

VENDA KINGSHIP

FIRST DESTRUCTION OF VENDA KINGSHIP: THE BOERS

THE MPHEPHU WAR, 1898

After **King Makhado** died of suspected poisoning in 1895, the Boers saw his death as an opportunity for them to try once more to colonise Venda and to destroy the Venda monarchy. The Boers infiltrated the Ramabulana Royal House and influenced Sinthumule, the Kingdom's Prime Minister, to turn against his brother, **King Mphephu**. War broke out between Mphephu's group known as **Mavhengwa** and Sinthumule's group known as **Ngomakhosi**. Sinthumule fled to Ha-Manavhela (Manavhela Ben Lavin) and sought help from the Boers who were happy to oblige as they perceived Mphephu as a scourge. In 1898 the Boers finally conquered and subjugated the Vhavenda.

The Boers took over Luatame, Songozwi, as Mphephu fled to Zimbabwe. A town was established on 22 February 1899 at **Tshirululuni** (the cattle post). Tshirululuni was renamed Louis Trichardt. Sinthumule was crowned the 'King' of Venda by the Boers, but his rule was not recognised by Vhavenda. They continued to pay tribute to King Mphephu in exile through **Rambiyana and Ravele Matsheketsheke**.

The Boers could not, however, establish a permanent presence at Songozwi since they had to engage in a bloody war with the English in the South African war (the Anglo-Boer war) which broke out in 1899. Vhavenda sided with the English and burnt the town of Louis Trichardt. The Boers were defeated in the South African war and surrendered in 1902.

The English army commander, Taylor, brought Mphephu back to Luatame, Songozwi, in 1902. Sinthumule was removed from the throne and had to reconcile with Mphephu. Taylor, who was bent on punishing the Boers and everyone who assisted them in the South African war and Mphephu war, went on a killing spree, killing Boers and Tsonga-Shangaan men who assisted the Boers. Because of this killing spree, Taylor was nicknamed "Bulalazonke Matshangani" (kill all Shangaans).

THE 1913 LAND ACT AND LAND DISPOSSESSION

The 1913 Land Act declared large tracts of land in Venda to be 'white areas', and were turned into white-owned farms. Vhavenda who resided at **Tshirululuni, Songozwi, Ha-Maemu, Magoni, La Ndou, Vhulorwa, Lunoni, Ha-Funyufunyu, Mudzivhadi, Ha-Liswoga, Phawe, Khavhambe, Ha-Mulelu, Ha-Makhavhu, Ha-Mabasha, Tshifhefhe, Tshitungulu, Tshidzivhani, Ha-Ratombo**, etc, were forcibly removed and resettled at Ha-Kutama, Ha-Sinthumule, Nzhelele, and Vuwani. King Mphephu was forced by the Boers to relocate his Royal Palace to the ancient capital of Dzata (Dzanani). But Songozwi continued to serve as the Royal Court and the burial site of Mphephu Kings and Chiefs, and Sinthumule and Kutama Chiefs.

MPHEPHU'S AREA OF JURISDICTION REDUCED BY THE BOERS

King Mphephu died in 1924, and was succeeded by his son **Mbulaheni George**. Mbulaheni was crowned **King Mphephu II** in 1925. But the Boers referred to him as Paramount Chief Mphephu of the Ramabulana Regional Authority. This area included Nzhelele, Ha-Sinthumule, Ha-Kutama, Ha-Nthabalala, Ha-Masakona, Ha-Masia, Ha-Davhana, Tshimbupfe, Tshivhulana, Ha-Nesengani, Tshakhuma, Tsianda, Ha-Mutsha, Ha-Mashau, Ha-Mashamba, Ha-Mulima, and Ha-Muila. This declaration stripped King Mphephu II of his powers as the King of Venda. But the majority of Venda chiefs outside of the Ramabulana Territorial Authority continued to recognise King Mphephu II as their king. King Mphephu II died in 1949 and was laid to rest at Songozwi.

King Mphephu II was succeeded by his son, **Ramaano Patrick Mphephu Ramabulana** who ruled from 1949 to 1988. He was crowned **King Mphephu III**. He too was referred to as Paramount Chief.

THE CREATION OF VENDA BANTUSTAN

The Native Affairs Act, No.23 of 1920, provided for the establishment of local councils and a Native Commission to advise the South African government on issues that affected Africans. The Bantu Authorities Act, No 68 of 1951, provided for the creation of tribal, regional and territorial authorities. As a result of this Act, 25 tribal authorities, three regional authorities and one territorial authority were established in Venda. The three regional authorities were **Ramabulana, Tshivhase, and Mphaphuli**. The apartheid ideology recognised Vhavenda as distinct from non-Vendas, as a homogenous entity who needed to have their own territorial state. This led to the establishment of the **Thohoyandou Territorial Authority in 1962** headed by Mphephu III. The 25 tribal authorities were represented in the regional

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authority by two or more members and one of the members had to be a Khosi (senior chief) or Vhamusanda (junior chief). The regional authorities were in turn represented by their chairmen and other members depending on population size and the numbers of taxpayers.

Proclamation R.168 of 20 June 1969 proclaimed the Thohoyandou Territorial Authority as the Venda Territorial Authority. This led to several changes in the form of representation. Each 'tribal' authority was represented at the Territorial Authority by its Khosi or chairman and another member elected by the tribal authority from among its councillors. The Black States Constitution Act of 1971 provided for the creation of Legislative Assemblies in the Bantustans. The Venda Legislative Assembly was constituted in 1973 and this led to Venda becoming a so-called self-governing territory. The Legislative Assembly was made of **60 members, 42 of whom had to be Mahosi or Vhamusanda**. The remaining 18 were elected by Venda citizens as well as Vhavenda who were outside the Venda Bantustan.

In 1979 Venda became a so-called independent state and was known as the Republic of Venda. Thovhele Ramaano Patrick Mphephu Ramabulana was elected the first president of the Republic of Venda. This Banana Republic was, however, only recognised by its creators, apartheid South Africa, and fellow banana republics: Transkei, Bophuthatswana and Ciskei.

Mphephu III became the Chief Minister of Vendaland in 1973. He later followed in the footsteps of Kaizer Matanzima of the Transkei, and Lucas Mangope of Bophuthatswana, and opted for nominal independence. Venda became a 'republic' in 1979 with Mphephu III as the 'President'. The capital of the 'Republic of Venda' was Thohoyandou.

FIRST RESTORATION OF VENDA KINGSHIP

PROCLAMATION BY THE VENDA PARLIAMENT

The Venda parliament decided, just before 'independence' in 1979, that the Venda monarchy needed to be restored. Parliament, agreed that the most senior Vhavenda royal house was the Mphephu Ramabulana royal house. It was, therefore, agreed that Mphephu III was the King of the whole of Venda.

King Mphephu III died of suspected poisoning in April 1988. Mphephu III's cousin, **Khosi Ndwakhulu Frank Ravele** of Mauluma, became the new 'president' of Venda after Mphephu's death. Khosi Ravele took over the presidency of the 'Republic of Venda' at the time when the tide was turning against the apartheid rulers in South Africa. The liberation movement was unbanned in February 1990 and political prisoners

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were released. People in Venda intensified their calls for the re-incorporation of Venda into South Africa. Riots broke out in Venda and so-called witches and wizards were killed through stoning and 'necklacing'. The riots culminated in the military, the Venda Defence Force, led by Gabriel Mutheiwana Ramushwana, staging a bloodless coup d'état in 1990.

SECOND DESTRUCTION OF VENDA KINGSHIP: RAMUSHWANA MILITARY JUNTA

The Ramushwana military junta appointed the Mushasha Commission to investigate the issues surrounding Venda traditional leadership and kingship. The appointment of the Mushasha Commission was partly due to the fact that the Constitution of the 'Republic of Venda' stated that the Head of State was the Paramount Chief / King of Venda. Ramushwana and his military junta did not, therefore, want to be accountable to the King. The Mushasha Commission stated that Vhavenda had no such thing as Khosikhulu (King), and that the Mphephu Ramabulana royal house should not be recognised as the most senior Vhavenda royal house. For the second time in less than a century, the Mphephu Ramabulana royal house was demoted to the status of the other 27 Mahosi (senior traditional leaders).

Shortly before the April 1994 elections, Venda was dissolved as a homeland and a republic and re-incorporated into South Africa. But the illegal action taken by the Ramushwana junta, through the Mushasha Commission, led to Mphephu III's son and successor, **Tshimangadzo**, being referred to as Khosi Mphephu. Tshimangadzo, whose title was **Dimbanyika Thohoyandou II**, was, however, referred to as King by his subjects even though the government classified him as Khosi (Senior Chief).

Dimbanyika Thohoyandou II died in a car accident in December 1997, leaving a baby girl as the only heir to the throne. He was succeeded by his younger brother, **Toni**, who was crowned by former president **Nelson Mandela** in 1998 as **Mphephu Ramabulana**.

SECOND RESTORATION OF VENDA KINGSHIP

THE FEBRUARY 2003 MEETING

Calls for the restoration of Vhavenda monarchy grew louder from 1998. This culminated in a meeting of Mahosi of Venda in February 2003 to discuss the restoration of the Venda monarchy which was destroyed and abolished by, first the Boers, and secondly by the Ramushwana military junta. The meeting took place in Thohoyandou. All 28 Mahosi, including Toni Mphephu Ramabulana, were present.

After a short discussion, there was a unanimous decision by 27 Mahosi that the Mphephu Ramabulana royal house was the most senior royal house, and that Toni Mphephu Ramabulana was the king of Vhavenda.

THE DISPUTE

There was only one dissenting voice, at the February 2003 meeting, that of Khosi Midiyavhathu Kennedy Tshivhase of Ha-Tshivhasa. Khosi Tshivhase argued that Vhavenda should have two kings, himself for the Tshivhasa area, and Toni Mphephu Ramabulana for the rest of Venda.

After the meeting, the 27 Mahosi petitioned the then premier of Limpopo, Ngoako Ramathlodi, to restore the Venda monarchy and to confirm Mphephu Ramabulana as the king of Venda. But The Ramathlodi government refused, and the Mahosi of Venda decided to take the matter to Thohoyandou High Court.

In April 2003 **Tshidziwelele Nephawe**, a gota/Vhamusanda (junior chief), of Mudunungu village, Ha-Tshivhasa, claimed that he was the rightful king of Vhavenda. Tshidziwelele argued that Vhangona are early inhabitants of Venda, that their capital city was Mapungubwe, and that the king of Mapungubwe was King Tshidziwelele. He also argued that Vhangona were conquered by the Vhasenzi who came from Zimbabwe, and that they settled in Venda and lost their Karanga affinities through intermarriage with Vhangona women, and were assimilated into Tshingona culture and language. He argued that King Tshidziwelele was killed at his kraal by **Vele-la-Mbeu** of the Masingo clan.

In August 2003, six months after the February meeting, Khosi Gole Musiwa Mphaphuli of Ha-Mphaphuli broke ranks with the other 26 Mahosi and argued that Vhavenda should have three kings, himself for Ha-Mphaphuli, Tshivhase for Ha-Tshivhasa, and Mphephu Ramabulana for the rest of Venda. Gole Musiwa Mphaphuli's spokesman, Magwedzha Mphaphuli, argued that Musiwa had supported the decision taken

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at the February meeting out of ignorance. He stated that the Mphaphuli royal house was withdrawing its support for Toni Mphephu Ramabulana, and that it would not join the other 26 Mahosi in forcing the Limpopo government into confirming Mphephu Ramabulana as the king of Venda.

The **Ravhura** royal house of Makonde entered the fray in 2004 when it announced that it should be recognised as the most senior royal house of all Vhavenda. They argued that they had kept quiet for more than 230 years, and that the truth needed to be told.

The 26 Mahosi who supported Mphephu Ramabulana approached the Thohoyandou High Court to force Ramathlodi to confirm Mphephu Ramabulana as the king of Venda. They also wanted Ramathlodi to make public the report of the Ralushai Commission of Inquiry which was appointed by Ramathlodi in 1996 to investigate, among others, claims by certain traditional leaders that they were irregularly deposed or not duly recognised by the apartheid government. The Mahosi argued that the Ralushai Commission indicated that Vhavenda had one king, Mphephu Ramabulana.

The Limpopo provincial government opposed the move by Mahosi of Venda. It argued, amongst others, that the move by the Mahosi was premature since President Mbeki had already announced that he was going to appoint a commission of inquiry to investigate the issue of traditional leadership in the whole of South Africa. The commission was going to investigate, amongst others, chieftainships and kingships that needed to be restored.

THE NHLAPO COMMISSION OF INQUIRY

On 16 October 2004, the Minister for Provincial and Local Government, Sydney Mufamadi, announced that President Thabo Mbeki had appointed a Commission on Traditional Leadership Disputes and Claims in terms of section 23 of the Traditional Leadership and Governance Framework Act, No. 41 of 2003.

Professor Thandabantu Nhlapo chaired the Commission. In an effort to assist the Commission, the Ministry for Provincial and Local Government handed all relevant research materials, including reports of various commissions of inquiry appointed in provinces such as the Eastern Cape, Free State, North West and Limpopo. Amongst the reports handed to the Nhlapo Commission was the Ralushai Commission of Inquiry report. The Department of Provincial and Local Government also announced that it would take the necessary steps to ensure that the relevant information contained in the Ralushai Commission report was

made available to all affected parties who submitted their claims and disputes. The information would assist claimants to prepare for submissions to the national commission and assert their rights.

FUNCTIONS OF THE NHLAPO COMMISSION

In terms of section 25(1) of the Framework Act, the Commission operated nationally and had authority to decide on any traditional leadership disputes and claims contemplated in section 25(2) and arising from any province. Accordingly, in terms of section 25(2)(a) of the Framework Act, the Commission had authority to investigate either on request or of its own accord the following:

- a case where there is doubt as to whether a kingship, senior traditional leadership or headmanship was established in accordance with customary law and customs;
- a traditional leadership position where the title or right of the incumbent is contested;
- claims by communities to be recognised as traditional communities;
- the legitimacy of the establishment or disestablishment of 'tribes';
- disputes resulting from the determination of traditional authority boundaries and the merging or division of 'tribes'; and
- where good grounds exist, any other matters relevant to the matters listed in this paragraph, including considerations of events that may have arisen before 1 September 1927.

When considering a dispute or claim, the Commission had to consider and apply customary law and customs of the relevant community, as they were when the events occurred that gave rise to the dispute or claim.

The Nhlapo Commission collated information and documentation that was useful in the execution of its task. It gave all claimants to the Venda kingship an opportunity to make written and oral submissions.

Below is a summary of the submissions made by the claimants.

THE MPHEPHU RAMABULANA VERSION

- a) After Dimbanyika's death in a cave at Mount Lwandali in 1722, Vele-la-Mbeu became the king of Venda;
- b) Vele-la-Mbeu fathered Tshavhungwa, a girl, from the first house (dzekiso), Thohoyandou from the second house, Tshisevhe, from the third house and Raluswielo (Tshivhase) from the fourth house;
- c) The dzekiso house failed to produce an heir and therefore, as the son of the next senior house, Thohoyandou succeeded Vele-la-Mbeu. Thohoyandou accordingly reigned as king after the death of his father;
- d) During his reign, Thohoyandou deployed his son Munzhedzi Mpofu, to Songozwi, and his brother Raluswielo to Dopeni;
- e) Thohoyandou disappeared in 1770. After his disappearance, the elders installed Tshisevhe as acting king. It later transpired that Thohoyandou had died;
- f) After the death of Thohoyandou some family elders confirmed Tshisevhe as king. He was not installed by the royal family as is customary. He therefore usurped the throne. As a result, a conflict arose between Munzhedzi Mpofu, the first born son and rightful heir of Thohoyandou, and Tshisevhe. Tshisevhe was assassinated. Ravhura, the first born son of Tshisevhe, fearing for his life fled to Makonde. Munzhedzi Mpofu was finally installed as Thovhele at Dzata;
- g) Tshivhase, who had been strategically deployed by his brother, Thohoyandou, at Dopeni, attempted to return to Dzata and usurp the throne. Tshivhase was defeated by Munzhedzi Mpofu;
- h) Munzhedzi Mpofu later relocated the great place from Dzata to Songozwi. This was because the latter was strategically situated, as one could see the whole kingdom from the summit: from Vhukalanga, Luvhombu, Vhuzwana up to Mashishing (Lydenburg);
- i) Tshivhase once again mobilized an army and invaded Munzhedzi Mpofu at Songozwi. The battle was fought along the banks of a river that became red with blood. It was consequently known as Khwivhila, which means red. Tshivhase lost the battle. Having been defeated twice, first at Dzata and then at Khwivhila, Tshivhase fled. Munzhedzi Mpofu remained king of Vhavenda;
- j) Munzhedzi Mpofu was succeeded by his son Ramabulana;
- k) Ramabulana was succeeded by his son, Makhado;
- l) The Boers arrived in Venda during the reign of Makhado Ramabulana between 1867 and 1895. They gradually interfered with the institution of traditional leadership and reduced the status of Makhado Ramabulana from king to an ordinary traditional leader. As a result, on 15 July 1867

Makhado Ramabulana drove the Boers out of Venda. Consequently, the Boers retreated to the south and established Polokwane in 1886. Makhado Ramabulana quashed further attempts by the Boers to return to Venda in 1869. He then became known as “the Lion of the North”. He died in 1895;

- m) Makhado Ramabulana was succeeded by his son, Alilali Tshilamulela Ramabulana (Mphephu) in 1895. He continued to keep the Boers out of Venda. War, known as Mphephu War, broke out in 1898 and the Boers ultimately drove Mphephu Ramabulana to exile in Zimbabwe. He fathered amongst others, George Mbulaheni;
- n) Mphephu Ramabulana returned to Venda in 1902 and settled in Dzanani, near the old Dzata. Many traditional leaders paid homage to him. He died in January 1925;
- o) Alilali Tshilamulela was succeeded by his son, Mbulaheni George Ramabulana (Mphephu II) in February 1925. Mbulaheni Mphephu Ramabulana died in 1948 and was succeeded by his son, Patrick Ramaano (Mphephu III) who reigned from 1950 to 1988 as Paramount Chief of Vhavenda and became the first president of the erstwhile Republic of Venda;
- p) Makhadzi Phophi Mphephu Ramabulana was regent for Tshimangadzo Ramabulana (Dimbanyika Thohoyandou II) from 1988 to 1993. Dimbanyika Tshimangadzo Ramabulana reigned from 1993 to 1997. He died in 1997 and was succeeded by his younger brother, Peter Toni Ramabulana (Mphephu Ramabulana); and
- q) Peter Toni ascended the throne in 1998.

THE MPHAPHULI VERSION

- a) Thohoyandou was not the son of Vele-la-Mbeu. He was the brother to Vele-la-Mbeu;
- b) Thohoyandou never reigned as king but was regent for Tshisevhe;
- c) Vele-la-Mbeu had given one of his sons, Nelugunda, the charms and herbs that guarded the whole kingdom;
- d) After the death of Vele-la-Mbeu, the main houses in order of seniority were: the first house to which Tshavhungwe was born, followed by the houses of Tshisevhe, Munzhedzi Mpofu and Raluswielo (Tshivhase) respectively;
- e) The most junior house was that of Nelugunda (Mphaphuli) also known as Tshibogo;
- f) Although she was born of the first house, Tshavhungwe being a female could not succeed. Therefore, the royal council nominated Tshisevhe who was next in line. Since Tshisevhe was still a minor, Thohoyandou was appointed regent on behalf of Tshisevhe;
- g) Tshisevhe was later assassinated. The royal council then instructed Nelugunda to go with Ragavheli, the son of Tshisevhe, to a Ndebele traditional healer in order to prepare him for succession to the throne. En route Ragavheli was also assassinated;
- h) Nelugunda fled to Tshitomboni and never returned to Dzata;
- i) Following their departure from Dzata, the house of Nelugunda Mphaphuli was not involved in the events that took place at Dzata;
- j) The Mphaphuli house created a new kingship independent of the Dzata kingship in that Mphaphuli gathered his followers from Dzata and settled at Tshitomboni and later sojourned to Mbilwi. They found Vhangona and other traditional communities who submitted themselves to the authority of Mphaphuli in order to avoid invasion by other traditional communities;
- k) Mphaphuli was succeeded by Tshilala, Ratsimbi Ranwedzi, Makwarela, Phaswana, Magwedzha and Mpandeli respectively;
- l) The arrival of the Boers heralded the end of Vhavenda kingships in that they established their own version of royal leadership, in a manner that is both ignorant and defiant of African culture and customs;
- m) The Boers deposed legitimate royal leaders and based on tokenism, wrongly elevated commoners against the applicable customs and customary laws of succession. They also realigned traditional borders and created their own for their own convenience; and
- n) Consequently, all the Vhavenda kingships, including that of Mphaphuli were destroyed.

THE TSHIVHASE VERSION

- a) Thohoyandou was not the son of Vele-la-Mbeu. He was the son of Masindi, a younger brother to Vele-la-Mbeu. Thus Thohoyandou and Tshivhase were cousins;
- b) Thohoyandou was installed as regent for Tshivhase;
- c) During his reign, Thohoyandou settled at Dzata II in 1760;
- d) Thohoyandou disappeared around 1770;
- e) After the disappearance of Thohoyandou, there was feuding between three half brothers namely, Tshisevhe, Munzhedzi Mpofo and Raluswielo (Tshivhase) who were potential successors. The elders concluded that Tshivhase should be installed as king of Vhavenda;
- f) All the three half brothers left Dzata because the centre could not hold. Tshivhase went to Dopeni to establish a new kingship. The Tshivhase kingdom was established around 1780 by Ramashelo Vele Tshivhase because of royal feuding and the succession battle;
- g) Tshivhase expanded his kingdom. The people of Tshivhase assimilated some of the Vhangona traditional communities they found in the Dopeni area;
- h) The royal court moved from Vuvha to Vhulaudzi, Phiphidi, Denga and finally settled at Luaname (Mukumbani) where it presently resides;
- i) Tshivhase ruled from 1780 to 1834. He was succeeded by his son Mukhesi Luvhengo Ramarumo;
- j) Mukhesi Luvhengo Ramarumo reigned from 1834 to 1867. It was during his reign that the first white settlers arrived in the Tshivhase kingdom in order to establish the Transvaal Boer Republic. Acting in concert with the British colonialists, they set about disarming the Tshivhase community. Many of their traditional leaders and their subjects were arrested and tortured. Others were even murdered as they resisted payment of the violently imposed taxes;
- k) Mukhesi Luvhengo Ramarumo was succeeded by Tshivhase Raluswielo, who in turn was succeeded by Legegise. Legegise reigned from 1867 to 1902;
- l) Legegise was succeeded by Vele Ramaremisa and he reigned from 1902 to 1930. Various pieces of land legislation were enacted between 1913 and 1936. Massive tracts of land were expropriated as a result, the kingdom virtually collapsed and there was a shift from sovereignty to subjugation;
- m) Vele Ramaremisa was succeeded by Rasimphi Phiriphiri Frans Mphaya in 1930. He was subjected to persecution in that the Black Administration Act which had been introduced during his reign, served as a legal instrument to depose him. He was arrested for defying the Smuts-Hertzog Government

between 1930 and 1947. He was banished to Hammanskraal, north of the present day Tshwane. He died in 1952;

- n) Ratshalingwa Thikhathali Prince reigned from 1963 to 1966. He is the father of the current incumbent Kennedy Tshivhase.

THE RAVHURA VERSION

- a) Thohoyandou was the son of Dimbanyika the brother to Vele-la-Mbeu and therefore the uncle to Tshisevhe;
- b) Tshisevhe was the son of Vele-la-Mbeu;
- c) Since the first house failed to produce an heir, the next senior house was that of Tshisevhe. However, as Tshisevhe was still a minor Thohoyandou was appointed as regent;
- d) After the disappearance of Thohoyandou, Tshisevhe was enthroned as king;
- e) Tshisevhe fathered Ravhura;
- f) Tshisevhe was later assassinated;
- g) After the death of his father, Ravhura fled to Makonde on the advice of Mwali (Mwari), the Supreme God of Vhavenda. As he fled from Dzata to Makonde, he maintained his status as successor-in-title to the kingship of Vhavenda;
- h) At Makonde, Ravhura ruled as king of Vhavenda as a whole;
- i) Various traditional leaders came to Makonde to pay homage to him and ask for rain and blessings because Mwali communicated with Vhavenda through Ravhura as king;
- j) Ravhura successfully defended himself against an attack from Tshivhase;
- k) In 1879 colonialists called a meeting of all traditional leaders at Muananzhelele. The meeting was attended by the chiefs including the Tshivhases, Mphaphulis and Ramabulanas. Ravhura did not attend the meeting because as king he could not be summoned to a meeting;
- l) The failure by Ravhura to attend the meeting was viewed as insubordination by the colonialists. Ravhura was sidelined and demoted to the status of chief;
- m) In order to reward Tshivhase, who had faithfully attended all meetings convened by colonialists, Ravhura was placed under the jurisdiction of Tshivhase;
- n) Ravhura mysteriously disappeared and was succeeded by Malise, his younger brother;
- o) Malise died and was succeeded by Jim Masindi Badaga (1911 to 1955);

- p) Badaga was succeeded by Solomon Mavhungu (1956 to 1965); and
- q) Solomon Mavhungu fathered the claimant, Azwianewi David Mutshinyalo Ravhura.

NHLAPO COMMISSION'S FINDINGS

The Commission dealt with the following:

- a) Whether in the course of the history of Vhangona a kingship was established; by whom, how and when; and how and when was the kingship lost;
- b) Whether in the course of the history of Vhavenda a kingship was established; by whom, how, and when; and how and when was the kingship lost;
- c) Whether at the split Tshivhase left to establish his own kingship; Mphaphuli left to establish his own kingship; Munzhedzi Mpofu or Ravhura retained the Vhavenda kingship as a whole;
- d) If the kingships are to be restored as claimed, and if they can exist as such;
- e) Whether the kingship of Vhavenda can be restored; and
- f) If the kingship of Vhavenda is to be restored, under whose lineage should it resort?

The Nhlapo Commission reached the following conclusions:

VHANGONA

Vhangona cannot claim seniority over the other traditional communities of Vhavenda because:

- there is no evidence that Vhangona subjugated or conquered Masingo or any other traditional community. To the contrary, they concede that they were subjugated by Masingo;
- there is no evidence that Vhangona conquered, subjugated, assimilated or exercised authority over Vhavenda at any stage in their history; and
- Even though Vhangona were an independent traditional community, with their own cultural and linguistic elements, they lost their independence and identity when they were conquered, absorbed and assimilated by Masingo and Bapedi.

TSHIVHASE.

The claim by the house of Tshivhase that Tshivhase had been enthroned as king of Vhavenda is not supported by the facts presented before the Commission or any other material researched.

- It is highly unlikely that having been so honoured, Tshivhase would have left Dzata to create an independent kingship;
- Furthermore, it is common cause that after having left Dzata he had attempted to attack Munzhedzi Mpofu at Dzata and at Songozwi. This is an indication that he had not relinquished the fight for the kingship of Vhavenda as a whole;
- It is common cause that Tshivhase settled within the jurisdiction of the Dzata kingdom and that his forefathers had already defeated Vhangona. Therefore, he cannot claim to have subjugated Vhangona again;
- The house of Tshivhase did not establish a traditional community with a new identity, through conquering and subjugation, either similar to or distinct from that of Vhavenda as created by Dimbanyika;
- The house of Tshivhase contends that the house of Ramabulana was wrongly elevated by the apartheid regime because the house of Ramabulana was in agreement with the creation of homelands. The Commission finds that such elevation was in line with custom in that the house of Ramabulana was the most senior of the descendants of Vele-la-Mbeu; and
- In the circumstances, there is no evidence that the Tshivhase house established a kingship.

MPHAPHULI.

The house of Mphaphuli concedes that they come from a junior house of Vele-la-Mbeu. Their claim for kingship therefore, does not emanate from genealogical seniority, but from establishing a new traditional community at Tshitomboni independent of the Dzata kingdom.

- It is clear from the evidence that after the split the descendants of Vele-la-Mbeu ruled independently;
- There is however evidence that the house of Ramabulana exercised some authority over the other houses; and

- The Commission therefore finds that there is no evidence of the house of Mphaphuli having established a new kingship in that Mphaphuli did not establish a traditional community with a new identity through conquering and subjugation similar to that of Vhavenda created by Dimbanyika. Vhangona had already been subjugated by his forefathers, therefore Mphaphuli cannot claim that they submitted to his authority.

RAVHURA.

Tshisevhe was enthroned as king and reigned for a short period before he was assassinated.

- Upon the death of Tshisevhe, his successor-in-title, Ravhura should have ascended the throne;
- Ravhura concedes that he fled to Makonde. In so doing, Ravhura effectively abandoned his right as the successor to Tshisevhe;
- In any event, Ravhura could not have fled to Makonde with the kingship as this was before he was enthroned; and
- The Commission finds that, at the split Ravhura did not retain kingship.

MPHEPHU RAMABULANA.

The Commission does not deem it fit to make a finding as to whether Thohoyandou was the brother or son of Vele-la-Mbeu in that it is common cause that Ravhura fled to Makonde thereby abandoning his right to succeed Tshisevhe.

- Munzhedzi Mpofu was enthroned as king of Vhavenda. Whether this was in line with customary succession or by usurpation is not clear from the evidence. However, he was able to entrench his position by *inter alia* successfully repelling the attacks of Tshivhase;
- Munzhedzi Mpofu was the only remaining king of Vhavenda. Tshivhase was defeated by Munzhedzi Mpofu on two occasions, first at Dzata and then at Khwivhila River;
- Having been installed as king at Dzata, Munzhedzi Mpofu was able to defend his position as such; and
- The Commission finds that at the split it was Munzhedzi Mpofu who remained with the kingship at Dzata.

DETERMINING IF THE VHAVENDA KINGSHIP SHOULD BE RESTORED

The Nhlapo Commission also dealt with whether the Vhavenda kingship could be restored. The Commission dismissed the claims by Tshidziwelele Nephawe, Tshivhase royal house, Mphaphuli royal house, and Ravhura royal house. The Commission found that:

- In the history of Vhavenda a kingship was created by Dimbanyika around 1600;
- This kingship was later destroyed by the Boers during the reign of Mphephu Ramabulana in the Mphephu War of December 1898;
- After the split at Dzata, the descendants of Vele-la-Mbeu existed independently. Such independence did not constitute the creation of new kingships;
- The Vhavenda traditional communities, as they exist today, share similar linguistic and cultural affinities. The similarities were established by their former kings, among others, Dimbanyika, Vele-la-Mbeu and Makhado;
- The Commission finds that good grounds exist for the restoration of the kingship of Vhavenda. In pursuance of the need to restore the integrity and legitimacy of the institution of traditional leadership in line with customary law and customs, it is imperative that the kingship of Vhavenda be restored;
- Uniformity in the Republic, with regard to the status afforded to a traditional leader, in terms of customary law and customs should be achieved and Vhavenda are no exception; and
- It is the view of the Commission that if the kingship of Vhavenda is to be restored, this can only be done under one king, following the customary law and customs of Vhavenda. Previously, traditional leaders of Vhavenda ruled independently in that each of them were responsible for their daily administrative duties, but they paid allegiance to the *Khosikhulu* who reigns over all Vhavenda. His role is that of a unifying figure, the father of the nation. The traditional leaders of Vhavenda will seek advice and wisdom from time to time on a variety of issues that affect their territorial authority, culture and tradition.

After making such findings, the Nhlapo Commission had to deal with the question of whose lineage should the kingship resort to. It concluded that the Vhavenda kingship has been passed on in the house of **Mphephu Ramabulana** from one generation to the next in terms of the customary law and custom of

Vhavenda. The Commission stated that **“the claim for the restoration of the kingship of Vhavenda as a whole by Toni Peter Mphephu Ramabulana is successful”**.

“In the circumstances, the kingship of Vhavenda as a whole is restored under the lineage of Mphephu Ramabulana”.

Khosi Tshivhase, Khosi Mphaphuli and Tshidziwelele Nephawe immediately rejected the Nhlapo Commission Report and challenged its findings and proposals in court. The matter was argued before Judge Francis Legodi in the Thohoyandou High Court in August 2012. Judgement was delivered in the North Gauteng High Court on 6 September 2012.

Judge Legodi upheld the findings and proposals of the Nhlapo Commission, and dismissed the applicants’ case with costs. Judge Legodi stated that Toni Mphephu Ramabulana was the rightful heir to the throne of Vhavenda kingship.

Khosi Tshivhase and Tshidziwelele Nephawe immediately stated that they would appeal the judgement. Khosi Tshivhase was quoted as saying that he did not recognise Toni Mphephu Ramabulana as his king and that he would fight all the way to the Constitutional Court.

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KING TONI MPHEPHU RAMABULANA OF VHAVENDA *(PICTURE COURTESY OF ZOUTNET)*