

Chapter Eight

The Abolition of the Venda *Vhuhosivhuhulu*: the Mushasha Commission of Inquiry

This chapter and the next one aim to critique the work of the three Commissions which played a part in the abolition and the restoration of *vuhosivhuhulu* of the Venda polity. The Mushasha Commission of Inquiry into Venda *Vhuhosi* Affairs, The Ralushai Commission of Inquiry and the Nhlapo Commission of Inquiry will be used as the terms of reference for this part of the thesis. The appointment of Commissions was necessitated by persistent conflicts within traditional leadership – in the case of the Nhlapo Commission, not only in Venda, but throughout South Africa. The mandates and the proclamations made by the respective governments (Venda “homeland” in the case of the Mushasha Commission and the reunited post-apartheid South African government in the case of Ralushai- and Nhlapo-led investigations) after the final reports were received, will be analysed critically. This chapter will look into the work of the Mushasha Commission and its findings.

The Mushasha Commission

The report of the Mushasha Commission comprises three huge volumes. Of interest to this thesis is the first part and, to a lesser extent, the second part of the Commission’s work. The Mushasha Commission of Inquiry into Venda *Vhuhosi* Affairs was appointed by the former Venda military ruler, the late Brigadier Mutheiwana Gabriel Ramushwana on 18 May 1990.¹ The Commission was appointed in terms of a notice in the Government Gazette of the same date as the appointment. Ramushwana appointed Advocate Jackson Maela Mushasha as Chair of the Commission. The other members of the Commission were former University of Venda Deputy Vice-Chancellor and Professor of Anthropology, the late Victor Nkhumeleni Ralushai and Professor of Anthropology at the University of the Witwatersrand, Johannesburg, the late D.W. Hammond-Tooke. The Venda government of National Unity, also co-opted into the Commission Mr. M.P. Nengovhela, a Magistrate in the District of Mutale.

¹ *Commission of Inquiry into Venda Vhuhosi Affairs I*, Government Publishers, 1990, p. 3.

The first sitting of the Commission was on Monday, 25 June 1990 at 11:30 in Sibasa. The Commission started with the Chairperson, Advocate Mushasha, introducing the members. He drew the attention of those attending to the mandate given to the Commission by the Chair of the Government of National Unity, Brigadier Ramushwana. The Government Gazette noted that the commission was appointed in terms of Section 1 of the Commission Act, 47 (Act 8 of 1947). It is interesting to note that the Act which was used as guideline for the Commission investigating into Venda *vhuhosi* in the supposedly independent Venda Republic, was a South African Government Act. This was yet another confirmation of the extent to which the Venda Republic and the South African Republic were intertwined in terms of identity, laws and geographical dependence on each other.

The Commission was given the following mandate by the Government of National Unity to inquire into, consider and report on the validity of the division of the Mphephu and Sinthumule Territorial Councils' areas and the creation of the Musekwa, Ravele, Mulambilu and Tshifhire *vhuhosi* due to the alleged non-compliance with the provisions of Section 68 A of the Republic of Venda Constitution Act, 1979 (Act No. 9 of 1979). It was also tasked to look at the validity of the installation of the present *mahosi* to the newly created *vhuhosi* referred to above, in the light of the provisions of section 68 A of the Republic of Venda Constitution Act, 1979 read in conjunction with the *Vhuhosi* Administration Act, 1986 (Act No. 14 of 1986). The Commission had to look at the merits and demerits of application for creation of new *vhuhosi* and any *vhuhosi* where problems exist having relation with such *vhuhosi* and any other matter related thereto.

The rationale behind the appointment of the Mushasha Commission was the alleged non-compliance with the provision of section 68 A of the Republic of Venda Constitution Act with regard to the appointment of or the creation of *vhuhosi* in the Mphephu and Sinthumule areas, i.e. with terms of reference (c) and (b). What gave rise to the inquiry were the complaints which emanated from different areas in the Republic of Venda regarding the legitimacy of certain appointments and the inflow of certain applications for the creation of new *vhuhosi*. Buthelezi and Skosana argue that Brigadier Ramushwana needed the "symbolic ritual" of an official commission to mark *vhuhosivhuhulu* of Venda as an apartheid intervention and to enable him to loosen himself from the requirement in the Venda

Republic's legislation that the head of state had to subject himself to the *khosikhulu* of the Venda people.²

The Commission members agreed that they would deal with the terms of reference (a) and (b) first; i.e. the validity of the division of the Mphephu and Sinthumule areas and the creation of new *vhuhosi* for the areas. The commission members led by Advocate Mushasha reached consensus that they would enquire into this matter and report immediately; after which they would deal with individual complaints from different areas. Reports about the individual complaints were to be made from time to time. It was therefore agreed that Mr. Nengovhela would be the one leading the evidence on behalf of the Commission.³

The focus of this chapter will be on evidence given by the following witnesses, Mr. Phillip Mulaudzi, *Gota* H.N. Musekwa, Mr. Reuben Mungomeni, Mr. Toni Josiah Ramabulana, *Gota* C.N. Mphephu, former President *Gota* F.N. Ravele, Mr. E. Nageli, *Thovhele* J.T. Sinthumule, *Gota* T.T. Ramabulana and Mr. Julius Tshinyadzo Lidovho. I shall use these witnesses' testimony to the Mushasha Commission to draw attention to the abuse of traditional powers in the former Venda homeland and the creation of *vhuhosi* which did not exist before. The Commission's scope was very broad as it had to cover every area of Venda. However, my choice to focus on the Mphephu and Sinthumule areas is based on the fact that the former was then perceived to be the *mahosimahulu* of the Venda polity.

Mr. Mulaudzi's Testimony: the Territorial Council versus the *Khoro ya Mahosi*

The first witness was Mr. Luvhomba Phillip Mulaudzi, who was then Director at the Department of Urban Affairs and Local Government in Venda. It was clear from his testimony that the responsibility of recommending the applications for new *vhuhosi* lodged by the concerned *nndu ya vhuhosi* lay with the Territorial Council or Tribal Council. According to Mr. Mulaudzi the Territorial Council also had the responsibility to recommend demarcation of areas for the new *vhuhosi*. The applications for new *vhuhosi* or the

2 M. Buthelezi and D. Skosana, The Salience of Chiefs in Postapartheid South Africa. Reflections on the Nhlapo Commission, in J. & J. Comaroff (eds.), *The Politics of Custom. Chiefship, Capital and the State in Contemporary South Africa*, Chicago University Press, Chicago, 2019, p. 115.

3 *Commission ...*, 1990, p. 3.

demarcations of areas were then sent by the Territorial Council to the Department of *Vhuhosi*, Parliament and Statistical Affairs through the District Director. This Department ought to receive the applications within 21 days of the date the matter was referred to the Department by the Territorial Council.⁴ After looking at the applications, the department concerned would send them to the President of the Venda Republic who would then decide whether he approved or not. In the scenario where the President was satisfied with the applications, he would then approach the *Khoro ya Mahosi* to get their advice on the matter.

It is imperative for the purposes of the thesis to give an overview of both the Territorial Council and the *Khoro ya Mahosi*: The Territorial Council was formed by *magota* and *vhothovhele* of that particular area and one person nominated by each *gota* with *thovhele* of that area as a chairman. In the case of the Mphephu Territorial Council the *khosikhulu* was no longer eligible to be the Chairman because of his position as the President of the country and the Chairman of *Khoro ya Mahosi*. The importance of this will become apparent later in the chapter when I analyse the testimony of *Gota* Nthambeleni Hendrick Musekwa, who at some stage had been the Chairman of the Mphephu Territorial Council.

In contrast to the Territorial Council which also included nominated persons, the *Khoro ya Mahosi* members were all *vhothovhele* of Venda and no *gota* or ordinary people were expected to attend the *Khoro ya Mahosi* meetings. According to Mr Mulaudzi's testimony to the Commission, Venda had 32 *vhothovhele* in 1990. (The current number has been reduced to 28 *vhothovhele*, which can be attributed to the findings of the Mushasha Commission which reversed irregular appointments of *vhothovhele* in Venda.) There was one person who was not a *thovhele* who attended the *Khoro ya Mahosi* meetings and that person was the Secretary of the Department of *Vhuhosi*, Parliamentary Affairs and Statistical Affairs.⁵ This was confirmed by Mr. Mulaudzi's testimony to the Commission as he had attended many meetings of the *Khoro ya Mahosi* in his capacity as the Departmental Secretary and his role there was to take minutes. The Head of State, who was not considered a *khosikhulu*,

⁴ *Commission ...*, 1990, p. 5.

⁵ *Commission ...*, 1990, p. 7.

thovhele or any ordinary person could only attend the meeting on invitation from *vhothovhele* when required to give evidence related to cases of certain *vuhosi*.

The attendance of the meetings of the *Khoro ya Mahosi* did not pose any serious challenges for the royal hierarchy and the government during the time of President Mphephu because he was also a *Khosikhulu* of the Venda polity. However, it presented Venda with its own challenges when *Gota* Mr F.N. Ravele became the new President of Venda. The *Vuhosi* Act automatically barred President Ravele from attending the meetings of *Khoro ya Mahosi*. This explains why it was so important for President Ravele to be recognised as a *thovhele*: so that two centres of powers could be avoided. Ravele's successor, Brigadier Ramushwana was facing the same challenges, hence his decision to appoint a Commission of Inquiry into Venda *vuhosi*. In essence, it was the *Khoro ya Mahosi* which made the final decision on the creation of new *vuhosi* or the demarcation of areas. This made the *Khoro ya Mahosi* the highest decision-making body in Venda with regard to royal issues.

What was interesting to the Commission was to know the criteria used by the President and the *Khoro ya Mahosi* in considering the creation of new *vuhosi* or the division of a Territorial Council. The answer to this question was hard to come from witnesses to the Commission. It came out from Mr. Mulaudzi's testimony that during his time as Secretary of the Department of Urban Affairs and Local Government and as Secretary of the *Khoro ya Mahosi*, he never heard the issue of the creation of new *vuhosi* and the division of Territorial Councils ever discussed in the meetings of the *Khoro ya Mahosi*.

Mr. Mulaudzi informed the commission that the *Khoro ya Mahosi* was established in 1984 and it was required by the *Vuhosi* Act to meet twice annually. To understand the far-reaching role of the *Vuhosi* Act in the powers possessed by *mahosi*, the Commission needed to probe whether the decisions taken by *mahosi* to dethrone *magota* complied with the Act. According to the information presented to the Commission by Mr. Mulaudzi, *mahosi* could dethrone *magota* if such *magota* had failed to perform their duties diligently to the satisfaction of their respective *mahosi* and their subjects. To comply with the Act, the affected *mahosi* wanting to dethrone their *magota* first ought to have lodged a complaint to the District Director, who would send the complaint to the Department of *Vuhosi*,

Parliamentary Affairs and Statistical Affairs. Upon receiving the complaint the Department would send an ethnologist to investigate the matter to find out if the concern was genuine. If, after investigation, those *mahosi* were found to have had a case, then the Department referred the matter to the President to make a final decision.⁶

The testimony by Mr. Mulaudzi on the dethronement of *magota* by *mahosi* was exposing some loopholes in the Act and it also drew attention to some inconsistencies in the application of the Venda law. The Presidential powers seemed to be overriding the powers of the *Khoro ya Mahosi* also in the matters of *vhuhosi*. It seemed as if the President could just have taken a decision on his own without consulting the *Khoro ya Mahosi* as dictated by the Act. However, Mr. Mulaudzi emphasised that the *mahosi* were meant to comply with the process explained above to dethrone *magota* and if there was no compliance, the whole process would be invalid. And yet what Mr. Mulaudzi's testimony revealed, was that the President was capable of approving the creation of the new *vhuhosi* without following the Act or without getting proper recommendations from the Territorial Council or the Tribal Council.

Gota Musekwa's Testimony

The evidence presented to the Commission by *Gota* Musekwa, who was the Chairman of the Mphephu Territorial Council from 1984 to 1989, helped the Commission to note some irregularities in the promotion of *mahosi* and *magota*. *Gota* Musekwa's testimony demonstrated that the promotion of *mahosi* and *magota* was done outside the ambit of the law. It also highlighted the high level of abuse of power by the Ramabulana. It was the Ramabulana using their *khosikhulu* status who proposed that *Gota* H.N. Musekwa, together with *Gota* C.N. Mphephu and *Gota* F.N. Ravele, should all be promoted to the positions of *mahosi*. The testimony further showed that the division of the Mphephu Territorial Area was done outside the Act and therefore it was unlawful. *Gota* Musekwa's testimony was supported by evidence presented to the Commission by the Ramabulana, members of government and other members of the Mphephu Territorial Council.

⁶ *Commission ...*, 1990, p. 10.

The Commission heard from *Gota* Musekwa that the resolution to promote *magota* to *mahosi* was never discussed at the Mphephu Territorial Council or at the District level. To *Gota* Musekwa and other members of the Mphephu Territorial Council who were summoned to informal meetings by the Ramabulana, the matter came to them as instructions from *nndu ya vuhosivhuhulu* and there was no room for the Council members to reject the instructions. However, *Gota* Musekwa did not see the proposal from the Ramabulana for himself and *Gota* C.N. Mphephu and *Gota* F.N. Ravele as bad news. It was not bad news for *Gota* H.N. Musekwa in particular, because he felt that his family had been unfairly dethroned as *mahosi* after the death of his father. The promotion was just a coincidence, *Gota* Musekwa claimed, with the application they had lodged to the President to have the Musekwa *vuhosi* being restored. It is imperative for this study to note that *Gota* Musekwa was giving the Commission the impression that he was not happy about his promotion, previously, only to *gota*, because originally his father was a *khosi* as already indicated above.

The only tangible evidence *Gota* Musekwa presented to the Commission to support his claims of *vuhosi* of Musekwa was a 1962 stamp and other letters from Johannesburg which addressed his father as *khosi* of the Musekwa community.⁷ *Gota* Musekwa claimed that his family was stripped of *vuhosi* in 1964, hence his decision to present the scanty evidence to the Commission after some interrogation from one of the Commissioners, Professor Ralushai. It appears from *Gota* Musekwa's testimony that he was relying more on information he got from his uncle rather than on his own knowledge of the history of *vuhosi* in his family.⁸ It is clear that *Gota* Musekwa was not happy about the alleged demotion from *vuhosi* to *magota* in 1964. This unhappiness prompted him to almost decline his crowning as *gota* because he claimed he knew that his family were *mahosi*.

Besides the sketchy evidence provided to the Commission by *Gota* Musekwa, no further proof supporting *Gota* Musekwa's claims could be found, except for a sign board in a place

⁷ *Commission ...*, 1990, p. 37.

⁸ *Commission ...*, 1990, p. 35

called Bvulabadzhi on the borders between Tshituni and Maangani Village in Nzhelele, Venda. On the sign board was written “Grens/Masakha – Musekwa and Mphephu”.⁹

Gota Musekwa saw the sign board as strong evidence to support his claims that Musekwa and Mphephu were two separate territories with separate autonomy. It is important to note that *Gota* Musekwa’s evidence was based on his assumptions, not facts. He was not sure whether the sign board was placed by the South African or Venda governments. The only strong evidence to support *Gota* Musekwa’s claims which was admissible to the Commission was the royal stamp. The stamp indicated that *Gota* Musekwa’s father, J.R. Musekwa, was *khosi* before his death. However, it is pertinent to highlight that was not good enough to conclude that the Musekwa people were *mahosi*, since they had never had a tribal office of their own. They were always reporting to the Mphephu tribal office. It was brought to the attention of the Commission that there had been a Musekwa tribal office in Tshianane, Ngundu, which was later converted to a police station.¹⁰ It is likely, however, that the Musekwa Tribal Office was built while *Gota* Musekwa was Chairperson of the Mphephu Tribal Council.

It is implausible that *Gota* Musekwa’s father or his forefathers had been *mahosi* and more likely that his father gave himself *vuhosi* title. Written evidence does not support *Gota* Musekwa’s claims. As indicated in previous chapters, the Musekwa were messengers of the Ramabulana and not *mahosi* themselves. It was clear throughout *Gota* Musekwa’s testimony that there was serious interference from the Ramabulana in the operations of the Mphephu Territorial Council. The interference was of such an extent that *Khosikhulu-Pfareli, Makhadzi* Phophi Mphephu, was rendered powerless by *Gota* C.N. Mphephu and Toni Mphephu. The powers of *Gota* Mphephu also superseded the powers of *Gota* Musekwa as Chairperson of the Territorial Council. According to *Gota* Musekwa’s testimony, it was clear that *Gota* Mphephu had the last word in every matter that dealt with royal affairs – no one dared oppose him.

⁹ *Commission ...*, 1990, p. 36.

¹⁰ *Commission ...*, 1990, p. 37.

The Testimony of Mr. Reuben Mungomeni, Personal Secretary of the *Khosikhulu-Pfareli* and the Mphephu Territorial Council

The Commission also called Mr. Reuben Mungomeni, who was employed as a Director in the department of *Vhuhosi*, Parliamentary and Statistical affairs, to give evidence. By the time of the Commission sitting, Mr. Mungomeni was also working as the Personal Secretary of *Khosikhulu-Pfareli*, Makhadzi Phophi Mphephu. He told the Commission that he had also worked as a Secretary of the Mphephu Tribal Council from 1984 to July 1989. The Commission heard from Mr. Mungomeni that the Mphephu Territorial Council had more or less fifty members with *Gota* Musekwa as Chairperson. The importance of Mr. Mungomeni's evidence was that it corroborated the testimony of *Gota* Musekwa in many ways. He alluded to the fact that at no time in the Mphephu Territorial Council was the issue of creation of new *vhuhosi* or the division of the Mphephu Territorial Council ever discussed. However, Mr. Mungomeni admitted that the issue was discussed at an informal meeting involving some members of the Territorial Council such as *Gota* Musekwa, *Gota* Magadani, Mr. P. Matsa, *Gota* Mphephu, *Vhavenda* Reuben Ramabulana, *Vhavenda* Andries Ramabulana and Toni Mphephu.¹¹ He noted that the last four people in the list of those he mentioned to be present in that meeting were members of *nndu ya vuhosivhuhulu* of the Ramabulana.¹²

The informal meeting was alleged to have been held in June 1989. It came out that there were no minutes taken for the meeting because it was informal. However, Mr. Mungomeni told the Commission that he was asked by *Gota* Mphephu to write letters to the District Director, Mr. Hlabioa, for the promotion of *Gota* Musekwa, *Gota* Mphephu and *Gota* Ravele.¹³ *Gota* Mphephu stood to gain a lot if the promotion of all *magota* identified were to be successful. It is clear that *Gota* Mphephu was acting in the role of both player and referee to advance his personal agenda of becoming a *khosi*. The conduct of *Gota* Mphephu gives credence to the claims made earlier in the chapter by *Gota* Musekwa that *Gota* Mphephu was more powerful than *Khosikhulu-Pfareli* Makhadzi Phophi Mphephu.

11 *Commission ...*, 1990, p. 42.

12 *Commission ...*, 1990, p. 43.

13 *Commission ...*, 1990, p. 44.

It can be concluded that *Gota* Ravele needed to be promoted to the status of *Khosi* because the constitution of the Venda Republic required the President of the Republic to be *Khosi*, which *Gota* Ravele was not when he replaced the late P.R. Mphephu as State President in 1988. The promotion of *Gota* Mphephu was to strengthen the power of the Ramabulana as a super-power of Venda Traditional Authority. It is suffice to say that the Ramabulana needed a strong leader to counter their powerful rivals: the Tshivhase and the Mphaphuli. *Khosikhulu-Pfareli Makhadzi* Phophi Mphephu was unable to do that since she was not able to read and write and her role was dormant. She was unable to exercise her authority in a role that was traditionally designed for the males within the royal family.

One can also reach the conclusion that *Gota* Musekwa was to be promoted precisely to reward him for his role as a Chairperson of the Mphephu Territorial Council for years.¹⁴ The Commission heard from Mr. Mungomeni that the letters of promotion of the three *magota* to the Dzanani District Director were signed by the three *magota* themselves, *Gota* R.R. Magadani, Mr. Mungomeni as Secretary of the Mphephu Territorial Council and a thumb print of *Khosikhulu-Pfareli Makhadzi* Phophi Mphephu.

The Commission raised concern that *Khosikhulu-Pfareli* was not part of the informal meeting where the letters were drafted but still appended her thumbprint to the letters on issues, she was not privy to. There were four letters to the District Director, three were applications for each applicant and the fourth one was a motivation for all applications. Mr. Mungomeni emphasised the point raised by *Gota* Musekwa, that the resolution to promote *magota* and divide the Mphephu Territorial Council, was an order from *Gota* Mphephu, who made it look like it was a decision taken by *Khosikhulu-Pfareli* and there was no discussion held on the matter.¹⁵ The general consensus from those who gave testimony to the Commission was that the Mphephu Territorial Council was never informed of the matter, except for those called to the informal meeting by *Gota* Mphephu.

¹⁴ It is not a surprise that *Gota* Musekwa was shocked by the news of the promotion because to him *vuhosi* was his birth right. However, the Mphephu family had different views of *Gota* Musekwa in the sense that they viewed him as a *gota* before his proposed promotion.

¹⁵ *Commission ...*, 1990, p. 48.

The evidence provided by Mr. Mungomeni illustrates underhand tactics used by *Gota* Mphephu in his quest for traditional superpower in Venda. It appears that *Gota* Mphephu was a major role player in the irregularities in the Venda *vhuhosi*, more so with special reference to the Ramabulana royal affairs. It is also fair to note that *Gota* Mphephu, despite the massive role he played in the elevation of himself, *Gota* Musekwa and *Gota* Ravele, was not alone in the plan as one Toni Mphephu assisted him. However, the evidence presented to the Commission by those called, and even by Toni Mphephu himself, points to *Gota* Mphephu as key player to the whole plan. It is also important to highlight that *Gota* Mphephu might have been the key role player, but the instigator was Toni Mphephu.

Toni Mphephu Ramabulana's Plan

Toni Peter Mphephu Ramabulana is the son of the late *Khosikhulu* and Life President of Venda, P.R. Mphephu. At the time of the Commission sitting, Toni Mphephu claimed to be *Ndumi* to *Khosikhulu-Pfareli*. It is clear from analysing the evidence provided by Toni Mphephu, that the presentations made to the Commission were full of distortion of facts and that this posed a serious challenge to the Commission to select which evidence could be regarded as factual or mythical. As already highlighted, the Commission was made to believe that *Gota* Mphephu was the main role player in the creation of the new *vhuhosi* and the division of the Mphephu Territorial Council. However, this notion was put to the challenge by Toni Mphephu's evidence. It came out clearly in Toni Mphephu's testimony that he was the one who had orchestrated the plan based on the realisation that the Mphephu Territorial Council had only a few *mahosi*.¹⁶

Toni Mphephu took some effort with his testimony to affirm the perception that *Khosikhulu-Pfareli*, Phophi Mphephu, was merely the ceremonial *Khosikhulu-Pfareli* of Venda. According to the evidence he provided to the Commission, it had been his decision as *Ndumi* to appoint new *mahosi* and divide the Mphephu Territory and he emphasised that *Khosikhulu-Pfareli* had nothing to do with it.¹⁷ It is also important to indicate that

¹⁶ *Commission ...*, 1990, p. 52.

¹⁷ *Commission ...*, 1990, p. 52.

Khosikhulu-Pfareli was never involved in the initial discussions by the members of *nndu ya vuhosivhuhulu* at *musanda*, Dzanani. Her involvement came when she was approached a day later to rubber stamp the decision taken by Toni Mphephu together with Andries Ramabulana, Reuben Ramabulana and *Gota* Mphephu. There was also a contradiction in Toni Mphephu's evidence about the promotion of *Gota* Musekwa, *Gota* Mphephu and *Gota* Ravele. He gave an impression that the matter was discussed at the Mphephu Territorial Council as per orders from *Khosikhulu-Pfareli*. The assertion by Toni Mphephu that orders were coming from *Khosikhulu-Pfareli* contradicts the evidence previously given to the Commission by *Gota* Musekwa, *Gota* Mphephu, Mr. Mulaudzi and Mr. Mungomeni. The fact remains that the matter was never discussed at the Mphephu Territorial Council and that *Khosikhulu-Pfareli* never issued such orders. It is therefore important to dismiss Toni Mphephu's testimony as unreliable as he was not even a member of the Mphephu Territorial Council.

The unreliability of Toni Mphephu's evidence for the work of the Commission nevertheless becomes revealing to the historian in other respects as well: Toni Mphephu's testimony further enhanced the notion that the death of his father had left a huge leadership void in *vuhosivhuhulu*. It helped create opportunistic claims of *vuhosivhuhulu* in the whole of Venda leading to people's self-appointing to the positions of *mahosi*.

It is clear that the whole process of creating a new *vuhosi* and the division of the Mphephu Territorial Council was not done according to the procedure of the Venda *Vuhosi* Act. No meeting of the Mphephu Territorial Council was held to deliberate on either issue. Nor was the matter referred to the *Khoro ya Mahosi* by President Ravele. It is important to note that Ravele was conflicted in the matter when he approved his application and those of *Gota* Musekwa, *Gota* Mphephu and *Gota* T.T. Ramabulana of Tshifhire (HaMaelula) under Sinthumule Territorial Council of *Thovhele* Jonathan Sinthumule to be *mahosi*. It is highly implausible that President Ravele's action was an oversight. His action must be viewed as having been deliberate in order to speed up the process of his elevation to *vuhosi*.

It came out from evidence provided by a number of witnesses to the Commission that the whole process of creating new *vuhosi* and the division of the Mphephu Territorial Council

was spearheaded by two men, Toni Mphephu and *Gota* Mphephu. It also came out that the whole process was not legal as the application process was not done according to the amended Section 68 A of the Republic of Venda Constitution Act of 1979. The Section 68 A stated:

the State President may after consultation with the *Khoro ya Mahosi* and the Territorial Council concerned – (a) divide any Territorial Council’s area into two or more areas and (b) create such new *vhuhosi* as circumstances may warrant.¹⁸

The State President in this case approved the applications without proper consultation with the *Khoro ya Mahosi* and the Territorial Council concerned.

President Ravele’s conduct was in total contradiction with the terms of Section 7 (1) of the District and Territorial Councils Act, 1986 (Act No. 15 of 1986) which stated that

every Territorial Council shall keep record of minutes of its meetings, a copy of which in terms of Section 7 (2) shall be forwarded to the District Director concerned and the Director General within 21 days after the meeting.¹⁹

The applications for the promotion of President *Gota* Ravele, *Gota* Musekwa and *Gota* Mphephu came directly from the Ramabulana through the Executive Council of the Mphephu Territorial Council to the District Director without signed minutes of the Mphephu Territorial Council. The reason for such undermining of the laws of the Venda State was because the Mphephu Territorial Council never had a meeting to discuss the matter and therefore it will be correct to say there were no minutes as there was no meeting.

President *Gota* F.N. Ravele’s Agenda

It is therefore correct to say that the President *Gota* Ravele knew what he was doing and it may not be a distortion of facts to say the Ravele’s conduct was a deliberate act as discussed earlier in the chapter, because he desperately wanted to be promoted to the status of *Khosi* to end a challenge of two centres of power in Venda. In pursuit of *vhuhosi*, Ravele even ignored the recommendations of Mr. Lidovho who was the Director General of the Republic of Venda.

¹⁸ *Commission ...*, 1990, p. 134.

¹⁹ *Commission ...*, 1990, p. 134.

In memorandum No. 137 dated 3 July 1989, from Mr. Lidovho to President Ravele, he was referred to item 2 in Section 68 A of the Republic of Venda Constitution Act of 1979 as amended. As discussed previously, the item quoted in the memo by Mr. Lidovho about the duties of the State President, concerned the exact matter of new *vhuhosi* and division of Territorial Councils. Mr. Lidovho's Memo emphasised that only after consultation with the *Khoro ya Mahosi* and the Territorial Council, the President could decide on the division of a Territorial Council's area and create new *vhuhosi*.²⁰ The Memo from the Director General to the State President was clear advice which was deliberately ignored.

In his approval of the applications sent to him, Ravele wrote back to the Director-General Mr. Lidovho without considering his recommendations. The response from the President indicated that the matter was approved and he further instructed that his office should co-ordinate with the Department of National Assembly and expedite the elevation of the *Gota Ravele*, *Gota Musekwa* and *Gota Mphephu* from *magota* to *mahosi* as recommended. The Department of National Assembly was to be advised to make all the necessary arrangements for the implementation of the above decision. The response Memo was signed by President Ravele on 4 July 1989.²¹

It is clear that the creation of new *vhuhosi* and the division of territories in Venda during the period of President Ravele was done illegally and was also done outside the ambit of the Constitution of the Republic of Venda. *Gota Ravele's* admitting to the Commission that he did not consult the *Khoro ya Mahosi* and the Territorial Council concerned before approving the new *vhuhosi*, amounted to contempt for the Constitution. It was highly irregular for new *vhuhosi* to have been created before any division of territories. Ravele had told the Commission that he approved the new *vhuhosi* before he could approve the division of territories. By implication, *mahosi* promoted were promoted without having had territories to rule.²²

20 *Commission ...*, 1990, p. 134.

21 *Commission ...*, 1990, p. 135.

22 *Commission ...*, 1990, p. 170.

Credit should be given to Ravele for accepting that it was wrong to approve the new *vhuhosi* without consulting the *Khoro ya Mahosi* and the Territorial Council.²³ Yet he attempted to convince the Commission that he was under the impression that the process of consulting the *Khoro ya mahosi* and Territorial Council and receiving proper minutes of Territorial Councils affected by his decision, would follow *ex post facto*.²⁴ Ravele nevertheless conceded to the Commission when interrogated by Prof D.W. Hammond-Tooke, that the new *vhuhosi* was not completely legal and therefore that the whole new *vhuhosi* only existed because proper constitutional processes were not followed.²⁵

The claim of *Gota* Ravele that the approval was on condition that the *Khoro ya Mahosi* and Territorial Council concerned should be consulted before the final approval, was baseless and contradictory. *Gota* Ravele, *Gota* Musekwa and *Gota* Mphephu were installed as *mahosi* before that process unfolded. It also came from the evidence provided by *Gota* Ravele that *Khosikhulu-Pfareli*, Phophi Mphephu, was not consulted about the matter. This assertion was backed by the testimony of *Khosikhulu-Pfareli* who told the Commission earlier that had she known that she was putting her thumbprint on the applications from *magota* under her territory who wanted to be elevated to the status of *vhuhosi*, she would not have complied.²⁶ She also emphasised that the matter of creating new *vhuhosi* and the division of territories was never discussed during the time of the late *Khosikhulu* and President of Republic of Venda P.R. Mphephu.²⁷

The presentation of *Khosikhulu-Pfareli* clearly illustrates that the issue of the new *vhuhosi* and the division of the territories were never part of the agenda for the Ramabulana before 1988. It also shows that *Gota* Ravele might have been the one who brought the issue to the attention of *Gota* Mphephu and Toni Mphephu. It is important to note that I find *Gota* Ravele to be a very evasive and manipulative witness. Despite all evidence of abuse of power pointing to him, he decided to put all the blame for his action as the Head of State on the Director General Mr. Lidovho.

23 *Commission ...*, 1990, p. 170.

24 *Commission ...*, 1990, p. 171.

25 *Commission ...*, 1990, p. 172.

26 *Commission ...*, 1990, p. 75.

27 *Commission ...*, 1990, p.73.

The claims made by *Gota Ravele* was disputed by Mr. Lidovho, who provided a Memo signed by *Gota Ravele* in his capacity as President that stated his approval of the applications of *magota* to be elevated to *mahosi*. However, in the same Memo the President indicated that, "I hereby withdraw my approval regarding upgrading of Vuvha to a territory"²⁸. The Memo, signed by the President *Gota Ravele* on 10 July 1989, further stated that the President had approved other applications, but he was withdrawing his approval of *Gota Mphephu's* appointment as *khosi*. The Department of National Assembly was informed of the President's decision in a letter from Mr. J.T. Lidovho.²⁹

Three New *Mahosi*

The Installation of all three *magota* took place on 15 September 1989 at *Musanda ha Mphephu*. Instructions were given to Mr. Lidovho by the Director-General of the National Assembly and Local Government, Mr. D.N. Nethononda, that his department should issue royal insignia for the three new *mahosi*. The developments are surprising when considering that a month previously the President had withdrawn approval of *Gota C.N. Mphephu's* application to be a *khosi* and the division of Vuvha into a territory. Despite all the confusion caused by the President's decision, *Gota Mphephu* was installed with *Gota Musekwa* and *Gota Ravele* as *mahosi*.³⁰ One is compelled to ask the question why the application of Vuvha was withdrawn and later reinstated. It might be that the Ramabulana were exercising their authority by seeing to it that one of their own got promoted, albeit against the wishes of the State President *Gota Ravele*.

The issue of the Mphephu Territorial Council shows that the Mphephu royal family was more powerful than the President himself. It must be deduced that President Ravele did not question the instructions from the Ramabulana because he knew that it would jeopardise his ambitions of attaining full political and traditional power. It is also clear that *Gota Ravele* was a man who did not take advice from those around him. This was also illustrated in the

28 *Commission ...*, 1990, p. 194.

29 *Commission ...*, 1990, p. 194.

30 *Commission ...*, 1990, p. 195.

case of Maelula, where *Gota* Ravele as the President of the Republic of Venda went against the advice of the Director-General in the Presidency, Mr. J.T. Lidovho. Maelula was where *Gota* T.T. Ramabulana was to be elevated to the status of *khosi*. Lidovho advised that the population of Maelula was too small to justify such a status,³¹ but he was promptly ignored.

Precedents

The President was further advised that promoting *Gota* T.T. Ramabulana to be a *khosi* of Maelula would be setting a bad precedent and an uncontrollable situation in Venda where all *magota* would want to be *mahosi*. The promotion of *Gota* T.T. Ramabulana was also not supported by *Thovhele* Jonathan Sinthumule of Sinthumule Territorial Council where Maelula belonged. *Thovhele* Sinthumule was initially against the division of his territory into two, but he accepted it because it was coming from the government.³² In the end President Ravele approved the promotion of *Gota* T.T. Ramabulana and the elevation of Maelula area to a new territory. In his approval Memo to the Director-General Mr. Lidovho, he stated that the Sinthumule matter had been thoroughly investigated and *Thovhele* Sinthumule had no objection whatsoever.³³ The Sinthumule matter shows that the powers of traditional authority were undermined by the State and *mahosi* were helpless in contesting powers from the State. However, it must be noted that the State powers were eroded when it came to the matters coming from the house of *mutahabvu Khosikhulu* Mphephu. These arguments present a challenge to the thesis as to who exactly possesses power between the Traditional Authority and the State.

The weakness of the State to instil proper regulations for the traditional powers led to other incidents in Venda where some *magota* started challenging the authority of their *mahosi* and called for their own promotion. Some of these *magota* installed themselves as independent *mahosi*, undermining the authorities of the senior *mahosi*. A few examples will be cited of *magota* who rebelled against their *mahosi* to support the argument made above. In Mphaphuli Territorial Council, *Gota* Lambani declared himself independent. He completely

31 *Commission ...*, 1990, p. 195.

32 *Commission ...*, 1990, p. 143.

33 *Commission ...*, 1990, p. 144.

stopped reporting to *Thovhele* Mphaphuli. *Gota* Nenngwekhulu had done the same in Davhana Territorial Council. Another incident was that of *Gota* Ratshalingwa of Muhuyu who decided to remove his people from *Thovhele* Tshivhase.³⁴ *Gota* Ratshalingwa and his people wanted Tshivhase Territory to be divided into two with *Gota* Ratshalingwa being made *thovhele* of the new territory.

The ambition of the President of the Republic of Venda *Gota* Ravele to become *Khosi* and the aspirations of the Mphephu royal family to have as many *mahosi* as the Tshivhase royal family caused serious problems in the *vuhosivhulu* of Venda in the early 1990s – to the extent that *vuhosivhulu* lost its direction. As a result of the developments during the rule of *Gota* Ravele the whole *vuhosi* of Venda lost its credibility and integrity. This raised serious questions about the legitimacy of the status of *mahosi* and *Khosikhulu* in Venda in the eyes of scholars and politicians.

Brigadier Ramushwana's Motives; *Vhohosivhulu* Abolished

This situation should be kept in sight when analysing the decision by the then Military Ruler, Brigadier Gabriel Ramushwana, to appoint the Mushasha Commission of Inquiry. It was an initiative from the government to address the wrongs committed by *Gota* Ravele's administration which had brought confusion in the whole *vuhosi* and *vuhosivhulu* of Venda. But clearly Brigadier Ramushwana and his Government of National Unity (GNU) also had other motives besides trying to apply corrective measures to stabilise the Traditional Authority in Venda. The challenge faced by the GNU, of a scenario of two centres of power in Venda, had played a key role in the Commission being appointed. There are two questions the thesis needs to grapple with: (1) was the Mushasha Commission a solution to the problem of *vuhosi* of Venda; or (2) was it responsible for the total destruction of *vuhosi* of Venda? The answers to these two questions depend on one's interpretation of the Venda Traditional Leaders Administration Proclamation No. 29 of 1991.

³⁴ *Commission ...*, 1990, p. 144.

The Mushasha Commission of inquiry into Venda *Vhuhosi* Affairs led the Venda GNU under Ramushwana to abolish the status of *Khosikhulu* in Venda. This was done through the Venda Traditional Leaders Administration Proclamation No. 29 of 1991. The purpose of the proclamation was to regulate the recognition of *vhothovhle* and *magota* to define the powers, functions and duties of *vhothovhele* and *magota*, to provide for the conferment upon *vhothovhele* or *magota* with civil and criminal jurisdiction and to provide for matters incidental thereto.³⁵

The Venda Traditional Leader Administration Proclamation No. 29 of 1991 recognised the following Communities as communities under control of recognised *vhothovhele*.

(a) The Tshivhase community, (b) the Mphephu community, (c) the Mphaphuli community, (d) the Kutama community, (e) the Sinthumule community, (f) the Rambuda community (g) the Thengwe community, (h) the Mulenzhe community, (i) the Makuya community (j) the Tshikondo community (k) the Manenzhe community, (l) the Khakhu community, (m) the Tshikundamalema community, (n) the Mutale community, (o) the Nesengani community, (p) the Tshimbupfe community, (r) the Tshakhuma community, (s) the Mashau community, (t) the Mulima community, (u) the Mashamba community, (v) the Masakona community, (w) the Nthabalala community, (y) The Tsianda community, (z) the Ha-Mutsha community, (aa) the Masia community, (bb) the Davhana community.³⁶

The proclamation further stated that the areas of the communities referred to above would be the areas of the relevant Territorial Councils as existing at the coming into operation of the Proclamation 29 of 1991. The Proclamation gave more power to the Chairman of the Government of National Unity, Ramushwana to divide one community into two or more communities or to amalgamate two or more communities into one community and at the same time it could determine the areas of the community or communities concerned.³⁷

Only after the division of a community or communities had been affected and the areas of the communities determined, the Chairman, by notice in the government gazette:

35 Venda Traditional Leaders Administration Proclamation No. 29 Of 1991, Part I.

36 Venda Traditional Leaders Administration Proclamation No. 29 of 1991. Part II.

37 Venda Traditional Leaders Administration Proclamation No. 29 of 1991. Part II.

(a) would make known such division; and (b) define the areas of the communities concerned. Part three of the Proclamation recognised persons who at the coming into operation of this Proclamation were installed as *mahosi* under Section 68 of Republic of Venda Constitutional Act, 1979 (Act No. 9 of 1979), to be *mahosi* of the communities referred to in Section 2 of part two of the Proclamation.

It is important to highlight that the Chairman of the Venda Government of National Unity was meant to consult with the community or communities concerned when taking a decision to recognise a new *thovhele* or depose *vhothovhele*. Section 8 of Part III of the Proclamation regarding the recognition of *vhothovhele* stated that:

- (1) when any *vuhosivhuhulwane* becomes vacant, the Chairman may recognize the person who the royal council of the community concerned designates as head of the said community in accordance with the law and customs of the community as *thovhele*;
- (2) if any dispute arises amongst members of a royal council with regard to the designation of a new head of the community, the Chairman shall take whatever steps he may deem necessary to determine who in accordance with the laws and customs of the community shall be head of that community.³⁸

Section 9 of the Proclamation addressed the issue of deposition of *vhothovhele* it stated that:

- (1) the Chairman may at the request of the royal council concerned withdraw the recognition of any *thovhele*;
- (2) (a) if the Chairman is of the opinion that it is in the interest of the community to withdraw the recognition of a *thovhele* he may withdraw such recognition forthwith or he may appoint a Commission of Inquiry consisting of not more than five members to inquire into the matter and to inform him of its findings; (b) if such Commission finds that it is in the best interest of the community to withdraw the recognition of the *thovhele* concerned the Chairman may withdraw such recognition.³⁹

While the Venda Traditional Leaders Administration Proclamation No 29 of 1991 intended to put an end to the irregular appointments of *mahosi* in the former Venda homeland through proper consultation with communities and Royal Councils concerned, it eroded *vuhosivhuhulu* of Venda which was not repealed by the acts passed by the future governments.

38 Venda Traditional Leaders Administration Proclamation No. 29 of 1991, Part III.

39 Venda Traditional Leaders Administration Proclamation No. 29 of 1991, Part III.

There was no basis for the Mushasha Commission of Inquiry to recommend to the GNU that Venda had no *khosikhulu* but only independent *mahosi* with equal status. As confirmed by Buthelezi and Skosana, Brigadier Ramushwana who had appointed the commission, needed the affirmation that he was unrivalled in authority as head of the Venda state.⁴⁰ The recommendations were problematic in the sense that the Mushasha Commission of Inquiry did not take into cognisance the fact that since the arrival of the Masingo in the Soutpansberg around 1600 *vhuhosivhuhulu* of Venda had always remained in the senior house of the Masingo, which was the Ramabulana.

⁴⁰ Buthelezi and Skosana, "The Saliency of Chiefs ...", p. 115.