on the one hand and the Australian mining company, the state and traditional leaders on the other hand, should be understood against this background.

The study has found that the contestation for land rights, access and ownership in Xolobeni is shaped by specific power dynamics, which include the ambiguous and blurred role of traditional leaders who allegedly subvert the interest of the poor communities in favour of capital interests, thus becoming the vanguards of capital accumulation and dispossession. Furthermore, the study reveals that the contestation for land ownership and access in Xolobeni is also shaped by legitimising discourses employed by various actors in justifying

either resistance to the mining projects or the acceptance or sanitisation of the imposed mining development policy praxis.

The study indicates that underlying the Xolobeni land struggles is contestation for an acceptable ideological framework between the Xolobeni community and the state cum mining capitalists. Key issues which are driving resistance to the proposed mining project in the Xolobeni include, among others, the fear and threat of potential loss of land if the mining project is to be allowed; varying meanings attached to land; threat to existing livelihood options; the real and imagined environmental impacts of the proposed mining projects; and the metabolic rift. The study argues that the Xolobeni land conflict is shaped by various interpretations of political, economic, cultural, and ecological issues, challenging the neo-liberal commodification of land in rural South Africa. It is argued in the study that such underlying ideological frameworks need to be understood in the exploring of rural resistance to land-grabbing and land use in indigenous communities and similar communities.

Keywords: Xolobeni, Resistance, Dispossession, Mining, Land Ownership and Rights, Grabbing, Power, Development, South Africa, Multidimenionalism,

Acronyms and Abbreviations

ABD	Accumulation by dispossession
ACC	Amadiba Crisis Committee
ANC	African National Congress
AWF	African Wildlife Foundation
BASSREC	University's Basic and Social Sciences Research Ethics Committee
BBBBEEE	Broad Based Black Economic Empowerment
CLRA	Communal Land Rights Act 11 of 2004
DMRE	Department of Mineral Resources and Energy
DRDLR	Department of Agriculture, Land Reform and Rural Development
FAO	Food and Agriculture Organization
FDI	Foreign direct investment
FPIC	Free, prior and informed consent
GEAR	Growth Empowerment and Redistribution Policy
GROOTS	Grass Root Operating Together in Sisterhood
IPILRA	Interim Protection for Informal Land Rights Act 31 of 1996
KZN	KwaZulu-Natal
MACUA	Mining Affected Communities in Action
MEC	Mining Energy Complex
MPRDA	Mineral and Petroleum Resources Development Act 28 OF 2002
NDP	National Development Plan

NGO	Non-Governmental Organisations
NWU	North -West University
PWC	PricewaterhouseCoopers
RDP	Reconstruction and Development Plan
RRI	Rights and Resources Initiative
SADC	Southern African Development Community
SDG	Sustainable Development Goals
SRPs	Surface Rights Permits
SWC	Sustaining the Wild Coast
TKLB	The Traditional and Khoi-San Leadership Act 3 of 2019
TLGFA	Traditional Leadership Governance Framework act 41 of 2003
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VFV	Vacant, Fallow, and Virgin land
WN	Wildlife Network
WTO	World Trade Organisation
WCS	Wildlife Conservation Society
WWF	World Wildlife Fund
WV	World Vision
XolCo	Xolobeni Empowerment Company

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Chapter 1 Rural Resistance in Xolobeni: An introduction

1.1 Orientation

The land issue has retained its legitimate platform at the core of post-colonial discourses in South Africa. The importance of the land question is reflected by the contestation for access and usage of it, especially in the former homelands in South Africa where huge amounts of minerals have also been found (Ubink and Pickering, 2020). In this context, the study examines the Xolobeni community on the Wild Coast, Eastern Cape, to explore rural resistance against extractive activities and proposed land uses by external entities with significant influence in South Africa's communal areas. The incessant resistance to the proposed mining project by the Xolobeni community of the Wild Coast has become an epitome of the significance attached to indigenous land rights by rural communities in South Africa (Healy, 2021).

The Xolobeni community consists of five villages namely Sigidi, Mdatya, Maulana, Kwanyana, and Mthentu. These communities have been at the centre of resistance to the proposed mining project and have won numerous court judgements on the land debacle (Zamchiya, 2022). The contestations have been influenced by varying ideologies shaping land ownership, with the community looking at the spiritual and material benefits of the land, whereas private interest is concerned with the surplus that can be accumulated from the exploitation of the rich mineral deposits (Mowat and Rhodes, 2020). For instance, Transworld Energy and Minerals Resources, an exclusively owned subsidiary of Mineral Commodities an Australian Corporation, projects the mine to be one of the largest titanium mines in South Africa (Dugard, 2021). This is also demonstrated by the envisaged US$200 million capital investment towards the proposed mine (Duggard, 2021).

Despite, the company and government citing the potential economic benefit of the proposed mine, there has been incessant resistance from the local Xolobeni community. They cited many issues in their opposition to the proposed mine (Giorza, 2021). Noteworthy, the mining proposal was resisted as the communities that would be mainly impacted by the mining project were not sufficiently involved or consulted (Chagwinya, 2018). Moreover, the Xolobeni area is part of the Pondoland Marine Protected Area, and as such any mining activity is prohibited by the National Environmental Management: Protected Areas Act 57 of 2003 (Sebola, 2017). This was indicated in an earlier study by the Eastern Cape government in the mid-2000s, which revealed the gravity of the environmental risks of the Xolobeni and Pondoland areas (Nelwampondo and Mpanza, 2018). Additionally, the resistance has also been due to the ambiguity about the proposed dumpsite and its "major" effects on the community and the environment. Furthermore, water demand from the mining project was

documented to be considerable. There was lack of a concrete strategy to fix and subsequently ensure a constant water supply (Igbayiloye and Bradlow, 2021). Other concerns included the possibility of household displacements and the damage to coastlines as well as fear of traffic congestion and the influence on homeliness (Madiya, 2021). It was suggested that around 200 families were at risk of losing their land and source of subsistence due to the mining (Martinez-Alier *et al*., 2016).

The community's resistance is also fueled by uncertainty regarding how the people would be reimbursed for the relocation and livestock (Zunckel, 2017). Additionally, there were concerns about the proximity of the proposed mine to individual homesteads. The Xolobeni community also indicated that mining, eco-tourism, and agriculture were viable development possibilities, while mining would obliterate the tourism industry (Mowat and Rhodes, 2020). Consequently, the resistance of the Xolobeni community to the proposed mining activities culminated in the formation of the Amadiba Crisis Committee in 2007, which has become a key part of the community's resistance to the threat of losing their land, cultural identity and livelihoods (Dehm, 2019, Reynolds, 2018, Bond, 2022).

From its inception in 2007 the Amadiba Crisis Committee has engaged in several strategies whilst resisting the mining corporation. These strategies include mass mobilisation, protests and litigation (Mbuthuma, 2022). Despite facing assassination threats, the community successfully challenged the Australian mining company in court, winning a case against the Department of Mineral Resources in 2018 (Masie and Bond, 2018). Nonetheless, in order to fully understand the context of resistance to the proposed titanium mining in the Xolobeni community, it is fundamental to take into consideration the interconnection between state ownership of mineral resources and rural resistance, which is a complicated ongoing issue. Historically, the exploitation of mineral resources has been a subject of controversy, particularly with respect to how both the colonial and apartheid regimes coercively dispossessed land from multiple rural communities in South Africa (Cock, 2019). During the apartheid era, the Mineral Energy Complex (MEC) was the framework which guided mining, energy production and manufacturing through the extraction of key minerals like coal, gold, platinum, and others (Sutherland, 2020). Whilst the framework was vital in facilitating economic growth in South Africa it was interlinked with dispossession of land from rural communities (Muller *et al*., 2020). In most cases, there was no fair compensation or dialogue with communities affected (Muller et al., 2020). When the ANC government took power in 1994, it brought significant changes meant to address historical exploitation and marginalization experienced due to mining (Siakwah and Musavengana, 2020). One of the key legislative frameworks was the Mineral and Petroleum Resources Development Act of 2002 (Mhlongo, 2023). The MPRDA brought with it

measures meant to address the historical exclusion of local communities. A key change with regards to transformation was to indicate that mineral resources were a common heritage of all the people, with the state acting as the custodian of the resources (Lawrence, 2019).

The act also came with procedures which allowed historically disadvantaged groups to be part of mining ownership through the policy of Black Economic Empowerment. It obligates mining corporations to accomplish specific targets for ownership, control and management to allow these historically marginalized groups to be part of ownership. Nonetheless, one of the key tenets of the MPRDA is to give the state the authority to grant licenses and permits to individuals and corporations to explore and exploit mineral resources (Badenhorst, 2021). This is however subject to specific conditions and requirements. In the context of the above explanation, the changes brought by the MPRDA are crucial to the background of this study, especially understanding rural resistance to mining in communities like Xolobeni (Tlale, 2020). At the outset, the way the act has been implemented has been contentious, since the act separated surface rights from land rights and granted the state more say regarding mining rights and the granting of permits (Mnwana and Bowman, 2022). It meant that the state could impose mining operations in territories already occupied by rural communities. In this context, rural communities face displacement in addition to the environmental impacts associated with mining (Thambi, 2022).

The absence of real community dialogue and consent, stipulated under the MPRDA, has been one of the main points of controversy (Greyling, 2021). Communities wanting to protect their land and resources have reacted through protesting, filing lawsuits, and taking direct action (Haywood *et al*., 2019). These contesting communities have occasionally faced violence and repression from public and private security agencies (Maphanga *et al*., 2022). Another issue has been the failure to provide sufficient compensation, whilst most mining corporations promise employment and improvement infrastructure in these rural communities (Cramer, 2022). This has not been the case in most mining communities (Matebesi, 2021). Lastly, the issue of allowing historically disadvantaged groups to be part of ownership of mining has impacted on power dynamics with regards to mining in these communities (Mnwana and Bowman, 2022). It consequently creates internal conflicts between rural communities: those who can benefit from mining through BEE support mining, whilst those who cannot benefit resisting mining and opt to support alternative sustainable land use (Frolick, 2021).

The discussion above is key to understanding rural resistance to mining in post-Apartheid South Africa. New legislative changes have allowed the state to have more say with regards to how mineral resources are exploited resulting in the expansion of mining activities within the former homelands or Bantustans (Philips, 2017). Consequently, these rural communities have become

vulnerable to land grabs from mining corporations interested in exploiting the resources found in these communities (Mnwana, 2019). Accordingly, these rural communities have become a space of contestation between the modalities of resistance, which include land activists, rural communities, environmental activists, and mining corporations on the other hand (Maasdorp and Myeni, 2021). Scholars have noted that the contestations have been due to the differential interpretation of land ownership and land usage between the various groups involved in these confrontations (Sinthumule *et al*., 2020). Rural communities perceive land as legitimately theirs through customary land laws (Mnwana, 2019; Beinart *et al*., 2020; Huizenga, 2019). For them, land is merely more than a means of production and a source of livelihood. It is linked to their cultural practices, spiritual beliefs, traditions, and their identity (Leonard, 2019; Matebesi and Marals, 2018). In addition, it is also a repository for their livelihoods and health as individuals and communities (Barnejee, 2023).

In this context, they are opposed to land dispossession that comes under the guise of developing their areas through activities like mining. Mining corporations on the other hand seek to advance their capitalist interest through mining the rich minerals in these rural communities (Pandey, 2017). They are aided by the state in this (Barnejee et al, 2023). In this context, specific power holders within the communal areas, especially traditional leaders who control these areas through customary law provide both access to land and legitimate right to use the land (Metro, 2017; Berry, 2017; Maluleke, 2017). These power dynamics have consequences for customary land rights holders, who end up having minimal benefits from the mining activities and no involvement in the entire decision-making processes of the mining and related activities due to the archaic political structures created in the colonial and Apartheid eras (Branson, 2016).

The post-Apartheid state consistently failed to provide land tenure for rural communities in the former Bantustans or homelands (Tlale, 2020), thus making rural communities vulnerable to land dispossession from several capitalist interests (Hull and Whittal, 2018; Chimhohwu, 2019; Hay, 2017). In this context, the swift expansion of mining in the former Bantustans and the resultant land dispossession has generated new struggles in rural South Africa (Mnwana, 2018). In this struggle, custom and law have become instruments of exclusion, which consistently marginalize rural communities from rightfully claiming ownership to land (Claasens, Boysen's, 2015; Yeni, 2019). Hence, custom and law are not merely points of confrontation between rural communities and the power dynamics involved, but they are also tools of power and contestation. Rural communities are resisting these land deals and projects (Buttler, 2019; Bond, 2018; Manirakiza, 2019; Manamela, 2019). Such contestation and resistance have occurred in communities in Limpopo, Mpumalanga, North West and the Wild Coast of the Eastern Cape. The basis of this resistance is that most of

these communities are constantly excluded from the decisions to conduct extractive activities, and the profits accrued from these activities (Mnwana, 2018; Justice, 2019; Luthango, 2023).

1.2 Problem statement

The research problem engaged in this study is: which ecological, political and indigenous discourses, narratives and ideas are utilised by the Xolobeni community in resisting state ownership of mineral resources and the resultant land dispossession and displacement that follows. Understanding these accounts and perspectives is crucial in the context of how these ecological and political accounts and perspectives inform the tactics, impetuses, and resilience of rural communities in their pursuit to reclaim and defend their land rights against outside encroachment and dispossession (Barnejee, Maher and Kramer, 2023). Like most rural and indigenous communities in the Global South, ecological, political, and indigenous accounts provide the Xolobeni with important language through which the communities can make claims and negotiate land rights from the state (Huizenga, 2021). Therefore, interrogating these discourses and narratives and ideas engaged by the Xolobeni community in resisting state ownership of mineral resources is fundamental. Since the interconnection of these concepts, dialogues and narratives generates a multifaceted background, a thorough investigation is necessary.

This study argues that although most communities in the Global South make somewhat similar claims in resisting land dispossession, the Xolobeni community experience and articulate resistance uniquely based on their distinctive historical, geographical and cultural views. In this context, it is justified to explore how this unique experience enables them to adopt ecological, political, indigenous, discourses, narratives and ideas in resisting state ownership of mineral resources. Historically, the communities in the Xolobeni villages have always demonstrated resistance, resentment against any development plans, project and programme, which contradict their indigenous understanding of land use, ownership and access (Karimakwenda, 2022; Tomaselli, 2023). In the 1950s and 1960s, the Mbizana community was the centre of resistance against Bantu Authorities and Betterment planning (Tomaselli, 2023). In the 1970s and early 1980s, the community also resisted the government sponsored Mbizana sugar cane plantation and opposed to gum tree projects (Dugard, 2021, Jeenah, 2021, Karimakwenda, 2022).

In the post-Apartheid era, changing dynamics of land ownership have also placed the same community in confrontation with possible encroachment of their indigenous territory. These changing dynamics of land ownership is located in the separation of surface rights from mineral rights, especially through the Minerals and Petroleum Resources Development Act 28 of 2002.

Rooted in the ideology of neoliberal developmentalism, the act has allowed the South African government more say concerning mineral resources, by inviting investment and multinational corporations to invest in mining (Huizenga, 2019). In this context, state ownership of mineral resources resembles a significant change in the dynamics of land ownership. While surface rights remain mainly under the ownership of landowners, state ownership of mineral resources has produced novel dynamics on who can own land, and the manner in which land can be used and accessed (Skosana, 2022).

Since the state consistently allows multinational corporations to dispossess and seize land from rural communities, global corporations (especially mining corporations) have been at the forefront in dispossessing land from rural communities (Mnwana, 2021). This role consequently negatively affects the land rights of rural communities and their ability to exist simultaneously with their ecosystem and cultural landscape (Malijani, 2019). In this context, the central argument of this study is that the dynamics emanating from the shifts and changes in land ownership enables the Xolobeni community to articulate resistance against state ownership of mineral resources, premised on their unique historical, geographical and cultural experience. Whilst there have been many studies in the South African context focusing on rural resistance to state ownership of mineral resources and mining, there has been less focus on how the interplay of ecological, political, indigenous, discourses, concepts and dialogues provide the language which informs discourses through which rural communities like those in the Xolobeni Village can reclaim and defend their land against outside encroachment and dispossession (Mnwana and Bowman, 2021, Buttler, 2019; Bond, 2018; Manirakiza, 2019; Manamela, 2019, Healy, 2022). In addition, there is an insufficient understanding of power dynamics, which shapes rural resistance to state ownership of mineral resources. For instance, in the context of South Africa, the new changes of allowing BEE partners to be part of mining ownership have brought new dynamics, which not only impact how benefits from resources are distributed but also impact the outcome of rural resistance to state ownership of mineral resources.

Following the above discussion, it can be noted that there is no clear understanding of the underlying issues contributing to rural activism and contestation around ownership, access and usage of land in rural areas and in particular Xolobeni. It is a problem that scholars have not provided a comprehensive discussion of the ecological, political, indigenous, narratives and ideas engaged by rural communities that influence rural resistance to state and private ownership of mineral resources. The study is thus informed by the lack of a multidimensional approach in understanding rural resistance, in particular on the interplay between the ecological, political,

indigenous, narratives and ideas that shape the contestation for natural resources in indigenous communities.

1.3 Research Aim

The aim of this study is to provide a comprehensive understanding and interrogation of the underlying ideologies, narratives and interpretations shaping rural resistance to state and capital ownership of communal land and resources in rural South Africa specifically by the Xolobeni community. In doing so the study used various sociological theories to provide scholarly discussion and explanation of the underlying issues shaping rural resistance in Xolobeni. To this end, the overarching question for the study is*: What are the underlying ideologies, narratives, and interpretations shaping resistance to land occupations and confrontation between rural communities and corporations in the Xolobeni community, South Africa?*

1.4 Research questions

Given the problem statement and main research question, t this study interrogates and critically discusses the key different competing narratives, ideologies, and discourses that inform rural land contestations and resistance. In doing so, the following sub-questions inform the objectives and empirical study:

1. What are the scholarly views and discourses on rural land ownership, access, mineral rights, dispossession and resistance in mining contexts?

2. What sociological theories can be used to understand and explain the varying competing narratives, ideologies, and discourses that inform rural land contestations and resistance in Xolobeni?

3. What is the applicable methodological approach for studying the interplay of rural ideologies, interpretation and discourses on ownership, mineral rights and resistance in Xolobeni?

4. What is the nature of the rural resistance in Xolobeni?

5. How do different ideologies, interpretations and discourses impact the resistance amongst actors within the proposed mining project in Xolobeni?

6. How can the findings of this study be used to formulate a framework to understand the ecological, political and indigenous ideas, interpretations and narratives, which shape contestations over land ownership, mineral rights and usage in rural South Africa?

7. What conclusion and recommendations can be made to the interplay of indigenous land rights, mineral rights and resistance in rural South Africa?

1.5 Research objectives

The study explores resistance to mining by the community of Xolobeni and aims to contribute to a theoretical understanding of land, access, and ownership in rural South Africa. As such, the main objective of the study is *to critically analyse the underlying ideologies, narratives, and interpretation shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni.* To achieve this objective the following subsidiary objectives will guide the study:

1. To analyse the scholarly views and discourses on rural land access, ownership, mineral rights, dispossession, and resistance in mining contexts.

2. To analyze the existing sociological theories that can be used to understand, the varying competing narratives, ideologies, and discourses that inform rural land contestations and resistance in Xolobeni.

3. To determine the applicable methodological approach for studying the interplay of rural ideologies, interpretation and discourses on ownership, mineral rights, and resistance in Xolobeni.

4. To examine the nature of the rural resistance in Xolobeni.

5. To identify and critically analyse the different ideologies, interpretations and narratives that shape resistance and confrontations in proposed mining project amongst actors in Xolobeni.

6. To present a framework on the ecological, political and indigenous, ideas and narratives that shape contestation over land, access, and ownership in rural South Africa.

7. To provide conclusions and recommendations regarding power dynamics shaping rural resistance to land dispossession in rural South Africa.

1.6 Central theoretical statements

This section presents the theoretical lens through which this study must be understood and interpreted. The following theories will inform the study, the political ecology theory, and accumulation by dispossession. Hence, these theoretical statements will provide assumptions to understand the phenomenon of land occupations and grabs within communal lands.

1.6.1 Accumulation by dispossession

Ever since the advent of the capitalist mode of production, land has always been at the core of productive forces for capital accumulation and surplus value creation (Karak, 2017; Freslon and Cooney, 2018; Zhan, 2018). Several capitalist activities, mining, agriculture and industry, rely on land as a physical space for producing and accumulating wealth and capital (Das, 2017). A prominent example of accumulation by dispossession is the coming of the colonial countries, which led to the accumulation of wealth in periphery countries; land and other key natural resources were at the core of this experience (Kan, 2019). Hence, accumulation by dispossession is an aspect which is tied to the history of the capitalist mode of production.

In the current era the political structures, dynamics and philosophical orientation that justifies this process is still in place since large multinational companies in mining, agriculture, and industry are buying land owned in communal areas owned by indigenous people, yet again this is also occurring in the former colonies (Moreno and Shin, 2017). In most instances, indigenous people who own these lands through customary laws have no say regarding how their land should be owned, used, and governed. However, it is important to understand that communal land ownership is complex since there are cases where tribal authorities have more say in how land is used and owned (the case of Ingonyama Trust and Royal Bafokeng). Nonetheless, even in these cases, mineral resource extraction from land typically follows the neoliberal ideology which favors mining companies over rural communities.

In this context, accumulation by dispossession is a theoretical framework which explains how capitalism use coercion and legal mechanism to invade nature at the expense of both human beings and nature mainly for accumulating surplus and wealth (Harvey, 2017). The concept of accumulation by dispossession is rooted in Marxist tradition; in this context, accumulation by dispossession refers to how the accumulation continues but in different ways through commodifying and privatizing land owned by peasants and indigenous people (Mbiba, 2017).

This process occurs with coercive instruments used to evict indigenous people from their land. Notable in this process, is the transferring of collective held land rights into individual ownership

(Fuchs, 2018). It also includes commodifying labour and suppressing alternative forms of production. The theory presents a recurring feature of modern capitalism: capitalism is dispossessing resources and converting them into commodities, including land, water and other natural resources (Fontes, 2018). Harvey`s theory of accumulation by dispossession is a basic re-assessment of the continual part and proliferation of the predatory and coercive practice of primitive or original accumulation within the broader historical geography of capital accumulation (Englert, 2020). Harvey`s theory of accumulation by dispossession is an element of his broader critique of neo-liberalism. The dominant impact of neo-liberalism has been reallocating current wealth, contrary to producing new wealth. This implies allocating resources to activities and individuals that are seen as economically productive, whilst marginalizing those land use and ownership identified as primitive or indigenous. What Harvey is reflecting here is that the coercive dispossession of land from indigenous people witnessed during the colonial era is still common in the current neo-liberal era. The shift to capitalism has always been followed by the appropriation of land by larger private landowners and by the state, through various instruments, both legal and coercive.

In African countries, for instance, Western legislation enabled the colonial authorities to accrue access to natural resources by changing customary resources into state property (Freslon and Cooney, 2018). This transformation inevitably created an imbalanced repartition of property rights enabling capitalist accumulation through the dispossession of local communities. What dominates in this system is a Western form of property legal mechanism, which allows capitalism as a system to function by transforming land and natural resources into commodities and using coercive force to protect the process (Son and Shin, 2018). Hence, the process of accumulation by dispossession is legitimized by a series of legal instruments and mechanisms moulded within the Western form of property regime. This allows assets like land to be commodified and dispossessed using neo-liberal principles (Freeman and Burgos, 2017).

In the current modern era, standard economics continues to support the need to adopt a Western form of property regime in all forms of goods and services to attain growth and sustainability. According to the historian Hornborg (1998), accumulation by dispossession also consists of industrial accumulation, which comprises the social institutions regulating the exchange, the path of net flows of energy and materials, and the symbolic regime which typically determine exchanges values and rates (Guaque Torres, 2020). In the former colonial countries, the independent countries promised to address the racial subjugation and dispossession of land witnessed during the colonial period. However, Western property regimes and legal instruments are still intact, hence allowing the persistence and continuation of the process of accumulation by dispossession, especially in rural

areas (Mrozowski, 2019). Because of this continuation of the neo-liberal paradigm and Western property regimes in land ownership, there is a renewed interest in wealth minerals in land owned by indigenous people. This has consequently raised the stake to use coercion and Western property regimes to dispossess indigenous people of their land.

1.6.2 Political ecology perspective

The focus of the political ecology theory in this study is mainly on the complex interactions between nature and society through meticulous analysis of what one might label the power dynamics relating to access and control over natural resources (Loftus, 2019; Saton and Alcaron, 2019; Basset and Peimer, 2015). In this context the political ecology theory will be used to reflect on the resistance and confrontation between rural social movements and mining corporations over land in the communal areas of South Africa. A key issue in adopting this theory is highlighting how unequal power relations over access to and control over natural resources negatively impact the poor in rural communities (Galt, 2013; Zinzani and Di Quarto, 2019; William and Lebillion, 2017).

One of the main arguments of the political ecology theory is that changes in the environment do not impact society in the same manner. Rather political, social and economic relations account for the unequal distribution of cost and benefits (Heynen, 2019). This assertion can be reflected in the unequal distribution and access to land in South Africa. The post-Apartheid government's promise to address the land inequalities of the previous era has not been realised, rather the historical dispossession of communal land is still occurring in the contemporary periods. Nonetheless, in attempting to address ownership of resources and land within rural communities, the state in South Africa has experienced a dilemma concerning the benefits of communal land ownership and private ownership. The communal land ownership resonates with how the land has been historically used and owned. However, it leaves communities vulnerable to land grabs and also provides traditional leaders more power over rural land. The private land paradigm would entail clarity in terms of ownership; however, it would mean rural communities would be taxed and some might lose their land if they fail to pay taxes. In addition, it would also mean that rural communities would lose their homogeneity since individual ownership allow private sale. Some individuals who purchase land might be from the different ethnic and cultural background than the rural communities. For most of these communities the similarity in culture and traditions are important.

1.6.3 Political ecology theory and accumulation by dispossession theory: A justification

Using the political ecology theory, this study seeks to comprehend which actors' control and have access to power or natural resources and how the actors attain economic benefit from controlling access to land and natural resources (Lebillion and Duffy, 2019; Ahlobrg and Nightingale, 2018).

There are specific power relations and dynamics beneath the confrontation between mining corporations and rural communities in the communal land. This study will thus reflect on how the actors and stakeholders in the Xolobeni context compete for access to land and resources. Literature and scholarship, in particular argues that in most cases this interaction results in power imbalances, where certain stakeholders stands to lose and whilst some gain significantly from controlling access to land and resources (Mnwana, 2019). The political ecology theory will assist this study to understand the phenomenology beneath environmental changes, and how they manifest and disturbs different social groups (Thompson, 2019). Power relations and dynamics over land in communal are shaped by discourses and knowledge claims regarding the impact of proposed activities like mining. In this context, actors like mining and traditional leaders justify land dispossession through narratives like economic development, improving livelihoods, employment generation, and rural infrastructure development. The political ecology perspective in this study will reflect that unequal access to natural resources like land generates conflict over these resources between actors in the communal land.

The justification for using the political ecology and the accumulation by dispossession theories is that they assist the study to create a framework for the understanding of land access and ownership in rural South Africa. They contribute immensely to understanding the power dynamics and ideology which influence how mineral resources, territories, and space are owned and utilized by the state. The accumulation by dispossession theory highlights that land, access, and ownership in South Africa are influenced by the notion of neoliberal developmentalism. Neoliberal developmentalism justifies the state's claim to natural resources, which include land, water and minerals. The state`s monopoly over institutional and legal instruments allows it to deliberately prioritise the interests of mining corporations and private investors over those of rural communities. It consequently leads to the displacement of communities from their ancestral lands, the destruction of their environment, and the concentration of wealth and power in the hands of a few elites. This is important with regards to understanding land, ownership, and access, in the sense it highlights that the state’s understanding of how land should be owned and utilized is influenced by the similar ideology used to dispossess land during colonisation. The accumulation by dispossession helps to understand the contradiction in understanding how land should be owned and utilized that exists between rural communities, the mining company and the state. These theories allowed the study to contribute immensely to a novel understanding of land and resource ownership in rural communities. The power dynamics at play within these communities.

1.7 Research Methodology

The research was mainly based on the philosophical underpinnings of the interpretivist research paradigm. The use of this paradigm allows understanding of rural resistance to the proposed mining development in Xolobeni from the subjective perspective of the Xolobeni community. In particular it allows one to comprehend how rural resistance is linked to the community's socially constructed meanings, perspectives and interpretation of land, ecosystem and biodiversity. In addition, the paradigm allowed the study to capture how resistance is linked to ecological, political, cultural and economic ideological perspective constructed by the Xolobeni community.

1.7.1 Research design

The study adopted a case study research design to provide an in-depth understanding of the perspectives shaping rural resistance in Xolobeni. The justification for using this design is the following: this design enables the researcher to interpret and explain the dynamics of state ownership of land and mineral resources and how this impacts rural resistance. In addition, the suitability of the case study design allows the study to answer and respond to the questions that the current study sought to address. These questions include the how', 'what', and 'why' of state ownership of mineral resources and rural resistance in South Africa. The use of this design also allowed the study to obtain and reflect in-depth understanding of how the broader dynamics of land access and ownership shape rural resistance, and the ideas and narratives adopted by rural communities to justify resistance.

1.7.2 Literature rreview

The literature review aims to provide a framework that will highlight how the contemporary and historical context of state ownership and control of mineral and land resources has shaped the role of rural social movements in defending indigenous land rights in rural communities. The literature review also strived to reflect on the central theoretical statements that can be engaged to illustrate and understand the underlying issue which causes rural resistance to state ownership of mineral resources. The literature review of the current study comprised sources from South African studies regarding the role of the state in land grabbing and historical exploitation of rural communities, as well as international studies. The literature primarily comprises secondary data sources, journals and scholarly contribution from Third-World countries since there is a rich literature on state ownership of mineral resources and rural resistance. To ensure that there is adequate information and literature on the study the researcher also thoroughly reviewed the Winnie Madikizela-Mandela Local Municipality documents, academic journal papers, books, newspapers articles and any other

relevant scholarly documents on the key aspects of the study such as resistance, indigenous land rights, ownership, access, dispossession and land grabs.

1.7.3 Population and sampling strategy

A population usually consists of entire groups, objects, aspects or individuals from where the sample can be drawn (Allen, 2017; Babbie, 2020; Majid, 2020). In this study, the defined case study determined the research population. The population of the study comprised of all the inhabitants of Xolobeni. The sample for this study comprised keys actors within the Xolobeni issues, namely (a) members of the Amadiba Crisis Committee in the Xolobeni area and (b) Xolobeni community members without affiliation to the movement. In addition, the population also comprised activists and members from organizations like the (c) Sustaining the Wild Coast (d) and Mining Affected Communities United. The researcher selected the sample based on the following criteria: their knowledge and expertise of the Xolobeni issue, their involvement and residence in Xolobeni, and their understanding of the proposed land developments in Xolobeni. The study used both purposive sampling and snowball sampling technique. The purposive sampling technique was used to select research participants who had relevant information and knowledge regarding the study. In addition, the researcher used snowball-sampling technique to recruit key informants who assisted in identifying other research participants. The key informants were member of the Xolobeni villages, who provided further contacts with other research participants (see methodology chapter). The sample for this study comprised 25 individuals for in-depth interviews and focus groups discussions (see methodology chapter); 12 were from the Xolobeni community, 8 were from the Sustaining the Wild Coast programme, 3 were from the Amadiba Crisis Committee and 2 were from the Mining Affected Communities in Action.

1.7.4 Data collection

The study used the following qualitative data collection techniques: In-depth interviews were used to explore the underlying ideologies, narratives and interpretations influencing rural resistance to land occupations in Xolobeni. The in-depth individual interview also assisted in unpacking the nature of rural resistance in Xolobeni. The researcher was also guided by the interview schedule. Example interview questions included: What does owning land mean to you? What is are the underlying reasons for your resistance to the proposed mining project in Xolobeni? Can you provide a brief history of land ownership in the community? In what ways has your idea(s) and interpretation of land ownership influenced your decision to oppose the proposed mining project? How has political power contributed to the current resistance to the mining project? If the government was to do one thing correct to avoid such confrontations or resistance in Xolobeni,

what would that be? The researcher also conducted 3 focus group discussions with members from the Amadiba Crisis Committee, Sustaining the Wild Coast. Throughout these focus group discussions, the researcher asked related questions from the research participants.

1.7.5 Data analysis

This study analyses the data collected from research participants using thematic analysis. It was used to organize data obtained from both in-depth interviews and focus group discussions in Xolobeni community. Most of the interviews were conducted in Xhosa; and the transcripts were also translated into English. One of the most complex tasks in the thematic analysis is identifying the themes. Hence, specific strategies were adopted to identify the themes. Words that were repeated were identified as themes. Participants in a study circle generated the same ideas and concepts when discussing ideas with the researcher (cf. Chiavacci, 2020). The researcher also identified keywords which are intricately linked with indigenous categories. This was based on simple observation, the researcher also used literature relating to land grabbing and resistance to extractive industry to generate themes for the study.

1.7.6 Trustworthiness

The study adopted the following principles commonly used in qualitative research: trustworthiness, credibility, dependability, and transferability (Sherif, 2021). Credibility entails the confidence that the researcher has in the authenticity of his or her findings. The researcher thus employed several data sources and triangulation to ensure that the findings were credible. The second principle is transferability, which entails how the researcher believes his findings could apply to other situations or contexts (cf. Heale and Twycross, 2017). The researcher thus used broad descriptions to reflect that the findings of the study can be used in other circumstances. The third principle is conformability, which entails the degree of neutrality in the findings (Morse, 2015), and to address this I ensure the data analysis was rigorous, I did not impose my own understandings, interpretations and assumptions in the data analysis and drawing of conclusions. The fourth principle is dependability, which refers to the likelihood of the results being replicated by another researcher (Hadi and Closs, 2016). Hence, for the sake of this research study, the researcher utilized an inquiry audit to determine dependability because the study method and data analysis will have to be reviewed and assessed by a different researcher. The context may well change and may not offer the same results. However, this does not impact the study, as generalisation is not the primary goal of a qualitative research.

1.7.7 Ethical considerations

The study obtained permission and authority to conduct the study from the Winnie Madikizela Mandela Local Municipality, where the study area is located. In addition, the study received an ethical clearance from the North-West University's Basic and Social Sciences Research Ethics Committee (BASSREC) on the 29th of November 2023. To obtain informed consent, the researcher explained to the participants the benefits and risks of being involved in the study. To ensure no harm to participants during the focus group discussions the researcher facilitated the discussions and informed the participants that their data will be depersonalised and used solely for academic purposes. Throughout the data analysis process, the researcher ensured that specific pseudonyms were used instead of actual names, this was for the sake of confidentiality and anonymity.

1.8 Significance of the study

The study has both theoretical and practical value. It has academic value in the sense that the interplay between rural social movements, mineral rights, and indigenous rights has become a major focus of contemporary studies focusing on rural resistance to mining within Global Third World Countries. Studies focusing on the interplay between rural social movements, mineral rights, and indigenous rights seek to understand the power dynamics which shape and influence the actors involved in rural resistance to the extractive industry and how these power dynamics shape the outcome of rural resistance to the extractive industry (Rignall, 2016; Mamanova, 2017; Fradejas, 2015; Mnwana, 2019; Beinart *et al*., 2020; Huizenga, 2019). The current study, therefore, contributes significantly to the contemporary debate on rural resistance, mineral rights, and indigenous rights by presenting a framework and detailed discussion to understand the different and competing ideological, political narratives and discourses adopted by both rural actors and multinational corporations in their contestation for land ownership and usage.

A study by Rignall (2016) in North Africa shows that local resistance to land grabbing is oriented towards claiming indigenous land rights, sustaining rural livelihoods, and enabling rural communities to extract some of the emergent values being generated through that land. From a similar perspective, Fradejas (2015) argues that at the heart of contestation for land because of land grabbing is the struggle between extractivist projects and indigenous communities that seeks to defend their territory. The study, therefore, adds significantly to the contemporary debate on the interplay between rural resistance, mineral rights, and indigenous rights. Mnwana (2019) contends that the role of traditional leaders as custodians of culture, tradition, and community interest, is key in understanding mining and land struggles within rural communities. Therefore, the study is of theoretical relevance since it will scrutinize and critically explore such power dynamics that shape

understanding of land ownership, access, and control within rural communities like Xolobeni. With regards to policy and practice, the findings of the study will be of relevance to the Xolobeni communities and the broader rural landscape, since it will contribute to the need for recognizing and respecting the rights of rural communities in decision-making practices relating to resource extraction. The findings of the study are expected to contribute significantly to policy discussions on land ownership and rights in rural areas.

1.9 Structure of the thesis

Chapter 1: Introduction and orientation

The chapter introduces the phenomenon being explored. In addition, it will present the orientation of the study by reflecting on its scope and focus. The chapter provides a preliminary literature discussion on the issue being explored. The chapter also presents the research questions and objectives, theoretical frameworks, and an indication of the research methods.

Chapter 2: Scholarship on rural land access, ownership, mineral rights, dispossession and resistance

This chapter provides a thorough scholarly discussion of the global, regional, and local scholarship on rural land access, ownership, mineral rights, dispossession and resistance.

Chapter 3: Understanding rural resistance in the Global South and South Africa

This chapter provides a critical and comprehensive discussion on the nature of resistance as a concept, the nature of rural resistance in the Global South. In addition, the discussion focuses on dynamics of land ownership and access in the communal areas. Lastly, the chapter also present a critical discussion on rural resistance in South Africa and how it is informed by the dynamics of land ownership and access in the communal areas.

Chapter 4: Theorising rural resistance and dispossession.

The chapter offers a more focused discussion on the theories that will be employed in studying indigenous land rights, mineral rights, and resistance in Xolobeni, South Africa.

Chapter 5: Methodology of the Xolobeni empirical study

The chapter provides a detailed discussion on the empirical study, with a focus on the context of the study, the methodological approach that will be employed in understanding the different competing

narratives, ideologies, and discourses that inform rural land contestations and resistance in Xolobeni, South Africa.

Chapter 6: Rural resistance in Xolobeni: A critical discussion

The chapter gives an overview of the existing scholarly debates on the nature and state of rural resistance in Xolobeni. It also uses the findings from the empirical study to provide a more informed scholarly discussion of the key features of the nature of resistance in Xolobeni, with reference to the key actors' interpretations of the confrontations.

Chapter 7: Rural resistance: A multidimension analysis

The chapter provides a critical discussion of the different and competing ideological and political narratives and discourses adopted by both rural social movements, community members and multinational corporations in their contestation for land ownership and usage.

Chapter 8: Towards an analytical framework on rural resistance

The chapter presents a framework on the different and competing ecological, political and indigenous ideas, interpretations and narratives which shape contestations over land ownership, mineral rights and usage in rural South Africa.

Chapter 9: Conclusions and recommendations

Provides the conclusions and recommendations on the underlying ideologies, narratives and interpretations shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni, South Africa.

1.10 Conclusion

The chapter gave an introductory overview of the study, in this context it has provided a brief representation of the dynamics in the Xolobeni community, which drives the contestation for land rights and resources governance between communities and multinational corporations. In doing so, the chapter has problematized, the research study as influenced by the need to critically analyse the underlying ideologies, narratives, and interpretation shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni. The main argument and premise of this study is that these aspects demonstrate the multidimensional character of rural resistance in the Global South. In the following chapters the following variables which are crucial in understanding the contestation for land rights in indigenous territories will be discussed, meaning of indigenous land, nature of indigenous land rights, indigenous land ownership, the characteristics of

indigenous land tenure and land grabbing. The chapter will speak on the type of land grabbing practices, especially in the Southern African region.

Chapter 2: Scholarship on rural land access, ownership, mineral rights, dispossession and resistance

2.1 Introduction

Exploring rural resistance to land grabbing of indigenous land is a vital task for academic discourse. In the last number of years there has been an academic silence on the forms and types of rural resistance to land grabbing in indigenous communities (Madiya, 2021). Hence, there is no understanding of the issues generating resistance in the rural side, the power dynamics that shape and influence both rural resistance and land grabbing of indigenous and rural land (Ncapayi, 2024). This chapter thus reflect on how rural resistance can be understood, its forms and manifestation. This will be done through a comprehensive theorization and conceptualization of rural resistance in existing debates, discourse and literature. Since rural resistance is closely linked to indigenous land, it will be conceptualised, defined and interpreted by locating it in the context of historical and current land dispossession discourses (Banerjee *et al*., 2023). Indigenous land ownership and its characteristics will also be reviewed. Part of the reason indigenous land ownership ought to be at the forefront of academic discourse is due to its connection with the concept of land grabbing, which is occurring in the indigenous land resulting in the loss of livelihoods, identity, cultural rights to land for indigenous communities.

Land grabbing is not a modern occurrence, it has existed since the colonial era and is intimately linked with imperialism (Martinello, 2023). The current land grabbing is, nonetheless, not merely related to imperialism and colonialism (Moyo *et al*., 2019). It reflects a global land rush through a diversified set of stakeholders, which include investors seeking new financial opportunities and states that seek increased food production for their citizens. The concept of land grabbing is important, given the objective of this study to explore rural resistance to land grabbing of indigenous land rights.

The chapter will explore different interpretations and meanings of the concept land grabbing. Since it is a common phenomenon in indigenous lands, the chapter will also explore its links to indigenous land as a concept. In addition, the discussion will reflect on how land grabbing as concept influence and shapes rural resistance and the modalities and types of rural resistance that emerge due to land grabbing. Through comprehensively reviewing and conducting a scrutiny of literature relating to indigenous land, land grabbing and the forms of rural resistance, this chapter will also provide critical discussion and engagement with literature studies, which reflects that rural resistance to land development and mining in the communal lands of South Africa is not merely shaped by the different interpretations of land, but by specific historical resistance to the similar

forms of dispossession. This historical interpretation of past land dispossession shapes the meaning and interpretation of current proposed development trajectories by the rural communities. It allows them to construct narratives, make sense and attach meaning to the existing potential land dispossessions.

2.2 Indigenous land

Understanding rural resistance to indigenous land grabbing demands a thorough interpretation of what is indigenous land. Indigenous land can be defined as land occupied by indigenous people over a longer period. In addition, this is also a type of land where a symbiotic connection exists between the people and land. Such land also serves ecological, livelihood and cultural purpose for the people in these territories (Shaw, 2020). The word indigenous *territory* is sometimes used to denote the same meaning as indigenous *land*. In this instance indigenous territory is defined as the habitat essential for the collective life and social reproduction, activities and self-government of a people (Samarkov and Berkes, 2021; Ritter, 2020; Astuti and McGregor, 2021). In addition, in some instances, phrases like traditional scared land, aboriginal land, ancestral historical territory and ancestral domain have been used to denote indigenous land.

Ancestral domain can be understood as types of territories that represent a spiritual, cultural and ecological importance to a specific community, thus the meaning of such territories is not merely confined to their existence as physical domains (Fletcher and Hamilton, 2020; Candelaria, 2018; Perez, 2018). The literature uses the phrase "ancestral domain" to describe the terrestrial spaces and resources that native groups have historically utilized as their home and the foundation of their economic and social lives (Ferante and Fearnside, 2018; Smith, 2018; Grobman, 2018). It refers to the lands and resources that original inhabitants have recognized, depended on and designed to protect them. It symbolizes the economic foundation for their continued existence as individuals and communities (Garnet, Burgess and Fa, 2018; Chivari and Lopes, 2018; Drbohlav and Herjkrik, 2017). This physical space also includes clearly determined political and social responsibilities for individual members, representing the frame of reference within which historical connections are exchanged.

It is the foundation of their heritage, awareness, and spiritual practices. Usually, the definition of ancestral domain is based on the following three characteristics: First, the presence of specific demarcation of the domain, which implies that clear and properly marked physical boundaries differentiate the domain from other lands (Murray and Barrows, 2017; Dominguez and Louma, 2018). Secondly, the extent of social organization into which the domains might be disaggregated,

which specifically implies the societal and institutional arrangements on which interaction in the community is based on (Corrigan *et al*., 2018). Lastly, it refers to the contiguity of the land and resources included in the claim. This interpretation, however, fails to reflect the wider socio-cultural significance. Different countries, territories and communities invoke the epistemological features of ancestral domain. These features are rooted in the notions of identity, property, continuity, and the power dynamics at play (Verschuuren and Brown, 2018; Pi, 2017; Studley and Beich, 2018; Tyrell *et al*., 2018). Hence, indigenous land should not be essentially identified as a physical space — in the sense that the importance of these territories extends beyond ecological, livelihood and subsistence purposes. They serve a cultural purpose, meaning that people in these communities have a close and intimate relationship with each other. Nonetheless, beside the close relationship between the individuals that exist in these territories, another essential aspect that define indigenous territories is the close relationship that exist between these communities and their biodiversity. Baldwin and Beazley (2018) who argue that indigenous territories consist of exploitable commodities that are vital for biological survival, economic security and environmental sustainability also support this.

The importance of land for indigenous communities transcends their immediate biological and economic needs but also serves to affirm their cultural identity (Krooner *et al*., 2021). Additionally, Edake et al. (2021) also provide key insights by asserting that the dynamic of land ownership in indigenous land is different from modern ownership regimes, in the sense that collective ownership of land benefits each member of the community. Moreover, Baldwin and Beazley (2018) state that indigenous land consists of rich natural resources, including biodiversity. This biodiversity is also important for biological survival, economic security, and environmental sustainability. Consequently, Reed et al. (2021) states that the reliance on land for biodiversity creates a symbiotic relationship between indigenous communities and their land in the sense that communities strive to use their land sustainably so as to avoid harming the environment.

When defining indigenous land, one should thus move beyond the attachment to indigenous cultural group or community. It is important to view it as land which indigenous people and communities have consistently and explicitly possessed and occupied (Tran *et al.*, 2020). In addition, the description of indigenous land is not exclusively confined to land, but other physical features like inland waters, coastal areas and natural resources (Gova, 2018). Indigenous land which has similar meaning with indigenous territory, typically refers traditional territory or the ancestral and existing linkages of indigenous people to a geographical area. Territories usually comprise of kinship ties, management of resources, these are usually premised on local indigenous knowledge. What should be noted, is that there are numerous distinctions between indigenous perspectives on territory, and

socioeconomic and regulatory interpretations of territory (Tran, 2020; Moyo *et al.*, 2017; Carbutt *et al*., 2017). Indigenous explanations of territory are based on numerous and culturally determined ways of thinking. They symbolize a diverse range of multi-faceted interactions and ancestral interconnection to space that have existed since the dawn of time. Indigenous nations have different territorial boundaries and resource-use methods, with an enhanced focus on kinship networks (Ban and Frad, 2018). Through hereditary chiefs, family ties, marriage or clans, kinship ties can establish who has access or responsibility over resource management or growing food sites in some spaces. Because relationships are formed in a variety of ways, borders between land and spaces can be flexible and complicated (Denham, 2017). The land can encompass any substantial part of the terrestrial physical space, eclipsing the core idea of a boundary in the process. Territories are not all geographical spaces, and a territory can contain various geographic spaces. In view of that, territories are typically based on a suitable structure that is, which results to a creation of a sense of self-identity in relation to this territory (Tyrell, Russell and Western, 2017).

The territory is associated with a specific social group. The same location can pertain to the many interconnected territories, each of which has been allocated in a compatible or incompatible manner to various traditional communities (Leeman, 2017). The territory is characterized in terms of its ability to ensure ways of production; in other words, the similar territory has productive purposes that are essential to the livelihoods of the community. Moreover, an important consideration in the literature when defining indigenous land is the phrase *time of land ownership* (Maxwell *et al*., 2020). From this, indigenous land can be seen as the physical space and territories owned by indigenous people during pre-invasion and the pre-colonial periods (Studley and Horsley, 2018). In addition, this definition also extends beyond the notion of time and period and also comprise the contextual, mythological, sentimental, social, economic and mystical connection that indigenous communities have with their ancestral spaces.

Communities have unique spiritual connections to sacred physical spaces and sites. Some of these include sacred cemeteries and places of worship which are found on ancestral lands; they are a requirement for the transmitting of their culture and beliefs to succeeding generations (Herliy and Tappan, 2019). Thus, ancestral lands help indigenous people preserve their cultural identity. Indigenous people lose a piece of their cultural identity when they are denied access to their ancestral lands (Correia, 2019; Sabbarwal, 2017,). Indigenous land owners are usually regarded as custodians. The duty and benefits of the land is collectively shared through each member of the community. This contradicts the neoliberal concept of *title holders*, which refers to land ownership through specific tenure-based systems (Anthony *et al*., 2017). From the above it is clear that indigenous land usually has cultural meaning and spiritual character, it includes mutual and

collective responsibility and right to land use between land owners. This differentiates it from the individual ownership which is a common feature of market-based ownership (Baker, 2017). Another term, which has a similar meaning as indigenous land is *customary land*. The latter usually denotes land owned through common property resources, for instance water sources, pastures and forests. It includes land, which is owned through unclear boundaries and zones (Lasimbang, 2017; Studley, 2018; Loring and Moola, 2020). There is also overarching spiritual linkage to the land. More importantly, kinship or territory is also the basis for accessing and using land. Customary land is usually governed through traditional leaders that function as custodians of the land.

Indigenous land can also be defined as that land that is owned by a group of community, with similar ancestry, tied by kinship networks, which have collective sentiments regarding their ancestral past (Studley and Bleisch, 2018; Ban and Frid, 2018). Such a group retains different facets of their customary ancestral way of life, structures of government and underlying social control, which set them apart from other villagers or traditional groups. They all have a customary land ownership framework, which consists of a set of values and principles developed through traditions that define rights of access to unique natural spaces and resources for members of a specific community (Jonas *et al*., 2017).

2.3 Defining indigenous land in the context of South Africa

Defining indigenous land in the South African context is not an easy task. The historical existence of the different forms of land dispossession make it more complex in defining and interpreting what can be termed indigenous land. For instance, Maxwell et al (2020) emphasize defining indigenous land with a phase of time, which suggests that the land should have at least been occupied for a specific period. However, in the South African context, this would be complex given the nature of dispossession that occurred throughout the Apartheid period. This is demonstrated by Hodgkinson (2020) who argues that between 1960 and 1983 about 3,5 million black people were evicted from their land or territory. Hence, these forced removals make it difficult to define indigenous land in South Africa, with the notion of historical continuity. What bind these communities is the sense of collective identity and cultural practices. These cultural practices and collective identity are upheld by a historical continuity, which extend over a long period of time. Therefore, land dispossession throughout the Apartheid period, disrupted the cultural practices of indigenous communities, making it difficult for them continue with this practice in their new territories.

Mawere and Tshamano (2023) also substantiate this claim by demonstrating how apartheid disrupted the cultural practices of the Vhavhenda people. Having stated this, the complexity of

defining indigenous land in South Africa is also compounded by the lack of consensus on who should be defined as indigenous to South Africa. According to Huizenga (2021) the literature on indigeneity in South Africa, focus on the land rights of Khoisan, who are regarded by the South African government and, to a substantial extent, by multiple human rights groups as indigenous, because of their experience with dispossession and loss of cultural rights throughout the colonial period. Nevertheless, Radcliffe (2017) provides novel insight that challenge this notion. He argues that defining indigeneity should be based on contemporary social science literature, which shifts from considering indigenous peoples to one that prioritize the politics of indigeneity as defined by unique context, in particular the geographical practices and unique ontological, epistemological and cultural principles of these people.

Against this background, Radcliffe (2017) focuses on the multiple institutional trajectories through which indigenous political claims are generated, shared and shape a channel for mobilization. Additionally, Brian and Emily (2015) also produce an argument that transcends questioning indigenous rights. However, they focus on the type of political activism that is generated by indigeneity. Therefore, their scholarship is motivated by the impact of the notion, instead of rigid descriptions that emanate from the term. This consequently provides a platform for people with similar claims to define themselves; such platforms are typically rigidly restricted due to political and academic debates. Having provided this claim, the preceding arguments have relevant implication for defining indigenous land in South Africa, in the sense that defining indigenous land should not essentially focus narrowly on those who are politically regarded as natives, but those who have experienced and consistently experienced land dispossession. Consequently, there is a need for a significantly progressive path, which focuses on the category of claims made by indigenous people.

Huizenga (2021) argues that specific marginalized communities are excluded in specific ways due to their unique cultural and livelihood practices, and their marginalized status in the context of the state. Therefore, the argument can be made that defining indigenous people is not relevant when suggesting a comprehensive interpretation of indigenous land. One should prioritize the types of rights and claims that defines specific types of communities and groups within specific territories. This is applicable to those communities that have experienced historical dispossession and loss of culture throughout South Africa`s colonial experience. In the South African context, indigenous land is deeply embedded in a specific political, economic, and historical context over a very long period. Therefore, the experience of marginalized communities should not be detached from this experience. Instead, they should be interpreted in inter-articulation. This entails recognizing the specific political, economic, and historical experiences. However, although the experience of

dispossession and forced removal compound the complexity of defining, some terms have been used simultaneously to define indigenous land, including customary land, communal land, Bantustans, and homelands.

The Communal Land Tenure Bill, 2017, for instance, defines communal land as owned, occupied or utilized by members of a community that consists of collective values, traditions and customs (Tlale, 2022). In addition, communal land is also defined as rural territories controlled through state custodianship and under traditional forms of governance. In addition, the Interim Protection of Informal Land Rights Act 31 of 1996 describes (in section 1) informal rights to land as the use and occupation of land in relation to tribal, customary, or indigenous law or practice of a tribe (Babaola, *et al*, 2023). On this basis, South African indigenous land can be defined as that type of land to which people have a collective cultural right. The South African constitution also recognize cultural rights under Section 235 which acknowledges the right of cultural groups to self-determination, Fahmi (2024) argues that indigenous communities and people have often used cultural rights as a way to challenge neo-liberal conceptions of land ownership that marginalize and exclude them from their territory. In this sense, proclaiming their cultural rights is a way to attain recognition through recognized rights regimes. Recently, cultural rights have become a path for communities to assert their symbiotic relationship, connection and attachment to land, biodiversity and ecosystem in their territories.

2.3.1 Reconciling historical land dispossession with contemporary land rights in South Africa

The process of reconciling historical land dispossession with contemporary definitions of land rights in South Africa, should be understood in the context of the historical processes of colonisation and the ideas and discourses which supported this process. Behind the colonial and imperial project laid a determined combination of ideas, with which rights, obligations and duties were used to enable colonialism and establish ownership of land (Boisen, 2017). This combination of ideas provided the justification for European expansionism, and the subsequent dispossession of native Africans. Multiple ideas were used to justify European colonisation in South Africa, however, the idea or myth of empty land features consistently throughout historical to contemporary debates and practices of land grabbing (Cezula and Modise, 2020). In South Africa, this idea became the justification for dispossessing natives of their ancestral and indigenous land. For the apartheid regime, it became a fitting ideal to retrospectively justify European settlement, through arguing that South Africa had been empty prior to the arrival of Europeans in Africa (Humphreys and Bam-Hutchison, 2024).

However, as early as the 1980, scholars like Shula provided actual archaeological evidence, which contradicted the empty land myth. In addition, some historians like Julian Cobbing and Clifton

Crais also provided similar arguments to support Shula Marks`s finding (Boisen, 2017). Crais (1991) argues that the negative impact of such myths should understood beyond the process of merely justifying a specific political regime, as they also function to produce, sustain and naturalise a social reality. In this context, these ideologies were used by both the colonial and apartheid regime to justify a specific racial order, where the white European settlers enjoyed wealth and access to land at the expenses of the native Black Africans (Crais, 1991).

The passing of legislative like the 1913 Natives Land and the 1936 Native Trust and Land Act was a culmination of the process of continually dispossessing land from black Africans (Mafole, 2023). Whilst Black South Africa enjoyed rights within their homelands through the Bantu Authorities Act of 1951, these rights were minimum in the context of the Natives Land Act of 1913 and the Native Trust and Land Act of 1936, which confined Africans to small, unfertile lands within homelands (Claaseens and O`Regan, 2021). In addition, although the Native Trust and Land Act of 1936 increased African land ownership by 13%, African land ownership was small compared to white European settlers who enjoyed large access to land. White ownership of land during this period, stood at 87% of the total land in South Africa (Phala, 2021). When apartheid ended in 1990, the post-apartheid era promised a new era, where historical injustices like land dispossession would be addressed. The myth of Rainbow nation promised a new era, where injustice like racial dispossession would be a thing of a past, since all South Africans would live in harmony.

The post-apartheid era promised to address land inequalities emanating from historical dispossession through a comprehensive Land Reform Process (Hall, 2004). This Land Reform Processes consists of three key priority areas, restitution, and land tenure and land redistribution. Restitution focuses on compensating individual who had been forcefully removed (Beinart, Delius & May, 2017). Land tenure reform is a system of considering people`s right to own land therefore control of the land and lastly redistribution is one of the most important components of land reform, it comprises reallocation of land from large landholders to marginalised and historically dispossessed communities (Mheta, 2019). However, there is wide acknowledgment that land reform and land distribution in the context of South Africa is a failure. The failure of land reform in the context of South African can be seen in the failure by the state to address the challenges faced by communal land tenure in rural South Africa.The challenge of communal land tenure emanates from the failure of the post-Apartheid government to pass legislation which govern communal land tenure. Although section 25(6) of the constitution speaks on providing protection for private property ownership, communal land ownership does not fall in the same ownership regimes with private ownership of land and territory (water and other physical territories) (Teffo & Rupiya, 2017). The contradiction stems from the fact that private ownership comprises a single family,

individual or entity owning a specific land or territory. On the other hand, communal land is collectively owned by communities that reside in these territories. Families in these communities might have exclusive rights to land for cultivation; but land for grazing and access to water is collectively owned. In addition, community land ownership also recognises the relationship, social networks and social cohesion that exist among people on the land.

Therefore, land is not solely for cultivation and other economic activities, but it reminds community members of the social and cultural connection that they have with both the land and the people (Clark & Luwaya, 2017). In communal ownership, the individual takes decisions for privately owned land; there is collective decision-making for communal land, typically through the community and the traditional authorities. It is thus complex to come up with proper tenure regime for land in communal areas (Cousins, 2016). While the South African government has failed to produce specific legislative frameworks for land tenure, it is also important to recognise the complexity of providing land tenure for communally and collectively owned land.

Therefore, the failure of the government to come up with regulations that adequately understand the intricate ways in which people experience and regulate collectively owned land and territory predisposes communities to exploitative land deals and development projects. In addition, the existing legal environment and prospective legislation regarding traditional governance or governance in areas under traditional authorities all prioritise the role of traditional leaders at the expense of rural communities (Umar & Nyanga, 2023). This allows traditional leaders to misuse their powers and authorities to favour capital interests (Manthwa & Ntsoane, 2024). Thus, traditional leaders abuse the existing legal environment for their personal benefit, with the consequence that communities are pitted against traditional leaders when they reject land development projects that contradict their land rights. Besides the challenges of addressing communal land tenure discussions and debates on land reform are confined to white/ black binaries whilst ignoring certain nuances like increasing population and urbanisation of South Africa which needs to be adequately addressed, as it evinces the burgeoning demand for land in urban South Africa. Consequently, discussion on land reforms, land rights and land dispossession fail to consider such nuances, complexities, and thus fail to a adopt a comprehensive land reform and land rights programme which takes into account all the nuances of land issues. Reconciling historical land dispossession with contemporary definitions of land rights in the context of South Africa is a mammoth task, due to the complexity of South Africa `s historical land dispossession and racial capitalism processes which stripped natives and black South African of their ancestral land, and the current post-apartheid project which seeks to combine all these conflict and historically antagonistic communities under a single umbrella of land rights. Therefore, the dilemma faced in reconciling

historical land dispossession with contemporary definitions of land rights in the context of South Africa is presenting a single definition of land rights for conflicting groups with different interest who also lives in different landscapes.

2.4 Indigenous land rights

According to Gilbert (2013) land rights can be defined as referring to those types of rights people have regarding the use, control, and transfer of a piece of land. Gilbert (2013) further states that these rights are broader and include the right to occupy, enjoy and utilize land and resources found on that land. Land rights are typically defined by specific land regimes, types of tenure and spatial laws. Historically, controlling land rights has played a key role in excluding and marginalizing specific communities. The colonial period in most of the Global South significantly reflects this. Indigenous communities have historically been victims of land dispossession that occurred under the colonial and imperial period. The notion of land rights is usually an issue of reclaiming land that has been coercively seized, appropriated through previous discriminatory practices and relate to existing exclusion of indigenous communities from land to which they have a rightful claim and are entitled to (Correia, 2018; Strecker, 2018; Diergarten, 2018).

The notion of land rights ideally provides clear regimes and a framework of ownership and access. These regimes and frameworks are important when communities or groups of people believe they have a right to claim ownership of specific piece of land. However, this modern interpretation of land ownership contradicts the indigenous notion of land ownership, in the sense that indigenous peoples' claims to their lands are based on traditional occupation as well as indigenous land ownership laws and customs (Ojong, 2020). As a result, the question of indigenous communities' land rights is entrenched in historical processes (Ritter, 2020). For indigenous communities, their identity as a community — as small-scale farmers, fishers, pastoralists and peasants — s closely linked to the land, territory, thus the physical space where they reside (Van de Muur, 2018; BenYishay *et al*., 2017).

In this context, land is more than a means of maintaining their livelihoods; it is linked to their identity. Hence land and natural resources are inalienable to the indigenous communities. Land rights have acquired some emphasis as a property rights issue and have been viewed as a particularly significant right for indigenous peoples and their communities (Baleva, 2018; Leonard *et al*., 2018; Reibold, 2019). Land is a significant economic asset, which in certain indigenous civilizations forms the foundation of their household economy. The demand for entitlement stems from the necessity to ensure access to these resources. The United Nations defines land rights as the right to the lands, water bodies, coastal seas, fisheries, pastures, and forests (Gilbert and Lennox,

2019). On continental level, the African Union Declaration on Land Issues and Challenges (ratified in 2009) encourages member states to recognize land rights in the context of specific regimes of land governance and management. It emphasizes that land rights should be governed and defined in the realm of tenure framework. At regional level, the Zimbabwe land issue has demonstrated the complexity of land rights, although the SADC tribunal ordered the Zimbabwean government to compensate most white farmers that lost land. To date most of them are yet to be compensated (Murisa, 2019). In South Africa, the constitution provides diverse types of rights, including the right to restitution. It also emphasizes equal access to land. This characterization of indigenous land rights comprises several elements should be reflected in this thesis. For indigenous people, the claim and entitlement to land and natural resources is as much as collective right as an individual right (Suralless, 2018; Yap and Watene, 2019).

Given this explanation, in most indigenous communities, land and natural resources are collectively owned and the usage, access and management is communally shared and structured. Hence, the collective dimension is important to effectively secure the individual enjoyment of the right (Claeys and Eldeman, 2020). The right to land and natural resources should be interpreted in a holistic manner as natural resources and their uses are intertwined. In specific circumstance, for instance in Africa, this holistic interaction between the people and their bio-ecological environment is articulated through the concept of territory (Hohmann and Weller, 2018). Correspondingly, land and natural resources serve various purposes that are intertwined with the fulfilment of several human rights. Indigenous communities require land and natural resources in order to achieve a sufficient level of living, to have a safe, peaceful, and dignified place to live, to have the best possible health, and to maintain their traditions, especially their religious connection to nature (Gilbert, 2017; Bannister, 2017; Langford *et al*., 2017,).

2.4.1 Indigenous land ownership.

African land indigenous law had restricted space to advance at its own pace and based on its values (Mtshali, 2023). This was due to colonialism, which introduced a market and private ownership approach to land ownership. In this instance African indigenous law was essentially removed and common law was introduced (Alden-Willy, 2018). This introduced complex issues which were difficult to address, especially given the notion that, prior to ownership, all aspects were controlled in common with everyone having uniform rights to the similar property (Tlale, 2022). This meant that before the notion of individual ownership existed, only rights of usage were recognized (Du Plessis, 2011; Shoemaker, 2018; Bose, 2017). Consequently, due to the increased scarcity of resources, the need for the control and governance of access and the protection of rights emerged. It

resulted in the introduction of market-based ownership, i.e. private and absolute ownership of land (Delius & Benhart, 2021; Antonio *et al*., 2019; Mushinge *et al*., 2020). This implied that one individual or family could be entitled to a specific property and dispose, sell, or lease it at his/her own will (Koot and Busher, 2018; Essougong, Teguia, 2019). This contrasts significantly with the pre-colonial phase in which various interest in the similar property could be vested in numerous holders (Asiama *et al*., 2017; Behnke, 2018; Stumpf and Cheshire, 2019). The colonial administration assumed that the language of ownership could be applied in a uniform manner and held the presumption that ownership could be applied universally, even to those communities that had different interpretation of land ownership and access. The colonial administration also erroneously understood that someone must own land, regardless of the absence of clearly defined rights (Kalabamu, 2018).

Since ownership was not well defined among indigenous groups, the colonial government could seize this land for specific use. Disputes between Africans regarding land could be addressed through common law instead of the African indigenous system (Layers, 2018; Chigbu and Izugbara, 2017). Nonetheless, the concept 'communal' is complex. This emerged from the fact that the common use of the word indicates that groups of people are intimately linked collectively through similar needs and values. (Berry, 2018; Uloko and Yager, 2017; Funk, 2017). The legal notion of communal is also ambiguous. In different circumstance, it implies that a right is controlled jointly: one property and inseparable title. Whereas, in an alternative situation, it implies that the community collectively controls it. (Warikandwa, 2018; Akena, 2018; Damonte *et al*., 2018).

Several modern attempts to interpret land ownership are erroneous, due to the failure to understand the characteristics of African indigenous law land (Njoh *et al*., 2017; Unruh, 2018; Moyo,2018). In the sense that in African context, the responsibilities and benefits acquired from land are shared equally, in addition the use of land is not for profit but for mutual benefits to every individual in the community. Hence, when modern land ownership systems try to introduce land tenure system in the communal areas, they ignore such nuances and complexities. The following section will discuss extensively the characteristics of African indigenous land ownership, how it is different from the western conceptualization of land ownership, the relationship and interaction, forms of production and land usage shaping African indigenous land ownership.

2.4.2 The characteristics of indigenous land tenure

The word "customary tenure" or indigenous land tenure is an umbrella term that refers to jointly governed land that is typically governed by traditional authority (Kepe and Hall, 2018). Customary land tenure is usually based on established traditions and practices rather than defined or legislative

principles. Its current interpretation in the scholarly work varies from 'permissive occupancy' of lands in nations such as Zimbabwe to formally recognized customary tenure structures that enable authorization of communal and individual tenure in countries like Burkina Faso, Uganda, Rwanda, and Tanzania (Wily, 2011:458). Traditional leaders can rule over customary lands in Sub-Saharan Africa, or big families or clans can control them, as is the case in areas of West Africa. Customary "law" is a set of (typically unwritten) regulations that derives its legality from "custom," i.e., the claim that it has been implemented from the dawn of time. According to Hull et al. (2019) the nature of customary law varies, and it may differ from community to community. Additionally, Huizenga (2019) also argues that the level of internal consistency differs. Since it ranges and extend from (rare) institutionalised regulations to "tenuously arranged] of norms" more frequently. A variety of cultural, environmental, social, economic, and political reasons have contributed to this diversity (Moyo, 2018; Hull *et al*., 2019; Huizenga, 2019). Generalizations should be rejected due to this tremendous variability. Furthermore, customary rules are always altering because of various nuances such as cultural contacts, demographic pressures, socioeconomic change, and political processes (Hernandez-Ospina, 2021; Winkler, 2019; Tlale, 2018). Most rural African groups employ customary land tenure systems to express and arrange ownership, possession, and access, as well as to govern use and transfer.

Unlike established landholding regimes, customary tenure standards are derived from and maintained by the community rather than the state or state law (statutory land tenure). While customary law refers to the standards that a single local group respects, it is rarely binding outside of that community (Vorster, 2019; Ghebru and Girmachew, 2017). Customary land tenure is both a social structure and a legal code, and it derives its immense durability, continuity, and flexibility from the former. Increasing population and rising land shortages, for example, tend to drive towards a shift from collective to more individualized rights, as indicated by the volutionary theory of property rights (Koot *et al*., 2019; Ncube, 2019; Muthama *et al*., 2020).

Custom is being reimagined and recreated in the dynamics of social and economic transition that are happening in several regions of Africa, with multiple stakeholders employing multiple readings of different portions of customary law to substantiate their conflicting statements (Berry, 2017). Although customary law covers a broad variety of topics (such as family dynamics and property law), the focus of most studies and academic discourse is on resource tenure structures, which are the body of norms and institutions that control how land and natural resources are owned, maintained, utilized, and exchanged (Maiangwa, 2017; Kusunose *et al*., 2019,). While customary lands have altered dramatically, two fundamental characteristics have remained: there is simultaneous existence of individual and collective rights, land can also be held based on ancestral

connection or lineage (Warikandwa, 2021; Kasimbazi, 2017). Even while such land may still be jointly held, individuals can claim rights of use of a specific piece of land through lengthy possession, which can be transferred to other family members in several regimes and to those who can pay in some parts of Sub-Saharan Africa (Amanor, 2010). Even though African indigenous land tenure seems unique, it is possible to characterise it with contemporary conceptualization like common law, specific characteristics apply to it. The literature uses phrases like rights, power, and interest to describe African indigenous land tenure (Wily, 2017; Boone, 2017). This is based on the following analytical frames, identifying the status of the interest holder, secondly exploring the content of the interest, and looking at the uses of land with the purpose to establish what rights and powers can be executed over the land. When this framework is used, it becomes clear that two or more interest owners can practice rights and protections on the similar piece of land at the same time. Bennett (2009) claims that Allott's scheme deviates from traditional Western notions of absolute ownership as it view property rights as exclusive ownership. Allott`s framework provide a tenure system, where different interests can coexist and overlap.

Okoth-Ogenda (2011) rethinks indigenous land rights by dispelling the myths that indigenous land rights are inherently "communal" in nature, that "ownership" is common, and that the community makes mutual decisions about land access and use. He presents a unique perspective on indigenous land rights. According Okoth Ogenda (2011), the societal structure (i.e., how people interact to one another instead of an individual's property) establishes "mutual recognition rights and responsibilities that connect together and concentrates control in local communities over land (Akaateba, 2019; Miller, 2018; Njoh *et al*., 2017). These rights and responsibilities, as well as the actions that result from them, must be examined in order to establish who will be permitted access to, or exert influence over, property and resources.

This leaves only two points unaddressed: who has access to the land (and what kind of access) and who controls and manages the land resources on behalf of those who do (Wily, 2018; Hull and Whitall, 2018). Land tenure and social interactions are important aspects of African indigenous law. The arrangement is described by Okoth Ogendo as an inverted pyramid, with the family at the top, the clan bloodline in the middle, and the community at the bottom (Agyemang and Morrison, 2018; Boone, 2017; Kasimbazi, 2017; Bambio and Agha, 2018). Because access to land is determined by one's position in the society, social relationships are increasingly fundamental than a connection with the natural physical land itself. One's condition is defined not just by current social interactions, but also by a reference to the heritage, as ancestors are thought to be tied to the land. The capacity to transfer land to external and outside communities or groups is restricted since those who possess the land have an inter - generational commitment to maintain it (Van der Merwe and

Morrison, 2018). Land access and regulation should be understood in the background of social connections. Traditional authorities have significant rights over the land since they get their authority from the forefathers and are viewed as a clear line of communication with the ancestors (Higgins *et al*., 2018). They have the authority to allocate land, control the use of shared resources, and appropriate and confiscate land in specific situations. When the chief allocates land, he does not merely to allocate land to households, but he also allocates land for pastoral and production purposes. Such judgments are not decided jointly, but rather with consideration to the shared beliefs of each pyramid level, as stated above (Essougong and Teguia, 2019; Bohannan, 2018).

Even though land scarcity has reduced the chief's involvement in land allocation, Du Plessis (2011) reveals that chiefs still play a significant role in validating land transfers. He has a responsibility to act like a custodian by ensuring that the resources are allocated evenly among the families (Layers, 2019; Katusiime and Schutt, 2020; Salcedo-Lavin, 2020). Land distribution used to be free, but nowadays it is typical to make some type of cash as a thank-offering. Historically, using the right to govern land meant the traditional is responsible for deciding when and how they are utilized. When it comes to access rules, he must use his judgment for the greater benefit of all. Numerous land governance concepts are shared by customary tenure systems (Huizenga, 2018; Akaateba, 2018; Ghebru and Lambrecht, 2017).

Land is typically controlled through tribes or families which are based on different mixtures of collective entitlement to individual rights, accessed based on group membership and social status, and used through complex systems of multiple rights, in line with categorized interpretation of customary resource tenure systems in Africa (Tumor and Muomuoni, 2019). Contingent on the situation, customary resource tenure regimes vary greatly. The pastoral and agricultural environments, for example, have significant contrasts (Weyer *et al*., 2019). Collective rights based on established, adaptable, and complementary relationships that allow for herd mobility are emphasized by the former (Stickler, 2019). The second frequently entails communal rights as well, but normally involves the land management authority (e.g., the "chief") allocating farming rights over areas to smaller family groups. The structure of these smaller entities, as well as the farming rights they possess, varies from one location to the next. In several circumstances, farming entitlements are contingent on the plot's continuous utilization (Akinola, 2020). The most important constant theme for the purposes of this debate is that an individual or family is entitled to own land and other natural resources in a specific area.

This form of ownership predicated on bona fide belonging to a social or political community — ethnic group, clan, or family — that owns the land in collective trust (Behneke, 2018). According to Meinzen-Dick (2022) once acquired, household and individual rights are usually secure and heritable traits. Rights to use collective fields for grazing and forests for wood and non-timber forest products go hand in hand with a household's right to land for housing and crop productions. Land sales arrangements, particularly to individuals who do not belong to the community are usually not allowed, since this would separate land from community control and ownership (Collins and Mitchell, 2018; Mitchell and Yuzdpeski, 2019; Zahonogo and Seogo, 2019).

Marriage to resident landowners can provide non-native members of the community with land rights. Ordinarily, customary rights are not explicitly registered in official registries. Local traditional and civic authorities are typically reliable sources of ownership memory. This is due to their thorough understanding of historical patterns, trends of how land is owned and utilized in rural communities (Chimhowu, 2019). Furthermore, there are significant distinctions between patrilineal and matrilineal systems (rare in Africa). Property passes through the male line (from father to son) in patrilineal inheritance regimes, whereas spouses and daughters typically have no inheritance rights (Asiama and Bennett, 2017; Leonard-Parker and Anderson, 2020; Asiama *et al*., 2021). Property is traced through the mother's line in matrilineal structures, but it is usually governed by men (i.e., sons inherit land from their mother's male relatives); nevertheless, women have more rights than men in patrilineal systems, such as stronger cultivation privileges and the ability to receive gifts from their fathers (Cortula, 2018). Customary systems allow for diverse resource utilisation (e.g., pastoralism, farming, fishing) and users (farmers, residents and non-resident herders, agro-pastoralists; people; migrants and autochtones; and so forth) for a particular area of land, which may succeed one another over time (Williams and Holt-Gimenez, 2017). A plethora of institutional systems govern ties between people who plowed the land initially (autochthons) and those who now use it in accordance with the autchthons (allochthons, recent immigrants," or migrants).

2.5 The concept of land grabbing

The concept land grabbing has attained different meanings in the literature; land grabbing can be defined as the exploration, negotiations, acquirements or leasing, settlement and exploitation of the land resources by transnational or domestic corporations for the production of food, mining and biofuel for the local market and global markets (Taura, 2018). In this context, the definitions of land grabbing focus on the stakeholder’s involved (transnational corporations), the purpose of the land deal (producing biofuel) and the resource (land) (Gonda, 2019). Hence, land resources are important

factor in the process of land grabbing, as such land grabbing can be defined as the seizing of power with the purpose to control land and other linked resources like water, minerals, or forests, with the aim to govern the benefits accrued from these resources (Battebury and Ndi, 2018; Tura, 2018; Gonda, 2018). The International Land Coalition (2015) defines land grabbing as any form of land acquisition that leads to the violation of human rights, without prior consent of indigenous land users and in the absence of important consideration for social or environmental effects of such activities. However, the problem with this definition is that it disregards land transactions which occur because of economic compulsion from poverty, which includes consent but does not consist of complete voluntarism (Busscher *et al*., 2020, Kumeh and Omulo, 2018; Vicol, 2018). While some definitions emphasize the absence of transparency and democratic decision-making in land deals, some explanations of land grabbing suggest that investors hail from foreign countries. This interpretation of land grabbing as something which includes foreignization of local spaces has been predominant in political discources, especially in the Latin America continent (Kenney-Lazar, 2018; Lanz *et al*., 2018; Kansanga e*t al*., 2018). Scholars for instance focus on the global nature of land grabbing instead of the impact, thus characterizing land grabs as broader-scale cross-border agreements or transactions that are executed by transnational corporations or propelled by foreign governments.

However, the problem of merely focusing on the international nature of land grabbing tends to ignore the role of local elites or individuals from other parts of the same country that might also engage in land grabbing (Dunlap and Arce, 2020; Xu, 2018; Flexor and Leite, 2018). In addition, different definitions emphasize on 'who benefits' and 'who loses'. Therefore, this definition perceive land grabbing the large-scale acquisition of land from (poor rural landowners) to multinational corporations. In this instance, the poor rural landowners are affected by the land lose and the multinational corporations benefit significant from acquiring land from rural landowners. In addition, Gardner (2012) states that land grabbing should be characterized in terms of its linkage with policies, not outcomes and shifting political economy of land and resources, through indicating that global land grabbing is a shorthand for the concentration of land and resources in private control in the name of economic growth, job creation and food security (Hauserman *et al*., 2018; Lamb *et al*., 2017; Sosa *et al*., 2021).

However, through focusing on the privatization for economic and food security, Gardner, disregards conservation linked land grabs, which might be philanthropic than market based (Bunkus and Theesfield, 2019; Feola, et al., 2019, Burja *et al*., 2020). Land grabbing is also characterized as the adoption of coercive power to force individuals to arbitrarily surrender their land, in other explanations it is the unilateral dispossession of land. Moreover, there has been an increase in

instance where domestic elites, even peasants in small scales (Xu, 2018; Chivu *et al*., 2021), grab land. The meaning of land grabbing now extends far beyond broad scale land acquisitions conducted by international actors, since there is difference in academic and local response (Van-Bockstael, 2019; Regassa e*t al*., 2019,). Consequently, land grabbing has provided an impetus for different interpretation from diverse actors involved in the practice, including academic and local actors. There have been suggestions that a more neutral phrase should be used to interpret the situation, which includes land-based investments, common grabbing, and global land rush, land grabbing and international land deals (Corbera and Hunsberger, 2017). The conceptulisation of land grabbing also take into consideration the size of land, usually 1,000 square kilometres or 100,000 hectares. Institutions like FAO, the World Bank and Oxfam consider 1000 hectares as the criteria to describe large-scale land acquisitions. Whilst the criteria adopted by the Land Matix Parternship is 200 hectares or more.

The Land Matix Partnership benchmark has been contradicted by the moderate measurement that enable taking into consideration the grabbing of family farms whose benchmark in Germany is 45 hectares (Vicol, 2017; Nyenyenzi-Bisoka and Asoms, 2020; Constantin *et al*., 2017; Oyhantcabal and Narbondo, 2017). Although hectare-centric data analysis of contemporary land grabbing is a common benchmark for defining land grabbing it has been criticized for failing to account for methodological and epistemological issues. As an outcome it fails to consider the diverse scales of capitalization to the land and the ecological and social repercussions of land grabbing (Verkoren and Ngin, 2019; Popovici *et al*., 2018; Obeng-Doom and Gyampo, 2017). Focusing merely on the size of the land acquired or seized coercively and country of origin for investment, implies that scholars ignore the sophisticated and complex nature of power dynamics closely linked to land tenure. Due to the realization that, failure to take account other experience of land grabbing leads to a narrow conceptualization and interpretation land grabbing (Counter, 2019). Many scholars, civil movements have commenced to present a broader interpretation of land grabbing. The more universal and inclusive of other experience, the more sufficiently, activists can address and deal with land grabbing issues.

2.6 Land Grabbing in Indigenous land and territories

Small scale farmers, local communities, pastoralist, fishermen and peasants, are currently being affected by contemporary modalities of land grabbing, resulting in their land being appropriated, sold, leased for variety of investments, especially the ones discussed above (Mollet, 2016; Tomaselli, 2017; Goyes, 2019; Ioris, 2019). Several features currently define indigenous peoples, which include self-identification, historic connection with pre-modern cultures, a solid interaction

with specific physical spaces (Gilbert, 2016). They are also defined through a different social, productive, or political arrangement, a unique dialect/language, culture, and beliefs, and a strong attempt to preserve and replicate their ancestral ecological structures and arrangements as unique (Pen and Chea, 2015). The traditional and mystical interaction between a physical spatial space and indigenous community is a defined long-lasting characteristic of indigenous communities that has been advanced at global scale by indigenous communities and those representing them (Jukevics, 2021; Grandia, 2020; Oskarsson and Lahiri Dutt, 2019). As illustrated by the Inter-American Court of Human Rights (2017. 3) the intimate interaction of indigenous communities with their territories and the physical spaces they reside must be acknowledged and comprehended as the major foundation of their traditions, their nonphysical life, their integrity, and their livelihood strategies (Nail, 2020). It is indicated that their interaction with their territories are not simply an issue of ownership and economic value but a physical and mystical component, which they must abundantly enjoy even to preserve their way of living and transfer it to future generations.

What places indigenous communities in a position of vulnerability to 'land grabbing' is linked with the fact that in majority of societies they are frequently outstandingly excluded and are experiencing intensely entrenched systems of discrimination from other main ethnic groups (Astuti and McGregor, 2017; Kepkiewics and Dale, 2019; Walker *et al*., 2020). This situation of being extremely excluded has an adverse impact on their entitlements to their physical space and territories. Usually, indigenous communities lack proper tenure and institutionalised recognition to their lands and their land rights are consequently not documented or maintained by states (Golay and Bilgno, 2013; Van Wagner, 2021; Burrow *et al*., 2018). The broader-scale land transactions typically transform into the exclusion of indigenous or collective entitlements, access, rights to lands, forest, or natural resources, which leads to indigenous communities being dispossessed of their lands for production, pastoral purpose, and other traditional methods they are accustomed to (Rochealur, 2015; Subramanima and Nicolas, 2018; Dhiaulharq and Mcarthy, 2020).

Hence most indigenous groups across the world, and particularly in Africa, lack formal recognition and entitlement to their territories and land, indigenous communities are particularly susceptible to the absence of acknowledgement of their entitlements to land and natural resources (Laltaika and Aksew, 2018). As indicated by the United Nations Inter-Agency Support Group (2019) constant failure to comprehensively recognize and acknowledge customary tenure and the rights of indigenous communities to their land worsen the exclusion of indigenous communities from the mainstream society and worsen their exposure to losing their livelihoods, land and ways of production (Hall *et al*., 2015).

A common characteristic of historical and contemporary land grabs is that when a multinational corporation, or a company, arrange a land transaction with the state, the entitlement of indigenous communities is usually disregarded. There are many examples of this issue, especially in Third World countries (Potts, 2013; Henrqieuz, 2018; Dunlap and Arce, 2018; May, 2018). For instance, in the situation of Peru, a Korean corporation, ECOAMER-ICA, applied for the registration and titling of more than 72,000 ha of land for crop production, logging, and livestock raising on land registered by two Shawi and one Kechwa groups. Since the land were utilized by indigenous communities, without recognized statutory and located in weak and excluded position their entitlement to their territory was overlooked (Gilbert, 2015).

This is not a unique occurrence as indigenous communities experience the same forms of marginalization at the global scale, remarkably in Ethiopia, Cameroon, Myanmar, India, and Indonesia where narratives of comprehensive-scale land grabbing have been described (Brito *al*., 2019). The European Parliament approved a measure in March 2015 denouncing land grabbing in Tanzania's Loliondo region, emphasizing that indigenous communities are highly susceptible to these types of practices. Although national laws acknowledge indigenous communities' claims to their ancestral lands, land grabs fuelled by massive investments eventually undermine such claims (Massay, 2020; Ioris *et al*., 2019; Wallbott *et al*., 2018; Sylander, 2020). For instance, considering that Malaysia has a statute protecting customary native title, an indigenous group in Sarawak were dispossessed of their land when it was taken over by a palm oil corporation, although the community's claims were formally recognized.

The present surge of land grabbing is introducing a unique dimension to decades of land dispossession for several indigenous communities around the world, since current land grabs are disguised in identical sentiments regarding undiscovered, unused, and unoccupied African territories (Aha and Ayitey, 2017). Therefore, unlike the use of coercive practice and military prowess like during the colonial period, the current land grabbing includes the use of language disguised as neutral, to dispossess land from indigenous communities. According to Loris (2020) Indigenous communities have traditionally been the primary targets of discourse predicated on the notion that their land was undeveloped or non-productive to be exploited (Alvarado, 2018; Bratspies, 2019; Joshi, 2019). Hence, in several respects, contemporary land grab is based on the historical conceptualisation of indigenous communities' possession of land as not being "civilized" sufficiently to represent "legitimate" land tenure (Sama, 2020; Regassa *et al*., 2018; Moreda, 2017).

Many legal systems throughout the world have repudiated this fictional notion known as 'terra nullius' during the colonial period as discriminatory and unjust. Notwithstanding this repudiation, it

appears that the principle that certain land is not possessed simply because native groups currently reside on it is resurfacing under the guise of 'unutilized' or ‘vacant' land (Dunlap, 2020). Historically, the narrative of vacant and unproductive land has been utilised to rationalize the coerced relocation of indigenous communities to make way for commercial and industrial development (Hong, 2017; Joshi, 2018).This concept of land productivity, which is intended to encourage the inflow of international investment opportunities and comprehensive- large scale export enterprises, has a negative impact on several indigenous people whose structure of livelihood production is premised on long-term land use practices that have been passed down through generations (Kusakhabe and Myae, 2019). In this context, the similar idea of land productivity also stimulates the need for land from different actors who see value in land already owned by rural land owners in Third World countries.

In Muno-Lopez (2020) view this is demonstrated through the motivation for this land appropriation, including the European Parliament decision on Tanzania; whose idea is predicated on the belief that huge scale plantations are required to ‘improve harvest and yields in' agricultural production (Randon, 2020). These investments are founded on the idea that 'advanced' and ‘productive' land use requires large-scale mechanized farming techniques (Muno-Lopez, 2020; Brent, 2015; Mckeon, 2013). As a result, this movement toward a particular interpretation of land specifically land merely as commodity from where value can be extracted is being driven by extractive, exploitative and predatory business practices and uncontrolled rent-seeking behaviour.

In addition, it is also being justified and legitimized by authorized political and economic institutions intended at governing different land bodies (land, water, mineral, forest and fishery resources) (Schlimmer, 2018; Radcliffe, 2014; Keating, 2013). This ambition is embodied in a number of large-scale investment projects, notably jade and copper mining, hydroelectric dams, deep sea ports, and the establishment of multiple 'special economic zones’ (McCarthy, 2018). Against this background, contemporary land grabbing practice is also enshrined in specific statute, which include the Vacant, Fallow, and Virgin (VFV) Land Law, this ideology enables land without proper tenure security, but is being utilized in specific (usually subsistence farming), defined manner to be redistributed on the premise that it would otherwise be a "unproductive asset (Mark and Belton, 2020).

Several nations and global organizations have embraced the concept of major agricultural production. These large-scale investments render several indigenous groups who have developed a very resilient and comparatively traditional utilization of natural resources an immediate casualty of the global land rush (Gelbort, 2018). Because of the magnitude of this large financial push for

acquiring land, indigenous groups and organizations that promote indigenous communities appear to be critical (Allot, 2018; Smis *et al*., 2012; Stephens, 2015). Paradoxically, the 2008 food and financial crisis sparked a fresh round of enormous land grabs, threatening the gains from new declaration's support for indigenous peoples' claim (Abubakari *et al*., 2021; Gilbert and Bernaz, 2015; Herliy and Tappan, 2019). For several indigenous groups, huge losses resulting from land appropriation for capital and industrial enterprises not merely exclude them accessing to their principal source of income, but also result in destruction of their ecosystems and ecological modification of their ancestral domains and physical spaces. Large sections of forest are being removed to make room for huge- food investment or biofuel generation, which has a negative impact on forest-dependent people (Kruid *et al*., 2021; Sauer *et al*., 2019; Tauli Corpuz, 2017). Physical harassment, coercion, and aggression against indigenous communities are some of the more well-known examples.

However, even groups that have not overwhelmingly supported indigenous peoples' claims recognize that this form of 'land grabbing' might be immensely damaging to all of the current progress made in the acknowledgment and preservation of indigenous community's land rights. With the ratification of the UN Declaration on the Rights of Indigenous Peoples in 2007, the international community acknowledged the authenticity of indigenous communities' rights to land rights and self-determination (Tockman, 2018). Against this background, to combat the detrimental effects of land grabbing, several indigenous people have turned to global human rights law (Scheidel and Work, 2016; Raunk, 2012, Martinez Alier, 2014).

This includes a discussion of some of the most important human rights at question when it relates to land dispossession and livelihood access. What one needs to understand is that, when indigenous communities and people are dispossessed, there are not merely losing the physical spaces, territories in the name of land (Yang and He, 2020). Their interpretation of land dispossession and loss transcends beyond the confines of land as a physical space and a territory or as commodity from where value and profit can be extracted and as a livelihood strategy (Neef, 2020; Semedi and Bakker, 2014). These broader and more socially symbolic connotations of land comprise: lifestream, tradition, sacred spirits, homeland, livelihood, sanctuary, safety net, everyday life space, sacred places, watershed, inheritance, life with dignity, and finally, gift from Nature. This interpretation of land as symbolic to Indigenous communities and people's customs and traditions is constantly in contradiction with the neo-liberal and modern interpretation of land usage which justifies several types of land grabbing in indigenous land and territories.

2.7 Land grabbing in the context of South Africa

The main argument of this study regarding land grabbing in South Africa, is that there are unique political, economic, legal and historical nuance that shape the characteristics of land grabbing in South Africa. Such nuance also contributes to different reactions and resistance to land development as witnessed in the context of the research study`s case in Xolobeni. Moreover, scholarly contribution on land grabbing in particular unanimously agree on the role of the colonial period in shaping land grabbing in South Africa, Van Zyl-Hermann and Verbust (2022) argues that colonial legal instruments were crucial in shaping land dispossession in South Africa, this is also supported by Mhango (2023) who argues that current land grabbing countries like South Africa should be traced back to the colonial period.

Mclachlan (2019) who provide a historical analysis of land dispossession in South Africa from 1652 to 1910 argues that the colonial government deliberately created legislation that dispossessed Africans of their land. Sauti and Thiam (2018) argue that land ownership patterns in South Africa have been negatively impacted through historical frameworks that dispossessed natives of their land; nonetheless Sparks (2019) perceive the colonial process as a form of land theft that dispossessed Africans of their land in South Africa. Therefore, land grabbing in South Africa should be traced back to the colonial period, in this sense, Powell and Mlambo (2022) demonstrate the nature of land inequalities in South Africa, by indicating that in 1991, roughly 80% of the South Africans were not allowed to own or lease land in approximately 80% of the land. This is also compounded by the reflection that white people, who were only 14% of the population, owned 83% of the land. In addition, Weidman (2004) suggests that at the eve of the end of apartheid in 1994, 80% of the land was still under control of white people, this also comprised 50 000 white farmers who controlled 85% of farming land. The above statistics demonstrate that South Africa is the country with the most land inequalities.

However, what should be understood is that land grabbing is not solely the large-scale acquisition of land by multinational corporations for economic purpose. However, it is a practice which comprises specific actors and power dynamics, the above statistics demonstrate the consequence of such power dynamics. Against this background, legislation was key part of the power dynamics that dispossessed African natives in South Africa of their land. Scholars like Parcells (2018) demonstrate how legislation like the 1884 Native Location Act was crucial in laying the foundation for land dispossession in South Africa. This is also supported by Maqutu (2020) who elaborates Parcells argument, by reflecting on the 1887 Squatter legislation in the Transvaal that regulated the number of Africans that could be allowed on farms. Morever Nyika (2021) also argues that legislation like the Glen Grey Act 25 of 1894 provided the foundation for separate development

which still exists in the modern period. More importantly the act also relegated African natives to serve as cheap for white owned farms. According to Adhikari (2023) the 1904 Master and Servants Ordinance further worsened the situation by excluding black landowners from legal claims, thus confining them cheap labourers. Furthermore, the regulation also created the legal foundation of the practice of removals and evictions that were a key part of the apartheid period. The Union of South Africa in 1910 further entrenched colonial powers in South Africa and according to, it also came with specific legislation to increasingly marginalized and exclude African natives from owning land (Mukaddam, 2024). This is also supported by Kaziboni (2024), who argues that the Union of South Africa came up with a number of legislative frameworks to deliberately exclude from their land. Elaborating on this, Mokoena and Sebola (2020) notes that these legislative frameworks comprise of the Land Act 27 of 1913 and the 1913 Land Act.

These legislative frameworks laid the foundation for dispossessing Africans of their land, thus should, this study also its voice by arguing such legislation should be considered in relation to the current dynamics of land grabbing in the rural territories of South Africa (Ngam, 2021). In this vein, Tshitshonga (2020) indicates that the 1913 Land Act banned black natives from purchasing land outside their legislated territories. This is also supported by Sabi (2021), who argues that the legislation essentially dispossessed land from a large number of black natives and instantly excluded them from owning land through dispossessing them from owning the more productive farming land and reserving it for most white farmers. Moreover, such legislation is not a unique South African experience, in the sense that they were a common encounter, especially in settler colonies.

This is also substantiated by Uledi (2024) argues that the Land Apportionment of 1930 and the Land Tenure Act of 1969 also served similar purpose in Zimbabwe, then Rhodesia by excluding the native Africans from owning productive agricultural land, additionally, also Nyanchoga (2023) demonstrate that the creation of Reserve land in Kenya also aimed to exclude Africans in Kenya from owning land. Furthermore, Glover and Money (2023) also demonstrate that other legislative framework like the Mines and Works Act of 1911 and the Native Labour Regulation Act also served the similar purpose, of excluding black Africans in South Africa. Mokwena et al. (2023) opines that the 1913 Land Act should be seen as a broader legislative structure in excluding Africans and other regulations served as complementary structures. Moreover, Wolpe (2023) argues that one of the most crucial ideological frameworks was confining African to serve as cheap labourers, especially, in white owned territories. Against this background, the notion of historical land grabbing in South Africa cannot be complete without reflecting on the forced removals and relocations that were a common experience throughout the apartheid period. Viljoen (2020)

highlights those legislative structures like the Black Administration Act 38 of 1927 provided the legal basis of forced removals and relocations among the native blacks. Section 5(1) (b) of the Act provided authority to the practice of forced removals, which largely targeted black South Africa during that period. Nonetheless, Netshipale et al. (2017) also argues that the Native Trust and Land Act of 1936 also further entrenched the dispossession of native Africans by expanding the territory for African reserves to 6, 2 million hectares; this was equivalent to 13% of the total land in South Africa.

This is further substantiated by Evans (2023) who argues that the legislation further adopted structures through which natives could legally purchase land within reserves. However, it was the forced removals that remained a key part of dispossessing African of their land throughout the apartheid period Englund, 2023). Peciller and Rancchod (2023) who argues that the forced removals were not by accident, but they were designed through a series of deliberate legislative frameworks that served the purpose of dispossessing land from Africans also support this. Majority of those who were negatively affected by forced removals were mainly African natives. However, it is also important to note that a large number of non-black South Africa also fell victim to forced removals, since approximately 600 000 non-black South Africa were negatively impacted through these regulations.

According to Lochmann (2022) and Abel (2019) from 1960 to 1982, roughly 3,5 million people were negatively impacted though a series of removals, Moreover, what should be understood about forced removals is that although the different legislative frameworks were behind most of the relocations, it was the use of coercion and violence was the glue that held this practice. Additionally, one key ideological element of the apartheid era was the spatial separation of ethnic groups through the Group Areas Act. Smith (2023) asserts that this legislative framework separated South Africa into different areas that comprised African, Coloured, Asian and White areas.

This is echoed by Cochrane and Chellan (2017) who argues that this division would also expand to all elements of society, including economic, social, industrial, and recreational dimensions. Phuhlisani (2017) further notes that the Group Areas Act 41 of 1950 also reinforced the inequalities that already existed, including the ownership of land, access to employment opportunities. Moreover, like most apartheid laws, the legislation also facilitated the forced removals of African communities, for instance about 100 000 people were evicted from Sophiatown in 1953, enabled through the Group Areas Act 41 of 1950. Regardless, one of the developments that played a key role in the practice of dispossession of African natives was the creation of the Homelands. Sharing the same sentiments Bank (2023) states that the creation of the Homelands reinforced the

deprivation of African natives' land. This was reinforced through the Bantu Homeland Constitution Act 21 of 1971 which enabled the National Party to provide independence to the Homeland (Richings, 2022). Whilst the land rights of the Homelands belonged exclusively to native Africans, the restructuring of the boundaries, resulted in further removals of a huge number of households, typically there was no consultation. Due to such regulations, the population in the homelands further expanded from 4, 2 million to 11 million between 1960 and 1980 (Ulrisen, 2021). In this framework, whilst the post-Apartheid era attempted to address some of the land inequalities created through the apartheid era, some of the inequalities had been deeply entrenched in the South African rural side. Therefore, apartheid laws continue to shape the nature of land grabbing and reaction from rural communities. Perhaps one of the significant legacies of the apartheid that continue to shape contemporary land grabbing, especially in rural South Africa is the way in which it failed to recognize communal land rights.

This is supported by Weinberg (2015) who argue that the Land Act of 1913 and the Native Administration Act demonstrate the attitudes of colonial arguments on indigenous land rights, in the sense they did not recognize communal systems of land as property rights. This is also substantiated through Yeni (2019) `s argument that the legacy of apartheid `s interpretation of communal land rights had a far-reaching impact on contemporary land grabbing practice. Furthermore, the weak nature of tenure security in the rural areas is also a legacy of the apartheid government system. Clark and Luwaya (2017) for instance argue that the apartheid government adopted a complex structure of land governance in the Bantustans. This land governance system was premised on a multiple laws and regulations (Sithole, 2024). The apartheid government provided land rights to Native Africans on specific conditions, which relied on granting of permits (Walker, 2019).

However, Cousins and Hall (2011) opine that the permit-based frameworks was a complex structure of land governance that had specific challenges for the apartheid government. Clark and Luwaya (2017) suggests that some of the challenges, included the need for a thorough and consistently updating record-keeping, supervising allocation of land. Consequently, in the post-Apartheid era, land governance framework deteriorated significantly, due to a myriad of factors, some of which comprise the uncertainty of land rights, and the inconsistent of the national government in providing a land governance that function comprehensively. In this context, the argument of this study, is that the weak nature of rural land tenure system continues to shape the nature of land grabbing in the rural South African side, including the actors involved and resistance to these land grabs. One aspect which continue to shape land grabbing in the communal areas like Xolobeni (which is the case study of this research), is the role of traditional leaders. Their role in the democratic system has

been questioned, for instance Ntsebeza (2020) also question the function of traditional leaders in the context of modern governance framework. The role of traditional leaders is a creation of the apartheid government system (Musitha, 2020) as it created boundaries through which traditional leaders could govern their subjects (Ubink and Dida, 2023). In addition, Mazibuko (2021) argues that legislative framework like the Bantu Authorities Act 68 of 1951 were crucial in legitimising the role of traditional leaders as a system of governance in the rural side. When the post-Apartheid government, came also, the similar system of governance was retained, to preserve the cultural rights of those rural side and have a clear system of governance in the rural areas.

The traditional Leadership and Governance Framework Act 41 of 2003 (TLGFA), was adopted as the legislative framework to preserve the role of traditional leaders (Motlhanke, 2023). However, the role of traditional leaders, especially regarding land governance remains controversial. According to Oloffson (2021), this is demonstrated through the resistance to Traditional and Khoisan Bill (TKLB), which seeks to provide more authority to traditional leaders regarding land development projects. Mnwana (2020) also sheds a light on the role of traditional leaders in land grabbing by arguing that abuse their powers by acting as custodians of customary rights, especially through negotiating with mining companies on behalf of communities. Furthermore, Winkler (2020) suggestively highlight that whilst the TLGFA do not provide little authority to traditional leaders they still continue to abuse their authority in such a way that it contributes to land loss and land grabbing in the rural side of South Africa.

In addition, the TLGFA do not comprise of provisions, which counter the misinterpretation of traditional leaders regarding land governance. In this context, the role of traditional leaders continues to shape the nature of land grabbing practice in the rural side of South Africa. Against this background, whilst the apartheid was rooted in the ideology of separate development, the neoliberal ideological framework shaped economic activities in this political system. Literature has demonstrated the role of neoliberalism as an ideological framework in driving land grabbing practices in the Global South, for instances Mazwi, *et al* (2022) says it undermines land rights and accessibility in the Global South. Similarly, Wegerif and Guerena (2020) argues that neoliberalism should be regarded as a fundamental worldview or economic philosophy that legitimize land inequality in the rural side. Furthermore, Clapp and Isakson (2021) contend that neoliberalism creates the perspective that sees land as a financial asset for generating profit. Consequently, the argument of this study is that neoliberalism determines the public policy trajectory through prioritizing market policies and privatization. This perspective is crucial to understand in the context of land grabbing, since market related practices are behind land grabbing practices, which undermine indigenous rights in the rural side. In the South Africa context, the transition from the

pro-poor policy to market driven economic policy was demonstrated with the shift from Reconstruction and Development Programme (RDP) to the more neoliberal policy Growth Employment and Redistribution in 1996 (Manthonsi and Sithole, 2020). The introduction of the GEAR policy also came with a shift in mining policy, creating an investor-friendly policy and adopting market policies that would privatize public owned companies.

In 2002, the MPRDA Act 28 of 2002 replaced the Mineral Energy Complex, this legislative framework would have far reaching impact on land rights in the communal areas of South Africa (Ubink and Pickering, 2020). The impact of mining on land rights has been demonstrated extensively in South African literature, for instance (Mnwana and Bowman, 2022; Matebesi and Marais, 2018; Badenhorst and Vanheerden, 2019). The MPRDA Act 28 of 2002 in section 3(1) regard the state as the custodian of the mineral rights, this implies that only the state is responsible for granting mining license, especially in the communal rights. In addition, Massyn (2023), notes that one of the most development of the MPRDA Act 28 of 2002, was the separation of surface rights from underground rights. The separation of surface rights from undergrounds rights creates conflicts, which has implications for land grabbing practice in the rural side of South Africa.

The separation of surface rights and underground rights creates ambiguity regarding ownership of mineral and land rights in the communal areas of South Africa (Schmidt, 2023). In addition, one of the key features of mining land grabbing is the lack of consultation with rural communities (Shacketon (2020). This is regardless of the fact the state, traditional leaders and mining companies are supposed to negotiate and consult with the community that own the land, in terms of Section 10 of the MPRDA Act 28 of 2002 (Thambi, 2022). Although the study uses the term Land-grabbing to describe coercive, broader-scale dispossession of rural and communal land by multi-national corporations. In the South African context, it is important to note the term already exist to refer to certain types of land dynamics, in which the landless urban poor illegally occupy privately owned land (Khanyile, 2022). The illegal occupation of urban land, which are sporadic in nature, are occurring simultaneously with the rhetoric by the South African government to expropriate land from white farmers. Hence twenty-nine years after the apartheid era, land ownership remains a contested issue, furthermore illegal invasions in the urban areas, highlights the inequalities in wealth and land ownership created by the apartheid era. Most urban areas in South Africa remains racially segregated more than twenty-nine years after the end of apartheid. Strategic land for industry, housing is still owned by the elites, including the state, companies, previously advantaged white individuals and wealth black individuals. The 1913 Land Act prohibited blacks from owning or renting land outside their native homelands. It thus created the inequalities, and the frustration associated with these land dynamics by the urban poor. However, whilst the urban poor, in the rural

and communal lands of South Africa there is a different dynamic occurring, are spearheading land grabbing in urban areas which contradicts those in the urban areas. Whereas urban land grabbing in South Africa are being driven by the frustration with historical and existing land inequalities, in the rural homelands (Khoza, 2022). It is being driven by the need for more profit and land is being coercively acquired from the rural poor, as opposed to urban land grabs in which land is being illegally acquired from the elites including the state, private companies and wealthy individuals.

2.8 Types of land grabbing in Southern Africa

The most common type of contemporary land grabbing is driven by specific land investment, some which includes agribusiness which has a long historical record of dispossessing indigenous land (Fautras and Locco, 2019; Vorbugg, 2019; Regassa and Korf, 2019). Often legal mechanisms, which stretch from the colonial era, are usually key in opening the space for agribusiness to invest in land already owned by indigenous people (Morgan and Forales, 2018). There are specific power dynamics to these land grabs, in the sense that traditional leaders and key state actors' place community land under the ownership of multinational corporations under the narrative of development, employment creation and foreign direct investment (FDI).

The second most common type of dispossession is conservation; there has been immense pressure on national governments to conserve communal land territories (Orzoco-Quintero and King, 2019). International conservation groups like the World Wildlife Fund, (WWF) The Nature of Conservancy, African Wildlife Foundation (AWF), World Vision (WV), and Wildlife Conservation Society (WCS) are the most prominent organizations encouraging national governments to expand protected areas in the Global South (Kamat, 2017; Koot and Hitchock, 2019; Hoefle, 2019 Gargallo, 2019; Bluwstein, 2019). Another characteristic of existing (trans) national commercial land transactions is the conversion of food lands to biofuel manufacturing for export. In fact, it turns out that most existing land transactions are for biofuels and different industrial products rather than food production.

2.8.1 Food driven investments land grabbing in Malawi, Mozambique and Zambia

In the context of land grabbing, food driven investments can be defined as the activities that are located at the value chain of agricultural food production. These might include different types of investments, for instance investments for agricultural inputs like fertilizers, investments for direct food productions like crops. What has led to increased food driven land grabbing is the increased food consumption in both Third World countries and Global North countries. According to Hules and Singh (2017), the increase in population and surge in consumption and income of families in

developing and developed countries has consequently led to the need for large food quantities, it has increased the demand for energy resources, which has also resulted in the substantial increase in demand for primary food and commodities are large scale. There is extensive literature on how food driven investments leads to land grabbing in different Third World countries (Tulone *et al*., 2022; McMchael, 2021; Ashukem,, 2020; Hanna, 2020), against this background Seongmin (2020) asserts that food driven land investments, especially in Third World countries are unified by the neoliberal ideology that land owned by rural land owners, small scale farmers and peasants is unproductive and underutilized. Therefore, in this context the argument is that new forms of land ownership are the remedy; particularly those that will shift land ownership to private ownership would lead to efficiency and increased productivity.

In addition, McMichael (2021) also substantiate this argument by arguing that food driven land grabbing demonstrates a shift in food regime. Similarly, Hall *et al*. (2020) argues that food driven land grabbing are driven by the neoliberal ideology that view development as a process which can only be accomplished through market-based policies. Although such policies are meant to address common development issues like poverty, they often ignore power imbalances, therefore their solution are often not sustainable (Yang and He, 2021). Empirical studies have also demonstrated how food driven investments undermine local food systems, for instance in Kenya Haller *et al*. (2020) demonstrate how agri-based investments undermined the land rights and food system of small-scale farmers and rural landowners.

In the same vein, Augstburger et al. (2019) also demonstrate through their study in Kenya that, besides undermining indigenous land rights, food driven investments also result in ecological damage on rural land, which might affect future small-scale production. In the context of Southern Africa, food driven investments are also spreading to different countries, which include Zambia, Mozambique and Malawi, in these countries' rural landowners, small scale farmers are all losing their land to different agricultural food based investments. Having provided this argument, the ideology that underlies food driven land grabbing is similar, small scale and rural forms of production are seen as unproductive and less efficient than private based production which produce food at a larger scale than those in communal lands, in most of these countries the dynamics of land ownership is like those of formerly colonized countries. This is supported by Namusanya (2023), who argues that the dynamics of land ownership in Malawi, stretches from the colonial period, also argues that this has direct impact on the current land grabbing practices. In addition, Mangulama and Wu (2022) also adds to the argument by arguing, although settler appropriation of land in Malawi did not occur at a substantial level similar Zimbabwe and South Africa, when Malawi finally attained independence, the dynamics of land ownership also reflected similar experience

with these countries. In the sense, land ownership was largely white owned. Whilst Malawi attempted to introduce land reforms, such land reforms did not result in some form of proper land tenure for those in the communal areas of Malawi. Therefore, it is such dynamics, which explain land grabbing in some parts of rural Malawi. In this conext, Bae (2021) argues that the sugar industry has been one of the main culprits of land grabbing practice in Malawi, this is also supported by Banik and Chasukwa (2019) who also argues that land grabbing practice by the sugar industry is driven by the Food security discourse which motivate the need for more private and efficient food production.

In addition, Chinsinga (2017) also demonstrate how the sugar cane production Green Belt Production is driving land grabbing in rural Malawi. In addition, also argue that Green Belt Initiative is not only targeting, underutilized land, however the initiative is targeting land that is already owned by small scale farmers and rural landowners, thus undermining their land rights. In addition, in the context Mozambique, food driven agricultural investments driving similar dynamics of land grabbing. This has been demonstrated through extensive literature for instance, Ponguane et al. (2021) demonstrate how the Wanbao rice project led to land grabbing in Gaza, in the similar vein Haller and Oberlack, (2023) also demonstrate that agricultural investments undermine food security and ecological sustainability in Mozambique, lastly Pointer and Sulle (2023) also demonstrate the lack of consultation in agriculturally based land investments in Mozambique and Tanzania.

In this context, Bruna and Mbanze (2023) also argues that current land grabbing practice in Mozambique is mainly driven by the current land laws fails to recognize the land rights of the rural poor, also demonstrate that land laws in Mozambique also demonstrate similar dynamics in the rural South, since it fails to recognize the land rights of small-scale farmers and rural landowners. In addition, the adoption private based agricultural investments is negatively impacting the livelihoods and land rights of rural households, since it disrupts the local food production and nexus between the ecosystems and these communities (Salimo, 2023). Similarly, in Zambia, Chinese agricultural food investments are also negatively impacting customary land rights, Yang (2024) also demonstrate how Chinese agricultural investments are driving land grabbing in Zambia, furthermore, Manda and Banda (2023) argue that the Zambian state is not a passive actor in agricultural based investments, in fact the state is justifying its role as the custodian of development to drive land grabbing practice in rural Zambia. Similarly (Schonveld, 2017) also provide similar views by arguing that market based, and neoliberal policies are underlying agriculturally based land grabbing in communally owned land in Zambia.

2.8.2 Biofuel production and Land Grabbing in Zimbabwe

Biofuel production is one of the main culprits of land grabbing practice in Sub-Saharan African countries like Zimbabwe. What underlies, land-grabbing practice through biofuel production is development narratives like sustainable development. In the early 2000s, biofuel energies were identified as the solution to the significant reliance on fossil fuels, in this context some of the benefits include reduce emissions, which would greatly benefit the environment (Angunyai and Amusan, 2023). However, for most Sub-Saharan African countries, the benefits of Biofuel production extend beyond sustainable development paradigm, but also employment creation, growth, improving rural livelihoods.

Essentially, the literature locates Biofuel in the interplay between bioeconomy and the Sustainable Development Programme, the assumption is that the targets, path and vision of the bioeconomy is mainly related to sustainable development, this subsequently entails that bio-economy and SDGs are closely related. Consequently, according Ashukem (2020) to Bio-economy is being regarded as key economic activity to achieve the goals mentioned under SDGS. Basically, bioeconomy allows shifting to environment friendly energy and fuel. In this context, Sustainable Development Goal, 7, 12 and 13 also speak directly to the notion of using sustainable fuel (Heimann, 2019). Against this background, the interplay between Sustainable Development Goals and Bio-fuel production also found institutional support, in particular the Paris Climate Agreement of 2015 also provided support to investment in SDGs, which also comprise enabling a sustainable bioeconomy (United Nations, 2015).

However, the literature also reflects on the connection between Bio-fuel production, the Sustainable Development Goals and the large scale appropriation of land in Third World countries, defined as land grabbing in the context of this study. The interplay between Biofuel production, SDGs and land grabbing practice can be located in the context of the global need to tackle the food and energy crises, essentially the biofuel production and SDGs collectively seeks to address this issue. Therefore, land as the site of production for food and non-food crops for biofuel becomes central in the narratives of sustainable development (Liao and Agrawal, 2024). Essentially, the notion of biofuel places more pressure on land use practice, especially in sub-Saharan Africa, which already experience complexities regarding to customary land rights, land tenure security in rural and indigenous land.

The impact of Biofuel production land rights has been extensively demonstrated in countries like Zimbabwe, additionally a World Bank report also demonstrate that since 2005, biofuel production have been responsible for about 63% of land deals (Cotul, 2013). As argued before, biofuel

production is concerned with the use of land for cultivation of food and non-food crops which play an important role in producing renewable fuel and energy, on the other hand, SDGs relies heavily on this process to reduce the impact of fossil fuel on the climate and environment (Ashuke, 2020 Since the cultivation of these food and non-food crops depends on the use of land already owned by indigenous and rural communities, it reflects the impact of biofuel production on land rights in communal and rural areas (Angunyai and Amusan, 2023).

Ashukem (2024) states that this is compounded by the lack of land for cultivating biofuel related crops in the Western Countries. In the context, of Zimbabwe, biofuel production should be viewed in the context of post-colonial policy and land practices in Sub- Saharan African countries. In the sense that like in most countries, the Zimbabwe state assumes the role of custodian and facilitator for development (Mabumbo, 2021). This role means that it has the right to decide which economic activities should be prioritized and who owns land, access land and in what ways. Essentially, this study also adds a voice to the impact of biofuel on rural land rights in Zimbabwe, by arguing that the practice contradicts with the goals of the land reform of 2000, which sought to address the historical inequalities of land ownership. According to Mabumbo (2021), in 2007 the Minister for Energy in Zimbabwe presented a proposal for cultivating biofuel crops on a substantial scale, including sugarcane and jatropha. Essentially, the Government of Zimbabwe argued that the approach would have benefits that extend beyond constant supply of fuel, nonetheless, some of the benefits would include addressing underdevelopment and climate change. This propelled the Zimbabwean government to invite local and foreign owned companies for biofuel production (Chivhenge *et al*., 2021). The paper Principles for Biofuel Development and Use in Zimbabwe would underscore the priority of biofuel production. However, Madhuku and Majere (2023) notes that the land targeted for production of these food and non-food crops were already owned by rural communities.

2.8.3 The extractive industry and land grabbing in South Africa

The extractive industries can be divided into mining, oil and gas extraction, Mining is one of the most profitable corporations on the planet, for instance the PWC report (2023) highlights that global mining revenue reached US$711billion in 2023. Majority of the countries engage in a wide range of mining, with extractive TNCs operating across all continents and mining serving as a largest contributor of worldwide health and social inequality (Morrice and Colagiuri, 2013, Setywati, 2021). By market capitalization, the globe's 50 largest mining multinationals were worth $896 billion in December 2017 (Els, 2017). Another type of extractive activity is oil and gas extraction; these contribute an estimate of half of the globe energy use. The most common activities include

extraction of oil from underground and offshore, through refining into liquid fuels. Beside the impact on land dispossession, the extractive industries also contribute to possible health risk, which include spills, leaks, collision related fires and the flaring of gas (Schrecker *et al*., 2018). In Southern Africa for instance, extractive industries constitute a second arrangement of land deals. These are non-sustainable resource extraction methods that are forcibly obtained as revenues by corporate entities (or governments) external to the communities (Noe, 2018; Bond, 2018; Gagne and Fent, 2018,).

Mining as a form of development in the South Africa context is rooted in the state ideology of neoliberal developmentalism. It describes a scenario where the state is influential in promoting foreign investment through opening markets whilst also establishing institutional provisions that shapes how economic and social interactions are governed (Banerjee *et al*., 2021). In this context, mining as an activity has become a key activity of the development paradigm and is the centre of the politics of development. Within this frame of reference, politics of development can be understood as the fundamental political and ideological frameworks of the idea of development. Which have implications for how development problem is interpreted, including the necessary intervention and the development beneficiary. The ideology of neoliberalism developmentalism shapes development politics. In the South Africa context, the ideology of neoliberalism can be traced back when the ANC government replaced the economic policy of Reconstruction Development Programme with a new policy called the Growth, Employment and Redistribution strategy in 1996 (Roberts, 2022). The adoption of GEAR as a policy stimulated neoliberal developmentalism which emphasized the role of state in deciding development projects. Since neoliberalism relies on the private sector, opening for investment, mining became a key economic activity for foreign investment (Fourie, 2022).

In addition, provisions like White Paper on Mining and Minerals emphasize the necessity of mining for local development. In this context, the state plays a key role in determining what forms of development are suitable for the broader community (Marais *et al*., 2022). Neoliberal developmentalism in the South African context, promotes state developmentalism, an idea emanating from the capitalist mode of production. In this sense, this ideology emphasizes the instant extraction of value from mineral resources. In addition, one of the key goals states developmentalism is emphasizing integrating the different social framework into a single homogenized practices of national integration (Kumar and Sahoo, 2019). Furthermore, economic development through activities like mining is also prioritized to improve standards of living for the broader section of the country, social equality through human rights entrenched within the constitution (Bhadhuri, 2016).

Lastly political democracy which values power derived from delegated authority. Neoliberal developmentalism has allowed the South African government to impose the necessary development projects as a way of accomplishing the goal of development. Different laws and provisions have been crafted with the intention to provide a platform for neoliberalism developmentalism. The Mineral and Petroluem Resources Development Act 28 of 2002 was adopted to highlight the role of mining in South Africa`s development initiative. Neoliberal developmentalism in the South Africa context is supported by the idea that economic growth will instantly present social benefits and that any environmental consequence should be regarded as an important trade-off for economic development. It thus highlights the importance of resource extraction through mining to achieve developmental goals.

2.8.4 Green grabbing

Green grabbing, or the takeover of land and resources for conservational purposes, is a new and developing phenomenon. Green Grabbing is a phrase adopted to characterize a major private grab of land, resources, and water that is justified by environmental protection or funded through climate change reduction measures (Siamanta, 2019). It is a politicized phrase, comparable to land grabbing, that is adopted by activists and academics to condemn large-scale land acquisition activities. The term "green" refers to the fact that these expropriations are justified on environmental grounds such as forest, landscape, climate, and biodiversity protection (Scheidel and Work, 2018). The term 'appropriation' can also refer to the change of property, use rights, and control over resources that were previously publicly or individually owned – sometimes in instances where there is no clear ownership – from the poor (or everyone including the poor) to the wealthy corporations (Francos and Borrass Jnr, 2019, Nunez *et al*., 2017).

Appropriation is at the heart of both the accumulation and dispossession processes. This can be as basic as capital accumulation, in which earnings flowing to capital are reinvested, hence growing capital and expanding the orientation of ownership (Bersaglio, 2017; Scoones, 2018; Bersaglio and Cleaver, 2018; Hettiarachchi and Morrison, 2019). It can also be primitive accumulation, in which a relatively state controlled landscape is contained into individual investment, current landowners are evicted (or their rights are reduced) to create a proletariat isolated from land and nature, freeing resources for individual ownership (Backhouse, 2019; Huilinir Curio, 2020; Vigil *et al*., 2018). Green grabbing is a subset of the raging discussion over "land grabbing", generally, a discussion that has already highlighted cases when "green" credentials are used to legitimize land grabs for agricultural or fuel extraction (Borras *et al*., 2010, 2011, and 2012). As a result, enormousportions of land are purchased for ‘more productive agricultural methods to ease strain on forests,' rather

than for commercial farming (Vigil, 2019; Bavinck *et al*., 2017). Palm oil plantations are being rapidly expanded not only for commercial biofuel, but also for carbon-neutral fuel. Such examples are undoubtedly rhetorical continuation of what one can label" green grabs," but one can adopt the phrase here to refer to situations in which ecological concerns are the primary motivators (Castro-Arce and Vanclay, 2017). Thus, the economic agreement is developed to support 'green' goals, such as conservation of biodiversity, biocarbon sequestration, ecosystem service protection, ecotourism, or 'offsets' connected to any or all of these (Rosseau, 2020). Concepts of 'green' (and what, and who, is green or not) are established and mobilized in unique situations because of this process. Whilst also grabbing for green ends does not constantly entail the ultimate expropriation of land from established owners, it does entail the reorganization of legitimate power over resource access, utilization, and management, as well as related labor relations and human-environmental interaction, which can have tremendously disenfranchising consequences. In some senses, green grabbing is not entirely new (Vanclay, 2017).

The phenomena are based on a lengthy and well-documented precedent of colonial and neo-colonial displacement in the guise of environmental preservation (Devine, 2018). In 1970s and 1980s environmental protection and conservation projects, rural landowners were frequently portrayed as environmental destroyers rather than environmental guardians (Howson, 2020; Xu, 2018; Cavannagh, 2018). However, there are specific novel features of the current green grabbing, the first is the unprecedented diversity of novel stakeholder's, actors and partnerships, which include pension funds, venture capital firms, GIS service providers, the military, and non-governmental organizations (NGOs), along with concerned customers (Knight, 2017). They arrive at a period when environmental concerns have taken lead role and have become serious corporate interests (Lin, 2019; Vanclay, 2018; Rodrigues *et al*., 2018).

According to Buscher and Fletcher, (2018) green grabbing is the result of a new meeting of science, technology, and power dynamics that aimed to measure environmental degradation, identify carbon as a commodity, and present biofuels as long-term. This is also substantiated by Cavannagh and Benjaminsen, (2018) who argues that fuelled by a perception of economic and environmental catastrophe, the outcome has been a mode of understanding that aims to extract the most out of nature while also being as efficient as possible (Ango, 2018;). This has frequently resulted in the transference of public assets which include woodlands or communal farmlands into individual private ownership, endorsed and promoted by governments that prioritize regulations that encourage investment over those that provide security and livelihoods for the poor (Scoones, 2018; Benegiamo, 2018; Peters, 2018; Siamant and Dunlap, 2019).Green grabbing has coincided with an increasing historical pattern of financialisation of the economy, or the bringing into international

capital exchange of hitherto unconnected parts of life. Consequently, it has fuelled a 'green' commodities market that is rife with speculators, virtual commodities, and cartel-style backroom meetings (Bruna, 2018; Marzo and Garcia, 2018; Munro, 2018). The adverse effect of various "eco-friendly" initiatives on local population mobility is determined by several variables, including existing social and tenure agreements, the project's objective, population bargaining capacity, the extent of strong democratic institutions in the host country, and how potential benefits are distributed (Mallin, 2018). While land and environmental grabs happen all around the globe, they are at their most epidemic proportions in nations where human rights protection is weak or non-existent. Africa has been the most pursued region due to the combined effects of foreign and internal motivations.

Although the terminology "green grabbing" is adopted to characterize a variety of occurrences that illustrate environmental issues to justify the seizure of land and resources (Doukas *et al*., 2020). There are various types of land grabbing depending on the specific actors driving the agenda. The purchase of land in the Global South by rich private individuals usually from the Global North is one kind of green grabbing: Several of internet sites sponsored by charities, corporations, and private owners are offering to swap acres of woods, farmland, and mountain terrains to spare them from devastation and slow climate change (Bersaglio and Cleaver, 2020). The WWF, Conservation International, and the Nature Conservancy, among other international conservation organizations, raised billions of dollars to construct national parks around the world.

In the context of green grabbing in the Americas, a number of institutions and investors are crucial. The Wildland Network (previously the Wildland Project) in North America intends to protect millions of acres of land between the Atlantic and Pacific Oceans, and from Canada to Mexico, claiming that purchasing land that the government wishes to sell is the greatest alternative for biodiversity (Ryser, 2017; Knight, 2017; Dehm, 2017). The appropriation of land driven through global climate change alleviation initiatives is a second kind of Green Grabbing (Hill, 2017). In the sense that it has the similar purpose of grabbing land from the poor for environmental goals. Programs for biocarbon sequestration, biofuel production, and renewable energy production, as shown in the subsequent circumstances (the prioritization of climate change policies), are swiftly escalating since they are all critical basics of climate policy, but they have adverse influences on ecosystems and often-undesirable impact on the domestic population (Lin, 2018; Joslin, 2018; Alonso-Serna, 2017).

The rapid construction of large-scale infrastructure of renewable energy plants designed for export is a type of green justification of current projects. Transnational firms are erecting tens of thousands

of windmills in the Mexican state of Oaxaca's Istmo de Tehuantepec region. Residents accuse multinationals and the Mexican government of disobeying agrarian regulations and indigenous rights (Hall *et al*., 2020 Fanari *et al*., 2018, Hill, 2017). A third type of Green Grabbing is commonly associated with ecotourism, as seen by the following case from Colombia: The exploitation of environment for tourist consumption in Tayrona National Park, of which more than 90% was given to privately owned corporations, has resulted in the displacement and persecution of the indigenous population. Some of this indigenous population include peasants, fisherman, transporters, food vendors, and tour guides (Ojeda 2012: 3). The militarization of tourist attractions goes simultaneously with tourism promotion. The indigenous population's way of life has been presented as destructive actions by "invading forces" and "illegal inhabitants" who are destroying the area's biodiversity (Cavannagh, 2018). There are specific ethnic dynamics to green grabbing, for instance Within Colombia, there is a specific racialization and ethnicization of "green" behavior, "Black communities" and "indigenous communities" are formed as "green" subjects who must be trained as entrepreneurs for operations such as palm oil manufacturing by nongovernmental organizations.

2.9 Conclusion

Historically indigenous communities especially in Third World countries have been subjected to land dispossession during the colonial era. Hence, what is currently transpiring in the indigenous territories, spaces and land of Third World countries through land grabbing is a continuation of specific historical dynamics. However, there are specific novel character to the current land grabbing phenomenon, in the sense that there are veiled under the narrative of property rights, economic production and food security (especially agribusiness led land grabbing). Hence, whilst historically land grabbing occurred using coercion and military force during the colonial invasion. In the current land grabbing dynamics, legislative pieces have replaced the use of military coercion during land grabbing. Therefore, whilst coercion and the use of financial muscle is still in place, the use of legislative framework has concealed the controversy and contentious nature of land grabbing.

The issue of land grabbing is being driven by several types of investments, these include agribusiness, bio-fuel driven land grabbing, and green grabbing which is influenced by conservationist practice and extractive industries. In addition, land grabbing has not gone without reaction from the indigenous communities being affected by the various types of land grabs. There are also varieties of resistance against land grabs, however the common occurrence is to frame resistance using the interpretation of indigenous land ownership, ethnic narrative and territorial strategies. The varieties of resistance against land grabs include environmental movements, land

activism. In addition, these resistances are also coalescing into international efforts and advocacy against land grabbing. In this context, the subsequent section will provide comprehensive discussion regarding rural resistance to land grabbing in the context of Global South.

Chapter 3: Rural resistance in South Africa

3.1 Introduction

This chapter intends to provide a detailed discussion on rural resistance and its nexus to land dispossession in South Africa. The chapter will unpack the trajectory, the activities leading to rural resistance, community responses and the forms of resistance in these rural communities. Rural resistance has always been a key part of discussion and debate on emergence of social movements. According to Kepe and Ntsebeza (2011 cited in Mtshemla, 2021), South African history has repeatedly prioritised the significance of township, organised labour and organised nationalist resistance, marginalising and sidelining rural resistance in the process. Rural resistance in South Africa stretches from revolts against the imposed policies of the apartheid government to current resistance against continuing land-grabbing and exploitative practices by global corporations and the state. Since scholars like Kepe and Ntsebeza (2011) highlight how the study of rural resistance has been silenced or obscured, this chapter intends to explore the connotation of rural resistance, and not merely its historical character. The discussion aims to reveal narratives, issues and forms of resistance that have always occupied the rural side of South Africa.

The focus of the land question has consistently been on the failure to address land inequalities; consequently, it has been noted that land reform programme in the post-Apartheid South Africa has failed to address inequalities in land ownership, access, and usage. However, this has led to disregarding the experience of those communal land areas, on being threatened with forcibly removals and dispossessed of their land by mining corporations and other capital interests. While the dominant narratives are that land policy has failed to fundamentally address the land inequalities, including access and usage, the main premise of this thesis is that in the process, scholars on the land issue have ignored the experience of these communal land areas. The implication of this disregard is that not only has land reform in the post-Apartheid era failed to address the historical inequalities, in addition it has failed to ensure that the historical land dispossession, which was a key part of the colonial and apartheid era, is addressed. The consequence is that those in communal land areas live without proper land tenure to their ancestral land, and there are vulnerable to land occupations, from various capital formations especially mining corporations.

In the context of this vulnerability, those in the communal lands of South Africa note that they have a legitimate claim to their land. However, their position is vulnerable due to specific power dynamics within these rural communities (Mnwana, 2018). The dynamics include the unclear position of traditional leaders, who are supposed to be at the forefront of defending customary land rights. They have now entrenched their interest in the land issue by favouring private surplus creation land development, like mining activities, at the expense of the livelihoods and land rights of rural communities (Weinberg, 2015). In addition, though legislation like the Interim Protection of Informal Land Rights Act 31 of 1996 exists to protect the land rights of those in communal land, the act itself is merely a temporary measure and does not provide sufficient protection from the vulnerability experienced by those in communal lands.

Although the post-Apartheid government promised to address the land inequalities and historical land dispossession witnessed during the apartheid, land inequalities is yet to be comprehensively resolved. For instance, the target was to redistribute 30% of white-owned commercial agricultural land to majority black South Africans by 2014 and ensure that all claims to redistribute, which amounted to 80 000, are addressed and settled by 2005 (Makombe, 2018). This has not been properly addressed, as most of the land claims are yet to be settled, and only 10% of the redistribution target has been successfully addressed by the state (Binswanger-Mkize, 2014). An estimate of about 3, 3 million South Africans reside in informal settlements without any form of land rights.

In this context, burdened by these power dynamics and the failure to systematically address land tenure and the broader land issue, rural communities are resisting these land dispossessions and land occupations by mining corporations and other capitalist interests to their land. The conflict of interest moves beyond the livelihoods attached to the land by the indigenous communities or profit extracting from the minerals in the land by the various companies. The conflict between mining corporations and rural communities thus relates to how specific meaning attached to land generates this conflict of interest and motivates resistance from the indigenous communities and rural groups (Tafira, 2015). The African perspective of land ownership moves beyond the confines of the economic perspective, which is typically linked to modernity, and a Euro-centric perspective (Akinola, 2018). Land in the African perspective is perceived as representing one's identity, and specific ecological, cultural, cosmological, social and spiritual aspects. This perspective is in contradiction to the Eurocentric perspective of land as a commodity which must be used to produce commodities for the market (Carlson, 2019). Colonisation coercively replaced the African perspective with modern laws for property ownership. This perspective motivates rural

communities, groups, environment rights activists and land activists located in these communities to resist land occupations and being dispossessed from their land. The below discussion on resistance in the rural side reflects that land and resource rights continue to be a key element of their livelihood. Consequently, the discontent with the loss of land and resource rights through various policies like conservation projects, forest conservation and betterment plan has constantly been a key element of the resistance against state hegemony in the apartheid era and the post-Apartheid era. As shall be noted, the term *resistance* can apply to a variety of types of protests and mobilisation. Resistance, in general, refers to a counter-hegemonic purpose or behaviour (Rose, 2002). It consists of two components: hostility to established power relations and activity, whether "intellectual, conceptual, or physical." Resistance can be observable or indirect and is frequently categorised as "daily socio-environmental resistance."

Resistance might be intermittent and circumstantial, or it can be maintained across specific periods and transformed into social movements with well-coordinated mobilisation and extensive social networking (Tarrow, 1994). Communities can utilise defiance to achieve their intended aims, which includes cancelling a mining venture, or strengthening their bargaining leverage in dialogue, for instance blocking a mine construction site to boost compensation benefits.

3.2 Conceptualising and characterising rural resistance.

Resistance in the context of current globalisation processes comprises a significant variety of responses, albeit undoubtedly particularly indicative of the presence of separate acts of public reactions against certain global institutions or international summits of global leaders (Lu, 2022; Maculan, 2022; Ballard, 2022). As people all over the world witness what they perceive to be the damaging entry of the global political economy into formerly apparently inaccessible areas of life, resistance is frequently intrinsically related to the conflict for economic survival (Martuscelli & Ahmed, 2022). As a result, present resistance is typically regarded as contesting mechanisms that are frequently connected to the globalisation of production and financing in their different epitomes, both politically and otherwise. The development of communication technology and an associated global cultural dissemination has an additional impact on the various forms of resistance (Young, 2022). Resistance to these underlying institutions' effects takes on a variety of complicated mechanisms that involve multiple actors operating at different levels, differing levels of spontaneity and formality, individual and group action, indirectness and clarity (Touhtou, 2022; Jongerden, 2022). Representations of resistance are positioned within conceptions of power, which is made up of the relational interaction between unequal power relations. Understanding of resistance is typically context-dependent and influenced by various worldviews; in addition, interpretations of

resistance develop in tandem with notions of domination (Valle, 2022; Schreiner, 2018; Zembylas, 2021). Therefore, forces of domination and resistance are closely interrelated, and their patterns are continuously and interdependently forming one another (Johansson & Vinthagen, 2019). Depending on the theoretical approach used, there are several concepts of "who is subjugated", "how/what" or "what subjugate them", and the sorts of associated resistance used to combat the subordination (Kenney-Lazar *et al*., 2018; Lilja & Vinthagen, 2018). As a result, resistance is frequently less evident and more complex than it is usually perceived to be. In fact, given that resistance is a component of, indicative of, and ingrained in socio-cultural life, it can be downright unclear (Clave-Mercier & Olivera, 2018). Literature on resistance studies is a result of a combination of different theoretical orientations, which include those who focus on the state, structuralist and public domains of resistance politics (which is a collection of literature on protest and collective action studies, revolution studies and scholarly work on guerilla warfare, civil warfare and terrorism) (Borah, 2022; Ruiz, 2022; Omer, 2022). In addition, it also comprises non-traditional daily types of resistance within subaltern studies, the history-from-below movement, and autonomist orientation to conflict politics within post-Marxist and poststructuralist studies (Guler, 2022; Sou, 2022; Nag, 2022).

Resistance studies are furthermore inspired through specific disciplines that typically indirectly interact with it. These disciplines include gender studies and feminism queer studies, peace studies and others (Girei, 2022). These multiple fields, approaches, orientation, arguments and theoretical models are interconnected since resistance includes challenging all types of domination, instead of merely the specific geographical space and power dynamics that are regarded as the state (Scott, 2022). Resistance also confronts the exploitative acts, privatisation, fetishism, alienation and economic inequalities generated by capitalism (Reddy, 2018). This includes the discursive practices, power dynamics and structures which create subordination, for instance gender, race, status, caste and taste levels of the sociocultural sector (Cohen & Hjalmarson, 2020).

Resistance is thus not only confined to forms of inequalities and state and power structures but also includes the power dynamics and arrangements that enable and justify these inequalities (Filc, 2020). Generally, literature and scholarly contribution to resistance has also moved through the similar stages of studies on power (Simpson & Geenen, 2021). Initially, it placed its emphasis on the significantly noticeable and intense types of resistance, but it has since evolved to acknowledge understated and diffused expressions. Traditional studies were oriented to the public, collectively structured, militant and aggressive types of resistance to state power (Scott, 2020). Considering the key role of social movement research, other scholars have attempted to document significantly elusive forms of resistance. Scott, for instance, argues that the types of resistance are mainly shaped

by the type of power (Salah, 2021). Scott thus questions those who assert that actual resistance is structured, following specific principles and leading to specific changes; he understands that they ignore completely the crucial influence of power dynamics in limiting the types of resistance (Herring, 2021; Lohnes, 2021). For scholars like James Scott and Asef Bayat, "resistance" then changes course in accordance with their interpretation, and as such it can take many different forms. It can be covert or concealed, a nuanced alteration of routine behaviours, or it can be motivated through the intention for survival and escape that is not at all phrased as "political", in which the acceptance of one's actions through others is not desired and may even be a certain aspect one assertively seeks to eliminate (Blum, 2021; Klausen, 2021).

With the above, the notion of resistance has been broadened and now accepts additional social issues beyond public assemblies. To some extent, it is fundamental to define its connection to other typically used and connected concepts, which include agency or affects (Serneels, 2021). It should be noted that agency is a broader theme that encapsulates a subject's ability to exercise specific actions, which might include resistance (Hummel & Escribano, 2022). Because agency determines actions of individual reflection, a critical examination of these actions needs to focus on dominant subject formations from within (Omer, 2021). The subject is rarely determined since it is produced through a matter of discourses. Rather, the subject is continuously reconstructed, through an ongoing and replicating mindset and the potential of resistance. It does this through establishing and challenging the discourses that result in specific scenarios (Wagner, 2021; Vargas, 2021; Smith, 2021).

Therefore, regardless of the claim that the current existing material and discursive contexts of a society shape the space for manoeuvring, the issue of agency reflects the potential of resistance to the demand of hegemonic discourses (Mayer, 2021). This mean that in a specific society, the existing material circumstances and the discursive background define the confines and limits which determines the specific steps and initiatives individuals can take. Resistance is intimately interconnected with subject-positions and affects. Affects and emotions have been largely undermined and ignored in most resistance studies. However, they remain important in most theories and analysis of resistance (Lambert, 2022). Affects gradually shifts into an engine that generates emotions, motivations and different resistance actions, and it also expands resistance as a practice. Affects are a product of an impact on circulation and there is a propensity for them to be changed into significantly intense sentiment as they circulate over time (Kee *et al*., 2022). It has been acknowledged that the more affects circulate, the higher the chances of them becoming significantly affective and the higher the possibility of them appearing to contain affect (Hammami & Uzer, 2022). This entails that affects accumulate as they transition in the mobilising and grouping

between people. Affects that are transmitted across networking can sometimes lead to greater strength and growing resistance (Williams, 2022). Based on this, it could be hypothesised that the reasons why resistance shifts from daily, individual resistance to broader meetings and assemblages could be related to the affects that are flowing and intensify as they do so, contributing to a significantly subtle, collective, and apparent means of resistance (Davenport, 2022). It may also be explained that, because of an escalation of affect, resistance is occasionally intensified or "up scaled" and is used by bigger groups of people. Scott used the term *everyday resistance* in 1985 to describe a type of resistance that is less theatrical and obvious than uprisings, rioters, protests, uprisings, civil wars or other similar coordinated, concerted, or confrontational expressions of resistance (Adwenala & Turner, 2022).

The "widespread engagement of concealment" that characterises ordinary resistance is either "the hiding of the actor's invisibility", in which "the personalized (not the class) identify of the protestor remains hidden", or "the disguise of the conduct itself" (Liaja & Baaz, 2022). Rather than just an unclear message being given by instantly recognizable messengers, an unambiguous content is conveyed by a concealed messaging (Peterie, 2022; Davenport, 2022). A public conceptual validation of the precise structures being rejected is thus frequently coupled with an actual act of opposition. In folk culture, trickster characters, spirituals, analogies and jargons are frequently used such that they cannot be taken as immediate challenges (Yan, 2022). Thus, everyday resistance is what Scott refers to as *infrapolitics*: silent, scattered, masked, or somehow presumably undetectable resistance (Carmi, 2022).

Scott demonstrates how some of the behaviours that subaltern communities frequently engage in – such as foot-dragging, running away, cynicism, inactivity, apathy, misinterpretation, treachery, defamation, avoiding situations, or theft – are acts of resistance. From Scott, these are strategies that disadvantaged individuals utilise to both endure and challenge repressive dominance, particularly in situations where revolt is possible (Moncada, 2022). Firstly, a multi-scalar methodology is required to fully represent the variety of rural resistance manifestations. Through adopting this orientation, one may expand the analytical framework of earlier research to consider newly developing international practices of resistance and confrontation (Dunford, 2020; Smith *et al*., 2021). Particularly as agrarian initiatives and practices in Third World countries are increasingly more connected to the international economic system, multinational mechanisms and actors (which include multinationals and foreign corporations) are becoming more and more fundamental to the narratives of ordinary farmers and rural families (Hukkil, 2022; Mills, 2022).

At the core of contemporary rural resistance are issues stretching from indigenous land rights, environmental degradation, loss of livelihoods, cultural rights and loss of intangible assets. Secondly, there are diverse, continuously emerging, and rarely stable modern types of rural resistance (Hinkson, 2022). These types include movements against large-scale movements, those against extractive industry, those resisting conservative practices, some who challenge commodification of natural resources like water and those advocating for the land rights of indigenous people. Such types of movements are typically significant in influencing the discussions and battles between plutocrats and the dispossessed (Gaudreau, 2022; Koensler, 2022; Anderson *et al*., 2022).

Resistance tactics vary depending on the setting, are influenced by various standpoints, and change in response to local conditions and political opportunity frameworks that open and close, and the organic features of resistance patterns. Additionally, novel mechanism of resistance does not emerge without specific influence; rather, they build on existing understandings, with current mechanism having their roots in both local and global historical experiences (Balas & Pataki, 2018; Flores *et al*., 2018). As radicals, leaders and coordinators adopt knowledge and take inspiration from historical acts and the accomplishments of alternative groupings, the convergence of ancient and novel "sequences" of collective resistance is not exclusive to a specific context or to rural issues. Instead, it is a characteristic of social movements (De Abreu & Watanabe, 2020). Therefore, resistance is modified, changed and recreated in response to fresh situations and problems.

Benedict Anderson (1993) noted this flexibility of collective action at a preliminary phase in his research on the emergence of nationalist movements. Third, and directly tied to the previous second point, a study of current Third World resistance must consider agency. It is crucial to recognise the way common rural actors participate in and influence judgments on resistance acts, from little defiance to prominent protests, on a range of levels. Some are participating in a "fight for" integration with the international political economy on their criteria, while a few people are involved in "resistance against" globalisation, neoliberalism, and imposed development. Such decision-making mechanisms may be private or public, conflicting, unclear, or ambiguous, and they could also be extremely organised and obedient (Almeda, 2022; Fakhri, 2022; Petrusic, 2022). There is a broader scholarly contribution on rural resistance; nonetheless, it is possible to divide literature on rural resistance into two common orientations (Cote, 2022). Firstly, the other orientation focuses on the role of hegemony, domination and the moral economy that usually results in subverting types of everyday resistance. This approach is a result of the contribution of scholars like James Scott (1976, 1985, 1990), including collaboration with scholars like Benedict Kerkvliet

(1990, 2005) and Scott and Kerkvliet (1986). The second orientation involves a huge volume of scholarly contribution, which includes different types and levels of covert collective action such as community resistance, riots and protest to global social movements and advocacy networks, which include Third World Network, GRAIN Asia, Pacific Food Sovereignty Network and Via Campesina (Merino, 2022). It has been documented that there is an inclination to focus on more open types of resistance, while overlooking others (McEachern *et al*., 2022). What should be emphasised in this context is that resistance is not constantly obvious and might be vague regarding what seems to be compliance. Scholarly contribution by Gramsci (1971) and Polanyi (1944, 1957), which significantly emphasises overt protest, and by Scott (1976, 1985, 1990) which details more concealed types, provided a theoretical basis the way current literature conceptualises, interpret and imagine resistance.

However, these crucial notions are not constantly carefully relevant to rural resistance within the contemporary context of the global economic system (Ferguson *et al*., 2022). Instead, these ideas offer a conceptual foundation from which to construct interpretations applicable to the confines of currently evolving power systems in the current global systems. The way social life evolves in the realm of the global economic system also affects power dynamics related to resistance (Papworth *et al*., 2022). Gramsci, Polanyi and Scott recognised the emergence of resistance connected to historical settings (Berndt & Werner, 2020; Kear, 2021). To some extent, one might assert that these connections might vary regarding the power dynamics involved, the targets involved and level of and techniques of confrontation and conflicts employed. This intricacy demonstrates the significance of the scholarly contribution from Gramsci and Polanyi, who focus on overt resistance which involves combined collective actions.

However, Scott came up with a novel understanding of resistance which includes the way in which individuals exercise their resistance by functioning below the radar collective and which include a comprehensive subversive approach (Sampson, 2021; Davis, 2022). Gramsci (1971) imagines resistance as counterhegemony (designing ideas contrary to the dominant and hegemonic institutions), which involves a collective in responding to the state and other hierarchies, and to institutions that maintain the power of the ruling elites while suppressing those without power (Johansson & Vinthagen, 2019). Resistance is unconcealed and acknowledged, and it can include several forms, such as wars of movements, tangible actions (for instance labour strikes), and military actions; to wars of position and non-violent references of continuing pressure, which include boycotts. Polanyi (1944, 1957) understands resistance as a countermovement, which emerges into collective and clearly acknowledged types of resistance (Schroeder, 2020; Zajak,

2020). What differentiates Polanyi's interpretation is that the target of confrontation is industrial capitalism; therefore, moving beyond the boundary of state parameters to global levels of market structures. In each period, there is the emergence of countermovement, and a double movement consisting of structures of influence and subordination (Lin, 2020). Polanyi argues that one needs to distinguish the broadening and deepening of capitalism as establishing, in the course, a countermovement of resistance. Scott (1990) provides a different argument from Gramsci and Polanyi through his concept of infrapolitics or daily types of resistance, exercised individually or collectively, which are not acknowledged as formal resistance (Hak, 2020). Polanyi emphasises actions adopted throughout daily life to defend material and physical needs, while challenging the authority of oppressors, for instance landowners or employers (Lu, 2020; Arubayi, 2021). Instead of documenting the contribution of wider systems as reference points of domination in the same manner as Gramsci and Polanyi, Scott shifts his attention and focus to those structures that closely influence the tangible situation of daily life at the micro level.

This includes different forms of resistance, like blocking delivery of a farmer's harvest, aimed at re-aligning the material inequalities constant in everyday existence (Gigauri, 2021). It is mainly this concealed nature – the intentional concealing of struggle – which renders these practices effective and different from those exercised clearly in the public domain. Scholars like Alavi (1973), Kerkvleit (1990), 2005), Scott (1976, 1985, 1990) and Wolf (1966, 1971) are influential in shaping the neo-populist school of thought, or those operating in the field of Peasant Studies (Van Suu, 2020). While their work was largely influenced by Chayanov's (1966) contribution, their orientation to some extent provided an unambiguous political component, which centred on the theme of political resistance to modernisation and capitalism and concentrating on the notion of peasant moral community (Kerkvliet, 2022).

These scholars assert that peasants and those who amount to resistance subject to social and cultural subordination, establish constant, everyday and concealed techniques confronting oppression (imbalance, structure), for instance through the use avoidance, ridicule and exercises of petty revenge (Lynch & Turner, 2022). It has been documented that the market exposes peasant subsistence ways of production and traditional livelihood strategies to a variety of risks. In such circumstances, Scott understands that peasants typically resist the market and usually adopt a risk-averse approach (Young, 2021). Peasants are thus chiefly focused on survival, instead of attaining profit as the key goal. Rather, they intend to retain their ways of production and preserve or retain moral interaction. There is a tendency for the literature to perceive daily types of rural and peasant resistance as non-political and non-threatening to the current political structures, and not to regard

them as influential until these resistances evolve into recognisable forms (Dornschneider, 2021). However, to the contrary, these forms of resistance are influential modes of change in their own existence (Tschalaer, 2021). Local scale participants like peasants adopt a variety of techniques beyond the confines of the state to enhance their life settings, which include retaining indigenous livelihood strategies to maintain subsistence and adopting innovative practices within the informal production (Scott, 2021). These livelihood strategies allow them to earn a living in situations of crisis, especially when the government is not actively involved. Such livelihood approaches have an economic effect since people no longer rely on formal channels and hence isolate themselves from these channels to maintain their traditional ways of production. In addition, Mittelman and Chin (2005) understand that infrapolitics as constructed by Scott (1990) fail to provide sufficient acknowledgment to power dynamics at the scale of the state, which allows and shapes the way in which they became noticeable and reproduced on a constant basis (Phan, 2021). In addition, they posit that Scott comes up with class a unitary identity, but to the contrary, there are simultaneous identities present in social groups and resistance might be premised on power dynamics entrenched in elements of identity different to class (Gui, 2022).

3.3 The nature and typology of rural resistance in the Global South

Rural resistance has significantly become a common issue in rural politics and social action in the Global South, influencing researchers from different fields like rural development, rural sociology, political ecology, political science, and anthropology to study it. Unlike urban social movements and those types of resistance found in urban areas, rural social movements have specific and unique features. Since most rural social movements are situated in countries with historical connection to land dispossessions through colonialism, there is a tendency for rural resistance to focus on land claims and agrarian reform (Coulibaly & Grajales, 2023). Besides historical land dispossession during the colonial periods, land-grabbing, evictions and forced relocation also continue to occur in most parts of the Global South (Yang & He, 2021). The continuation of existing land-grabbing practice is linked to the prevailing global political economy, a dominant economic system that has surfaced in previous few hundred years that prioritise and endorse development as modernisation, capitalisation and economic growth (Mora, 2022).

Harvey, who provides an analysis in his accumulation by dispossession theory, has demonstrated the dominance of these hegemonic policies. Harvey's theoretical explanation demonstrates how neoliberal capitalist policies are behind contemporary land-grabbing practice (Hall, 2021). Besides Harvey theoretical explanation, other theoretical frameworks, like political ecology, also demonstrates that the contestation for land rights is a broader part of struggle for ecological

resources, which comprises different stakeholders, power players and dynamics. Broadly, these two theoretical frameworks demonstrate how neoliberal capitalist policies result in the privatisation of territories and physical bodies, which renders communities in the Global South exposed to land dispossession. In addition, since the policies that drives land-grabbing and commodification of land also simultaneously influence agrarian practice and policies, it is no surprise that one of the characteristics of rural social movements is their focus on agrarian reform (Monjane, 2023). Furthermore, land-grabbing practice affects a broader range of stakeholders, and it is therefore inevitable that one of the characteristics of rural resistance is the presence of small-scale rural farmers, rural landowners and indigenous communities (Gyapong, 2021). While there is a tendency for international and local NGOs to represent small-scale rural farmers, rural landowners, and indigenous communities, in some cases small-scale farmers and other stakeholders play a key role in forming movements to challenge agrarian policies that drive land-grabbing practice (German, 2022).

In most instances, small-scale rural farmers, rural landowners, and indigenous communities are not aware of the technical and complex language, discourses and concepts used by government to justify land-grabbing practice that affect them. In addition, they also lack proper resources and knowledge of the institutions that can assist them to contest their issue (German, 2022). From this perspective, local and international NGOs often have the resources and knowledge on how to advocate for the land rights of rural communities (Berenschot *et al.*, 2023). Examples of such international NGOs include GRAIN, the International Land Coalition, and Landesa. Another characteristic of rural resistance in the Global South is the gendered dimension.In most rural communities, the patriarchal nature of societies entails that women do not have equal land rights as their male counterparts (Etale & Simatele, 2024).

Men are typically the custodians of land for farming purposes, and women are marginalised from land ownership (Slavachevska *et al.*, 2021). Some of these movements that advocate for gender equality in land rights include the GROOT movement in Kenya, the Rural Women Assembly that mainly operates in Southern African countries, and the Asia Rural Women's Coalition. Collectively these movements challenge the exclusion of women from customary land rights (Massay, 2020). While these movements challenge customary practice that excludes women from owning land, they collectively understand the harmful practice of neoliberal policies that negatively impact the land rights of rural communities. It is for this reason that one of the characteristics of rural resistance in the Global South is the effort to challenge neoliberal policies. Resistance against neoliberal practices that drive land-grabbing has been demonstrated in Mozambique by Monjane and Bruna

(2020) and Bruna (2022). Similar challenges have been demonstrated in South Africa, Tanzania, Zambia, Brazil, Bolivia and Indonesia. The challenge to neoliberal practice is based on the possible loss of land rights through commodification of land, threats to existing livelihood practice like small-scale farming, agroecology, ecotourism and land for grazing (Porcheddu, 2022). There is also a tendency for communities in the rural south to view their land, ecosystems and physical territories beyond the economic and monetary principle of Western paradigm. Such perspective find resonance with the claims of the post-development perspective of Escobar, which argues that rural and indigenous communities hold an alternative and contradicting perspective to the materialistic, capitalist and Western concept of development (Demaria *et al.*, 2023). For these communities, nature, ecosystem, biodiversity and land are an extension of their identity and spirituality. Which means that they should not be exploited for profit, instead they should be preserved for future generations (Kaul *et al.*, 2022). This notion of preserving the ecosystem for future generations holds some value, if one considers the impact of neoliberal practice, like mining, which has a negative impact on the environment and by extension the livelihoods and the health of these communities (Borget *et al.*, 2022).

Another specific characteristic of existing rural resistance in the Global South is the tendency for the emergence of transnational movements in the sense that, currently, rural resistance has taken the shape of different connected actors across a broader variety of geographical scales than ever before. Actors have a variety of resources and are significantly interconnecting. Transnational resistance has become a new feature of rural resistance, as actors across geographical spaces have come to realise that they are advocating for the same themes, issues and problems. Currently, transnational resistance and its connection with global economic system is multifaceted and flexible (Pamment, 2021). This form of resistance has its roots and origins in the late 1980s, particularly with the Battle of Seattle in 1999, during the World Trade Organisation Ministerial Meeting.

In this context, corresponding platforms and protest have been occasions for those engaged with local and transnational rural movements and networks to combine and act collectively to confront decision-making practices regarded as threatening the livelihoods of actors, in particular those connected to land rights and agricultural practices (Killean, 2021; Ballard, 2021). These actors regard trade liberalisation in agriculture as entrenched in the WTO agenda and as comprising a global issue that needs a global-scale resistance to confront and change existing neoliberal economics (Debola & Seboka, 2022). Transnational activism can basically be interpreted as social movements and other civil-society organisations and individuals functioning across state borders. Moreover, transnational collective action is also defined as synchronised global advocacy on the

part of a collection of actors confronting global actors, other states or global institutions (Sou, 2022). Contemporary scholarly contribution on transnational activism asserts that there three factors which explain the emergence and consequence of existing transnational activism (Trang & Walsh, 2022). These variables include the existing multifaceted nature of globalisation, the increasing density and connectivity of global institutions, states and interaction among state officials and non-state actors and the proliferation of connection among local, national, regional and global themes, problems and matters (Chua, 2022). Correspondingly, it is also fundamental to indicate the multi-scalar opportunities developed through the connection between multi-faceted globalisation and local patterns (London, 2022). Therefore, rural resistance has witnessed an advent of a pattern of activists as entrenched multi-national, which includes a flexible, broad-based, but entrenched scale of activists and advocates. In practice, transnational activists do not always focus on the worldwide platform (Guler, 2022; Robertson, 2022). They frequently interact with several tiers of government entities while being "grounded" at both the local and national scale. Multiple people have stayed active in political fights, claiming that involvement in lobbying and policy at a specific scale does not discourage advocacy at alternative ones (Uhl, 2022).

In this sense, to react to varied political situations individually, which allows a unique variety of political chances, transnational activists have the capacity to forge alliances and links with distinct types of players functioning at different levels (Bission, 2021). As such, over the previous decades, protest movements, NGOs, and transnational alliances have had more and more relationships with one another across the globe. Interestingly, transnational activist organisations frequently organise activism in nations where there is at least a modicum of political room for international organising (Porcheddu, 2022). Having explained the characteristics of rural social movements, it is also important to understand the types of rural social movement.

Rural social movements can be classified into different types of movements, namely peasant movements, land rights movements, environmental movements, anti-extractives movements and women movements. Like most types of rural social movements, peasant movement can be located in the colonial era. These types of movements typically focus on challenging agrarian policies which commodify land already occupied by small-scale farmers and rural landowners. Peasant movements thus typically advocate for land rights of the rural poor. Historically peasant movements are linked to resistance against colonial practice (Coulibaly and Grajeles, 2023). Earlier resistance typically comprised a form of response to the immediate impact of colonial policies, for instance taxes, forced labour and forced cultivation (Coulibaly & Grajeles, 2023). Earlier peasant resistance has been documented in Tanzania with the Mau-Mau revolt, and the Mau-Mau uprising in Kenya.

In specific cases, like in Zimbabwe, Mozambique or Angola, agrarian mobilisation influenced the trajectory of armed resistance against colonial governments. Peasant movements and resistance have been subject to different scholarly contribution – for instance, Wolf (1966 in Tulzey *et al.*, 2023) describes peasants as rural cultivators and not farmers, whose main purpose was producing for subsistence and not for profit. Scott also argues that in everyday resistance peasant use subtle ways and strategies of resisting and challenging power dynamics. Similarly, other scholars like Popkin (1986) view peasants as not traditionally communal or primitive but instead making logical decisions on the basis of self-interest: Popkin thus views the peasant as rational. Peasants should be viewed as unique and distinct, and as family-based subsistence producers use less-advanced tools for subsistence production (Shanin, 2017). Guha (2016) emphasises acknowledging the crucial role of peasant movements in mobilising against colonial practice.

Wolford (2014) argues that prevailing peasant movement, especially in South America, should be understood from their unique historical circumstances. Lastly, Quijano (2024) argues that contemporary peasant resistance should be understood in the context of the continuing presence of agrarian colonial practice which still has an impact on post-colonial communities, and which impacts on peasant resistance. The most interesting debate on the nature of peasant politics and resistance was presented by Borras (2020) and Bernstein (2020), who are both Marxists. They differ on the matter of class nature of mobilisation and authoritarian populism. Bernestein (2023) asserts that it is more rational to commence with investigating how the way class dynamics of capitalism manifests in different rural communities.

He further argues that scholarship should examine the extent to which and how much these power contestations produce specific class variety. Borras (2020) argues that there are a resemblance, comparison and linkage between prevailing right-wing populism, and what Borrras terms the *populism of agrarian movements*. He argues that populism is not solely the product of the right alone since there is some resemblance between right-wing populism and existing agrarian resistance. However, Bernstein's (2023) response to Borras (2020) is that Borras fails to respond to important questions regarding the social and ideological contestation of rural politics. Additionally, he argues that the argument conceals instead of demonstrating rural reaction and response to authoritarian populism. Although Borras (2020) demonstrates the resemblance between authoritarian populism and peasant resistance, his assertion does not sufficiently demonstrate relevant questions in respect to how power stakeholders' struggle in particular social classes emerges and shapes peasant movements. Bernstein (2023) maintains that Borrass's argument generalise the nuance of rural power contestation through accentuating basic resemblance between

right-wing populist movements and peasant resistance. Therefore, Bernstein (2023) advocates the need for a comprehensive exploration of peasant movements and politics that consider the different historical progression and socio-economic circumstances that have influenced right-wing populism and agrarian movements uniquely. Peasant movements share some similarities with the land rights movements, and in the context of Southern Africa, for instance, one could label the Zimbabwean National War Veteran Association as resembling a peasant movement, while movements like the Amadiba Crisis Committee would present land-rights movements. The difference between peasant movements and land-rights movements is based on issues that drive resistance in each of the movements. Peasant movements are characteristically driven by the need to improve the economic circumstances of peasants, challenging agrarian policies that result in land dispossession (Rigg, 2020).

Land rights movements, on the other hand, might advocate for the land rights of indigenous communities and focus on unique issues of land ownership and tenure security (Gilbert, 2013). Therefore, both are concerned with advancing specific rural issues, but with a unique and different emphasis. Land rights movements and issues that motivate them like land inequalities have been subject to different scholarly discussion, for instance Cousins (2019) demonstrates that land inequalities be understood in the context of failure of land reform and land policies in post-colonial societies. Cousin (2019) bases his argument on the experience of South Africa and argues that the inadequacy of land reform can be linked to the fundamental structural characteristics of the colonial land practice which still exists.

Therefore, this study argues that land rights movements should be understood in the context of failure of land reform and land policies in post-colonial societies. In addition, Peters (2013) argues that land rights movements can be traced to contestation for land ownership and the lack of proper tenure for rural communities. Peters (2013) points out that imposing of customary tenure and denying of absolute ownership rights to landowners resulted in different key implications. It halted the emergence of a land market through ignoring or denying of evidence of previous transactions. It also provided and exaggerated the roles and responsibility of traditional authorities in land governance, and by doing so it overcomplicated an already complex issue. In this context, contemporary land rights movements should be examined in the context of such colonial dynamics. Li (2020) also traces the emergence of land rights movements in the context of protecting the rights of customary landholders and explores why these types of movements have not been successful in halting the arrangement of dispossessory development. While land rights movements are typically driven by the endeavour to address historical and ongoing land struggles and contestation which

leaves the rural poor landless, there is also a tendency for land rights movements to operate alongside movements that advocate for women's land rights. Typically, the patriarchal arrangement of rural communities implies that women are excluded from owning land. The challenges faced by women in owning land has been demonstrated by Mulusew and Mingyong (2023), who argue that women are excluded from owning land due to cultural and traditional practices. Similarly, the challenge of women land ownership has been demonstrated in Zimbabwe by Munemo (2022), who argues that women have weak land rights in the prevailing land tenure framework. Santport *et al.* (2021) also demonstrate similar women land ownership challenges in Kenya, Mozambique, Senegal and Malawi. In addition, Santport *et al.* (2021) demonstrates that while there are comprehensive attempts to reform laws that exclude women from owning land, women still face the challenge of land ownership. In this context women movements are concerned with ensuring that rural women have access to land, like their male counterparts. In the South Africa in particular, there are multiple women movements, whose purpose is advocating for women land rights.

Some of these rural movements include the Rural Women's Movement, the Land Access Movement of South Africa, and the Rural Women's Assembly (which operates in 9 Southern African countries including South Africa). Fascinatingly, the contestation for women land ownership is typically aligned with another fundamental stakeholder of rural social movements (environmental movements). Collectively, these movements acknowledge the significance of land for both rural communities and rural women. Like women movements, environmental movements have become a common feature of rural resistance in the Global South. Most environmental movements in rural areas are concerned with harmful practices of extractive industries, like mining, oil, fracking, agri-business, forestry and large-scale infrastructural projects like hydroelectricity (Correia, 2022).

The role of environmental movements in fighting for environmental justice in rural areas has been subject to different theoretical and scholarly debate. For instance, Martinez-Allier and O'Connor (1996) coined the term *ecological distribution conflicts* to describe the social, geographical and historical imbalances in people's use of ecological resources and services (Martinez-Allier, 2021). The main premise of Allier and O'Connor (1996) is that there is imbalanced access to natural resources, inequalities and the burden of environmental harm or pollution. This imbalance is at the centre of environmental movements and is key to understand environmental movements in the rural Global South (Martinez-Allier, 2020). Similarly, the political ecology theory, which is one of the main theoretical frameworks for this study, views the environment as the site of power dynamics, power struggles, and power dynamics between different stakeholders and power players (Tornel,

2020). The political ecology framework views environmental movements as a reaction to the asymmetries of access and benefits of environmental resources. In providing their view, political ecology demonstrates the crucial role of rural communities in mobilising to defend their rights. In addition, they reject traditional sociological theories that interpret environmental movements as emerging from post-material conservation values (Svarstad & Benjaminsen, 2020). Scholars in the post-modernist tradition, like Escobar (2020), also shift attention to the way rural poor or indigenous communities frame their environmental discourses and struggles, and how they use their resources. Escobar (2020) argues that indigenous or rural communities challenge the dominant environmental discourses, ideas and concepts typically shaped from a Western perspective. In addition, environmental resistance in the Global South has been explored through gender lens, in this context scholars like Vandana Shiva, Veronika Bennholdt, Maria Mies, Arieh and Mary Mellor have made this theoretical framework prominent in understand the gendered lens of resistance to environmental issues (Mezzadri, 2023).

The main premise of these scholars under the Ecofeminism framework is that the dominance of environment and women is due to patriarchal standards, in this context the ecofeminism framework demonstrate that women are often at the forefront of environmental resistance due to the gendered nature of resistance to environmental damage (Vangeli, 2023). In addition, environmental resistance is often based on the environmental damage of certain economic activities that include mega-development projects, resource extraction, agri-business projects. As said by Le Billion and Lujala (2020) environmental resistance is often based on the negative impact of activities like mining and agribusiness. Ghazoul and Kleinschroth (2018) also argue that environmental resistance is often based on defending of indigenous territories and protecting traditional livelihood practice. Slazai (2020) argues that environmental resistance is based on the over-exploitation of resources in Global South territories.

Scheidel *et al.* (2020) argue that environmental resistance is often based on land use and ownership, which contradicts indigenous ways and lifestyles, and it often includes indigenous communities, peasants, small-scale farmers and rural land owners. Butt *et al.* (2019) provide nuance on the matter by demonstrating that activists on the forefront of environmental resistance are often victims of violence and intimidation. For instance, the global Witness (2019) reports that about 164 environmental activists were killed in 2018. In addition, environmental resistance in the Global South includes is mainly driven by the following activities, mining sector (21%), fossil energy sector (17%), biomass and land use (15%), and water management, like dams (14%) (Scheiderl, et al, 2020). While environmental resistance might be a broad type of resistance, it often overlaps with

anti-extractives protest and resistance. However, the difference stems from the fact that environmental resistance is often broad, while anti-extractive is typically focused on the negative impact of the extractive industry only. The emergence and proliferation of anti-extractive resistance is based on the negative impact of the industry on the indigenous ecosystem, land rights, existing livelihood practice and biodiversity in the Global South.

Teixeira and Nicoson (2024) argue that resistance and conflict over extractivism is usually caused by the inequalities and imbalance in accessing natural resources. Gorman (2020) also argues that extractivism often extract resources in a way through which indigenous communities and the rural poor become sacrificial zones. Consequently, grassroot and community resistance is often because of contesting the negative impact of these industries. Riofrancos (2020) suggests that resistance to the extractive industry is often based on the negative impact of the industry on land rights and ecosystems in indigenous territory; whereas Sempertigue (2020) asserts that resistance to the extractive industry is often based on contradicting understandings of development between indigenous communities on the one hand, and the state and multinational corporations on the other hand.

3.3.1 Comparison of Xolobeni and other Regional and Global South Cases

The Xolobeni situation also draws similarities and differences with other communities in the Global South, these different communities from Africa, Asia, and Latin America also confront a neoliberal policy framework which seeks to commodify their ancestral land, and in the process alienate them from their indigenous land. However, it is important to note the nuances in comparing these communities with the Xolobeni case; this is due to the difference in historical context, political environment, type of activity causing land grabbing or land dispossession. In addition, some community in the Global South have lost their land, whilst the Xolobeni community is still on their land, the Xolobeni is thus a unique case in the context of neoliberal onslaught on indigenous land rights. In Kenya for instance, about 700 families from the Indigenous Ogiek tribe in the Mau Forest were evicted from their land. Of similarity is the struggle for continued ownership and rights to ancestral land between the case of the Xolobeni and the Ogieka communities (Claridge and Kobei, 2023). The Xolobeni case thus to some extent, is not unique but draws comparison and similarities with other communities fighting for their land. In addition, both situations also reflect the contradiction between narrow economic interests and indigenous land rights. In Kenya the eviction and dispossession of the Ogiek community has been done because of language and discourses like protecting environment, protecting the land from deforestation and securing lucrative carbon credit projects (Kweyu, 202). Similarly, in the Xolobeni situation, the proposed mining justification is based on rural development, employment and infrastructure development. Therefore, both situation

demonstrate the basis and foundation upon which land dispossession of communities in Global South rests. Nonetheless, it considers the following nuances, in particular the political and legal environment. The Xolobeni community, unlike some communities enjoy a favourable political environment with a state that can enforce communal and informal land rights. South Africa`s legal environment affords protection and entitlement which protects the rights of communities like Xolobeni. In Kenya, despite of African court rulings that recognized the forest as their ancestral home, the community still face challenges with regards enforcement of their land rights. There are also similar situations in countries like Tanzania, for instance in 2022, the Tanzania government implemented the forced relocation of indigenous Maasai pastoralist from their ancestral land within and near the Ngorongoro Conservation Area, a protected UNESCO World Heritage Site located in Northern Tanzania (Kovalicka, 2024).

Like the Xolobeni case, the Maasai case shows how development strategies are adopted and implemented without taking into account the autonomy and indigenous sovereignty of indigenous communities. Policies like conservation, are a result of decades and generations of colonial policies, which were implemented at the expenses of indigenous land rights. In these cases, there is an underlying assumption that indigenous land uses are inferior to neoliberal strategies like mining, conservation efforts (Gargallo *et al*., 2022). These discourses are like the language used throughout the colonisation era which justified land dispossession through empty land myths. Like the Xolobeni community, the Maasai community is not passive and has been actively resisting and opposing these imposed development projects.

However, one can also draw nuances in the definition of land rights. Whilst, in the South African context communal land rights are accorded through legislative framework such as Interim Protection for Informal Land Rights, in Tanzania the Maasai has on the other hand struggle for recognition of their indigenous land rights due to decades of conservation policies, which deliberately undermine their connection to their ancestral territory (Maantz, 2024). Therefore, the Xolobeni community like most Global South countries shows the conflict that exist between narrow neoliberal economic interests like mining, tourism, conservation efforts and the land rights of indigenous communities on the other hand. There are challenges in trying to reconcile these efforts which often results in undermining the land rights of indigenous communities who have lived there for many years. Whilst economic activities like mining have considerable benefit and incentives, often there are conducted without considering the negative impact on communities' land and environmental rights; additionally, there is minimum benefit for these communities, since the revenue and profit is not equally shared. As demonstrated in the context of Chiadzwa (Marange) by

Gukurume and Tombindo (2022) mining-induced displacement has a negative impact on community land rights and livelihoods. Most rural communities depend on their land for livelihoods and as a source of identity, this connection is disrupted when imposed development projects like mining are approved. In another instance in Zimbabwe, the Tokwe Mukosi dam relocations show what happens when development projects are implemented without considering their impact on people's livelihoods (Mudefi *et al*., 2024). In comparison to the Zimbabwean cases (Chiadzwa and Tokwe-Mukosi) cases and the Xolobeni demonstrate nuance of political environment, from a political opportunity structure perspective, it demonstrates how resistance, opposition and the ability for social movements, collective mobilisation and community to achieve its goals is based on the broader political environment (Gukurume and Tombindo, 2022; Mudefi *et al*., 2024).

In this context, the Zimbabwe `s political environment leaves limited room for communities to resist the negative impact of imposed development, communities are thus forced to comply than negotiate or resist forced relocations. Even in situations, where there are dialogues, there is limited political will for the state to concede to community needs. The government`s attitude towards rural communities and its subsequent neoliberal approach is a direct contradiction to the ideals of land reform programme of 2000, which were meant to address historical injustice of British colonisation. Therefore, this demonstrate that, even in situations where there seems to be ideals that seek to address neoliberal dispossession, the state always prioritize capital interests, whilst undermining land rights. There is a rich history of communities resisting land grabbing in the Global South, another case is that of the Rural Landless Workers' Movement (MST) of Brazil, which been on the forefront of community led resistance against neoliberal land policy (agribusiness-eucalyptus plantations) in Brazil for decades (Horn, 2021).

Both the Xolobeni case and the Rural Landless Workers' Movement shows that organized resistance is vital, especially when faced with well-established power structures like the State. Whilst resistance is important, it cannot survive without proper organised protest. In addition, the Xolobeni is also a representation of how discourses and narratives like environment justice features consistently in response to land and natural resources interests in the Global South. Such discourses can be seen in Nigeria through the Movement for the Survival of the Ogoni People (MOSOP) which has been fighting and confronting the Multinational company Shell (Paterson, 2023). Similarly, in Bangladesh, the Phulbari Coal Project has been part of conflict between the Indigenous peoples (Adibasi people) and Asia energy (Hasan, 2020). In Myanmar the anti-Letpadaung movement has been opposing land acquisition by a Chinese company Letpadaung Copper Mine (Buchsman, 2019). Therefore, these situations demonstrate that, communities are locate resistance in the context of

ideals like environment justice, and thus reveal that though the context of resistance to land might differ most share the need to protect livelihoods, their identity and their interconnectedness to ancestral land.

3.4 Historical resistance to imposed development in the Wild Coast

Events that have taken place in contemporary and previous periods have indicated that the nature, state and types of conflicts in rural former lands are caused by the struggle of access to land (Fubah, 2021; Mudau & Mahlatsi, 2022; Mtshelema, 2021). In most cases, the issue of land tenure leads to confrontation between communities that own these spaces and territories, and traditional leaders, government and multi-national corporations on the other hand (Madiya, 2021). The economic value of the resources in the rural side attracts a variety of stakeholders and interested parties, and it potentially creates new power dynamics over land rights, ownership and use. Nonetheless, it is important to understand that resistance to imposed development in the Wild Coast is not a new occurrence: communities in the wild coast have always collectively resisted coerced land use strategies and programmes. Mbizana, for instance, was one of the central areas in confronting the apartheid regime (Healy, 2021).

The physical territories recognised as Pondoland, or more precisely as Mpondoland, incorporate the areas of Bizana, Libode, Port St Johns, Tabankulu and Umsikaba. Pondoland is one traditional area of the Pondo people, one of the Xhosa-speaking peoples (Heindrik & Peires, 2011). Pondoland is divided into Eastern Pondoland, which comprises the four districts of Lusikisiki, Flagstaff, Bizana and Ntabankulu; while Western Pondoland comprise the three districts of Ngqeleni, Libode and Port St Johns (Nyika, 2021). Pondoland's historical background is one of colonisation, opposition and capitalism's absorption (Truscott *et al.*, 2022). Beinart (1982:vi), a renowned Pondoland scholar (cited in Huizenga, 2022), wrote that "A comprehension of the situation in the rural homelands needs to be situated in a study of the manner in which historically autonomous African tribal groups had been changed by the onset of colonial industrialization in South Africa".

Despite periods of opposition throughout Pondoland's past, colonial systems of exchange were accepted by people in the Wild Coast, demonstrating that they were not wholly averse to the benefits linked to the colonial process (Naicker, 2019). Although modernity and the colonial economic system had specific benefits, the Mpondo have constantly shown resistance to government interference and operation with foreign corporations to the expense of their community (Bruchhausen & Naicker, 2018). Stretching from policies favouring the operations of traders suggested in the 1880s (Beinart 1982) to the current opposition to planned mining operations, this nature of opposition has been demonstrated numerous times. The Mpondo Rebellion of 1959-1960

is the most well-documented and well-known example of defiance (Leonard, 2022). The Amadiba community in Pondoland's Mbizana district (a subject of this study) had a prominent part in the Mpondo resistance, which was a reaction to the 1956 Bantu Authorities Act (Kepe & Ntsebeza 2011). The "Betterment areas Act" was designed to cluster communities, delineate agricultural land, and split pasture grounds into walled settlements. The resistance further emphasised the significance of territory to the Mpondo people (Brandt & Mukodzongi, 2018).

The Pondoland revolt occurred in the 1950s and early 1960s. The revolt was mainly against the Bantu Authorities New System, which was supported through the Bantu Authorities Act of 1951. The objective of this framework was to place specific types of administration under the control of traditional African authorities, while retaining important control under authority of central government (Mahlatsi, 2018). This system introduced a hierarchy of tribal, district, regional and territorial authorities, while expanding the authority of chiefs to a particular scale. Furthermore, the system expanded taxes, drifting away from elected officials and eliminating public involvement (Fay, 2021). The introduction of this system lacked proper consultation and was externally enforced. The Pondo people challenged the enforcement of the Bantu Authorities system and the Betterment or Land Reclamation System which were implemented in 1947 (Kepe, 2020).

The Betterment scheme would impact how the Pondo people would use their land. The scheme planned to divide land into areas for grazing and plantations, and particular areas would be for keeping livestock. The Pondo people resisted this programme on the basis that they would lose their land. In addition to the issue of land, another issue centred around chiefs who worked closely with the apartheid government. These chiefs had drifted away from their traditional duties and were implementing decisions that were imposed by the central government (Saunders & Limb, 2020). For instance, at one point, Botha Sigcau – the traditional chief of Eastern Pondoland (1939-1976) – granted mineral, land and railway rights to a particular company in return for money (Clements, 2018). A good number of traditional chiefs received new positions in the Bantu Authorities System, without involving communities. This escalated the revolt against the system, and the resistance against the Bantu Authorities System would culminate in the emergence of a resistance movement, named the Ikongo (Mtshemla, 2021). The Ikongo consisted of Mpondo-speaking people from multiple areas, who collectively formed the Hill Committee. Initially, the Ikongo requested a meeting with the government authorities and magistrates, to express their grievances – however, their request was not recognised (Bramwell, 2015). The initial revolt occurred at Lusikisiki during a meeting requested by chief Sigcau. Similarly, another meeting requested by Saul Mabude – a proponent of Bantu authorities and chairman of the district authority in Bizana in 1959 – also ended

in violence (Webb, 2020). The series of violence was so intense that the government declared a state of emergency in Flagstaff, Bizana, Takankulu, Lusikisiki and Mount Ayliff. While the revolt failed to significantly achieve its objective, it paved the way for future resistance against imposed development, especially in the Xolobeni area. Such occurrences should not be dismissed, especially in the context of the current resistance to mining in the Xolobeni area (Fay, 2021). There is a tendency for such narrations to be passed on to the next generations, to ensure that the current generations perceive the significance of resistance in defending their ways of living and subsistence, and consequently to ensure that they can avoid experiencing the same oppression from the policies and strategies of government (Reynolds, 2018). Resistance and imposed development in Pondoland are intertwined, in the sense that the Pondo people have always resisted an attempt to dictate how they should use and own their land. The Pondo people have always resisted external economic strategies, especially if they were implemented without consulting the communities.

In the late 1970s and early 1980s, the government introduced the Mbizana sugar cane plantation project, which also experienced resistance and defiance from the community; and an attempt to develop a gum tree plantation project was also met with resistance (Zamchiya, 2019). In most of these instances, the Pondoland community always aggressively confronted development imposed by outsiders who did not consider the involvement of the local villagers in the planned projects and economic strategies, while the villagers perceived the proposed projects as threatening their existing land use and livelihood strategies (Bedford *et al*., 2020). In the context of the current and historical resistance to imposed land development, land ownership and land dispossession, it is important to realise that there are specific similar patterns of land ownership, power dynamics and preferences for specific land use and livelihood strategies (Tlale, 2020). This is evident in the types of stakeholders who are involved (which include Pondo communities and state authorities like traditional chiefs and similar land ownership) and in the dynamics of the process (including communal land ownerships, which contradict Western paradigms of land ownership).

Communities have furthermore always preferred land use patterns which connect them to their nature and ecosystem. Thus, resistance to development in Pondoland has constantly been ignited by the threats of the decisions taken by outsiders. Throughout the Mpondo rebellion, local communities opposed the government's coercive adoption of the Betterment programmes. In the same manner, the Amadiba Crisis Committee (ACC) has confronted imposed development through the mining project of an Australian mining company which received a mining license from the national Department of Minerals and Energy (Maphanga, Shale & Gqomfa, 2022). Project members who supposedly represent the disadvantaged are illegitimate, in the sense that they do not have

authority to represent the community. There is no consensus among the community regarding the direction of the mining; but what is clear, is that there is collective resistance to relocation due to the mining. Another point of contention in the uprisings was the issue of traditional chiefs. With a few exceptions, traditional chiefs backed the Betterment programmes and the Bantu Authorities. Mpondo activists accused them of working with the invaders and with the apartheid regime (Muller *et al*., 2022). As in the past, some traditional chiefs are now also supporting the mining project which would result in the dispossession of land from the communities around Xolobeni. Correspondingly, AmaDiba activists describe the Xolobeni Mining Company (Xolco), some officials of the municipalities, and several traditional chiefs who participated in the mining project's promotion, as sell-outs. Many of the traditional chiefs have long accepted that the communities are not willing to accept the mining project, but most municipal officials who have vested interests in the mining projects, are willing to contest for land rights on behalf of the mining company (Tran, 2022).

Yet another issue, pattern and occurrence which is common to historical resistance in the Wild Coast, is the lack of involvement of the local community in deciding the trajectory and path of the development discourses and projects (Skosana, 2019). To some extent, particular traditional leaders created a dialogue with communities during the period of Betterment. Local communities were not sufficiently involved in the programmes and consequently they fiercely opposed it. The refusal to engage most rural communities appears to be a substantial shift from dialogue and engaging practices that were typical in these rural communities (Huizenga, 2020). The failure to engage, especially by the mining firm and the local municipality, is a major criticism in the ACC's representations to the HRC and the Minister of Minerals and Energy. Mbizana communities have a demonstrated precedence of being involved in development decisions and they also embrace collective decision-making, as long their livelihoods are not affected.

Nonetheless, what is consistent in the historical and current resistance to imposed development in the Wild Coast, is how national or international economic pressures (which are uncontrolled by social constraints) have consistently eroded the local community's control over common land and livelihood plans (Shadrick, 2018). Opposition to the Mbizana Sugar Project and the Gum Tree Rebellion demonstrate identical occurrences: in the Pondo revolts and in the current Xolobeni resistance, communities were not consulted regarding economic strategies, leaving them with no other choice but to resist decisions that they see as imposed development.

The Mpondo resistance can be interpreted as a demonstration of local communities protecting their land and traditional livelihood practices (Bank, 2018). The ACC has mobilised social capital to fight violations of communal land rights and threats to local livelihood strategies (Jordan & Maharaj, 2018). Throughout the periods preceding the Mpondo Resistance of 1959-1960, longer periods of submerged defiance culminated in a full-blown resistance. For instance, the Kongo social movement, which is prominent in the events occurring before the Mpondo rebellion of 1959-1960, was the result of defiance of the rehabilitation scheme, and against small allotments and cattle culling. It resulted in fierce resistance and the confrontation against Bantu Authorities.

Likewise, the current resistance against the mining project is marked by similar patterns of fierce resistance (Bundy, 2019). Accounts of the Mpondo Revolt of 1959-1960 are a key component of the current discourse of confrontation and defiance of mining in the Wild Coast. The Amadiba Crisis Committee directly connects contemporary resistance to the Mpondo Revolt of 1959-1960 (Garman, 2020). It has been documented those accounts relating to issues of development, decision-making and communal land use are entrenched in historical narratives. Such accounts frame the community's collective identity and their perception of capacity to challenge mining in their area. The formation of the ACC is evidence of the extent to which the community believes in their capacity to challenge imposed development in their area (Sepotekele, 2018).

3.5 Post-Apartheid South Africa informal land rights and communal land tenure

Although the post-1994 government promised to address previous injustices, including access to land and land disparities, it has dismally failed to address land inequalities. Most of the land is still under the ownership of commercial white farmers. A land audit conducted in 2017 has found that farms and agricultural land amounted to over 111 million hectares in 2015; and approximately 72% of this land (which amounts to 26,7 million hectares) is owned by white commercial farmers (Land Audit Report, 2017). Contrastingly, an estimate of 3,3 million black South Africans resides in informal settlements in the absence of proper land rights. Land policy has furthermore failed to protect the rights of about 17 million people living in former Bantustans or communal land. Though legislation such as the previously Interim Protection of Informal Land Rights of 1996 have been adopted, it has not resulted in improved land tenure for those living on communal land (ibid).

Between 1999 and 2014, dynamics have shifted power over land from the control of ordinary people in rural areas to the control of the elites (Mnwana, 2019). The post-1994 government has hesitated to address the land issue, navigating carefully with white commercial farmers. In communal areas, land legislations and measures were implemented in a way that placed power in

the hands of traditional leaders – this aggravated the marginalisation of rural communities and the deprivation of their land rights (Zamchiya, 2019). When the process of colonisation and apartheid was disrupted and replaced with a new political system, it was assumed that the communal land tenure system in South Africa would change; however, the system is still relevant in different forms (Tlale, 2020). This is evidenced by the fact that traditional leaders still have power over informal land rights in most rural areas.

In 2004 the Communal Land Rights Act (CLRA) 11 of 2004 was adopted. Several rural communities disputed the enactment of the legislation, as it would result in undermining the security of their land tenure, because it provided traditional leaders and councils a broader spectrum of powers, including power relating to occupation, use and administration of communal land (Malan, 2017). The Communal Land Rights Act (CLRA) resurrected the mixture of economic and political deprivation that existed under apartheid's Bantustan System. The provision was that chiefs would make land decisions on behalf of community; but precedents have shown that traditional leaders usually act on behalf of their own interest (Legum, 2019). In 2010, the constitutional court repealed the CLRA, stating that act was unconstitutional on the basis that the parliament had adopted an inappropriate consultation process in relation to the constitution. While the CLRA was abandoned, other legislations and measures are still in place, which provides traditional leaders rights over rural and informal land and its administration.

Hence, the implications are that these legislations remain a threat to rural people's security of tenure. The Traditional Leadership and Governance Framework Act (TLGFA) 41 of 2003 reflects the demarcation of the tribal administration, which was created during the apartheid era with the Bantu Authorities Act of 1951. This legislative framework recognised the duties and authorities of the traditional leaders. The act also allowed the establishment of traditional councils and frameworks, which enabled traditional leaders to engage in the modern governance system. Although the act did not include provisions that allowed traditional leaders to be involved in land governance, traditional leaders always deliberately misused their roles and duties granted in this act to make key decisions regarding land governance, for instance granting mineral rights to mining companies.

Laws like the TLGFA and the Traditional Courts Bill still lead to deprivation of informal land rights, resulting in a shift of power to traditional leaders (Kiewit, 2019). Consequently, those in communal lands do not have the ability to make land-related decisions without the interference and involvement of traditional leaders. The Department of Rural Development and Land Reform introduced new measures in 2013 and 2014 that should have an effect on the communal tenure

circumstance in South Africa (Pienaar, 2020). These comprise policies on communal land tenure, land distribution, state land leasing and also specific legislation like the Spatial Planning and Land Use Management Act, and the Restitution of Land Rights Amendment Act. However, these new legislations demonstrate that power and control over informal land are still entrenched in traditional institutions and leadership (Zenker, 2018). Thus, there have not been notable changes to communal land tenure, implying that rural people's security of tenure continue to be undermined.

3.5.1 Dynamics of customary land ownership in the post-Apartheid era

Ever since the advent of the modern political system, governments have struggled to manage customary land, also recognised as *indigenous land* or *communal land* (Akaateba, 2019; Paradza *et al*., 2020). This challenge emerges due to simultaneous legal structures, which exist in several countries alongside customary practices. In urban areas, the private property regime functions properly; but in rural areas, where people rely on customary authorities and customary land tenure, conflicts exist (Chgbu, 2019; Hull & Whittall, 2018; Yala, 2019). The assumptions of the modern political systems, especially in former colonial countries, are that indigenous land or customary land can be administered and governed in the same way as in urban areas, through statutory systems, private property regimes and modern property structures (Zuka, 2019; Greiner, 2019; 2017; Kalabamu, 2019). However, experiences have shown that customary land cannot be governed with the same principles of private property and the different regimes underpinning modern property laws (Delius & Benart, 2018).

The same experience is also evident through the failure of land reform in South Africa. The post-Apartheid era promised to address the land injustice of the previous political era, which was tied to legal frameworks like the Native Land Act of 1913 and the Native Trust and Land Act 18 of 1936 (Jankielsohn & Duvenhage, 2018; Mnwana, 2019; Kloppers & Pienaar, 2014). A land reform strategy was adopted to address these inequalities and was premised on the three elements of land restitution, land redistribution and land tenure reform (Makombe, 2018; Hull *et al*., 2019; Mheta, 2019). Land restitution focuses on addressing historical land dispossession through giving people back their land. Land redistribution addresses the unequal racial distribution of land through providing land to historically oppressed people (Kgobe & Makalela, 2019; Muswaka, 2019; Kepe & Hall, 2018).

Land tenure reform intends to secure and protect customary and informal land rights that were weakened by previous land policies and apartheid. The expectation was that land reform would not merely address land inequalities, but also ensure proper tenure regarding land, especially for those in the previous homelands (Nkosi *et al*., 2020; Nyawo, 2018; Davies *et al.*, 2020). Regardless of

strong commitments from government through a series of interventions and legislation, land reform in South Africa is failing (Hall & Kepe, 2018). What has caused the failure of land reform in South Africa, is the inappropriate logic of land reform, which shows no understanding or interpretation of land, especially in communal areas (Weinberg, 2015; Mmadani, 2019; Tsheola & Makhudu, 2019). For land reform to accomplish its goal, it should understand the way in which land, its use and its ownership are perceived by those in the previous homelands (Strauss, 2019; Zenker, 2108; Hoogmistra & Cloete, 2018). Land rights are an important element of the African spiritual and communal connection to the earth. Failure by the modern political system to understand the religious, social and political meanings of land has left those in communal areas vulnerable due to uncertainties about their land rights (Tirivangisi & Tavengwa, 2018). This failure to provide tenure for people in communal areas is a common phenomenon in most Third World countries, especially former colonies. This has negative consequences, because it creates contradictions and conflict in the communal land, which are reflected through overlapping land rights and differences in the interpretations of land ownership and usage (Walker, 2017; Hull & Whitall, 2018; Tlale, 2018). The same contradictions and conflicts tied to communal land in most former colonial countries also apply to the South African context (Evans, 2019).

The key issue in communal land tenure in many areas of South Africa is how to distinguish land rights that are specifically different from Western-legal forms of private party but cannot be considered as traditional or pre-colonial (due to the effect of both colonial legislation and contemporary swift transformation) (Connor & Mtwana, 2018; Murugani & Thamaga-Chitja, 2018; Simelane, 2018). Beyond this, another question in the communal areas is on deciding the forms of rights, and also determining which group or community should have specific rights to use and occupy and certain pieces of land. In addition, it has been difficult to ensure the land rights of women and other marginalised groups (Ehrenreich-Risner, 2018; Meyer. 2018; Bennet *et al*., 2013).

Another policy challenge relates to authority over land and designing the suitable institutional structures for land administration in these areas. Power dynamics which have shaped land tenure in these areas are important for comprehending how tenure systems function practically (De Kadt & Larreguy, 2018; Berry, 2018; Musavengana, 2019), given that the contestations over property are as much about the scope and constitution of authority as about access to resources (Mpungose, 2018). In particular, the authority and responsibilities of traditional leaders with respect to land are significantly controversial and extensively contested (Huizenga, 2019; Zamchiya, 2019; Ntongana, 2018). The contested nature of communal land tenure in South Africa can only be understood against the background of historical legislations which allowed land dispossession in these

communal land areas. Legislation reforms like the White Paper on South African Land Policy of April 1997 specified that land tenure policies must move away from permits and towards rights, thus calling for a universal non-racial structure of land rights for all South Africans (Malan, 2017; Legum, 2019; Kiewit, 2019). It also specified that people have the right to select the tenure structure which is suitable to their condition, comprising both group and individual ownership. However, these should be in line with the Constitution's commitment to basic human rights and equality (Pienaar, 2020; Andrews, 2018; Moroni, 2018; Walker, 2016). Securing tenure in these areas has been followed by adopting a rights-based approach, which is seen as appropriate to consider and accommodate the forms of interest in these areas and legal rights (Pedersen, 2016; Blue & Roth, 2019; Kroger, 2019).

Despite attempts to change communal land tenure through such legislative reforms, however, there is more overcrowding, as large numbers of people were forced on small spaces due to historical exclusion. In addition, there are often contradicting claims to certain pieces of land, which result in conflict over land rights (Abate, 2020; Shome, 2019; Cohen, 2019). There is no clarity on land rights, and this situation is worse in instances of proposed development projects like mining and other extractive activities. To this end, it has been proposed that the problem of communal land security can be addressed through comprehensive land reform (Leonard, 2019). However, it has been argued that the contested nature of communal land will not be addressed by land reform, which seeks to address the historical dispossession of the previously oppressed black majority (Vink & Kirsten, 2019; De Satge & Cousins, 2019; Allsbrook, 2019). The main problem that underlies South Africa's land reform failure is the ideological separation between the South African government's neoliberal ideology and the African interpretation of land ownership and usage. The neoliberal framework essentially fails to understand that in African and customary communities, land is more than a mere commodity where valuable and profit can be extracted. While the neoliberal approach emphasises individual property rights, it contradicts the collective ownership of land in communal areas (Moguarane, 2016).

Consequently, indigenous systems of land ownerships clash with individualised private ownership understandings of land ownership and usage rooted in the Western and neo-liberal paradigm (Maharaj, 2019). The colonial era assumed that it was suitable to adopt a communal paradigm, which anticipated that land was collectively owned by indigenous communities. Still, this was contrary to the situation on the ground, where some land was for collective use (especially for pastoral and agricultural purposes), while communities and households held exclusive rights over other areas (such as homesteads) (Clark, 2019; Yeni, 2019; Venter, 2019). The misunderstanding of

this complicated paradigm resulted in disputes. The inflexible implementation of customary frameworks in attempts at land reform, is typically the result of misunderstanding the multiple categories of land rights that prevailed traditionally.

This failure to recognise the multiple categories of land rights can inevitably deny communities their ability to hold land rights as individuals, through misunderstanding the traditional balance between collective and individual land access (Chetty, 2019; Bank & Hart, 2019; Sparks, 2019). This challenging framework can be recognised in communal land rights and communal land tenure (Clark & Luwaya, 2018; Rutledge, 2019). In its existing form, the communal framework is a result of historical processes like colonial and apartheid policies. This historical burden adds to the existing struggles and conflicts over land rights observed in communal areas. Therefore, indigenous communities should be allowed to own and manage their land through customary land tenure. Customary tenure structures are controlled by traditional norms and practices, within which land rights are socially entrenched (Vorster, 2018). They are evolving, multi-layered and responds to the rights of the community. Although there is the assumption that the collective nature of customary land does not provide proper tenure, secure tenure is provided. However, the South African government considers customary tenure as insecure and an obstacle to economic development (Du Plessis, 2013; Hull, 2019).

For instance, the Green Paper on Land Reform of 2011 states that land in South Africa may only be owned by a few elites. The State Land Lease and Disposal Policy (2013) has been criticised as highlighting the government's lack of trust in deprived black farmers. The Communal Land Tenure Policy shifts ownership of customary land to tribal authorities (Hull *et al*., 2019; Pienaar, 2012). This strips land rights holders of their land rights. Consequently, the failure to provide proper tenure for those on communal land means that their challenges are beyond the lack of proper land tenure (Hull & Turner, 2018; Hull & Whittall, 2018). In areas where development is proposed, these communities are not able to accrue benefit from land on which they reside in cases of proposed developments in customary areas, like mining, wind farms, dam construction, conservation practices and road construction (Winkler, 2019). Stakeholders usually consult with traditional leaders and customary authorities, excluding these communities from potential benefits from the proposed development.

3.5.2 Power dynamics in communal land

In the post-1994 era, there was commitment to redress specific power dynamics which led to deprivation and marginalisation of those in rural communal areas (Berry, 2020; Mudau, Mukonza & Ntshangase, 2018; Tshidzumba & Chirwa, 2018). To this end, the aim of land reform strategy was to avoid repeating the similar power dynamics, which would produce the historical deprivation and oppression witnessed in the previous political era (De Kadt & Larreguy, 2018). However, crafting of legislations and policies is usually influenced by specific realities and dynamics. In the context of the communal land question, communal land is embedded in specific power dynamics which present political obstacles to those developing legal mechanism to the land question in the communal areas (Cousins *et al*., 2018).

The political obstacles for sufficiently addressing communal land tenure is worsened by the presence of valuable minerals in the former homelands (Tshela, 2018; Zunkel, 2018; Mabikwa, 2017). It raises the stakes for the ordinary community members, political interests, investors and traditional leaders, who all intend to accrue benefits from these minerals (Gqada, 2011). Significantly, community members who advocate for communal land rights against the interest of wealth mineral companies and traditional leaders are at risk of being assassinated, violently subjugated, dispossessed and victimised (Barnwell *et al*., 2020; Adam, 2020). Even in circumstances not involving valuable minerals, community groups, activists and rural citizens risk being violently victimised for challenging the interest of the powerful and capital. This is because traditional leaders and pro-mining community members often use tactics of violence to counter resistance in these communities. Traditional leaders have not only engaged in intimidation tactics to weaken resistance against land dispossession in communal areas, but they have also manipulated specific existing legislations, like Traditional Leadership and Governance Framework Act 41 of 2003 (TLGFA).

Through abusing such laws, traditional leaders have assumed a powerful and influential role in shaping the path of land dispossessions, land struggles and land occupations in the former homelands (Leonard, 2019). TLGFA mentions land administration as one of the responsibilities of traditional leaders; but traditional leaders usually extend their authority beyond the scope and specifications of this act (Phakathi, 2020; Cousins, 2021; Venter, 2020). Communities and ordinary citizens have no power to hold traditional leaders accountable for their actions and decisions, even in instances where it leads to evictions and dispossession from their land (Sibane, 2016). In most cases, traditional leaders and traditional councils assume the role of the main representatives of the

community, with the responsibility to make decisions regarding communal land with limited to no consultation (Buthelezi & Yeni, 2016). While one must be careful not to present this as the experience of most communities, in the instances where the stakes are high due to the presence of valuable minerals, it has become a reality where there are expectations to exploit and accumulate profits. Since traditional leaders present themselves as the custodians of customary laws, they view themselves as the only legitimate institutions to control and administer communal land (Sihlali, 2018; Maditsi *et al*., 2018; Ubink, 2019). Using their position as custodians of customary law, traditional leaders make land-related decisions on behalf of their communities (Branson, 2016). Inevitably, communities fail to hold them accountable for their actions.

They continue to use their powers to speak on behalf of and represent poor rural communities (Claasens, 2018). This has prompted the emergence and rise of various forms of insurgency by community groups, land activists and environmental activists to advocate for the reversal of land decisions made on their behalf by local government and traditional leaders. Such campaigns and resistance to land decisions usually occur on land to which communities have customary rights (Mahlatsi, 2018). Usually, opposition to land occupations results in binaries within these communities: those in favour of the land-use decision and development, and those who are contesting and resisting the proposed development initiative (Weinberg, 2019; Songca, 2019; Juda Chembe, 2019). The consequences are usually conflicts and protests between community members advocating for the development and those against it (Yeni, 2019). In most instances, the antagonism and confrontations are intensified because decisions regarding land development are reached without consultation of the affected communities, and in most instances, communities are presented with eviction letters emanating from land-development decisions without proper consultation (Arndt, 2018; Steyn, 2019; Nkomo, 2018).

Traditional leaders in particular present themselves as custodians of communal land. This interpretation allows them to make land decisions on behalf of the communities, even without consulting the very communities that will be affected by the land development. In some communal areas, traditional leaders furthermore expect communities to pay tribal levies (Mnwana, 2019). Traditional leaders are responsible for setting the amount for these tribal levies, and they take advantage of legislations like the TLGFA and provincial legislation to compel communities to pay these levy amounts. There are specific repercussions for those who fail to pay these levies, as they are for example denied rituals like burying of family members (Ngubane, 2019). Because of these dynamics, rural communities are inevitably vulnerable to arbitrary decisions regarding land development without their say or involvement (Maluleke, 2017). This situation is worsened by the

absence of proper legislations to protect communities from such development. The current legislation meant to protect communities, is merely a temporary law and does not offer sufficient protection from the dynamics experienced in these rural areas (Ubink & Pickering, 2020; Kingwill, 2017; Sihlali, 2018). Consequently, tenure rights of rural South Africans remain unsecured in the context of current legislations and measures which are too weak for this purpose.

3.6 State ownership of mineral resources and land dispossession in post-1994 South Africa

Historically the mining industry has been linked with land dispossession in the rural communities of South Africa (Andrews, 2018). Ever since the discovery of gold in the Transvaal and diamonds in the Kimberly area, mining has been crucial in South Africa's role as a continental economic powerhouse. However, the reality of mining is one of inequalities between mining labourers and communities on the one hand, and mining management, government officials, traditional leaders and finance capital on the other hand (Mnwana & Bowman, 2022). Violent labour protest – as evident in the Marikana protests and the massacre that followed – is evidence of the inequalities between mining capital and labour or communities. The apartheid regime came up with legislations like the Land Natives Act 113, which dispossessed land from rural communities. The intent of the apartheid regime's policies was to reshape the Bantustans into zones whose purpose transcended the purpose of land for dispossession but were also intended as a source of cheap labour for existing mining capital (Barnwell & Stroud, 2019).

The historical background of land-grabbing and labour exploitation established the basis for the prevailing structure of mineral resource ownership in South Africa. The existing framework of dual private and state-owned mineral resources is a result of historical development which extend over 30 decades. The ownership of mineral resources has developed within an emerging mineral economy, dominated by colonial investment whose reward entailed the consistent discovery of huge deposits of mineral resources. Against this background, the existing framework which fails to recognise the indigenous rights of rural communities is a product of the early colonial period, as early legislative frameworks (like the Native Land Act 27 of 1913) did not recognise the land rights of rural communities (Mudau, 2021). Concerning mineral rights, the Cradock Proclamation of 1813 was the initial relevant change to the Roman-Dutch Law, as the proclamation awarded mineral rights to the government of Cape Colony. Having obtained mineral rights, the state had the authority to grant mineral rights to anyone who had the capacity (Higgs, 2018).

Therefore, the Cradock Proclamation was the initial step towards state ownership of mineral rights. In 1883 the Transvaal Republic enacted Law 1 of 1883, which granted mineral rights to the state,

and not essentially the authority to own valuable stones and metals (Maqutu, 2020). Besides this act, the Transavaal Republic also introduced the classification of proclaimed land over valuable metal and precious stone mining territories (Maqutu, 2020). In adopting this decision, the state allocated surface right permits over privately owned land to mining corporations for the objective of their surface mining. These decisions had negative decisions for farmers and other land owners, in the sense that it failed to recognise their individual rights while granting surface rights to mining companies (Mathebula, 2021). The consequence was that the special rights of exclusivity which had been granted to landowners, was superseded.

With the coming of Union of South Africa, there were efforts to integrate the different provincial statutes. The initial law relating to mineral rights ownership in the context of the consolidation was the Land Settlement Act of 1912 (Troskie, 2008). This statute essentially granted control of mineral rights, and not the right to the state. The granting of mineral rights to the state was repealed, however, and usage rights were returned to the land owner. This was an important step toward private ownership. Although the repealing of the usage rights impacted private ownership of mineral rights, the statute also assigned usage rights to the state for the large pieces of land it owned during this period (Badenhorst, 2019). When the state disposed of this land to individuals, they also regained the use rights for the minerals.

This land falls under the category of Alienated State Land. In spite of this measure towards private ownership of mineral rights, the Union preferred control of the valuable mineral resources. It also maintained the proclaimed land classification, the lease consideration concept and the mining lease administration implemented through the Transvaal Republic (Badenhorst, 2017). Relevant change was made in 1925, with the introduction of law which allowed landowners of Alienated State Land to obtain the special rights to discover and extract on their land (Cawood & Minnit, 1998). Conversely, in the instance where a mine was established on this category of land, the state had the specific rights regarding royalty payments under the Reserved Mineral Development Act of 1925 (Cawood & Minnit, 1998). The subsequent legislation regarding mineral rights came with the introduction of the Base Minerals Development Act 39 of 1942, which was amended in 1955 (Van der Schyff, 2012).

The 1942 statute provided special rights to the state for intervention if the private owners of land failed to enforce their entitlement to explore and extract underground minerals. This development enabled the state to convey the sole rights to explore to a third party, if the minerals were of national interest (Mbonambi, 2013). Additionally, the 1942 act further implemented statutes through which the state had the right explore and extract oil for national interest. Furthermore, in 1948 a shift was

made towards state ownership of resources, with the enactment of the Atomic Energy Act 35 of 1948 (Cawood & Minnit, 1998). The pattern was continued with the emergence of the Republic of South Africa in 1961, which came with several changes regarding state ownership of mineral resources. This was because legal frameworks for mineral rights had always been advanced in such a manner that different minerals were controlled through different legislative frameworks, which contributed to the intricacy of the framework (Van der Schyff, 2012).

The Mineral Rights of Act 20 of 1967 was an effort to integrate the number of legal frameworks under a unique legal structure. Nevertheless, a decision was adopted in which valuable stones were still regulated through the Precious Stones Act 73 of 1967 (Badenhorst & Van Heerden, 1993). The 1967 act acknowledged the traditionally multiple classification of land in the same manner they had progressed through the years and focused primarily on the regulation of land through the state, who had certain rights. The Mining Titles Registration Act 16 of 1967 can therefore be explained as a strategic decision made by government to gather facts in respect to the multiple classifications of mineral rights ownership (Cawood, 2004). This legal framework had been the forerunner of the Mining Rights Act 20 of 1967, through which acknowledgement of listed or recorded ownership could be guaranteed.

Mineral rights were further impacted in 1975, with the implementation of the Mineral Laws Supplementary Act 10. This act came with several provisions: (i) separation of private mineral rights ownership from the land, (ii) the mineral rights were owned through integrated shares, and (iii) the authority to extract mineral rights could not immediately be acquired (Morolo, 2023). A significant development came with the adoption of the Mineral Act 50 of 1991 in 1992, in terms of which the right-to-mine framework that was the legal foundation of mineral exploitation in South Africa, become invalid. The Minerals Act is potentially a relevant development towards a framework of absolute private mineral rights ownership in South Africa (Schmidt, 2023). The Minerals Act introduced changes, in that it scrapped the different categories of land and types of mineral rights that emanated from the contradictory legal frameworks in the four provinces (Kgoale, 2019), and it reallocated the right to explore and extract minerals resources that had earlier been reserved solely for the state, to the mineral rights owner (Van der Vyer, 2018).

To some extent, the most significant change brought about by the Mineral Acts 50 of 1991 from a mineral rights ownership perspective, is section 64, which enabled the unreserved transfer of state-owned mineral rights to the private sector (Tlale, 2018). The purpose of this was to shift from state ownership to a market-based framework. Thus, the ANC government took over a complex system of mineral rights ownership. This complex system among others included private land in respect to

mineral rights. This category of land refers to privately owned land, and in this category the right to use the land and the resources might not be essentially entrenched in the same individual or entity (Golden & Sas Rolfes, 2020). Private land can be owned by a single individual or entity, or more than one individual. State land is a territory or land owned by the state. *State-owned land* is the most basic type of ownership, and authority to use such land and minerals is acquired from the state. *Alienated state land* is land where the surface rights are privately owned, while the underground rights are owned by the state (Moghazy, 2013). After acquiring mineral rights from the surface landowner, mining companies are obligated to acquire authority to extract mineral resources from the state. Previously, proclaimed land was owned through claims, where surface claims were held distinctively by the state or private individuals (ibid.). For this type of land, the state has the authority to provide Surface Rights Permits (SRPs) to mining corporations that hold other relevant interests than that of the private owner. While rights to this type of land have ceased to be reachable, there are specific territories that still impacted through SRPs, and that are still acknowledged (Parcells, 2018). Lastly, there is the land category of Trust Land or Tribal Land. This is land where in most cases the rights to extract minerals were earmarked for specific communities in the previous Bantustans and self-governing lands (Kloppers & Pienaar, 2014).

Previously, legislative frameworks prohibited African natives from reaching agreements with mining corporations for extracting resources; consequently, communities were only allowed to negotiate through a trustee. This type of land involves complicated forms of ownership, since communities residing on the land, hold mineral rights, but do not hold rights to negotiate mineral lease agreements. Different legislative frameworks focused on the Trust Land issue, including the SA development Trust Act 18 of 1936, the Native Land Act 27 of 1913 and the Rural Areas Act 9 of 1987. Therefore, the ANC inherited a system which excluded and marginalised African natives from owning mineral resources. In this respect, the post-Apartheid government was tasked with transforming the new era through implementing policies that would address the historical exclusion of non-whites from ownership of resources like minerals.

However, the ANC regime was confronted with a dialectical policy challenge of supporting mining investments (Zamchiya, 2022). Consistent with Mwnana and Capps (2015) the post-Apartheid government's strategy for mining and land rights demonstrates conflicting integration of neoliberal and pro-poor policies. In this context, the ANC government found itself trying to simultaneously address two different and contradicting objectives. In addition, they also had to address historical inequalities, whist trying to ensure that radical policies did not negatively impact on economic growth. Therefore, the regime was tasked with reversing the non-voluntary dispossession of

households in communal areas, while also aiming to ensure continual mining investments in these same areas without antagonising either the communities or the mining corporations (Musavengana & Kloppers, 2020). Three important legislative frameworks were passed in relation to the dynamics of mining and land dispossession in the communal areas: the Interim Protection of Informal Land Rights (IPILRA) Act 31 of 1996, the Mining and Petroleum Resources Development (MPRD) Act 28 of 2002 and the Traditional Leadership and Governance Framework Act 41 of 2003.

IPILRA seeks to provide protection for informal land rights in the former homelands, especially in relation to use, access and occupation of customary land in the rural areas (Yeni, 2019). One of the legal requirements of the IPILRA is that rural landowners should provide consent to anyone who intends to invest or use their land (Beinart, 2021). The implementation of the IPILRA is constantly in conflict with the MRDA Act, which comprises measures to encourage large-scale mining investments and redistribute the profits to racially revolutionise the mineral property system in accordance with social justice (Miller, 2021). To purchase land from informal land rights holders, mining corporations are required by Section 5(4) of the MPRD Act to provide a notice and engage the legal occupants. The MPRD Act's regulations, meanwhile, mandate a consultation document but do not explicitly grant some local communities the power to refuse planned mining investment (CLS 2015). There are also additional statutory frameworks that interlink with the laws to regulate customary tenure (Matebesi & Marais, 2018).

These include the Traditional Leadership Act of 2003, which was updated as the Traditional Leadership Act of 2019 on November 28, 2019, substantially undercutting the involvement of local community (Kachena & Spiegl, 2019). This legislative framework provides ultimate authority to traditional leaders in a manner that undermines participatory accountability (Cock, 2019). Instead of addressing previous inequalities through changes in legislation, the post-Apartheid government introduced acts like the MPRD, which actually brought new interest, new contestations and new stakeholders that resulted in new power dynamics in dispossessing land from rural communities (Huizenga, 2019). The MPRDA obliged mining corporations to submit a Social and Labour Plan to attain mining rights. The Social Labour Plan details the path for developing the community; improving infrastructure and the standard of living; and capacitating human resources. However, a key change which has kindled new interest, dynamics and contestation for rural resources, is the redistributive measures which obliges mining corporations to sell 26% of equity-equivalent ownership to historical disadvantaged South Africans (Makgoba, 2019). The channelling of mineral rights to a broader range of intended recipients outside of corporates, such as communities through trusts, traditional authorities, and BBBEEE entrepreneurs, has produced different categories of

redistributive confrontations and conflict at various levels and among various stakeholders (Nxele, 2022). These conflicts relate to who receives what, in what manner, and what can be regarded as equitable redistributive achievement. This is in addition to debates over the efficacy of the charter's and SLPs' implementation. Other disputes are centred on the controlling of mineral royalties at the layer of mining communities and the BBBEEE ownership levels of mining corporations (Kilambo, 2021), in addition to the frequently tense relationships between the government and mining corporates over BBBEEE ownership levels (Atinkson, 2018). The involvement of "traditional" officials as BBBEEE owners has also been a complicated and problematic component of charter application and the concomitant distributional frictions. The most prevalent type of BBBEEE transaction includes vendor-financed transfers of minority equity holdings to a select group of (often) politically linked elites (Bowman, 2019).

Conversely, BBBEEE agreements usually gave minority ownership holdings to traditional authorities or community trusts when mining occurred on common property in rural territories, which was crucial for PGMs (Mnwana & Capps, 2015). As BBBEEE shareholders, traditional leaders have become crucial in legitimising the dispossession of land from rural communities (Meyer, 2020). Mining companies involve traditional leaders as BBBEEE shareholders to legitimise dispossession of land. It is also a strategy to bolster political power and social acceptability in the community in which they intend to invest (Gqubule, 2018). Since mining companies are also vulnerable from resistance by the community, the create partnerships with traditional leaders to neutralise local resistance to mining (Rawat, 2019). These partnerships between traditional leaders, mining companies and BBBEE stakeholders create confrontation with local communities, who are negatively impacted by mining. Hence, the changes to mining legislation have impacted the dynamics of resource ownership and resistance to it (Cloete, 2019).

3.7 Rural resistance and the ecological distribution conflicts in South Africa

Rural resistance in the post-Apartheid South African context is shaped by specific power dynamics, ideas, discourses and power players. The discourses of developmentalism and neoliberalism in particular have influenced how the post-Apartheid state should approach the question of economic progress, creating employment, and addressing inequality and development. While the South Africa state initially implemented a pro-poor economic strategy in the Reconstruction and Development Programme, it quickly shifted to the Growth, Employment, and Redistribution policy (GEAR) in 1996 (Vivek, 2024). The adoption of the GEAR economic policy signalled a fundamental transition to pro-market policies, and in terms of land ownership the GEAR policy had further implications

(Mathebula, 2015). After its adoption, the South African government adopted the Mineral and Petroleum Resources Development Act 28 of 2002.

This legislation is crucial regarding land ownership, especially in communities rich with mineral resources. One of the key provisions of the act was to place mineral rights under state ownership, and to separate surface rights from underground rights (Vinti, 2018). This decision essentially increased state power over mineral rights. Other policies – like the Strategic Integrated Projects, and the National Water Resource and Strategy – collectively support the construction of large-scale infrastructure, which impacts on land ownership in rural communities (Meissner, 2016). Thus, the discourse of neoliberalism and developmentalism have influenced the different types of resistance. Resistance to mining can be divided into resistance before mining projects (resisting possible displacement), resistance on an already established mining operation (resisting environmental impact, possible mining expansion which would impact land rights), resistance to large infrastructure, resistance to conservative practice, and rural resistance challenging traditional and customary practice which excludes women from owning land.

3.7. 1 Mining-related resistance

Mining-related resistance in particular has become a common feature in the post-Apartheid context. In the past, mining resistance was primarily labour related, but since the 1980s there has been a transition from an emphasis on labour to an emphasis environmental and social (community) impact. Such a transition has been necessitated by the expansion of ecological distribution conflicts. Throughout the 1960s and 1970s, scholars demonstrated the emergence of working-class environmentalism. This provided the basis for the shift from labour-related resistance to ecological resistance. Working class environmentalism included workers' association and unions responding to specific working conditions and advocated for the acknowledgement of industrial risks and the adoption of environmental regulations. The shift to ecological conflicts can be explained in the context of economic growth, especially in Western countries. The discourse on economic growth has propelled the broadening of multinational corporations' social metabolism, resulting in significant demand for energy, mineral and biomass extraction. This resulted in conflict of metabolisms in the host communities, between a subsistence usage and extractive corporates. Bebbington and Humphreys (2018) report that the adoption of advanced technologies in the mining industry entails that mining is shifting to significantly capital-intensive operations, with a reduced need for unskilled labour. Advanced machineries and equipment are utilised to extract minerals from open pits and to extract and process ever expanding volumes of soil and water. Simultaneously, lower quality deposits are expanding the activities of mining corporations and are

leading to significant environmental impact (Loomis, 2021). These environmental issues negatively impact the indigenous livelihoods of peasants, who react to preserve these traditional livelihood approaches (Szabo *et al.*, 2022).

The quality and volume of water in these communities decline immensely, their pastoral territories are encroached, and socially they challenge growing community conflicts and the impact on their cultural traditions (Pessa & Ross, 2022). The literature thus highlights that it is not merely the continued land dispossession that is igniting confrontation between mining corporations and host communities, but also the amassing of hazardous waste, which pollutes water (Kinda & Thombiano, 2022). In South Africa, the negative impact of mining on water quality has been demonstrated by Bobbins *et al.* (2018), Winde *et al.* (2019) and Raji *et al.* (2023).

The accumulation of the geographical spaces, territories and land for extraction is also propelling livelihood dispossession through a process described as *dispossession through accumulation*. It has been highlighted that environmental burdens can result in community-level complaints, which will in turn result in larger aggressive conflicts (Nalule, 2018). Consequently, the increase of extractive operations in new territories and spaces has resulted in the exclusion and marginalisation of host communities in deciding the trajectory or path of these extractive projects (Setyawati, 2021). Given this explanation, the absence of participation or representation of the host communities leads to specific conflicts between indigenous communities and extractive corporates. While mining was historically crucial in driving economic growth in South Africa, mining has been linked with poor labour conditions, land dispossession, forced relocation of communities and environmental harm. Mining-related resistance has been the subject of different scholarly contributions.

Bond (2022), for example, demonstrates that what propels rural resistance against extractivism, is the ecological impact of this industry. In addition, Bond also demonstrates other negative impacts of mining operations, including violence against anti-mining activists. Similarly, Fig (2018) also describes how community resistance against mining is due to the possible impact of mining on existing livelihood practices, like small-scale farming, ecotourism and agroecology. Mnwana (2018) argues that there is less focus on the assumed role of the extractive industry as a redistributive agent. In addition, there is no comprehensive attention on how rural communities imagine distribution and development. Mwana's main argument is that resistance to the extractive industry is shaped by the conflict over land rights, especially in territories where traditional systems of authorities still exist. Leonard (2022) also notes the challenge experienced by rural social movements and communities in confronting the harmful impact of the mining industry. He argues that for mining communities to achieve the desired goal in fighting mining companies, they need to

engage in networking and social capital through connecting with movements that share similar experience of marginalisation.

There are numerous examples of rural communities fighting mining companies, such as the Makhasaneni community in Kwazulu-Natal, which has been resisting attempts by Jindal Africa to build a $2 billion iron ore mining project. It is argued that about 3 000 people might be displaced by the mining project. The Xolobeni community (the case study for this research) has been resisting a proposed mining project by an Australian mining company since 2007. Similarly, the Somkhele community has been resisting expansion by the coal mining company Tendele Coal.

3.7.2 Resistance against conservation practices

Rural resistance in South Africa is also directed against green-grabbing practice. Green-grabbing can be defined as a land-grabbing practice driven by environmental purposes, typically for the conservation of specific landscapes and ecosystems. Powerful factors like foreign governments, international environmental NGOs and Third World governments are on the forefront in driving green-grabbing practices. However, while the overall goal is to accomplish certain goals, like sustainable development, there is contradiction in that it often results in the loss of traditional livelihood practices and the displacement of communities from their indigenous land. Green-grabbing has been demonstrated in Kenya in the dispossession of the Maasai from their indigenous land.

Similarly, wildlife and marine conservation also led to the grabbing of land from indigenous communities in Tanzania (Bergius *et al.*, 2020), and in Uganda deforestation practices led to the dispossession of about 20 000 communities that had lived on their land since 1975 (Blum, 2020), Historically, conservation practices in South Africa also prioritised ecosystems and biodiversity of the land rights of the indigenous communities. For instance, about 1 500 people from the Makuleke community were forcibly removed to make room for the Kruger National Park in 1969. Similarly, the Bakgatla ba Kgafela people were relocated to make way for Pinesberg National Park, and some Zulu-speaking communities were also affected when the Hluhluwe-Imfolozi Game Park was established. These historical injustices have also extended to the post-Apartheid era, although current conservation-driven land-grabbing is mainly due to dominant discourses that view conservation as an ecologically friendly and valuable activity.

Conservation-driven land-grabbing can be classified as market-driven conservation (Mantz, 2024). Market-driven conservation views nature and ecosystems as profitable resources and economically valuable (Rousseau, 2020). It therefore has the objective of incentivising communities to conduct

themselves in a particular manner that conserves biodiversity and the ecosystems, while simultaneously promoting growth (Wieckardt *et al.*, 2022). Because of the lack of effective alternative economic development strategies in rural communities, market-driven conservation projects are promoted as rural development strategies. Consequently, market-driven conservation (MDC) is promoted as the alternative to ecological damage, rural poverty and the need for growth (Chiavacci & Pindilli, 2020). From this perspective it may be argued that conservation practices have been integrated with the neoliberal economic framework, which supports (i) establishing free markets platforms that profit from ecosystems, (ii) commodification of resource governance within these markets, (iii) privatisation of resources in a manner which enables them to be traded in markets, (iv) minimising government involvement from market interaction, and lastly (v) shifting power authority from central government to local governments and non-government organisations (NGOs) (Haller, Kaser & Ngutu, 2020).

Besides providing opportunities for accumulation through the discourse of green economy, these changes shift the role of state in managing the environment, instead allocating the task and duty to non-state actors that include global NGOs, private companies and local people (Le Billion, 2021). NGOs have assumed a critical role in how ecosystems and natural resources are governed. Examples include organisations like African Parks, the Wildlife Foundation, Conservation International, Fauna and Flora International and the Worldwide Fund for Nature (Bersaglio, 2017). Market-driven conservation practice also resonates with several legislative frameworks in South Africa, like the Protected Areas Act of 2003, the White Paper on the Conservation and Sustainable Use, and the National Environmental Management Act No 107 of 1998. Nyamahono (2024) argues that collectively these policies have stripped communities of their rights to use ecosystems, while only limited privileged individuals are able to use natural resources. As local communities feel excluded from their ancestral land, there is a tendency to resist and challenge market-driven conservation practice. There is a plethora of literature on resistance to conservation in South Africa, and according to Sinthumule (2017) resistance to conservation is based on the value attached to land-by land holders. Some owners depend on the land for livelihood practices, and they see no value in conservation practice.

De Villiers (2021) adds by saying resistance to conservation practice (like protected areas) is due to contradictory land use and insufficient implementation of land claim settlements. Similarly, Maseko and Moyo (2022) argue that resistance to conservation is due to the negative impact of these practices on the livelihoods practice, economic well-being and unequal access to natural resources. Nustad (2020) also argues that contestation for conservation territories is due to different

interpretations of land between communities and those driven by the neoliberal paradigm. While communities view the environment and ecosystems as an extension of their identity and cultural practice, market-driven conservation views it as landscapes where profit and value can be extracted.

Nyathi (2020) also argues that community resistance to conservation is based on the value that ecosystems and landscapes holds for communities, which include serving as a repository of personal and economic consumption and as a source of livelihood. Mbatha (2022) points out that a conservation governance framework excludes customary livelihoods, which creates conflict with communities. Kepe (2018) further asserts that it is important to take into account the historical trajectory of exclusion and dispossession to understand resistance to conservation in South Africa. Mthimkulu and Nel (2024) concur with Kepe and demonstrate that historical exclusion and dispossession of communities underlies the tension between conservation practice (protected areas) and rural communities. Musavangane and Leonard (2023) assert that resistance to tourism and conservation is based on the loss of land rights and imbalanced land access and use. Conflict over conservation practice is due to certain discourses which justify dispossession of land for environmental purposes (Ramutsindela *et al.*, 2019).

3.7.3 Resistance against large-scale infrastructure projects

Recently, there has been an increase of protests and other categories of resistance in reacting to mega-development projects, particularly those that include dam construction, railway and road construction, public infrastructure, wastewater projects and public facilities like hospitals. Mega-development projects can be defined as those types of huge-scale types of investment that are characterised by an extractivist approach towards economic development. This emergence of protest against mega-projects has attracted considerable attention from scholars with different focus: some studies focus on the local resistance movements, while others focus on the adequacy of strategies like community consultation and compensation. In South Africa, resistance to mega-projects has become common as communities weigh the benefits and risks linked with infrastructure development.

Mambiravana and Umejesi (2023) argue that resistance to infrastructure development is based on the risks associated with such projects, in particular their impact on sacred sites and specific cultural spaces. Xaba (2023) indicates that resistance to development projects like road construction, is based on fear of being excluded and sacrificed by the state for outside interests. Hlangani (2020) also views development projects as threats to South Africa's heritage spaces and sites; and Dzerefos (2024) likewise argues that development projects like special economic zones often disregard

existing livelihood practices and land use, and that this typically results in resistance to such projects. Magadzu (2021) moreover asserts that mega-development projects often ignore the negative impact of such initiatives, like the loss of community and traditional livelihoods practices. In this regard, Schackleton (2020) demonstrates how resistance to development projects is based on the loss of access to ecosystems, livelihood practice and food security. Accordingly, Lynch and Long (2022) argue that failure to understand the negative impact of development projects on communities should be seen as green crime.

3.8 Conclusion

Historically, resistance is not a novel phenomenon to either the Xolobeni community or broader rural communities. Rural communities have always contested and resisted developmental initiatives, which were perceived as being imposed upon them. Development trajectories in this context refer to certain economic patterns and economic strategies linked to certain land use. The development trajectory in South Africa has always been shaped by the neo-liberal framework, which prioritises certain economic activities, like mining and agriculture. These economic activities are seen as improving economic growth and creating employment. In some instances, the practice of these economic activities requires the forced evacuation of certain communities. However, communities have always resisted the dispossession of their land by the government, both in the apartheid era and in the post-Apartheid period.

What is happening in Xolobeni, is the continuation of a relationship of conflict between communities on the one hand and traditional leaders, mining companies and government on the other hand. Indigenous resistance to mining and other economic activities is not confined to the Xolobeni community, however. It reflects global resistance from communities in the Third World countries, and is a reflection of the contestation of the meaning of development, trajectory of development, land ownership, land use and access. This contestation involves different stakeholders, whose understanding of land often contradict and diverge.

Chapter 4: Theories on indigenous resistance to land-grabbing

4.1 Introduction

The previous chapter provided a comprehensive and critical discussion of rural resistance in the context of South Africa. It showed the issues shaping rural resistance against mining in its diverse forms, and the power dynamics which are at the centre of such resistance. It also revealed how resistance against mining has shifted from labour resistance to environmental resistance. This shift has been enabled by the impact of mining on the environment and land, and its negative consequences for the spaces and territories which are inhabited by indigenous people. This impact of mining on the environment, spaces and territories has allowed environmental issues to be at the centre of issues igniting resistance from rural communities, rural social movements, non-governmental organisations and land activists or environmental activists in the rural side. The purpose of this chapter is to provide a comprehensive discussion of the theories on indigenous resistance to land-grabbing. Given this explanation, it is important to note that theories which inform indigenous resistance to land-grabbing have different backgrounds. Some are influenced by a sociological perspective, some by a geographical perspective, and some by political ecology. Hence, this chapter intends to show the relevance of these theories to this study, and how they can help to understand rural and indigenous resistance to land-grabbing, especially in Third World countries.

4.2 The reason for studying indigenous resistance to land grabbing.

Historically land dispossession, especially in Third World countries, has always been linked to the colonial period and neo-colonial activities of multinational companies from the historical colonial powers like Britain, France, Spain and the Netherlands. However, it is important to note that the same power dynamics and arrangements of land dispossession are still occurring in the rural spaces and territories of Third World countries post-independence. Historically rural resistance was also key in the decolonisation period, and in the case that is investigated in this study, it has once again ignited resistance from the rural side. Indigenous and rural resistance against novel patterns of land-grabbing is the key focus of this study.

Against this background, this study intends to highlight the issues that shape and ignite rural resistance in South Africa. It is envisaged that this explanation will be of importance for literature on resistance against different forms of land grabbing in the rural side of Third World countries. Generally, social movements and resistance literature tend to ignore resistance in the rural side (Kepe & Ntsebeza, 2011). Exploring indigenous resistance against land-grabbing in this study will

help to understand the nature of rural resistance, the issue igniting it, the power dynamics at the centre of resistance, the theoretical explanations for it and that framework that can be used to understand resistance in the rural side. Resistance against neoliberalism, in particular in the urban areas, has been explained through the lens of social movements' theories and concepts. It is also important to understand that resistance in the rural side is largely shaped by neo-liberal processes and practices which are key factors in land dispossession (Zhan, 2019). Hence, studying indigenous land resistance will demonstrate the extent to which social movement theories and concepts can also be used to understand the nature, patterns, categories and forms of rural resistance against land-grabbing.

In terms of rural resistance against land-grabbing, there are specific power dynamics that shape appropriate and acceptable land use. Resistance is over not only immediate issues like land and resource rights, but it also broadens into conflict over ecological, political, social, cultural and economic implications of mining and land projects. Considering this explanation, and through studying these issues and resistance against land-grabbing, the research seeks to locate these issues in specific theoretical frameworks and explanations which are of a multidisciplinary nature. These theoretical frameworks will help us to comprehend and explain the power dynamics in rural contestations. Moreover, the theoretical frameworks will be of importance for the study to understand how these power dynamics impact on rural resistance, the proposed land use, projects and practices in the rural side and the reaction from rural communities.

It is important to understand that the study does not merely seek to understand land uses and practices which contradicts those of rural side. It is instead focused on a certain type of land use in the name of mining, which has unique implications for the livelihoods of rural people. It is the study's purpose to search for theoretical frameworks and explanations which can help to understand the power dynamics involved in land deals, practices linked to mining, and why rural communities resist mining. Mining is a different and unique type of land use and practice, with particular and distinct impacts on communities. This is line with the earlier argument that the theoretical explanations and framework for this chapter will be borrowed from different disciplines and fields. For instance, regarding mining, the chapter will seek to provide theories which helps to understand the ideological and power dynamics which justify mining as an acceptable land use pattern in the rural side.

4.3 Theories on indigenous resistance to land-grabbing

The following section will document theories that can be used to understand indigenous resistance to land-grabbing. Resistance is any aspect that involves power dynamics and structure – hence, to some extent the study will also provide indigenous resistance to land-grabbing through the lens of power theories. In addition, ecological perspectives will be explored, since the previous chapters have indicated that rural resistance to land-grabbing is often prompted by ecologically related factors. The theoretical frameworks that will be engaged to understand indigenous resistance to land-grabbing include accumulation by dispossession, political ecology, the ecological unequal exchange theory, the theory of social territory movements, everyday resistance, post-development theory, repeasantisation, everyday resistance and terrirotialisation. However, it should be noted that the current study is underpinned and anchored on the accumulation by dispossession, post development and political ecology as the main key theoretical lens. Since the nature of rural resistance in the Xolobeni context is multidimensional, other theoretical frameworks will be briefly discussed and explained in this chapter, and will also be used in explaining some of the findings of the study, and these theories include the socio-territorial movements, everyday resistance, terrirotialisation, ecological unequal exchange theory and repeasantisation.

The three main theories; the accumulation by dispossession theory, the Political ecology theory and the post-development theoretical framework will be employed in the study as they all complement each other in various ways as explanatory lens for discussing the Xolobeni Community resistance. The study in particular focuses on varying variables, dispossession, contestation for ecological resources, power, subjective interpretation of land and ecosystem in the community. Therefore, the understanding that adopting these theoretical frameworks will contribute towards a more critical and broader explication of the distinct and underlying narratives, ideologies and interpretations shaping resistance to land dispossession in Xolobeni. The Accumulation by dispossession theoretical framework, for instance is able to demonstrate the nature of dispossession in indigenous communities and how neoliberal dispossession facilitate historical dispossession, which extends from the colonial period. It highlights how mechanism like privatization and commodification of nature and territory are the basis upon which modern neoliberal accumulation rest. However, the theory falls short when reflecting on the different interpretation and narratives of land ownership, which also need to be emphasised when seeking to understand the ideologies and discourses shaping resistance to land dispossession. The theory fails to capture these dimensions; these aspects are sufficiently addressed in the political ecology and post-development theoretical framework. In this study, the political ecology theoretical framework thus builds upon the argument of the accumulation by dispossession, it reveals and explains the role of capital in dispossessing resources

and commodification nature. It further demonstrates the nuance of power dynamics involved in the contestation for nature and ecological resources by showing that beneath this contestation is a different interpretation of how ecological resources should be owned and governed. The most important contribution of this theory to this study is on highlighting how communities like Xolobeni are a representation of how nature and ecological resources are contested between different power holders and stakeholders with different interest and capacity. However, the theory also fails to demonstrate how often, conflict is based on different understanding of the development process. This is where the post-development theoretical framework comes in, as it illustrates that Western development is narrow and not universally applicable, especially in those territories where people have indigenous and localised interpretation of development, land use and enjoy reciprocal relationship with their nature. In this way the post-development theory helps in interrogating and subjecting to critique the proposed mining activities and its envisaged development promises.

4.3.1 Accumulation by dispossession

Several studies have used the accumulation by dispossession theory to demonstrate the nature of contemporary neo-liberal dispossession and to explain mining-led dispossession, for example Ocampo and Schimtz (2023), Dash (2023), Tassinari (2023), Huckleberry (2024) and Mueller (2024). Some studies have focused on green-grabbing practice or environment-led dispossession, for instance Traldi (2021) and Green and Adams (2015). Studies by Bieler and Moore (2023), Dewan, and Nustad (2024) also indicated that accumulation by dispossession is linked to appropriation and commodification of water resources. Furthermore, Gellert (2015) argues that accumulation by dispossession (ABD) as a theoretical framework provides a powerful and significant dimension to understand existing land issues and dispossession in Third World countries. Miller (2022) also demonstrates that accumulation by dispossession occurs through different practices, especially through practices that are seen as environmentally friendly, like conservation practices. Miller (2022) argues that the accumulation by dispossession theory allows one to understand how indigenous land rights are undermined for private accumulation.

Gillespie (2015) demonstrates that accumulation by dispossession can occur in different zones as well. Urban areas practices like gentrification, for example, are also forms of accumulation by dispossession, in the sense that they dispossess spaces from poor communities for private capital. Thomson (2016) argues that state-sponsored land acquisitions can be understood as forms of accumulation by dispossession, in the sense that coercion is used to dispossess communities from their territories. Ring (2018), in turn, demonstrates how development activities like mining are crucial regarding accumulation by dispossession, through undermining land rights. Against this

background, the subsequent section will provide a detailed and comprehensive explanation of Harvey's theoretical framework. Harvey's theoretical framework use the term accumulation by dispossession to formulate his arguments. From this perspective, Harvey (2017) argues that most global North countries adopt neoliberal capitalist programmes to appropriate wealth and territories through dispossessing indigenous communities. Harvey (2004) argues that the practice of accumulation comprises reinvesting the profit created through the capitalist mode of production. The primitive accumulation process provides the foundation for capitalist mode of production; it comes before capitalist accumulation and provides the groundwork for an autonomous, capitalist system (Harvey, 2003). The concept of primitive accumulation forms a key part of Marx's attempt to elucidate the early periods of capitalist expansion. Primitive accumulation can be understood as the genesis of the capitalist mode of production, which consequently by default comes after capital accumulation and provides a mechanism for the capitalist system as a mode of production (Fuchs, 2021).

A key element of the primitive accumulation process is the separation of the labourer from the production process. Marx adopted the notion of primitive accumulation to explain the genesis of the capitalist mode of production (Ocampo & Schmitz, 2022; Burroughs; 2021; Bethell & Bennett, 2021). Harvey also offers his own interpretation by providing a significantly modern version of accumulation by dispossession, which he sees as the use of neoliberal capitalist strategies to dispossess land and simultaneously accumulate wealth. Miller (2022) provides three reasons to explain why Harvey adapted primitive accumulation into accumulation, initially Marx's original theoretical explanation, primitive accumulation was roughly explained through Marx's preliminary writing.

In addition, the elements that Marx presents have been altered through capital groups and novels practices (especially financialisation) and have been exerted into standard practice. Therefore, Harvey`s theoretical perspective capture certain financial mechanism that were not initially examined by Marx. Moreover, the phrase *primitive accumulation* undertakes that this practice has been side-lined and excluded to the original creation of capital, and not any aspect which does not occur in contemporary periods. The accumulation by dispossession theoretical framework presents capitalism's existing mechanism of accumulating wealth not through production, but instead through appropriation and grabbing territory from other people (Miller, 2022). At the outset, Harvey explained that accumulation by dispossession could be understood as the mechanism by which over accumulation through capitalism could be resolved, since surplus labour and capital could be

utilised to establish and obtain additional incentives from previously inaccessible or underutilised resources and labour.

In addition, Harvey also clarifies that accumulation by dispossession can emerge through different mechanisms, which mainly depend on the manner of operation. Subsequently, David Harvey in his theoretical explanation argues that accumulation by dispossession moves beyond the confines of Marx's conceptualisations and views the process of expropriation of means as not merely the genesis of the capitalist mode of production, but as a practice which complements the capitalist accumulation in the historical development of this mode of production (Zajontz & Taylor, 2021). In expanding his explanation, Harvey incorporates multiple issues and practices which were not a key part of Marx's earlier explanation on primitive accumulation (Das, 2022). The concept of accumulation by dispossession becomes a key part of Harvey's explanation, and it includes practices like acquiring land meant for agricultural purposes for non-agricultural purposes (Whitener, 2022; Castree *et al*., 2022).

Accumulation by dispossession also comprises dispossessing land from rural landowners, small-scale farmers, pastoralists, small fisheries for mining and other extractivist practices, corporate farming, and privatising of communal land for conservation practices and game reserves. A key practice and process of the accumulation by dispossession is that specific sectors of the economy or the factors of production – which were not previously in the fold of capitalist logic of profit accumulation – are subjected to it. The practice furthermore involves dispossessing the original owners of these means of production (Agyekum *et al*., 2022; Shirimali, 2021). Harvey (2017) asserts that the process of accumulation by dispossession process includes the components of (i) commodifying and privatising of land and the coercive eviction of rural communities from their land, (ii) converting of different types of property rights into primarily private property rights, (iii) suppressing the rights of the common, (iv) commodifying of labour power and suppressing of different forms of production and consumption, (v) colonial, neocolonial and imperial practice of appropriation of assets, and (vi) monetisation of exchange and taxation, especially of land (Hlomgwa, 2021). Against this background, it is important to have a clear understanding of the key issues in Harvey's theory. As explained earlier, a key issue of accumulation by dispossession is privatisation, a process which is characterised by the privatisation of public assets and the appropriation of common assets (Batubara, 2021; Delice, 2022; Strumpell, 2022).

The commodification involves natural resources and public land, for instance water, land, air, infrastructure like public transport, telecommunications, energy supplies, and social systems of redistribution (Timple, 2022; Petrovic, 2022). The process includes the privatising of immaterial

assets as well, such as knowledge, genetic material, and reproduction practices (Brooks, 2021). Most of these issues, which were outside the confines of capital accumulation while they were publicly owned, are also incorporated into the accumulation process in the capitalist mode of production (Zavala, 2021). Through integrating them into the process of capital, they become part of the capitalist property relations, and they therefore shift the social interactions of subjects in society. Consequently, the process of accumulation by dispossession is a practice of social exploitation (Yi-Fong, 2021; Cig & Cig, 2021). Privatisation in the global North follows a peaceful process, which happens without evictions or specific struggle. However, this is different in Third World countries, where the process includes coerced removals of rural communities from their land and appropriations of natural resources (Englert, 2020; Witiw & Kapoor, 2021).

4.3.1.1 The role of the state in accumulation by dispossession

A key characteristic of the accumulation by dispossession process is financialisation (Avanzato, 2020; Son & Shinn, 2020). The large expansion of financial capital is linked with the deregulation of markets, a swift movement of information and communication technology and the processes of privatisation. Speculation in the capitalist financial framework has led to the obvious economic growth through capital redistributions (Frederiksen & Himley, 2020; Guaque Toress, 2020). The financial structure has an important place in the whole process of accumulation by dispossession, in which the state became a central actor in privatising of previously public owned land, assets, infrastructure and space.

Marx's early analysis of capital accumulation did not extensively provide an analysis on the role of the state. Although Marx conceded that the state can play a key role in capitalist accumulation on behalf of the Bourgeoisie, Harvey argues that Marx's explanation has certain limits, since it failed to extensively demonstrate the role of the state in the processes of capitalist accumulation (Harvey, 2017). Therefore, in his accumulation by dispossession theory, Harvey argues that the state, in particular a Bourgeoisie, plays a key role in capital accumulation through creating the foundation and groundwork for property rights and free exchange among juridical individuals.

While there is a tendency for minimum state involvement and interferences, this typically happens and occurs when there are conditions and circumstances which contradicts the continuation of the capitalist mode of production. These conditions include labour unrest, economic crisis and financial crisis. The process of accumulation by dispossession needs a functional financial and credit system, and in this context the state also plays a key role in facilitating a comprehensive financial and credit framework (Seo, 2009). To ensure a consistent flow of capital, the state uses the central bank as the institution which oversees the regulation of the monetary and financial system (Seo, 2009). The

state further plays a critical role through implementing financial strategies, to generate specific types of credit flows or to issue bonds to stimulate artificial capital, while absorbing the flow of interest-bearing capital (Levien, 2017). Consequently, in this instance, the state is crucial in institutionalising the credit framework as a way to maintain capitalist accumulation. It thus functions to create the conditions upon which money is used as a medium of circulation and as a measure of value based on production and exchange of commodity. Harvey (2017) explains that the state plays a key role in controlling the contradictions within financial capital. These contradictions entail the synchronised character of centralisation versus decentralisation, the changing balance of power between banking and industrial capital, and the conflict within unity in the relationship between financial capital and the state (Harvey, 2005). However, regardless of these contradictions, the system can be maintained as long the countervailing forces regarding specific equilibrium points can be managed. The survival of capitalism relies primarily on accomplishing a specific type of appropriate balance of power between industrial and financial interest.

4.3.1.2 Spatial characteristics of accumulation by dispossession

The process of accumulation by dispossession is also spatial in nature, as it can be explained through the changes and its impact on specific geographical spaces and territories. The spatial nature of accumulation by dispossession comprises the process of uneven geographical development (Das, 2017), which involves the spatial difference in economic growth between two different geographical territories and spaces. The survival of the capitalist mode of production depends primarily on the purchase and exchange of commodities (Harvey, 2005). For its survival, certain commodities, in particular labour, have to move within geographical space. There is a tendency to deliberately create imbalance between specific territories; consequently, some territories have more wealth, capital and enterprises, which attract a huge pool of labour (Harvey, 2014).

Urban areas are created as clusters where capital, wealth and enterprises are significantly concentrated, while rural areas are deliberately marginalised. The process of accumulation by dispossession thus has spatial dimensions, as it tends to significantly concentrate in specific zones. Harvey terms this as *uneven geographical development*, which describes the extent to which development and growth tend to concentrate in specific zones (Bezdency, 2018). Uneven geographical development can occur at the regional levels, for instance between certain rural zones and other urban zones where capital and production are concentrated. It can also be found at national level between different parts of a country, where resources are extracted from a specific part to develop and improve economic relations in another part. Moroever, uneven geographical

development can occur at a global scale, especially between the global North and Global South countries, where resource extraction can also occur at the same pattern of colonial practices. In these practices, certain frontiers or territories are regulated to areas for resources extractions; and communities that live in such spaces, are relocated and dispossessed to make way for development.

4.3.2 Criticism of the accumulation by dispossession theory

Harvey's theory of accumulation by dispossession has been critically challenged in Marxist tradition, especially regarding discussion on imperialism. A fundamental argument is the fact that Harvey's theoretical explanation has historical resonance in the Marxist tradition. Therefore, severe criticism for Harvey's theory has emanated from Marxist scholars (Majumder, 2021). Brenner and Fine (2006) are concerned that the overarching notion of accumulation by dispossession encompasses an excessive number of disparate components. According to Brenner (2009), certain mechanisms that are grouped within Harvey's explanation, especially "mergers and acquisition", are firmly interconnected with the system of centralising capital, which is an inherent consequence of increasing reproduction of capital itself. In addition, some governmental action that prefers dimensions of capital, and rapidly deteriorating of the circumstance of the proletariat can be acknowledged as fundamental basics or a result of the system of increasing reproduction instead of unique practice of ABD. Smith (2018) also supports this argument, by claiming that such occurrences should not be seen as unique elements as Harvey suggested.

Brenner (2009) contends that the notion of accumulation by dispossession as provided by Harvey, might overreach to such an extent that it loses its unique interpretation. For instance, most occurrences collectively grouped under accumulation by dispossession, are inherent occurrences of capitalist accumulation. Dispossession of the default of debtor, even if such loans were legitimately obtained from financial agencies, is a standard interaction of property dynamics in the context of capitalism (Callicinos, 2020). The inconsistencies created by the operation of broadening reproduction and their response, which led to the dominance of finance capital, must be understood as a repercussion of the flexibilisation of the accumulation practice under the control of finance capital, contributing to enormous transfers of wealth of income away from labour. The argument that privatisation represents accumulation by dispossession is true in the circumstance of formerly non-capitalist economies like Russia or China, where these procedures essentially function as the "initial reference" of capitalistic accumulation (Skarstein, 2020).

However, as Egan (2022) asks, what sort of perspective can one use to view the privatisation of the public sector institutions in a country like India, where these were undoubtedly operated on neo-liberal boundaries and the only distinction after privatisation or economic decline is mainly control? Fine (2006), challenges the extent to which accumulation by dispossession can be viewed as the precondition for the sustainability of the capital accumulation and asserts that the situation is essentially the opposite (Roberts, 2018). Given how the speculative finance capital has acquired prominence over the capital in production, this prominence should be understood as an expression of the propensity of the capital towards centralisation (Stone, 2020). The emphasis here is on the absence of flexibility in the production sector and practices which Harvey groups under the accumulation by dispossession as the result of this absence of dynamism (Gallas, 2021). Harvey's view of the accumulation by dispossession is critically and critiqued by Fine (2006), who contends that Harvey's interpretation confuses the terms *internal* and *external*. Fine (2006) argues that the although the process of internal capital increase is possible, Harvey presents it in a very speculative manner. One might look at the example of how corporate agriculture and multi-national farming conglomerates have driven out rural landowners. Such practices can be seen as an internal expansion, since it involves the restructuring of the agricultural system and also entails the appropriation of land owned by rural farmers (Heller, 2020). If such a phenomenon is to be interpreted as accumulation by dispossession, the basic premise is that family farming and small-scale farming, which were formerly beyond the purview of neo-liberal practice, are currently being monopolised by the capital (Chambers, 2019).

Nevertheless, given the propensity toward the expansion of neo-liberal practice in farming, this supposition would typically be completely inaccurate (Buetggen, 2015). Furthermore, it would be false to claim that domestic development has reached its limits because (due to the ruling class's partnership with the landed classes) several opportunities for revolutionary agrarian reform, which could lead to the development of capitalism in agricultural production from below (the American path discussed by Lenin), remain unexplored. Fine (2006) challenges the fundamental tenet that "external factors are required for the continuation of accumulation".

According to Fine (2006), such an assertion is insufficient to account for the "Postwar Boom", which was essentially made possible by elements completely different from those Harvey mentioned as contributing to the accumulation by dispossession (Gordon & Webber, 2020). These variables included interventionist welfare states and demand management policies of the Keynesian variety. This boom was also followed by decolonisation (Roberts, 2020). The critique relates to the expansive character of the accumulation by dispossession, which makes it deprived of historical

resonance. Consequently, it generates the challenge with the assertion that capitalism generates its different self, since the aspects which integrated in the other, are essentially not a key part of the neo-liberal process itself (Boer & Yan, 2021). The main argument is that the accumulation by dispossession notion, since it has become the main character resonating to broadened production, is not able to provide critical and thorough explanation of the concept of accumulation by dispossession itself.

4.3.2 Application of the theory to the study

The International Food Policy Research Institute claims that between 15 million and 20 million hectares of land were transferred to private owners between 2006 and 2009. This transaction demonstrates the nature of dispossession in the former colonial countries, and essentially resonates with Harvey's accumulation by dispossession theory. One of the most fundamental and unique characteristics of existing debate about land in Africa is the magnitude of recent dispossession. The Xolobeni's case is thus not unique regarding the accumulation by dispossession of indigenous territories in indigenous territories in developing countries. The political economy of the post-Apartheid state in particular provides a foundation to understand the nature of dispossession in communities like Xolobeni. For instance, scholars have argued that the ANC's failure to address poverty and inequality is due to rigid adherence to neoliberal policies. With regard to mining rights and ownership of mineral resources, the ANC government was faced with the dilemma of trying to address historical inequalities of the apartheid era, while also trying to navigate the complexity of maintaining economic growth and productivity.

In this regard, Capps (2015) argues that the ANC mining policy contains a specific contradiction, in the sense it attempted to implement radical social transformation, while being committed to a neoliberal macroeonomic policy. Cousins (2015) also argues that the neoliberal policy agenda, which affects how land and resources are owned, has specific limits, given how it fails to recognise the customary land rights of indigenous communities. Given this explanation, communities like Xolobeni are caught in a dilemma of a state trying to implement transformation, while also adhering to policies that contradict the very transformation. Hence, the South African post-Apartheid government is facilitating accumulation by dispossession in indigenous communities, with neoliberal policies disguised as transformative.

For instance, one of the provisions in the Mineral Petroleum Resources Development Act 28 of 2002 is enabling local BEE partners to be part of mining ownership. The provision thus creates local interests who expect to benefit from dispossessing of indigenous land from communities. Local elites thus tend to reap benefits from mining rights legislative framework rooted in neoliberal

principles. For that reason, the MPRDA act 28 of 2002 – while seeking to address the issue of transformation – actually provides the basis for accumulation by dispossession.In communities like Xolobeni, the provisions in the act which details the role of the state as the custodian of mineral resources and the separation of surface rights from underground rights, contradict the way that communities like Xolobeni understand issues of land rights and ownership. While there are existing modern land rights frameworks like the Interim Protection of Informal Land Rights Act 31 of 1996, the MPRDA act 28 of 2002 takes precedent over such acts. This demonstrates the nature of accumulation by dispossession in rural communities, as dispossession of land is prioritised for the sake of extracting resources for accumulating profit and capital. The MPRDA act 28 of 2002 thus acts as crucial legislation in dispossession of land for private accumulation, and multinational corporations and private companies stand to benefit largely from land-grabbing practices rooted in neoliberal practice.

Furthermore, this interconnection between legislative framework and dispossession of indigenous territory is closely linked with how Harvey demonstrates the role of legislative framework and regulations in disregarding indigenous land rights for resource extraction. While there might be unique contemporary nuances in the dispossession of communities for capital and private accumulation, the Xolobeni context in particular should be seen as a historical continuity of applying coercive and violent mechanisms to dispossess communities of their land. The apartheid government for instance used violence and coercion to force relocation of communities to make way for mining, railway construction, conservation and other private interests. Legislative frameworks like the Land Native Act 27 of 1913 provided the legal basis for dispossessing and excluding African natives from owning land. Against this background, the use of legislative frameworks like MRPDA, Act 28 of 2002, should be seen in the same light of using legislation to dispossess communities for resource extraction. While communities like Xolobeni are supposed to be consulted and provide sufficient information with respect to proposed development projects, in particular mining, there is hardly any form of consultation. This demonstrates the process of non-voluntary consent in land appropriation, which also resonates with the process of accumulation by dispossession. Communities thus accept land deals without sufficient understanding its implications for their land and environmental rights.

4.4 Political ecology theory

Political ecology theory borrows from different disciplines, including anthropology, political science, sociology, geography and similar critical intellectual disciplines. The emphasis of political ecology is analysing how systematic factors, which include the neo-liberal practice and power

dynamics, influence environmental dynamics in a significantly interlinked globe (Sultana, 2021). Political ecology was developed in the 1970s and 1980s in the context of global neo-liberalisation, highlighting the crucial role that external forces like economic modernisation and global institutions have played in the reorganisation of local lives and ecological dynamics in Third World countries (Robbins *et al*., 2022). As a result, the topic is frequently linked to multidisciplinary research on environmental change and the loss of livelihoods in the background of international mining, deforestation, agrarian transition, and nature conservation programmes in underdeveloped countries. In such processes of land-grabbing and ecological conflicts, the role of neoliberal practice and local power dynamics are frequently highlighted in political ecology (Postigo *et al*., 2021).

Beginning in the 1970s, the orientation of political ecology shifted from the early emphasis on rural lives and territories to incorporate issues like ecological politics and socio-ecological interactions in urban, industrialised context as well (Zhu & Lo, 2022). As such, Sovacool (2021) identifies common questions among political ecologists, such as are *Whose use, whose claims and whose perspectives of the environment exist and why?* Hence, their efforts are mainly to comprehend the crucial linkage between environmental damage and dispossession, the issues driving ecological conflicts and shifts in ownership and control of land, and the linkages between place, identity and social movements (Benjaminsen & Svarstad, 2021).

The foundation of political ecology is also based on the scholarly contribution of cultural ecologist Julian Steward (2005). Cultural ecology is a framework intended to provide explanations for human social structures as essential adjustments to the local environment and subsistence strategies (Elias *et al*., 2021. Steward's (2005) main premise was that society's interaction with the environment was significantly essential and significantly rational in organising cultural structures that include kinship ancestry and households, for instance. However, this is in contradiction to those ideas and frameworks that attributed the diffusion of these patterns from different external societies (Sanders, 2020).

Consequently, Steward contended that the "cultural core" of each given community is made up of "those characteristics which are most directly tied to sustenance activities and economic structures" (Cederlof, 2020). The mostly representational "secondary aspects" of a culture, such as philosophy and spirituality, were shaped by this cultural core in conjunction with the circumstances of historical situation. Cultural ecologists made the case that human engagement with the natural world through various patterns of subsistence work had a guiding impact on the social structure (Ens & Turpin, 2022). Ultimately, Steward's claim that indigenous communities ought to be investigated as processes that both influence and are modified by their environment, was a key

intellectual breakthrough for the environmental social sciences. This premise, as well as that of geographer Carl Sauer (1965), provided the basis for future academic researchers. Based on this fundamental foundation, future scholars further investigated the nuance of the interaction between communities and their ecological space (Karkina *et al*., 220). The significance of cultural ecology in this context was how it represented the increasing impact of Marxist perspective within anthropology, which would finally become essentially documented in the contribution of political ecologists (Sutton & Anderson, 2020). In Steward's founding premise, the culture core was also like a Marxist premise of the material base. Furthermore, Steward's secondary characteristics adopted the Marxist premise of ideological superstructure (Perkiomaki, 2002).

Marxist insights had an impact on cultural ecology's materialist orientation in the investigation of society-ecological structures (Ogbu, 2020). Nonetheless, the differences lie in the fact that cultural ecologists have a tendency of not expanding such thoughts into the manner in which broader social and economic interaction between communities might impact environmental and economic change (Machaquire & Ginker, 2020). The key premise of cultural ecology was subsistence as a creative process of local cultural adaption and evolution. Indigenous communities were still seen in anthropology as mainly monolithic, and as restricted structures, which made it difficult to do in-depth research on intergroup interactions and trends in shifts (Montesano, 2020). As a result, cultural ecology and associated political ecology antecedents ultimately failed due to their incapacity to accommodate for and comprehend human-ecological transition in a sophisticated international economy.

The necessity for more comprehensive descriptions of the metaphorical and physical aspects of human-environment interactions would also be emphasised in subsequent research in ecological anthropology (Roberts, 2020). In this context, a significant amount of this intellectual work failed to take into consideration the wider, systematic relationships of political economic impact that were significantly becoming essential during that period, especially in Third World countries (Balogh, 2020). The focus of political ecology moved from cultures to ecology, largely due to the contribution by Roy Rappaport whose work came to be known as *new ecology* (Dahal, 2021). Populations would be emphasised in Rappaport's "new ecology" as one of the multiple elements in a constrained, integrative framework of energy transfer and nutrient cycle (Northcourt, 2020). Rappaport contended that this strategy enabled him to analyse various communities of people, plants, and non-human animals as comparable dimensions within a single methodological approach (Lees & Bates, 2020). Like plants and animal populations, human populations were merely physical parts of a wider geographical ecology. Such societies and communities could adapt to the

ecosystem thanks to culture (Rival, 2018). It was important to carefully investigate the patterns and interaction between its many physical and representative sub-elements, to comprehend how such an ecosystem functioned. Rappaport's concept of cultures as useful resources used by human populations within constrained, self-regulating ecosystems was criticised for possibly closing it off to other possibilities (Rival, 2018). Similar to Steward, his ideas came under fire for failing to give enough consideration to the larger historical and political-economic ties that occur during this period also shaping human-ecological practice within communities like Tsembaga Maring (Rappaport 1984; Biersack 2006).

Those who criticised his ideas claimed that environmental anthropology was too localised and that it ignored imperialistic characteristics and the invasion of a global capitalist economy (Greiner, 2022). One of the distinguishing characteristics of the emergence of political ecology was the greater focus on structured global imbalances and the potential for the mechanisms of maladaptation that these imbalances entailed (David & Quilley, 2022). Ultimately political ecology is dominated by several theoretical frameworks: the environment/social dialectic, the environmental constructive perspective and production of social nature (Schmink & Wood, 2019). What binds these perspectives is their analysis of social forms and human structure that links with the environment (Robbins, 2019).

Political ecology as a theory holds three main assumptions: Initially costs and benefits are linked with ecological shifts and are distributed in an imbalanced manner; shifts in the environment do not impact communities similarly; and this is because political, social and economic differences explain the imbalanced distribution of costs and benefits (Mickley, 2019). Political power is crucial in shaping such inequalities. Secondly, this imbalanced ecological distribution significantly leads to an increase or reduction in prevailing social and economic imbalances (Morehart *et al*., 2018). Given this explanation, political ecology assumes political economy as any shift in ecological circumstances that could impact the existing political and economic structures. On this basis, its intellectual roots are based on political economy and any aspect whose attention is mainly on the connection between economic frameworks and political arrangements. Political ecology thus takes into account how the interaction between economic structures and political arrangements have implications for ecological issues. Finally, the imbalanced distribution of costs and benefits and the reinforcing or elimination of prevailing inequalities have political repercussions in relation to the shifting power dynamics that are generated (Goldman *et al*., 2018).

4.4.1 Criticism of political ecology

In the early periods of the 1990s comprehensive discussion and competition emerged with regard to methodologies and ideas used to focus on the political and political ecology. The early generation of political ecology contribution had been critiqued for failing to provide thorough and constant response to politics and for its intangible and ambiguous understanding of political ecology (Giraldo, 2018). In recent times, the criticism shifted to allocating too much significance to political controls over natural resources, which some claimed was influenced by radical political agenda or placing significance to politics. This has negative implications in the sense that ecological issues are ultimately ignored (Roberts, 2020). Hence, the question was what could be regarded as politics and how it is connected to ecology. In similar vein, anthropologist Vayda (2004) and Walters (1999) criticised political ecology for what they perceived as an unreflective and preconceived concentration on concerns of politics and power. Their paper was subtitled "Against political ecology". They said that due to this concentration, political ecologists were unable to conduct in-depth ecological analyses that may reveal the underlying mechanisms beneath environmental phenomena and socio-ecological change.

Political ecology, in contrast to the traditional ecological anthropological legacies of Steward and Rappaport, is currently experiencing an ecology crisis (Connoly, 2019). Consequently, political conflicts over land, territorial and space ownership significantly occurred in the environment, but detailed ecological research of how these conflicts affected the ecosystem, was frequently lacking (Le Billion & Ruffy, 2019). The full scope of Vayda and Walter's (1999) critical analysis might well be due to a slightly deliberate misinterpretation of an ever-expanding field (Robbins 2004; Walker 2005), but political ecologists are still struggling to strike a proper balance between the interests of the political economy, cultural analysis and ecological science (Blake & Barney, 2018).

4.4.2 Application of the theory to the study

The perspective of Third World political ecology is that resistance to the various forms of extractive industry, in particular the mining industry, is as a result of different stakeholders and players. In most instances rural communities are forced to react to the shifts in land and resources governance, and that creates new frontiers of resources accumulation for global corporations. In this study, the political ecology helps to understand the issues underlying the contestation for resources, land and ecosystems between the different actors in the Xolobeni case study. These different actors include the South African state, traditional leaders, the Australian Mining Company, the Amadiba Crisis Committee, rural land owners and non-governmental organisations (NGOs), like Save the Wild Coast. The political ecology demonstrates the nuance of this confrontation between stakeholders

with different interests and contradicting interpretation of land ownership, resource governance and access. The historical pattern of apartheid and colonial periods creates the foundation framework for dispossessing indigenous communities from their land.

Political ecology thus helps to demonstrate that the confrontation between communities and the state in the Xolobeni area is an extension of this historical contestation of resources between multiple stakeholders. The historical nuance thus is crucial to understand and provide insights on the key issues and dynamics which are shaping the contestation for land ownership, resources governance and access between the different stakeholders involved in the Xolobeni conflict. The state's role in this conflict is particularly significant. Through legislative frameworks like the Minerals and Petroleum Resources Development Act 28 of 2002, the state has assumed the role of custodian of natural resource.

. One particularly important clause, Section 5, involves the separation of surface rights from underground rights, which allows the state to allocate mining rights to private mining corporations. However, the role of the state in granting mining rights is facing opposition from below, as is substantiated by (Xaba, 2023), who argues that state claims to mineral resources often experience rejection and opposition. In some instances, local communities might reach a compromise with the mining company, without involving the state. Therefore, the political ecology theory helps to demonstrate that the conflicts become a contestation for the legitimacy of state claims to mining rights, land and resource governance. In most cases, state claims to mining rights conflict with land rights of communities who already occupy these territories. Although land and resources in these territories are not governed based on modern regimes of land and property ownership, these communities have established their own forms of customary and indigenous ownership based on social networks. Thus, the connection to land, ecosystem and resources is based on these social relations. From this perspective, state claim to mineral resources is seen as a threat to these social relations and indigenous connections to ecosystems and natural resources.From a political ecology perspective, the conflict between the state, traditional leaders, the mining corporations on the one hand and rural communities, NGO and rural movements on the other hand, moves beyond immediate issues like land rights, the environmental impact of mining, imbalances of benefits and harm, displacement and forced relocation. The conflicts shift to the legitimacy of the discourses, narrative and ideas which should decide the appropriate action in terms of whether the mining operation should proceed, or whether the land rights of rural communities should be recognised. The state and mining corporations base their argument for mining operation on the discourse of development, economic growth and rural development.

Mining in particular is seen as the panacea to the uneven development between rural and urban areas: therefore, the granting of mining rights to mining corporations is seen as appropriate to address the issues in these rural areas, which include vast levels of unemployment, rural poverty and lack of infrastructure.On the other hand, rural communities contradict this narrow interpretation of mining operations and argue that mining has a negative impact on their land rights, pollutes their environment, and has no recognisable benefits (since mining companies themselves benefit more through profit generated). Most importantly, these communities do not recognise the extractive form of development. Against this background, conflict arises about the legitimate discourse that should guide how land should be owned and accessed, how natural resources should be governed, and especially who should own and access these resources. While the Xolobeni case seems to be about unique local issues, the political ecology theoretical framework helps the study to locate the Xolobeni conflict in the context of the broader contestation for land rights and natural resources between different stakeholders in the Global South.

4.5 Post-development theory

Post-development theory is a comparatively novel idea in development studies. The notion of post-development emerged in the 1990s as a response to conventional development theories. Certain theories share similarities with the post-development theories – such as the dependency theory – because post-development theory also believed in the South-North dichotomy, especially its orientation towards exploitation and oppression (Mathews, 2020). Moreover, the dependency theory shares with the modernisation theory the ideal representation extracted from the Western experience and the linked implicit longing to reproduce it voluntarily. Post-development criticism of the modernity principles is derived mainly from the dependency framework (Escobar *et al.*, 2022).

The early instances of what can be regarded as post-development framework arose around the 1980s, when it was linked to the criticism of development presented by Escobar (1984), Illich (1979), Latouche (1986) and Nandy (1988) (Guarin, 2021). This type of literature increased in the early 1990s, with the emergence of different comprehensive critique of development in the form of contribution from Ferguson (1990), Latouche (1993), Mies and Shiva (1993) and Verhelst (1990), including volumes contributed by Apffel Marglin and Marglin (1990, 1996) and Sachs (1992) (Neumann, 2021).

Over time, Escobar's contribution in *Encounter development* (1995), including Prakash's *Grassroots Post-modernism* (1998) and Rahnema and Bawtree's *Post-development reader* (1997), gave significant impetus to the post-development theory, along with Sachs's *The Development*

Dictionary (1992).From the 1990s, there has been consistent debate relating to post-development, especially in volumes like Zia's (2007) contribution *Exploring Post-development,* which also includes recent contributions concerning post-development theory in *Third World Quarterly* (Carcea, 2021). However, recently there has been a decline in interest in the themes. Post-development theory, similar to the majority of subdisciplines in development studies, is in no way a single body of knowledge. The post-development theoretical framework should not be seen as comprising different ideas in a single theory, because it is not a unified school thought.

While the scholars mentioned above could be grouped collectively under the theory, there is significant difference in the literature (Fehr, 2022). Differentiations can also be made on the basis of post-development reading that is primarily circulated and mentioned in English, and the literature that has a greater influence in Francophone communities. Although there are considerable distinctions between the two groups, post-development theorists from different language communities have interacted to quite an extent (Beck, 2021). There are different theoretical lenses among the scholars that are grouped in the post-development category. David Simon made a distinction between writings to which he refers as "antidevelopment" and "postdevelopment" (Simon, 2017). Development is criticised harshly and comprehensively in anti-development literature, which accuses it of destroying cultures and creating dependence (Aisher & Wainwright, 2019). *Encountering Development*, a publication by Escobar, was mentioned as an illustration of such a text. Simon equated post-development theory with more forward-looking literature that put forth fresh ideas for development solutions. *Grassroots Post-modernism* by Esteva and Prakash is also cited as an illustration of this. The differentiation made by Simon was not merely between two dimensions of scholars (Ziai, 2018) but it rather was a difference between an approach where development is comprehensively criticised and an approach where the writing is more optimistic and constructive. The literature also provides multiple variations within the post-development school of thoughts, it differentiates between reactionary populist dimensions of post-development theory and a radical democratic framework (Sengupta, 2018). The populist condemns modernity as unreformable and supports a return to a romanticised subsistence-based existence (Islam, 2018). This approach is mainly supported by Alvares (1992) and Rahnema and Bawtree (1997). The alternative – presented by, among others, Escobar (1995), Esteva and Prakash (1998), Banuri (1990) and Apffel-Marglin and Marglin (1996) – is careful in its illustrating of what can be termed *local* and *non-Eurocentric cultural traditions*, in a similar manner to its critique to modernity (Breakfast & Phago, 2019). Certain scholars have attempted to equate the post-development framework with post-modernism, thus implying that post-development represents post-modernism's view on development (Arab, 2018).

However, this attempt to draw an analogy between post-development and post-modernism has been criticised as inaccurate, because the aforementioned scholars have been affected by post-modern literature and ideas. The post-development approach therefore cannot be claimed to unmistakably represent a post-modern framework to development – and most definitely not the only one. It would be accurate to state that post-modernism greatly influences post-development theory, but that the degree of this effect varies greatly (Bossut & Davletova, 2022). Post-development also shares specific similar traits, ideas and concepts with the post-colonial approach, despite the fact there is little connection between these frameworks.

The founding premise of the post-development approach is to criticise conventional development theories, scholars, strategies, and ideas because development's expectations have not been realised, and post-development theorists contend that it has collapsed (Olatunje & Bature, 2019). They accord with many critical development thinkers in this regard, who claim that the Global South development endeavour has been met with increasing dissatisfaction beginning in the 1980s, with the so-called failed *period of development* (Schonberg *et al*., 2022). The concept of development, according to Sachs (1992), "stands like a wreckage in the academic terrain". The constant companions of development have been misconception and frustration, errors and atrocities, and they all have the same narrative: it has been unsuccessful (Rekhviashvili, 2021). Post-development scholars view the continuation of issues like impoverishment and disparity despite periods of initiatives to promote development, as evidence of development's inadequacy. These theorists also contend that beside development failing to achieve its promises, it also led to specific challenges of its own. For instance – besides failing to reduce Third World inequalities – development, according to Rist (1997: 20), it has also escalated the Third World 's heavy dependency and led to the exhaustion of its resources. Rahnema noted that "Not just did development struggle to redress the earlier challenges it was expected to overcome, but it generated different types of unarguably larger significance" (Mahmad *et al*, 2020). He identified issues like cultural alienation, ecological pollution, loss of self-worth, violence, and the development of demands that are never met (Ziai, 2019).

4.5.1 Criticism of the post-development theory

It is not unexpected that the post-development framework has drawn a large amount of critique, given how unorthodox it is. There are multiple perspectives for this critique, but it seems that many of them support either a Marxist, neo-Marxist or post-Marxist explanation of development or a specific additional and distinct understanding of development (MacNeill, 2020). However, it ought to be noted that post-development approach critiques are not homogenous and

there is none “anti-postdevelopment” stance (Stromback, 2019). Instead, there exists a wide range of distinct scholars from a variety of intellectual landscapes and with a variety of expressions with respect to development who have identified different facets of post-development to be problematic, or the scholarly contribution of a post-development thinker to be inherently problematic (Mathews, 2018). One of the most frequent objections to the post-development approach is that its proponents lack appropriate evidence to back their assertions and that their techniques and explanations are flawed.

Many skeptics believe that the assumptions of post-development thought are founded more on sentiment than on reason. Nanda (1999: 9) contended that post-development theory's repudiation of development emanates from a specific tendency or “attitude” instead of a detailed inspection of development discourse, whereas Sidaway (2002: 18) expressed the opinion that scholars view post-development theory as nothing more than an “academic trend”. In addition, critics also challenge post-development’s misinterpretation of post-modern literature, in particular the scholarly thoughts of Foucault. Certain scholars (Lehmann, 1997; Brigg, 2002; Ziai, 2007) argues that Foucault is missing in most post-development writings, while for some (Kiely, 1999) adopting the ideas of Foucault is fundamentally a problematic approach which compromises post-development theory. One of the criticisms relating to methodology and rationale for the theory is the inconsistencies in the ideas proposed by post-development. For instance, Berger (1995) criticised Escobar for giving the Cold War inadequate emphasis, and Lehmann (1997) and Nederveen Pieterse (1998) charged post-development thinkers with failing to sufficiently consider the situation of Asian countries, particularly the Newly Industrialised Economies, in their examinations of how development functions. Post-development has moreover been critiqued for its tendency to provide a universal and blanket approach to interpreting development. The criticism is that by viewing development as homogenous practice, strategies and ideas, post-development fails to acknowledge the nuance of development (Sage, 2022). It is especially criticised for how it has evolved over different time phases, implying that development should not be viewed as having similar traits, characteristics, principles and ideals (Kopiec, 2022). In this sense, post-development is accused of mischaracterising development when it portrays post-war arrangements with poverty in the South as universal or specific development projects. It thus fails to document the specific practical accomplishments of multiple development efforts (Cross & Giblin, 2022).

4.5.2 Application of theory to the study

In the South African context, the transition from the pro-poor Reconstruction, Development Programme (RDP) economic policy to the neoliberal-oriented Growth, Employment and

Redistribution (GEAR) policy represented the shift to neoliberal development. In this context, economic strategies like mining are seen as the panacea to the problems of poverty, growth, unemployment and infrastructure. This framing of mining as the preferred form of development justifies land-grabbing and dispossession of indigenous communities, to pave way for development. However, the Xolobeni community have their own interpretation of development, and of how land should be used, accessed and distributed to pave the way for this development. Against this background, the rejection of mainstream development resonates with the main premise of the post-development theory, which also questions the linear nature of development. The post-development theoretical framework helps to understand that competition and contestation for different `visions of development are at play in the Xolobeni conflict.

This conflict over development stems from the exclusion and sidelining of communities and the poor from the process of development. Development strategies – for instance mining, large-scale infrastructure projects, conservation projects, biofuel and other projects – are implemented with little input from communities. Consequently, those who propose development, often tend to ignore and disregard the negative impact of such development on communities like Xolobeni. Thus, the resistance against and rejection of the Xolobeni mining project by the community represent a rejection of imposed forms of development that fail to consider the vision and interests of the community where such development should take place. From a post-development perspective, mining should not be seen as an appropriate form of development for communities like Xolobeni, because communities like Xolobeni have their own cultural and social interpretation of development.

This unique perspective on development stems from their connection to nature, ecosystems, sacred sites and other individuals in the communities. Hence, mining will not only exploit their resources but also disrupt these relations and connections that exist between the community and their territory. From this perspective, resistance moves beyond fear of immediate challenges like the loss of land rights, environmental impact and forced relocation, but also include intangible loss. The post-development perspective thus highlights that communities like Xolobeni view their ecosystem, land, resources and territories beyond the economic and monetary framework of the neoliberal paradigm. The environment, physical bodies, sacred sites like graves, water sources and their preferred livelihood are aspects that define them as a community. Hence, when mining is allowed, it disrupts their connection to these aspects which ultimately define them.

This cultural understanding and interpretation of the ecosystem and the territory also inform their understanding of land rights and land use, and subsequently development as a process. Thus, this

alternative interpretation of development is line with the post-development premise of prioritising alternatives to development and locally produced ideas that reject the Western form of development. Therefore, the Xolobeni resistance moves beyond resisting the mining project. Rather, they are rejecting and challenging the discourse, ideas and narratives which justify mining as the preferred form of development. This framework, rooted in the neoliberal development framework, fails to recognise the negative impact of development projects on rural communities. In addition, it is designed without consulting the communities that will be affected by this development, and it often contradicts visions of development that already exist within these communities. Therefore, when communities like Xolobeni resist mining operations, they are acting based on alternative, indigenous visions of development that conflict with the Western vision and perspective of development. According to Escobar, one of the main theorists in the post-development theoretical framework view, conflicts like those in Xolobeni revolve around the three main aspects of economic, ecological and cultural factors. He argues that communities like those in Xolobeni deserve their own rights to culture, ecology and development.

4.6 Multidimensional theories applicable to the Xolobeni struggle

The Xolobeni struggle can be explained as a multidimensional struggle, since it involves different sets of factors, variables and dimensions. Some of the factors relate to the Xolobeni as a territory; and some factors are social, cultural and ecological. Therefore, the argument of this study is that the Xolobeni resistance and struggle can be understood from different dimensions. The following section offers a contextual discussion of the various theoretical perspectives and ideas that can also be used to explain the nature, context and underlying issues contributing to resistance in Xolobeni.

4.6.1 Everyday resistance

Everyday resistance is a theory presented by James Scott (1985) in his attempt to provide an explanation for the different types of resistance. This type of resistance is not overt or theatrical, as rebellions, protests, picketing or any structured, collective type of resistance, which relies on confronting power dynamics (Lehotla, 2019). The theory of everyday resistance can be applied to understand the conflict between the Xolobeni community and the state, although there are visible forms of resistance in the community, like framing legal and protest action. Scott's theory provides a foundation to understand and unpack the hidden and covert forms of resistance that are pervasive in the Xolobeni context. The theory of everyday resistance aids in understanding that power actors like mining corporations and the South African government can use hidden forms of power in sidelining certain discourses and ideas. Equally, the powerless – especially the villagers and rural landowners in communities like Xolobeni – can also adopt the same power strategies of resistance

to conceal their actions from the powerful. Therefore, the Xolobeni resistance should not be seen as organised, but it should be viewed as comprising everyday forms of resistance, such as sabotage and false compliance. These forms of resistance are particularly effective for communities like Xolobeni, which are physically separated and not organised politically like communities in the urban areas of South Africa.

The Xolobeni community also makes use of transcripts, which is one of the crucial concepts in Scott's theory. These transcripts – especially the invisible ones – manifest through discussion, dialogue and conversation in which attitudes and perception towards the mining project are articulated. These hidden transcripts provide the basis for resisting the proposed mining projects, and such discussions typically involve the use of language and discourses that cannot be expressed during interaction with powerful actors like mining companies, traditional leaders, government officials or municipal officials. In the Xolobeni community, resistance also includes subtle acts of resistance. For example, when the minister of mining visited the community to discuss the mining license, there were deliberate acts of sabotage by the community. These acts should not be viewed separately, but as collective efforts that resist and challenge powerful and dominant actors and ideas.

Scott's everyday resistance also accentuates the use of weapons of the weak, a notion which corresponds with the Xolobeni conflict. The Xolobeni community has managed to position itself as vulnerable to powerful political actors like the state and mining corporations. Consequently, the community managed to get support from local and international actors, which include local and global NGOs and social movements. The community also use the notion of weapons of the weak to gain free legal support from lawyers who have experience in fighting environmental injustice. These examples demonstrate the use of perceived weakness as a strategic tool in challenging and fighting powerful actors and stakeholders.

In addition, Scott's theory explains how strategies like infrapolitics are used by the Xolobeni community in resisting and challenging powerful state actors. Infrapolitics are typically less dramatic, yet relevant and powerful forms resisting and challenging power dynamics. In the Xolobeni context, the above strategies provide the basis for challenging the proposed mining projects. These strategies might include educational campaigns and initiatives on the importance of environment, preserving nature, practising environmentally friendly farming, and the sustainable use natural resources and ecosystems. In doing so, the Xolobeni community presents a less dramatic and subtle but effective form of resistance against those on the opposite side. These forms of resistance are not visible or direct, but they provide the basis and foundation for consistent

resistance and defiance in the face of powerful stakeholders and actors. In addition, there is a tendency for resistance to emerge through social relations, networks and interaction in which information and knowledge are shared (for example, in discussions and informal conversations about the harmful effect of mining operations). Such discourses are crucial in determining the trajectory of resistance and defiance against the state and the mining corporation.

4.6.2 Ecological unequal exchange theory

The ecological unequal exchange theory bases its arguments on the environmental elements of unequal exchange. It argues that there are inequalities with regard to environmental risks and benefits, in the sense that wealthier countries benefit significantly from extracting resources in Third World countries (Givens & Huang, 2021), while on the other hand, environmental risk – in particular ecological damage – significantly impacts Third World and poor countries. It therefore argues that there is an unequal distribution of harm and benefits. The Xolobeni conflict should not be viewed in isolation from other conflicts over natural resources between different stakeholders in the Global South. The Xolobeni community is aware of such conflicts in other territories and of the impact of development practices like mining on land rights and the environment. The ecological unequal exchange theory argues that there is unequal ecological exchange between richer countries and poor countries. Similar dynamics also extend to regions within countries where resources are extracted from rural communities and indigenous territories by more developed urban areas. The historical legacy of apartheid is particularly important for understanding the dynamics and aspects that shape unequal ecological exchange.

Historically, the rural homelands have been used as territories where labour and resources could be extracted, and this development continued into the contemporary period. Accordingly, the Xolobeni conflict is a representation of the nature of unequal ecological exchange in the South African context and of the broader Global South context. The theory helps us to comprehend the global dynamics and interaction that shape the imbalanced distribution of environmental harm and benefits. As a result, the theory also helps us to appreciate the nuance and dynamics shaping the Xolobeni conflict, and it enables this study to locate the conflicts in the broader context of conflicts over resources governance.

The neoliberal hegemony creates conflict and inequalities of resource governance and access. This contestation over resource governance and access can also be observed in the Xolobeni case, as the same argument that justifies the extraction of resources from the underdeveloped parts of the world, is also pertinent in this conflict. Mining corporations in particular are able to use their financial and legal resource to navigate and subvert regulations to exploit communities, land and natural

resources, which consequently has a negative social and environmental impact. The ecological unequal exchange theory enables the study to demonstrate the nature of existing Global South resource conflicts, in which global capitalist interests seek to dispossess indigenous communities of their land and natural resource. However, communities in the Global South are not passive stakeholders in this interaction. They are actively adopting and using environmental discourse which highlights the limitation of the development discourses that justify mining as the preferred economic and development strategy. The use of environmental discourses by the Xolobeni community in resisting and rejecting the mining projects, demonstrates their understanding of how mining activities negatively impact communities in the Global South, while the projects take significant portions of the revenue. The way the Xolobeni community frames their resistance, move beyond rejecting the mining projects, but challenges the wider global framework of resource exploitation and value transfer which is at the centre of the Global South and global North interaction in the global political economy. Resistance to the mining project in the Xolobeni community should consequently be seen as representing a binary clash between those who prefer a neoliberal strategy of development and those who hold an alternative and opposite view on this path of development. Hence, resistance to the mining project in the Xolobeni should be seen as various forms of reaction from below to the environmental impact of development and different forms of accumulation by dispossession.

4.6.3 Territorialisation

The main argument of this theoretical framework is that there is a tendency among social movements to use territory to create identity. This use of identity as a way to organise and challenge threats to territory (Raftopolous, 2022) is common among rural social movements, who typically have a special connection to their place and territory. For most rural communities, land, space and territory are more than a commodity: they value it beyond the economic interpretation of the neoliberal perspective (Gurung, 2023). This perspective is key to the process of territorialisation, which galvanise rural communities to defend their community.

The contestation for land and resources governance happens in specific spaces and territories occupied by a specific group of people. Territorialisation should be recognised as a strategy employed by multiple actors in contesting, competing and fighting to control resources, spaces and territory. Each actor employs unique mechanisms as a way to maintain their control over resources and territory. In conflicts like the one in Xolobeni, each actor employs strategies and mechanism as a way to govern resources, land and ecosystems. The resistance by the Xolobeni should consequently be seen as a way of employing specific strategies to accomplish particular goals and

objectives. The resistance should also be seen as a way of rejecting the territorialisation strategies of powerful actors and stakeholders like mining corporations, traditional leaders and the state. The strategies used in territorialisation are generated through different interpretations of how land, ecological spaces and territory should be used and owned.

Neoliberal strategies of territorialisation in particular produce discourses, ideas, and frameworks in which the state is seen as the sole custodian of how resources should be owned and governed. The state is thus seen as the only rational actor with suitable and appropriate development strategies. Therefore, land dispossession and others form of land-grabbing practices are a manifestation of this perspective. However, communities are not passive, and constantly they challenge this notion; and the Xolobeni conflict should be viewed from this perspective. It represents the broader position of indigenous communities in rejecting territorilisation strategies that undermine their land rights, livelihood practices and connection to their land. The identity of communities is linked to their connection with land, ecosystem, and sacred spaces; and resistance should be viewed as a way to maintain this identity. Indigenous communities have long established identities created through connection and interaction with spaces, ecosystems, and land. This interaction allows them to tie their identity to their territory, and therefore neoliberal strategies like mining are viewed as a threat to their interaction with their territory and with the people who live with them.

4.6.4 Socio-territorial movements

The socio-territorial movement theory is a product of Brazilian geographer Fernandes, who argues that for some social movements, the territory is a defining feature (Fernandes, 2023). Fernandes argues that social movements and space should not be separated, but regarded as socio-spatial movements (Hope, 2022). Although not all social movements use space, territory as a way for people to mobilise. Socio-territorial movements are unique, in the sense that they use the territory to define themselves. Socio-territorial movements are particularly a key and common feature of movements that resist land dispossession in the Global South. The socio-territorial movement theory allows us to understand the importance of territory for the Xolobeni community in challenging and resisting the proposed mining project. From the perspective of this theory, the Xolobeni as a territory has helped the community, small-scale farmers and land owners to use the internal existing resources to mobilise against the mining project. The contestation and conflict about natural resources and land use between the Xolobeni centre on the significance of ecosystems and physical territories for the Xolobeni community. Their existence within the territory allows them to define the specific land use that should be followed in the community. The Xolobeni have an attachment to their land and natural resources, and this attachment is mainly derived from how

they define their territory as a people. This attachment to land and natural resources in the territory conflicts with how it is seen by the state and mining corporations that support resources extraction from the land. The contestation revolves around the different meaning attached to the land and natural resources that can be found in this territory. For the Xolobeni community, the Amadiba Crisis Committee's attachment to the territory allows and enables them to craft ideas and practices to challenge those who are viewed as a threat to their attachment to the territory.

Like most social movements in the Global South, the Xolobeni community also engages with multiple spatialities of contention, among others adopting legal language to resist the mining projects on the national level, while simultaneously using global platforms to highlight and present their cause. The Xolobeni community has also been able to access the media to further their cause, which has helped them to garner forms of support like financial and legal support. This demonstrates how socio-territorial movements can use different spatial scale when challenging powerful stakeholders and actors in their territory. Moroever, the Xolobeni as a territory allows the community to form their identity through connection and social relations with other community members, ecosystems, natural resources and their land.

This allows them to have a collective identity, which is crucial in challenging the proposed mining projects. The Xolobeni as a territory has a symbolic and cultural significance for the community, and this symbolic meaning emerged through the construction of territory. This allows them to determine and outline what their territory signifies and means to them. This construction of territory and of what territory signifies and means for them manifests through different ways, but most significantly it might occur through legally asserting their rights and claims. The Xolobeni, like most socio-territorial movements, has established unique political subjectivities, and those who failed to mobilise and organise themselves have been provided with a voice and platform to articulate their cause. Therefore, the emergence of a political identity enables and allow individuals that did not view themselves as political actors to join the struggle and become part of it.

As a socio-territorial movement, the Xolobeni community has a special attachment to their land. The proposed mining project is a threat to this attachment to their land, as the community will potentially be displaced and lose their attachment to their territory. Resistance thus should be seen as a way to assert their connection to the territory and the ecosystems that exist within this territory. Rural communities like Xolobeni have their own livelihood practice, way of life and cultural practices. These symbolic aspects are cultivated through their attachment to the land and the connection that have been generated through years of living in the territory. Therefore, the proposed mining project is seen as a threat to these ways of living and their existing livelihood practices.

Belonging to a specific territory allows them to develop an attachment to a specific livelihood practice and cultural practice. Hence, resistance should be seen as way of defending this manner of living that has been established through many years of living in the territory.

Moreover, belonging to a specific territory also allows socio-territorial movements like the Xolobeni community to generate and formulate unique experiences and values throughout the process of mobilising. The process of framing is fundamental in understanding how movements create ideas in response to hegemonic ideas and concepts. In the Xolobeni case, the community has managed to frame their struggle and cause around political, economic, social, ecological and cultural dimensions. These discourses or ideas allow them to articulate their struggle and to construct the meaning and the symbolic importance of their struggle. This way of constructing meaning through discourses, ideas and concepts that can be understood by everyone in the community, allows them to have allies and support from fellow-activists in the territory. Furthermore, the aspects of emotion and affects are fundamental in establishing bonds and political identity among the Xolobeni community, and the survival of resistance depends mainly on the identity of and bonds established among activists.

4.6.5 Repeasantisation

Repeasantisation is a process where there is an emergence of a peasant-like mode of production in the rural areas (Rigg, 2024). While there is a tendency for peasants and subsistence agriculture to disappear, this is not the case with repeasantisation, which can bring about an increase in peasant subsistence farming. Since repeasantisation does not occur without struggle, a key aspect of this process is resisting and challenging threats to land ownership and access in rural territory (Phillip, 2023). It thus includes autonomy as one of the key aims and goals of rejecting neoliberal threats to land ownership.

The notion of repeasantisation can be applied to the Xolobeni context, as communities in indigenous and rural territories have their own forms of farming practices, livelihood and way of living. Development projects like mining that comes without proper consultation, threatens the community's cultural practices and autonomy. Therefore, resistance and rejection of imposed development as observed in the Xolobeni community are a form of re-peasantisation, as it is a way of rejecting and challenging practices that not only threaten their agricultural practice but also their autonomy and capacity to govern their land and to sustain their ways of living and culture. In indigenous communities, agricultural practices are not merely ways of producing substance but represent the connection that exists between the environmental space and the community. This

connection can only be sustained if the community is able to maintain their autonomy, which includes the ability to determine how land is owned and cultivated.

Thus, a key aspect of reapasantisation is autonomy, or people's capacity to maintain control over how their land should be owned and used. However, neoliberal-led development like mining, conservation practice, different forms of resource extraction, and construction of large-scale infrastructure all threaten this autonomy. From the reapasantisation perspective, resistance to development projects by indigenous communities is therefore a way to assert their autonomy and self-governance. Communities like Xolobeni are thus not only concerned with loss of land rights, loss of livelihood practice and forced relocation, but they are further worried about the loss of the autonomy that comes with maintaining these livelihood practices. While mining projects and other forms of development promise benefits like employment, communities reject these benefits, as a way of rejecting becoming wage labourers for capitalist projects. Resisting neoliberal projects does not only entail resisting projects that will turn them into wage labourers, but instead it is a way of challenging and opposing policies that favour certain ways of development and progress.

In the current period, most development and economic policies favour the commodification of resources, while ignoring the existing livelihood practices in these communities. Denying peasants of their territory and rights therefore threatens their livelihood practice, food security and sustainability. Resistance from communities like Xolobeni should be understood in this context, to maintain their livelihoods, sustainability and territory. The re-peasantisation theoretical framework is thus valuable for this study, as it demonstrates how communities like those in Xolobeni emerge to defend their territory, spaces and ecosystem from de-peasantisation. The re-peasantisation theoretical framework demonstrates that indigenous communities are not passive receivers of the development strategies, but rather weigh and assess these initiatives with regard to the impact on existing ways of living and cultural practices. A crucial aspect of repeasantisation is the process of asserting the importance of existing livelihood practices like agroecology, ecotourism and practices that sustain their environment and ecosystem. Practices like agroecology, in particular, are crucial as counter-narratives to the harmful practices and strategies like mining and other activities that support resource extraction. It is a way of contrasting their ways of living against those practices that have a negative impact on their ecosystem, territory and ecological spaces.

A key aspect of re-peasantisation in the current period is food sovereignty, or the ability for communities to determine which food and how their food should be produced. Communities like Xolobeni have their own ways of producing food, which are linked to their cultural and indigenous practices. These practices and knowledge have been passed down through many generations; and

therefore, the conflict in Xolobeni, from the perspective of re-peasantisation, should be seen as a way of asserting principles like food sovereignty. Food sovereignty in this instance is a way of sustaining their long-established livelihood practices and ways of producing food. For indigenous communities, land, food and resources have value in economic and monetary terms. However, they are valued in terms of the relationship that exists between the community and these livelihood practices, ways of producing and governing resources. Aspects like food sovereignty are mechanism of rejecting and challenging methods that threaten this connection between communities and their territory and livelihood practices.

4.7 Conclusion

The current chapter has highlighted the theoretical framework underpinning indigenous resistance to land-grabbing. Theories that explain indigenous resistance to land-grabbing and the emergence of activism opposing neo-liberal practices within the rural areas of Global South countries are of a multidisciplinary nature. This is because there are many actors, practices and power dynamics involved when land is taken from rural landowners and indigenous communities. Hence, the suggested theoretical frameworks have different interpretations of land-grabbing, For Harvey, the process of dispossessing land from indigenous communities represents what he terms *accumulation by dispossession*, which entails that neo-liberal practices increase and lead to the accumulation of wealth for multinational companies, through dispossessing land from the original owners. What is happening in Xolobeni and other rural communities in South Africa resonates with the theoretical explanation of Harvey, as multi-national companies are dispossessing land from their original owners through neoliberal practices. In the South African context, the process of accumulation by dispossession has a historical character, in that it stretches from the colonial period, throughout the apartheid and into the current democratic era. What is consistent throughout these periods is how dispossession has been made possible through legislative frameworks and finance capital to dispossess people of their land.

In addition, since the activities of mining companies in South Africa has environmental impact on the rural communities, the ecological unequal exchange theory, which has its roots in Marxist thought and the dependency school, argues that this is a result of the imbalances of global trade. The theory asserts that there is an imbalanced flow of biophysical resources from richer countries to poor countries. In this regard, the explanation of the ecological unequal exchange theory is like the main premise of the dependency theory, which points to the dependency relationship between Third World periphery and the advanced core countries. However, the ecological unequal exchange theory moves beyond this premise and highlights the ecological imbalances that exist between

advanced economies and Third World countries. In this context what is happening in Xolobeni and other mining communities in South Africa fits well into the context of this theoretical framework. Activities of coal companies in South Africa lead to environmental degradation of the communities in which the companies are located.

The contest, confrontation and struggle between the mining communities and rural and indigenous communities in South Africa, and the Global South countries in particular, is one where there is a battle for acceptable land use, governance and ideas. The concept of development is at the centre of this contest. Development here can be understood as the improvement of livelihoods or the standard of living for a certain group of people. For the mining companies, development means extracting minerals, creating employment and contributing to economic growth. However, for the communities who own the land, development has different meaning. They are content with the current, traditional land use and subsistence production. In other words, they have an alternative interpretation of development, which fits properly with the criticism of conventional development provided by the post-development theory discussed earlier in this chapter. The premise of this theory is that development as a strategy and idea has failed to reduce poverty and address the most important development questions. The theory supports alternative forms of development and indigenous ways of development similar to those supported by rural communities.

Chapter 5: Methodology for the Xolobeni Empirical Study

5.1 Introduction

The previous two chapters provided a critical discussion of scholarly contributions to rural land access, ownership, mineral rights, dispossession, and resistance. The current chapter provides a detailed discussion of the empirical study, with a focus on the methodological approach that was employed in understanding the different competing narratives, ideologies, and discourses that inform rural land contestations and resistance in Xolobeni, South Africa. The methodologies that were used by the study were informed by the qualitative research approach; therefore, throughout the engagement with research participants, the researcher allowed the participants to express their subjective perspective on the issue of land conflict in the Xolobeni context. The qualitative research process in this study was also informed by the constructivist and interpretivist philosophies, which helped the researcher to understand the notions of land ownership, land rights and resistance to the mining company from the perspective of the research participants.

5.2 Research philosophy

The constructivist and interpretivist research philosophies guided the current research study. The aim in adopting these research philosophies was to answer the main research objective of the study, which seeks to critically analyse the underlying ideologies, narratives and interpretation shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni. The research philosophy can be defined as the underlying philosophical assumptions that guide the research methods that will be adopted in a specific study (Tamminem & Poucher, 2020). The research philosophy can also be defined as the formulation of the research arguments, and its knowledge and nature (Khatri, 2020). The underlying argument in the constructivist research philosophy is that there is no universal objective reality; thus, this research philosophy emphasises the existence of different and subjective realities that rely on the context and the underlying frame of mind held by the research participants (Park, 2023). The constructivist research philosophy views the interpretation, perspective and perception of people as relevant elements that shape the subjective reality of people in their social context (Pilarsaka, 2020). The study was also based on interpretivist research. The fundamental assumptions of this research philosophy are that reality is subjective, multiple and socially constructed (Junge & Yingxin, 2022). This suggests that reality is based on the subjective experience of an individual, which consequently shapes their perception of reality. Therefore, these two research philosophies were crucial for the study. Constructivism, with its emphasis on socially constructed reality and subjective perspective, was crucial for

understanding how the underlying ideologies, narratives and interpretation shaping rural resistance to land occupations, are socially constructed by the Xolobeni community and those in forefront in resisting the mining company.

Rural resistance to land-grabbing like those in the Xolobeni emerges in a specific geographical location and context. The constructivism research philosophy gave insight into the deeply rooted socially constructed reality of the Xolobeni villagers regarding land-grabs. The research findings of the study also demonstrate that ecological narratives of resistance, like environmental stewardship, are socially constructed notions which are embraced by the Xolobeni villagers in resisting the mining company encroachment on their territory. The constructivism research philosophy thus enabled the researcher to understand how such narratives and discourses are deeply rooted and shaped by how the Xolobeni community views land ownership, access and use. In addition, the constructivism research philosophy also enabled the research study to understand the social context that shapes the form of resistance tactics adopted by the Xolobeni community.

Since this research philosophy emphasises the existence of different and subjective realities that rely on the context and the underlying frame of mind held by the research participants, it was a crucial research method for the study, as it enabled an understanding of the subjective perspective which shaped the viewpoint of the Xolobeni community regarding land rights, ownership and access. The identity of communities, in particular, is attached to their reciprocal relationship with their land, ecosystem and biodiversity. These aspects are particularly important and shape how communities like Xolobeni frame their subjective discourses and ideas of resisting dynamics that undermine their land rights. The interpretivist research philosophy was also important for comprehending the subjective insights and understanding of the Xolobeni villagers in resisting the mining company. This research philosophy helped the researcher to delve into the subjective experiences, insights and discourses of the Xolobeni community regarding land ownership, access and land rights. The intepretivist research philosophy furthermore helped the researcher to understand how the collective subjective experience of the community shapes their resistance.

5.3 Research paradigm

Research is carried out within a specific framework and philosophical context, and this philosophical context is important for allowing the research to be conducted within a framework of universally agreed principles and values (Khatri, 2020). Therefore, the research paradigm is an important aspect of research. A research paradigm can be defined as a set of philosophical values, principles and norms that inform the techniques, methods and data collection methods in specific

research (Kivunja & Kuyini, 2017). Research is mainly done in the context of four main research paradigms: the positivist paradigm, interpretivist paradigm, critical paradigm and post-structural paradigm (Means & Mowatt, 2020). These research paradigms determine how the researcher approaches the ontological and epistemological aspects of research, the mechanism of acquiring the information (methodology) and the values of the researcher (axiology) (Otoo, 2020).

The guiding ontological and epistemological viewpoints or philosophies for the current study is that, ontologically, reality is subjective, multiple and socially constructed in a specific context. The understanding of this meaning is extracted through individual understanding of the personal encounters of the research subjects. In terms of epistemology, the argument of this study is that the researcher plays a key role in the research and provides insights on the data; and as such it is impossible to obtain objectivity. The study therefore argues that reality and knowledge are not objective but are determined by individuals within a specific environment. The positivist paradigm is appropriate for quantitative research due to its emphasis on using standardised methods to collect knowledge from a large sample (Park *et al*., 2020). On the other hand, the other three paradigms fit into the context of qualitative research because they focus on exploring and understanding social phenomena.

The study on Xolobeni was informed by the interpretivist research paradigm, which can be defined as a paradigm that seeks to understand a social phenomenon from the perspective of those being researched (Nickerson, 2022). Accordingly, the researcher did not impose his prior assumptions on the research participants. Instead, the researcher allowed the participants to express their subjective perspectives on land conflicts in the Xolobeni community. The main objective of the research study was to critically analyse the underlying ideologies, narratives and interpretations shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni. Subsequently, the interpretivist research paradigm allowed the research participants to express their subjective perspective which documented the political, economic, ecological, and cultural discourses informing resistance in the community. The interpretivist paradigm enabled the researcher to determine the nature of knowledge (ontology) and how knowledge is acquired (epistemology), especially in understanding that there are different understandings of land ownership and access in the Xolobeni context. This philosophical orientation is suitable for this study because, throughout the research process, the researcher managed to obtain the subjective realities of the participants regarding land ownership, and the discourses and ideas that shaped their resistance. For instance, the research found that the cultural and ecological importance of land for the Xolobeni is grounded in the subjective interpretation of land as a physical resource in the

Xolobeni community. Furthermore, there are multiple stakeholders in the struggle for land and physical resources in the Xolobeni territory, who include powerful state actors, the Australian mining company, traditional leaders and anti-mining villagers.

Therefore, the interpretivist paradigm allowed the researcher to understand the multiple realities, meanings and symbolism attached to land access and ownership. The paradigm also enabled the researcher to use qualitative research techniques – especially in-depth interviews and focus group discussions – which allowed the researcher to understand the study phenomenon through immersing himself in the process of the participants sharing and documenting their lived-experiences and understandings of the land ownership and resistance dynamics within Xolobeni. This is unlike quantitative research, which has prior assumptions that are imposed on the research participants. The interpretivist paradigm, instead, allowed the researcher to interpret and give informed meanings to the knowledge and data created through constant interaction with the research participants at Xolobeni. This paradigm allowed the researcher to have a nuanced understanding of the study phenomenon.

5.4 Research methodology

Research methodology is defined as the overall and broader structure that informs how knowledge and information should be collected from the research participants. It therefore determines the sampling techniques, data collection methods, data analysis mechanism and the overall approach that will inform these aspects. According to Sileyew (2019) methodology can be defined as the trajectory guiding how data will be collected and analysed by the researcher. This study defined the methodology as the umbrella framework that determines and defines how participants will be recruited, the number of research participants, and the methods, and techniques that will be used to collect knowledge from these participants. The methods used in the Xolobeni empirical study were mainly qualitative, and the following sections will define the qualitative research and its suitability to the Xolobeni context. The two main approaches used in social science research include the quantitative research approach and the qualitative approach. The quantitative approach involves the use of standardised methods and complex statistical calculations for collecting and processing (Mohajan, 2020). It is an approach where the research starts with a specific hypothesis and the purpose is to generalise research findings to a large population base (Mohajan, 2020). In contrast, the qualitative approach, which was used in this study, is grounded in obtaining knowledge from the perspective of the research participants (Kyngas, 2020). This approach understands that there are multiple perspectives, rather than a single objective reality. The qualitative approach, therefore,

prioritises conducting research from the perspective of those being studied (Chivanga & Monyai, 2021).

The qualitative research method assumes that collecting the subjective viewpoints of research participants will allow for a nuanced understanding of the social phenomenon being explored. Thus, this study used qualitative research to achieve the main research objective of the study, which was to critically analyse the underlying ideologies, narratives and interpretation shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni. This is in line with scholarly work on the focus of the study, as many studies on resistance to the extractive industry have also used qualitative approaches (Alonso, 2021; Gobby *et al*., 2023, Cirhigiri, 2023; Upe *et al*., 2020; Bose, 2023; Beban and Boke, 2023; Bras *et al.*, 2024). The researcher understood that there are multiple realities and perspectives on land conflicts and the struggle for land rights among the main stakeholders in the Xolobeni community; and this research approach allowed the researcher to collect the subjective interpretations of the participants on the struggle for land and land rights in the Xolobeni area. Furthermore, as the social phenomenon of the study cannot be quantified and measured, the qualitative approach allowed the researcher to obtain a nuanced understanding of the study phenomenon through the multiple perspectives provided by the research participants on the issue being studied.

Qualitative research also allows a broader and more comprehensive investigation of social phenomena during research. Accordingly, the methods adopted in this study, which include the in-depth interviews and focus group discussions, permitted the researcher to reach an in-depth understanding of the narrative, discourses and ideas that shaped resistance against mining in Xolobeni. One of the main principles of qualitative research is that social phenomena should be explored from its unique setting and framework (Teherani *et al*., 2015). This method therefore allowed the researcher to study the issue of land rights and the struggle for natural resource ownership from the unique context and dynamics of Xolobeni. The qualitative research method facilitated an understanding of the issues and unique perspectives that usually cannot be captured through measuring and quantifying them. Because the subjective reality and perspective on land rights and ownership cannot be measured and quantified, the qualitative approach was deemed suitable for this study.

In quantitative research, the researcher cannot ask additional questions for clarity. This issue reflects the problem of the inflexibility of this research approach. However, the qualitative researcher is flexible and allows the researcher to ask questions for clarity throughout the in-depth interviews. This flexibility allowed the researcher to collect in-depth knowledge from the Xolobeni

community with respect to the struggle for land rights between the community and the mining corporation. Accordingly, the research findings produced in chapters 5, 6 and 7 of the study reflect the subjective perspective of the research participants on the social phenomenon under study.

5.5 Literature study

Since the aspects in the study involve different research fields and academic disciplines, the researcher consulted literature from different academic disciplines, including literature on resistance to development projects, literature on social movements, and literature on political ecology, government documents, government gazettes, documents of the Winnie Mandela Madikizela Local Municipality, academic journals and books, amongst others, to capture the existing scholarship and debates on the aspects and focus of the study. In addition, the study also conducted a document analysis of existing and previous articles, journals regarding the Xolobeni case. Some of these documents comprised of news and opinion pieces regarding the Xolobeni conflicts, journal articles on mining and land rights legislation were used to capture multiple perspectives and to ground the study on the Xolobeni debacle.

5.6 Research design

The research design is defined as the blueprint or outline for how the research will be conducted, especially how the information will be collected from the research participants (Abutabenjeh & Jaradat, 2018). The research design for this study was the case study research design, which is a common research method in the context of qualitative research (Edwards, 2020). The case study involves an in-depth exploration of a specific phenomenon (Priya, 2020). Usually case studies, like most qualitative research methods, explore social aspects in their unique contexts within a particular timeframe and space (Schoch, 2020). The case could comprise a specific geographical territory, institution, individual and object (Schoch, 2020). The case study design also allows the researcher to collect information with the use of multiple qualitative research techniques. These methods include focus group discussion, in-depth interviews, surveys and observation (Yin *et al*., 2018). Case study designs are important for the how and why aspects of the aspects being studied, because case study designs are relevant for the exploration of complex social phenomena and allow research study to be immersed into the contextual complexities, thus thoroughly comprehending intricate social relationships and procedures.The case study design had multiple benefits for this study, as it allowed the research to understand the how and why of state ownership of mineral resources and resistance in South Africa.

The type of case study research design adopted in this study was a collective case study design, which involves the studying of different cases concurrently. The basis for using the collective case study is based on the existence of multiple stakeholders in the study. These include the villagers, the different social movements on the forefront of resistance (Amadiba Crisis Committee, Sustaining the Wild Coast and Mining Affected Communities in Action), the traditional leaders, the mining company and the government. In this instance, the collective case design allowed the study to generate broader description of the narratives, discourses and ideas emanating from the Xolobeni community regarding resistance. This case study design thus allowed the researcher to have a nuanced understanding of the struggle for land rights in the Xolobeni context.

The case study also explores phenomena in their unique context and setting, and as such, this design enabled the researcher to explore and investigate the contestation for ownership of natural resources in the context of Xolobeni. This had numerous benefits, since the researcher was able to understand the unique dynamics, which impact the contestation for natural resources in the Xolobeni community. One of the benefits of the case study design is that it enables the researcher to understand the subjective perspective of the participants on the issue being explored. Accordingly, the researcher was able to comprehend the contestation for natural resources from the subjective opinions of those in the Xolobeni community. The case study design also resonates with the interpretivist research paradigm that was used in this study, which accentuates the existence of multiple reality. The understanding of multiple reality also helps the researcher to provide the participants with insight regarding the issue being investigated.

5.7 The research site

The Xolobeni community is mainly a rural community and falls within the Mgungundlovu administrative area. There are roughly 4 000 people in these areas, residing in households spread sparsely throughout the coastal belt (Zikulu, 2018). The main economic activity in the community is subsistence farming, which explains the resistance of the community against the Australian mining company. This subsistence farming includes different crops, such as maize, which is the staple diet for most households in this community. Other crops include beans, potatoes, yams and pumpkin, amongst others. There is livestock farming in the community; livestock has a symbolic relevance for the community, especially for different rituals and cultural practices, like bride price during marriage (Bernie, 2010). The Xolobeni community mainly consists of Pondo-speaking people, one of the Xhosa dialects. In terms of governance, the Xolobeni community is under a dual system of governance, as a traditional leadership framework exists alongside modern system of governance.

The site of the proposed mine projects falls under the Amadiba tribal area. The Amadiba area includes two zones: the coastal zone, also known as Mgungundlovu, and the inland zone (Mchunue & Theron, 2018). Although there is one chief for the entire Amadiba area (Chief Lunga Baleni), he is assisted by two headmen that represent each zone. The Amadiba area falls under the Pondoland Centre for Endemism – coastal belts which consist of 1 880 square kilometres and extend inland from the sea for about 16 km (Van Schalkwyk, 2019). The area is also unique due to its biodiversity, and it is regarded as the second most species-rich floristic area in South Africa. It is estimated that there are about 2 253 species in the area, and ten percent of these plants are endemic to the area. Since South Africa also ratified the International Convention on Biological Biodiversity, the Pondoland area is recognised as a priority area for biodiversity (Bernie, 2010).

See Figure 5.1 below for a map of the Xolobeni area.



Figure 5.1 Map of Xolobeni

5.8 Population and sampling

The population for the study can be understood as the total aspects, objects, things, organisations and individuals where the researcher is collecting information from. The study involved three different organisations and all the inhabitants of the entire Xolobeni community. Accordingly, the population consisted of members from the Amadiba Crisis Committee (ACC), Sustaining the Wild Coast (SWC), Mining Affected Communities in Action (MACUA) and willing participants from the Xolobeni community. Furthermore, the participants were drawn from three different villages,

namely Sigidi, Mtentu and Baleni. The two main opposing sides in the Xolobeni community are the pro-mining community members and the anti-mining community members. Since the focus of the study was mainly to understand resistance to the mining company, the participants were drawn mainly from anti-mining community members. The researcher used both the snowball sampling technique and the purposive sampling technique. Snowball sampling is a referral sampling method, in which the initially conducted participants provide reference to participants with similar features to the researchers (Dosek, 2021). Snowball sampling was used to ensure that the sample was representative of the population of the study. This method had specific benefits as it ensured that the study was able to capture the nuance and complexity of contestation for land rights in the Xolobeni community. The purposive sampling technique was also embraced in the study to choose research participants with relevant understanding of the nature of resistance and the perspective of the villagers on land ownership and rights. This sampling technique thus allowed the researcher to select participants who were quite knowledgeable on the nature of the Xolobeni resistance. This is one of the benefits of this sampling technique, because it allows the researcher to select participants who are relevant to the research study. In this study, it allowed the researcher to collect broader and comprehensive data that was essential to the study objectives. The Xolobeni participants are not easily accessible, as the Xolobeni area comprises about six villages located about 45 km from the Bizana town. Snowball sampling allowed the research participants to easily access some of the research participants, as the initial participants provided mobile contacts for participants who were located in different villages. The key informants were four individuals, of whom three individuals were employed at the Winnie Mandela Madikizela Local Municipality and the fourth individual was a coordinator at Sustaining Wild Coast. Two of these individuals were well known in the community and they helped the researcher to get acquainted with the community throughout the research process.

This allowed the researcher to contact the participants and conduct in-depth interviews telephonically. Berndt (2020) also points out that snowball sampling can reach participants that are not easily accessible. Initially, the researcher conducted the first sampling between 4 December 2023 and 8 December 2023. The researcher managed to reach six research participants in this period. The second sampling was conducted between 16 December 2023 and 6 January 2024, for which the researcher managed to reach 17 participants. The other two participants were obtained from the Mining Affected Communities in Action, which is based in Johannesburg. A purposive sampling technique was essential in selecting the initial participants that had relevant knowledge regarding resistance and views on land ownership and land rights in the Xolobeni community.

Furthermore, the snowball sampling technique was crucial for recruiting multiple research participants, as the initially selected participants helped the researcher through referral to other research participants who were also willing to participate in the study. The in-depth interviews with the participants from MACUA were conducted by means of two methods: the first interview was conducted telephonically when the researcher was still based in Bizana, while the second interview with other participants from MACUA was conducted in Vanderbijlpark. In selecting the research participants for the focus group discussion, the study also used both the purposive sampling technique and the snowball sampling technique. Purposive sampling was used to select participants who had a deeper understanding of complex issues, like the strategies and methods used in resistance, while snowball sampling was used to broaden the participant pool through requesting the initial in-depth interview participants to provide referral for focus group participants. The participants in the focus group thus included newly recruited research participants. Table 5.1 below gives details on the participants in this study.

Table 5.1 Categories of research participants

Data collection method	**Participants**	**Number of participants**	**Gender**	**Number of in-depth interviews conducted**	**Number of focus group discussions**
Both in-depth interview and focus group discussion	Amadiba Crisis Committee	3	1 Male 2 Females	3	1
Both in-depth interview and focus	Sustaining the Wild Coast	8	1 Female 7 Males	8	1

group discussion					
In-depth interviews only	Mining Affected Communities in Action	2	1 Male 1 Female	2	
Both in-depth interview and focus group discussion	Xolobeni community	12	4 Females 8 Males	12	1

5.9 The interview schedule

Before carrying out the data collection process, the researcher prepared the interview schedule, which contains the set of questions that would be discussed between the researcher and the research participants. The drafting of the interview schedule was guided by the main objective of the study and the research questions in the study "Example interview questions included: 'What does land ownership mean to you?' and 'Can you describe the historical context of land ownership in your community?' Questions like these were used in the interview and during the focus group discussions. The aspects that informed the focus group discussions included the arrangement of the interview schedule questions. The questions during focus group discussions were in a similar arrangement to the questions in the in-depth interview. The follow-up questions that were asked during the in-depth interviews were also similar throughout the focus group discussions.

The questions in the interview schedule were structured to be open-ended questions, which are suitable for qualitative research because they allow the research participants to provide an in-depth response on the phenomena under study. They also allow the research participants to provide subjective perspective on the issue being investigated. For this study, the interview was designed to capture information on the ecological, political, indigenous, discourses, narratives and ideas engaged by the Xolobeni community in resisting state ownership of mineral resources. Although most of the interviews were conducted in Xhosa, the initial interview schedule was drafted in English. The researcher managed to secure a research assistant who assisted with conducting and

translating most of the Xhosa interviews. This also helped the researcher throughout the transcription process.

5.10 Data collection

Data collection in qualitative research is a unique process which is informed by the interpretivist research paradigm, and which consists of different techniques, such as in-depth interviews, semi-structured interviews, observation, surveys and unstructured interviews (Moser & Korstjens, 2017). Unlike quantitative research, which emphasises collecting information from a large sample and population, qualitative research does not intend to generalise its research findings to a large population (Cleveland, 2017). Consequently, qualitative research only collects information from a small sample size. There are different views on the number of participants that is appropriate for qualitative research participants (Tenny *et al.*, 2022). Data collection in qualitative research is therefore guided by different principles and philosophical frameworks which determines the number of participants throughout the data collection process.

Qualitative research is typically shaped by the constructivism research philosophy, which views the interpretation, perspective and perception of people as relevant elements that shape the subjective reality of people in their social context. This philosophy influences qualitative research to emphasise the subjective experience of research participants throughout the data collection process. According to Creswell and Creswell (2018), the number of research participants for qualitative research studies can be between 10 and 50. Malterud *et al.* (2015), in turn, proposed the concept of information power as a practical guiding principle, which suggests that the more information power the sample provides, the smaller the sample size needs to be.

Thus, in literature there is no universally agreed or accepted number of participants in qualitative research. For instance, Moser and Korstjens (2018) argued that there should be 25-50 interviews for ethnography, Moser (2015) argues that for grounded theory there should be between 30 and 50 participants, and Moser and Korstjens (2018) recommend that 20-30 participants are appropriate for grounded theory. Another principle which is used to guide the number of research participants, is the notion of theoretical saturation, which is the stage at which the researcher cannot generate new information from new participants. In this study the researcher conducted 25 in-depth interviews with research participants from Xolobeni and MACUA (Mining Affected Communities in Action). The aim of this study was to provide a comprehensive understanding and interrogation of the underlying ideologies, narratives and interpretations shaping rural resistance to state and capital ownership of communal land and resources in rural South Africa. Therefore, the study used both in-

depth interviews and focus group discussions to elicit response from the research participants. The interview with the research participants was conducted after referral from the initial research participants. The in-depth interview lasted about forty minutes, during which the researcher and the participants discussed questions with the intention to provide a more in-depth response to the research objective of the study which is to critically analyse the underlying ideologies, narratives, and interpretation shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni. The open-ended questions in the interview schedule allowed the researcher to ask further questions, especially in the instances where the participants did not provide a satisfactory response. Some of these additional questions were on the reasons for resisting the mining project in the Xolobeni community and the importance of ecotourism as an alternative development strategy.

The researcher employed a research assistant, who also assisted with translation of the research instruments such as the informed consent and the interview question and schedules. The research interviews were conducted in both Xhosa and English language, and most Xhosa interviews were conducted through the assistance of the research assistant. Not all research interviews were carried out through face-to-face interaction, since not all research participants could be accessible. Some interviews were conducted telephonically, and some were conducted through Zoom. The researcher also conducted about 3 focus group discussions with the research participants. The focus group discussions were conducted with the following group's members from the Amadiba Crisis Committee, Sustaining the Wild Coast, and willing participants from the Xolobeni community. The first focus group discussion comprised 5 individuals from sustaining the Wild Coast, while the third focus group discussion consisted of 6 individuals from Amadiba Crisis Committee and the third focus group discussion consisted of 4 individuals from the Xolobeni community.

Most of the focus group discussions lasted about two hours, in which the main questions focused on answering the main objective of the study. The questions asked during the focus group discussions were similar to those asked during the in-depth interviews, namely 'What challenges do you face in the ownership of land in Xolobeni?' and 'What is your view on the importance of protecting the environment and natural resources in our area?' The focus group discussions also managed to provide the researcher with a nuanced understanding of the contestation for natural resources and land rights in the context of Xolobeni. The researcher, as the facilitator, provided each participant with the opportunity to express their subjective perspective on the issue of land conflicts in the Xolobeni community. The focus groups had specific benefits, in that the research participants managed to support each other throughout the discussion. This provided an in-depth response to the

questions and issues being discussed by the researcher. Furthermore, the focus group discussion enabled the researcher to reach a subjective perspective of the Xolobeni community on the issue of land rights and contestation for natural resources. Similar interview questions for both interviews and focus group discussions were utilised to capture rich and thick data regarding the Xolobeni conflicts, especially from the focus group discussions. Throughout the discussion, the focus group participants were able to provide in-depth response to the interview questions. In addition, there was also a need for complementary response from the participants. Hence, the responses from the research participants were able to complement the findings from the interviews, which helped the researcher to triangulate the data.

5.11 Thematic analysis

During the analysis of qualitative data, the researcher is supposed to give meaning to and interpret the data. This orientation is fundamental since qualitative research focuses on the subjective perspective of the research participants (Thompson, 2022). Accordingly, extracting meaning from the research participants allows the researcher to reflect the subjective and multiple realities of participants throughout the data analysis process. Therefore, the role of the qualitative researcher is not to merely present information as written narratives, but the researcher is expected to combine, synchronise, and reorganise the data into meaningful data (Rinerhart, 2021). This allows the reader to imagine and understand the theoretical and practical implications of the study findings (Thomson, 2022). Qualitative research thus uses data analysis techniques like thematic analysis, to allow the researcher to sort the data into specific patterns, categories and themes.

Thematic analysis is a common technique for analysing data in qualitative research (Braun and Clarke 2006, in Dawadi, 2021). Thematic analysis is a data analysis technique which follows specific steps, and it is a method for identifying, analysing and reporting patterns within the data. Furthermore, Braun and Clarke, in Nowell *et al*. (2017) argue that thematic analysis should be the foundation approach for analysing qualitative research, since it presents key skills for carrying out multiple forms of qualitative analysis. In addition, according to Rynard and Bernard (2000 in Nowell *et al*.,2017) thematic analysis should not be seen as a unique method within qualitative research, but instead as a method for assisting the qualitative researcher with the process of analysis. Nowell *et al.* (2017) define thematic analysis as a method for identifying, restructuring, presenting, and documenting themes found in the data set. Thematic analysis was used to analyse the data collected from the research participants, as the aim of the research was to provide a comprehensive understanding and interrogation of the underlying ideologies, narratives and interpretations shaping rural resistance to state and capital ownership of communal land and

resources in rural South Africa. The process of arranging the data and information collected into themes was guided by the research aim of the study. Initially, the research transcribed the data into huge volumes of data, the data was in the form of audio recordings of the interviews and the focus group discussions. The themes for the study were therefore obtained from the information collected from two types of data collection techniques: in-depth interviews and focus group discussions. In identifying the themes, the researcher identified the words that were constantly expressed by the research participants throughout the interviewing process. These include, for instance, "we will lose our land", "imposed development" and "eco-tourism". The researcher also used literature on rural resistance against the extractive industry to identify concepts that resonate with the perspective of the research participants. For example, the statement that the land of Xolobeni is "beautiful" resonates with the concept of ecological aesthetics. The study had three chapters that critically analysed and presented the findings from the fieldwork. The themes for the study were shaped by the four concepts of political discourses, ecological discourses, cultural discourses and economic discourses.

5.12 Trustworthiness

During research it is important to ensure that reliability and validity issues are addressed. There are specific principles which guide how reliability and validity in qualitative research should be navigated. The principles of reliability and validity are not applicable to most qualitative research, as most qualitative studies are not concerned with generalising findings to a large population base. This study adopted principles that are commonly used in qualitative research, namely trustworthiness, credibility, dependability, and transferability (Sherif, 2021). Credibility entails the confidence that the researcher has in the authenticity of his or her findings. The researcher thus employed several data sources and used triangulation to ensure that the findings were credible. The researcher used both focus group discussions and in-depth interviews as data collection techniques. This helped the researcher to obtain in-depth data sets from the research participants. The first group discussion consisted of new research participants who managed to provide comprehensive data sets for the study. The researcher also used thick descriptions to reflect that the findings can be useful in different contexts. Theoretical triangulation was used, in which three theoretical explanations were used to explain the phenomenon in the study; essentially the study used the political ecology theory, the accumulation by dispossession and the post-development theory throughout the data analysis process. This helped the researcher to ensure trustworthiness in the study and to explore the issue of contestation for land rights and natural resources. One important principle of trustworthiness in qualitative research is the principle of confirmability. This principle

implies objectivity and suggests that the information accurately reflects the data provided by the participants and that the insights of such data are not based on the judgment of the researcher (Nassaj, 2020). To ensure confirmability in this study, different data sources were used, which contributed information from secondary sources, like journal articles, news articles on the Xolobeni case study, interviews, observations of the Xolobeni physical scenery and the focus group discussions. The use of focus group discussions ensured that the data was not based on the bias of the research participants, and that it reflected the insights and interpretation of the broader participants in the Xolobeni community. The researcher also thoroughly checked the data throughout the data collection and analysis to ensure that the findings would be replicable.

The idea of trustworthiness in qualitative research also includes the concept of transferability, which suggests that data findings are relevant to other context or similar situations (Maxwell, 2021). The concept of transferability is the qualitative equivalent to the notion of generalisability in quantitative research (Johnson *et al*., 2020). To ensure that transferability was achieved, the researcher provided a comprehensive description of the research findings from the different data collection methods. These data collection methods included in-depth interviews, focus group discussions, and observation and secondary data sources. Ultimately, trustworthiness in qualitative research also comprises dependability, as this principle entails the extent to which the findings are consistent, reliable and stable throughout the research procedure (Haq *et al.*, 2023). To achieve dependability, the researcher ensured that the data collection and analysis process was rigorous.

The researcher also engaged in reflexive practice through consistently examining his individual biases, judgements and ideas that could have influenced the research practice and findings. The researcher provided the research participants with the opportunity to freely demonstrate their perspective throughout the research process. This prevented the researcher from imposing his assumptions upon the data collection process. The use of different sources of evidence allowed qualitative data to be validated and cross-verified. The use of triangulation method was crucial to validate qualitative data, through triangulation, the researcher managed to use different sources of evidence and data collection techniques. Observation, for instance were also used to observe the Xolobeni landscapes, through observation, the researcher managed to observe the livelihood practices, the Xolobeni biodiversity, ecosystem and geographical features like Mnyameni waterfall that attract tourist, and as shall be noted in the analysis were some of the key narratives informing the resistance. During the interviews, the Xolobeni villagers claimed that the proposed mining development would have negative impact on their livelihoods like small-scale farming, ecotourism and ruin their beautiful landscape. The use of observation method thus enabled the researcher to

validate qualitative through allowing the researcher to confirm and crosscheck the opinion provided by the research participants throughout the in-depth interviews. It thus improved the trustworthiness since the researcher was able to obtain firsthand, observable evidence of what the research participants reflected throughout the interviews. Furthermore, the use of Focus group discussion also allowed the researcher to explore collective held perspectives and attitudes about the proposed mining projects. The researcher managed to conduct focus group discussions with participants from different stakeholders, these comprised Save the Wild Coast, Amadiba Crisis Committee and ordinary villagers from the Xolobeni village. The use of document analysis also allowed the researcher to confirm varying actors' views on government policies, legislative framework and mining company. This enabled the researcher to confirm the claims made by participants.

5.13 Ethical considerations

In conducting research, researchers must follow a specific code of conduct or research ethics. There are specific ethical issues that might be experienced throughout the cycle of research, from planning the research to collecting the information and analysing it (Gunderrsen, 2017). Ethical issues in research are defined as any circumstance that might compromise specific moral principles that should be respected (Drolek *et al*., 2023). The researcher in this study thus followed specific ethical principles. The principle of informed consent involved that the researcher should clearly explain the benefits and risks of participating in the study. The principle of anonymity and confidentiality implies that the researcher should respect the privacy and anonymity of the research participants, which means the researcher should adopt measures to avoid personally identifiable data. Research ethics also include the principle of avoiding harm, which means that possible psychological, physical, and legal harm against the research participants should be avoided.

Moreover, the researcher should accentuate the principle of voluntary participation, which means that the research participant can withdraw from the research at any point. In addition, there are institutional codes of conduct that should be followed, and which also apply to the current study. The researcher had to apply for an ethical clearance certificate, which provided permission to carry out the study. The ethical clearance certificate NWU-01045-23-A7 was issued on 29 November 2023. The study was regarded as low-risk by the Basic and Social Sciences Research Ethics Committee. Researchers are also expected to ask permission from the main gatekeepers in an area before conducting research, and this study sought permission from the Winnie Madikizela Local Municipality before interacting with the research participants.

Hence, before interacting with the research participants, the researcher obtained written permission from the NWU and from the Winnie Madikizela Local Municipality. The research interviews were mainly conducted in Xhosa language; and before the interviews the research assistant explained the rights of the research participants in Xhosa, in order to obtain informed consent from the participants. The information that was provided in Xhosa before the interviews, ensured that the participants understood the benefits and risks of participation in the study, and that they could give informed consent. The study also ensured that the research participants did not experience any harm. The Xolobeni mining issue is a sensitive matter in the community; hence the researcher acted as a facilitator during the focus group discussions and informed participant that this research was solely academic; that their data would be depersonalised using pseudonyms; and that their information would remain confidential and would be used only for academic purposes. The researcher explained the notion of *voluntary participation*, which means that participants can withdraw at any point from the study. Accordingly, throughout the data analysis process, the researcher ensured that the data did not include personally identifiable information. The researcher used ambiguous or pseudo-labels, like "participant 1", "participant 18", and "participant 23" to ensure that the confidentiality and anonymity of the research participants remained protected. No personal details of the participants, such as their names, were used.

5.14 Limitations and delimitations

The research study experienced several limitations, for instance language challenges. It was difficult to engage with some of the research participants due to language barriers, especially during the telephone interviews when the research assistant was not available. Accessing the participants was also difficult, due to the rough terrain of the Xolobeni area. Moreover, financial constraints meant that not all participants could be accessed during the research process. In spite of these limitations, however, the study was successfully conducted in the Xolobeni area, with participants being mainly from the villages of Mtentu, Baleni and Sgidi. The empirical study was conducted from 4 December 2023 to 9 January 2024. The research study also used the qualitative research approach, which guided the interaction with the research participants through the research process. In addition, the study acknowledges potential bias in using Snowball sampling, however these potential biases were addressed through using multiple gatekeepers for recruiting participants.

5.15 Challenges encountered during fieldwork

The following section will discuss in detail the major challenges that were encountered during the data collection process and the duration of this study. The section will also discuss the steps taken to address these challenges. These challenges, however, did not in any way negatively impact the progress of the research or the credibility of the research findings, since specific strategies and mechanisms were adopted to address them.

5.15 .1 Participant accessibility

The Xolobeni community comprises the villages of Kwayana, Mtentu, Baleni, Sikombe, Sigidi and Mdatya, while the proposed mining projects will affect the villages of Kwayana, Mtentu, Sikombe, Sigidi and Mdatya. The Xolobeni villages are located about 45 km from the Bizana main business centre. The villages are vastly separated by gorges and specific physical landscapes. The roads in Xolobeni's rough terrain are not easily accessible, and there are many ditches and gorges that make it difficult to travel with light vehicles. Locating all the participants was therefore a challenge, and during one of the trips, for instance, the researcher managed to conduct only one research interview with one research participant from Sidigi village. Moreover, the research was being conducted in the month of December, which is a symbolic month for cultural communities like Xolobeni. This period holds cultural significance, since it is the time when these communities hold specific traditional and cultural ceremonies. Hence, this also affected the accessibility of some research participants. However, despite these challenges, the researcher still managed to obtain a good number of research participants. The researcher managed to obtain and arrange for two vehicles from close acquaintances who assisted with transport. Some of the in-depth interviews were also conducted through Zoom and through mobile phones. Contacting the participants through Zoom and mobile phones was much easier than through physical visits, and the researcher managed to contact four participants through Zoom and eight through mobile phones.

5.15.2 The issue of trust

The Xolobeni community is a cultural community where social relationships are important. The community has been confronting different stakeholders, such as traditional leaders, local pro-mining members, mining companies and the government. These external and internal dynamics make it difficult for them to trust anyone from outside the community. There has also been conflict between the two main camps in the village, namely the pro-mining and the anti-mining groups. Before carrying out the research, the researcher was warned and advised about these dynamics by

one of the research participants. To address this, the researcher had to speak with trusted individuals in the community, who in turn referred the researcher to other willing participants. For instance, during the first trip, the researcher managed to schedule six individual interviews with the participants with the help of a local community member as a key informant, before traveling to Xolobeni. The researcher also travelled with individuals who were well acquainted with community dynamics in Xolobeni. In instances where the researcher conducted the interviews through a phone, the researcher explained to the participant that a certain individual had referred them to the participant. The researcher also explained the research process to the participant before the interview took place.

5.15.3 Language barrier

One of the issues encountered during the research in the Xolobeni community, was the issue of language. The Xolobeni community is a Mpondo-speaking community, which is one the Xhosa dialects. Although the researcher is fluent in Xhosa, there was a language challenge during the research interview, as the Mpondo dialect included words that are different from mainstream Xhosa language. Some explanations could be tied to cultural understandings as well, which might need to be explained by a native speaker. The researcher managed to obtain assistance from a research assistant who was also well-versed in the Xhosa language. The research assistant helped with translating and communicating the informed consent to the participants and with the translation of the interview schedules; and he could also explain certain difficult words and terms used by the participants

5.16 Conclusion

The constructivist and interpretivist research philosophy informed the key arguments and aspects of this chapter; and the key argument of this research study is that reality is socially constructed and shaped by individual experience. The main purpose of this chapter was to provide a comprehensive and detailed discussion of the methodology and methods that were used during the fieldwork. The fieldwork process was informed by the main objective of the study, which was to critically analyse the underlying ideologies, narratives, and interpretations shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni. Data collection was informed by the qualitative research approach; thus, data collection was undertaken with the need to understand the subjective and multiple realities of the Xolobeni community on the struggle for land rights and natural resources. The sampling technique adopted by the study – snowball sampling – helped the researcher to obtain participants who provided a thorough

discussion of rural resistance in the Xolobeni community. The referral by participants especially ensured that the researcher contacted participants who were well-versed on the issue and had sufficient knowledge concerning resistance to mining in the Xolobeni community. Accordingly, the qualitative research techniques (in-depth interviews and focus group discussions) used in the study were crucial in helping the researcher to collect thick and comprehensive data sets from the research participant.

Chapter 6: Rural resistance in Xolobeni: A critical discussion

6.1 Introduction

This chapter seeks to provide an overview of the existing scholarly debates on the nature of rural resistance in Xolobeni. The findings from the empirical study will be used to provide a more informed scholarly discussion on the key features of the nature of resistance in Xolobeni's land struggle. Moreover, the chapter will discuss the key actors and stakeholders that are part of the Xolobeni struggle. The initial parts of this chapter will draw on the literature on land struggle and resistance in the Global South to provide a background that will help us to understand the nature of rural resistance in Xolobeni. The nature of rural resistance in the Xolobeni community is a microcosm of the interplay between the variables of neo-liberal policy, globalisation and the development concept and practices that pit multinational corporations and indigenous communities against each other. This interplay between neoliberal policy, globalisation and development is a continuation of the historical dispossession of indigenous land in the Global South which stretches from the colonial period.

While historical land dispossession through the colonial period was a result of the use of military prowess to subjugate and colonise Third World territory by European powers, contemporary land dispossession happens through discursive language, which includes *infrastructure development*, *development*, *rural development*, and *economic growth* (Barlow, 2021). Hence, the land struggles and resistance witnessed in the Global South against extractive industry and other forms of development, are a battle for the meaning, understandings, and trajectory of development (Mahmud *et al.*, 2020). For most rural communities, land is not merely a physical space where they can extract value, but it represents a sacred place, and the umbilical cord that connects present societies to their ancestry (Pikirayi, 2021).

As mentioned earlier, the Xolobeni community encapsulates the battle between indigenous communities and other stakeholders like multi-national corporations and governments driven by neo-liberal policy (Jamieson, 2020). It is important to highlight the nature and state of resistance in Xolobeni community, as rural resistance in communities like Xolobeni has been under-researched in social movement literature. Most studies on resistance and social movements are based on the experience of urban social movements, collective action, and cases in countries in the global North (Accornero & Gravante, 2022). Highlighting the nature and state of resistance in the Xolobeni will contribute to understanding the power dynamics, the nuances contributing to resistance in communities like Xolobeni, and the strategies adopted by indigenous communities in reacting to

capital accumulation. As mentioned above, the Xolobeni struggle is a microcosm of how the interconnection between globalisation, neo-liberal policy and the concept of development compels indigenous communities to defend their land. An understanding of the state and nature of resistance in Xolobeni will also make it clear how rural communities react and respond to discursive language used to justify land-grabbing in indigenous communities, and how this prompt indigenous communities adopt counter-narratives, discourses and ideologies.

6.2 The nature and state of rural resistance in Xolobeni

The Xolobeni struggles represent a unique case of contestation for resources that exist between indigenous rural communities and stakeholders with interests in resources extraction. Resistance in the Wild Coast is not unique: during the apartheid era, the Mpondo revolts demonstrated that rural communities are not passive receivers of development and economic decisions. Instead, they engage in different types of resistance and techniques that are common in social movements' mobilisations. However, the Mpondo revolts were carried out in a different political environment, where resistance was supressed. The post-Apartheid political environment, on the other hand, has presented political opportunities for resistance framed within the discourses of human rights, environmental rights and land rights. This change has created a terrain where communities like the Xolobeni can make claims from the state. The Xolobeni struggle should also be understood as multidimensional in nature (this concept will be explained in detail in chapter 7), because it can be explained through multiple theoretical lenses, and it is a result of convergence of different factors (which include political, economic, cultural and ecological dimensions). Moroever, the Xolobeni struggle represents resistance in the Global South, where different stakeholders compete for ownership and governance of resources. Although there are unique elements in the Xolobeni resistance, there are certain elements which resonate with resistance in the Global South. These include the use of neo-liberal policy to justify land dispossession, and the subsequent reaction from communities to reject land dispossession and imposed development. The next section will provide a detailed and comprehensive discussion of the empirical findings from the Xolobeni case.

6.3 Empirical findings in the Xolobeni case

The following section seeks to provide empirical findings with respect to the contestation for land ownership and access in the Xolobeni case. The Xolobeni community, like most rural communities, demonstrates contestation for land and resources between rural communities, land owners and small-scale farmers on the one hand, and other stakeholders like multinational corporations and government on the other hand. This contestation for land demonstrates how neoliberalism has shaped the nature of land ownership, access and resources governance. In this instance, it stimulates the contestation for scarce resources between communities and a multinational corporation that seeks to extract profit. Communities have their own unique interpretations of how land and resources should be accessed, owned and governed; and often this interpretation is key in formulating discourses and counter-narratives of resistance.

6.3.1 Power dynamics shaping resistance in Xolobeni

6.3.1.1 The role of traditional leaders

In researching on resistance, it is important to reflect on the power dynamics that influence the form of resistance at play. In this study, the findings reflect on the role of traditional leaders in influencing resistance in Xolobeni: the perspective of the research participants was that the role of traditional leaders in land conflict revealed the negative impact of a dual system in which two forms of land governance exist – one with traditional leaders at the communal level, and one with the state exercising dominance through crafting legislation for land in indigenous territories. This perspective was provided by a participant from (Participant 3, Female, FGD 1):

> *The major challenge is that there is a dual system of ownership, there is the government claiming to own the land, while on the other hand there is the issue of traditional leaders on the ground. This is the product of the colonial system, there is conflict between the traditional leaders and the modern way of governance, including the issue land.*

The above opinion demonstrates the challenge and dilemma that come with traditional leadership with respect to land governance in the communal land. This confusion stems from the fact that both traditional leaders and government claim to have ownership of land. For instance, the Mineral Resources Petroleum Resource Development Act 28 of 2002 allows the South African government to own the minerals below the surface, while communities can own the land above the surface (Ledwaba, 2017). However, traditional leaders also claim to be custodians of the land rights owned by indigenous and rural communities in South Africa. In addition, recently the government

attempted to adopt the Traditional Khoisan Bill, which seeks to give traditional leaders more power with regard to land and mineral deposits found in rural communities (Ubink & Duda, 2020). The same participant also claimed that they had played a part in rejecting this act to protect the land rights of rural communities. He provided the following perspective:

> *If you look at the TKLB, the Traditional Khoisan Bill; this act has a clause where traditional councils can make deals with investors without consulting the communities, hence traditional leaders can sign away land without communities involved. However, the communal land laws does not provide them with such powers* (Participant 3, Female, FGD 2).

The above opinion of the research participant further substantiates his earlier perspective on the challenge that comes with the dual system of land governance, in that both traditional leaders and government are constantly plotting to take away land rights from indigenous communities in South Africa. Although traditional leaders claim to have power over land in rural communities, they did not have such powers before the colonial experience (Musavengane & Kloppers, 2020). In fact, according to customary law, traditional leaders are merely intermediaries, since decisions with regard to land can only be made by rural communities and their immediate headmen. A participant from focus group 3 provided the following perspective;

> *The land belongs to us not traditional leaders, they have no power in granting licenses. the land belongs to the community, the community has more say on the land, they have no power or right to take our decisions on behalf of us.*

Another Research participant also provided the following perspective concerning the role of traditional leaders in land governance:

> *The traditional leaders have no power to provide mining license, their powers are from people. They have no power, they are trying to force us, since they are bribed by the mining company. They have no power to give away land without the consent of the land. The community is part of the stakeholders. Hence the mining and other project cannot go ahead (*Participant 4, Male, In-depth interview).

Regarding the above observation, the research participant explained that traditional leaders had no power to give away land rights unless there is proper consultation with community stakeholders. It is important to understand the impact of the role of traditional leaders and the confusion that comes with their role in rural resistance in indigenous communities, as their role legitimises land-grabbing, or any proposed development projects imposed on indigenous communities. This is particularly

relevant in South Africa, where mining dispossession is common. Thus, their role leaves rural communities vulnerable to land-grabs that lead to loss of land, ecosystems and culture. The contestation for land rights is therefore not merely between rural communities and mining corporations, but also between communities and their immediate form of governance, in the form of traditional leaders (Tlale, 2020). This confrontation between rural communities and traditional leaders stems from rural communities' struggles to make independent decisions with regard to their land, as traditional leaders continue to make decisions on behalf of communities.

Resistance in indigenous communities therefore emerges to defend land rights not only against global corporations and government, but also against local dynamics in the form of traditional leaders and pro-mining communities who might have interests in obtaining profit from the proposed mining. It is important to note that community members do not all agree to reject mining in their community. While the consensus is that mining resistance is a uniform aspect, some community members support mining. The role of traditional leaders in endorsing mining might have an impact on the trajectory of resistance, given that the endorsement of mining might weaken the consensus to resist mining, and communities might be become divided on the most suitable action. Consequently, some community members might not agree with challenging and resisting mining as the best form of reacting to mining or proposed development projects in their community.

6.3.1.2 The role of government

Along with the important role of traditional leaders in terms of power dynamics affecting rural resistance, the role of the state is equally important. The role of government in giving away land rights belonging to indigenous communities in South Africa should be understood in the context of neoliberal developmentalism and also the dual system of land governance that was mentioned above. Participant 7, who mentioned how the dual system impacts land governance, provided the following perspective:

> *The dual system is the one reason why there is a contradicting view of how land should be used. In most instances, the government disregards the land rights of the communities within the customary land, the top-down system is the one trying to impose development projects. People do not understand the modern laws but understand how their rights are protected within the customary laws* (Participant 7, Female, In-depth interview).

The perspective of the research participants confirms a noticeable pattern in rural resistance in most South African communities, namely the different approaches by rural communities and the South African government to how land should be owned and used. According to Dubuzane and Nel

(2016), while the South African government views itself as the custodian of the land and minerals through the Minerals and Petroleum Resource Development Act 28 of 2002, community members claim that customary law confirms that they own land and the minerals in their territory. A research participant felt that it is the dual system of land governance that creates confusion about land ownership, as it leads the government to disregard existing land rights that are protected through customary law, and to impose development projects like mining on the community. Another participant in focus group concurred that through supporting mining in rural communities, the government is imposing development on rural communities:

> *I don't regard mining as development, I have seen the environmental impact on areas where mining operates. Development should not dispossess people of their land but benefit them. Mining is a form of imposed development, there is no proper consultation, decisions and the path are done without the people's input* (Participant 1, Female, FGD 2).

The above opinion of the research participant also confirms the role of government in creating a dual system of land governance, which imposes development projects on rural communities without proper consultation with the communities to be affected. Such a dual system is embedded in the hegemonic concept of neoliberalism developmentalism, which justifies taking away land rights from indigenous communities in the name of economic development, economic growth, and development. A participant from focus group 1 confirms this perspective:

> *The company which proposed the mine is from Australia, not South Africa, they will extract the minerals and provide us with little benefit. There is no benefit for us, the benefit and value will be for the Australian company* (Participant 1, female, FGD 1).

The above opinion accurately describes the nexus between neoliberal developmentalism and land-grabbing practices in the South African context, in the sense government policies justify extractive investment in indigenous territories already occupied by communities. This is done under the hegemonic concept of development, economic growth and rural development, which views the extractive industry as crucial in bringing development to the South African economy (Mahlatsi & Mudau, 2023). Certain policies and legislative frameworks prioritise private foreign investment in South Africa, including mining corporations. While the South African government started the post-Apartheid era with pro-poor economic policy (through the Reconstruction Development Policy) in 1994, it was abandoned for the more neoliberal GEAR policy, which was adopted in 1996.

The GEAR policy created an investor-friendly environment for mining firms to invest in South Africa, and the Minerals Petroleum Resource Development Act 28 of 2002 directly speaks to the

environment of mining in South Africa, especially in the separation of surface rights from underground rights (Ratsheko, 2018). Surface rights relate to the land on the surface, which in terms of customary law are already controlled through rural communities, whereas underground rights refer to the minerals that belong to the state for mineral exploitation (Mostert & Wilson, 2018). Section 3 of the act speaks directly to state ownership of mineral rights, and it confirms that the state is the custodian of the minerals (Davhana, 2020). It is this clause that leads to confrontation between the state and communities, as the following research participant explains:

> *That law is null and void, it does not exist, how is it possible that the minerals below the land belong to someone, while I own the land on the top. In my perspective I own everything on the top. This shows that laws are made by selfish people* (Participant, 8, Male, In-depth interview).

The opinion provided by the research participant above demonstrates that the contestation for land rights between rural communities and powerful players like the government is also shaped by the different interpretations of the legislative frameworks which determine how land and mineral resources should be owned, controlled, and extracted. The way in which the South African government drafts laws to accommodate the extractive industry creates conflict over ownership of land and mineral resources in rural communities. Rural resistance should be understood in the context that the paradigm which shapes the South African government's perspective of land ownership and resources, contradicts the existing framework of land ownership commonly held by these communities. Furthermore, the scenario of the government using neo-liberal policy demonstrates the accumulation by dispossession theory, which informs this study. It shows that government have become agents of dispossession by dispossessing rural communities from their land.

The dispossessing of indigenous communities has been a crucial part of neoliberal policy, stretching from the colonial period to the contemporary period (Majumder, 2022). In this regard, Harvey (2017) argues that accumulation by dispossession has been a key feature of capitalist development. The main features that Harvey identifies as key components of this capitalist development are (i) privatisation and commodifying of indigenous territories, (ii) expulsion of peasants from their lands, (iii) conversion of customary land rights into privately owned land, and (iv) suppression of alternative forms of production and development. Although Harvey identified more features, these four practices are crucial in explaining the dynamics in Xolobeni. The South African government has been trying to dispossess the Xolobeni community of their ancestral land and convert it into a privately owned mine, even though there are already existing forms of livelihoods in rural

communities like Xolobeni. The state does not support these forms of livelihood, in a deliberate attempt to suppress them. Harvey's notion of dispossession through privatisation is also expressed by community members and villagers from Xolobeni:

> *If mining is to proceed, it will ultimately mean that our land is lost, when we spoke with them, they said certain villagers will be evicted from their land. In addition, besides being evicted they did not specify where communities and land owners will be located. Therefore, we reject this mining proposal* (Participant 1, Male, In-depth interview).

The opinion provided above illustrates the anxiety that grips communities with regard to the effect and mining dispossession. The participants thus express their opinion about being dispossessed from their ancestral land. This opinion resonates with Harvey's fundamental premise on how neoliberal policy leads to the dispossession of indigenous communities from their land.

6.3.1.3 The pro-mine community members

Although the perspective in the literature is that resisting and rejecting mining operations is a uniform aspect, the dynamics in Xolobeni show that some community members support the proposed mining:

> *Those who support mining are of the opinion that it will bring new jobs, roads, infrastructure for the community, however, who will be employed by the mining, when most people in the community have no proper skills which allow them work in the mine* (Participant 10, Female, In-depth interview).

The perspective of this participant highlights that the pro-mine community members justified the proposed mine development on the basis that it would bring perceived progress through employment and improved infrastructure for the Xolobeni community. The Xolobeni community, like most rural communities, lacks proper infrastructure, like roads; and it is far from the main business centre in Mbizana. In most instances, those who are pro-mining are of the opinion that it will generate employment and improved infrastructure. Other respondents question this perspective and put into context the different and contradicting interpretations regarding mining benefits between those who anti-mining and those are who are pro-mining. Such dynamics are important to explore, as they have implications for rural resistance. The view of pro-mining members is that besides traditional leaders, government, and global corporations, resistance against mining must deal with local dynamics, as there are competing interests, different perspectives and economic pressure which might weaken consensus with respect to mining (Healy, 2022). Therefore, besides

confronting external stakeholders like government and multinational corporations, communities are also expected to deal with community members who might have different perspectives and interests on proposed mining projects.

Pro-mine community members reflect on the dynamics which shape the trajectory of rural resistance in communities in Xolobeni, and on the influential role played by external players like the government, global corporations and traditional leaders. Language and terms often employed by the stakeholders, like *empowerment*, *job creation* and *rural development*, convince some community members to view resistance as anti-development. An analysis of these power struggles played out is important for understanding how decision-making processes are challenged and determined in Xolobeni. One participant provided the perspective that government and local authorities were deliberately reserving employment opportunities for pro-mine community members only:

> *The government and local authorities are deliberately reserving employment opportunities only for pro-mine community members, every December that programmes that are conducted behind our backs, you can't join these projects, because if you do, they will write your name and say you are one of the pro-mine members, which will ultimately justify dispossessing our land when mines comes* (Participant 20, Female, In-depth interview).

The above remark reflects on the local dynamics at play in Xolobeni and how they are linked to external players like the government, and global corporations. In the Xolobeni context, the Australian company, Mineral Resource Corporation, is alleged to have deliberately created a pro-mining local company, Xolobeni Empowerment Company (XOLCO), which did not represent the broader views of the community on the mining debacle. A research participant provided the following perspective on how XOLCO was formed:

> *They (MRC) formed a local company called XOLCO, which argue that the community will benefit from the mine. However, XOLCO does not represent us and most of them do not stay in Xolobeni. The company (MRC) has been bribing these XOLCO people to ensure that the mining gets the mining rights from the community* (Participant 16, Male, In-depth interview).

While the issue of XOLCO reflects a unique dynamic that is specific to the Xolobeni community, in most instances where mining operations have been proposed or have occurred, community members have been divided between those who are anti-mining and those who are pro-mining. Whereas the role of those who are anti-mining has been thoroughly documented within literature, the role of pro-mining members should be understood in the context of dynamics brought about by

the MPRDA Act 28 of 2002, which was an attempt to empower previously disadvantaged racial groups. The MPRDA allows local partners and businesses to be part of mining operations through Broad Based Black Economic Empowerment (BBBEEE) policies (Ralethe, 2022). The view of pro-mining members within XOLCO, then, should be understood in terms of how the Mineral Petroleum Resource Development Act allows local business partners to combine with global mining corporations with mining interests in their community. The MPRDA Act 28 of 2002 introduced unique dynamics that are important for understanding the trajectory of rural resistance in communities like Xolobeni. In the case of Xolobeni, the pro-mining key actors include potential BBBEEE beneficiaries that are under XOLCO. Pro-mining actors like XOLCO are part of resistance, in the sense that they demonstrate that resistance is not only confined to confronting and challenging external actors like governments and mining companies. Rather, their role demonstrates that rural communities opposed to development projects confront both internal and external stakeholders. There is a tendency for mining companies and government to designate community elites – especially pro-mining key actors in Xolobeni – as the legitimate representatives of community perspective and opinion on the mining projects. In this scenario, the community members are deliberately ignored in agreements concerning mining projects. Consequently, the role of pro-mining members is important with respect to resistance, as (i) it demonstrates the nuance of rural resistance in which resistance is not confined to rejecting and challenging external dynamics and powerful actors but local dynamics, and (ii) it weakens the consensus and agreements regarding the mining projects which might negatively impact the resistance.

6.3.1.4 Unequal access to information

Another issue which influences the power dynamics of rural resistance in the Xolobeni community, is the unequal access to information. The perspective of the research participants reflect that the government is hiding information from the Xolobeni community regarding the mining operations. A research participant from MACUA provided the following perspective:

> *Mining companies are failing to consult with the community before the mining projects commence the Social Labour Plans has a plan of how mining is supposed to take place, however the SLP does not include the community. The Mining companies are bypassing the SLP, through bribing the chiefs. Most communities are not aware of the SLP, it is deliberately hidden from the community* (Participant 15, Male, In-depth interview).

The contestation for land rights and minerals located within Xolobeni is one between stakeholders that hold different power and resources. In most instances, investors like MRC have a sufficient understanding of what needs to be done, they have legal resources to ensure that their operations are

successful, and in most instances, they have both the government and traditional leaders' support. Villagers that will lose land rights if mining is to take place, however, are usually individuals without formal schooling. In this situation, it is the role of the government to ensure that there is transparency from the initial process of negotiating the mining license. However, in most instances, communication about the negotiation is hidden from the community – in fact, as evinced below by one of the interviewees, when negotiation commenced, the government deliberately negotiated only with pro-mining community members:

> *When the mining initially came, it was deliberately hidden from everyone in the community who might posed a challenge to the process, in fact it was our late ACC chairman Bazooka who saw people converging at Xolobeni secondary school, and he alerted people to go there. When we arrived there, we realised a meeting for a mining discussion had already commenced which did not involve us* (Participant 10, Female, In-depth interview).

The perspective provided by the research participant shows that the lack of transparency is a recurring challenge for community members and villagers when mining operations are proposed. Likewise, Dhilwayo (2020) notes that when it comes to mining, the lack of transparency is mainly influenced by how the mining license is initially negotiated, and how the benefits are shared between the stakeholders (who include the mining company, the government and the community members). In the same vein, Masutha (2021) argues that lack of transparency is one of the issues affecting mining communities, and in most instances, there is no transparency on how communities should benefit from the mining operations. Although Section 100 (2) of the MPRDA Act 28 of 2002 does refer the benefits that should be provided to the community, these benefits do not trickle down to community members as suggested. This is substantiated by Igbayiyole and Bradlow (2021), who argue that the lack of benefits for communities is mainly based on the imbalanced power relationship between communities and mining companies. Accordingly, only the powerful and connected in traditional leadership, government and the mining companies benefit from the process.

Although the literature discussed above is mainly concerned with the lack of transparency among communities who are already hosting mining operations, this lack of transparency is also common in community where mining has been proposed, like the Xolobeni community. One of the interviewees remarked as follows regarding the lack of transparency during the negotiation process:

> *When they come with these developments like mining, there is no proper transparency, in the sense that they do not provide us with proper picture of the risk and benefits that are linked*

with their mining operations. In this context, I think they should be clear picture of the risk and benefits linked to the mining, to allow the community to choose the best option, whether mining should go ahead or not (Participant 21, Male, In-depth interview).

The above perspective describes the issues that currently affect indigenous communities when mining companies negotiate for a license to start operations, namely the lack of proper transparency on how the risks and benefits will be distributed between the community and the mining company. Given this scenario, the Mining Royalties Research (2018) conducted research that showed that there is no proper consultation and transparency when negotiations for mining are conducted. It argues that although legislative frameworks like the Interim Protection for Informal Land Rights Act 31 of 1996 provide protection for customary land rights, which includes consultation between the extractive industry and the rural communities, this usually does not happen. In fact, in most instances the MPRDA overrides the process that must be followed in the IPILRA (which includes negotiating and consultation between rural communities and the mining company that will operate and extract the mineral resources from the community.

6.3.1.5 Legitimising discourses

One aspect, which affects the power dynamics of resistance and access to land rights in the context of Xolobeni, is the legitimising discourse, which provides legitimacy and justification for dispossessing rural communities of their land. These legitimising discourses include terms and concepts like *development*, *economic growth*, *economic development*, *rural development* and *infrastructure*, which are adopted by the government to grab land from rural communities. In his Post-development theory, Escobar has demonstrated that these discourses are not concerned with development or human improvement, but with human control. A research participant provided the following perspective on this issue:

The government is hiding behind development as a way to take land from us, however we do not recognise this development, I regard this development as imposed development, since it does not include discussion between the community, villagers and the mining operations, it just imposed on us without our consent (Participant 10, Female, In-depth interview).

The perspective of the research participant was that the government proposes development projects which do not include community members in the discussion and negotiation. This has implications for resistance and land rights, as it creates power dynamics to which concerned community members should respond. Furthermore, it leaves community members vulnerable to losing their land to the extractive industry that seeks value from the minerals found in indigenous territories. It

is therefore important to highlight the role of legitimising discourse in the dynamics involved in rural resistance for land rights. Discourse and the capacity to influence discursive concepts and ideas are crucial in determining who has access to resources and land rights. Through producing the narratives, discourses and ideas of development, economic growth, rural development and economic development, the South African government provides justification for land-grabbing by the extractive industry. The extractive industry is already accommodated in this discourse of economic development, growth and development. However, it is also important to note that rural communities are not passive, but they also shape the counter-discourse in responding to the discourse, which provides legitimacy, and justification for land-grabs. This counter-discourse provides the community with the impetus to resist and oppose mining and other development projects which are proposed in their community. With reference to this, research participant 20 provided the following perspective to describe how discourse is crafted in Xolobeni:

> *The mine will only operate for only few years, there is disputes, some say 15 years, and some say 20 years. However, all in all, the mining will only operate for a limited phase, it is not a sustainable development. Unlike land which should be preserved for generations and generations to come* (Participant 20, female, In-depth interview).

The perspective of the research participant is that legitimising discourse is not only adopted by the government and those who support mining operations to proceed, but even anti-mining community members also adopt legitimising discourses which justify resisting and challenging mining and other proposed development projects which threaten their land rights. Hence, the contestation for land rights between mining companies, governments, traditional leaders and anti-mining villagers should be seen as transcending contestation for land rights, but also for language and discourse that are seen as appropriate in the matter of how land should be owned and used. It is this discourse that determines whether mining operations will proceed or will be challenged by those against mining.

Discourse plays a key in allowing stakeholders and those involved in power dynamics to express and justify power dynamics. For instance, the term *land-grabbing* assumes that land will be taken by means of coercion. Resistance to land-grabbing in indigenous communities is primarily based on this narrative. Communities use this phrase to reflect the course of action which they assume to be appropriate in the context of mining operations. It entails that if mining proceeds, it will coercively take land from indigenous communities. On the other hand, those who support mining operations will use their own discourse, which might include, for instance, terms like *land acquisitions* to describe the land agreements between rural communities and the mining companies and other types of industries with interest in indigenous territories.

Different studies show the way discourses legitimise land-grabs from indigenous communities. For instance, Maiyo and Evers (2020) conducted a study to show the discourses which justify and legitimise land-grabbing in rural Uganda. Their study argues that these discourses include neoliberal ideas of the free market and commodification of land and nature. Mayo and Evers (2020) also demonstrate how such discourses are integrated with development language and discourses of reducing food security, alleviating poverty and improving agrarian livelihoods. In addition, their study shows that global corporations also justify land-grabbing through positioning themselves as agents of development. In the same framework, Canfield (2018) also argues that the World Bank justifies land-grabbing in Global South territories through the discourse of investment, which justifies the legal right of global corporations to invest and also to integrate in international markets.

6.3.1.6 Legislative framework

The nature of confrontations and resistance in Xolobeni is also shaped by the legislative framework which determines the appropriate course of action, including the negotiation of land rights between communities and the mining companies, consultation of communities before a license is granted for mining, and the right for community to refuse any proposed development. There are legislative frameworks which justify whether mining should proceed or not; hence, contestation about land rights is also contestation between these legislative frameworks, as there are often conflicting legislative frameworks that have different views on how land should be used, owned and accessed. The Interim Protection for Informal Land Rights Act 31 of 1996, for instance, is in contradiction with Mining Petroleum Resources Development Act 28 of 2002, which fails to acknowledge the land rights of rural communities. The dual system of governance in South Africa means that there are overlapping and contradicting legal frameworks, which subsequently adds to the complexity of competing for land rights in rural areas. In this context, participants from focus group 3 (conducted with the Amadiba Crisis Committee) provided the following perspective:

> *In terms of international law, it is clear, that the government and mining companies is supposed to obtain Free Prior and Informed Consent before the mining is to start its operations in the community. It means that the community should provide its consent before any activity or project is to take place in their land.*
>
> *The government is coming up with legislation which will results in dispossession of land from indigenous communities, while in terms of IPILRA communities should be consulted, proposed legislation the Traditional Khoisan Bill seeks to remove consultation, which ultimately weaken communities leverage* (Participant, 1, Female, FGD 3).

The research participant reflects that community members who oppose any project which contradicts their land rights, do so based on international law which provides protection for indigenous communities. The FPIC, which refers to the Free Prior Informed Consent, is a unique entitlement provided to indigenous communities, enabled through the United Nations Declaration on the Rights of Indigenous People. It emphasises right to self-determination of indigenous communities. The FPIC expresses the right of indigenous communities to provide or withhold and withdraw consent at any specific point with respect to projects that impact their territories. This legislative framework allows indigenous communities to be involved in negotiations to evaluate, monitor, implement and shape the design of projects in their territory.

Klein *et al.* (2023) focus on the challenge regarding negotiating for FPIC in indigenous territories. Their study shows that there is conflict over the meaning and scope of FPIC, which poses a challenge to the land rights of indigenous people. Klein *et al.* (2023) argue that although companies are expected to involve indigenous communities before any project commences, this does not happen in practice. They furthermore argue that while indigenous communities view the FPIC as an important part of their right to self-determination, and to withhold consent, it has a different meaning for the state and global corporations, who sees it as an obligation to consult in order to seek consent, and not necessarily to obtain consent. Consequently, Flemmer and Schilling-Vacaflor (2016) indicate that indigenous communities have become disillusioned with the process of the FPIC, since most state and global corporations are able to override the FPIC. Some communities view it as too weak to protect their land rights or to allow them to be involved in critical discussions about political and economic empowerment (Dunlap, 2018).

The FPIC provides protection to indigenous communities at an international level, but at the local level, legislation like the Interim Protection for Informal Land Rights Act 31 of 1996 is important for providing protection at a national level. A participant from the focus group 2 discussion with the Amadiba Crisis Committee stated the following:

> *The IPRA, has not been made permanent, which shows the intention of the government, we have been using to protect the rights of those who live within rural communities. This law gives rights to those within communal land. Government keeps on passing bills to take away land, the customary laws does not allow the traditional leaders power and authority to take away land and speak on behalf of the community* (Participant, 2, Male, FGD 2).

The above research participant refers to the role of Interim Protection for Informal Land Rights Act 31 of 1996, which provides protection for land rights to those who live under customary law.

However, specific dynamics should be understood concerning the role of the IPILRA. Although the act is critical for protecting informal land rights, it is yet to be made official. The South African government also keeps on passing legislative frameworks which undermine the land rights protected by this act. This makes it difficult to protect the land rights of rural communities, since legislative frameworks like the MRPDA act 28 0f 2002 can bypass the entitlement provided by the IPILRA. Tlale (2020) confirm this, by arguing that the objective of the IPILRA Act 31 of 1996 in providing protection for rural communities contradicts legislation like the MPRDA Act 28 of 2002, which is a pro-mining legislative framework. Tlale (2020) points out that in most instances, communities are not consulted by governments and mining companies before mining operations commence. Likewise, Ubick and Pickering (2020) argue that the legislative framework which governs the role of mining and traditional leaders, collectively provides a picture of legality, while simultaneously undermining land rights of rural communities whose land rights are protected by customary law and the IPILRA Act 31 of 1996.

6.4 Issues driving resistance in Xolobeni

The following section offers a discussion on some of the key issues and underlying reasons behind the Xolobeni community's resistance to the proposed mining development. It should be noted that the discussion may not be exhaustive of some of these issues, however, following the themes emerging from the study the following were noted to be some of the main reasons informing the Xolobeni resistance to land dispossession and proposed development:

6.4.1 Imposed development.

The resistance to imposed development by the Xolobeni community can be perceived and viewed from the territorialisation perspective, the resistance should be viewed as a way to defend the community`s development sovereignty through asserting their claim to the territory. Since the concept of territorialisation entail the practice of claiming, controlling and transforming space. Resistance to imposed development in the community should be seen as counter-territorialisation by the Xolobeni community. The mechanism of counter-terrorialisation include asserting claim to ancestral connection. Communities like Xolobeni have connection with multiple generations of people that have lived in their territory. This ancestral connection to their territory and land, enables indigenous communities to assert their claim to contested spaces and territory. In addition, another strategy of territorialisation is the defense of the sacred spaces and features like ancestral graves. These graves are also a reminder of the connection that exists between these communities and their ancestors.

There are intangible and invisible benefits in using counter-territorialisation like ancestral conection, it allow communities like Xolobeni to assert their right to the territory through formal rights like cultural rights and claims. Furthermore, the territorialisation in the context of indigenous communities like Xolobeni is also linked to defense of the material and symbolic space. The material space comprises of physical features like land for cultivation, pastoral purposes, ecosystem and biodiversity. On the other hand, the symbolic space includes the traditional and cultural practice, livelihood practice and small-scale farming strategies. The Xolobeni community thus seeks to defend threats against its territory and preserving these material and symbolic space.

Therefore, in as much as territorialisation is a defense of the material and physical space or territory. It is also defence of the symbolic space and practice that include the cultural significance attached to specific sacred landscapes, which might include their ancestral graves. When development projects like mining are approved, they disrupt the connection that already exists between communities and their territory, cultural spaces and livelihood practices. As constantly reiterated in this study, the concept of Western neoliberal development contradicts with the indigenous and localised perspective of how development should be approached. When communities resist powerful decision-makers and stakeholders like mining corporations, it is a way to express their localised and indigenous development perspective. In addition, it is also a way to defend their territory from imposed development practice that will not only result in disrupting their connection to territory but also livelihood practice. In communities like the Amadiba, the concept and theoretical lens of territorialisations reflect how communities emerge to claim their territory and defend their cultural space.

The Pondoland community has historically resisted imposed development in their environment, since the Pondo revolts during the apartheid era (Kepe, 2024; Turok, 2024). It is therefore not surprising that this study identified imposed development as one of the issues driving resistance in the Xolobeni community. A research participant provided the following perspective on this matter:

> *One the reason why we are resisting mining in our community, is that it is imposed development, we have never agreed to mining in our community, mining is an example of this imposed development. Most of these issues are done without involving the community and those who will be affected by the mine* (Participant 6, Female, FGD 2).

The perspective of this research participant illustrates that one of the reasons for resisting mining in the Xolobeni community is that it is imposed development. In most instances negotiations for granting mining licenses do not involve the indigenous communities who will suffer from the environmental damage of mining and the loss of land rights. Communities like Xolobeni also resist mining on the basis that it contradicts their perspective of development. For instance, a research participant from focus group 1 provided the following perspective:

> *The issue of mining is a challenge, since anything that comes in form of development, will affect us, development should come from us, however if someone is imposing it on us, that is not development* (Participant, 2, Male, FGD 1).

The above perspective indicates that the Xolobeni community has a different view of development than those of the mining companies and the government. For mining companies and the government, development entails extracting value from the land owned by communities; but the community views development in terms of the value that is attached to their land, sacred sites in the community and the livelihood practices which are linked with their land. From a political ecology perspective, the contestation about land rights between rural communities and mining corporations can be seen as involving power dynamics with regard to how the land, environment and ecosystem, as an ecological space, should be utilised (Don & Huber, 2020). Extractive activities and other neo-liberal-driven economic activities that also extract value from the land, occur in the broader hegemonic concept of development. Its characteristics include private and state actors who determine which mode of production is appropriate and suitable. However, these ecological spaces are not vacant and unoccupied, as private corporations view them, but are territories already occupied by indigenous communities that value them beyond the economic perspective of the Western hegemony.

From a political ecology perspective, the fact that the Xolobeni community view the proposed mine in their territories as imposed development, reveals that the contestation over land rights in the Xolobeni community transcends the confrontation over land as a physical space. It can, however, be argued that there are specific cultural and ecological lenses that shape the perspective of the Xolobeni community, who view mining as imposed development. This stems from the contradictory lenses of the Xolobeni community and mining corporations on how land should be owned and used between. When resisting development, rural communities thus provide an alternative development view, which is embedded in their cultural and ecological beliefs. Similarly, Nielsen (2016) argues that when development is rejected or opposed, indigenous communities do

not merely reject development in its entirety, but also seek to negotiate and change the meaning and direction of development.

Pahke et *al.* (2018) also hold sentiments with regard to resistance to agro business in rural Brazil. They argue that movements resisting agro business in Brazil are not solely rejecting or resisting neoliberal policy or globalisation. Instead, they generate and underline novel agrarian identities that present the symbols, ideology, and material strategies to reject land-grabbing. These agrarian identities are usually expressed through rejecting the Western development canon for indigenous and traditional development discourses linked to nature and the connection that communities have with their territories (Johansson Dahre, 2020). Cock's study (2019) concurs by arguing that resistance to coal inequalities is based on an alternative view of development, which seeks to challenge worsening poverty and inequalities. Cock (2019) notes that resistance to coal is always based on reasons such as land dispossession, displacement, and the environmental impact of mines. In all instances there is tendency to develop alternative development paths which contradict mainstream and Western discourse.

6.4.2 The environmental damage of mining

The environmental impact of mining can be understood from the ecologically unequal exchange theoretical perspective. Since global land practices are commonly a result of the appropriation of land by global mining corporations from the Global South, it results in Western countries having disproportionate advantage and benefits from exploitative extraction of resources from third world countries (Givens and Huang, 2021). Consequently, this unequal relationship has dire global environmental and social impacts. It aggravates the global ecological crisis by worsening the unjustified use of biophysical resources through environmental load displacement (Austin, 2021). In addition, it creates uneven development patterns, through exploiting natural resources within Third World countries, as rich and wealthy countries, benefit significantly from this process (Bai and Givens, 201). However, at the same time, poor countries, especially certain parts in Third World countries like Xolobeni suffer from both uneven development patterns and ecological crises, as they are constantly exposed to exploitative economic and environment destructive patterns. The Xolobeni community is a representative of how there is significant burden of environmental and exploitative policies on indigenous communities where natural resources are situated. In these communities, the extraction of natural resources like minerals, timber, oil and gas happens at a faster rate. However, communities like Xolobeni have no significant benefits and advantaged from this process, instead they are left with heavy ecological and environmental burdens, from extractive activities like mining which have a negative impact on ecosystems, biodiversity and existing

livelihood practices in these communities. Therefore, resistance, especially in communities like Xolobeni should be understood as a Global South response to ecological unequal exchanges that are situated in indigenous communities. Historically, communities like Xolobeni have suffered from the exploitation of resources, the exploitation of labour and excluded from the broader benefits by the mining companies. Whilst South Africa`s status and position as one of the continent`s economic hub is based on the profits and revenue of the mining industry, such economic growth has been accomplished and achieved at the expense of indigenous and rural communities like Xolobeni.

Therefore, Xolobeni resistance is a response to this historical relationship of exploitation and dispossession, as communities have often suffered through dispossession and exploitation of their labour. Whilst communities are exploited, mining companies on the other hand get richer and richer through exploiting both the labour and resources within these communities. The Xolobeni community is a representation of this uneven development and ecological crisis that is based on the activities of the mining and other extractive process. Resistance and confrontations to capital extractivism should therefore be understood from this context. Mining activity has dire consequences on the land, ecosystem, biodiversity and livelihood practices in these communities. The environmental damage of mining and other extractive industries has been well documented by scholarship. For instance, Body *et al.* (2021) found that mining has negative impact on the ecosystem. Neves et al. (2016) similarly explain that mining throughout its life cycle has a negative impact on ecosystems, which also extends to the well-being of human beings. In addition, Osaugwe and Olaifa (2018) have documented the environmental damage of oils spills in Ogoniland. The findings of their study also reveal that the environmental damage was also the basis for resisting the proposed mine in the Xolobeni community. This is supported by a research participant who explained:

> *During the initial negotiation for the mining license, the mining company organised a trip to Richards Bay. When we arrived in that mining community, we witnessed the environmental impact of mining in that community. They are not able to do domestic duties like washing clothes without being affected by the dust from the mining. In addition, the water sources are not safe. Their land is no longer suitable for agricultural purposes* (Participant 6, Male, In-depth interview).

The perspective provided by the research participant here documents that one of the issues which drives resistance in rural communities is the perceived negative environmental impact of proposed development projects. Beside the environmental impact there is also tension between the benefits

and risks of mining activity. Communities can significantly benefit from mining profits and avoid risks like the pollution of water sources (El Tinay, 2024). On the other hand, communities can be excluded and marginalised from mining profits, and they also suffer from environmental damage. The ecological unequal exchange theory accentuates the tension between the benefits and environmental harm of proposed development (Ricci, 2023), especially between global North and South countries. This is also supported by a research participant who provided the following perspective:

> *The mining company that will seek to extract minerals from our community is not even South African, it is Australian, which means that it will leave us with ecological damage, while leaving with our valuable minerals. Hence that is the reason why we are saying "no" to mining in our community* (Participant 1, Male, In-depth interview).

This response reiterates the main perspective of ecological unequal exchange theory. The main premise of this theory is that there are some inequalities in the way in which benefits, and environmental impact are perceived by Global South and North countries. While Western countries significantly benefit from extracting Third World minerals, they do not suffer from the environmental damage in the same manner as Global South countries. In addition, the theory also points to the displacement of environmental harm to other territories, i.e. environmental load displacement. Resistance to the proposed mine in the Xolobeni community should also be understood in that context. This community understands there is a possibility of being displaced by mining. Their perspective is that, while there are specific benefits linked to mining, they will only be enjoyed by the mining company, not the community. In fact, the community will bear the brunt of environmental damage. A research participant explained in this regard:

> *This type of mining that is being proposed in our community, which is open cast mining, has negative impact. It will bring dust to our community. In addition, it also uses a lot of water resource which will lead to depleted water sources for our community. We already have water scarcity for our livestock and also agricultural purposes* (Participant 7, Female, In-depth interview).

This perspective reveals the common grounds upon which mining is challenged in most rural communities (Bose, 2023). Resistance involves the environmental and economic impact of mining (Martinez-Alier, 2020). From a political ecology perspective, analysing how the contestation for land rights between rural communities and extractive corporations should not be confined to exploring environmental damage but also on how it impacts the livelihoods of these communities. It

is often assumed that these livelihood practices are unproductive (Vaz-Jones, 2018). Using the political ecology theoretical framework, it is important to understand the value of these livelihoods in contestation for ecological spaces (Rai *et al.,* 2023). These practices are important regarding social identity and the role of communities as custodians of physical and ecological space. Livelihood practices reaffirm the connection they have with nature, land and ecosystems, Mining will not only bring environmental damage but also disrupt connections they have with their ecosystem (Dayot, 2023).

One important feature of resistance within Global South countries is how they are organised in response to threats from mining industries. The extractive industry has unique repercussions for indigenous territories which include threats to their ecosystems, biodiversity and their ecological spaces. Activism and resistance to extractive industry is shaped by the threats posed to the rural environment, ecosystems and livelihoods (Szabo *et al.,* 2022). In addition, Szabo *et al*. (2021) show how framing resistance within environmental justice discourse helps resistance against mining.

Akchurin's (2020) study in Chile also demonstrated that opposition and resistance to mining is based on threat to existing land and water use in rural communities. Bebbington *et al*. (2018) argue that the extractive industry has significant impact on forests, community rights and the environment. In a similar vein, Grantham *et al*., (2021) argue that the increasing demand for commodities has resulted in a negative impact on forest landscape by the extractive industry. Uner (2023) also supports this claim by showing how grassroot activism against the extractive industry is influenced by the need to defend nature from the negative impact of this industry. Against this background, what should be understood is that although land activism and environmental activism might overlap in resisting extractive industry, there is a tendency within rural territories, especially in those areas where mining already exists, for the emergence of a unique activism and resistance solely based on opposing the extractive industry (Bornschier & Vogt, 2024).

6.4.3 Mining cannot co-exist with existing livelihood practices (eco-tourism)

In the current period, most development and economic policies favour the commodification of resources, while ignoring the existing livelihood practices in these communities. Denying peasants of their territory and rights therefore threatens their livelihood practice, food security and sustainability. Resistance from communities like Xolobeni should be understood in this context, to maintain their livelihoods, sustainability and territory. The re-peasantisation theoretical framework is thus valuable for this study, as it demonstrates how communities like those in Xolobeni emerge to defend their territory, spaces and ecosystem from de-peasantisation. The re-peasantisation

theoretical framework demonstrates that indigenous communities are not passive receivers of the development strategies but rather weigh and assess these initiatives with regard to the impact on existing ways of living and cultural practices. A crucial aspect of repeasantisation is the process of asserting the importance of existing livelihood practices like agroecology, ecotourism and practices that sustain their environment and ecosystem. Practices like agroecology, in particular, are crucial as counter-narratives to the harmful practices and strategies like mining and other activities that support resource extraction. It is a way of contrasting their ways of living against those practices that have a negative impact on their ecosystem, territory and ecological spaces.

Development practices and strategies like mining threatens the autonomy and development sovereignty of communities. Therefore, from a re-peasantisation perspective, resistance to mining is a way to assert autonomy of their livelihood practice and also assert their development sovereignty. More importantly it also a way to highlight that development practices like mining cannot exist with existing livelihood practice like agroecology, eco-tourism and small-scale farming. Strategies like eco-tourism are particularly important, there are a mechanism which enable communities to revalitalize their peasant-based livelihoods. Ecotourism also enables communities like Xolobeni to have sovereignty and autonomy regarding how resources are governed in their territory. In addition, it is a way to preserve their cultural knowledge systems which have been passed over generations. Therefore, from the re-peasantization perspective, the benefits of livelihood practices like ecotourism move beyond the immediate material benefits. However, there are symbolic in the context of threat of mining, which not only threaten their claim to territory but also their development autonomy. That is the capacity to decide how to govern their territory and also the way of producing. This autonomy can be eroded and disrupted in mining is approved by the government. Therefore, from the re-peasantisation perspective, livelihood practice like ecotourism as strategy of resistance and asserting their autonomy over both territory and existing livelihood practice. The role of eco-tourism as an alternative livelihood practice for indigenous and rural communities has been documented (Dash, 2023). Samal and Dash (2023) argue that eco-tourism is one of the most topical forms of livelihood, due to its perceived sustainability, connection with nature and spiritual understanding of ecosystems. Ouboter *et al*. (2021) concur that ecotourism acts as an alternative development to harmful practices like logging, mining and poaching. Poyyamoli (2018) also argues that it supports recycling and acts as a solution in the context of global warming and pollution. The findings of this study also show that eco-tourism is an alternative development practice in Xolobeni and thus the basis for resistance against mining. Research participant 10 in this regard provided the following perspective:

> *We already have an existing way of living in this community called eco-tourism. It includes foreign and local tourists coming to our place to observe our ways of living, our nature, the beauty of places like Mnyameni waterfalls. It gives our youth possible income, because some act as a guide. If mining comes, eco-tourism will not be able to proceed. This type of mining open-cast will bring dust and hence mining cannot co-exist with eco-tourism which already provides specific benefits for our community* (Participant 10, Male, In-depth interview).

This perspective shows that the community of Xolobeni regards eco-tourism as a better practice than mining which undermines their land rights and also brings environmental harm. In addition, the basis for eco-tourism as an alternative practice lies in its connection with nature and cultural history of places like Xolobeni. In this context participant 11 stated:

> *I see eco-tourism as a better alternative to mining. Although most people view it as a slow way of bringing income, it has less harm on the environment. More importantly it is able to remind us of cultural history and our connection with this place. Mining will bring dust to this community and no tourist will visit a dusty place* (Participant 11, Female, In-depth interview).

From a political ecological perspective, the confrontation between rural communities like Xolobeni and mining corporations is a contestation for governance, ownership and appropriate use of natural resources. When rural communities suggest that they have an alternative livelihood practice like eco-tourism, one should view this contestation beyond the economic and cultural benefits linked with eco-tourism. From a political ecology perspective, the issue at hand is about control, ownership and appropriate economic activity, which enable each stakeholder's control and ownership. In this regard, extracting titanium from Xolobeni will allow the mining company to own and control land that is abundant with natural resources. However, for the Xolobeni community mining will mean that they will lose control and ownership of their natural resources, territory, and ecosystem. Eco-tourism as a livelihood practice allows them ownership and control over their ecosystem, not mining which will disrupt it. It is important to note that eco-tourism has been critiqued by some ecologists and biologists as an alternative livelihood practice. Dalgish (2018) argues that it might be harmful to conservation and to wildlife. Most of this scholarly contribution is premised on theories of predation. Hence, the premise that eco-tourism is a suitable alternative development practice for indigenous communities is not universally agreed upon (Erdogan, 2017). However, the context in which eco-tourism is implemented is different. In some communities' eco-tourism is imposed. On the other hand, in communities like Xolobeni eco-tourism exists alongside other livelihood practices like small-scale farming.

The issue at hand concerns the issue of imposed development. While eco-tourism might be rejected on the basis of perceived harm to the ecosystem, most of its critique emanates from where it is forced as a solution for communities and ultimately leads to displacement and loss of livelihoods (Neef, 2019). In Xolobeni for instance, eco-tourism is not being imposed. It is accepted by the community since it involves representatives from families in decision-making. Therefore, though not everyone participates in the decision-making, there often is involvement of representatives of families which ensures that everyone has a voice in this livelihood practice. In addition, unlike mining, eco-tourism does not involve dispossession of communities from their land. Instead, it supports sustainable practice.

Eco-tourism thus contrasts with and contradicts development practices like mining that are imposed on communities with little consultation and discussion between the communities affected and the corporations with interest in natural resources to be extracted. The contestation for land between the mining company and the Xolobeni community shows how neoliberalism has a tendency to adopt development initiatives which ignore the plight and needs of communities. In doing so, it adopts discourses and narratives disguised as development whose outcome is not development but dispossession of communities. Cudlinova *et al*. (2020) have shown in this regard how the hegemonic objectives and development strategies behind climate change have driven land-grabbing in Global South countries. They argue that the hegemonic concepts of environmental sustainability, climate change and sustainable development have been a key part of the drive for land to enable biofuel production. In addition, renewable energy like solar energy has been a key part of land-grabbing and types of land agreements which displace indigenous and rural communities. This is also the case in the Xolobeni community where the adoption of eco-tourism as a development strategy is a way to reject development methods that will result in land dispossession.

Stock (2022) shows how the injustice of solar park development led to resistance in rural India. In deciding on and generating hegemonic development policy on renewable energy and climate change, most development practitioners do not consider the land rights of indigenous communities. This argument is supported by Lamamhendi and De Vries (2020) whose study of the nexus between renewable energy and land shows that the link between land and energy is not yet a part of policy which prioritises renewable energy. Furthermore, that the land and energy nexus demonstrate the contradiction between those that support the need for renewable energy and those that reject and challenge it on the grounds that it undermines land rights for indigenous communities. Thus, in

Xolobeni, eco-tourism should be seen beyond its importance as an economic strategy, but as a way to resist dispossession.

6.4.4 Loss of land

One of the key features of rural resistance in the Global South is the contestation for control of natural resources like land, water and ecosystems (Sandig, 2021). De Angello *et al.* (2021) show that grabbing of land in the commons led to different types of violence, social conflict and mobilisation. Villa-Mayor-Tomas and Garcia-Lopez (2018) further argue that resistance and collective action in the commons is a reaction to different types of threat to land collectively owned by indigenous communities. In addition, there has been shifts in control in the land already occupied by indigenous communities. The main characteristic of this shift is the commodification of natural resources collectively owned by rural communities. Prause and Billon (2021) argue that this shift has been met with resistance from affected rural communities. This aligns with the findings of my study. The potential shifts in land control and how this shift will lead to loss of land for the Xolobeni community was part of the motivation to resist mining. For instance, research participant 3 argued:

> *If mining is to proceed, we will lose land. We have been here since the apartheid. We are one of the few communities that have remained on their land, and we have never been forced to move, even during the apartheid. During the Mpondo revolts we resisted. Therefore, we are against mining, since it will result in loss of our ancestral land* (Participant 3, Female, In-depth interview).

The response provided above show the connection between the Xolobeni community and the land which ultimately motivates them to resist mining. Another research participant also explained the importance of land and hence the rejection of mining:

> *Land is very important to us as the Amapondo people. It is our gold, bank and also our life we have built in our land. We are buried in our land. We are also farming. We have trees that are important within the land. Even our livestock are able to survive through the land. In addition, we are able to survive without employment due to land* (Participant 23, Male, In-depth interview).

The loss of land due to private corporations is an aspect by Harvey (2017) in his theoretical perspective on accumulation by dispossession. According Haarvey, one of the main characteristics of accumulation by dispossession is the shift in land control from collective to private ownership by

corporations. Xolobeni's potential loss of land should be understood through Marx's (Bin, 2018) initial concept of primitive accumulation. Harvey (2017) builds upon this notion to explain the concept of accumulation by dispossession. The threat to land rights in the Xolobeni community should be seen in the context of how the colonial capitalism used coercion and violence to dispossess rural communities of their valuable land, and also how accumulation by dispossession is still a mechanism being used to grab land from rural communities.

The theory of accumulation by dispossession in the Xolobeni community focuses our attention on the threats to local and regional land rights and reveals the power dynamics that shape land-grabbing. In this sense, the government and existing power structures like traditional leaders in rural areas are abusing their power to pave way for the privatisation of communal land. Legal resources are utilised by traditional leaders, global corporations and governments to take away land from rural communities. The hegemony of development is crucial in understanding how these stakeholders are justifying land-grabs from rural communities.

The confrontation about mining in Xolobeni helps to understand the global nature of land-grabbing in indigenous communities. Moreover, while the potential loss of land for indigenous communities motivates and drives resistance, it is also important to understand that resistance to existing land threats also transcends the loss of land as a physical space. Communities are also worried about the impact of land dispossession on the existing livelihood practices like small-scale farming (Schalketon, 2020). Most rural communities have existing livelihood practices like agriculture, agroecology and eco-tourism, and these livelihood practices can only survive if there is no threat to ownership of land.

Overall, indigenous communities are concerned about losing their land. However, this concern is motivated by different ideologies. In some cases, communities are motivated by the need to protect their land a space for collective memory and traditional practices. This is supported by Arbelaez-Ruiz's study in Colombia (2022). Its findings highlight that resistance is motivated by the need to protect land as a social space for collective memory and other traditional cultural practice. In addition, Conde and Lebillion (2017) argue that, although resistance to land-grabbing is not a uniform, some communities reject and resist extractive and mining industries on the basis that mining can affect their livelihoods and cultural practices. Simbulan's study (2016) in the Philippines further notes that the narrative of protecting indigenous livelihood practices is common when indigenous communities resist mining. Menton *et al.*'s study (2021) in Brazil reveals that indigenous communities' resistance is also based on defending loss of cultural identity. Ford *et al.* (2020) also show that indigenous resilience to environmental changes and potential land loss to

global corporations is driven by their attachment to cultural identity and connection to their land. Similarly, Obuene *et al.*'s study (2022) on land-grabbing and resistance of indigenous landowners in Ibadan highlights that indigenous and rural communities lose their connection to their ancestral land when they experience land-grabbing.

A study by Bae (2019), conducted in Malawi, also demonstrates that the opposition to land-grabbing practices is shaped by displacement and the potential loss of traditional cultural practices. Khan (2020) also argues that land-grabbing is opposed for non-economic reasons, which include loss of culture and identity. Gilbert (2016) opines that the cultural and spiritual connection indigenous communities have with their land is a significant basis of their resistance, and social movements involving indigenous communities often use these ideas as a counter-narrative and discourse to defend their territories. Therefore, the writings of Bae (2019), Khan (2020), Gilbert (2016), Ford *et al.,* (2020), Menton *et al.,* (2021) and Obuene *et al.,* (2022) support the findings of my study. During interaction with my participants, I gained the idea that participants were concerned with not only losing their land, but also their cultural identity and traditional practices. The Xolobeni community has an intimate connection with their land, which will be disrupted if the mining projects are to be approved. As such the intimate connection that indigenous communities have with their spaces and land should be considered and understood as the foundation of their cultural practices, traditions, spirituality and livelihoods.

The relationship that indigenous communities have with their land is not solely based on possession and economic purposes. It is also based on material and spiritual dimensions. These communities protect their cultural practices to pass on land ownership to future generations. Deur's study (2020) shows that indigenous communities and movements typically emerge to contest Western and modern land ownership which view land as a commodity. This Western canon contradicts with indigenous perspectives which prioritise spiritual and cultural land development. Deur's argument also resonates with the findings from Xolobeni, since the community was also concerned with the imposing of a model which fails to recognise how land is locally owned and used. In addition, using the socio-territorial movement perspective, one can argue that, movements in the Global South emerge collectively to battle and confront the ill-effects of global corporate activities, especially the role of different extractivist industry. Therefore, the loss of land through global land grabbing is fundamentally connected to socio-territorial movements, especially within communally owned land, since territories are closely linked to the identity of these communities (Rosset and Ule-Monoz, 2024). Rural and indigenous communities emerge to confront mining corporations who are viewed as threats to their territory and the intimate connection between land, identity and livelihood. From

a socio-territorial movement perspective, these spaces, territories are not only physical spaces, but hold certain cultural meanings. One of the most important aspect in socio-territorial movement is the issue of livelihoods; there is a close connection that exists between livelihoods and tradition (Gaelana, 2021). Traditional livelihoods practice like small-scale farming, eco-tourism and agro ecology are intimately linked to traditions, therefore resistance within socio-territorial movement is not merely to defend against land, but also about preserving livelihood practices that are linked to traditions and customs. As such, the struggle for land in communities like Xolobeni should be understood from this ambit. Succinctly, from a socio-territorial perspective, resistance in Xolobeni is not only defend against land, but to defend the disruption of nexus the community has with their territory, collective identity, cultural traditions and livelihood practice.

For the Xolobeni community, the territory is important since it is everything that communities has, it is the very livelihood of people, which has become the focus of contemporary social struggles. Defending territory is intertwined with defending livelihoods. Socio-territorial movements in the Xolobeni community, thus use their collective memory, cultural traditions their connection with livelihoods as a way to formulate counter-narratives and emancipatory mechanism as forms of resistance and reinvention of their territorialities. The Xolobeni community formulates these socio-territorial mechanism and strategies in defense of their ancestral territories and economic and productive logics different from the neo-liberal and extractive form of production held by mining company and the state.

6.4.5 Mining as a threat to culture and sacred sites

The importance of existing cultural practices and sacred sites to indigenous communities has been highlighted by different studies and scholars. Pirikayi and Magoma (2021) argue that sacred sites and physical spaces represent the identity of indigenous communities, their livelihoods and the attachment they have with these sites. Odhiambo and Manuga (2017) similarly explain that the social structure of indigenous communities is linked to their identity. Tarusarira (2021) stresses that resistance to a proposed dairy farm in Chilonga (Zimbabwe) was due to the potential threats to culture, attachment and sacred sites. Understanding the threat that mining and other types of proposed development projects have on sacred sites in indigenous communities is important to understanding the cultural dimensions of resistance. Research participant 4 observed:

> *Xolobeni is one of the few communities that has never been moved, even during the colonial and apartheid era. We have a connection with this land. There are also sacred sites and archaeological sites that represent our connection with those who came before us. They show*

> *that our ancestors cared for this land. Hence, we should do the same by protecting these archaeological sites. Time and time again, international visitors and scholars come to witness these archaeological sites. If we lose them, we lose our heritage as Amapondo people* (Participant 4, Male, In-depth interview).

This response reiterates the connection that communities have with land, cultural beliefs, spirituality and identity. Therefore, mining is seen as a threat to these sacred sites. Another research participant explained:

> *Through owning our land, we are able to hold ceremonies, rituals and our cultural practices. For instance, the ocean provides those who are training to be traditional leaders. (It is) a space where they can communicate with ancestors and also conduct rituals and ceremonies that are important for them. In a similar manner, if we move, we will lose our connection with our ancestors that are buried in our backyards. Graves in particular are important to Amapondo people* (Participant 1, Male, In-depth interview).

When analysing environmental and ownership conflicts in communities like Xolobeni, it is important to understand the cultural dimensions which influence contestation between them and global corporations. From a political ecology perspective there are invisible losses involved when rural communities lose their land to mining companies. Exploring the contestation for land rights between the Xolobeni community and the Australian mining company (Mineral Resource Commodity) helps to provide a critical representation of the often ignored, neglected and miscomprehended sacred origins of land conflicts, which shape resistance in communities. This contestation between the community and the mining corporation is a microcosm of the wider conflicts which occur between indigenous communities and global corporations. The cultural dimensions of resistance are ignored and neglected by those seeking profit in these inhabited territories.

In analysing the conflict between the Xolobeni community and the mining corporation, we also see the development paradigm (neoliberalism) which influences land-grabbing. Neoliberalism as a development paradigm assumes that there are specific benefits linked with extracting profit from physical resources like land. However, there is a special attachment that these communities have with their land that should be reflected, especially when analysing their resistance. This is supported by Borde and Bluemling (2020) who show how indigenous communities have emerged to resist development projects on the basis of cultural beliefs and practice and meaning that they attach to their land. Euro-centric approaches to and concepts of development provide global corporations

with the justification to grab land from rural communities. Rural communities in turn adopt counter-discourses embedded in their attachment, meaning and interpretations of how land should be used and owned.

Cultural and ecological beliefs that emphasise the connection between the Xolobeni community and their sacred sites and land, should be seen as invisible acts of rejecting the Eurocentric paradigm of development which prioritise economic activities like mining. In rejecting mining in their community, the Xolobeni villagers do so, despite the economic benefits of mining, which include employment opportunities and infrastructural development like roads and clinics. The meaning and significance attached to these sacred sites transcend the conventional economic perspective of the Western paradigm, and thus is rooted in non-cultural and spiritual identity of communities. Venerating their sacred sites and land allows the Xolobeni community to reject and challenge powerful key actors like Mineral Resource Commodity.

6.5 Strategies of resistance and defending land rights

6.5.1 Legal framing

The legal strategy used by social movements in resistance against powerful actors like the state and multinational corporations has been located within different fields. This is supported by Gramsci's analysis of hegemony. The legal strategy used by social movements is seen as a counter-hegemonic response to the hegemonic language adopted by powerful actors. Counter-hegemony in this context can be seen as the collective efforts and attempts of political actors to challenge the cultural and intellectual foundation of the dominant structures (Leachman, 2013). Accordingly, the counter-hegemonic discourse used by social movements is located within the legal language used to challenge power. Rural social movements fighting for land rights might for instance locate their resistance in environmental and indigenous land rights. The use of legal strategy is also viewed from the perspective of framing, which is understood as the use of symbols, languages and discourses to exercise power (Stobaugh & Huss, 2024). Legal framing is thus a strategy used by social movements to legitimise their resistance against powerful actors (Caiani, 2023). The use of legal framing by the Xolobeni community can also be viewed from Scott`s everyday resistance theoretical perspective. Communities involved in defending their territory, usually employ and repurpose legal frameworks, thus using these mechanisms of power as tools of resistance. The use of environmental rights claims, cultural rights languages in the Xolobeni community is a manifestation of the above claim. Like Scott's everyday resistance, the Xolobeni community functions within formal frameworks, whilst elusively undermining them. The Xolobeni community`s appeal to the Interim Protection for Informal Land Rights Act represent how subaltern

community can transform hegemonic legal instruments against dominant stakeholders, which enable spaces for defiance in the context of apparently constrained institutional systems. In everyday resistance, Scott speak of hidden transcripts, according to Scott, hidden transcript comprise of those offstage speeches, gestures and practices that confirm, contradict or inflect what is apparent in the public transcript (Wang, 2024). The concept of hidden transcript demonstrates how subordinate groups developed their own nascent forms of oppositional consciousness, usually generating formal or informal institutions in which such hidden transcripts should be collectively viewed (Ricitelli, 2024). For the Xolobeni community, the use of legal framing should be viewed from this perspective. The notion of hidden transcripts viewed from the concept of legal framing demonstrate how communities, adopt alternative understandings of legal frameworks that resonate with their localised and indigenous perspective. In the Amadiba community cultural rights become instruments for asserting their communal land rights, on the other hand constitutional provision are reconsidered through indigenous law perspective.

This elusive representation of legal language is a representation of Scott`s hidden transcript concept. Which is an alternative discourse that confront and resist power dynamics, whilst seemingly operating within their frameworks (Calmius, 2024). Legal framing by the community thus represents the use of concealed, non-confrontational mechanism of resistance by subaltern communities. The Xolobeni community legal defiance is demonstrated through the court system, legal rights discourse and bureaucratic objections to mining development. These legal acts, which are usually viewed as non-violent, and formal mechanisms of protest and resistance, resonate with Scott`s concept of *Weapons of the Weak*. His notion of infrapolitics can be seen in the use of legal corridors by the Xolobeni anti-mining actors to challenge mining operations.

In Xolobeni, legal strategy is thus an important mechanism of resistance employed to defend land rights. As such a participant from focus group 3 explained:

> *In 2018, we won the court case in the Pretoria High Court, The outcome of the court case was that the mining company from Australia (Mineral Resource Commodity) cannot proceed with mining without our consent. Hence, they are supposed to seek our consent before proceeding with the mining operations* (Participant 1, Female, FGD3).

In addition, participant 6, who was a member of the Amadiba Crisis Committee, provided the following response to show how legal strategies are used by the Xolobeni community as a strategy of resistance:

> *The Xolobeni area is a marine protected area, which means it is sacred and should be protected. This is supported through the Marine Protected Area Act 57 of 2003, which states that marine protected areas like Xolobeni should be protected and preserved for cultural purposes. Our land is under the Pondoland marine protected areas. Therefore, mining has no right to take our land* (Participant 6, Male, In-depth interview).

The response provided above shows how legal framing was used by the Xolobeni community to resist mining. In resisting powerful state actors, especially regarding land rights, environmental rights, social movements usually use both international and national law as a way to contest powerful actors. The Xolobeni community, for instance, situates their struggles in international statutory frameworks like FPIC, which states that indigenous communities should be consulted before development projects like mining takes place (Offenheiser, 2022). In addition, the United Nations Educational Scientific and Cultural Organisation promotes the recognition of heritage rights for future generations (Petti *et al.*, 2022). Beside international law, the Xolobeni community also relies on national legislation which supports their land rights. One of these laws, the Interim Protection for Informal Land Rights Act 31 of 1996, states that rural communities should be consulted if there is any proposed development project. In the same manner, Section 24 guarantees environmental rights for every South African who might be violated through harmful mining. In this context, a participant from focus group 1 explained:

> *In terms of the constitution, both the land and the minerals and the land on top belong to us, since we are the ones protecting both the land and the minerals. In addition, the constitution does allow us to own our land and the minerals below. We have a right to a clean environment. Protecting the environment is also good for us. We should be consulted before any mining takes place* (Participant 2, Male, FGD1).

From the above it can be noted that the research participants not only reflect on environmental rights but also land rights and entitlement that is guaranteed to them under the constitution. Social movement literature has further analysed the degree to which legal discourses are used as the acceptable language, underlying concepts, values, and meanings from which social movements draw inspiration and motivation to fight powerful actors (Lehouq & Taylor, 2020). In Xolobeni, for instance, there are underlying issues of indigenous land rights, customary law, in which the community uses their attachment to land, sanctity of land and heritage sites to express their right to own and control their environment. Such connotation of the land might include interpretation of their role as environmental stewards and their ownership of land through customary law.

On the other hand, recognised legal frameworks, especially those harnessed by the state, prioritise modern private ownership of land, which means land can be commodified. Consequently, how communities like Xolobeni perceive what the legal framework should be like and what actual rights they have, might not correspond to what the law says. On the other hand, sociological research shows that legal framing has become part of social movements (Davis, 2011). Similarly, sociological research also argues that legal framing should be understood as cultural articulation, since legal discourses employed by social movements can be used to legitimise resistance against powerful actors like the state (Mertz *et al.*, 2016). In this context, the argument of both socio-legal scholars and sociological research is crucial in discussions and debates about the effectiveness of the legal strategy in social movements' rights claims. Social movement and socio-legal researchers have found that social movements usually frame their grievances as violations of legal entitlement of a particular group.

A common type of legal framing for social movements is the use of collective rights, the main purpose of which is to locate the social movement's problem as a collective wrong and individual wrong (Stamers, 2015). Collective rights frames usually accentuate a movement's uniqueness and how its issues should be differentiated from other movements and those who oppose their collective rights (Kubal & Beccerra, 2014). Collective rights provide legitimacy to the movement's collective need for a particular category of legal protection or entitlement (Leachman, 2013). For instance, in the Xolobeni community, both villagers and the Amadiba Crisis Committee have used their collective entitlement to environmental rights to not only legitimise their resistance against the mining company but also differentiate from the types of rights which they deserve, as opposed to the state and the mining company. This helps them to differentiate their legitimate rights from those held by the state and the mining company.

6.5.2 Solidarity with other social movements

The use solidarity as a strategy within Xolobeni community can be viewed from Scott`s everyday resistance theoretical perspective. Scott accentuates the use of weapons of the weak, a notion which corresponds with the Xolobeni conflict. The Xolobeni community has managed to position itself as vulnerable to powerful actors like the state and mining corporations. Consequently, the community managed to get support from local and international actors, which include local and global NGOs and social movements. The community also use the notion of weapons of the weak to gain free legal support from lawyers who have experience in fighting environmental injustice. These examples demonstrate the use of perceived weakness as a strategic tool in challenging and fighting powerful actors and stakeholders.

This act of establishing solidarity should thus be viewed as a form of no-compliance and as an act of everyday resistance. Solidarity practice like combining with more powerful actors like NGOs should viewed as a form of resistance. It is thus a form of action that is adopted in opposition to dominant and powerful actors like the South African government and the mining corporation. Given this scenario, establishing solidarity, is a way to resist economic and political marginalisation. Similar to everyday resistance, the act of establishing solidarity with other social movements and NGOs is informal, hidden and routine. Establishing solidarity, thus represent the agency of the Xolobeni community and the potential of their acts to challenge power dynamics in a specific context. Establishing solidarity is similar to everyday resistance, since it demonstrate that everyday resistance is usually underpinned by shared need to increase access to scarce resources, requiring cooperations to build small-scale survival strategies. Communities like Xolobeni do not have the resources to openly and directly confront powerful actors like mining corporations and the government. They rely on everyday resistance strategies like establishing solidarity with other social movement and NGOs that have financial and legal resources. Establishing solidarity with other social movements should be viewed as strategic mechanism of defiance that magnifies their voice in the face of powerful actors who have better financial and legal resources. In addition, this strategy should also be viewed as a collectively held repertoire of resistance, adopted collectively by the marginalised to echo their shared narratives in resisting powerful actors.

Noteworthy, existing literature demonstrates the importance of establishing solidarity among social movement, solidarity among social movements is an important aspect, which allows them to connect with allies and movements confronting similar issues (Khasnabish, 2020). Since social movements' activism includes confronting existing political structures, solidarity can be an effective strategy to obtain legal resources, financial resources and obtain sympathy from allies and other collective resources (Davis, 2017). Establishing solidarity with other social movements, institutions and organisations is an important aspect of the daily operation of social movements (Santos, 2020). Social movements are networks of marginalised and grassroot people without much financial and legal resources. Hence, establishing solidarity with others provides movements with a platform and resource to challenge existing structures. The importance of solidarity with other social movements and organisations was also expressed by research participant 20, who noted:

> *We have managed to create allies, networks and relationship with other social movements and organisations. For instance, we have a relationship with Mining Affected Communities in Action, a social movement fighting for the rights of over 200 mining communities in South Africa. They are also present in our court case in 2018. Even when protesting certain bills like the TKB, they were also present* (Participant, 20, Female, In-depth interview).

The perspective provided by the research participant emphasises the role of establishing solidarity, networks and connections with other social movements. Solidarity helps movements to confront existing powerful structures by gaining sympathy with social movements affected by similar issues. Establishing solidarity and alliance with other organisations is also important in terms of providing legitimacy to a struggle (Nichols *et al.,* 2021). Establishing networks and alliance with movements affected by similar issues allow social movements to recognise the broader impact of the challenge affecting them, thus providing them with legitimacy (Selvanathan *et al.*, 2020). The effectiveness of social movements in challenging existing powerful structures can only be successful if their movement is sustainable. Establishing alliance, networks and solidarity allows them to sustain their challenge to existing structures, and this is possible since they can share legal, financial and other types of resources (Stewart & Schultzem 2017). Solidarity can also come in the form of legal assistance. This might include receiving legal assistance from human rights lawyers and legal advice from other social movements. For instance, research participant 1 states:

> *We have been working with different lawyers. Since we do not have financial resources, some of these lawyers have been giving us free assistance, and also they have used their experience in providing legal support to communities affected by mining. Hence, they understand the legal issues involved* (Participant, 1, Male, In-depth interview).

Although social movements like Amadiba Crisis Committee might understand that they have land and environmental rights, they might lack legal experience and discourses when confronting the state and the mining company. Establishing solidarity with organisations and individuals who understand legal discourses is important to engage powerful structures and legal systems. Legal competence also provides the Xolobeni community with the capacity to advocate and articulate their rights and interests when confronting the state and the mining company. It is important to note that the issues and grievances being expressed by social movements are defined within a specific scope, boundary and confines. Consequently, legal assistance is crucial for social movements to determine the scope and boundary of their challenge. Nonetheless, there are specific power dynamics that impact the trajectory of social movements. Such power dynamics include the ability of social movements to establish sympathy with allies. The Xolobeni community is divided into pro and anti-mining members. The Amadiba Crisis Committee, the social movement on the forefront, expressed that they had to gain sympathy with community members to understand the nature of the problem. This meant educating them about the impact of mining. For instance, research participant 10 (from the Amadiba Crisis Committee) remarked:

> *We are educating and mobilising our community members about the importance of fighting the mining company and the state. For instance, the trips to Richards Bay mine were important in educating the community about the negative impact of mining. We also conduct workshops at the community hall. This is done to establish alliance with the community and ensure there is no confusion about the impact of mining* (Participant 10, Female, In-depth interview).

This perspective shows the importance of establishing solidarity among social movements. There are specific power dynamics that impact the trajectory and the issues articulated by social movements. These power dynamics might be in their immediate political environment. The ability of social movements to navigate this environment depends on their capacity to establish solidarity with allies that have the concerns and perspectives in confronting powerful stakeholders such as the state and private enterprise. Social movement literature has expressed the importance of social movements to establish solidarity (Lee, 2020).

According to Selvanathan et al. (2019) while social movements challenge existing powerful structures, their effectiveness in achieving their goals depend on their ability to establish allies and gain sympathy from other social movements and actors. The importance of solidarity is also expressed by Stewart and Schultze (2019) who argue that solidarity, which includes personal feelings, commitment and dedication, is one of the main features of social movements. Social movements are also part of group politics. Outgroup and ingroup membership also apply to social movement dynamics in the sense that activities like establishing solidarity allow social movements to define who is an ally, who is not an ally and what values and interests should be defended. In addition, social movement theory and scholarship has also expressed how solidarity can be a source of group cohesion for movements when confronting powerful actors and stakeholders.

This aspect of group cohesion is important with regard to mobilising, having collective goals and shared purpose. Group cohesion furthermore legitimises their cause and grievances. Lahusen *et al.* (2021) argues that collective responsibility and obligations among social movements is important in challenging powerful structures. In the same vein, Kousis *et al.* (2020) state that solidarity implies acts and the manifestation of support among non-state actors. It thus includes mobilising and organising some form of support from other social movements, allies and organisations. For social movements, this solidarity is important for the sake of shared identity and obtaining consistent support across time.

6.5.3 Framing

One of the strategies used by social movements in confronting existing political structures and powerful actors is framing. The concept of framing has its origin in Goffman's work (1974) on frame analysis, influenced by the symbolic interactionism. Its main argument is that meanings do not inherently emerge through our everyday experience, encounters and interaction but rather through interpretive practice embedded in culture (Barranco & Perrisca, 2023). The concept and practice of framing is important for social movements: they must adopt specific language, discourses, concepts, ideas and vocabulary, and in framing thus helps social movements to shape their counter-discourses when challenging powerful structures and actors. The findings of this study indicate that framing was one of the strategies used by the Amadiba Crisis Committee and the villagers in resisting mining in their community. For instance, a research participant in focus group 1 explained:

> *In terms of the constitution, both the land and the minerals and the land on top belong to us, since we are the ones protecting both the land and the minerals. In addition, the constitution does allow us to own our land and the minerals below within a clean environment. We have a right to a clean environment. Protecting the environment is also good for us. We should be consulted before any mining take place* (Participant 1, Female, FGD 1).

The perspective provided by the research participant highlights the key ideas through which the Xolobeni community frame their grievance and their cause. It emphasises the importance of land ownership and the constitution in protecting land and environmental rights. Participant 15 provided the following perspective to emphasise the frame of the Xolobeni land discourse:

> *The land is important in the sense that we are using it. There is no need for us to go to other places and get employment. There are no forms of crops which are not farmed in this land: it is very fertile. For instance, crops like potatoes, maize, sweet potatoes and madhumbe. In addition, there is no need for us to go to clinics, since we have medicinal plants that can give us herbs. We also bury our relatives in the same manner that our relatives used to do to protect the land, so that we can use it. The land is used for multiple purposes, which we defend* (Participant 15, Male, In-depth interview).

This reiterates the importance of land ownership and control for the Xolobeni community. It also highlights how the Xolobeni community frame their resistance through an alternative discourse of development like indigenous food production, the importance of ecosystem as emphasised by the need to protect medicinal plants. The Xolobeni community did not frame their resistance solely

through discourse of land ownership, but also environmental justice. For instance, participant 7 from the Amadiba Crisis committee also offered a viewpoint which accentuates how the community frames their resistance through environmental justice discourse:

> *This type of mining that is being proposed in our community, which is open cast mining, has negative impact. It will bring dust to our community. In addition, it also uses a lot of water sources which will lead to depleted water for our community. We already have water scarcity, for our livestock and also agricultural purpose* (Participant, 7, Female, In-depth interview).

This perspective highlights how the community frames their resistance through environmental justice discourse, emphasising the potential environmental impact of the mining company on the community ecosystem and their livelihood strategies. In addition, like in most rural and indigenous communities, the Xolobeni community also framed their resistance through the discourse of connection to the environment, which emphasised the unity between the environment and the community. For instance, a research participant from focus group 1 observed:

> *The connection between the environment and the people: part of the answers have been documented. From the environment they get food, medicine, building materials. They also get herbs for rituals and ceremonies. There is also a difference between medicinal and herbal plants.*

Another research participant from focus group 1 explained:

> *Yeah. Um, I can say that we, we as people and the land, we are one. So, if you're taking away the land or the resources from the land, you are taking away my identity because most of the countries know us about the farming we do here. So, if we allow the mine to take the land or the resource from the land, which means you are going to have a hunger or so* (Participant 2, Male, FGD 1).

This perspective is integral to the discourse in which the Xolobeni community framed their resistance against the state and the mining company. The findings of this study reveal that the community frames their resistance through ecological, cultural, political and economic discourses. Social movement literature has shown the broader importance of the framing strategy in challenging existing power structures. Framing is defined as the practice through which social movements develop and define their political and social reality and attach meanings to their course of action. The practice of framing includes constructing frames, which are understood as intellectual tools that enable making sense of external reality (Ciani, 2023). Frames can thus be defined as mental

frameworks of how reality in social movements is interpreted. It also enables those involved in social movements to situate, recognise, establish and define specific experiences in their everyday reality and the broader universe.

In the context of Xolobeni, the following three phases of framing are apparent, namely diagnostic, prognostic and motivation frames. These framing phases are common when social movements challenge power dynamics (Mendelsohn, 2024). Diagnostic framing occurs when social movements identify and articulate a specific issue in society. This framing helps the social movement to find a particular cause of their problem (McBride, 2023). In Xolobeni, diagnostic framing comprises the community framing the mining projects as a threat to their land, livelihoods and cultural identity. In this type of framing, the Xolobeni community views mining as a specific problem that needs response. This framing method also help the community to identify the specific challenges and problems linked with mining, like loss of land, ecological damage and the erosion of indigenous livelihood practice.

Diagnostic framing thus helps the community to identify the grievances and challenges of mining. Other framing apparent in the Xolobeni community is prognostic. This type of framing includes social movements coming up with a suggested solution to the challenges they have identified (Lee & Jang, 2024). It comprises outlining strategies, tactics and objectives to solve societal problems. In the Xolobeni community, this framing comprises using human rights discourse and language, land rights, consultation, FPIC and environmental rights as a way to challenge the mining project. It helps the Xolobeni community to use human rights and legal discourse to assert their rights. The Xolobeni community also adopts counter-development discourse like eco-tourism, small-scale farming and agroecology, which are seen as more sustainable than mining.

Through engaging this type of framing, the Xolobeni community is able to identify the harmful effects and risks of the mining projects. Moreover, they are able to identify alternative development strategies, which aligns with their values. Since mining is based on the neoliberal paradigm, this type of framing helps the community to not only challenge mining, but also the neoliberal paradigm which is linked to mining as an economic strategy. Lastly, the Xolobeni community also engages in motivational framing. These types of framing are engaged to motivate individuals to take action. This type of framing is also used to inspire, persuade and mobilise people through articulating societal challenges in a manner that accentuates the importance of adopting action (Espinoza, 2021). In Xolobeni, motivational framing can be identified as mobilising community members to defend their land from the mining company. This also comprises identifying land as ancestral heritage which should be protected from the apparent threat of the mining company.

6.5.4 The right-to-say-no strategy.

The right-to-say-no strategy is a common approach used by social movements fighting against powerful actors like the extractive industry. This approach should be understood in the context of the unequal relationship of negotiations between extractive corporations and rural communities. This strategy is profoundly connected to the concept of free, prior and informed consent. The FPIC principle underlies the legal rights of indigenous communities to self-determination (Ryser, 2020). It is thus an international framework which mandates government to consult with indigenous communities before implementing development projects that affect their access to land and resources (Mathiba, 2023). Broadly, it also resonates with any decisions that will directly impact indigenous communities, and which require their consultation and consent.

The principle of freedom implies that the process should not involve use of coercion or force, while prior consent means that it should be attained in advance of the activity linked with decision being adopted (Heinrichs, 2023). It also includes providing measures that allow indigenous communities to adopt their own path. Informed consent means that there should be accurate explanation of the risk and benefits linked with development projects. Lastly, consent entails that indigenous communities should agree and consent to the project (Newman, 2020). Therefore, the FPIC underscores the right of indigenous communities to Right to say No to development. The FPIC should be understood in the light of imbalanced and unequal power relations between mining companies and communities. Although there is emphasis on equal benefits for the community involved, in most instances mining corporations are able to ensure that the terms and conditions benefit them significantly. Mining corporations typically use their legal and financial muscle to navigate the negotiation process, such as bribing pro-mining community members to accept the deal and convincing powerful actors like traditional leaders and government to grant them mining licenses.

On the other hand, rural communities not only lack the financial capacity to confront powerful actors like mining companies, but also, they cannot handle the legal complexity involved in negotiating for mining licenses. They might also lack the knowledge about the specific rights and entitlement they can claim, and the types of institutions to approach. In this context, the right-to-say-no ethic should be understood in this context of unequal power relations between the community and the extractive company. It acts as an alternative discourse which helps communities frame their counter-discourses, ideas and narratives, such as rejecting mining on the basis of its environmental harm. The findings of this study reveal that the right-to-say-no is one of the

strategies adopted by the Xolobeni community in resisting mining in their community. For instance, a member of the Amadiba Crisis Committee from focus group 1 states:

> *Mining is not something that we want here in Xolobeni. We are still young, and we want our kids to benefit from the land. Our environment will be harmed, like trees, water sources and all medicinal plants will also be lost. There will be people that come here that will contradict with culture* (Participant 4, Female, FGD 1).

Although the right to Say No discourse is not the only aspect emphasised in the above perspective, one can also understand its connection with other counter-hegemonic discourses in the Xolobeni community, such as the connection between the community, the environment and the land. The potential environmental harmful effect of the mining company on their environment and the last part emphasises the importance of preserving cultural practice in the Xolobeni community. Hence, the community outlines the right-to-say-no strategy through providing alternative discourse of land ownership and development practice which contradicts the Eurocentric paradigm informing the strategy of the mining company. Furthermore, the right-to-say-no strategy is also rooted in the environmental justice discourse. For instance, a research participant provided the following viewpoint:

> *For instance, when they were drilling there was a lot of damage. Hence if they proceed that will damage more. If you go to areas where mining is being done, there is a lot of physical damage like earthquakes. If we allow mining, it will also impact us in the same manner* (Participant 9, Male, In-depth interview).

The perspective provided above reflects how the right-to-say-no is in different discourses. In this instance the research participant emphasises the potential environmental impact of mining. In most instances, the Right to Say No is expressed through different counter-hegemonic discourses mostly located in specific legal claims. The most common approach is locating it in terms of Free Prior Informed Consent, an international law which supports the right of indigenous communities to self-determination (McCartney, 2018). This law reiterates the rights of indigenous communities to be consulted before specific development projects commence. It also gives communities the right to reject development projects if it threatens their land rights, cultural and ecological spaces. This aspect was emphasised by a member from the Amadiba Crisis Committee who explained:

> *But it's very clear that the, the, the ethic, which is international law, Yeah, that. If the, this, the government wants to extract the minerals, yeah, they must consult. The people and the people must give prior informed consent. Yeah, it doesn't say that. People must say. It doesn't say*

that yes, government, you are owning and you have the right exact minerals and you can just extract like that (Participant 11, Female, In-depth interview).

The perspective provided above highlights how indigenous communities confronting the extractive industry locate their resistance in the context of international Laws like FPIC, which is also linked with the Right to Say NO discourses emphasised above. FPIC is an important law which informs the resistance of communities like Xolobeni. The nature of unequal power relations between indigenous communities and the extractive industry allows the latter to bypass the consultation process and the consent needed from communities. In most instances mining companies can use financial and legal resources to recruit sympathisers to their interest, such as traditional leaders, government officials and community members. Although the right-to-say-no is a common approach used by indigenous communities in rejecting development projects, not all communities are successful in their claims. According to Milanez *et al.* (2021) the fact that mining companies can bypass the Right to say No by the community reveals the contradiction of the right to consultation and the unequal power relations involved in ownership and control of resources.

6.6 Conclusion

In summing up the nature of rural resistance in communities like Xolobeni, it is important to reiterate that resistance and collective action in indigenous territories has been largely under-theorised by early social movement studies and theories. However, this changed with the rise of the political ecology approach that commenced to research environmental issues, access to natural resources and land rights in these territories. Furthermore, the findings of the study show that rural resistance in the Xolobeni community is shaped by the contestation for access to land and resource rights. This confrontation between indigenous communities and global corporations reflect the weak nature of land tenure in the South African context and also in other Third World countries, which fail to recognise customary land rights, as it extends modern land rights to indigenous and rural communities.

In this sense, rural resistance should be understood as a historical continuation of dispossession of land from indigenous communities by global corporations. However, whereas colonial powers were part of the earlier dispossession of land occupied by indigenous communities, this has evolved to multinational corporations and some Third World governments that also use coercion to acquire land within indigenous territories. The use of coercion was crucial in dispossessing land from indigenous communities earlier throughout the colonial period. However, in contemporary times, as

argued in this chapter, land dispossession occurs using language, narratives, discourses and ideas which are employed to justify land-grabbing in indigenous territories.

The hegemonic concept of development in particular is a key part of the discursive language used to dispossess indigenous communities of their land. In the contestation for resources ownership and governance in Xolobeni, there are power dynamics that cause particular types of resistance. The findings of the study show that these power dynamics include traditional leaders whose unchecked authority leads to undermining of communal land rights, the role a neoliberal government that favours extractive industry over the land rights of communities and their cultural understanding of how land should be owned and accessed. The findings of the study also demonstrate that the Xolobeni resistance is shaped by competing and contradicting discourses between the parties involved. While there are unique elements in the Xolobeni community, the issue driving resistance is like that characterising most Global South communities and indigenous communities, namely development without involving communities and the threat of mining on existing livelihood practices. The subsequent chapter will demonstrate the multidimensional nature of the Xolobeni conflict.

Chapter 7: Rural resistance: A multidimensional analysis

7.1 Introduction

This chapter provides a critical discussion of the different and competing ideological, political narratives and discourses adopted by rural social movements, community members and multinational corporations in their contestation for land ownership and usage. Rural resistance has been a key part of the resistance narratives; however, Kepe and Ntsebeza (2011) point out that South African history has repeatedly prioritised the significance of township, organised labour and organised nationalist resistance, thus marginalising and side-lining rural resistance in the process. Rural resistance in South Africa stretches from revolts against the imposed policies of the apartheid government to the current era, where communities are rejecting different forms of development and large-scale infrastructure. This chapter intends to provide a multidimensional analysis of rural resistance in the South African context, with a focus on the ecological, economic, cultural and political discourses that underlines rural resistance in the South African rural side.

The argument that this chapter seeks to demonstrate, is that the contestation and struggle for neoliberal development strategies like mining is a multifaceted, intricate occurrence, which reflects the merging of political, cultural, ecological and economic dimensions. Beyond the instant and visible interruption, like loss of land and environmental damage, communities also confront significant invisible and intangible loss, like disruption of cultural practice and disconnection from sacred sites and ecosystems. Theoretically, scholars have highlighted the negative impact of dispossession on indigenous communities. The mushrooming of land-grabbing in the Global South shows that policy-makers tend to ignore the realities and experiences of indigenous communities, in spite of the consensus that development projects like mining have a positive impact on economic growth and rural development. Such narrow perspectives tend to ignore how communities view their land, and how this is important when communities react and respond to large-scale development projects.

Therefore, the Xolobeni resistance should be seen as multidimensional in nature, because multiple theories can extensively explain the issues at hand in the Xolobeni community. For instance, from political ecological theoretical perspective the Xolobeni case should be seen as a contestation for ecological resources between different stakeholders with different and conflicting interests. Harvey's (2017) accumulation by dispossession theory can explain how the Xolobeni struggle represents a broader pattern of neoliberal dispossession in the Global South. Since the Xolobeni struggle comprises different development discourses, the post-development theory also explains

how development strategies like mining demonstrate that development is a Western-led discourse which seeks to dispossess communities of their resources, instead of improving their livelihoods.

7.2 Political discourses of rural resistance in Xolobeni

7.2.1 Anti-extractive industry

Resistance against the extractive industry, in particular the mining industry, is not a new phenomenon. However, it is important to note that there has been a shift in the issues that drive resistance in communities who host mining operations. Whereas earlier resistance was mainly driven by conditions of labour, the environmental impact of the mining industry has opened a new type of activism that emphasises the ecological impact of mining, the need for sustainable practices and the need to prevent loss of land (Feltrin, 2021). In the case of Xolobeni, a research participant emphasises that their activism is focused on opposing the extractive industry:

> *Mining is going to destroy our culture and ways of living. Land is also important for our livelihoods, since there are no proper employment opportunities. Hence land is the only way to ensure that people get livelihoods* (Participant 20, Female, In-depth interview).

Another research participant concurred with the above opinion:

> *Mining is going to provide us with little employment opportunities for a short time period. They will leave us without proper livelihood opportunities, since they would have destroyed a lot of our environment and land, and we will not be able to use our land for grazing, livestock, for farming; of which livestock is very important for our livelihoods and income. Hence, we are doing it for current and generations that will come in the future* (Participant 6, Male, In-depth interview).

The responses provided above demonstrate that the Xolobeni community adopted the anti-extractive industry discourse as a political discourse to resist mining. This discourse is shaped by the importance of land for these communities, the view that mining is not a sustainable practice, and the impact of the mining industry on the existing livelihood practice. Land-grabbing in indigenous territories is often shaped by globalisation and neoliberal policy, which drive policy to exploit land and natural resources in indigenous territories. At the heart of globalisation and neoliberal policy is the interplay and interconnection between globalisation, neoliberal policy and developmentalism. This interplay between globalisation, neoliberal policy and developmentalism influences Third World governments to prioritise private investment in territories and spaces already occupied by indigenous communities. Communities like Xolobeni are always at the centre of this need for new

territory and spaces that can be exploited for mineral resources because the neo-liberal perception that the existing livelihood practices and mode of production in these communities are primitive and unproductive (Cezula & Modise, 2020). This view also resonates with the "vacant land" or "empty land" myth which justified land dispossession through colonialism. Consequently, this leads to confrontation between these policies that drive land-grabbing and communities' perception of appropriate land use practices, which is often driven by their cultural connection with the land. For instance, a research participant provided the following perspective to emphasise the cultural importance of land in the Xolobeni community:

> *What I can say is that as people we are not different from the land, we and the land are one, we use the land for agriculture, agroecology, eco-tourism. Hence if we destroy the land, we will not be able to live through these things* (Participant 13, Male, In-depth interview).

The above response highlights how anti-extractive activism is driven by the importance of land and the perception of how land should be used. Communities like Xolobeni emphasise that they have existing traditional livelihood practices that should be protected, and therefore they see mining as a threat to these practices. The environmental impact of mining on the indigenous livelihoods of peasants leads them to react and find strategies of resistance to preserve these traditional livelihoods (Szabo *et al*., 2022). Scholars like Blanco *et al.* (2023) have highlighted how the environmental impact of mining in indigenous territories drives anti-extractive sentiment. This environmental impact includes the deterioration of the quality and volume of water in these communities, the significant encroachment on their pastoral land, the emergence of growing community conflicts, and the significant disruption of cultural traditions (Pessa & Ross, 2022). In this regard, a research participant provided the following perspective on the division between the communities on the mining issues:

> *Mining has divided our community; people are just disagreeing on good development projects on the basis of the view of their rival group. People are no longer viewing whether a development project is good or not. In addition, people are selling land to outsiders, especially those without proper knowledge on our customs* (Participant 17, Female, In-depth interview).

The responses show that mining not only impacts on the environment, but also on the social connections and bonds that exist in the communities where mining is proposed. Literature further highlights that it is not only the continuing land dispossession that creates conflict and struggles between mining corporations and host communities, but also the amassing of hazardous waste,

disputes about water and water rights, and water pollution, which all collectively impact their livelihood practices (Kinda & Thombiano, 2022). This process reflects a broad pattern linked to accumulation by dispossession, which results in the accumulation of the geographical spaces, territories and land for extractive purposes. It results in livelihood dispossession and often leads to environmental burdens that drive conflict between the opposing stakeholders, which typically include communities on the one hand and mining companies on the other hand (Nalule, 2019). Consequently, the increase of the extractive corporations into new territories and spaces has resulted in the exclusion and marginalisation of host communities from processed to decide the trajectory or path of these extractive projects (Setyawati, 2021).

Such absence of participation or representation of the host communities leads to specific conflicts between indigenous communities and extractive corporations. Most indigenous communities are motivated by the need to shape and influence what occurs in their land; and what is particularly unique in this context, is the need for visibility and acknowledgement of their natural rights, which are often marginalised during negotiation of development projects like mining (Jacka, 2018). In some instances, the primary motivation for resistance against and confrontation of extractive corporations is to establish negotiation between the communities and the mining companies (Li & Paredes, 2019).

7.2.2 The dual system of governance should be abandoned.

Although land reform in South Africa promised to address some of the key issues faced by rural communities and those who were historically dispossessed throughout the apartheid era, some of the dynamics that drove dispossession are still in place. In rural communities like Xolobeni the dual system of land governance still exists, leaving communities vulnerable to land-grabbing. The Communal Land Rights Act 11 of 2004 was adopted prior to the general elections in 2004. Several rural communities disputed the enactment of the legislation, since it would result in undermining the security of their land tenure, because it provided traditional leaders and councils a broader spectrum of powers, including power relating to the occupation, use and administration of communal land (Malan, 2017). The CLRA resurrected the mixture of economic and political deprivation that existed under apartheid's Bantustan system.

The provision was that chiefs would make land decisions on behalf of communities, but precedents have shown that traditional leaders usually act on behalf of their personal interests (Legum, 2019). In 2010, the Constitutional Court repealed the CLRA, stating that act was unconstitutional on the basis that parliament had adopted an inappropriate consultation process in relation to the

constitution. While the CLRA was abandoned, other legislations and measures are still in place to provide traditional leaders unchecked authority over informal land rights and its administration. Hence, these legislations remain a threat to communal land rights. The Traditional Leadership and Governance Framework Act 41 of 2003 reflects the demarcation of the tribal administration which were created during the apartheid era with the Bantu Authorities Act 68 of 1951. Consequently, laws like TLGFA and the Traditional Courts Bill still lead to deprivation of informal land rights, resulting in a shift of power to traditional leaders (Kiewit, 2019). In the case of Xolobeni, one of the sentiments was that the dual system of land governance should be removed, since it has a negative impact on the land rights of rural communities. This was emphasised by research participant 1, who provided the following perspective:

> *The major challenge is that there is a dual system of ownership, there is the government claiming to own the land, while on the other hand there is the issue of traditional leaders on the ground. This is the product of the colonial system, there is conflict between the traditional leaders and the modern way of governance, including the issue of land* (Participant 1, Male, In-depth interview).

Research participant 18 also provided the following perspective on the impact of the dual system:

> *People should be provided the options on the system of governance. The biggest conflict and confusion is the dual system since there is no clarity on who should make decisions within this dual system. We own the land in the traditional way, we are staying in the traditional communities. However, the richer [people] and the government do not need to believe in the communal and traditional way of owning the land. They believe in getting the value and money from the land, which is unlike the traditional way which emphasises the connection within the community* (Participant 18, Male, In-depth interview).

The view expressed by these research participants emphasises the negative impact of the dual system on land rights of the rural communities. Because there is no clarity on who should make decisions with regard to land, the government believes they have the final say on how minerals and land should be utilised. For instance, Section 3 of the Mineral Resource Development Act 28 of 2002 indicates that the state is the custodian of the minerals found in rural communities. Traditional leaders, however, believe they have power through customary law to make decisions on behalf of communities. In most instances, they present themselves as custodians of communal land, which allows them to make land decisions on behalf of the communities, without consulting the very communities that will be affected by the land development.

In some communal areas, traditional leaders expect communities to pay tribal levies (Mnwana. 2019), for which they themselves determine the amount. They take advantage of legislations like the TLGFA and provincial legislation to compel communities to pay these levy amounts. There are specific repercussions for those who fail to pay these levies, for instance being denied rituals like burying of family members (Ngubane, 2022). The consequence of these dynamics is that rural communities are inevitably vulnerable to arbitrary decisions regarding land development which exclude them (Maluleke, 2017). This is worsened by the absence of proper legislations which protect them from such development. The current legislation like the Interim Protection for Informal Land Rights Act 31 of 1996 which is meant to protect them, is merely a temporary law and does not offer sufficient protection from the dynamics experienced in these rural areas (Ubink & Pickering, 2020; Sihlali, 2018). The vulnerability of rural communities from land-grabbing should be understood in this context. The dual system of governance has negative repercussions for the land rights of indigenous communities, as government and traditional leaders cooperate to dispossess communities of their land. It is also important to understand the role of the dual system of governance in the power dynamics at play in indigenous communities.

7.2.3 Development should involve communities.

The sentiments of the Xolobeni community were that they should be involved in decisions on development. In particular, the perspective that development should not be imposed on communities was highlighted throughout the engagement with communities. For instance, research participant 12 provided the following perspective:

> *There is also conflict with the issue of development, the government wants to impose development on the people, on the other hand. People are not willing to have imposed projects on them. This is a long conflict, communities are regarded as anti-development, it seems as if we want communities to be poor. However, we want development projects that are sustainable, and which do not harm the environment* (Participant 12, Female, In-depth interview).

In reacting to and resisting land-grabbing in their territories, indigenous communities do not passively agree with the ideas of development, but they craft counter-discourses, ideas, narratives and frameworks that contradict both (i) the Western notion and perspective of land use and ownership, and (ii) the Western idea of how development should be approached. In doing so, indigenous communities express the spiritual and cultural connection they have with their land as a key part of resistance. In addition, they craft alternative development discourses and practices,

which also reflect their spiritual and cultural connection with the land and nature as ecological spaces. Hence, the confrontation between indigenous communities and multinational corporations transcends the issue of access and ownership of land, but also includes the concern about who decides the trajectory of development practices. Participant 13 provided the following perspective in this regard:

> *Hence the challenge then becomes the legislation which imposes the top-down approach on communities. There are challenges to how land is owned and governed. Government understands the traditional ways and communal land ownership. However, they merely want to impose development on the communities and allow mining, the communities should be allowed to decide on their path of development* (Participant 13, Male, In-depth interview).

The above opinion reflects that development – especially rural development strategies – are often constructed without taking into consideration the contribution of communities who should supposedly benefit from it. While the government emphasises the collective benefits of mining (such as economic growth, socio-economic development, economic development and infrastructure development), the community believes that development is being imposed on them. In most instances, communities resist land development projects through advancing alternative development discourses which resonate with their cultural practice. In this framework, resistance premised on constructing alternative development discourse finds resonance with the scholarly contribution of Escobar (2011), whose work in *Encountering Development* challenges conventional development discourses. Escobar (2011) envisions a future in which the Western development discourse is rejected for alternative, localised and grassroot development. According to Escobar, these alternative development discourses can be forged by anti-development social movements through rejecting the development paradigm crafted through Western discourse.

A similar argument is made by Tanyanyiwa (2018), who explains how resistance to an irrigation project in Guruve was based on a misfit between rural development and the actual adoption of such rural development strategies on the ground. In line with the findings of this study, Tanyanyiwa (2018) argues that rural communities are not passive receivers of development projects, but are able to construct their own development alternatives, which are linked to their traditional and cultural ways of living. In addition, Villamayor-Tomas and Lopez (2021) argue that there is a tendency for rural social movements in the commons or indigenous territories to question the development rationale, which justifies land-grabbing. Research participant 10 provided the following view to show how communities reject the development rationale which justifies land-grabbing in rural communities:

> *Our government is very selfish, these laws show that there is no sufficient public participation, there is no proper consultation process, they do not listen to the needs of people. They made laws, but they are also violating the same laws they made. We have a right to clean the environment, this law contradicts the environment right* (Participant 10, Female, In-depth interview).

The above opinion accentuates that development projects in communities like Xolobeni are resisted because of a lack of consultation and on the basis of the potential impact of development projects on existing rights, such as environmental rights. Although development projects like mining come under the guise of development, they typically clash with community perceptions of how land should be used and owned. For instance, in a study on resistance to a rural tourism development project in Honduras, Loperana (2017) found that the project was resisted because of its threat to land rights and livelihood practices in the Garifuna community. Corsale and Krakover (2020) also argue that the commodification of land and natural resources in indigenous communities often leads to loss of cultural practices, and that resistance is therefore usually based on the motivation to protect specific cultural practices. Another common theme throughout rural resistance to imposed development projects, is the environmental harm that takes place when land development projects are implemented. With reference to this issue, MicMichael (2018) argues that reaction and resistance from below, which rejects development projects, is usually based on the threat and disruption of existing livelihood practices like small-scale farming, which are based on the identity and culture of rural communities.

7.2.4 Indigenous sovereignty

A political discourse which is emphasised by rural communities is *indigenous sovereignty*, which emphasises their right to self-determination, especially regarding their preferred form of land ownership and use. The notion of indigenous sovereignty is closely related to Van der Ploeg (2018)`s idea of repeasantization, at the core of repeasantization is the notion autonomy, that is the ability to engage decision-making and self-determination. Therefore, in contrast to neoliberal and capitalist practice like mining which seeks to commodify indigenous territory and space, repeasantization is about asserting the autonomy, or in other terms the indigenous sovereignty of the communities that face and confront land grabbing practices driven by neoliberal practice. A key aspect of autonomy in repeasantization is what Van Der Ploeg (2018) calls self-provisioning, that it the capacity of community to control and govern its resource. Repeasantization is thus a response and reaction in the context of the threat of neoliberal practices which threaten their autonomy and indigenous sovereignty. Most of these communities are concerned about self-governance that is the

capacity to govern their natural resources, in their cultural norms and practices (Rosset and Ule Munoz, 2024).

Another related concept to the link between repesantization and indigenous sovereignty is the concept of food sovereignty, the notion of food sovereignty is also related to asserting claims of autonomy in the context of neoliberal dispossession (Philip, 2024). Food sovereignty has thus become a reference point when indigenous communities assert claims to autonomy when faced with capitalist and neoliberal dispossession (Huambachano, 2019). When neoliberal practice dispossess land from indigenous communities it strips them of the autonomy to produce their food on the basis of their traditional and cultural practice. Therefore, food sovereignty is a counter-hegemonic idea related to repeasantization in which communities seeks to reclaim their sovereignty and their autonomy of their resources and how food is produced in their community. In contrast to some neoliberal practices like mining which can result in ecological harmful practices, food sovereignty seeks to move beyond autonomy, but also help communities to adopt ecological friendly and sustainable practice in their territory (Maudrie *et al*., 2021).

Whilst the concept of food sovereignty is related to how indigenous communities resist agro-industries that seeks to disrupt their autonomy and connection to indigenous land ownership, it also relates to how communities confront and defy neoliberal practice like mining development, which has similar negative impact on their autonomy (Abdul *et al*., 2024). The notion of indigenous sovereignty thus resonates and correspond with the concepts of food sovereignty and repeasantization, these ideas allow communities to formulate multiple interpretation linked with defense of territories, small scale farming practices, traditional livelihoods, non-commodification of natural resources and resistance in the face of land dispossession. Such interrelated ideas resonates and are similar with the ideas expressed by the Xolobeni community in resisting mining in their territory. The response of Xolobeni community to mining, represents resistance and defiance to capitalist led development which seeks to disrupt their communal land rights.

Therefore, faced with such threats, asserting their right to decide how food should be produced and how resources should be governed is a way to represent their indigenous sovereignty. As reiterated throughout this research study, land has different meaning for communities like Xolobeni. It is a reference for identity and a source of livelihood practice, therefore, this interpretation of land as a source of identity resonates with the concepts of repeasantization which seeks to preserve the autonomy of communities over their ancestral land. In communities like Xolobeni, there is deep commitment to ensure that livelihood practice and land use strategies are environmentally friendly and sustainable. Similar to their relationship land, indigenous communities like Xolobeni have an

intimate and reciprocal relationship with their ecosystem, biodiversity and broader environment. This commitment to their environment is expressed through the idea of environmental stewardship. The ideas environmental stewardship, indigenous sovereignty and food sovereignty are closely related. They demonstrate how communities seek to assert their autonomy, defend their territory, preserve related livelihood practices and defend their environment from destructive capitalist practice like mining. In this context, the notion of indigenous sovereignty is a representation of how the Xolobeni community seeks to protect their autonomy on how land as a resource is governed and used. In this context, A research participant provided the following perspective to emphasise the issue of indigenous sovereignty:

> *Our forefathers fought against land dispossession during the apartheid. That means we should also fight for our land; we should not only do it for ourselves but for our grandkids and other generations that will come in future, so that we retain the right to use our land according to culture and customs* (Participant 17, Female, In-depth interview).

Another research participant provided the following perspective to emphasise the issue of indigenous sovereignty:

> *We are not negotiating with the mining company and their proposals which will lead to losing our land rights. We have our own ways in Xolobeni – we have agriculture, we have livestock, we also use land for pastoral purposes. Hence, we do not depend on anyone and that should continue, mining will disturb that* (Participant 19, Male, In-depth interview).

The perspective provided by the research participant emphasises the holistic perspective that communities have with regard to land ownership and how the land should be used. This holistic perspective emphasises their perspective on indigenous sovereignty and their right to self-determination. There are different interpretations of what indigenous sovereignty entails. For some it means ownership of land and natural resources, and the existence of a social framework. Most indigenous communities globally have no specific entitlement and rights regarding these aspects. Hence, indigenous sovereignty should be closely related to ownership of land and natural resources, and the right to determine how these aspects should be governed and controlled. In addition, indigenous sovereignty is also traced to international customary law, as it is about the right of indigenous communities to own indigenous land and territories, and their right to preserve identity, cultural practices and traditions (Shrinkal, 2021).

Furthermore, it emphasises the right of indigenous communities to participate in decisions that determine how their land and natural resources should be governed. Indigenous sovereignty should

not be seen as anti-state, although it questions the legitimacy of the authority and blame the modern state for continued marginalisation of rural communities (Shrinkal, 2021). The issue of indigenous sovereignty is also addressed in international law, as the United Nations recognises that the most important rights are those that protect the unique culture, traditions and practice of indigenous community (Johnason, 2019). For instance, the 2007 United Nations Declaration adopts different indigenous entitlements in Article 7, which deals with the right of freedom from genocide and puts restrictions on forceful removal of indigenous children. Article 12 also recognises the right of indigenous communities to be involved and promote their cultural practice (Burger & Krapon, 2017).

Accordingly, the United Nations Declaration, Article 10, which for instance restricts undermining the consent of indigenous communities, also protects land rights and ownership of natural resources. Article 23 further provides entitlement concerning the direction of development, while Article 25 and 26 strives to safeguard the unique spiritual connection that exists between these communities and their physical spaces (Burger & Krapon, 2017). Articles 25 and 26 further deal with ownership of land and natural resources in territories which these communities have occupied. The United Nations Declaration also addresses the issue of providing fair and equitable compensation, especially when indigenous communities are forcibly relocated from their territories without appropriate consent. The perspective of the Xolobeni community is that the provision which protects indigenous land rights, contradict the vision and the law passed by governments at national level. This view is expressed by the following research participant from focus group 3:

> *Now, you can see that the minister of minerals and energy right now, he hates these international laws. He hates the FIPC, because FPIC, if you look at the FIPC, you look at MPRDA, those two, they don't speak the same language, but how can they get rid of them? They can't. These are the things. There are things that need to be adapted and to be put in order to make sure that the laws that we are drafting look both sides at the human being, and also the profit, the money* (Participant, 4, Female, FGD 3).

The research participant above emphasises the claim that although international laws like the FPIC include provisions which protect the land rights of indigenous communities, there are existing legislative frameworks which clash with the existing land rights of indigenous communities. For instance, the Mineral Resource Development Act, 28 of 2002, places the control of mineral resources extraction with the government. While the expectation is that communities are supposed to be consulted during negotiation for land development deals, this does not materialise in most instances. This failure to consult rural communities is due to the historical vulnerability of

customary land rights. The exclusion of customary land rights is due to the legacy of apartheid, which failed to accommodate customary land rights, especially when there is interest in the territories and spaces occupied by indigenous communities (Badenhorst and Vanheerden, 2019). When communities resort to international laws like the FPIC to protect their land rights, they do so because they understand how local dynamics impact their land rights.

7.3 Economic discourses of rural resistance in Xolobeni

7.3.1 Alternative development discourses

The notion of alternative development has its roots in the critique of development by post-development scholars like Escobar (2011), Rist (2014), Ranhema (1997), Kothari (2020), Bawtree and Minogue (1997). Post-development scholars locate their discourse on critical analysis of development. The main premise of post-development scholars departs radically from mainstream development theories like modernisation and dependency (Demari & Kothari, 2020). While mainstream development theory argues that under-development in Third World countries was due to inadequacies within Global South countries, the post-development framework rejected the notion of development altogether. They regard it as a Eurocentric perspective, which cannot design satisfactory development projects for Third World countries (Mathews, 2020). Similar terms have been adopted to define the main premise of the post-development theory, such as *anti-development* and *beyond development*. What connects the main ideas in post-development to communities like Xolobeni, is its notion that development should be designed locally, and should emphasise the connection that people have with their cultural and ecological territories. In this regard, the study has found that the community had alternative development strategies which contradicted a neoliberalism orientation. A research participant provided the following perspective on this issue:

> *We are also specialising in eco-tourism, which means there will be tourists that will come due to the fact that we are able to protect the land. We are doing tourism in the wild coast; we have tour guides from the community. It is part of our way to adopt alternative sustainable strategies of development* (Participant 16, Male, interview).

The perspective provided by the research participant above emphasises the link between livelihood practices like eco-tourism and sustaining the environment. In communities like Xolobeni, development strategies like ecotourism are emphasised due to the link between these strategies and preserving cultural practice and ecosystems. Research participant 25 provided the following perspective on the importance of eco-tourism as an alternative development strategy:

> *The land of Xolobeni – you saw, it is beautiful. Okay. It is attractive to tourists. Okay. And the land has got waterfalls, it has gorges, it has rivers, it has natural pools, it has streams and all of those. Yeah. They are attracted to its beauty. So therefore, uh, people benefit, um, there are homestays and, um, and there are people who grow the food, which is eaten by the tourists when they come* (Participant 25, Female, Interviews).

This research participant also emphasised the significance of development strategies like eco-tourism in terms of the political ecology perspective, the contestation for land rights, and control of natural resources between rural communities and multinational corporations comprises specific power structures. In the instances where communities like Xolobeni embrace development strategies that contradict neoliberal and Eurocentric perspectives of development, it symbolises challenging powerful players and dynamics that design development strategies which contradict and disrupt their connection with land and nature. Development strategies like ecotourism are seen as alternatives to mainstream strategies like mining and other extractive industries, which have a negative impact on land and nature.

In addition, from a political ecology perspective, it should also be understood that confrontation between indigenous communities and powerful structures is also about the proper way of governing natural resources (Tombourou *et al.,* 2021). Adopting traditional livelihood practices like ecotourism is a way of challenging the Western and neoliberal way of governing resources, since these Western strategies do not involve communities in decision-making and disrupt their autonomy in governing their resources. Economic alternatives like ecotourism provide communities with the ability to make autonomous decisions; in addition, they also involve the whole community with direction of development. Besides providing communities with the ability to make autonomous decisions, economic alternatives like ecotourism are also sustainable. Research participant 22 provided the following perspective on this:

> *So there's a whole lot of the, of, uh, of, of strategies that have been employed by, by the community. Um, but the other one, which has been central to the community, is working on alternatives. So the community of Xolobeni has taken a resolution to say they don't want mining, but they want agroecology and ecotourism, and then by directly investing in ecotourism and agroecology by encouraging people to farm their land and also for market access for young people, but also, um, uh, developing ecotourism, um, The homestays where people are able to accommodate tourists, having the young people to train as tourist guides* (Participant 22, Male, interview).

Above, the research participant expresses the importance of alternative livelihood practices like agroecology and ecotourism. Livelihood practices like agroecology are favoured over economic strategies like mining, due to their connection with the cultural practice in communities like Xolobeni. Accordingly, agroecology has become an alternative development discourse employed by indigenous communities, small-scale farmers and peasants' movements. According to Altieri and Nicholls (2020), rural social movements emphasise challenging agro-business, extractive industry, and neoliberal-driven land-grabbing, because these aspects threaten the ecological and indigenous spaces of indigenous communities. However, challenging these mainstream strategies can only be successful and effective if communities develop agricultural and ecological alternatives that suit the needs of indigenous communities. This means consistently challenging the development discourses shaped by neoliberal policy.

From a political ecology perspective, agroecology should be viewed as a political ecology of agriculture (Giraldo, 2019). This is because there are power dynamics involved in the contestation for ecological spaces, and the increasing interest of corporations in grabbing nature generates competition, conflicts and confrontation over spaces and territory. Due to accumulation by dispossession in indigenous territories, social movements, peasants, and other grassroots movements are supporting ecology as a development alternative to multinational interests that threaten their land rights (Toledo, 2022). Agroecology is thus another alternative development strategy to defend their territories, spaces, livelihood practices and cultural ways. Similarly, agroecology is also adopted due its capacity to sustain the ecosystem and preserving the cultural practices in indigenous communities.

7.3.2 Unequal benefits from mining revenue

The notion of unequal benefits from mining revenue can be explained through the lens of the ecologically unequal exchange theory, this theoretical framework should be understood in the context of increased demand to transition toward sustainable societies that address the impact of the current social-ecological crisis (Olk, 2024). This transition not only needs technical development, but the rethinking of environmental paradigms and policies that shapes the interaction between human societies and natural ecosystems (El Tinay, 2024). Ecologically unequal exchange highlights the imbalanced distribution of environmental costs, benefits across different regions, social groups and generations (Ricci, 2021). This theoretical explanation resonates with the nature of unequal benefits of mining revenue and royalty in South Africa. The issue of unequal benefits from mining revenue is an aspect emphasised in both empirical and theoretical literature (Mwnana & Bowman, 2022). The Mineral and Petroleum Resources Development Act 28 of 2002 obligates mining

companies to share revenue, adopt strategies and mechanisms to capacitate workers from the communities, and to improve infrastructure and facilities in the host community (Rapoport centre for Human Rights, 2019). However, in most mining cases, these requirements are not adhered to in the social labour plan, the document which should clarify how revenue should be shared with communities, how training for human resources will be provided, and what steps will be taken to avoid environmental harm (Bambo, 2023). The issue of unequal benefits from mining revenue is one of the main findings of the study, and research participant 19 provided the following view on this:

> *When they talk about infrastructure, this infrastructure merely benefits them, not us as people. Like roads which allow mining to access the community. it will not benefit us, we will not use the roads. The water will also be used for them, not us* (Participant 19, Male, In-depth interview).

The perspective provided by the research participant also moves beyond the issue of revenue, by highlighting how mining companies and governments deliberately build infrastructure and facilities that will provide them with access to areas for resource extraction. In line with Frederiksen (2019) this is often done under the guise of Corporate Social Responsibility.

A research participant from Mining Affected Communities in Action provided the following perspective;

> *The campaign against the MRPDA is because we found that this act also provides guidance for mining companies and the rural communities. However it does not include the benefit and rights of the rural communities. More importantly, the revenue is not equally shared with communities, only with traditional leaders and BEE connected politicians* (Participant 14, Female, In-depth interview).

When the MRPDA Act 28 of 2002 was adopted, it was meant to provide a conducive environment for mining investment. However, beyond this, the rationale in adopting the act was also to ensure that the revenue from mining move beyond economic growth and economic development towards improving the immediate socio-economic development of communities where mining operates. Against this background, the perspective from the MACUA activist highlights that what drives unequal sharing of benefits and revenue between mining companies and communities is the failure of the MRPDA Act 28 of 2002 to provide the benefits and rights of mining affected communities. One of the provisions of the act is the obligation of mining companies to allow BEE partners. However, in most instances these are politically connected individuals who seek to benefit from

mining royalties at the expense of the whole community (Mnwana, 2019). It is only the mining company and the BEE partners that enjoy the benefits from the mining revenue. The inequality in benefits and revenue exists despite the guarantee by the same legislative framework to empower historically marginalised communities and individuals. The inequality in benefits in revenue should be understood against the backdrop of the lack of consultation and deliberate exclusion of communities from the process to grant mining licences. This is supported by participant (23) who noted:

> *The MPRDA is an act which says communities within 50 km radius of the mining should benefit. These communities are being affected, their environment is being affected, which affects their land, livelihoods. These communities have the right to speak and defend their land. Most communities are not consulted by these companies. These companies do not seek consent* (Participant 23, Male, In-depth interview).

This perspective points to the need to understand the power dynamics and players which shape the confrontation between mining companies and rural communities. The MPRDA addresses the obligation for mining companies and negotiate and seek consent from rural communities, before being granted the license to operate and extract resources. However, the unequal power relations imply that communities are excluded. The unequal sharing of benefits should be understood in the sense that mining companies are able to exploit and marginalise rural communities. Furthermore, this asymmetry in power relations also entails that mining companies can bypass their obligation to adopt measures and strategies to protect the environment. In addition, the Centre for Environment Rights (2021) also argues that there are gender dimensions in the way benefits for mining are shared. While most men can get employment opportunities from mining companies, it is not the same for women, who are excluded from training and employment opportunities. Ultimately, as suggested above, resistance in communities like Xolobeni transcends the perceived inequalities in benefits in revenue, but is also motivated by the grievances and complaints linked to the failure to avoid environmental harm, and the exclusion communities from the negotiation process.

Research participant 17 provided the subsequent perspective to suggest the rationale behind mining resistance;

> *Companies do not provide knowledge on the benefits and risks linked with mining. The Free Prior Consent says mining communities should be consulted, but mining companies do not consult. For example the Xolobeni community never spoke with anyone from the mining*

industry. The mining licences are provided without the communities (Participant 17, Female, In-depth interview).

This further accentuates the power imbalances between rural communities and the mining companies. The lack of proper consultation was an aspect emphasised by most research participants. In Xolobeni the mining company only negotiated with the traditional leaders and a few members from the Xolobeni Empowerment Company (XOLCO) who do not represent the broader community. The Xolobeni community also further alleged that most individuals under XOLCO were given bribes to provide the mining company with some form of legitimacy. Mnwana and Bowman (2020) also argue that the new provision under the MRPDA Act 28 of 2002, which provides for local BBBEE partners, has created unique distributional conflicts in rural communities between individuals with selfish objectives and locally connected BBBEE partners. This new distributional conflict includes new power players and stakeholders regarding who gets what and how.

7.3.3 Sustainability of mining

The argument from mainstream economic and development discourses is that mining brings economic benefits through employment opportunities, economic development for the broader country and the improvement of infrastructure (Benard, 2018). In South Africa, for instance, coal, is an essential source of electricity and a consistent source of foreign currency and creating employment. In 2016, approximately 77 506 jobs were directly created through coal, with an additional 173 093 jobs indirectly created (Leonard, 2021). However, while there are benefits linked with minerals like coal, often the social, cultural and environmental impact of coal mining is overlooked. There is a tendency for rural communities to challenge this narrative and point out the lack of sustainability of mining operations. For instance, a research participant from focus group 1 provided the following perspective on the sustainability of mining;

I have checked mining in other areas: When there are extracting and mining minerals there are always negative things, whether it is open cast and or underground. Most of the time the waste they dig will end up being some form of pollution. The negative impact of the waste is too much to be endured. For example, water will be polluted. This proposed mine in Xolobeni is only for a specific period which is a short time. However the damage like water pollution and soil erosion will be forever. The chemicals will also affect the oceans, which means it is us that will be affected, while also with less benefits (Participant 2, Female, FGD 1).

This opinion highlights the issue of environmental sustainability of mining which is also framed by the hegemonic concept of sustainable development. While, from the point of view of mining companies and Third World governments, mining operations might generate employment and economic benefits, the perspective of activists and villagers as expressed above is that these benefits are short term. Simultaneously the risk and environmental impact of the mining operations will have lasting impact on the livelihood practice, ecosystem and land rights of the communities affected. An issue emphasised by most research participants in the Xolobeni community is the trade-off between the benefits and the risks linked with the mining operations. This is because economic benefits like employment and infrastructure cannot outweigh the lasting environmental impact of mining.

The issue of trade-offs between benefits and the environmental cost of mining is an aspect further emphasised by ecological unequal exchange theory, which argues that while global North countries benefit through extracting resources from the developing world, these do not share similar benefit as they experience environmental harm and less economic benefit. In addition, a research participant also explained the following to further accentuate the issue of environmental sustainability:

> *Mining is going to provide us with little employment opportunities for a short time period. They will leave us without proper livelihood opportunities, since they would have destroyed a lot of our environment and land. We will not be able to use our land for grazing, livestock, or farming. Livestock is very important for our livelihoods and income. Hence, we are doing it for current and generations that will come in the future* (Participant 7, Female, In-depth interview).

This research participant also further highlights the issue of mining sustainability and how mining would impact on the traditional livelihood practices in the community. Ultimately, while the research participant emphasises the issue of sustainability which could be framed by the discourse of sustainable development. The point of the participant statement below is that the discourse of sustainable development in the community is linked with traditional livelihood practices. In this instance indigenous knowledge of how ecological and ecosystem spaces should be protected provide communities the rationale to challenge hegemonic concepts of Western development and concurrently adopt alternative development practices (Niigaanin & MacNeil, 2020). The idea of economic development is linked with the Western paradigm of how land and natural resources should be owned and extracted. However, there is a tendency for this paradigm to disregard indigenous understanding of how land and ecological spaces should be used. Indigenous

understanding of the connection between nature and communities provides communities with the impetus to challenge Eurocentric perspective of development. A research participant supported the connection between indigenous knowledge and sustainable development as follows:

> *There is also indigenous knowledge, which has been learnt from previous generations. This knowledge has been existing for generations, it has helped us to protect the land. We have been here on the land, hence this indigenous knowledge has been helping us to fight for our land. These days there are extractive industries, hence we can also use the court system. This indigenous knowledge has been particularly important in preserving our environment and preserve our ecosystems and certain sacred and medicinal plants* (Participant 6, Female, FGD 2).

Research participants highlight the issue of indigenous knowledge and its importance for preserving livelihood practices and land use practices that are environmentally friendly. The perspective of the participant also highlights the connection between indigenous communities and their land, which was expressed throughout the engagement with the research participants. The participants continued to substantiate their argument:

> *Although the Amadiba Crisis Committee is on the forefront in fighting for our land, we have been part of this fight too. It's not merely about taking the issue to court, but also showing that there are alternative ways of using the land that are different to mining. These strategies should be successful if we are able to fight for land. These aspects have been there for many generations before these modern ways of taking to court and mobilising* (Participant 5, Male, FGD 2).

The research participants accentuate the issue of indigenous knowledge and its importance in informing alternative development strategies in the community. The notion of indigenous sustainable development has become a common theme in resisting land development projects that threatens the land rights and the environment of rural communities (Bose, 2023). The notion of indigenous sustainable development highlights the connection between material and symbolic culture: these aspects cannot be separated in this school of thought. Indigenous knowledge thus argues that there is a connection between culture and nature (Macneil, 2020). Similar connections also exist between the individual and the broader community (Sandig, 2021). Consequently, the individual has the duty to protect the inseparability of culture and material practices.

According to Skavdahl et al. (2023), the hegemonic concept of neoliberalism contradicts this conceptualisation of the connection between nature and culture, instead assuming that physical

resources like land and natural resources can be commodified. Hence it is this orientation that creates conflicts over ownership of resources between rural communities and multinational corporations. The way in which communities like Xolobeni view mining sustainability should be understood in terms of this contradiction between indigenous sustainable development and the Eurocentric view of how nature should be owned and extracted.

7.4 Cultural discourses of rural resistance in Xolobeni

7.4.1 Threat of mining to the customary concept of land ownership

When land development projects like mining are proposed in communities like Xolobeni, they may clash with cultural understanding of how land should be owned and used. Communities like Xolobeni understand that land, water and pastures are shared equally among villagers. This orientation of how land should be owned collectively contradicts the Western paradigm that sees land as a commodity from which profit can be extracted. Therefore, the conflict over land also involves contestation about which ideas should inform how land should be owned and used in the indigenous territories. One of cultural discourses adopted by the Xolobeni community in resisting mining is that the latter is a threat to existing forms of land ownership, which are deeply embedded, in the customary law. It is important to note that there is deep connection between this concept of land ownership and the cultural practice in communities like Xolobeni. Therefore, from socio-territorial movement, perspective, the Xolobeni community is not only resisting mining, but also, it's asserting its territorial identity, that has been established through years of livelihood practice, relationship with nature and a unique way of owning and governing natural resources. Therefore, the contest is not only for territory, but also for a shared collective identity, lived experiences with nature and ecosystem that will be disrupted if mining is approved.

Research participant 16 observed in this regard:

> *Land is owned communally and customary: we have chiefs and subheadmen that are also taking care of the land. We also share land for grazing* (Participant 16, Male, In-depth interview).

The research participant above shows the dynamics of land ownership in the Xolobeni community, while implicating those traditional leaders who abuse their power to make decisions on how land should be owned and used. In customary law, immediate decisions on land ownership are taken by the headmen.

A participant from focus group 2 also provided the following perspective:

> *People own the land, and decisions are made at the community level. For instance, the headmen are also responsible for land decisions at the lowest level. These are people who are making decisions at the lowest level. It is they who have final say with regard to the land. The traditional leaders have no independent right to land but should consult with the people* (Participant 1, Female, FDG, 1).

This further describes the dynamics of land ownership in the Xolobeni community. Another h participant from focus group 2 supported this perspective as follows:

> *Since the people have the final say on land, the complexity only comes when there are proposed development and commercial purposes regarding protected and sensitive areas. The reason why no mining has taken place is the issue of community decisions. This is the same with the issue of Shell: we have managed to do so due to the voice of the community. Community thus provides the final say on the land. This is a bottom-up process* (Participant 4, Female, and FDG 1)

In terms of land ownership, communities should have final say regarding land development deals like mining. Furthermore, participants also claim that existing forms of land ownership in customary lands becoming more complex, especially when there is interest from private corporations. A participant indicated:

> *In terms of the ownership, we know that the government looks after the land on behalf of us. However, the land is owned by the people within a collective manner. Even when the former minister was trying to provide the license, we also forced her to acknowledge our customary land rights, since the community were not informed on the issue of land. She could not proceed with the mining, since the community was the owner of the land and the people had the final say. She then re-emphasised that the community owns the land and we are the custodians of the land* (Participant 1, Female, FDG 3).

In communities like Xolobeni, land is owned and used collectively. This collective ownership of resources also extends to other natural resources like water, the ecosystem (when harvesting medicinal plants or wild fruit), and land for pastoral purposes, and sacred sites where traditional ceremonies and rituals are held. A research participant from focus group 1 for instance provided the following perspective to emphasise the collective sharing of resources in Xolobeni;

> *For me land is very important, because that is where we get everything: we build our house, we graze our livestock, we bury our parents, we also get water. In addition, as she said, we also get medicinal plants* (Participant 3, Female, FDG, 1).

There is a constant connection between culture and how land and natural resources are owned in communities like Xolobeni. As indicated above, land and resources are owned collectively, and decisions are also made by the headmen on behalf of the community. The connection between culture and land ownership stems from the fact that the headmen who make decisions on land ownership usually have a thorough understanding of norms, cultural practices and traditions in the community. In instances where land conflicts exist, such conflicts are addressed using the cultural perspective of how land should be owned and used. In this context, land is not only important for livelihood practice, but it is linked to the cultural identity of communities like Xolobeni.

In this context, their inherent right and claim to their land rights stems from their cultural identity and how they have collectively owned it for generations. The threat of mining to customary law stems from the main premise of contemporary regimes of land ownership. The assumptions of the modern political systems, especially in the former colonial countries, is that indigenous land or customary land can be administered and governed in the same way as in urban areas with statutory systems, private property regimes and modern property structures (Chitonge, 2019). However, experiences have shown that customary land cannot be governed by the principles of private property and the different regimes underpinning modern property laws (Delius & Benart, 2018). Adopting the Western framework of property ownership not only leaves these communities vulnerable to land-grabbing, but also threatens their cultural practices. In this context, Dovchin *et al.* (2023) notes that there is a reciprocal relationship between these communities and their land and physical resources. This reciprocal relationship is shaped by indigenous orientation of how land should be owned and used. As such, communities cannot preserve their traditional and cultural practices without owning their land. Hence, owning land in terms of customary law enables them to practise their culture and traditions.

7.4.2 Land and identity

The notion of land as the expression of identity is shaped by the idea of land as a space and territory (Koot & Buscher, 2019). For indigenous communities, land is more than a physical space, or a territory that provides material benefits. It is a repository of everyday interaction with nature and other people which shape and generate the identity of indigenous communities (Ngcukaitobi, 2018). Accordingly, land and territories, where communities have lived for a long time, become the

cornerstone of their livelihood, cultural and material practices which shape their identity. In the South African context, indigenous land possesses a specific cultural, spiritual and sacred connection to the people (Sinthumile *et al.,* 2023). Consequently, for rural communities the importance of land moves beyond economic benefit to the sense of being a depository for their existence as a unique people. Land ownership in South Africa is influenced by three paradigms, namely land as a commodity, social space and inheritance (Vorster, 2019). He further argues that these paradigms are important in understanding the connection that exists between communities and land. Masenya and Ramantswana (2015) argue that indigenous communities in South Africa identify themselves through land. In this context, land is linked to their roots. It is also a space where they have lived, and which is linked to their clan name.

In addition, in most indigenous communities land is perceived as a natural inherent resource that has been passed through generations. This notion was supported by a participant from focus group 3:

> *I am against mining since I do not regard it as development. It can't be development when I am being dispossessed from my land. In addition, my land is also a spiritual place. During the apartheid our forefathers fought for this land. Hence, we should also fight for the land, since these people will affect the environment* (Participant 4, Male, FDG 3).

This research participant highlights the notion of land as shaping identity and being connected to spirituality. There is a tendency for indigenous communities to interpret their land through historical and social connection. In this sense land is viewed as affirming one's spirituality and identity (Atleo & Boron, 2022). This can be explained by the fact that the identities of indigenous communities are linked to their spiritual and cultural practice. Hence, land is a space which helps them to practice their spirituality and cultural traditions. It is therefore inseparably linked to their identity.

A participant from focus group 1 similarly explained:

> *Our forefathers fought against land dispossession during the apartheid. That means we should also fight for our land. We should not only do it for ourselves but for our grandkids and other generations that will come in future* (Participant 3, Male, FDG 1).

This re-emphasises the issue of the connection that indigenous communities have with their land. It is important to note that land development projects like mining do not take place in ‘empty’ land. They are proposed in territories already occupied by indigenous communities. Moreover, these communities have unique lived experiences with these territories. For them, landscapes are not

mere physical spaces where they live (Copeland, 2019): they have a unique cultural and spiritual connection with these territories. This unique cultural and spiritual connection is a result of consistent, cultural, historical and everyday interaction with landscapes (Svampa, 2022). Understanding the attachment that communities have with their territories should thus consider their historical connection and everyday interaction with their land. This connection between land and cultural identity is a sentiment which was consistently expressed in the Xolobeni context. For instance, research participant 8 provided the following perspective:

> *In Amapondo culture, when a child is born, the umbilical cord is buried in the ground, in the similar manner when an individual is buried. They are also buried on land. This shows that we are connected with our land* (Participant 8, Male, In-depth interview).

Participant 2 similarly explained:

> *Land is everything for us. We are in a traditional community which means land is very important. All species are important for us. Those who come from outside have these assumptions that this belongs to people who are not civilised, which means that it should be used. However, they do not understand that we are a traditional community: without land there is no culture. Culture can easily disappear without land* (Participant 2, Male, interview).

This perspective also emphasises the connection between land and the people of Xolobeni. The lived experiences of indigenous communities in their territory include specific cultural practices. In addition, individuals in rural communities have also formed specific kinship ties and relationships in these territories. They are important in linking a specific ancestry and interconnection with a physical space which bears this ancestry name. It is this historical connection and the social bonds that have been formed through such kinships and interaction which is a key part of resistance in communities like Xolobeni.

Participant 10 indicated:

> *The Pondo people have been living here for a long time. They have been here for years before the colonial period. This land is ancestral. The challenges that we face is that there is potential loss of land through the government officials. As a community we do not agree with losing our land: land is our heritage and our form of livelihood* (Participant 10, Female, In-depth interview).

Research participants emphasise the historical connection that exists between the Xolobeni community and their land, as highlighted by the latter statement. The proposed mining is thus a threat to this historical connection between the people and their land. Participant 8 noted:

> *People have a specific culture, spirituality and religion These issues are shaped by their beliefs. In our Amapondo, we believe that the dead are our protectors: we are obligated to protect their graves and also respect our ancestors. In addition, if you ask about the importance of land in our community, they will talk about the history of how their forefather dies. When they say this, they are trying to tell you, that the living is supposed to be honoured and respected: those who left us and who are dead* (Participant 8, Male, In-depth interview*).*

What the statement above shows is that the historical and spiritual connection that the Xolobeni community have with their land is an important part of their identity as a people. The statement also affirms that land and the people cannot be separated, since people have unique lived experiences with these territories. This idea of land as a historical and cultural repository is important in shaping counter-discourses that are adopted by indigenous communities when challenging the hegemonic concepts and ideas that threaten their land rights (De Oliviera *et al.*, 2021). When indigenous communities portray themselves as victims of land grabbing, such sentiments are important in shaping ideas in which indigenous communities view themselves as the legitimate custodians of territories where land development deals are proposed.

From a political ecology perspective, ecological changes including how land and territories are accessed cannot be ascertained without considering the political and economic frameworks and social structures which govern how such territories should be owned and controlled (Mollett, 2024). The contest over land as ecological spaces includes different roles and power players that determine access to land ownership. Power dynamics are crucial in determining access and ownership of land and how culture and identities are constructed (Escobar, 2006). Therefore, the political ecology framework is fundamental in expressing that there is a different understanding of how land (as an ecological space) should be owned and used between multinational corporations and indigenous communities. The political ecology framework outlines how forms of land ownership articulate social relationships, including how identity is constructed in ecological spaces (Blaser & Escobar, 2015). Political ecology also articulates how the discourse of environmental justice is shaped by the relationship and inseparability between nature and human beings that live within specific ecological territories.

7.4.3 Protection of cultural rights

The contradiction between Western values and African perspective on land ownership stems from the fact that the Western paradigm views land as a commodity where value can be extracted, whereas the African view goes beyond the economic benefit paradigm. Consequently, when land development deals are proposed the state and mining corporations tend to overlook the cultural importance of sacred sites like graves and other sites for indigenous communities to express their cultural rights. In the African context ancestral graves are an important part of expressing cultural rights. The theme of protecting cultural rights was expressed throughout the engagement with research participants. For instance, research participant 1 provided the following information:

> *The veneration of these sacred sites lead to resistance to mining in the sense that mainly due to the lack of respect that the mining companies have for the sacred sites. When they came, they lied initially about the number of graves that would be moved* (Participant 1, Male, In-depth interview).

Participant 19 also expressed the following perspective to confirm how land-grabbing violates the cultural rights of indigenous communities:

> *The cultural importance of graves for rural communities is because, rural and indigenous communities survive on culture, they survive on spiritual and cultural beliefs. These ancestors are on these graves. Moving graves is violating the cultural rights of these people, hence protecting these graves is protecting the cultural rights, hence moving graves is a challenge, since these graves are linked with the cultural beliefs and also ceremonies* (Participant 19, Male, In-depth interview).

The above response reaffirms the importance of protecting cultural rights through protecting graves. Skosana (2022) explains that in African cultures, graves are regarded as sacred due to their spiritual and cultural importance. The sanctity that graves hold for indigenous African communities is important for them to affirm their identity and to articulate their cultural identity. In addition, graves in South Africa are also protected through the Constitution and specific legislative frameworks, such as the National Heritage Act 25 of 1999, which protect communities like Xolobeni by prohibiting any form of excavation on landscapes that hold cultural importance (Deacon, 2020). While existing legislative frameworks protect the cultural heritage of communities as expressed through physical structures, cultural heritage is narrowly understood in the context of modern law, which uses different classifications of cultural heritage.

There is a contradicting perspective on how to handle intangible aspects of heritage during the development process. Questions such as whose heritage matters, and what categories are worth of preservation, are yet to be properly addressed. Hence, despite existing legislative framework protection for cultural heritage sites, the issue becomes more complex when there are interests on the land where these sites are located. In this regard, Smith (2015) argues that the authorised heritage discourse is shaped by global institutions like the World Heritage Convention, and that the classification and frameworks are advanced by the Western school of thought, especially through institutions like the United Nations Education Science Cultural Organisation and the International Council on Monuments and Sites. These institutions are influential in how heritage is understood, and which heritage sites are recognised. Smith (2015) furthermore argues that Western schools of thought have a skewed understanding of heritage, since they fail to recognise the collective intangible values and benefits held by cultural and heritage sites (Stewart, 2022). This Western school of thought is important for understanding how cultural heritage sites in communities like Xolobeni are neglected when there are proposed land development projects. This Eurocentric perspective fails to highlight the connections that exist between these communities and their cultural heritage sites. In the case of Xolobeni, besides graves there are specific archaeological sites that hold cultural significance for the community. Participant 3 provided the following perspective on this:

> *There are specific archaeological sites in our community that attract visitors and tourists from different places. These archaeological sites hold specific cultural significance for our culture. In terms of South Africa, they should not be disturbed by any form of economic activity* (Participant 3, Female, In-depth interview).

The above perspective further confirms the importance of cultural rights for the Xolobeni community. Hence, when land development projects dispossess communities of their land, there are specific intangible losses, which transcend losing land as a physical space. This also reiterates the African perspective of land ownership which moves beyond economic benefits to also include intangible benefits. In this framework, Harvey's (2017) accumulation by dispossession and land-grabbing practices in indigenous communities violate the cultural rights of indigenous communities. This can be explained by the fact that these landscapes and ecosystems consist of specific sacred sites where communities are able to hold their traditional ceremonies and rituals. Furthermore, there is a tendency for multinational corporations and other powerful players, like governments, to neglect the cultural significance of these sacred sites for indigenous communities. Hence, mining corporations not only undermine livelihood practices but also cultural rights, which are violated

when these communities are dispossessed of their land. Likewise, Skhosana (2022) argues that the relocation of ancestral graves can be seen as a form of dispossession which weakens the social fabric of rural communities. When powerful players like governments and mining companies are dispossessing communities of their land, they deny the cultural expression of these communities.

This perspective is also held by Tafira and Ndlovu-Gatsheni (2017), who claim that African communities view land beyond monetary and economic terms. In addition, Skhosana (2022) argues that there are hidden dimensions of loss, which transcends the loss of physical landscapes and materials aspects, as they consist of loss of intangible possessions, like a connection with ancestors, identity and belonging. When dispossession occurs in communities like Xolobeni, it does not only deprive communities of their land, but also their connection to their ancestors who are buried in these territories. This notion was expressed by research participant 17:

> *For me taking, digging up graves is an insult to the dead, it is the same thing. You are not supposed to move around where there are graves, graves should be protected, hence it is not good to remove them from their resting place. In the same manner, even if there are fires, we have to hold rituals to apologise for the fires. These rituals are also expensive* (Participant 17, Female, In-depth interview).

This perspective demonstrates the importance of graves as a cultural right of indigenous communities. It also highlights the significance of sacred sites, like graves, in allowing communities to express their cultural rights through a cultural connection to these sites. Relocations that affect graves can be termed *incorporeal dispossession*, since they include the intangible loss of spiritual capital, collective memory and identity (Zamchiya (2021). Regarding the concept of incorporeal dispossession, Zamchiya also questions the applicability of Harvey's accumulation by dispossession theory to the nuance of the global process of dispossession. He argues that the theory is too comprehensive and materialistic in its approach to include a broad type of existing global capitalist practice of dispossession. Therefore, it can be argued that while Harvey's theory comprehensively captures material dispossession of communities during land-grabbing practice, he fails to reflect on the intangible dispossession, which takes place when communities are forced to leave their ancestral graves. These aspects are important with regard to the cultural rights of indigenous communities. Whilst Harvey`s theoretical perspective demonstrates the commodification of sacred spaces which threatens cultural spaces, the territorialisation theoretical perspective can be adopted to demonstrate how the interpretation of cultural rights in Xolobeni is based on the indigenous meaning and interpretation of land and sacred spaces like graves and archaeological sites. The imposition of mining will inevitably threaten and unsettle the connection the community has with their sacred

spaces, undermining their cultural rights. Therefore, resistance and claim to territory in the Xolobeni community should also be understood from this theoretical position.

7.4.4 Sanctity of land

The sanctity of land was an aspect, which was emphasised throughout the engagement with research participants from the Xolobeni community. For indigenous communities, land comes in multiple forms and purposes: there is land for cultivation, for pastoral purposes, and for burying their relatives and kins. Furthermore, there are also sacred sites and spaces where indigenous communities practise their spirituality and traditions. Therefore, it is fundamental to note that land holds a sacred value for indigenous communities. It has been noted that the value that is attached to land often transcends its economic and material benefit, but has an intangible benefit, which includes identity and its sacred value. The intangible benefits that the Xolobeni landscape has for the community can be explained through the territorialisation theoretical perspective, territorialisation refers to the process of strategically claiming, asserting a territory, geographical space. In the context, of social movements, it refers to how movement establish identity through connection to their territory, space. However, as demonstrate in the context of Xolobeni, territory are subjects to conflicts, contestation between different actors with conflicting interests. However, for the Xolobeni community, land is more than a commodity, there are both physical and immaterial benefits from their land. Therefore, from a territorialisation , perspective, the struggle is about asserting their claim and right to their territory and land that is based on their subjective interpretation of the importance of land. In this context this theoretical position was accentuated by research participant 11:

> *For us as amaMpondo, land is our dignity, without land has our dignity has been cut off, which means our life is cut off. Whatever you do, our culture and our way of living, our livelihood depend on the land. Hence when it comes to land issue that is a very sensitive issue, when it concerns the dignity of the amaMpondo people, that is why we chose to defend the land because it's a source of life* (Participant 11, Female, In-depth interview).

The above observation further reflects on the sanctity of land, and it stresses the connection that exists between communities like Xolobeni and their land, and how they value their land beyond the economic paradigm of economic benefits. Research participant 14 also provided evidence of the sanctity of land:

> *The importance of land is that it is a source of life, in addition, the significance is also through its importance as a source of livelihood, it is also a source of health, it is also*

> *culture, since the rituals and ceremonies are held on the land, the sacred sites are also spaces for cultural practices. Land is also biodiversity, land is also natural resources like water. Unlike those within the township we do not have to purchase these things, the ecosystem provides us with free things like water, medicine, also for rituals* (Participant 14, Female, interview).

The research participant above also reflects on the importance of land for the Xolobeni community, as a source of livelihoods and as a sacred space. In the political ecology framework, the issue of sanctity of land reflects an intricate landscape of ecological struggles, where different actors and stakeholders influence different and contradicting perspectives on the value of land. Therefore, the political ecology theory will help one to understand that there are fundamental social, ecological, political and cultural dimensions which influence conflict over land and the use of natural resources found in these territories (Busscher *et al.*, 2020). The value attached to land through its sanctity should be viewed as contradicting the neoliberal commodification of land. Hence, the influence of such an understanding and interpretation of indigenous land on the power dynamics and resistance in the rural locales, is often ignored and neglected by scholars. Research participant also 22 provided the following perspective on the sanctity of land:

> *The importance of land in these communities, in history people within tribal areas, used to survive on agriculture, also livestock farming. They have to preserve the culture; they have no access to modern ways of living like mining and facilities. Hence land is the only way to survive, it's about preserving culture, one thing which is important is having food, and planting crops* (Participant 22, Male, In-depth interview).

Research participant 22 above reiterates the importance of land as a sacred place, which stems from its importance as a repository of preserving culture. From his perspective, cultural practice, livelihood practice and ways of living can only be preserved if communities are able to retain their land rights. According to Podziba (2018) conflicts and disputes over sacred sites like land often stem from different perspectives on the value of these physical spaces. Global corporations and those with interests in territories where sacred sites are found might hold different perspectives regarding the intangible value attached to land. Hence, capital interest might dismiss and neglect the intangible value attached to land as a sacred place for indigenous communities. The impasse that occurs when there is conflict over land, is usually shaped by these different worldviews on the importance of land for indigenous communities.

7.5 Ecological discourses of resistance in Xolobeni

7.5.1 Environmental stewardship

The notion of environmental stewardship is a common discourse adopted by indigenous communities when defending their land and ecological spaces (Onifade *et al.,* 2024). Environmental stewardship is any aspect which entails the responsibility of human beings in taking care of nature through sustainable practices which do not harm the environment (Baird *et al.,* 2021). Environmental stewardship is also defined as the obligation to adopt conservative and sustainable measures to enhance ecosystem resilience and the livelihood practices of communities (Mcleod *et al.,* 2024). Environmental stewardship includes the responsibility of managing human action to ensure that it does not harm the natural environment (Cockburn *et al*., 2019). It thus includes adopting measures to conserve and preserve the ecosystem and natural resources, so that the next generations will be able to use the environment. Cockburn (2019) also argues that environmental stewardship is similar to ecosystem stewardship which includes the principles of management mechanisms supported by resilience strategies and respect for ecosystems which offer multiple ecosystem services instead of a solitary purpose. In Xolobeni, environmental stewardship was expressed as one of the ecological discourses to challenge the hegemonic concepts justifying land-grabbing and economic activities which disrupt the connection between human beings and nature:

> *In Amadiba we have been living in peace and harmony as different families. But of course, there are challenges of range land as you mentioned, there is lack of communication. We are experiencing the frequency of wildfires. It is the same people that are causing these wildfires. They are affecting our livestock. The alien plants are degrading our land and affecting our water sources* (Participant 24, Male, In-depth interview).

Participant 24 also explained the strategies adopted by the community to protect the environment. In this statement the participant highlights the role of education in teaching awareness about sustainable practices to the next generation:

> *We have been educating the future generations within the school about the importance of protecting the environment and also the land. They will understand the benefit of protecting the land for themselves. We will teach them indigenous knowledge. We also offer door to door education. Educating them on the ground is another way of teaching them to protect the land* (Participant 24, Male, In-depth interview).

This explanation not only expresses the responsibility of the Xolobeni community in preserving their natural environment, but also the challenges experienced by them in trying to protect their environment. It also highlights how these activities are impacting the natural environment. A participant from focus group 1 similarly supported the notion of environmental stewardship:

> *It is important to protect the environment. If you protect the environment, you are protecting yourself. We have a connection with the environment. If you protect the water sources, for instance, it will have benefits for you: you cannot survive without water* (Participant 2, Male, FDG 1).

This expresses the importance of protecting the environment. Participant 14 identified a common ecological theme in indigenous communities, which is the connection that exists between communities and their natural environment:

> *I think we are actually in the process of protecting the environment. However, due to specific circumstances, like modernity, it means we tend to alienate ourselves from the environment. For instance, there are teachings, which means the environment is a self-teacher. Look at the grassland: it shows that the environment can rehabilitate itself. It is also important that we do not separate ourselves from the environment* (Participant 14, Female, In-depth interview).

This highlights the significance of environmental stewardship and how modernity separates communities from their natural environment. The notion of environmental stewardship is derived from the relationship and interaction that exist between nature and communities. Therefore, when land development deals are proposed in these communities, they disrupt this connection. Environmental stewardship is important to highlight in relation to resistance in rural indigenous communities because this interaction with nature provides the indigenous community a basis for their identity, livelihood practice, and spiritual practice and knowledge systems. Accordingly, the connection that indigenous communities have with nature is important in understanding how they adopt counter-discourses like environmental stewardship in responding to economic activities that threaten their ecosystems. As stewards and custodians of the environment and nature, it is the responsibility of communities to challenge and fight against practices that harm their environment and also disrupt their connection with nature.

Environmental stewardship is not only a practice, but also an idea and narrative which is adopted to challenge and reject the hegemonic activities driven by the neoliberalism paradigm which does not account for the importance of the natural environment to rural communities (Price *et al.,* 2022). Research participant 16 explained:

> *We use land to farm. If we are using chemicals, it will not produce a good and large harvest. If we use chemicals, it is going to affect us negatively. Hence it is good for us if we protect the environment, it will lead to better income. The environment is us* (Participant 16, Male, In-depth interview).

This participant expresses the need to adopt sustainable farming practices that will not have a negative impact on the environment. Research participant 23 observed:

> *It is just important that the land and environment is protected. If we are not protecting the environment, it does not respond. However, when it does respond there will be consequences. I remember the big waves when the oceans washed away the restaurant in Margate* (Participant, 23, Male, In-depth interview).

This participant supports the notion of environmental stewardship, and further confirms that failing to protect the environment will have a negative impact on communities.

Participant 6 argued that there are spiritual benefits that come with protecting the environment. When communities fail to protect the environment there might be bad consequences. The participant recalled that when the mining company attempted to drill on the site, there were floods, and these floods are seen in Xolobeni mythology as a sign that the ancestors were not happy with harming the environment:

> *Also, when they were drilling there was some flooding which affected the nearby villages and livestock. For me, I think it was spiritual, and also it shows us that climate change is coming to us. These things have been happening, maybe not only in South Africa, but also other countries. So now when they happen, our land is still virginal. It should not be happening here. It shows that spiritual and also climate change is happening* (Participant 6, Male, In-depth interview).

Communities like Xolobeni have a special attachment to their environment, spaces and territory. This attachment has specific intangible value and benefits for them. In these communities there is no separation between nature and people. Since there is a reciprocal *and symbiotic* relationship that exists between nature and the community, the natural environment provides specific ecosystem services to the community, and the community preserves and protects the environment (Schmitt *et al*., 2021). It is the responsibility of the community to take care of the environment through adopting sustainable practice. Consequently, the intimate and close relationship that exists between community and their natural environment motivates them to choose and select the appropriate

development practice which aligns with their cultural understanding of how ecological spaces should be accessed and utilised. Understanding the counter-hegemonic ideas which challenge the Western concept of development should consider this relationship between nature and communities and how it extends to the idea of environmental stewardship.

From the perspective of the accumulation by dispossession theory, the notion of environmental stewardship can be seen as resisting the dispossession that occurs when land and nature are appropriated by capitalist interests (Paulson & Tomiak, 2022). In Xolobeni and other similar rural landscapes, it has been documented that the process of dispossession is not unique. From the colonial period throughout the apartheid period, authorities have always attempted to impose land development projects on these communities. It is important to understand the link between these historical attempts to dispossess communities of their land and contemporary land-grabbing practice, since it highlights the same paradigm which justifies the process of accumulation by dispossession. In the light of post-development perspective, ideas like environmental stewardship, allow communities to assert their land rights to resist the appropriation of nature.

7.5.2 Ecological aesthetics

In communities like Xolobeni, there are unique perceptions of nature and the physical landscape. These perceptions are shaped by the indigenous understanding of how land and the ecological space should be utilised. The notion of ecological aesthetics was expressed by participants, for instance:

> *I think when you were driving here, you saw the beauty of our land. The Xolobeni territory is popular among all villages in Pondoland for being beautiful. We have waterfalls like Mnyameni. Even the ocean is also nearby. Hence, mining will spoil the beauty of our place* (Participant 15, Male, In-depth interview).

This observation confirms the notion of ecological aesthetics It is influenced by the relationship which exists between the Xolobeni community and their natural environment. Economic activities like mining are seen as a threat to the Xolobeni landscape.

Participant 16 observed the following in relation to ecological aesthetics:

> *There is the issue of ecotourism which is tourism linked with nature and environment. It is also our way to showcase our culture. There is also agroecology in which organic products are used to preserve the land instead of destroying it with chemicals. There is also the issue of archaeological sites and physical features like Mnyameni falls, which are also part of eco-*

tourism. The environment here is very beautiful. There is benefit through creating livelihoods since there are employment opportunities (Participant, 16, Male, In-depth interview).

The above-mentioned participants express a notion of ecological aesthetics. According to Steiner (2019), ecological aesthetics involves the connection that exists between nature, cultural practice and communities. As a concept, ecological aesthetics involves indigenous communities viewing their landscapes as beautiful and as aesthetically pleasing. This concept allows communities to differentiate beautiful landscapes from other types of territories. In addition (Lee-Hsueh, 2018), communities view physical spaces as a habitat, hence aesthetic pleasure is extracted from the encounter of individuals who strive for a sustainable habitat. Ecological aesthetics can be understood as viewing, judging, interpreting landscapes and ecological territories using the aesthetics perspective. The basic assumption of ecological aesthetics is that the value found in ecological space is a form of internal or non-instrumental value.

The aesthetic value attached to ecological spaces is not based on some form of benefit that can be obtained from it. It is based on its unique difference from other landscapes. Stewart and Johnson (2018) claim that holding the notion of ecological aesthetics to preserve and protect specific landscapes and territories is challenging, since it is narrow and tends to overlook environmental harm. Similarly, Bard et al. (2018) rejects the narrow focus on preserving wild places through ecological aesthetics. They call for a broader focus on ecological aesthetics, especially those which express the interaction between communities and their natural environment. Therefore, this also resonates with the findings of this study which highlights how the Xolobeni community adopts ecological aesthetics as a way to resist neoliberalism developmental projects. The Xolobeni community's perspective on their landscape transcends the superficial perspective of neoliberal paradigm. It is one shaped by their constant interaction with their landscape. In doing so, the community demonstrates the intangible and hidden value and meaning attached to land.

The notion of ecological aesthetics reveals the way the community reacts and influences the physical landscapes and the universe, which comprise the ecological space and physical spaces in which people are immersed. It is important to understand the importance of ecological aesthetics as a discourse in shaping resistance and contestation for land rights in Xolobeni and the broader framework of indigenous communities. Territories like Xolobeni community can be seen as contested landscapes between communities and multinational interests. In this context ecological discourses like environmental aesthetics narratives and understandings are a way of responding to Western hegemonic discourses and narratives like economic growth and development which influence how physical terrains should be accessed and utilised.

Accordingly, the ideas and narratives which inform the counter-hegemonic discourse are shaped by the connection that exists between indigenous communities and their ecological spaces. Ecological ideas like environmental aesthetics also emanate from the collective cultural understandings which are significantly entrenched in the lived-experiences that evolve from shared identities and attachment to place and territory. Contradicting perspectives on how contested landscapes like Xolobeni should be controlled and governed should be understood as disagreement with neoliberal concepts of land ownership and use. They also show that communities adopt specific cultural understanding of the value placed on land and ecological spaces in rejecting Western paradigm of development. In this framework, the conflict and the contestation over what idea should determine how landscapes and territories should be used, is shaped by economic and cultural discourse situated beyond specific natural resources, involving aesthetic values obtained from collective use of physical spaces.

From the political ecology perspective, there are specific power relations and structures which shape the contestation of land and ecological spaces (Hu, 2023). These power relationships and structures also determine how land and nature should be owned and used. The mainstream concept of neoliberalism is behind economic activities like mining that threatens the land rights of communities like Xolobeni. It therefore determines and decides how specific landscapes should be accessed and used. Ideas and discourses which view nature and environment as spaces that can be exploited and extracted should be understood through this lens which creates power imbalances between communities and capitalist interests. However, indigenous communities like Xolobeni do not passively agree with this narrow understanding of nature and environment. Rather, they respond through their unique understanding of how nature and landscapes should be valued, accessed and utilised. Ideas like ecological aesthetics enable indigenous communities to respond to the Western concept of development. Hence, to understand the contestation for resource distribution, ownership and governance of ecological spaces, it is vital to understand the ideas, discourses, narratives and concepts underlying this contestation for landscapes between communities and mining corporations.

7.5.3 Unity with nature

One common theme which was expressed throughout the engagement with Xolobeni research participants, was the notion of unity with nature. In this framework nature and human beings cannot be separated, since there is a reciprocal and symbiotic relationship that exists between them. This notion was expressed by participant 8:

> *And remember, when you were born, you were born on your umbilical cord. It ss buried in the land, which connects you as a person, your soul, your spirit, and everything with the land. So when your umbilical cord is born, it is buried in the land. And when you die, you are buried in the land. So that's how our land becomes your identity* (Participant 8, Male, i In-depth interview).

This participant also expresses the connection that exists between land as an ecological space and the individual in the community. This statement further reflects the claim that nature and human beings cannot be separated. Participant 10 similarly noted:

> *It is important to protect the environment and the minerals. There are certain things, plants and sacred sites that will be destroyed if we allow our minerals to be mined. There are certain places where people will not be able to visit due to mining, if it is allowed to come. They will be destroyed* (Participant 10, Male, In-depth interview).

This participant explains that there is a connection between communities and the natural environment. The idea of unity with nature is embedded in the reciprocal relationship between communities and their ecosystem. Hence this reciprocal relationship reflects the connection that exists between the natural environment and human.

Participant 11 similarly observed:

> *In addition, the connection that we have with the environment is that people use things like waterfalls for their spiritual and religious purposes. For instance, people can visit those places. It might be used to remove bad purposes. In addition, we have a relationship with our plants, which give us fruit and medicine* (Participant 11, Female, In-depth interview).

This participant also explains that communities and their natural environment is shaped by how these territories are owned and used. In particular, the response by research reflects the spiritual dimension of this connection with nature:

> *The reasons why we don't want mining in the Xolobeni community is that land is very important for us. We are farming, we have livestock, we have medicine trees, we also survive from the ocean. Some people also believe in going to the ocean for cleansing and spiritual purpose, which will not happen if the mining is to take place. The traditional healers also go there, including myself. Our livestock will also not have proper grazing land. In addition, agriculture will also be disturbed* (Participant 12, Female, In-depth interview).

This participant further highlights the connection between nature and human beings. Participants as a group also reflect the spiritual dimension of connection with nature. The statement above also reflects that dimension of livelihood practices which are important for these communities. Participant 13 also reiterated the connection between communities and nature:

> *Hence, when it comes to land, it is a very sensitive issue because it concerns the dignity of the Amapondo people. That is why we chose to defend the land. Because it's a source of life. It is also linked to our identity, that is why it is linked to our dignity. The environment is also important. The connection between us as the Amapondo and the environment which includes the trees, land, the ocean and plants, is important. There is a strong connection between it and the people. That is because we live off the land. Some trees are important for healing. For instance, I can say that we depend on the environment. In addition, whatever we do it is connected to the environment and the culture, which is why it is important to protect the environment. It is why we are pushing that the customary land is protected, and also our indigenous land* (Participant 13, Male, In-depth interview).

This participant also supports the notion that there is a connection between the community and their natural environment. Nature is expressed through the totality of different landscapes which include the trees, land, ocean and the plants. For this participant there is a connection that exists between the community and all these landscapes as ecological spaces. Participants generally express the claim that the push for recognition of customary land rights is motivated by the connection that exists between communities and their nature. The connection that exists between indigenous communities and their nature is influenced by the value attached to ecological landscapes which are socially constructed. This value is not expressed in terms of monetary and economic but intrinsic terms.

For indigenous communities, nature is not a physical space which can be commodified and where value can be extracted for monetary purposes. For indigenous communities like Xolobeni, the value attached to nature as a physical landscape transcends the narrow perspective of monetary and economic benefits expressed in the Western paradigm. There is a deeper connection that exists between these communities and their natural environment. This deeper connection is shaped by their perspective of how land should be owned, accessed and governed. Since land should be collectively owned, it means everyone should benefit from it. Therefore, there is an obligation to ensure that land and other ecological spaces like trees, the ocean and medicinal plants are conserved. This collective ownership and beneficiation contradicts the individualist perspective which influences Western paradigms of resource ownership and distribution.

Participant 15 explained the notion of connection between the community and the natural environment as follows:

> *The importance of the environment is that some trees and plants are unique to Pondoland. There are also physical features like waterfalls. Even the ocean is also part of the community, is also part of the environment. Some trees are also important for oxygen. This is also important for us as human beings. Water sources are also important for our livelihoods* (Participant 15, Male, In-depth interview).

This statement also expresses the notion of the natural environment as a source of livelihood in the Xolobeni community. Preserving the connection with the natural environment is not reliant on access to material benefits or physical space, but symbolic and sacred and spiritual connections that exist between communities and their environment. Notions like unity with nature allow communities to challenge and reject dominant discourses influenced by neoliberal paradigm.

7.5.4 Importance of biodiversity

South Africa`s extraordinary biodiversity presents difficulties with regards to land-use planning, and decision-making. The nature of land conflicts that occurs in communities like Xolobeni is not surprising, in these indigenous communities, mining frequently contradicts with communities interests to preserve the ecosystems and biodiversity. Where mineral deposits are in biodiverse-rich areas like Xolobeni, it consequently results in contradicting land-uses needs between capital and the general populace. In most of these situations, mining approval is done without significant consideration for biodiversity, even in instances where trade-offs are presented, the value of trade-offs cannot be equated to biodiversity loss. In the context, of this study, the research findings recognise the importance of biodiversity for the Xolobeni community. Areas like Xolobeni can be regarded as ecologically sensitive. This is because they include a wide range of ecosystems which is important for their livelihood and their cultural and spiritual practices.

A participant from focus group 1 noted the following:

> *We need to protect the land since here in Pondoland we are at the centre of biodiversity and endemic plants. There are plants which are not found in other areas. We have our indigenous land: mining will affect these plants. These plants are unique to our areas, hence we should protect the land* (Participant 2, Female, FDG 1).

This research participant highlights the importance of biodiversity for the Xolobeni community; he also highlights the threat of mining to this biodiversity. Another participant from focus group 2 also supported this notion:

> *The connection that people have with the environment: there is no difference, traditional medicine for instance. These are aspects that have been passed from the previous generations. We have relied on indigenous knowledge. This has only been possible through indigenous knowledge. This knowledge is natural. This biodiversity is being protected due to the indigenous knowledge. There is also the issue of muti harvesting, which depletes the resources. However, here it is done through the sustainable way to think of the future generations* (Participant 3, Female, FDG 2).

This research stresses the role of indigenous knowledge in protecting biodiversity in the Xolobeni community. In this regard, participant 1 noted:

> *The Xolobeni landscape has one of the most unique biodiversities. There are specific plants and trees which are only found in this region. If you go to other areas, you will not be able to find them. These plants have symbolic and cultural importance for the community. Some are for food, some are for medicinal purposes. Even people who are practising traditional healing also use these plants* (Participant 1, Male, In-depth interview).

This participant reiterates the importance of biodiversity to the Xolobeni community. Scholars, in particular Patwardhan *et al.* (2021), show that biodiversity serves a specific cultural and spiritual purpose for the community. Indigenous communities like Xolobeni have a strong connection with nature. Biodiversity is strongly linked to their cultural and livelihood practices. Biodiversity is thus important and key for indigenous communities. It is the foundation of existing livelihood practices like agriculture and ecotourism in these communities (Estrada *et al.*, 2022). Smallholder farmers, for instance, depend on the biodiversity for specific unique plants, while traditional healers and herbalists also depend on the biodiversity on specific medicinal plants.

Participant 18 explains as follows about protecting biodiversity:

> *In most of the communities, the produce from agriculture is important. Hence protecting the environment is mainly for ensuring that their livelihoods are not polluted by the mining companies. For instance, organic farming means we do not harm the environment. The indigenous plants are unique for us. In addition, river streams are also water sources* (Participant 18, Male, In-depth interview).

This statement shows that protecting the natural environment will also extend to specific benefits like ensuring that the livelihoods practices are also not harmed by mining. Research participants further emphasise the importance of sustainable farming practice. The biodiversity and ecosystem in indigenous territories and landscapes are constantly threatened by economic activities like mining and other extractive industries. This is supported by Kennedy (2023) who argues that industrial development practices have a negative impact on indigenous ecosystems and biodiversity. Sonter *et al.* (2022) also claim that mining has negative impact on biodiversity at different geographical levels (local, regional, international), through immediate (extracting minerals) and indirect economic activities which support mining operations. Lastly mining also supports external power players who obtain access to unique ecosystems and biodiversity. In this context, majority of research that examine the impact of mining, focus on the site-scale, evolving mainly due to habitat loss and degradation (Sonter, Ali and Watson, 2022). It is not unexpected that majority of research focus on the site scale, since the preparation for mining expansion and waste management is a destructive practice, which negatively transform abiotic and biotic conditions (Ahmed and Bryant, 2021).

Mining impacts on biodiversity, occur along landscapes and territories, in this context research has focused on the immediate effect of chemical and physical mining waste discharge, chemical releases comprise mercury or cyanide utilised to extract gold and acids discharged from oxidized mineral when some ores are released to the air (Soter, Ali and Watson, 2022). Negative effect of mining on biodiversity occurs over large landscapes and only tolerant species survive the destructive impact of mining. Landscape and regional wide effect on biodiversity also evolve through indirect/ secondary and cumulative ways (Boldy *et al.*, 2021). Secondary impacts emerge when mining cause further biodiversity loss, for instance, mining linked infrastructure development can attract human populations which causes new threats, or worsen existing threats which might include over-exploitation (hunting and fishing) of invasive species and habitat loss for other land uses (Sonter *et al.*, 2020). The mining sector in South Africa is one of the production sectors that impacts biodiversity. South Africa has a wealth of mineral resources and a broad mining sector. In South Africa, mining has historically contributed to the growth of South Africa`s economy and contributed immensely to South Africa`s human development.

In 2015, mining significantly contributed to South Africa`s economy, with 8% of the country`s gross domestic product coming from mining revenue and contributed to 4,7% employment (Khubana, Rootman and Smith, 2022). However, this growth and associated development has come at the expenses of human labour, communities and the environment. Consequently,

throughout the history of mining in South Africa, the mining impact in the landscape has increased significantly with immense impact on ecosystems, natural habitats and water resources. In addition, off-site impacts can occur in a much larger landscape and might have a considerable downstream catchment level impact on limited water resource biodiversity . In this context, from ecologically unequal exchange theory, the community of Xolobeni, like most communities is aware of the negative impact of mining on biodiversity, ecosystem and land uses. Resistance to mining is based on the knowledge that there are unequal benefits of mining and costs of mining significantly burdening communities that are not involved in extracting resources.

Therefore, rural resistance in communities like Xolobeni should be understood in terms of how mining and other extractive processes impact on the ecosystems and biodiversity. Ecological discourses like the importance of biodiversity are a point of reference engaged by communities in resisting economic activities that negatively impact their ecosystem and biodiversity. From the point of view of the accumulation by dispossession theory, mining in communities like Xolobeni threaten their land rights, their reciprocal connection with their land, their livelihoods and spiritual and cultural practices which are shaped by their everyday interaction with their biodiversity. When accumulation by dispossession occurs in these territories, people lose access to physical spaces, natural resources and intangible culture premised on the importance of biodiversity.

7.6 Conclusion

The struggle for land and natural resources by indigenous communities like Xolobeni is not a unique phenomenon. In fact, in the Bizana community, throughout the apartheid era, Amapondo communities resisted imposed development of their territory. The current resistance by the Xolobeni community should be seen as a continuation of the struggle for territory and natural resources. Such resistance should be seen as multidimensional in the sense that it is a result of political, ecological, economic and cultural factors. The ideas which were a key part of resistance in earlier times remain intact, involving the contest between indigenous communities and powerful political actors like state and mining corporations driven by contrasting values attached to the land. This is a key aspect of understanding what motivates communities like Xolobeni to reject and challenge external threats to their land. For communities like Xolobeni, there is a connection between people, the land, ecosystem and biodiversity. This connection places a duty and a responsibility on the community to take care of their land and ecological space. Contrary to Western forms of property ownership that emphasise clear individual ownership, the indigenous view is that land is collectively owned. Social relationships that exist between communities and individuals are more important than property rights, hence the right to land ownership is derived from social

relationships. The customary form of land ownership allows communities to enjoy their cultural practice and their preferred forms of livelihoods. External threats like mining disrupt the relationship that communities have with their land, and the relationships and networks established with other community members. It is for this reason that communities produce counter-discourses as a way to challenge and resist the neoliberal concept of land ownership and access. The land conflict in Xolobeni should also be understood as such.

Chapter 8: Towards an Analytical Framework for Rural Resistance

8.1 Introduction

This chapter presents a framework for the different and competing ecological, political and indigenous ideas, interpretations and narratives which shape contestations over land ownership, mineral rights and usage in rural South Africa. When exploring rural resistance in communities like Xolobeni, it is important to take account of the power dynamics and players at the centre of the contestation on land rights and natural resources, especially minerals. Resistance in Xolobeni involves different actors, namely community members whose land is being threatened, grassroots rural social movements like the Amadiba Crisis Committee who are at the forefront in defending land rights and existing threats to customary land rights and the environment, non-government organisations like Sustaining the Wild Coast, pro-mining villagers, the mining company (Mineral Commodities Limited), traditional leaders and the South African government.

Due to the contradicting interests that exists between these stakeholders, the study presents a framework which offers recommendations on how the challenges that arise from this conflict can be averted and minimised. The study argues that the contestation for land rights and ecological resources stems from the failure to sufficiently address the land issue in the post-Apartheid South Africa. Communal land in particular remains a challenge, as most communities who live under traditional authorities do not have proper tenure and land rights. Therefore, the framework presented in this chapter will suggest the ways in which this lack of proper tenure can be sufficiently addressed.

The study calls for sufficiently addressing the land rights of indigenous communities through reforming the existing customary land legal framework. It argues that this framework should be reformed to ensure that it provide proper tenure and security to rural communities. The framework also suggests that reforming the current legal framework should consider the cultural and indigenous expressions and interpretations of land ownership by rural communities. For the latter, land is valued beyond its economic and monetary value, thus shifting away from the capital and commodity preoccupation of the neo-liberal perception, which has been pivotal in prompting land-grabs. Therefore, the framework suggests that reforming customary land legal apparatus and frameworks should consider how communities and other key actors view and approach the important issues of land ownership, access and use.

8.2 Theoretical basis for the analytical framework for rural resistance

This section serves to provide a theoretical discussion on the theories that informed the research study and that act as the theoretical basis for the analytical framework on rural resistance. As explained earlier, this study is informed by two key theoretical frameworks, the political ecology theory and accumulation by dispossession developed by Harvey. However, since the phenomenon that is the key part of this study transcends a single discipline, the study will also borrow from other theoretical frameworks from development studies, for instance the post-development theoretical framework. The political ecology framework in particular will provide an understanding of the contestation of ecological resources in communal areas. Therefore, these theoretical explanations are fundamental in understanding the nature of rural resistance, the power dynamics, perspectives and power actors that shape rural resistance and how these actors interact among each other and generate specific discourses, ideas and narratives that shape the contestation for land rights, access and governance of natural resources in indigenous territories.

8.2.1 Key assumptions of the political ecology theory and implications for rural resistance

The main premise of the political ecology theory is that there are power dynamics which determine the interaction between society and nature. The political ecology theory is a theoretical framework which transcends a single discipline and encompasses geography, anthropology and similar fields of research. This theoretical framework has become crucial in explaining the way in which economic frameworks and power players are pivotal in driving ecological changes in a significantly interlinked universe. What should be understood about political ecology theory is that it is not a unique perspective, but a novel way of understanding ecological issues based on the broadening of knowledge and perspective from a political economy orientation.

The interconnection between these two aspects encapsulates the continuing changes in debates about communities and nature-based resources and the way these power structures evolve among different power actors. Against this background the political ecology perspective should not be viewed as a single theoretical explanation, this is because there are different dimensions in the theory (Panigua, 2019). Some dimensions focus on ecological changes, while some draw their motivation from the political economy framework, and certain viewpoints focus on formalised power institutions (Svarstad *et al.*, 2018). There is no single aspect that is widely explored by political ecology scholars, who adopt different approaches in exploring environmental issues and changes (Robbins, 2019). There is a general tendency among scholars using political ecology lenses to explore how different and unique power structures across the globe determine the interaction between human beings and nature.

The analytical mechanism of most political ecologists has been exploring political economy and its connection with ecological issues and changes, including loss of ecological spaces based on geographical location, class and subaltern status. In its early periods, the scope of political ecology was limited, since it merely focused on exploring the activities linked with larger-scale development projects in Third World countries (Roberts, 2020). However, it has since broadened its scope to encompass environmental politics, ecological degradation in urban areas and the impact of industrial activities on ecological changes. The political ecology theory explains that there is a connection between power structures, ecological, social and political circumstances that generate and shape environmental conflicts. The political ecology theory has specific implications for rural resistance, especially in communities like Xolobeni. In this sense, it assists in understanding the power structures and power actors involved in the struggle for natural resources. The political ecology perspective helps to explore how power imbalances between power actors shape who has access to ownership and governance of natural resources in subaltern communities like Xolobeni. These power actors include indigenous communities, grassroots rural movements and Third World governments and their connection with multinational corporations.

8.2.2 Key assumptions of the accumulation by dispossession theory and implications for rural resistance

One phenomenon that is fundamental in understanding rural resistance in Xolobeni and the other rural territories in the Global South, is land dispossession. Harvey's accumulation by dispossession theory is key in understanding the nature of land dispossession in rural territories and how these multiple types of dispossessions are shaped and determined by capitalist interests. The departure point of Harvey is that neoliberalism in its attempt to avert the catastrophe of over-accumulation has driven interests in new landscapes, territories and physical spaces that are viewed as unoccupied and unproductive (Fuchs, 2021). Previously most of these territories were free of market principles which govern the commodification of nature. From this perspective, accumulation by dispossession transcends the acquisition of new territories for profit. However, they also include conflict and the use of coercive mechanisms to suppress those whose orientation contradicts the needs of capitalist interests (Fitchett *et al.*, 2021). According to Harvey (2004), the process of accumulation by dispossession involves the continuation and prominence of cumulative practices which were regarded as primitive in early Marxist traditions. The practice at the core of accumulation by dispossession includes commodifying and privatising territories and the use of coercive and violent mechanisms to remove peasants from their territories (Hall, 2021). In addition, the process includes converting different types of collectively owned land into private properties, and the suppression of rights within collectively owned territories as some of the key features of this process. Harvey

argues that four features are key to understanding the process of accumulation by dispossession. The first involves privatisation and mercantilism of collectively owned services and amenities, for instance, water and other physical spaces. The second is financialisation which involves appropriating shares and assets through financial speculative practice. The third aspect is the management and manipulation of financial catastrophes, which might include reducing state intervention in social welfare (Lawer & Ablo, 2023). The fourth aspect is state redistribution in which large volumes of loans are made available to private corporations (Ocampo & Schimtz, 2023).

Harvey's explanation moves beyond the accumulation by dispossession process. He also provides the social and political outcomes of this practice. Besides acquiring large pieces of land for private capital, this type of accumulation driven by neoliberalism further influences a unique struggle for territories. This novel politics of resistance involves anti-capitalist, anti-globalist and anti-imperialist movements. Accumulation by dispossession creates novel types of struggles that further generate unique power players and actors (Levien, 2013). According to Harvey, the response to the accumulation by dispossession process is different from earlier forms of resistance against private capital in the sense that it includes different types of movements, divided by specific objectives, and which operate on distinct levels (Biocca, 2015).

The literature further explains why the accumulation by dispossession theory is important in exploring resistance and struggles for land in agrarian landscapes. While most scholarship on accumulation by dispossession is confined to the conversion of indigenous territories, Harvey's theory transcends a single type of dispossession in rural areas and also accommodates different types of dispossession (Hall, 2012). These different types of dispossessions have been influenced by unique additional economic and economic strategies. Harvey's theory transcends the analysis of production as the main variable and also focuses on other economic players and actors like the financial and public sectors. This allows the capacity to comprehend the involvement of state actors in the process. Lastly, Harvey also differentiates between resistance against accumulation by dispossession and struggles against the broadening of production (Biocca, 2015). This line of thinking helps to ascertain how the shifts in the mechanism of accumulation also shape the resistance of subalterns. In South Africa, accumulation by dispossession has a historical character in the sense that state authorities and private capital have always been at the forefront of dispossessing land from rural communities. Legislative instruments like Native Land Act 27 of 1913, and land strategies like the Betterment Scheme were mechanisms adopted to grab land from rural communities (Heshall, 2021). While the post-Apartheid era promised to address these forms of

dispossession, certain measures and legislative instruments have renewed similar power relations and imbalances which were a key part of historical accumulation by dispossession in South Africa. Neoliberal policy, in particular, has taken centre stage in South Africa. This has allowed the South African government to adopt measures that favour private capital interests, especially the extractive industry. Accordingly, legislative instruments like the Mineral and Petroleum Resource Development Act 28 of 2002 are a key part of accumulation by dispossession in South Africa.

Harvey's theory is crucial in explaining how specific legal strategies are being used to dispossess communities of their land. It explains how collectively owned territory is converted into private property for capital interest. In South Africa, land dispossession is a continuation of other forms of dispossession which occurred during the apartheid era. Harvey's theory is crucial in explaining that accumulation by dispossession has always been a key part of capitalist development and expansion, especially in territories that are collectively owned. This theory thus provides a foundation for comprehending how neoliberal practice and policies drive different types of dispossessions, especially in territories like Xolobeni, where collective ownership of resources is the main paradigm of ownership. Therefore, to understand similar forms of rural resistance in South Africa and the lobal South, it is important to take into account existing reactions to land-grabbing practices, which are also forms of contemporary accumulation of territory by private corporations. The forms of dispossession that exist in communities creates power imbalances, in which decisions of how resources should be governed and controlled are entrenched in specific power actors like state departments and multinational corporations. At the same time, the needs and interests of communities and the legitimate owners of these territories are excluded in this process.

Rural resistance in South Africa can be understood as a historical continuation of contestation for ownership and access to land, especially in the former homelands. Indigenous communities like the Xobeni community are motivated by historical resistance in reacting to similar forms of power dynamics that shaped and influenced the past. Communities and grassroots movements can ascertain that there are similarities in issues driving reactions in both historical and contemporary periods. Harvey's theory is crucial in understanding the issues driving the reaction to potential dispossession in Xolobeni, the similarities between historical and contemporary forms of dispossession, the power dynamics and power actors involved and how these power dynamics influence the ideas which shape resistance.

8.2.3 Key assumptions of post-development theory and its implications for rural resistance

The main thesis statement of post-development theory is that we have reached the end of development. This idea is based on the claim that development has failed to achieve its objectives.

For instance, while development theory and practice promised to address societal issues like poverty, development practice has failed to eliminate poverty. In addition, post-development theory argues that the failure of development is not based on faulty execution of ideas (Mathews, 2020), instead, it is due to a wrong idea, which cannot be executed or addressed even through an effective strategy. From the post-development theory, the idea of development is essentially at fault. This is due to the fact development is premised on a flaw. Their main premise is that the idea of unlimited progress which inspires development practice and theory is inherently bad (Idachaba & Haaga, 2023). This is due to the fact that progress cannot be measured properly.

Development is also inherently flawed due to the fact it is linked with false dichotomies like underdevelopment and development. These concepts create the false impression that a developed state is desirable, and an undeveloped state is not desirable (Tomar, 2020). The lifestyle linked with undeveloped labels should not be regarded as inherently bad. Similarly, the developed way of living should not be completely accepted as the standard way of life (Munch, 2020). These labels also generate a kind of reverse-mirroring orientation in which individuals perceive themselves mainly according to how others view and create an external reality for them. Therefore, the way in which those regarded as underdeveloped view themselves is based on some people having labelled them as such. Accordingly, an additional problematic issue with the idea of development is how it is linked with Eurocentrism or Western ways of thinking, as being westernised is now synonymous with development (Sage, 2022). These explanations are the core of the assertion that we have reached the end of development. Post-development theory argues that besides failing to address the issues that it had mapped out, to a larger extent development has also worsened some issues (Akinkunmi, 2021). This includes the environmental impact of some economic activities like mining. At the same time, the way of living regarded as underdeveloped may be self-reliant and have less impact on the environment.

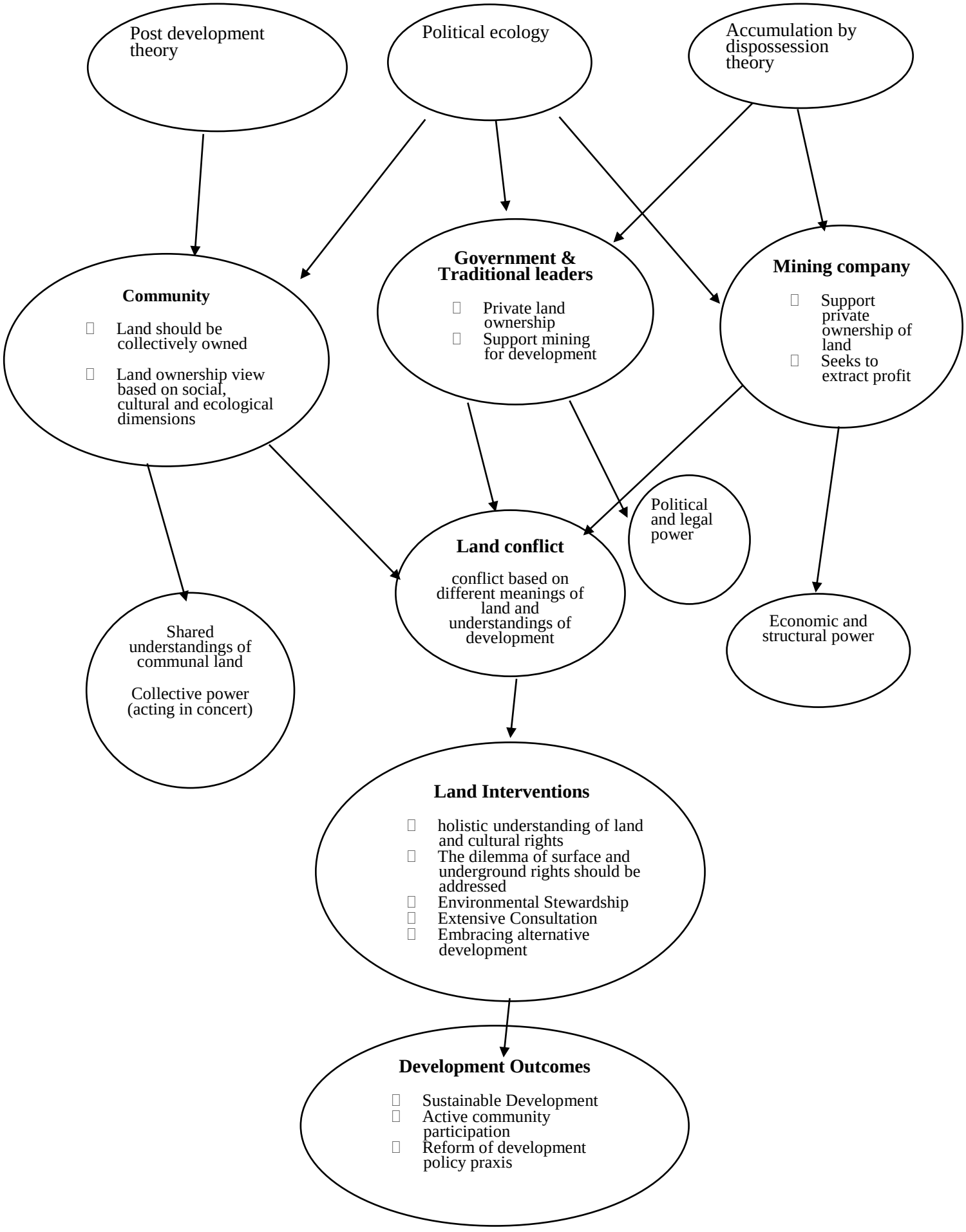
Post-development theory has implications for rural resistance in the sense that the ideas at its heart also inspire rural communities to reject the Western forms of development and economic activities. The post-development premise that alternatives to development should be the basis of development also resonates with how communities like Xolobeni imagine the idea of development. For them, the idea of development is crafted from the relationship that communities have with their land, nature and ecological spaces. The idea of alternative development practice inspires indigenous peasant communities to reject imposed development which disrupt their symbiotic and reciprocal relationship with nature and attachment to place and territory. The post-development idea that development should be locally based also resonates with the ideas and discourses which shape rural

resistance in indigenous territories like Xolobeni. It inspires communities to adopt political discourses like indigenous sovereignty which address how nature and ecological spaces should be accessed and owned. Rural resistance is also based on rejecting and challenging the notion of Western designed development which intends to impose development on communities. This idea also resonates with post-development theory critique that development should not be synonymous with being westernised. Therefore, when indigenous communities resist economic activities like mining, they take inspiration from some ideas drawn from the post-development theory.

8.3 Framework for customary land rights in Xolobeni

The study argues that there is a need to thoroughly examine current customary land tenure, the types of land disputes and land conflicts that are found in communal areas. Therefore, the framework recommended by the study seeks to inform; future discussions on rural land ownership, access and usage; and stakeholder relationship and related policy-practices on rural land governance. In providing these recommendations, the study recognizes the nuance of land conflicts in customary areas, although, there are different types of conflicts between rural communities and other stakeholders like mining companies. This study seeks to provide a framework in which customary land rights are not undermined, consequently this would have implications with respect to their capacity to determine the livelihood, development and land practices

Figure 8.1. Framework for Customary Land Rights in Xolobeni



From Figure 1 above it should be noted as argued throughout the thesis that land ownership and contestations around its access and use should be viewed from the varying actors' perspectives, understandings and interpretations of land ownership and meanings of development. The Xolobeni conflict comprises of different actors, with different interests, power relations and preferred outcomes with respect to land ownership. The post-development theory shows that communities have a different understanding of development, this understanding of development is based on their local and subjective perspective (Escobar, 2006). As such land use by foreign or any other development entity can be accepted and legitimatized by the community if it's aligned to their expectations and understanding of what development entails, and as argued in the previous chapters confrontations and resistance emerges from the incongruence of interpretations and meanings of land use and development between communities and powerful actors like the state and private investors. Notable, development is thus rejected since it is based on a Western and Eurocentric narrow accumulation and surplus creation viewpoint (Escobar, 2020). From the diagram above it is deciphered that community view of how land should be used contradicts with the Western and Neo-liberal perspective which informs that of the opposing actors, especially the government and the mining company.

The political ecology theoretical framework demonstrates the interaction between economic, social and political circumstances that govern environmental issues (Barneje *et al*., 2023). It demonstrates that at the centre of contestation for ecological resources are specific power dynamics, these power dynamics determines who has access to ecological resources. The above diagram shows that the contestation for ecological resources exists between different stakeholders and power players, in the Xolobeni conflict these include the Xolobeni villagers, the government, traditional leaders and the mining company. Therefore, the Xolobeni territory as an ecological space, comprise different actors who interact with each other, however this interaction is based on contradictory perspectives on how ecological resources should be owned and used. Ecological resources, in this juncture refers to the land and natural resources that can be found in the Xolobeni community.

Arguably, the diagram highlights that the post-apartheid state has become a vanguard of capitalism and thus plays a central role in the process of accumulation by dispossession. Accordingly, the accumulation by dispossession lens enables us to demonstrate the exploitative nature of relationship that exists between communities and other stakeholders like mining companies on the other hand (Zamchiya, 2022). This exploitative nature is based on weak customary land rights, which this study seeks to address.

Moreover, the framework above argues that community members in Xolobeni ground their contestations to the proposed development on a holistic understanding of land, which comprise social, cultural and ecological dimensions. The government and traditional leaders, on the other hand, base their view on the neoliberal perspective which seeks to accumulate profit through extracting resources. As argued earlier, the state as a vanguard of capital accumulation ensures that the rural spaces are amenable to capital exploitation and thus provide legislative apparatus for such exploitation and frames varying ideologies to promote rural investment by foreign capital initiatives such as mining. On the other hand, the mining company's purview to land ownership, rights and usage is embedded with the neoliberal development framework which argues for more private exploitative ownership and usage of land and natural resources. In this way land is seen as a commodity that can be bought and exploited by the highest bidder (private investors) and the state plays a key role in creating a conducive market space for the commodification of land, through its understandings of foreign capital investments on communal land as a means of revenue generation. Communities base their power on collective and communicative power as they all share similar understandings and interpretations of land ownership which in this case of imposed development prompts the need to subvert the interests of the powerful through collective activism and resistance. This resistance is based on the holistic understanding of land mentioned earlier. These include social, cultural and ecological dimensions, chapter 7 of this study has provided an in-depth and critical discussion on how these dimensions or discourses motivate communities to reject and resist development. The understanding of the community is that the mining company will disrupt these holistic dimensions, which are based on the reciprocal relationship between the community and their land, ecosystem and biodiversity on the other hand. From the study it is shown that government and traditional leaders base their power on political and legal power.

Traditional leaders are vanguards of custom and tradition in the communal areas, more importantly as there are the existing form of governance for communities under customary law (Ubink and Pickering, 2020). However, the simultaneous existence of modern form of governance and traditional system of governance is a constant challenge for communities. Especially, when there is mining interest or any proposed development project. The dual system of governance leads to confusion of responsibilities and duties and blurred functions with regards to land governance (Ubink and Pickering, 2019). Currently, customary land rights are weak and ambiguous, the weak nature of customary land rights and dual system of governance provide traditional leaders with an opportunity to support mining proposal for their interests.

From Figure 1, above it can be argued that the mining company's power is hinged on its financial capacity and relationship with the state, which fosters power imbalances with the community. Since

these three different actors have contradicting and varying perspectives of land meanings, ownership, usage and development, resistances conflicts and contestations emerge. However, as noted in the study the land issue in postcolonial states needs to be understood and interpreted from the varying actors' perspectives and understanding to the meanings of land, land use and ownership. As such to avoid the inevitable resistance and confrontations amongst the actors the study calls for interventions and recommendations as shown in the diagram. The interest between these three contradicting actors can only be reconciled through land interventions which will inform reforms in customary land legislation, provide a holistic understanding of customary land ownership, and address the dilemma on separation of surface rights from underground rights. Lastly, this should be based on the following developmental interactive process, consultation of communities, recognition of existing development initiatives and ensuring that there is transparency in mining operations.

8.4. Customary land legislation should be reformed

The study argues that existing customary land legislation should be reformed to afford more protection and rights to communities in communally owned land. The current customary land legislation fails to provide proper land rights to rural communities, which has negative implications for their land rights, cultural rights and environmental rights. The existing practice of undermining land rights in communal areas reflects and resonates with the premises of Harvey in *Accumulation by Dispossession*, where it is argued that as capital strives to extract profit, it inevitably leads to dispossession of indigenous communities. To understand this issue it is important to locate the land issue in the context of the post-Apartheid political discourse. The land issue has become a critical aspect in the post-Apartheid political discourses, because the white minority continues to own significant amounts of land, in spite of multiple legislations that were implemented to address the land inequalities inherited from the apartheid era. There are disputed reports on the percentage of land owned by white people in post-Apartheid. The land audit (2017) states that about 26 663 144 hectares or 72% of all farms are white owned, 5 371 383 ha or 15% are coloured owned, 2 031 790 ha or 5% are Indian owned while 1 314 873 ha or 4% are African owned. These statistics demonstrate the basic unequal nature of land ownership in post-Apartheid South Africa, which has prompted some scholars like Hall (2018) to argue that instead of addressing the land inequalities inherited from the previous colonial period, post-Apartheid land reform strategies have maintained historical land inequalities. Rural holders in particular bear the brunt of living without proper land rights and secure tenure. For that reason, the untransformed nature of ownership and access to land, which still perpetuates elite control and ownership of land, has become a compelling characteristic of the wider failures of South Africa's shift from apartheid. Scholars like du

Plessis (2017) argue that the objective of land reformation was not solely to return land to claimants, but also to systematically address historical land inequalities and change the racial inequalities regarding land ownership and access. While Section 25 of the Constitution provides protection to land individually owned, the situation is different for about 17 million people who live on communal land, which comprises about 13% of all land in South Africa (Masiza, 2024). The Communal Land Tenure Bill, 2017 defines communal land as possessed, controlled or utilised by members of a community, subject to collective regulations, or values and traditions (Tlale, 2022). It is communal land that has been subject to contestation between different stakeholders, communities, rural land owners and the state, traditional leaders, local elites and the extractive industry. The issue at hand is the lack of proper land rights and tenure for those who live on communal land.

Lack of proper tenure on communal owned land has been demonstrated by Delius and Beinart (2021) who argue that there is uncertainty regarding who has rights to the land in the customary or communally owned areas. There is an ensuing discussion amongst scholars on whether individual families, family heads, communities, chiefs and traditional authorities or the state own communal/rural land (Chitonge, 2022). Another question is whether they should be recognised as a category of ownership, and how land in these territories should be governed. As observed in the context of Xolobeni, Somkhele and Mogalakwena, these issues mentioned become more complex if there is outside private interest in this land. In the cases mentioned above, mining licenses were authorised by the state, and traditional leaders consented to these land projects.

Capps and Malindi (2017) demonstrate that in Bafokeng and Bapo, traditional leaders have benefited directly through owning companies in territories over which they have authority. In most instances, especially if there is mining interest, traditional leaders are superseding the rights of rural landowners by negotiating on behalf of communities. Likewise, the Ingonyama Trust Act 3 of 1994 comprehensively accords authority over all the customary land in KZN to the Zulu monarchy (Ndlovu, 2024). The trust's board has tried to transform some of the customary landholdings into leaseholds, which need payments and indicate that the land is controlled by the monarchy (Manona & Kepe, 2023). The Traditional and Khoisan Leadership Act 3 of 2019 allows traditional councils to form partnerships with foreign companies for development purposes (September, 2023; Delius & Benart, 2021).

Typically, these partnerships are established without the consent of communities that already occupy this land. There are many examples and cases where communities are dispossessed of their land without proper consultation. Bloom (2019) provides an example of the Western Mpondo king

who attempted to establish a partnership with a Chinese corporation, involving the leasing of approximately 10,000 hectares of land. When there is interest for land, the cultural and land rights of communities are ignored to pave way for multinational companies (especially the extractive industry) that are perceived to bring employment and contribute to the economy. The Presidential Advisory Panel (2019) suggests that traditional communal land administration frameworks are under the authority and control of chiefs and their traditional councils.

The Presidential Advisory Panel (2019) argues that the existing western-imposed legal system fails to consider the interconnection between individual and collective rights. The way these elements interact rather than compete with each other. The panel, as a result, proposed that land tenure reform should be based on African traditional systems. However, the argument of the report is contradicted by a section which speaks to the lack of land rights for women in rural areas (Sihlobo, 2021). The Presidential Advisory Panel failed to address this contradiction, seeking instead to reconcile two aspects which are in conflict (Ngam, 2021). While it seeks to recognise African tenure systems, the same African tenure systems are based on a patriarchy which fail to recognise the land rights of women in communal areas. Currently there is no legislative framework which provide traditional leaders with authority over land.

The Traditional Governance Framework Act 41 of 2003 does not contain clauses or provisions with respect to the role of traditional leaders in land governance (Winkler, 2021). Although the government attempted to change this with the Communal Land Rights Act (CLARA) 11 of 2004, the legislation was nullified by the Constitutional Court in 2010 (Zenker, 2020). This court claimed that it failed to go through a sufficient process, and that that it did not respect the rights presented in section 25(6) of the constitution. Since CLARA was considered invalid, the post-Apartheid government under the African National Congress has failed to pass further legislation which provides certainty with regard to land governance in communal areas and afford proper land rights and tenure to communities in the rural areas (Delius & Benart, 2021). For this reason, the land rights of rural landowners remain legally uncertain. Practically, the majority are probably sufficiently secure under local customary frameworks. However, the issue becomes more complex when there is outside and private interests in the land already occupied by these communities. Existing legislation for land rights and forms of ownership that fall outside the confines of Section 25 is weak and fails to provide proper land rights to communities.

This legislation includes the Interim Protection for Informal Land Rights 31 of 1996, the Extension of Security of Tenure 62 of 1997, and the Prevention of Illegal Eviction Act 19 of 1998. The Extension of Security of Tenure 62 of 1997 provides security to labour tenancy which still exists

mainly in KZN and Mpumalanga. The Prevention of Illegal Eviction Act 19 of 1998 was adopted to provide security for those who occupy land informally within urban spaces, and those requiring protection from removal (Boraine, 2020). The Interim Protection of Informal Land Rights Act 31 of 1996 (IPILRA) is a fundamental legal framework and has played a key role in countering attempts to undermine informal land rights (Greyling, 2021). However, it is a legal framework, which is rarely implemented or established in the courts, and is rarely backed up through administrative endorsement (Booi, 2023). The act also legalises the communalist strategies implemented in the 1990s.

Under the IPILRA, communities have the right to take away the land rights of individual families through a majority vote, with respect to the custom and usage of that community, with restricted rights to compensation (Weeks, 2024). This is common within cases where there is contestation about land rights between communities and traditional leaders, local elites and traditional leaders. In the case of Mogalakwena and Somkele, the court ruled in favour of larger traditional communities who were in favour of granting mining licenses (Leonard, 2020). This superseded the land rights of other communities who had eventually lost their land. This is a fundamental flaw within the IPILRA, and further indicates the uncertainty of the meaning of community, a phrase which is commonly adopted in the act (Ntswanisi, 2020). The fundamental flaw of the IPILRA act is also demonstrated with regard to cases involving mining, in the sense that other legislative framework like the MPRDA Act 28 of 2002 is given precedence over the IPILRA act (Tlale, 2020). The MPRDA Act 28 of 2002 comprises two important clauses which are important in understanding the current complexity and contestation of land rights in communal areas. Section 5(3) separates underground rights from surface rights. In addition, the act also mandated the establishment of Broad-Based Economic Empowerment Charter (*now referreed to as BBBEE*) (Schmidt, 2023).

These provisions add to the complexity of land rights. The separation of surface rights from underground rights prioritises the land rights of mining corporations that have interests in land already occupied by communities in the communal areas. As a result, communities are dispossessed of their land when mining licenses is granted to these companies. The provision of BBBEE also further complicates the issue by creating local elite that legitimises the dispossession of land within indigenous territories (Mnwana, 2015). In Xolobeni, for instance, the community was divided into those who supported mining licenses and had BEE connections and those landowners who opposed the mining since their land rights would be undermined.

Given this scenario, this study proposes that customary land legislative framework should be reformed to provide proper land tenure and security to rural landowners, rural farmers and

individual families. The existing customary land legislation fails to provide protection for rural communities (Cousins, 2019). As a result, it paves the way for land-grabbing practices that are inspired by the neoliberal paradigm. Hence, reforming customary land legislation requires transitioning to pro-poor regulations that recognise the cultural and land rights of communities in communal and marginalised territories. The role of traditional councils should be as mediators, instead of superseding the land rights of communities. Customary land legislation should therefore clarify the following with respect to the role of traditional leaders in land governance: their role, the legal boundaries of their role with respect to land governance, as well as their role with respect to land disputes and conflicts between communities, and between communities and multinational corporations.

The South Africa government should also consider implementing a land court that specifically focuses on the types of land disputes within communal areas. In addition, legislation should also list and categorise the types of land disputes and conflicts within communal areas, such as family land disputes, conflict between communities about grazing land, conflict between communities and mining corporations and disputes between communities and traditional authorities. The listing of these types of disputes should also be followed by comprehensive recommendations and clear legal frameworks on how such disputes should be addressed. More importantly, there is a need to rethink development strategies in these communities. The current strategies have negative impact on the environmental and land rights of communities. This reformation should change and reform current customary land legislation. Customary land legislation in particular should reflect the cultural expression of communities in the communal areas. For these communities land is valued beyond the economic and monetary perspective. Therefore, it is important to integrate these views when customary land legislation is being reformed. There is a reciprocal relation between the community and their ecological space, land and biodiversity. In this context, it is important to take into account this value and perspective when reforming the legislative framework to recognise the land rights of indigenous communities like Xolobeni. The findings of the study in line with the framework above indicate the need for the following to ensure that development initiatives like mining are informed by the needs and interests of the local communities and that issues of access rights and ownership are addressed in such a way that communities a re protected from dispossession:

8.4.1 Land governance based on the cultural rights of the community.

Land governance in Xolobeni should be based on the cultural rights of the community. Hull and Whittal (2020) argue that there is a need to understand the deep social, cultural and religious significance of land for indigenous communities. African communities in particular view land

beyond the economic framework: for them land is thus not simply a commodity. Poderati (2020) also argues that indigenous communities have collective rights to land, territories and natural resources, Vierros *et al.* (2020) recognise that indigenous communities are already custodians of natural resources, Dawson *et al.* (2021) also recognises the interconnection that exists between communities and their ecosystem, biodiversity and territory.

The study argues that for communities like Xolobeni, this symbiosis is an important expression of their cultural rights. Land governance should thus involve the cultural rights of the community, which is based on their interconnectedness to nature and land. In communities like Xolobeni there exist social relations between individual, families, and different generations. These relations are also important repositories of expressing their cultural rights and connection to the community. Such cultural expression should be recognised with regard to land governance. Recognising these cultural expressions and rights will also acknowledge the customary land rights of indigenous communities. This study argues that this is particularly important in the context of land rights and mineral rights in communal areas where there is contestation between communities and traditional leaders, mining corporations and the state.

According to Van Schalwyk (2019), the Xolobeni community has lived alongside ecological and physical spaces for centuries. This statement encapsulates the perspective of land and is also important to understand how rural resistance discourse is formulated. Cultural discourses are common and are also an expression of challenges imposed and Western forms of development. Typically, these cultural discourses are informed through how land is collectively and communally owned. This form of land ownership means land is important culturally for communities like Xolobeni:

Land is everything for us. We are in a traditional community, which means land is very important. All species are important for us. Even those who coming outside have these assumptions that this is uncivilised, which means that it should not be used. However, they do not understand that we are a traditional community. Without land there is no culture. Culture can easily disappear without land (Participant 9, Male, interviews).

This statement expresses the cultural importance of land for the Xolobeni community. For them, the importance of land obligates them with a cultural duty to protect all species, including plants and trees, and water sources. The term "species" as expressed by the research participant expresses the role of the community in protecting the ecosystem. This is because there is a reciprocal relationship between the community and their natural environment. Customary land ownership serves an

important role for indigenous communities since it is the only form of land and resource ownership that allows them to continue their cultural and livelihood practice. In addition, communities have established social networks and everyday relationships through lived experiences. These social bonds create relationship of interaction and reciprocity among community members. When mining companies come under the guise of development, it inevitably threatens the connection that people have with their land. It is against this background that the Xolobeni community expresses the discourse of mining threats to customary land ownership. This discourse is shaped by the cultural importance of land for communities like Xolobeni, for instance:

We buried our people on the land, which means that there is connection between the land and us. Culturally we are connected to those dead. We can only be connected if the space and territory is still available, hence the connection should not be cut. These graves are important for cultural purposes and also for future generations. This knowledge should be passed on. Most people know where their parents' graves are (Participant 1, Female, FDG 1).

The above response further highlights why customary land ownership is indispensable for communities like Xolobeni. The response also highlights the importance of sacred sites, like graves, and how customary land ownership allows communities to preserve their sacred sites. Hence, when mining corporations disrupt this form of land ownership, it also disrupts the specific attachment which community members have with particular sites in these communities. The importance of customary land ownership was expressed as follows:

The land dynamics is complex, land is owned communally, in this context the government is regarded as the custodian of this land. In a day to day, there is no need for government intervention. There is only when there is a need for a proper infrastructure which needs governmental stakeholders and departments. People own the land, decisions is made at the community level, for instance the headman are also responsible for land decisions at the lowest level (Participant 2, Female, FDG 3).

This research participant continued:

These are people who are making at the lowest level. It is people who have final say with regard to the land, the traditional leaders has no right to land, they should consult with the people. Since the people has the final say on the land, the complexity only comes when there is proposed development [for] commercial purposes on protected and sensitive area. The reason why there is no mining has not taken place is the issue of community decisions, same with the issue of shell, we have managed

to do so due to the voice of the community. Community thus provide the final say on the land, this is a bottom up process (Participant 10, Female, In-depth interview).

Above, the dynamic of land ownership in the context of Xolobeni is expressed, along with the notion that there is no need for government intervention since the existing forms of land ownership allow the community to control their land. The research participant furthermore stresses the idea that traditional leaders have no political power to make decisions on land. Hence, when they make land deals, especially when mining is proposed in communities, they are actually abusing their power. Accordingly, the participant also demonstrates the notion that mining adds to the complexity of land ownership in communities like Xolobeni. Against this background, it is important to understand the dynamics of customary land ownership, especially in pre-colonial Africa. The same understanding of how land should be owned still apply in communities like Xolobeni today.

In pre-colonial periods, land was communally owned, although communities owned wealth through tangible possession like cattle and crops. These aspects hold cultural importance for traditional communities, instead of economic and monetary importance. Furthermore, during this period, land tenure existed alongside both individual and collective ownership (Kabongo, 2021). Specific land was individually owned, for instance land for burying people and cultivation, whereas land for pastoral purposes, land for harvesting medicinal plants, and specific sites for ritual and cultural purposes was collectively owned (Olofsson, 2021). Thus, customary land ownership allowed communities to express their connection and attachment to people around them. Pre-colonial land ownership did not involve forms of land ownership similar to Eurocentric property regimes in which land is individually owned (Hopwood, 2022). A research participant from Xolobeni also highlighted the following about the notion of how land is collectively owned in the community:

We own the land in the traditional way, we are staying in the traditional communities. However, the richer and government do no need believe within the communal and traditional way of owning the land. they believe in getting the value and money from the land, which is unlike the traditional way which emphasise the connection within the community … Most of the traditional ways we have the communal and the customary land, this is not written down. The government helps them to grab the land, through the court system thus undermining the traditional leaders. Since there is a different in the manner in which land is owned and viewed between the community and the government. The department of minerals support the decisions of the rich (Participant, 1, Female, FDG 1).

This response highlights the importance of customary land ownership for the Xolobeni community. It can be deduced from the above statement how traditional and customary land ownership allow

the Xolobeni community to own resources through traditional practices. In this response, emphasis is also placed on a notion which is common among indigenous communities, namely that land is valued beyond the economic and monetary perspective of the Eurocentric paradigm. The participants further noted that there is no written or official law on how land should be owned in these communities. As such, what can be ascertained is that the idea of ownership in indigenous communities is confined to a specific orientation, as it is often entrenched in status relationships. Therefore, the African concept of land ownership prioritises the responsibility of the different individuals towards each other in terms of the property, instead of the rights of individuals.

In this respect, the relationship between people forms a significant place, instead of the individual's capacity to affirm his needs or interest within land as a physical space (Gyapong, 2020). Hence, individual rights to land were derived from the relationship that exists between individuals in the community. This form of land ownership implies that no one had exclusive rights to land and resources in the community. However, when the colonial government came, this form of land ownership was replaced with modern forms of governance in which individuals had specific written rights. It is important to note that there are no individual forms of ownership in rural Africa in the contemporary period, but when land deals are proposed on indigenous territories, the individual form of land ownership always triumphs over the customary land ownership. There is a contradiction between the neoliberal, Western understanding of land and the indigenous concept of land ownership. The Western concept of land ownership views ecological spaces, natural resources and land as commodities where profit can be derived. This is contrary to how indigenous communities, including the Xolobeni community, view land. In the indigenous perspective, land is not a commodity, but something that is trusted to traditional leaders, who are regarded as custodians of both resources and the cultural traditions in the community. Resane (2019) also accentuates the idea that land was not regarded as a material possession in the African context, but as a collective property.

This brings about a contradiction between the Eurocentric perspective (which emphasises individual ownership and extracting value from the land) and the African perspective (which highlights the importance of personal relationships among the individuals in the community). Hence, when communities lose their land, the loss extends beyond the tangible and physical loss, but also includes personal relationships in the community, which are fundamental to affirm their identity. Hence, in communities like Xolobeni, land is not merely a material possession, but an aspect which is connected to the identity of communities. The following remark illustrates the importance of land as being connected to people’s identity:

I don't want a situation where if people move, they will leave their graves, according to the culture of amaMpondo people, you are not supposed to disturb the graves or dig it, you can't bury more than once. These people that are saying we should move, never mentioned where we will be going after being removed from our land, hence they never said anything, they said each family will decide on its own the next move. In our culture as amaMpondo, rituals are very important, for instance. If we're gonna … we have rituals at home, we are gonna go at the graves and ask for blessing from our ancestors, in everything that we do, we believe that our ancestors help us (Participant 16, Male, In-depth interview).

The above response also outlined the cultural importance of land and its connection to the cultural identity of communities like Xolobeni. In particular, the notion of graves draws attention to the importance of sacred sites, which are important in the context of cultural identity for these communities. The importance of land and identity stems from the fact that places have specific meanings attached to them, which have been formulated through everyday lived experience. Land ownership provides continuity of the identity attached to the land and the broader ecological space. Thus, it can be understood that land is linked with the identity of African people, since their identity provides them with dignity (Ngcukaitobi, 2018). The social relationships that exist among communities allow them to form identity, which explains why land as a physical space is linked with the identity of communities like Xolobeni. The social relationships also include connection with previous generations, for example:

The land belong to us, even the minerals that are beneath the surface also belong to us. The land belong to the people, we have grown up people, knowing that the land belong to the people, we will pass this knowledge to our grandkids. There are certain sacred sites, spaces that should not be disturbed or mined, hence when mining comes it will disturb these things. If you disturb these things, you will also harm the land, the land should be protected since it also needs to be taken care of. Both the minerals and the land belong to the people of Xolobeni (Participant 1, Male, In-depth interview).

The above explanation captures the cultural discourse which shapes resistance in the Xolobeni community. Fundamentally, the view of land ownership shapes cultural discourse, since communities like Xolobeni have a special relationship with their land, which allows them to produce counter-cultural discourses which contradict the perspective of mining corporations and governments. The participant expresses an idea which was commonly expressed throughout engagement with participants from the Xolobeni community and which relates to the cultural importance of sacred sites, like graves. Graves holds a spiritual purpose for communities in rural

areas, and when they engage in ecological discourse (like environmental stewardship, which allow them to take care of their environment through political control), such ideas are indirectly linked to protecting sacred sites like graves.

8.4.2 The dilemma of surface and underground rights

This study argues that the dilemma of the separation of surface rights from underground rights under MPRDA, Act 28 of 2002 should be addressed. Currently, the separation presents a host of challenges for indigenous communities that reside on customary land in the sense that it fails to acknowledge their cultural, environmental and land rights. Most of the time priority is given to mining corporations, instead of landowners. This has negative implications for communities, since they are physically displaced from their land and mining also has negative impact on their land, ecosystem and ecological space

Furthermore, another dimension commonly excluded, is the social relations and relationship of mutual reciprocity that exists between communities. These social networks are an important part of their cultural identity, and thus when mining displaces them from their land, communities also stand to lose these important networks and relationships. This study argues that the issue of the separation of underground rights from surface rights should be sufficiently addressed through prioritising the land rights of communities. Currently, the weakness of the MPRDA (Act 28 of 2002) regarding the separation of surface rights and underground rights is that once the mining license is granted, the consent of landowners is no longer required (Mothudi, 2023). This consequently puts landowners at a disadvantage in the sense that it creates a prospect for mining rights applicants to handle the consultation procedure in a formalistic way, typically excluding original surface land owners. Consequently, there is no attempt to engage communities that already own these territories in constructive negotiation that recognises their land rights.

Therefore, the whole process ignores and disregards their land rights and the attachment they have to their land and community (Mugo, 2021). Typically, land owners, especially those in rural areas, have no comprehensive understanding of the legal jargon used, which creates power asymmetries between communities and mining rights applicants. The MPRDA fails to set out clear guidelines on how consultation processes should be undertaken. As a result, most mining companies take advantage of this situation, and act in bad faith throughout.

Van Der Schyff (2014) argues that before the adoption of the MPRDA act, the state, landowner and mining right applicants created a triangle of legal interaction. This is because the state allowed the landowner to be sufficiently compensated, and that landowners are also part of the negotiation

process. However, the adoption of the MPRDA act effectively excludes the land rights owners. Mining rights are now provided on the basis of payment of prospecting fees and royalties. Additionally, land rights owners have limited negotiating power regarding enforcing compensation for loss incurred or harm due to mining operations. Therefore, land rights holders are effectively excluded from the process of providing the mining licenses. They are also excluded from seeking compensation for the detrimental effects of mining (Chagwinya, 2018). Consequently, there are legal imbalances which favour the mining right applicant to the detriment of the land right holder, since the separation of surface rights from undergrounds rights typically favours rich private mining corporations.

Ratsheko (2018) presents a compelling recommendation regarding the dilemma of the separation of surface from underground rights. He argues that there should be protective legal frameworks for surface rights landowners. According Ratsheko (2018) South Africa should follow the example of Western Australian law where mining cannot commence without the signing of a compensation agreement with surface rights owners. This study agrees with this notion by suggesting that it will encourage mining companies to act honestly throughout the negotiation process. Therefore, the MPRDA should also adopt a similar mechanism, where no mining license should be granted without consent and proper guidelines on how compensation should be offered.

8.4.3 Sufficient consultation with communities

This study presents a framework which stipulates that rural communities should be consulted before the process of granting mining license. The issue of consultation is expressed through different legislative frameworks such as the Mineral and Petroleum Resources Development Act 28 of 2002. The Environmental Impact Assessment Regulations (2014) stipulate that landowner consent is critical for applying for an environmental authorisation for prospecting and mining rights. The Mineral and Petroleum Resources Development Act 28, 2002 also requires mining companies and corporations to consult with landowners before mining operations. Section 5A (C) forbids mining corporations to prospect without providing the landowner with a notice of prospective operations. However, regardless of this, there is a challenge regarding community consultation.

The problem of lack of consultation has been demonstrated by Van der Watt and Marais (2021) who note that there is a problem of consultation in mining operations. Although communities are supposed to be consulted, some feel that they might lack the expertise to adequately demonstrate their interest throughout the consultation procedures with the mines. Leonard (2017) notes that rural communities often lament the lack of consultation by mining companies and traditional leaders before mining operations commence. Chagwinya (2018) similarly writes that communities are often

not engaged by mining companies before granting of licenses. Against this background, this study suggests that communities should be consulted before mining licenses are granted by the Department of Mineral Resources and Energy. The Xolobeni community also expressed a similar view:

> *Communities should be consulted before anything take places, like the mining. They are the custodians of the land, hence it is just important that they are consulted before anything like development takes place. Communities own everything including the land and minerals. Since they will be of consequence for us, we should be consulted* (Participant 3, Male FDG 1).

> *The solution to avoid land conflict in the future is proper consultation which should outline the benefits and risks linked with the mining, and there should be transparency. There should be explanations of what could be the alternative to the risk linked to the mining, for instance. There could also support for existing livelihoods, which are already here, since people have been surviving on them* (Participant 10, Female, interviews).

> *They are the people whose livelihood is dependent on that land. They have to have the final say. It's not about the government and their legislation. It's about the people who live on the land. What do they say? The majority of those people. If they say no, it should not be allowed. Yes, it is their land, so they are the ones who should say yes* (Participant 9, Male, In-depth interview).

The expression and sentiments offered by participants correspond with the framework of consulting communities. Scholars like Chagwinya (2018) argue for the implementation of consent in South Africa's legal environment before mining corporations are granted licenses. In addition, the South African Human Rights Commission (2019) also stipulates that municipalities should be consulted by the different stakeholders of mining applications that include mining companies and the Department of Mineral Resources and the Department of Agriculture Land Reform and Rural Development (DPME, RDLR). Consultation will enable municipalities to sufficiently plan and arrange for integrated and sustainable land use systems. Mothudi (2023) argues that communities should be consulted at the initial phase of mining projects due to the potential impact of mining on their environment and health. Mothudi (2023) also indicates that communities should have access to mining, which should enable them to provide opinions on applications for mining licenses and permits.

The argument of this study is that communities should be consulted before mining licenses are granted. This consultation should be done in line with the host of legislative and statutory

guidelines that support consultation of host communities. The practice of consultation will enable communities to make decisions regarding the direction of the mining operations, and whether a license should be granted or not. The aspect of environmental assessment is particularly important. Consultation will allow communities to be involved and assess the potential environmental impact of the envisaged mining operations. This will enable them to make informed decisions regarding the mining operation. Furthermore, specific measures should be adopted to ensure that the consent of rural landowners is recognised for mining projects to proceed.

There exist certain measures like the Free Prior Informed Consent (FPIC) that should also be recognised. Communities where mining is envisaged should be educated about the right to provide consent with regard to mining operations and licenses. Usually, mining corporations and other stakeholders like government departments, municipalities and traditional leaders deliberately withhold such information from rural landowners. From this perspective, communities should be educated about the importance of FPIC. Additionally, there should be platforms and mechanisms that should take into consideration the grievances and complaints of communities with regard to the prospective mining operations or granting of mining licenses.

8.4.4 Recognising Existing alternative development strategies

Existing alternative development strategies in rural communities should be recognised and supported. Mining has many economic benefits. For instance, Zvarivadza (2018) notes that the mining industry contributes 7,3% to South Africa's to gross domestic product. The Department of Minerals and Resources reported that mining sustains about 457 698 immediate jobs, while the Industrial Development Corporation reports that about 1,4 million direct and indirect jobs are created through mining.

While this explanation paints a picture of how mining contributes significantly to the economy of South Africa, in most instances the government ignores the costs and risks associated with mining, which include loss of land rights, environmental degradation, and the negative health implications for these communities that already face lack of proper health infrastructure. According to the Mining Review (2019), coal mines were responsible for about 2500 to 3000 tuberculosis cases per 100 000 individuals. In mining conflict in Somkhele, Tendele Coal Mining was accused of causing environmental harm to local water sources and land for cultivation (Rall, 2018).

Besides the environmental impact of mining there is also unequal benefits from mining royalties. Mnwana (2020) describes how Kgosi Pilane of North West Province failed to account for about 5 billion rands in community royalties. Such cases demonstrate that, despite the claim that mining has

economic benefits for South Africa, rural communities experience a host of challenges which include environmental harm and inequalities in royalties. Therefore, the argument of this study is that existing livelihoods and development practices should be recognised and supported by the stakeholders, which include the Department of Rural Development and local municipalities.

A research participant noted:

> *The mining will be conducted on a short-term basis. The mining company said it will be only for 20 years, which shows that it is for a short time. However, existing strategies like eco-tourism, agriculture and agroecology can last for ever, unlike mining which will ruin our land and ecosystem, while being done on a short-term basis* (Participant 22, Male, In-depth interview*).*

The view that mining is not sustainable also shapes the discourse of alternative development practice. The discourse of alternative development was a common theme among research participants. From a post-developmental perspective, the idea of Western development is flawed as it fails to take into account how communities where development is proposed have different perceptions of how their resources should be utilised. Although different development strategies are proposed, most of them share the same shortcoming, namely that they do not involve communities during the decision-making and implementation phases. In addition, alternative development practices shaped by their cultural and traditional practices are also neglected.

There is a tendency for communities to question the logic which justifies development projects:

> *There is no development that will take place. I have anxiety due to the issue of mining, I don't think mining will bring development. If they had spoken to us initially, it would have been good. However, initially they never spoke with us* (Participant 17, Female, interviews).

The Xolobeni community often indicated that existing livelihood practices like eco-tourism, agroecology should be seen as proper alternatives to mining. This was supported by research participant 15:

> *Eco-tourism is linked with the culture and heritage of the people. There are histories and sacred sites which show that there are people who were here before. Eco-tourism does not harm the environment. Mining will harm the environment. For us in the mining areas, the community cannot farm. There is also no proper water source. There is also sand (dust) in these communities* (Participant 15, Male, In-depth interview).

For communities like Xolobeni, existing livelihood practices such as, small scale farming, agroecology and eco-tourism are their expression of alternative development. In indigenous communities, there is a link between cultural practice and land, which also extends to existing forms of livelihood. Therefore, the expression of alternative development discourses is substantiated by the fact that there are existing livelihood practices which should be supported. This study therefore argues that existing livelihood and development practice should be recognised and supported by Department of Agriculture, Land Reform and Rural Development (DRDLR), local municipalities and traditional leaders. Although mining has many, communities often do not benefit monetarily. Mining companies also do little to minimise harm in environments of host communities.

Mining operations are typically done within limited space of time, during which companies benefit immensely. However, it is hosting communities that will bear the brunt of damaged environments and spaces for livelihood practices like agriculture and livestock farming. Supporting existing livelihood practices and development strategies will not only preserve cultural practices, but also extend to the customary land rights of rural communities. For communities like Xolobeni, there is an interconnection between their livelihood, cultural practices and their land. This study thus suggests that these existing livelihoods and cultural practice should be recognised and supported, since their advantage extends beyond their subsistence value towards the protection of customary land rights.

8.4.5 Rethinking development strategies in rural communities

South Africa's shift to a new political era in 1994 coincided with the early periods of the globalisation process (Lapere & Van Nieuwkerk, 2020). The neoliberal paradigm in particular was at the core of the globalisation process. In terms of this paradigm, governments had to reduce their intervention in social welfare and economic policies. In addition, conditions had to be conducive for private investment, especially foreign capital investment. Publicly owned enterprises had to be reduced to make way for private investment. Hence, when South Africa shifted from the previous political period, these economic policies were dominant. In this context the adoption of the GEAR economic policy signalled succumbing to neoliberal pressure (Mseleku, 2023).

Neoliberalism can be defined as an economic and political framework which emphasises the notion of free-markets and the shifting role of the state in economic and political affairs (Mahlatsi, 2018). One constant feature of this economic framework is that certain activities should be prioritised to create conditions for economic growth and development and improved overall socio-economic

transformation. Hence, the state should play a key role in creating an enabling environment for these policies. Foreign capital investment is a key part of the neoliberal policies. In South Africa, foreign capital investment is at the heart of economic activities which include manufacturing, mining, and agriculture. Mining has been a key part of historical and contemporary economic development policy. The Mineral Energy Complex was a key policy which influenced capitalist development through mining and other energy industries (Fine, 2018).

However, the shift to the new democratic era signalled the end of the Mineral Energy Complex, since it was emphasised that the historical injustices and dispossession that were a key part of the apartheid era should be addressed. In this context, discourses like social equity and sustainable development were adopted as novel ideas that would inform how mining policies and activities would be implemented (Mathebula, 2023). The drafting of the Mineral and Petroleum Resource Development Act 28 of 2002 signalled drastic changes in the mining industry. Whereas the MPRDA Act 28 of 2002 symbolised a radical shift from the Mineral Energy Complex, it also enabled the same power relations and dynamics of land dispossession that were key part of apartheid policies (Madiya, 2021). Therefore, the MPRDA did not fully abandon mining as an economic activity. It only adopted policies that were seen as reforming the mining industry.

In this context, measures like consulting communities and environmental responsibility were seen as panacea to the potential environmental harm and dispossession linked with mining. However, one significant measure was entrenching mineral rights in the control of the South African state. In this context, the MPRDA Act 28 of 2002 differentiates between surface land rights and subsurface rights (Thambi, 2022). Furthermore, the act also enables mining corporations with interests in these territories to establish partners with local companies under the guise of Black Economic Empowerment (Heyns, 2020). Accordingly, it is the entrenching of mineral rights under the state custodianship and empowerment provisions which is are the heart of contestation for land rights and access to natural resources in communities like Xolobeni. While the act surrendered subsurface rights to the state, surface rights are still under the control of communities that live in the territories where mineral resources are found. The state, on the other hand, emphasises the discourse and narrative of a developmental state, in which the state makes decisions on behalf of communities and citizens (Bowman, 2020). In this context, economic policies like the National Development Plan (NDP), Broad-Based Black Economic Empowerment (BBBEE) all emphasise the crucial role of the state in development.

Enabling mining activities is one of the ways in which the South African government views itself as being developmental. In addition, economic paradigms, growth, and rural development are all key

discourses which influence types of investments regarded as appropriate (like mining). It is argued that mining will simultaneously address the challenges of lack of economic growth and rural development. While the South African government views itself as the custodian of development policy praxis through discourses like the developmental state, communities like Xolobeni have a different perception of the trajectory of development, the economic policy, the forms of land ownership and the land use that should collectively inform them. This study shows that the Xolobeni community is inspired by the political discourse that development should not be imposed. They have a different perspective of development. Their notion of development resonates with discourses which define the post-development theoretical perspective. They reject Western types of development, in which specific actors make decisions on behalf of other stakeholders, like rural communities. The Xolobeni community insisted that they are not anti-development. However, they are tired of government-imposed development. A member of the Amadiba Crisis Committee noted the following:

> *There is also conflict about the issue of development. The government wants to impose development on the people. On the other hand, people are not willing to have projects imposed on them. This is a long conflict: communities are regarded as anti-development. It seems as if we want communities to be poor. However, we want development projects that are sustainable, and which do not harm the environment* (Participant 1, Male, In-depth interview).

The opinion of this participant is that they should not be regarded as anti-development. However, they are against development which is imposed and results in them losing access to their territory. In this context, narratives which label activists who oppose development as anti-development are common, especially from the viewpoint of the state (Xaba, 2023). Furthermore, what can be ascertained from this participant is how she emphasised development which is sustainable and does not harm the environment. Such sentiments are driven by the attachment these communities have with their land and ecological spaces:

> *I am against mining, since I do not regard it as development. It can't be development when I am being dispossessed of my land. In addition, my land is also a spiritual place. During the apartheid, our forefathers fought for this land, hence we should also fight for the land. Since these people will affect the environment, I am against mining. There is no benefit from the mining, it only benefits the elites. Us on the ground, there is no benefit for us. We will be affected by pollution. There is also damage against the social fabric of Xolobeni, since our culture will be eroded* (Participant 10, Male, In-depth interview).

This statement emphasises that development should not be imposed. Interestingly the participant also claims that development policies like mining should not be regarded as development, since development should involve empowerment of the citizenry. However, this is not the case with mining, since it leads to dispossession of land. The participant also asserts the notion of spiritual connection with place, which is common among rural communities that reject and challenge development. Harawira (2018) argues that in asserting their right to their own forms of development, indigenous communities have drawn inspiration from cultural and traditional practices which shape their preferred form of economic development. Therefore, the idea that development should not be imposed is based on their perspective of how culture and tradition should inspire categories of economic development.

Rejecting and challenging development in indigenous communities is typically based on indigenous values which contradict with the Western concept of development (Montana-Cruz, 2020). In his thesis he also documents how indigenous concepts like Buen-Vivir inspire communities in Latin America to reject imposed development. An aspect which was highlighted throughout the discussions and interviews was that communities are not consulted about the direction of development. Although both the MPRDA Act 28 of 2002 and the Interim Protection for Informal Land Rights Act 32 of 1996 speak to the need for the government to consult and negotiate with communities, there is a tendency to undermine the land rights of communities, especially before development projects are implemented. This was affirmed by research participants who argued that resistance to economic development activities like mining is based on the failure of government and the mining corporations to consult and negotiate with communities before granting licenses:

> *They should represent us, not take land decisions on behalf of us. Most of the traditional leaders are being bribed to allow mining in our area. The traditional leaders do not listen to the people but only to the government. When there are proposed development projects, there is no consultation with the community, which causes conflict between the community and the traditional leaders. They then see it as being anti-development, which it is because there is no consultation with us before these aspects* (Participant 13, Male, In-depth interview).

> *Communities should be consulted before anything takes place like the mining. They are the custodians of the land, hence it is just that they are consulted before anything like development takes place. Communities own everything, including the land and minerals. Since there will be a consequence for us, we should be consulted* (Participant 12, Female, In-depth interview).

Both participants claim that in most instances there is no proper consultation with communities before development projects are implemented. Therefore, the idea that development should not be imposed is based on the lack of consultation. When communities claim that development should not be imposed, the underlying idea is that they should be involved in economic development policies. In addition, the idea that development should not be imposed was also based on the claim that there is usually lack of transparency in processes which lead to negotiation for mining licences in communities like Xolobeni.

A research participant noted the following regarding lack of transparency:

> *The mining company is not properly telling us the benefits and risks of the proposed mine. They are merely providing us with a false positive picture concerning the benefits of the mining. The pollution … There is no employment since no one is experienced with mining here in Xolobeni* (Participant 23, Male, In-depth interview).

This study thus argues that there is a need to rethink development strategies in rural communities, especially those needing rural development and facing endemic poverty. The study is in line with post-development frameworks and argues that development strategies implemented in communal areas should reflect the cultural, ecological and economic expressions and voices of these communities. Since their land rights are connected with their existing livelihood practices, it is important to ensure that a new path of development is implemented which recognises the connection between land ownership, access and current indigenous livelihood practices. There is a tendency to view resistance to development projects like mining, construction of dams, roads and other large infrastructure and extractive projects as anti-development. However, Xaba (2023) argues that indigenous communities are not rejecting development. Instead, they are resisting an attempt to imposition of economic projects masked by developmentalism.

8.4.6 The need for transparency in mining operations

This study suggests that there should be transparency with regard to mining operations before the mining license is granted and throughout the course of mining operations. This transparency can be fostered through facilitating consultation mechanisms and platforms for rural communities. In addition, communities should also have equal access to information with regard to the type of mining, its impact on existing land rights and environment, the number of households that will be displaced, etc. From a political ecology perspective, the contest for land rights and natural resources in Xolobeni, includes different power actors, stakeholders that hold different interests and power relations. Understanding the different power relations among these actors and how they interact,

provides the context for comprehending how economic discourses are shaped and determined. The contest for the environment, territory and natural resources includes different ideas, discourses and narratives that are produced by each actor. Therefore, from a political ecology point of view, to understand ecological changes and the contest for ecological spaces, one needs to consider how ideas and narratives are shaped by each actor. Since there exist different power relations, certain stakeholders are able to create power imbalances, due to the unequal access to power structures and institutions and information. The lack of transparency about the granting of mining licenses and the operation of mining after granting of permits should also be understood against this background. The different power relations create power imbalances which also extend to access to information regarding mining operations, unequal access to benefits and imbalances in the harm involved.

Corruption Watch (2021) indicates that the lack of transparency regarding mining benefits often leads to ambiguity, since communities have no access to compensation documents, which leads to unequal benefits. Additionally, these documents are written in complex legal language, which makes it a difficulty for communities to comprehend. In addition, there are discrepancies and imprecisions in the records presented. Consequently, this institutional exclusion of communities has resulted in observable risks of corrupt practice and mismanagement of benefits. Mwnana (2018) argues that the inclusion of transformative practices through BEE measures has also created local elites with interests in mining benefits, which also adds to the already existing complexities of conflicts over mining benefits. The Xolobeni community and some participants from the Mining Affected Communities in Action, also expressed the following with regard to the lack of transparency in mining operations:

> *Mining companies are failing to consult with the community. The Social Labour Plans has a plan of how mining is supposed to take place. However, the SLP does not include the community. The mining companies are bypassing the SLP through bribing the chiefs. Most communities are not aware of the SLP. It is deliberately hidden from the community* (Participant 6, Male, In-depth interview).

> *When the mining initially came, it was deliberately hidden from everyone in the community who might pose a challenge to the process. In fact, it was our late ACC chairman Bazooka who saw people converging at Xolobeni secondary school, and he alerted people to go there. When we arrived there, we heard a mining discussion which did not involve us* (Participant 21, Male, In-depth interview).

A participant from the village provided the following to express the lack of transparency regarding the mining operations:

> *When they come with these developments like mining, there is no proper transparency in the sense that they do not provide us with proper picture of the risk and benefits that are linked with their mining operations. In this context, I think there should be a clear picture of the risk and benefits linked to the mining to allow the community to choose the best option, whether mining should go ahead or not* (Participant 25, Female, In-depth interview).

This perspective demonstrates that there is lack of transparency with regard to mining operations, before the granting of the mining license and throughout the mining operations. This study suggests that there should be transparency by ensuring that each individual within the community has access to information. Before the mining license is granted, communities should have full reports on the potential risks and benefits of the mining projects. Providing a comprehensive picture of the risks and benefits will allow the communities to make the best judgement whether the mining operations should proceed or not. In addition, any discussion regarding the mining project should not be deliberately hidden from the community as they should be involved in any discussion and conversation regarding the mining, especially before the mining licenses are granted since the granting of mining license might have an impact on existing land rights and livelihood practices.

Lack of transparency is common practice among global mining corporations and there is an extensive literature discussion on it (Wirba, 2024). Steudt et al. (2020) demonstrate the lack of satisfactory information provided by extractive companies in Ecuador. Owen and Lebre (2020) also note the lack of transparency in the global mining industry. Komaki and Fluharty (2020) further demonstrate that there is lack of transparency with regard to the environmental impact of mining, while Muhirwa et al. (2023) note the lack of transparency as one of the challenges facing mining communities in Africa.

This study suggests that the issue of transparency should be addressed amicably through recognising and taking into account existing structures and legal frameworks that support providing access to information. These legislative frameworks include the Promotion of Access to Information Act 2 of 2000, the Mineral and Petroleum Resources Development Act 28 of 2002, the National Environmental Management Act 107 of 1998, and the Interim Protection of Informal Land Rights Act 31 of 1996.

8.4.6.1 The South African Constitution (1996)

The issue of transparency and access to information is covered in the South African constitution. Section 33(1) recognises the right to administrative action that is legitimate, equitable and procedurally fair. Section 32(1) addresses the issue of access to information by stating that everyone has the right to access information held by the state or any entity. This means that the right of information of rural landowners should be recognised through providing them access to information on the mining operations.

8.4.6.2 The Mineral and Petroleum Resources Development Act 28 of 2002

The Mineral and Petroleum Resources Development Act 28 of 2002 is the key act informing mining operations in South Africa. One of the provisions of the MRPDA is that mining entities should consult with communities in respect of exploration rights, mineral rights and environmental impact. Sections 10(2) and 16(4) in particular speak to engaging the land owner before exploration begins. Therefore, this study suggests that communities as landowners should be engaged by mining companies before mining licenses are granted.

8.4.6.3 The National Environmental Management Act 107 of 1998

The National Environmental Management Act 9 (No. 107 of 1998) is important with to environmental issues since it also covers mining operations in South Africa. Section 24 of the act speaks to consultation between authorities, about activities that need environmental authorisation.

8.4.6.4 The Interim Protection of Informal Land Rights Act 31 of 1996.

This act is an interim legislative framework that provides protection for communal land owners. One of the most important clauses of the act is that communities should consent before mining licenses are awarded or an important development project take place.

This study suggests that mining operations should be based on transparency and the land rights of communities. Currently there is a contradictory legislative framework. While the IPILRA act recognises the consent of communities, the MPRDA act prioritises mining applicants. As a result, this undermines the land and cultural rights of communities, since they are dispossessed of their land. Therefore, this study suggests that there should be transparency through ensuring that these legislative frameworks act in harmony. The issue of transparency should characterise negotiations with communities and reform the current legislative framework to ensure that the land rights of communities are prioritised.

8.4.7 Sharing of mining royalties equally amongst beneficiaries

Mining royalties should be shared equally among beneficiaries. This will ensure that there are no conflicts over mining royalties, especially within territories and land owned in customary terms. To understand the unequal distribution of mining royalties it is important to understand the power relations and dynamics regarding land governance in communal areas. Zamchiya (2022) argues that unequal power relations determine who benefits from mining royalties. The Mining Royalties report (2018) also demonstrates that there are inequalities regarding mining royalties due to abuse and misuse by traditional leaders and local elites. Similarly, Matikinca (2020) asserts that communities are being starved of mining royalties due to lack of transparency. The perspective provided below demonstrate the nature of decision-making in communal areas, which deprive communities of their royalties:

> *If you look at the TKLB, the traditional Khoisan Bill, this act has a clause where traditional councils can make deals with investors without consulting the communities. Hence traditional leaders can sign away land without communities involved. However, the communal land laws do not provide them with such power. The IPILRA has not been made permanent, which shows the intention of the government. We have to protect the rights of those who live within rural communities. This law gives rights to those within communal land. Government keeps on passing bills to take away land. The customary laws do not allow the traditional leaders power and authority to take away land and speak on behalf of the community* (Participant 1, Male, FDG 4).

This perspective allows us to understand the dynamics which shape inequalities in distribution of royalties and benefits from mining.

Research participant 22 offered the following view:

> *There is no development that the mining brings to the community. The Social Labour Plan for instance does include the needs of the community. However, there is no proper consultation which is supposed to happen annually as needed by the SLP. Most traditional people lack proper literacy, they are just bribed by the mining company. However, the community will be affected by the mining. It means the community should be consulted. However, this does not happen. Most communities are not consulted* (Participant 22, Male, In-depth interview).

This statement points to the power dynamics which shape the imbalances in the benefits that should be accrued by communities. The Corruption Report of 2021 found massive corruption and mismanagement of community royalties in different mining locations in South Africa. For instance, an investigation by the public protector discovered that in the Bapo ba Mogale community, approximately R600 million was not accounted for (Corruption Report, 2021). In addition, another report from the Baloyi commission found that the Bakgatla ba Kgafela royal family could not account for about R2 billion (Wicomb, 2021). It is also estimated that the royal family once spent about R47 million in a single year. The family also placed family members in key political positions like the traditional council, which enabled the chief to evade accountability (Wicomb, 2019).

As explained, the dynamics inherited from the apartheid era still exist, since the authority of traditional chiefs are unchecked. The South African government has failed to implement a proper legislative framework which ensures proper land tenure for rural communities. Proper land rights would ensure that communities are able to negotiate their land rights and simultaneously receive proper compensation and benefits from mining companies. This is not possible under the existing legislative framework, which allows traditional leaders to abuse their power and hijack funds meant to benefit the whole community. Beside this, the previous Bantustan model which still exists obligates the minister of rural development to ensure that proposed land development deals or projects are conducted in a way which bypass the land rights of communities. Therefore, in most cases mining companies do not properly consult communities.

This study suggests that mechanism should be adopted to ensure that mining royalties are shared equally among the beneficiaries of the community where the minerals are found. This can be achieved through a more transparent process and agreement between the mining companies and the community. Therefore, before the mining licenses are granted, there should be a clear document and agreement which stipulates how mining royalties should be distributed within the communities. Since the community is typically a larger group, communities should choose representatives that should also oversee and administer how these royalties will be distributed to the rest of the community. In addition, there should be clarity with regard to the role of traditional leaders, and there should be mechanisms that allow traditional leaders to be held accountable with regard to their role in sharing of mining royalties. Equally important is ensuring that there exist mechanisms to hold traditional leaders and councils accountable for their role in mining royalties. The Mining Royalties Act (2018) suggest that traditional leaders should be obligated to submit audited financial statements and reports on a constant basis to communities. Communities should also be allowed to significantly scrutinise these documents.

8.4.8 Mining in a sustainable manner

This study proposes that mining should be delivered in a sustainable manner since mining operations have negative impact on the environment, ecosystem and health of communities. Rall (2018) demonstrates that the mining industry has a negative impact on air, water quality and the broader environment, negatively impacting the livelihood practices of communities. The South African Human Rights Commission report (2018) also demonstrates that the absence of strict enforcement further worsens the situation. Similarly, Laker (2023) observes that gold mining has a harmful effect on the environment. It is estimated that the gold industry is responsible for about 87,7% of the 533,6 million tons of waste generated in South Africa. Likewise, Botha (2015) shows that negative impact of gold mining involves toxic components like acids and heavy metals.

This study thus argues that mining should take place in a sustainable manner, since it has negative impact on ecosystems, territories and spaces where communities live. The issue of sustainability is a key part of contestation between rural communities, mining corporations and the state. From a political ecology perspective, the imbalanced power relations that exist between rural communities, government institutions and mining corporations have a significant impact on environmental damage. Mining is typically conducted on land already occupied by indigenous communities, ignoring their environmental and land rights. Similarly, based on Harvey's accumulation by dispossession theory, mining extraction of indigenous resources is based on the capitalist mode of production which seeks to accumulate profit through dispossessing communities.

This study thus recommends that there should be strong mechanisms to ensure that mining is sustainable. For instance, government institutions like the Department of Mineral Resources and Energy (DMRE) have a legislative mandate and obligation to consistently monitor mining operations. Specific mining operations, especially coal, have harmful impact on the environment and health of communities. Therefore, the absence of regulatory mechanisms can negatively impact communities, which can lead to conflicts over land rights and environmental rights. In addition, this role should also not be confined to government departments, but also to other levels and spheres of government, especially local government which should constantly monitor mining activities and their impact on the environment. Furthermore, communities should also be provided the opportunity to express their opinion and perspectives on mining operations and be allowed to provide their own assessments.

The issue of sustainability is key to opposing mining and other developments. The Xolobeni community also expressed the notion that mining is not a sustainable form of development. Participant 17 noted in this regard:

That's why we are fighting that act (MPRDA act 28 of 2002), because they say we own the land on top, while they own the underground. That's why we are trying to change the act and also amend it. We are being affected by the activities since we are on top. The reason why these communities are against the mining is the impact on the environment. The minimum benefit and the loss of culture and land which will happen to these communities.

The above response describes the lack of sustainability of mining. Mining operations move beyond loss of land rights to include environmental damage which also impacts the ability of communities to continue with their livelihood practices.

Participant 18 explained why mining is not sustainable:

The reason why we are against mining is that we survive on the land. We are able to farm things like yam. There is also cannabis. We survive on these things. Hence, we are trying to protect the land, since we survive on it. It is for a short time. When they leave, they will have harmed our land. Another reason is that we have eco-tourism. Mining cannot exist alongside it. This land is very beautiful. No one will come if we allow mining. The land in Pondoland is very popular due to its beauty. Though it is slow, eco-tourism does not harm the environment (Participant 18, Male, In-depth interview).

This response expresses the notion of mining sustainability and how it will impact the community. The participant remarks how mining will come for a limited time, but with huge environmental costs. In addition, the participant also stresses the notion of existing livelihood practices in the Xolobeni, which will be disrupted by the mining company.

Lack of sustainability was expressed by most research participants:

There is no development that will come from mining. In any case, these things, these are supposed to happen without mining. There should be development. They have an obligation to provide us with development without mining. Mining, we do not want it. Development will not happen with mining. There are places that have mining. The environmental damage where mining is too much (Participant 20, Female, In-depth interview).

This participant further provides an explanation for the lack of sustainability of mining and how it will impact their existing forms of development due to its impact on the environment. This argument also finds support in the literature. For instance, Stenberg and Raffie (2018) show that land-grabbing has implications for traditional livelihood practices which include hunting and gathering, fishing, farming, and indigenous ecosystems. In addition, Yang and Hier He's (2021)

study on global land-grabbing demonstrates that, land-grabbing has implications for the lives and livelihoods, in particular loss of customary land rights results in replacement of traditional land use with modern land use which emphasise on extractive surplus creation from the land. Ngang and Ashukem (2022) correspondingly argue that although some view land-grabbing as presenting economic opportunities for the local people, land-grabbing leads to displacement of indigenous communities and affects land as a source of their livelihood.

A study by Mwakesi *et al.* (2020) in Kenya also found that mining had a negative impact on existing livelihood practices. In Taita Taveta, agricultural land was heavily impacted by mining operations. A study by Agariga *et al.* (2021) in Ghana also shows that mining had a negative impact on water sources which had a broader impact on other livelihood practices like agriculture. Therefore, the discourse of mining sustainability in communities like Xolobeni is driven by the negative impact of mining on existing livelihood practices. This was also supported by the following research participants:

> *Mining has divided the community here. As you see us, we no longer agree without most people within our community. When they were drilling the initial holes for the mining, the mine washed away livestock and nearby homesteads. There is also intimidation due to the issue of those who are pro-mining under XOLCO. We are fighting for the future generations so that they can have land* (Participant 1, Male, In-depth interview).

> *We are against mining because we are farming. We also have livestock like cattle, goats. In addition, we also have our unique plants that are for medicine. This land is very beautiful, hence it should not be harmed. Mining has persecution. Most people have been intimidated due to being anti-mining* (Participant 5, Female, In-depth interview).

The view that mining is not sustainable also shapes the discourse of alternative development practice. The discourse of alternative development was common among research participants in the Xolobeni community. Although different development strategies are proposed, most of these strategies experience the same fate, since communities are not involved. In addition, alternative development practices shaped by their cultural and traditional practices are also neglected. This explanation helps to understand the Xolobeni community.

There is a tendency for communities to question the logic which justify proposed development projects:

> *There is no development that will take place. I have anxiety due to the issue of mining. I don't think mining will bring development. If they had spoken to us initially, it would have been good. However, initially they never spoke with us* (Participant 9, Female, In-depth interview).

A common view on the local economy was that existing livelihood practices like eco-tourism and agroecology should be seen as proper alternatives to mining:

> *Eco-tourism is one which is linked with the culture and heritage of the people. There are histories and sacred sites which show that there are people who were here before. Eco-tourism does not harm the environment. Mining will harm the environment. For us in the mining areas, the community cannot farm. There is also no proper water source. There is also sand (dust) in these communities* (Participant 1, Female, FDG 1).

In Xolobeni, existing livelihood practices are expressions of alternative development strategies. In indigenous communities, there is a link between cultural practice and land, which also extends to existing forms of livelihood. Therefore, the expression of alternative development is substantiated by the fact that there are existing livelihood practices which should be supported. While communities have their own livelihood practices, it is often argued that mining brings a many economic benefits compared to traditional and subsistence practices. Therefore, the issue of sustainability demonstrates the complexity of trying to reconcile two different economic strategies, while also acknowledging the cultural, environmental and land rights of communities. Therefore, the study suggests that beyond the issue of sustainability of mining practice, the input of communities should also be taken into account when decisions with regard to mining operations are adopted. The study suggests that sustainability should move beyond the issue of mining corporate responsibility to considering the input, opinion and expression of communities when making and adopting decisions regarding mining operations.

The issue of sustainable mining operations should be conceptualised broadly. It should include providing communities with the ability to express their voice and educating and capacitating them to ensure that they are knowledgeable about their rights with regard to mining activities. Another important dimension of sustainability is to ensure that communities have equal access to information. Aspects like the potential impact of mining on the environment should be discussed to avoid future conflicts.

Mining royalties is also a key aspect of sustainability. Mining operations have negative impact on the land and environmental rights of communities. The process of extracting resources involves intense labour. Therefore, the study proposes that mining royalties and compensation should be a

key part of issue of sustainability. Mining also negatively impacts on the existing and cultural practice of indigenous communities. Equal benefits should be seen as a way of compensating for the tangible and intangible loss that occurs due to current and future mining

8.5 Conclusion

The main aim of this chapter is to provide an analytical framework for the political, ecological, economic and cultural discourses that shape resistance in Xolobeni. Xolobeni can be seen as a representation of the struggles for land, territory and ecological space between rural communities and mining corporations on the other hand. This study suggests that there is a need to reform the current customary land legislation to ensure that there is clarity with regard to the land rights of indigenous communities. Currently the South Africa government, like most governments in the Global South, justifies land-grabbing under the guise of development, economic growth, poverty alleviation and its perceived role as a developmental state. It thus views itself as the custodian of development.

The study subsequently presents a framework which proposes the reforming of current customary land legislative frameworks. This process should recognise that there is a reciprocal relation that exists between the community and their ecological space, land and biodiversity. The study proposes that addressing customary land legislation will also have implications for other aspects like separation of surface rights and underground rights. Currently, this provision has a negative implication for the land rights of communities. Hence, the complex nature of this provision can only be sufficiently addressed if there is an existing framework for customary land rights, which provides proper security and tenure, and recognise the cultural expression of communities.

Chapter 9: Conclusion and recommendations

9.1 Introduction

The previous three chapters provided a critical discussion of the main premise of this study, which is that there are underlying political, economic, social and ecological discourses which inform rural resistance in the Xolobeni context. The current chapter will briefly discuss the recommendations and conclusions emanating from the study. The recommendations will in particular pay attention to the strategies that can be adopted to address the nature of land tenure, the lack of consultation and the unequal compensation which typically occur in communities like Xolobeni. The premise of the study is that land disputes in the rural side of South Africa should be understood in the context of weak land tenure in these communities. The chapter will also provide recommendations on how issues of community involvement should be part of development strategies in communities like Xolobeni so as to avoid contestations and insurgency.

This chapter also provides a summary of the research findings, especially the findings provided through a critical discussion in the previous three chapters. The study argued that the contest for land and ecological resources in the Xolobeni area should be understood in the context of the underlying political, economic, ecological and cultural discourses adopted by rural communities like Xolobeni. These underlying discourses are crucial in legitimising resistance and thus help indigenous communities to reject and challenge land development projects in their territories. The power dynamics at the core of these land conflicts should also be considered in exploring rural resistance in communities like Xolobeni and the broader Global South territories. The neoliberal ideological policy is crucial for understanding how powerful state actors draft and implement policies which create vulnerabilities and pose risks to indigenous communities, thus contributing to them being victims of land-grabbing and dispossession practices.

These land-grabbing practices are driven by different multinational corporation interests, from extractive industries to agro-business, green energy corporations and other renewable practices. Indigenous communities who are vulnerable to displacement, are at the forefront of contests for ecological space, and they are opposed by global corporations and traditional leaders. The Xolobeni land debacle is not unique, as it represents the continuing nature of neoliberal-driven land dispossession and contest for natural resources in Global South territories. To better understand the dynamics and power struggles that underlie the issues and interpretations contributing to the incessant contestations, the study employed the political ecology theory, the accumulation by

dispossession theory and the post-development theory as lenses to explain the Xolobeni rural land and resources contestations.

9.2 Background and research questions

Chapter 1 was informed by the main objective of this study, which was to *critically analyse the underlying ideologies, narratives and interpretations shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni*. Accordingly, the study also accentuated that the political ecology theoretical framework is key to understand the contest for ecological resources and physical resources in indigenous communities. Beside the political ecology theoretical framework, the study was also directed by the post-development framework, which outlined how development discourses imposed on local communities. The contest for natural resources and territories should be seen as being driven by specific power dynamics, as power imbalances in particular determine the outcome of contest for land and natural resources in indigenous communities. To understand how ecological resources are accessed and distributed, it is important to understand the power relations which impact how these resources are owned and governed. These power relations are also crucial for understanding the contest for ecological resources between indigenous communities and powerful state actors.

The key research question that the study aimed to answer, was *What are the underlying ideologies, narratives and interpretation shaping rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni?*

The study intended to provide a critical and nuanced discussion which could contribute significantly to the debate and scholarly discussion on land ownership, rights, access and usage, through a thorough interrogation and understanding of the ideologies, narratives and interpretations shaping rural resistance to state and capital ownership of communal land and resources in South Africa. To achieve this, the following research objectives informed the study:

1. To analyse the scholarly views and discourses on rural land access, ownership, mineral rights, dispossession, and resistance in mining contexts.
2. To analyse the existing sociological theories that can be used to understand, the varying and competing narratives, ideologies and discourses that inform rural land contestations and resistance in Xolobeni.
3. To determine the applicable methodological approach for studying the interplay of rural ideologies, interpretation and discourses on ownership, mineral rights, and resistance in Xolobeni.

4. To examine the nature of the rural resistance in Xolobeni.
5. To identify and critically analyse the different ideologies, interpretations and narratives that shape resistance and confrontations in proposed mining project amongst actors in Xolobeni.
6. To present a framework on the ecological, political and indigenous, ideas and narratives that shape contestation over land, access, and ownership in rural South Africa; and
7. To provide a conclusion and recommendations regarding power dynamics shaping rural resistance to land dispossession in rural South Africa.

These research objectives informed the methodological orientation of the study throughout the engagement with the research participants from Xolobeni. The scope of questions asked during the data collection process were also informed by these objectives. The study thus adopted a qualitative approach, which gave the Xolobeni participants the opportunity to provide a subjective insider-perspective about their understandings of the nature of the land contestation and the underlying issues contributing to the debacle. The study used purposive and snowball sampling techniques to recruit the research participants. In addition, the study used a mixture of face-to-face, in-depth interviews, zoom interviews and phone interviews to collect the information from the research participants.

9.3 Summary of the research findings

The findings of the study, particular in chapter 5 of the study, documented that there are specific power dynamics which shape rural resistance in the Xolobeni case. The role of traditional leaders, the South African government and legitimised discourses is crucial for understanding rural resistance. The contest for ecological resources and physical resources such as land in communities like Xolobeni should be understood in the context of the dual form of governance, where modern laws for governing physical resources and communities exist alongside traditional forms of governance. This dual form of governance has been criticised throughout by participants for its overlapping and contradictory nature. While existing legislation affords land rights for communities like Xolobeni, the influence of traditional forms of governance undermines these land rights. Traditional leaders take advantages of the confusion about the scope of their powers, which is a result of the dual forms of governance. Although the South African government can address this through reinforcing laws which protect the land rights of these communities, the government has instead attempted to draft laws like the Traditional Khoisan Bill, which will actually provide more power to these traditional leaders.

Understanding this situation is crucial to comprehend the issues which drive rural resistance in communities like Xolobeni. These issues were also comprehensively discussed in chapter 5 of the

study. As explained earlier, the dual system of governance provides laws which overlap and contradict each other, with the consequence that the land rights of communities are easily bypassed to accommodate the interest of global corporations. One of the issues that drive resistance in rural communities, is resistance against imposed development. The findings of the study reveal that the unequal power relations in communities like Xolobeni allow governments and powerful state actors to impose development on indigenous communities, since development includes the ideology which inform how land should be owned, and the economic strategies which should inform ownership and access.

Communities like Xolobeni do not passively agree with the perspective of how land should be governed and accessed – they adopt specific discourses informed by their understanding of how nature and resources should be accessed and owned, to reject and challenge the neoliberal concept. The study also found that resistance in Xolobeni is driven by the notion that the proposed mining project is conflicting with the existing livelihood practices of the community. The Xolobeni community already have their own forms of livelihood, which are informed by the social relationships that exist in the community, and by the connection that exists between the community and their land and nature. Ecotourism and agroecology, in particular, were livelihood practices that were regarded as an alternative to economic strategies like mining in the community. The participants felt that mining would disrupt these livelihood practices, as the community expressed how mining is known for its negative environmental impact on the livelihoods and well-being of communities. The fear of potential loss of ancestral land was also identified as a common issue that drives rural resistance, especially in indigenous territories. Hence, one of the findings of the study was that the resistance in Xolobeni is driven by the threats to existing land rights. Although communities like Xolobeni have specific land claims and rights under the existing regimes of land ownership, the neoliberal economic policy prioritises economic initiatives and supposed development approaches that threaten the existing land claims and livelihood practices in these communities.

Most of the participants emphasised that they would lose their land if mining was permitted to continue in Xolobeni. For communities like Xolobeni, the land holds a specific cultural, ecological, symbolic and spiritual importance; contrary to the neoliberal framework, which views land as a commodity where value can be extracted. Indigenous communities value their land beyond economic and monetary terms, and it was this contradicting perspective that influenced the contestation for land in the Xolobeni community.

Furthermore, it was the purpose of the study to interrogate the underlying ecological, political and indigenous discourses, narratives, and ideas engaged by the Xolobeni community in resisting state ownership of mineral resources and the resultant land dispossession. Chapter 6 of the study comprehensively discussed these aspects. These issues were divided into political, economic, cultural and ecological discourses of resistance.

The findings of the study demonstrated that anti-extractive sentiments, indigenous sovereignty, resistance against imposed development and resistance against the dual system of governance were common political discourses in resisting the mining project in the Xolobeni community. Anti-extractive sentiments, in particular, are common ways of expressing dissatisfaction with mining projects in indigenous territories. While most Third World governments view mining as an economic strategy that brings revenue for economic growth, there is a tendency to ignore how mining threatens the ecological space and land rights of communities (Canelas & Carvalho, 2023). Therefore, anti-extractive sentiments were also linked with other political discourses of resistance in the Xolobeni community, especially the need to abolish the dual system of governance, which is the key to understanding the vulnerability of rural communities to land-grabbing practices. The dual system of governance creates contradicting systems of governance and legislative frameworks, and the land activists from Xolobeni felt that this system should be abolished since communities already have the right to indigenous sovereignty, which is the right of communities to determine what happens in their territories. The indigenous right to sovereignty in particular is intimately linked with resistance to imposed development in the Xolobeni community, in that communities like Xolobeni have their own understanding of how land and resources should be owned and accessed. They expressed this understanding by claiming that since they have a right to self-determination, any imposed development in their community should be rejected and challenged.

9.4 Contribution of the study

The study went beyond merely discussing the political, economic, cultural and ecological discourses of resistance in the Xolobeni community. It provided a critical discussion of the nature of land tenure and land conflicts in communities like Xolobeni and the broader Global South territories. The discussion reflected on the power dynamics that shape land conflicts, and on the ways that communities shape their discourse in legitimising rural resistance. "The findings of the study are expected to contribute significantly to policy discussions on land ownership and rights in rural areas. The study, thus contributes to the theoretical discussion and practice of land conflicts in indigenous communities, as will be shown in the sections below.

9.4.1 Theoretical contribution of the Study

Studies on resistance have always been dominated by the social movement scholarship on urban collective action and the experience of social movements in global North countries. This notion is substantiated by Ntsebeza (2011), who argues that rural resistance is typically overlooked by studies on protest and resistance. In this context, the dynamics that shaped rural resistance in the Global South countries have always been neglected. While there have been studies that investigated rural resistance in the Global South, these studies have always attempted to study rural resistance under the narrow scope of social movement theory. However, rural resistance, especially in indigenous communities, is complex and cannot be understood through using the narrow lens of social movement theory. In contrast, the findings of the study reveal that there are underlying ideologies, narratives and ideas that shape rural resistance in rural communities like Xolobeni. It is important to understand such nuances and complexities when exploring rural resistance to proposed land deals.

Although land ownership, access and utilisation mainly drive contestation for resource distribution, The type of activities that drive contestation for land ownership, access and utilisation in rural areas is quite broader. It includes mining, conservation efforts, renewable energy projects and large-scale infrastructural projects (roads, dams and urban expansion) (Bebbington *et al*., 2018). In this context, through using the lens of the political ecology, post-development and accumulation by dispossession as the theoretical frameworks, the study provides theoretical insights to understanding rural resistance, the power dynamics at play, the issue which drive rural resistance and the underlying ideologies, narratives and ideas that shape rural resistance in rural communities like Xolobeni. In this sense, the theoretical contribution of this study is that it expands the scope of analysis when exploring and investigating rural resistance to large-scale land developments like mining.

While the literature on exploring and investigating rural resistance to large-scale land development like mining is confined to exploring the immediate issues that drive rural resistance (like loss of land, environmental impact, loss of traditional livelihood practices, erosion of cultural practices and threat to ecosystems), this study expands this scope by demonstrating that the underlying ideologies, ideas and discourses that drive rural resistance are relevant to explore. Exploring the underlying ideologies, ideas and discourses that drive rural resistance contributes to the debate on the interplay between indigenous rights, the discourse of development, mineral rights and land

governance in the rural side of South Africa. In the discourse of development, land deals and large-scale projects like mining are seen as types of development that will benefit communities and the nation at large. Exploring the underlying ideologies, ideas and discourses that drive rural resistance, provide a theoretical contribution which challenges this commonly accepted narrative of development as universal. Using the lens of the political ecology, this study also demonstrated the intersected nature of the issues driving rural resistance, for example cultural, political, economic and ecological factors. This broadened the scope of the political ecology theoretical framework by reflecting on the contradicting, typically incomparable cultural and ecological worldviews of communities resisting land deals and the market-state stakeholders who promote resource extraction (Barnajee *et al.*, 2023).

The study therefore argues that it is fundamental to comprehend the underlying ideologies, narratives and discourses which shape rural resistance, since such elements are often overlooked in theoretical studies. The political ecology theoretical framework in this study demonstrates that there are contradicting interpretations of economy, ecology and development between indigenous communities, rural land owners and rural farmers, and the market-state stakeholders who promote resource extraction. In addition, the accumulation by dispossession theory demonstrates that what is happening in Xolobeni is part of a broader pattern of contestation for resources resulting from the dispossession of indigenous areas to extract profit.

9.4.2 Contribution to practice

The land issue remains unresolved in post-Apartheid South Africa, even though certain measures were adopted to address land inequalities. In the rural homelands, in particular, land owners live without proper land tenure and means of ownership that protect them from land dispossession. The Xolobeni case demonstrates the failure of the post-Apartheid state to address the land issue. This study contributes to practice by reflecting on the underlying ideologies, narratives and discourses which shape rural resistance. Policy-makers typically ignore the significance and interpretations of rural communities regarding how land should be owned, accessed and utilised. Therefore, shedding light and providing insights on the underlying ideologies, narratives and discourses will assist in providing insights for policy-makers to make rational decisions regarding land ownership, access. The needs of rural communities should be considered when designing land policy and policies on mining.

There is a need to rethink the manner in which land is owned and accessed in rural communities. Mining, in particular, has a devastating impact on the land, ecological, cultural and economic rights

of rural communities. Therefore, the critical discussion in this study contributes to practice by providing a platform to rethink the way land can be owned and accessed in rural communities, since this has implications for the land rights, cultural and environmental rights of rural communities.

In the Xolobeni community, community members questioned the rationale of the development model (mining) which results in loss of land, cultural, economic and environmental rights. The community suggested alternative development discourses which contradict the mainstream economic discourses. The study thus contributes to practice, since it reflects on alternative development practice which should be supported to improve the livelihoods of rural communities. This will simultaneously have an impact on their ecological, cultural and economic rights. The role of traditional leaders always presents challenges to policy-makers. Traditional leaders are constantly accused of negotiating illegally on behalf of rural communities in cases of land dispossession. This study provides a platform to rethink the role of traditional leaders in land governance and argues that there is a need to reconsider their role in land governance in a manner which will benefit the land rights and livelihoods of rural communities.

9.5 Limitations of the study

The study had financial, methodological and theoretical limitations, as will be detailed in the following sections.

9.5.1 Financial limitations

Although the study interviewed quite a number of participants from the Xolobeni community, certain important stakeholders were not interviewed due to financial constraints. These include officials from the Ministry of Land Reform and Rural Development and the Department of Mineral Resources and Energy (DMRE).

9.5.2 Methodological limitations

The study used the snowball sampling method, which implies that the research participants only provided referral to other participants who had similar perspectives on the mining projects. However, this was a drawback on its own and as such the researcher had to rely also on purposive sampling to select participants for the study. Therefore, the researcher failed to contact other key stakeholders like pro-mining community members. Nonetheless with the help of purposive

sampling the researcher was able to involve various actors in the study. The decision not to engage with pro-mining community members was based on the focus of study, which sought to understand the perspective of the anti-mining community members. This was a limitation in providing a comprehensive perspective on the Xolobeni conflict. The study also used a qualitative research method, which limits its generalisability, however with the thick and rich account of the study there can be some limited transferability of the study findings to other settings. In addition, the findings are confined to the context of Xolobeni and cannot be applied to other contexts, due to the unique circumstances and conflict dynamics in the Xolobeni case.

9.5.3 Theoretical limitations

The study used the political ecology, post development and accumulation by dispossession theoretical frameworks, which might not have comprehensively captured the nuance and aspects at interplay in the Xolobeni context and other related rural contestations. Furthermore, the theoretical insights of the Xolobeni situation might not be applicable to other circumstances, because the Xolobeni case is marked by distinctive circumstances and conflict nuances. Another theoretical limitation was that the study was not able to examine and comprehensively explore resistance itself its types and forms and how it's being conducted or unfolding, the theories that are applicable. This is because the study was concerned with unpacking the underlying issues contributing to the contestations and how such an understanding can be employed to address future rural struggles.

9.6 Recommendation and implications for future research

This section presents the recommendations suggested by the current study with concern to the underlying ideologies, narratives and discourses that shape rural resistance in the Xolobeni community. The purpose of these recommendations is to provide advice regarding how land should owned and accessed in rural communities like Xolobeni. Firstly, the study has demonstrated that the communities like Xolobeni are excluded from discussion and negotiations for mining agreements and license. While the Minerals and Petroleum Resources Development Act 28 of 2002 in Section 10 states that host communities should be consulted and part of the mining license discussions, most communities (including Xolobeni) are excluded from these important discussions, which undermines their land rights. Traditional leaders, in particular, illegally negotiate on behalf of the communities during negotiations for mining license. Therefore, the recommendation of this study is that mining licenses should be granted only after evidence of community participation in the licence

discussions and after communities had been made aware of their rights and the implications of the mining project.

The role of traditional leaders in land governance, land rights and governance of rural communities remain elusive. Their role contradicts modern ways of governance, since current legislative frameworks, like the Traditional Leadership Governance Framework Act 41 of 2003, do not provide specific and defined roles regarding land governance. Traditional leaders abuse the ambiguity regarding their role in rural governance, by undermining the land rights and cultural rights of rural communities. This is contrary to the notion that traditional leaders are supposed to be custodians of the cultural and customary expression of rural communities. Therefore, the role of traditional leaders regarding land governance should be clarified. The existing ambiguity has negative implications for land rights and cultural expressions of rural communities like Xolobeni. Such clarification will also resolve the land conflicts that manifest and emerge when the land rights of communities like Xolobeni are under threat. In South Africa, rural development remains unresolved and most livelihood practices of rural communities are deliberately undermined. The findings of the current Xolobeni study demonstrate that there are existing livelihood practices which should be supported by the government. Members of the Xolobeni community are of the opinion that mining cannot coexist with existing livelihood practices like eco-tourism, agroecology and small-scale farming. In most instances such livelihood practices are overlooked when land development projects like mining are proposed. Therefore, besides the intangible loss of culture, connection to land and ecosystem, communities also suffer an economic loss through erosion of their livelihood practices. This study therefore recommends that before any proposed development, stakeholders should first consider the views of the community on their existing livelihood strategies, what can be done to support them, and in what ways they can coexist with the proposed developments.

Given the nature of the Xolobeni situation, the study understands that the process of consultation is a complex one. There are many stakeholders in the community, which include the villagers, traditional leaders, municipalities and NGOs like Save the Wild Coast. The community for instance is divided into two camps of pro-mining and anti-mining, therefore the study suggests that decision adopted based on consultation should be based on community consensus or the majority of community members. The consultation process should also adhere to the Free, Prior, and Informed Consent (FPIC) stipulations. FPIC states community involved can only occur if its members are fully aware of the proposed mining projects, especially the potential benefits and costs. It also

advoctes for transparency in the process of reaching the consensus, and that the collective opinion of the community members should be respected. To this end, consultation should be premised on the notion of equal treatment of actors and balanced access to informative resources about the envisaged mining or development initiatives

The Xolobeni community land conflict demonstrates the weak nature of communal land tenure. Section 25 of the Constitution provides protection to those that own land under private property means; but the situation is different for communal land tenure. The dual form of governance, where governance by traditional leaders exists alongside modern forms of governance, also worsens the situation. The weak nature of communal land tenure contributes to land dispossession, which undermines the land rights of rural communities. Thus, the study argues that the interests and needs of the community should be respected. In this study, the Xolobeni community argued that the current communal land tenure should not include the role of traditional leaders, but instead decisions should be implemented at household level, with the assistance of the headmen. The recommendation of the study is that communal land tenure should be recognised by taking into account the needs of rural communities, and that the role of traditional leaders should be clarified. Currently, the Traditional Khoisan Leadership Act is one of the attempts to address communal land ownership, however, findings from the study reveal that it is being rejected by community as it does not promote priory community engagement and consultation. Moreover, the Act creates unequal power imbalances and enhances traditional leadership dominance in development processes. The study calls for the need to reform this legislative framework so at to ensure that it accommodates the views of communities through a robust consultation process.

In light of the above recommendations, future studies should investigate how the dual forms of governance contribute to the undermining of land rights for rural communities. Future studies should also conduct a comparative analysis of case studies from different countries (especially in Sub-Saharan Africa). This will contribute considerably to understanding the nuances of rural resistance to land-grabbing practice. Lastly, studies should explore the meaning, interpretation and perspective of development in rural communities, since it will facilitate an understanding of the underlying causes of rural resistance to large-scale development projects like mining, dam, conservation and renewable energy projects. Future studies should interrogate the various power dynamics that emerge from the ownership of surface land and underground rights. Multi-actor studies should also be done on the various interpretations of rural land ownership and rights, so as to explicate the shared understanding of issues of ownership and the roles of specific actors in terms of land ownership, access and rights. Comparative studies on proposed development initiatives and

rural resistance will also be valuable, as it can investigate, among others, the underlying issues that prompt community resistance in different cases, and the strategies used by different communities.

9.7 Conclusion

The current research sought to critically analyse the underlying ideologies, narratives, and interpretation that shape rural resistance to land occupations and confrontations between rural communities and corporations in Xolobeni. The study found that there are immediate issues which drive rural resistance in the Xolobeni community, such as loss of land, loss of cultural expression, intangible loss (connection to ecosystem), threats of mining to existing land ownership, and threats of mining to existing livelihood practices. The community experienced the development as being imposed on them, because it was proposed and planned without their input. Through the lens of the political ecology, post development and accumulation by dispossession theoretical frameworks, the study demonstrated the underlying ideologies, narratives and interpretations that shape rural resistance in the Xolobeni community.

This chapter has also provided recommendations for future studies. The current study thus made a significant contribution to the current discourse by extending the scope of the current analysis of rural resistance to land-grabbing practice. The findings of the Xolobeni case contribute significantly to understanding the nuance of land ownership and access to land, and how it interplays with rural resistance and state ownership of mineral rights.

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Appendix 1 Authorized Letter

Winnie Madikizela-Mandela Local Municipality

Date : 10 May 2023
To : Trevor Chaitezvi
From : Senior Manager: Corporate Services
Subject : Authority to conduct research – WMMLM

The subject matter above refers:

Morning Sir

I received the email from the office of the Accounting Officer. I hereby confirm that the authority to give permission to similar undertakings are delegated to Corporate Services.

The request is accepted and the permission is granted for you and your university to gather all the information necessary for the completion of the study.

The permission is issued subject to the applicable municipal policies and the provisions of the relevant legislation in particular the Municipal Systems Act 32 of 2000 and the applicable policy or policies of the university as well on matters of research ethics.

Regards

Mr Z Gwala
Snr Manager – Corporate Services

WINNIE MADIKIZELA-MANDELA
LOCAL MUNICIPALITY
CORPORATE SERVICES
10 MAY 2023
PO BOX 1[illegible]BIZANA 4800
TEL: [illegible]
SIGNATURE

Appendix 2: Interview Schedule



Xolobeni Interview Guide:

Land ownership

(1) What does owning land mean to you?

(2) How important is the land and environment to you (the plants, trees, water resources)?

(3) Can you provide a brief history of land ownership in the community?

- How long has your family or you stayed in the community?
- Can you tell us more about your family history of ownership of this communal land?

(4) Do you as an individual feel like you own the land?

(5) What challenges do you face in the ownership of land in Xolobeni?

(6) What is your view on the importance of protecting the environment and natural resources in our area?

- Can you explain the cultural significance of certain sites, such as graves, within our community?
- How does the protection of these sites contribute to the resistance against mining?

(7) The government says they own the minerals within your land, what is your perspective on this?

- Whom do you think has the rights and in what ways?
- Do you think the government should own your minerals?

Nature of resistance

(8) What is your understanding of the proposed mining project in Xolobeni?

(9) What are the underlying reasons for your resistance to the proposed mining project in Xolobeni?

- What has contributed or led to the community resistance towards the mining project?

(10) In what ways has your idea(s) and interpretation(s) of land ownership influenced your decision to oppose the proposed mining project?

(11) Can you provide me with a detailed description or account of your resistance or confrontation with the government and mining company over the proposed mining project?

(12) How have you organized and mobilized community members in their resistance against mining?

- Who were the key actors?
- What strategies and tactics have you employed?
- In what ways have your actions been successful in preventing mining operations and land grabbing?

Supposed benefit and limitation of mining in Xolobeni

(13) The mining company states that the Xolobeni community will benefit from its mining activities, what is your perspective on this?

- Who benefits and in what ways?

(14) Do you think the community can actually benefit from mining, for instance through job creation, infrastructure provision, etc ?

(15) How do you think mining will impact the community if given the license to operate?

- Land
- Environment
- Jobs
- Infrastructure
- Well-being

Stakeholders

(16) What is your perspective on the role of traditional leaders in granting mining rights to Mining corporations?

(17) What is your view on the role of the government and other external stakeholders in the mining conflict? How has this influenced their approach and actions?

(18) Do you think villagers and communities should be involved during the discussion and dialogue of granting mining rights to mining corporations?

(19) The mining company and the government have promised that granting mining rights will lead to development and improving infrastructure|. What is your perspective? do you think, mining will really result in development?

- In what ways will it enable/contribute to development?
- In what ways will it hinder your development as an individual, family or community?**Challenges**

(20) What challenges have you encountered as a family/community/individual when owning land in Xolobeni?

(21) What are the challenges have you faced in the efforts to protect the land and natural resources in Xolobeni?

Suggestions

(22) What strategies and methods can be adopted by the government to avoid future confrontations on land ownership?

(23) In what ways do you believe eco-tourism and other sustainable livelihood strategies can be valuable alternatives to mining in our community?

(24) If the government was to do one thing correctly to avoid such confrontations or resistance in Xolobeni, what would that be?

Appendix 3: Ethical Clearance Certificate



Private Bag X1290, Potchefstroom
South Africa 2520
Tel: 018 299-1111/2222
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Basic and Social Sciences Research Ethics Committee (BaSSREC)

Faculty of Humanities Ethics Office for Research, Training and Support
Tel: 018 389 2690
Email: Ethetics.Idemudia@nwu.ac.za

Senate Committee for Research Ethics
Tel: 018 401 4446
Email: Fezeka.Mbeki-Hlo@nwu.ac.za

29 November 2023

ETHICS APPROVAL LETTER OF STUDY

Based on approval by the **Basic and Social Sciences Research Ethics Committee (BaSSREC)** on **28/11/2023**, the Basic and Social Sciences Research Ethics Committee hereby **approves** your study as indicated below. This implies that the North-West University Senate Committee for Research Ethics (NWU-SERC) grants its permission that, provided the special conditions specified below are met and pending any other authorisation that may be necessary, the study may be initiated, using the ethics number below.

Study title: Rural social movements, mineral rights, and indigenous land rights in post-Apartheid South Africa: The case of the Xolobeni Community.

Study Leader/Supervisor (Principal Investigator)/Researcher: Dr. G. Mupambwa

Student/Research Team: T. Chaiteuvi (37026896)

Ethics number: NWU-01045-23-A7

Institution – Study Number – Year – Status
Status: S = Submission; R = Re-Submission; P = Provisional Authorisation; A = Authorisation

Application Type: Single Study

Commencement date: 28/11/2023 **Risk:** Low risk

Expiry date: 28/11/2024

Approval of the study is initially provided for a year, after which continuation of the study is dependent on receipt and review of the annual (or as otherwise stipulated) monitoring report and the concomitant issuing of a letter of continuation.

Special in process conditions of the research for approval (if applicable):

General conditions:

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, the following general terms and conditions will apply:

- *The study leader/supervisor (principal investigator)/researcher must report in the prescribed format to the BaSSREC:*
  - *annually (or as otherwise requested) on the monitoring of the study, whereby a letter of continuation will be provided, and upon completion of the study; and*
  - *without any delay in case of any adverse event or incident (or any matter that interrupts sound ethical principles) during the course of the study.*

1

- *The approval applies strictly to the proposal as stipulated in the application form. Should any amendments to the proposal be deemed necessary during the course of the study, the study leader/researcher must apply for approval of these amendments at the BaSSREC, prior to implementation. Should there be any deviations from the study proposal without the necessary approval of such amendments, the ethical approval is immediately and automatically forfeited.*
- *Annually a number of studies may be randomly selected for an external audit.*
- *The date of approval indicates the first date that the study may be started.*
- *In the interest of ethical responsibility, the NWU-SCRE and BaSSREC reserves the right to:*
  - *request access to any information or data at any time during the course or after completion of the study;*
  - *to ask further questions, seek additional information, require further modification or monitor the conduct of your research or the informed consent process;*
  - *withdraw or postpone approval if:*
    - *any unethical principles or practices of the study are revealed or suspected;*
    - *it becomes apparent that any relevant information was withheld from the BaSSREC or that information has been false or misrepresented;*
    - *submission of the annual (or otherwise stipulated) monitoring report, the required amendments, or reporting of adverse events or incidents was not done in a timely manner and accurately; and / or*
    - *new institutional rules, national legislation or international conventions deem it necessary.*
- *BaSSREC can be contacted for further information or any report templates via BaSSREC-Admin@nwu.ac.za.*

The BaSSREC would like to remain at your service as scientist and researcher, and wishes you well with your study. Please do not hesitate to contact the BaSSREC or the NWU-SCRE for any further enquiries or requests for assistance.

Yours sincerely

Prof. E. Idemudia
Chairperson NWU Basic and Social Sciences Research Ethics Committee

2

Appendix 4: Informed Consent Letter

Basic Social Sciences Research Ethics Committee (BaSSREC)

DATE: 29 November 2023

BaSSREC Authorisation



PARTICIPANT INFORMATION LEAFLET AND CONSENT FORM

Title of the research project	Rural social movements, mineral rights and indigenous land rights in post-Apartheid South Africa: The case of the Xolobeni Community.
Ethics number	**NWU-01045-23-A7**
Principal investigator	Trevour Chaitezvi
Student number	37026895
Address	**27 Edwin Cornroy Street. SE7 Vanderbjilpark**
Email address	**tgamechaitezvi@gmail.com**
Contact number	**0715231132**

You are being invited to take part in a research project that forms part of my PhD study. Please take some time to read the information presented here, which will explain the details of this project. Please ask the researcher any questions about any part of this project that you do not fully understand. It is very important that you are fully satisfied that you clearly understand what this research is about and how you could be involved. Also, your participation is **entirely voluntary** and you are free to decline to participate. If you say no, this will not affect you negatively in any way whatsoever. You are also free to withdraw from the study at any point, even if you do agree to take part. Prior to publication of the study's results (or the point that publication is in process), you may also withdraw the data you generate.

This study has been approved by the **Basic and Social Sciences Research Ethics Committee (BaSSREC) of the Faculty of Humanities of the North-West University (NWU, Vaal Triangle.)** and will be conducted according to the ethical guidelines and principles of the international Singapore Statement on Research Integrity (2010) and the ethical guidelines of the National Health Research Ethics Council. It might be necessary for the research ethics