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in the Age of AIDS, Gender,  
Governance, and Development**

Edited by Donald I. Ray, Tim Quinlan,  
Keshav Sharma, and Tacita A.O. Clarke

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Edited by Donald I. Ray, Tim Quinlan,  
Keshav Sharma, and Tacita A.O. Clarke

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# **Reinventing African Chieftaincy in the Age of AIDS, Gender, Governance, and Development**

Edited by Donald I. Ray, Tim Quinlan,  
Keshav Sharma, and Tacita A.O. Clarke

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TO THE PEOPLE OF AFRICA.





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## **Preface**

Donald I. Ray

Project Leader, TAARN/IDRC Project International Co-ordinator,  
Traditional Authority Applied Research Network Professor,  
Department of Political Science, University of Calgary

We, the authors of this book, were drawn together by our belief that one of Africa's indigenous human resources for development, i.e., traditional authorities, was being overlooked, if not rejected, because of the misconceptions held by some policy-makers and researchers in African post-colonial states and elsewhere. We were puzzled by the anti-chief railings, especially in light of the realities on the ground that were experienced in Ghana, South Africa, and Botswana. We saw that some chiefs in those three post-colonial countries were active in development but some appeared not to be involved. We asked ourselves if these active chiefs were part of some larger trend that had been somehow overlooked during the aftermath of independence. Independence had truly been a wonderful achievement that ended European colonialism, but of course new problems had emerged that then had to be addressed. During this time, traditional leaders fell from sight and often from the political grace of the nationalists who had achieved independence. This was also a time when

the now independent African states had to face the challenges of transforming colonial bureaucracies, armies, police forces, economies, etc., into democratic post-colonial states and economies. The way turned out to be much harder than expected: these included, *inter alia*, military coups, corruption that in some cases bled the country's finances dry and impoverished the people, an inherited state governing ethos of the colonial state, economies undermined and distorted by the European-controlled slave trade, colonialism, and now new forms of imperialism (see, for example, the prophetic words of Fanon 1963 and 1967; Nkrumah 1965; Rodney 1972 or Saul 2005), revolutions, and elections betrayed. Having seen and often having experienced some of these from a variety of perspectives, we the authors of this book began to realize that we had a common interest in the potential that African chiefs might have in promoting (or hindering) development. We had no illusions that traditional leaders would or could "save" Africa, any more than the civilian and military leaders of the post-colonial African states would, but we did have a sense that traditional leaders represented an overlooked and underused indigenous human resource in some or perhaps many sub-Saharan African states that might well contribute to development.

We first came together as the Traditional Authority Applied Research Network (TAARN) when we founded TAARN at the end of the Conference on the Contribution of Traditional Authority to Development, Democracy, Human Rights and Environmental Protection: Strategies for Africa, held in Accra, Ghana, on 2–4 September 1994, and 4–6 September in Kumasi at the National House of Chiefs. All the papers at the conference were published in their original draft in a limited edition (Arhin, Ray, van Rouveroy 1995). Selected revised and edited papers were later published (Ray and van Rouveroy, 1996): these gave us further opportunities to continue our conversations about traditional authority and to build TAARN. The 1994 conference also marked our initial partnering with the International Development Research Centre (IDRC) of Canada.

In July and August 1997, Donald Ray (University of Calgary, Canada) visited South Africa as an Overseas Research Fellow of the South African Human Sciences Research Council at the invitation of Tim Quinlan (University of Durban-Westville, later renamed as part of the University of KwaZulu-Natal). Ray and Quinlan agreed to apply for a major research project examining chiefs and development in South Africa and Ghana. In

September 1997, Ray helped organize the Commonwealth Local Government Forum (CLGF) symposium on Traditional Leadership and Local Government that was held in Gaborone, Botswana (Ray, Sharma, and May-Parker 1997). At this CLGF symposium, Ray and Keshav Sharma (University of Botswana) began discussions for Botswana colleagues to join the proposed project. Discussions with Ghanaian colleagues continued. Following further consultations between Ghanaian, Botswana, South African, and University of Calgary colleagues, we decided to apply to IDRC for a major research grant for TAARN to investigate what chiefs in Ghana, Botswana, and South Africa were actually doing with regard to development. Following rigorous application and refereeing processes, TAARN was awarded a major research grant from IDRC (IDRC Project Number 003927).

We then assembled country research teams in South Africa, Botswana, and Ghana with a co-ordination centre located at the TAARN headquarters at the University of Calgary (Canada). The South Africa team, led by Tim Quinlan, hosted the first initial organizing TAARN/IDRC workshop at what was then the University of Durban-Westville, then the mid-term and final workshops at the Health Economics and AIDS Research Division (HEARD), University of KwaZulu-Natal (Howard Campus). These workshops were attended by members of all three-country teams, including their team leaders (Botswana: Keshav Sharma; South Africa: Tim Quinlan; Ghana: initially Albert Owusu-Sarpong, later Don Ray). The workshops were key in facilitating our critical discussion of our individual contributions in comparative perspectives amongst ourselves and between countries in West and Southern Africa.

Our TAARN/IDRC research project had a number of outcomes, which can be only briefly highlighted here. There are three main publications that came out of our project: first the 2003 book (Ray and Reddy 2003), second the four-volume final report to IDRC (Ray, Quinlan, Sharma and Clarke 2005), and now third this substantial book. The book will be published in digital form and downloadable via the Internet all over the world, thereby circumventing the costs of shipping and customs, as well as the cumbersome problems of printed book distribution. Thanks to the University of Calgary Press innovations, led by its director, Donna Livingstone, our book will be easily and immediately accessible to any researcher, student, official, politician, chief, or other citizen at any internet-



connected computer on the globe. This electronic publishing builds on IDRC's goal of promoting interconnectivity within the Global South and between the South and the North.

Our project and this book also fulfill IDRC's goal of building research capacity in the Global South as well as in Canada. When the list of this book's nineteen authors is examined, twelve are African (five from South Africa, four from Ghana, and three from Botswana) and six are from Canada. Seven of the authors are female, which is a significant step towards gender equity, one of IDRC's goals and ours. Seven of the authors are junior researchers who are now published: this is a significant contribution to their careers. Thus we have expanded research and policy capacity in Africa and Canada, addressing concerns of the lack of publication opportunities for African and Africanist researchers both junior and senior as well as by gender.

We made our project a true example of partnership, one of IDRC's goals. We discussed our research, argued with each other, always in open-minded and respectful ways. Through these discussions, we enriched each other with our new ideas and experiences from each other's research countries.

Don Ray

*Project Leader, TAARN/IDRC Project*  
*International Co-ordinator, Traditional*  
*Authority Applied Research Network*  
*Professor, Department of Political Science,*  
*University of Calgary*

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The opinions expressed in this book are those of the authors; IDRC bears no responsibility for them.

Donna Livingstone, Director, John King, Senior Editor, Karen Buttner, Editorial Co-ordinator and the other staff at the University of Calgary Press have been exceptionally generous with their expertise and constant guidance. We would like to thank Laura Dunham, Meghan Birnie, Gaele Eizlini, Sherri Brown and Tacita Clarke for their many contributions to TAARN's co-ordination centre at the University of Calgary's Research Unit on Public Policy Studies. We would like to thank our families for their support. I especially thank Rosemary Brown and our children, Mike, Matt and Jen for their encouragement and help over the years.

We thank profoundly all of the many people who shared their wisdom with us and who helped us conduct our research: we hope this research has given you another voice to express your concerns.

Don Ray



# 1 Introduction

Donald I. Ray, Tim Quinlan, Keshav Sharma, and Tacita A.O. Clarke, with W. Donkah, C. Owusu-Sarpong, M. Lekorwe, S. Vawda, S. Mkhize, M. Nyendu, R. Thornton, M. Molomo, P. Sithole, and K. Kgotleng

In Ghana, South Africa, and Botswana, chiefs are faced with the challenges of AIDS, gender, governance within the post-colonial state, and development. Many traditional leaders have in effect reinvented themselves and their office as promoters of development for their communities. Such a bold statement will likely provoke astonishment in some quarters, yet this is what our research found in Ghana, South Africa, and Botswana.

We use the words “chief,” “traditional leader,” “traditional ruler,” “traditional authority,” and kings or queen mothers as interchangeable (except for considerations of gender) representations of those Ghanaian, Botswana, and South African political leaders whose offices are rooted in the pre-colonial period. We recognize that different countries have different preferences as to which terms they would wish to use. We do not value one of those words over another. The definitions are discussed in each chapter and especially in Chapter 2.

British colonial officials trusted traditional leaders to some extent once the kings and courts in Ghana, South African, and Botswana had

lost their independence and had been turned into “chiefs.” From the early 1900s to the early 1950s, British colonial rule in Ghana saw the chiefs as being suitable junior partners to imperialism. Rathbone (2000) has shown how nationalists, such as Kwame Nkrumah, regarded chiefs as being imperialist tools who held back independence and the nationalist agenda in Ghana. Many South African chiefs did collaborate with the neo-colonialist apartheid regime in South Africa (Mamdani 1996; Ntsebeza 2005). In Botswana the nationalist elite effectively converted chiefs, in one sense, into administrative officials of Botswana’s post-colonial state. With the dawning of independence, of what was supposed to be an age of democracy and development in the African post-colonial state, chieftaincy fell from view amongst academic researchers (except for historical purposes) and African politicians. Indeed when the Canadian Association of African Studies held its 1981 conference, “Into the 80’s,” not one panel was devoted to chieftaincy (Ray, Shinnie, and Williams 1981).

However, by the late 1980s and early 1990s, chieftaincy was beginning to emerge as a subject suitable for policy analysis (van Rouveroy 1987; Ray and van Rouveroy 1996). (The reasons for this re-emergence of chieftaincy are beyond the scope of this work. Problems in the governance of the post-colonial state and the refusal of traditional leaders to wither away may have been factors in this.)

The conferences in Ghana (Ray and van Rouveroy 1996) and Botswana (Ray, Sharma, and May-Parker 1997) marked a refocusing of the study of chieftaincy from history and anthropology to those of policy and what chiefs were doing in the post-colonial states of Ghana, South Africa, and Botswana. Based on our discussions with each other and with the International Development Research Centre (IDRC) of Canada, we applied to IDRC for a multi-year research grant that has resulted in this book, *Reinventing African Chieftaincy in the Age of AIDS, Gender, Governance, and Development*.

Chiefs in the post-colonial states of Ghana, Botswana, and South Africa are reinventing themselves and their offices as their communities and countries are increasingly challenged by a unique combination of AIDS, gender, governance, and development. We argue that while chiefs as indigenous community leaders have unique resources such as indigenous knowledge and community opportunities to respond to these challenges, such traditional leaders are often “missing voices” in the contemporary

political and policy debates around these African issues. Our concern is to critically examine how chieftaincies in Botswana, South Africa, and Ghana are addressing these four challenges.

Many chiefs in Ghana, South Africa, and Botswana are having to redesign what they and their offices do within the post-colonial state if the chiefs hope to maintain the legitimacy of their authority in the face of health, cultural, political, and other development challenges. These challenges are the struggle against HIV/AIDS, societal debates and actions around gender, the ongoing debate on how to include indigenous African political institutions, processes, and values in the democratic governance of post-colonial sub-Saharan states, and the need to involve chiefs in development. We analyze the stresses and strains of the dynamic power dialectic between chiefs (whose offices are rooted in the pre-colonial period) and the contemporary post-colonial state. We examine a variety of ‘new’ chiefly practices such as “gate-opening,” “social marketing/public education,” and “community-capacity building.” All of these practices allow chiefs to introduce key issues such as HIV/AIDS to their communities.

Related to this, one of our important research findings is that many chiefs are able to effectively mobilize their communities because of the legitimacy associated with their traditional roles. The “differently rooted legitimacy” of traditional authorities, which exists outside of the control or creation of the post-colonial state, creates enough political resources for the chiefs to be able to negotiate on behalf of themselves and their communities with the post-colonial state, as well as foreign and domestic non-governmental organizations and foreign governments. Especially in Ghana but also in South Africa and Botswana, chiefs have played a key role in mobilizing their people to fight HIV/AIDS through “social vaccine” strategies. Chiefs have done this through first “gate-opening,” then “social marketing/public education,” and finally community-capacity building. We see this as a best practice model that goes far beyond the constricting orthodoxy of many governments and agencies that seek, at best, to restrict chiefs to being only quaint cultural artefacts.

Just because a social or political custom is regarded as “traditional,” does not mean it is unchanging. Hobsbawm and Ranger’s co-edited book, *The Invention of Tradition* (1983) argued that “tradition” was often invented in response to contemporary pressures. Building on this, we argue that traditional leaders are reinventing themselves and their offices in response



to these challenges. For example, in all three selected countries, the stereotype of chieftaincy as being male-only is being challenged in response to changing gender practice: in fact, there is a growing “tradition” of women traditional leaders, be they queenmothers, regents, or chiefs.

Ghana, Botswana, and South Africa were selected as the focus of our comparative research on chieftaincy for several reasons. These countries have constitutionally recognized the significance of this traditional, i.e., indigenous, institution and have retained and adapted it to the modern or post-colonial system of governance. Thus all three countries have houses of chiefs or traditional leaders. All three countries are now Anglophone members of the Commonwealth and share not only English as the major state language but also being former British colonies. Through the Commonwealth Local Government Forum, all three countries communicate with each other over the roles of traditional leaders. The countries selected cover two different parts of the continent. The geopolitical comparison adds to our analytic contributions to the literature of chieftaincy.

As a careful reading of the chapters will show, there is an interweaving of two to four of the major themes in all chapters. Our book is the first to analyze chieftaincy in light of all of these four challenges. The first section of the book focuses on traditional leaders who are resisting HIV/AIDS. They are thus involved in the reinvention of chieftaincy as part of anti-AIDS development strategies.

In Chapter 2, Ray and Eizlini analyze two sets of Ghanaian newspaper articles to examine how active chiefs are in reinventing their roles by implementing development (including fighting HIV/AIDS) in their traditional areas. Research in Ghana augmented these searches. The articles provide a means of measuring how deeply involved chiefs are in development or at the least what the perception of the media is. Ray and Eizlini further argue that, based on the concept of divided legitimacy and shared legitimacy, chiefs not only have the potential to give legitimacy and accountability to development efforts but that significant numbers of chiefs do so.

These male and female chiefs are involved in the three levels of the fight against HIV/AIDS: gate-keeping, social marketing, and building local community competence and capacity to deal with the effects of HIV/AIDS on the people of their communities. Traditional leaders can facilitate and legitimate access to the message of anti-HIV/AIDS campaigns of

outside organizations to their (chiefs') communities. Chiefs can be passive or active gate-keepers. Traditional leaders can actively take part in social marketing (i.e., public education) campaigns, and they seem to be more believed by their subjects because of the unique legitimacy/credibility the traditional leaders have. Numbers of traditional leaders have created or are creating or are contributing to projects that deal with the effects of HIV/AIDS on people in their communities. Traditional leaders are fighting HIV/AIDS in Ghana. The involvement of traditional leaders in fighting HIV/AIDS is significant in terms of national strategy recognition, numbers, and geographic spread.

Chiefs recognize not only the intrinsic value of education but also the economic value in an educated public. Economic development illustrates the shared legitimacy within Ghana as development projects rely on the involvement of the state, chiefs, and contractors.

In the literature debates on chieftaincy, one strand of analysis seems to miss the need to more adequately problematize the reality of traditional leaders in Sub-Saharan Africa. When Ntsebeza (2005) argues that traditional authority undermines democracy and capitalist development, or Mamdani (1996) argues that a choice must be made between urban capitalist democracy (i.e., contemporary African states) and rural authoritarianism (i.e., chiefs), they miss certain key points, which in turn reveal certain of their theoretical shortcomings. They argue that the contemporary capitalist state is democratic and progressive while chiefs are seen to be undemocratic, corrupt, and against the rights of women. By engaging in such simplistic metaphysical reductionism, Ntsebeza and Mamdani see African post-colonial states and being "good" and chiefs as being "bad."

Their analysis misses much of the reality of the last fifty years that too many of the elected and unelected political elites of the African post-colonial states have a record that includes massive violations of human rights of their "citizens," as well as a record that includes many examples of genuine efforts at development, including democratization. So, while ultimately their analysis does not adequately problematize the contemporary African state, they also do not adequately problematize the chiefs, seeing only a static picture of their own reification: to Ntsebeza and Mamdani chiefs do not promote development because as a category they are seen as being inherently incapable of acting as grassroots political leaders for the benefit of their "subjects." Ntsebeza and Mamdani fail to see that chiefs

can be active agents of development for their subjects, as this chapter and this book argues. This is not to argue for some “golden age” of chiefs but rather that chiefs need to be analyzed in a more nuanced manner, using the conceptual tools such as divided legitimacy that, *inter alia*, this chapter uses.

In Chapter 3, Donkoh argues that Ghanaian chiefs have become involved in the promotion of education in their communities. She notes the changing role of chiefs and the various historical backgrounds among different groups, which undoubtedly affects the manner in which chiefs function in Ghana. Donkoh argues that partnerships between traditional leaders and development agents are not a recent phenomenon.

As the role of traditional rulers or chiefs in Ghana as heads of polities has been undergoing change resulting from the democratic advancement of the country, it has also become necessary to redefine their roles. Historically traditional rulers have been influential their area of jurisdiction. Their position had been premised on the political clout that they wielded within the community by right of birth. As a result of the imposition of British colonial rule and the subsequent activities of the modern nation state in undermining and usurping the traditional role of the chief, it has become necessary to carve out a new niche. Richard Rathbone’s excellent work, *Nkrumah and the Chiefs: The Politics of Chieftaincy in Ghana, 1951–60*, highlights Nkrumah’s attempt to annihilate the chieftaincy institution in his quest to modernize local government. However, Rathbone did not address the question of how chiefs have tried to reinvent themselves by redefining their roles as partners in development. This chapter and others in our book do.

Robert Addo-Fening (1997) traced the evolution of the Akyem Abuakwa state in what is now Ghana. Addo-Fening also highlights Akyem Abuakwa rulers like *Nana* Sir Ofori Atta, who utilized the introduction of such external development agencies as Christianity, western education, and colonial rule to champion innovation and to improve the quality of life of their people. In this sense, Addo-Fening’s work is a forerunner to the efforts being made by traditional rulers like Otumfo Osei Tutu Ababia of Asante to mobilize resources for developmental efforts, including gate-keeping activities in the area of HIV/AIDS within his jurisdiction.

Ray and Brown, in Chapter 4, analyze the ability of traditional leaders to reinvent their roles and hence their relevance to their communities,

so as to build community awareness and action in the fight against HIV/AIDS. Their focus is the building of HIV/AIDS competence, which is the idea that communities can become empowered to create and implement successful AIDS programs for prevention and support. In Ghana many traditional leaders are active participants in social marketing campaigns to prevent the spread of HIV/AIDS and to support those affected by the disease.

Ray and Brown argue that traditional leaders are and can be effective social marketers, meaning they can design, implement, and control programs calculated to influence the acceptability of social ideas. In Ghana, traditional leaders have committed themselves to being “instruments of socio-political cohesion to facilitate national development” and this commitment is extended to their efforts against HIV/AIDS. In Ghana traditional leaders act as advisers, intermediaries, and educators in HIV/AIDS education, prevention, and support work, and in fighting the stigmatization of those living and affected by the disease. Traditional leaders are key identifiers of social and cultural practices that can contribute to the spreading of the disease.

Ray and Brown argue that the community influence possessed by African chiefs is a result of historical legitimacy and credibility inherent in the pre-colonial institution of chieftaincy. Therefore traditional leaders can play significant roles in the development and implementation of HIV/AIDS policies and programs. African traditional leaders have the ability to increase the success of HIV/AIDS programs as they add legitimacy and credibility to such schemes and are critical to building a “social vaccine.”

Ray and Brown bring together the conceptual tools of political science and community health in their analysis of the involvement of Ghanaian traditional leaders in public campaigns to fight HIV/AIDS. Using political science concepts such as “shared legitimacy” (Ray in Ray, Sharma, and May-Parker 1997) and community health concepts such as “social marketing” (Kotler and Zaltman 1971) and “AIDS competence” (Lamboray and Skevington 2001), Ray and Brown contribute to the emerging public policy analysis of HIV/AIDS that goes beyond the epidemiology of AIDS (Kalipeni, Craddock, Oppong, and Ghosh 2004). While we wait for the creation of medical vaccines to prevent HIV/AIDS, we must use the “social vaccine” to prevent HIV/AIDS (Amoa 2003) and to manage it:

chiefs are amongst those who have the potential grassroots credibility to take part in such strategies and potentially facilitate their implementation.

In Chapter 5 Donkoh analyses the tradition of festivals in Ghana and the means by which traditional rulers are using these celebrations to reinvent their roles in order to further development projects and goals. Many festivals are being revived to act as agencies for asserting identities as well as a means of addressing local concerns. Community organizations and companies are able to provide materials, funds, and donations to festivals. The festivals, which have pre-colonial religious roots, have become occasions of planning development projects as government officials were invited and attended to encourage a dialogue between local communities and the central government.

Traditional rulers bring together otherwise unrelated groups in the chief's area of jurisdiction for collective action, especially in the delivery of social services. Also, other sectors of civil society are using festivals as a means of providing leisure opportunities and promoting their causes. Donkoh's observations and commentary on festivals in Ghana illustrate how traditional leaders are reinventing their offices so as to be innovative in their quest to provide agency to developmental projects and to educate their people on modern problems.

In Chapter 6 Brown examines in depth how queenmothers, particularly those of the Manya Krobo Queenmothers Association (MKQMA) in the Eastern Region are actively reinventing their roles by assisting in the building of AIDS competence in their communities. AIDS competence is understood as the idea that communities can become empowered to create and implement successful AIDS programs for prevention and support. The MKQMA have recognized the social consequences of the disease, which includes the loss of income for those affected and have thus created income-generating schemes for women in their communities, which include production of jewellery, cloth, soap, crops, and training as seamstresses. The queenmothers conduct social marketing campaigns aimed at educating the public. They have identified harmful social and customary practices and moved to deal with these. They have provided support for those living with and affected by HIV/AIDS. In building competency, the queenmothers have become actively engaged in soliciting resources from external agencies and programs.

The second part of the book focuses on how the themes of gender, development, and traditional authority interact as female traditional leaders reinvent themselves and their offices.

In Chapter 7, Schoon analyzes her experiences as a Canadian woman in becoming an honorary Manya Krobo queenmother in Ghana. Schoon's chapter contributes to the literature on chieftaincy by addressing how outsiders such as herself become "honorary chiefs" and what they do. Given the rapidly growing numbers of honorary or "development" chiefs being created in Ghana, Schoon's chapter yields insights into these understudied phenomena of chieftaincy reinventing itself.

In Chapter 8 Owusu-Sarpong's semiotic and gender analysis of the Akan institution of queenmothers in Ghana uses two tales of Akan folklore as well as an examination of academics and constitutional measures in order to argue that the institution has evolved and to explain how social constructs, particularly in the colonial and post-colonial eras, conditioned, redefined and downgraded the significance of the institution which nevertheless has survived. Many continue to argue that the queenmother was an important political and judicial figure whose counsel was sought as she was regarded as "the trusted moral authority of her community and the democratic guarantor of the male ruler's demeanour." Hence queenmothers have the legitimacy to advocate for more equitable gender relations, including those relating to development. The political institution of the "queenmother" has been much debated by researchers, colonial and post-colonial state leaders, and traditional authorities. This chapter reflects debates about politics and gender. From R.S. Rattray's famous reference, in his *Ashanti* (1923), to the political role played in pre-colonial Asante by the "senior female in the ruling clan, i.e. the *Ohema* or so-called Queen Mother," and K.A. Busia's 1951 reminiscence of a possible pre-Asante situation, where "it was women who were chiefs," British Indirect Rule resulted, in Asante, as it did elsewhere in Africa, in the reinvention of "customary laws," which, among other things, denied women rights and positions that had once been theirs in pre-colonial times.

J. Allman and V. Tashjian (2000) demonstrate that male elders and colonial administrators sometimes connived against those Akan *abemmaa* who resisted the illegitimate nomination of their "male counterparts" in the new system. They destooled the most "relentless" critics amongst queenmothers and attempted to eliminate the "dangerous force of opposition"

that their institution represented altogether. All to no avail: the queenmothers' resilience was never broken and, today, while "queenmothers" are still struggling to enter the Houses of Chiefs, they have regained official recognition and are working through their own associations or with the support of international organizations on communal and health matters.

J. Allmann and V. Tashjian noted that the socio-economic changes brought about by the new order in Asante ended in a generalized "gender chaos." The divorce rate became excessively high, as Asante wives began to challenge "conjugal labour." Awo Afua, a woman, married for thirty years with nine children, who was interviewed in 1940, boldly declared: "Serving a man is wasted labour. A woman must feel secure, but if she depends on an Asante man, she will live to regret it.... She is wiser in her trying to acquire her own property and to safeguard her future when she is still young. If she feels one man cannot help her, why should she not try another?" Indeed, the "wickedness" of women, so decried by men of those days, has not ended. In this incredible new "modern world" mentioned by Awo Afua, the number of *asigyafɔ* (women living on their own) was on the increase, despite the fact that Asante chiefs locked them up, calling them *tutufɔ* ("prostitutes"), to coerce them into accepting marriage. Hence, as Owusu-Sarpong notes, the politics of gender, development and male and female traditional leaders are interlinked in the "divorce" oral tale.

I. Wilks (1993) devoted a whole chapter to Akyaaawa Yikwan ("she who blazed a trail") – an *obeneba* (King's daughter) who headed a diplomatic mission to the coast, in order to negotiate a peace treaty, in 1831, and who, in 1824, had strongly criticized *Asantebene* Osei Yaw Okoto's hasty retreat, after the battle of Asamankow. Writing "from personal observation," I. Wilks notes: "Her status as *obeneba* would scarcely have justified such presumptuous conduct, though it is pertinent to note ... that postmenopausal women in Asante tend often to assume overtly aggressive and provocative attitudes towards males, as if in compensation for their earlier years of enforced domesticity." E. Akyeampong (1996) shed a new light on *Asantebemmaa* (Asante queenmother) Adoma Akosua's attempt to overthrow *Asantebene* (Asante king) Osei Bonsu, who was at war in Gyaman, with the help of the king's wives.

Amidst the series of publications in honour of Yaa Asantewaa, the queenmother of Ejisu, who led the 1900 final Asante "War of Resistance," Kwame Arhin (2000), who is well known for his narrow views of

queenmothers, took up the opportunity to set matters straight about “the extent to which [Yaa Asantewaa] departed from the normal political and military roles of Asante women” and conceded that, indeed, she had “exceeded” them and could serve “as proof that, for the Asante, gender was [once] irrelevant to leadership.”

Chapter 8, on “The Predicament of the Akan Queenmother (*Obemmaa*),” was inspired by this lively ongoing debate. Clearly, as the survey of various sources makes apparent in the chapter, the topic of “female rule” in Asante has been a “touchy” one in the academic and political worlds – “difficult to deal with” for some, particularly mind-boggling and challenging for others. In order to decipher the sub-text of this historical dilemma, the author takes the topic up from yet another angle of research – that of Orature as an indicator of political consciousness. Eno Sikyena’s 1988 tale, “How divorce came into the world,” soon proves to be of the nature of a “poetry of profound political significance.” The open-ended and skilled manner in which this female storyteller narrates episodes of the life of Domaa Akua, the queenmother, transforms her tale-text into an informed statement, at one moment in time and in history, on ever-changing matters of communal relevance. Although a tale figure, out of time and of space, Akua Domaa *is* the embodiment of the institution of “female leadership” among the Akan, which has, over the centuries, been under constant threat; her tribulations metaphorically do remind the listener/reader of the “sandy and slippery path” gender relations were taking in colonial Asante. Yet, *Anansesem* (tales) are generally not considered a genre of political or historical relevance, unlike other oral verbal performances during ritual celebrations – such as the *ntam* at royal funerals; this assumption, though, is equally proven wrong by the performer of the chosen tale. Orature, still widely practised at the “grass root” level, remains the most “humane” form of education, since it is an “art form” that originates from “the heart of the People” and is passed on “from mouth to mouth.” Through Orature, the dead come alive; the past is revived; the present is placed in a socio-historical perspective – it is either frowned upon or praised, in relation to changing “norms”; and the future is foretold. Owusu-Sarpong asks: Is that not, precisely, what Social History is trying to achieve?

Lekorwe, in Chapter 9, examines gender and traditional leadership in Botswana, illustrating the necessity of involving traditional leaders in



gender issues. Although the political structures put in place at the time of independence conferred equality to all citizens, Botswana women have not been able to enjoy these rights to the fullest due to some of the prevailing customs and practices of the country. The women are also subjected to violence, which is not only physical but also emotional and economic in nature. Women have been marginalized in society and also excluded from traditional leadership roles. As the world conferences on women have operated as strong pressure groups, women of Botswana also began to organize and put pressure on government to review all legislation that seemed to hinder women's full participation in the political domain. Though the government of Botswana has welcomed such developments, the biggest challenge to gender equality is the deeply rooted culture that is founded on a patriarchal system that subordinates women to men. For the plight of women to change for the better, the culture upon which some of the laws are embedded has to change. One positive change in Botswana is the installation of a woman paramount chief, *Kgosi* Mosadi Seboko of the Bamalete tribe in 2001.

The role of gender in traditional leadership has been discussed by many scholars (Molokomme et al. 1998; Gedney 1991; Kalabamu 2004; Ntshabele 2006). This chapter makes a contribution to the existing literature on gender and traditional leadership in Botswana. It points out the extent to which gender equality can be realizable and has indeed contribute to socio-political and cultural development in this country by highlighting the growing appreciative role of women in traditional leadership positions. It however recognizes the challenges that still remain to be addressed.

The third section of the book focuses primarily on the ways in which traditional leaders have sought to reinvent their roles in the governance of post-colonial state.

In Chapter 10, Vawda argues that after the fall of the apartheid regime in South Africa, the struggle to implement political democracy has meant two contrasting views of the role of traditional authority in local government and development. Vawda examines this discursive struggle over local governance between the post-colonial state under the ANC, and traditional authorities in KwaZulu-Natal province in the rural areas formerly under the traditional leaders but which are now being incorporated into the rapidly expanding greater Durban metropolitan area, now

known as eThekweni Municipality. He notes that there are two differently rooted legitimacies at play. He shows that this politics of local governance is far more nuanced and complicated than the post-colonial state's portrayal of chiefs as "tradition-bound" reactionaries who wish to hold back democracy while oppressing the poor. For example, by examining the rural poor in the areas on Durban's periphery, Vawda finds that the traditional leaders through their legitimacy and control of land actually can defend the economic and hence political interests of the rural poor against the attacks on them by the municipalities' service development, framed as they are by the World Bank's pro-capitalist philosophy that only those who can pay for services can access them (this ironically echoes the urban services politics of the apartheid regime). In this case these rural poor depend in new ways on traditional leaders to defend their customary access to land for subsistence farming against the swallowing up of this land by urban development.

The chapter attempts to answer the question raised by Mamdani (1996) as to whether the division between a politically modern urban and potentially democratic system of governance and a rural-based authoritarian, politically conservative traditional form of government can be overcome. The dualistic terms of the debate set up by Mamdani is shown to be an inaccurate characterization. Neither is it solely about the way tradition compromises democracy or modernity, as Ntsebeza (2005) argues, but rather the terms of debate centre around the more complex reality of contestation and negotiation of "tradition" within the confines of a democratic state between different and competing political parties, interests, and development agendas. This contestation and negotiation over tradition is also not simply about the resurgence of custom and tradition (Oomen 2005) or about the "harnessing," as Amoteng (2007) suggests, of traditional leadership for democracy. "Harnessing" would suggest that the institution of traditional leadership be attached in a positive way to democracy or incorporated into some form of modern system of government. This would be to miss the point that traditional forms of governance are already implicated in modernity as reconstituted institutional forms through which governance take place.

Mkhize, in Chapter 11, analyzes the uneasy relationship between traditional leaders (*amakhosi*) and the post-apartheid, post-colonial South African state. He interviewed *amakhosi* on the periphery of the Durban/

eThekweni Municipality whose land, which they had governed, was being or had been incorporated into the new megacity. The initial interviews with the *amakhosi* were conducted before the 2000 local government elections, which implemented the new boundaries set by the post-colonial government. A second round of interviews was conducted after these elections. Mkhize examines the questions of demarcation of boundaries, consultation with *amakhosi* by the state over demarcation, the new distribution of powers between the traditional authorities and local government councillors, the role of traditional leaders in development and the future of traditional leaders in the new South Africa (specifically the Durban/eThekweni Municipality), the chiefs' perception of government's attitudes towards themselves, and how the demarcation process has affected the land problem in their peri-urban areas. Mkhize argues that, contrary to some expectations, the *amakhosi* have on the whole recognized the new realities of local government and are often trying to "constructively engage" with it and to promote development in order to reinvent themselves as governors in the new South Africa.

Mkhize's chapter contributes to the new body of literature such as Lambert (1995) and Mamdani (1996), on the challenges of aligning traditional leadership with democratically elected governance structures, which emerged during the first decade of the twentieth century. Mkhize articulates the complexities of transforming traditional structures in a context of a South African province, which saw sharp political polarization and violence during the 1980s and 1990s. The new state had, and still has, an arduous task of absorbing traditional leadership into the new constitutional democracy without being seen to be secretly plotting the demise of the institution of chiefship. Chieftaincy claims to be part of Africa's heritage but it is also one in which the origins of some of the chieftaincies which emerged during the late nineteenth and early twentieth century were colonial inventions. Contrary to the wishes of Mamdani, the role of traditional leadership in the new South Africa has become more pronounced recently as various political parties have sought to attract their support. More and more attention is being given to rural areas and that has been demonstrated by the new government's decision to establish the Ministries of Rural Development as well as Co-operative Governance and Traditional Affairs. The rural areas are the terrain of traditional leaders: it

will be interesting to see how the new department penetrates traditional leadership structures and secures cooperation.

In Chapter 12, Nyendu examines the degree of participation of traditional leaders in Ghana's South Tongu District Assembly. The 1992 Constitution would seem to expect active roles for them within the framework of the current decentralization policy for local government. He argues that not only were traditional leaders not consulted in the appointment of the government appointees to the District Assembly but, on the whole, the number of traditional leaders who have participated in the South Tongu District Assembly since the inception of the current decentralization policy in 1981 is woefully inadequate. Where some traditional leaders were nominated by the district chief executives for appointment by the government, they were not the most qualified in terms of their academic/professional qualifications, which would have enabled them to bring their experiences to affect the work of the district assembly. Prominent traditional leaders in the South Tongu District are rarely made part of the government appointees because the government fears that chiefs could turn against the government at any time, especially when they refuse to be used to rubber-stamp government positions. Thus the post-colonial state in Ghana holds an ambiguous regard for chiefs. Controlling local government is more important for the post-colonial state than certain aspects of democratic governance.

Several volumes have been written on democratic decentralization (i.e., democratic local government) in Africa and elsewhere in the Global South and the need for the participation of traditional authorities, otherwise known as chiefs in this process. Ayee (1994), for instance, has traced the history of the involvement of chiefs in local government in Ghana. Ayee points out that, since the advent of colonial rule, chiefs in Ghana have functioned as convenient tools used by governments in local government. Ayee (2003) calls for the institutional representation of traditional authorities in Ghana's democratic decentralization program. Azar (2002), on the other hand, argues that the conservative nature of the institution of traditional authority makes its participation in any form of governance in modern times untenable.

Nyendu disagrees with Azar's position but also makes a stronger case for the institutional representation of traditional authorities in democratic decentralization than Ayee (2003) has made. This is because traditional

authorities in the Global South represent the interests of their people, thereby wielding influence in the rural areas, which enables them to exercise control over land and other forms of local resources, which are vital for facilitating local development. In light of this, Nyendu argues that governments at the national level must of necessity involve traditional authorities in the planning and implementation of local development projects, and since democratic decentralization is now being seen as the vehicle for local development, the institution of traditional authority must of necessity be central to local government. Nyendu argues that the participation of traditional authorities in democratic decentralization should not be at the behest of governments at the national level and that the latter must have no choice in the matter and must be compelled to do so through enforceable legal and constitutional frameworks. Nyendu's chapter contributes the argument for enforceable legal instruments that will compel national governments in the global south to institutionalize the participation of traditional authorities in democratic decentralization policies that seek to facilitate local development planning and implementation processes.

Lekorwe, in Chapter 13, argues that, in Botswana, the traditional governance institution of the *Kgotla* (a type of town hall meeting) is still an important democratic institution, particularly as a two-way channel of communication between the government and the people. Traditional leaders through the *Kgotla* can also reduce the intensity of political conflict as the institution is regarded as non-political. It is easier for the government to use *Kgotla* meetings to localize any ethnic feelings. Potential conflicts can be dealt with through the institution of the *Kgotla*, where people express their views without fear. In order for the *Kgotla* to be an effective institution of planning development, participation of people in the formulation of plans should be real and not ceremonial.

Globalization and modernization have presented a number of challenges to the developing world. Among these are the challenges to the existence of traditional institutions. Traditional institutions in many jurisdictions have had to be transformed to ensure they do not outlive their usefulness. This chapter discusses the role of *Kgotla* and traditional leadership in Botswana. It is a significant addition to the literature as it shows that in Botswana the integration of traditional leaders continues to play a crucial role in democratic building and mobilization of rural development (Dusing 2003; van Binsbergen 1995).

Indeed the conclusions derived in this chapter are supported by the recently released Afrobarometer research results (Afrobarometer 2009) that about 88 per cent of Batswana agree that the *Kgotla* is a part of Botswana's culture and helps to strengthen its democracy and therefore should be retained as a forum for public consultation.

In Chapter 14, Thornton conducted a survey of 1,200 residents in the Emjindini Royal Swazi Chiefdom of South Africa to understand people's attitudes towards chieftaincy in the post-apartheid period. Thornton argues that chieftaincy is far from dead in South Africa, which has a history of multiple loyalties and identities.

The arguments and data discussed in this chapter are partly in response to Mahmood Mamdani's book, *Citizen and Subject* (1996). Mamdani draws a rigid distinction between what he calls "citizenship" in the state and the "subject" of the king, or, in this case, of the African chief. Thornton's research on chiefship and citizenship in the first decade of the twenty-first century argues that such distinctions are untenable. Mamdani's argument is hardly new. Captain Frederick Lugard (1921) advanced this argument in *The Dual Mandate* over seventy years ago. Lugard argues that there are – and should be – two types of political membership. This is because the "natives" demanded it (one side of the "dual mandate") and also because power could be delegated to indigenous political structures under a colonial administration that retained ultimate power. Such strategies did not originate in African colonial practice – the Roman colonial empire used similar strategies, for instance – as Mamdani claims, but were used in colonial Africa as a means of recognizing African political autonomy within the administration of complex collections of chiefdoms and kingdoms of the sort that Lugard managed in Nigeria and later Uganda. This chapter examines a South African chiefdom, Emjindini, lying just over the border with Swaziland, Africa's last absolute monarchy. It describes a period in South African history when chiefship had recently been liberated from the shackles of the apartheid government and when new forms of local government had just been introduced. At this time, the chiefship and the new local municipal governments had begun to compete intensely for legitimacy. This chapter shows that the distinctions advanced by Mamdani and Lugard – "citizen and subject," or "dual mandates" – are quite useless in attempting to understand the political moment where chiefdom meets democratic local government. It does not offer grand

theory. It describes, through analysis of a questionnaire administered to 335 people, ambiguity and confusion in ordinary people's minds as competing and essentially novel forms of local government compete for their attention. This competition results in layered and complex forms of local government in which authority is diffused over multiple centres. This also means, however, that *responsibility* is diffused and confused, resulting in deep ambiguities of power rather than simple dichotomy. Molomo argues in Chapter 15 that as much as the people of Botswana are being socialized into the Westminster parliamentary system, their perceptions are still rooted in the traditional institutions. Despite the fact that the authority of *dikgosi* (traditional leaders) has been significantly eroded by constitutional changes, their influence over people is still an important political reality and does not show any signs of receding. The question of membership in the House of Chiefs became the medium by which minority ethnic groups attempted to become fuller participants in Botswana's democracy.

Botswana's political stability must be unpacked to explain the basis of its stable democratic rule. Although at times characterized as a "fragile bloom" (NDI 1990, 8) of "an authoritarian liberal state" (Good 1996), Botswana is generally regarded as a model of a working democracy in Africa. This chapter seeks to analyze the extent to which traditional institutions, especially *bogosi* (chieftaincy), have contributed to the democracy debate. It shows how *bogosi* as a traditional system of governance has contributed to state democratic rule in the post-colonial state in Botswana.

Second, it seeks to understand whether *bogosi* undermines democratic rule or is a partner in its development? The basic thesis of this chapter is that *bogosi* serves an important link between government and the people in the democratization process in Botswana. Government relies on the *kgotla* (the traditional village assembly) as a forum for consultation, communication, and dissemination of information, which is presided over by *dikgosi*. Outside the *kgotla*, government does not have any reliable forum for a two-way communication with the people. Political rallies that take place at "freedom squares" are partisan and are characterized by volatility and often abusive language. As a result, the *kgotla* stands out as an important forum for democratic discourse in Botswana.

Third, it addresses the important dialectic that exists between *bogosi* and ethnicity in Botswana. Perhaps the relation between *bogosi* and ethnicity constitutes a new site for democracy debates. As propounded by

Muller (2008, 19), it shows how “ethnic nationalism has played a more profound and lasting role in modern history than is commonly understood” and, whether we like it or not, “ethnonationalism will continue to shape the world” in the new millennium. In the quest to expand the frontiers of democracy, ethnicity is used to question the notion of democratic citizenship. Citizenship within the liberal democratic setting guarantees people the enjoyment of individual and civil rights as well as equality before the law, irrespective of class, race, or ethnicity.

Fourth, the chapter concludes by addressing the process of democratic consolidation in Botswana. The problematic is to try to establish whether *bogosi* and ethnicity play important parts in democratic consolidation, or whether they are anathema to democratic rule. Since elections have been embraced as one of the fundamental pillars of the liberal democratic process and are said to be essential conditions for regime change, the questions are: 1) how can *bogosi* be said to be assisting democratic consolidation and yet remain a hereditary institution? 2) how can ethnicity consolidate democracy when the ethnic question presupposes that ethnic groups are not equal in the country?

Political and theoretical discourses that try to understand the relationship between *bogosi* and ethnicity, on the one hand, and democratic consolidation, on the other, are limited because they depart from the basic premise that *bogosi* and *ethnicity* are institutions from the authoritarian past, hence anathema to democracy. As stated by Proctor (1968, 59), one of the major problems faced by the architects of the new states of Africa was to carve out a “satisfactory position for tribal authorities in a more integrated and democratic political system.” As Sklar (1999, 9) succinctly pointed out, the nation-states in Africa appear to be polarized by a “dual identity”; that is, identity, at one level, accorded to the “ethnic group,” and, at the other level, to the “nation-state” manifesting a “common citizenship.” Furthermore, given the arbitrary manner in which colonial boundaries were drawn, which eroded a sense of “national identity,” the effect was that the nation-states that emerged had low levels of cohesion, making political competition a zero-sum game.

Following from cultural and modernization theories, Mamdani (1996) concludes that *bogosi* is a hindrance to the development of democracy. He asserts that *bogosi* leads to “decentralized despotism” as well as the “bifurcation” of society into “citizens and subjects.” While his formulation



clearly captures important trends during the colonial period and has validity in some African social formation, this position does not enjoy universal validity.

The contribution of this chapter to scholarship negates the argument that *bogosi* is anathema to democratization as a simplistic and perhaps Eurocentric way of looking at social reality. Democracy must be seen as a socially constructed and contested process that is mediated by prevailing cultural institutions. In Botswana, as clearly articulated by Nyamnjoh (2003, 111), *bogosi* is a “dynamic institution, constantly reinventing itself to accommodate and be accommodated by new exigencies” of democratization. The interface between *bogosi* and democracy constitutes an “unending project, an aspiration that is subject to renegotiation with changing circumstances and growing claims by individuals and communities for recognition and representation” (ibid.).

In Chapter 16 Sharma argues that the establishment of the House of Chiefs in Botswana was a mark of recognition for traditional leaders. It was an effort to integrate the traditional leadership into the modern democratic structures of the country. Although the role of this House has been discussed in the general context of the role of traditional structures (Linchwe 1994; Morton and Ramsey 1987; Sharma 1997), this chapter on *Ntlo ya Dikgosi* (the new name for the House of Chiefs) examines in depth the nature of its role and effectiveness.

At the start of our research, there was some belief that, because of attitudes towards gender and traditional leaders, women would never become chiefs in Botswana. Yet one of the significant developments in the history of the House of Chiefs has been the introduction of female chiefs, beginning with the election of *Kgosi* Rebecca Banica from Chobe in 1999 and the inclusion of *Kgosi* Mosadi Sebeko as *ex officio* member after becoming paramount chief of Balete in 2000. Clearly tradition is being reinvented.

In Chapter 17 Ankra writes from the perspective of being a member of the Asante king’s royal family (hence his title “*Barima*”) and of having been the top civil servant in charge of the administration of Ghana’s National House of Chiefs (NHC). Having made his entire career in the post-colonial state’s civil service branch in charge of administering the regional and national house of chiefs, he is in a unique position to observe the chief-state dynamic in Ghana and to reflect on how the attempts of the state and chiefs to reinvent chieftaincy in Ghana played out in how

the National House of Chiefs operates. In terms of the sparse literature on how houses of chiefs operate in Africa, this chapter thus makes a special contribution and falls within the participant action research framework (PAR).

Sharma argues in Chapter 18 that one of the most significant government roles of the traditional leaders in Botswana is in the administration of customary courts. Recognizing the role played by traditional leadership structures, Botswana has integrated them into its contemporary machinery of public administration. Traditional leaders are particularly significant in the administration of justice as Botswana's customary courts co-exist with the modern judiciary and handle almost 80 per cent of the cases. The people in rural areas find customary court justice to be comprehensible, inexpensive, speedy, and not too technical. These courts have been recognized by law, derive their authority from tradition as well as from statutes, and administer customary as well as statutory law. Although scholarly work on Botswana's customary laws (Schapera 1984; Tlou 1997) and research output on aspects of administration of traditional leaders based on customary law and practice (Sharma 1997; Ray, Sharma and May-Parker 1997; Ray and Reddy 2003) have contributed to our understanding of the role of traditional leaders in this respect, this chapter, based on empirical research, adds to that understanding as it covers the nature of authority and jurisdiction of these courts, their relationship with modern courts, and their machinery for administration, review, and appeals of cases. This chapter gives particular attention to the discussion of strengths, limitations, challenges, and relevance of these courts in contemporary public administration.

Pearl Sithole in Chapter 19 examines the potential for traditional leaders to act as local governors in post-apartheid South Africa's KwaZulu-Natal province. Using the case study of Zulu traditional leaders whose land was being incorporated (or might soon be) by the post-colonial state's local government structures, in the Durban area, as part of the imposed demarcation of new local government boundaries, Sithole argues that traditional leaders continue to be relevant to their "subjects" in contrast to the apparent wish of some elements of the central government that the traditional leaders would disappear and be replaced by the post-colonial state's local government apparatus.

She argues that both the differently rooted legitimacies of traditional leaders and the post-colonial/post-apartheid state continue to be relevant, often in different ways, to South Africans. Traditional leaders in the case study serve the needs of the rural (and peri-urban) poor by providing access to land, while the post-colonial state operates in the interest of capitalism's "urban development" strategies, which may, ironically, worsen the situation of the rural poor: "the commercialization of most things, and especially land, creates a situation in which traditional leadership as an institution is seen as the personification of a challenge against capitalist despotism."

Traditional leadership has been problematized in South Africa for several reasons. Firstly it is argued that it enforces patriarchy – especially through systems of position and property inheritance, which prioritizes men, a system endorsed by a patrilineal system of tracking identity (see Bentley 2005). Secondly it is seen as not amenable to democracy – especially where democracy is viewed mainly in terms of representative democracy and when the focus is more on access to power than on ways of solving social problems (Mamdani 1996). Thirdly, it is tainted with assisting apartheid – the extremist of this view see traditional leadership as a creation of colonialism and an institution that promotes institutional tribalism/ethnicity upon which apartheid and racism were based (Ntsebeza 2006). Lastly, it is seen as promoting a land tenure system that does not give full rights of ownership to people – some critics have criticized communality of land as a confusing system that is protected by traditional leadership; but recently they are beginning to hint that perhaps communality of land is feasible without what they see as a less-democratic form of governance (i.e., traditional leadership) controlling it. (Cousins and Claassens 2004; Cousins 2007).

While these issues are being attended to, it has become clear to both critics and more tolerant analysts that "traditional leadership" is resilient (De Jongh 2006; Oomen 2005). It has critics within government, civil society, and academics and even within communities, but it persists with some level of support from its communities. Some analysts have sought to explain this persistence (Ray and Reddy 2003; Sithole 2008). They argue firstly that traditional leadership has been one form of governance that has remained close to people in rural areas through many phases of governance in South Africa. While the vicissitudes of colonial politics and

economic subjugation of indigenous Africans have impacted and abused both traditional leadership and communities, most communities have been able to separate attempts to corrupt the incumbents of the institution and relevance of the institution itself in their survival strategies. Secondly, there is a need to differentiate the social ills of patrilineality and patriarchy from the specific manifestation of these within traditional leadership so that patriarchy is dealt with. There is a need to establish a position on whether one starts by dealing with social ideology (which still promotes patriarchy in property inheritance even in rural settings) or by eliminating specific institutions as a whole, such as traditional leadership. Thirdly, there is a need to deal with the question of what is “traditional” about traditional leadership and the degree to which traditional leadership has changed, or has influenced change, and how it deals with current social and development issues. Lastly, there is a need to examine the extent to which traditional leadership could be an option amongst many that facilitate different types of lifestyle – different tenure systems for different socio-economic groups, different cultural practices for a range of people, and different forms of identity and heritage.

In terms of policy on traditional leadership, there are different views. One school of thought dominated by civil society (with some in government being a bit tactical in adopting the same view) prescribes a subtle elimination of the institution of traditional leadership. The traditional leaders themselves have been “reading this approach between the lines” in the government’s “diplomacy” on the question of traditional leadership – linking this to the brief Chapter 12 of the Constitution, which suggested that national and provincial governments “may” do something about traditional leadership. However, government later demonstrated a more positive approach that seeks to integrate traditional leadership within the South African system of government (see Sithole and Mbele 2008). This is demonstrated in the latest policies and legislation that has been promulgated – the White Paper on Traditional Leadership and Governance (2003), the Traditional Leadership Governance Framework Act (TLGFA 2003), the Communal Land Rights Act (2004), as well as the provincial acts taking cue from the TLGFA.

In Chapter 20 Kgotleng argues that succession disputes are not essentially about declaring the rightful chief but in reality reflect issues of

governance in the political environment surrounding the chieftaincy in post-colonial, post-apartheid South Africa.

Kotleng explores how succession disputes in local level politics are embedded in the broader national political environment that shapes everyday practices and meanings surrounding chieftaincy in post-apartheid South Africa. This follows on John and Jean Comaroff's views (2004) about how local-level politics has become propitious for experimentation and resolving challenges experienced by people at the margins of the state. The chapter postulates that a succession dispute among the Batlhaping boo Phuduhucwana in rural North West province of South Africa was critical for creating an avenue for the Phuduhucwanas to define the proper status, role, and powers of their chieftaincy within the new local government discourses while also serving as a vector for setting out the kind of chieftaincy best suited for articulating aspirations and experimentations for dealing with political experiences. While situating such disputes within the rubric of local government, the chapter demonstrates that succession disputes are amenable to providing a horizon for articulating the aspirations of people in remote and poorer parts of South Africa.

The final section of the book examines the reinvention of chieftaincy as it interacts with the environment and development.

Keating, in Chapter 21, argues that traditional leaders can be key leaders in persuading their communities to protect the environment. The Wechiau Hippo Sanctuary is the guide for community conservation initiatives in Ghana. The sanctuary was established in 1999 as a means of conserving the unprotected hippos in the Northern, Upper West, and Brong-Ahafo regions along the Black Volta River. The sanctuary was initiated by the chiefs and people of the Wechiau Traditional Area of the Upper West Region, with assistance from the Nature Conservation Research Centre (NCRC) and the Ghana Tourist Board. The sanctuary is the first community-owned and managed large mammal sanctuary in the country and all twenty-two villages in the vicinity of the sanctuary are involved in the initiative.

Traditional leaders were key to this community-based environmental development project, which worked locally and also mobilized international funding from Canada's internationally renowned Calgary Zoo. Keating also discusses the creation and role of "development chiefs" from

the Calgary Zoo who were an integral part of this relationship and in the process of reinventing chieftaincy.

Dorm-Adzobu, Ampadu-Agyei, and P.G. Veit (1991) have shown the linkage between traditional religious beliefs, traditional authority, and environmental conservation. Daneel (1996) established that such traditional religious beliefs and authority, i.e., chieftaincy, have been used in Zimbabwe by traditional religious and political authorities to mobilize their believers and subjects for successful extensive re-forestation campaigns. Furthermore, much of the literature that examines the actions of traditional political and religious leaders and natural resource management focuses on land management, as do the above sources, but comparatively little focuses on traditional authorities and animal management, Hinz (1999) being one of the relatively few to comment on this.

Keating's chapter examines a key case study of how community-managed animal conservation schemes were made possible only through the active involvement of local chiefs in the Wechiau Hippo Sanctuary. Keating analyzes how these chiefs, acting in conjunction with other political forces such as the Calgary Zoo, were able to take part in the mobilization of their subjects as well as the mobilization of resources in Canada for this Ghanaian environmental development project.

In Chapter 22 Molomo explores the changing relationships between chiefs and land. In traditional Tswana land tenure, all land was controlled by the *kgosi* (chief), who held it in trust for the people. Tribesmen were allocated land in villages for their primary settlement, in the area outlying the villages for arable fields, and further on grazing lands for their cattle. Control of land and water resources was a source of wealth and power; hence *dikgosi* (chiefs) enjoyed patronage and loyalty from their people. Traditionally, wealth was measured by the extent of land ownership and the size of their herd. Cattle were used as draught power, so ownership of a large herd of cattle meant one could plough large fields and could also loan some cattle to the less-privileged members of society, thereby exercising control over them.

The contest for political power between *dikgosi* (chiefs) and the post-colonial state was first defined during the writing of the independence constitution wherein *dikgosi* were relieved of the executive powers and reduced to mere figureheads in land administration and allocation, within the structure of local authorities. The last straw on the camel's back came

with the passing of the Tribal Land Act of 1968, which relieved *dikgosi* of the important and historic function of land allocation, which was transferred to the newly established land boards.

The administration of land in Botswana through the land boards is often regarded as a model that needs to be emulated in the Southern African region. The retention, nominally of *dikgosi*'s control of the tribal areas and the Tribal Territories Act places certain ethnic groups under the territorial domain of other groups that are accorded a paramount status in the hierarchy of *bogosi* (chieftainship). It also imposes the dominant Tswana cultural constraints on other people who have been transformed into minorities. This allows Tswana customary concepts and land rights to be overlaid in land in an integrated process of national development.

The overlaying of chieftaincy over tribally defined boundaries under the jurisdiction of Tribal Land Boards has become a major source of contestation by ethnic minorities. Increasingly, ethnic minorities are challenging dominant paradigms of nation-building, which seek to diffuse the values of the dominant Tswana culture infused with values of capital accumulation. They argue that Botswana, in spite of the assertion that it is a homogeneous entity, in reality has divergent cultural traits that must be recognized in nation-building. Several ethnic groups, especially ethnic minorities, have formed ethnic associations that call for the recognition of their rights, particularly language and land rights.

The disjuncture that underlies the land question in Botswana has its origins in the pre-colonial period and was further institutionalized by the post-colonial state. In common practice, every Motswana has a right to be allocated land, especially for residential, arable, and grazing purposes. Although at face value land allocation seems equitable, in reality it is skewed and disadvantages certain ethnic groups in Botswana. In Botswana, through the land boards, there has been a seemingly equitable distribution of land. Land is intimately tied to the tribal areas, and ethnic minorities, especially the *Basarwa*, are often disadvantaged in the allocation and access to land.

The contribution that this chapter makes to the body of knowledge is to rewrite Botswana's history and to recognize the historical injustices that have occurred in land tenure practices. This chapter agrees in particular with the works of Wilmsen (1989), who articulates the political economy of the Kalahari and attempts by *Basarwa* to assert their land rights. It also

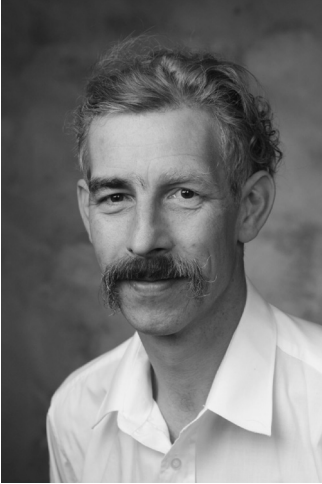
agrees with the works of Werber (1982; 2002) that Botswana's land tenure system does not recognize traditional land rights of ethnic minorities. Moreover, the chapter concludes that, in the whole process, *dikgosi* are marginalized from playing any meaningful role in land allocation.

In Chapter 23, the major conclusions of our IDRC-funded research are discussed with regard to the reinvention of chieftaincy in Ghana, Botswana, and South Africa.



MANYE NARTEKIE, DEPUTY PARAMOUNT QUEENMOTHER, WITH DR. DON RAY.  
(PHOTO: DR. DON I. RAY.)





PROFESSOR  
TIM QUINLAN,  
SOUTH AFRICA.



PROFESSOR KESHAV C. SHARMA, PROFESSOR MPHOMOLOMO, AND  
DR. MOGOPODI H. LEKORWE, BOTSWANA. (PHOTO: PROFESSOR K.C. SHARMA.)

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## **2 Chiefs as Development Agents: Ghanaian Pilot Study**

Donald I. Ray and Gaelle Eizlini

### **I. INTRODUCTION**

Can African traditional leaders be “development agents”? Some researchers, policy-makers and administrators, and elected political leaders of the African post-colonial state have written off African traditional leaders as being corrupt or otherwise unsuited for inclusion in development strategies. Yet the survival and recent reinvention of chiefs by themselves in parts of Africa has seen them emerge as “development agents.” Given that much of the HIV/AIDS literature argues that HIV/AIDS is part of the struggle for development, the potential for African chiefs as “development agents” has implications for anti-HIV/AIDS strategies. In this pilot study, we use Ghanaian newspaper articles and research in Ghana to conduct a fresh but preliminary examination and analysis of Ghanaian traditional leaders as “development agents.” To the extent that they appear to have done so, we view the ability of Ghanaian traditional leaders to transform



and reinvent themselves as “development agents” as being made possible by the way that “divided legitimacy” has operated within this African post-colonial state.

African traditional leaders are those monarchs, other nobles holding offices, heads of extended families, and office holders of decentralized polities whose offices are rooted in the pre-colonial period. Their African-language titles are often translated into English as “chiefs,” “traditional leaders,” “traditional authorities,” “traditional rulers,” “kings,” and “natural rulers.” Traditional leaders include those political, socio-political, and politico-religious structures that are rooted in the pre-colonial period rather than in the creations of the colonial and post-colonial states, but the offices of traditional leaders have usually been modified by the colonial and post-colonial states.

Are traditional leaders inherently “bad” or “good”? How do we move beyond the over-generalization and stereotypes? The use of two pilot newspaper analyses and research in Ghana begins to move the debate beyond depending upon the anecdote of the outstanding but possibly isolated traditional leader who does outstanding development work. For some time we have been struck by various reports of chiefs being involved in development. Ray (1992, 1996, 1997, 2003a, 2003b), Arhin (1985, 2001), C. Owusu-Sarpong (2003) and others have indeed witnessed such activities.

For example, Arhin, Ray, and van Rouveroy co-organized the 1994 “Conference on the Contribution of Traditional Authority to Development, Human Rights and Environmental Protection: Strategies for Africa,” which drew researchers from Africa, Europe, and North America, as well as chiefs from Ghana (Arhin, Ray, and van Rouveroy van Nieuwaal, eds., 1995, and Ray and van Rouveroy van Nieuwaal, eds., 1996). The Commonwealth Local Government Forum (CLGF) organized several seminars of Commonwealth African Ministries of Local Government. These included ministers, officials and researchers. The 1997 Gaborone, Botswana symposium on traditional leadership, local government and development drew delegations from twelve Commonwealth African Countries (Ray, Sharma, and May-Parker 1997). In the 1995 Harare Declaration, Commonwealth African local government ministers and other senior policy-makers declared that “traditional leadership is afforded considerable credibility and functions in many local communities and that with the creation of appropriate mechanisms for their involvement,

such leadership can assist in the realization of developmental goals” (Programme of Action adopted at the 1995 Harare Commonwealth Roundtable on Democratisation and Decentralisation for Senior Policy Makers in Local Government, co-organized by the Commonwealth Local Government Forum – CLGF, the International Union of Local Authorities [Africa Section] – IULA–AS, and the Federation of Canadian Municipalities – FCM. Cited in Ray 1997, 45). The International Association of Schools and Institutes of Administration (IASIA) had a research project on traditional leadership and local governance and development that co-operated with the Traditional Authority Applied Research Network (TAARN), which is funded by the International Development Research Centre of Canada (IDRC) to produce the volume *Grassroots Governance: Chiefs in Africa and the Afro-Caribbean* (Ray and Reddy 2003). With IDRC funding, TAARN is carrying out the research project “Traditional Leadership and Local Governance in Social Policy in West and Southern Africa” with teams in universities in Ghana, Botswana, and South Africa with the coordination centre at the University of Calgary in Canada. TAARN now publishes an e-journal called: *Chieftain: The Journal of Traditional Governance* (<https://dspace.ucalgary.ca/handle/1880/300>).

These studies draw our attention to a phenomenon that we would have been led not to expect by authors such as Ribot (2002) or Mamdani (1996), who suggest that many African traditional leaders are corrupt, selfish, and undemocratic. Of course, having traditional leaders take part in development is not without its problems (see, for example, Ntsebeza 2003) but as Caiden, Dwivedi, Jabbara et al. (2001) argue with regard to the United States, Canada, France, and other countries, the same charges of corruption, selfishness, etc., could be brought against some elected leaders, as well as some civil servants, of North American, European, African, and Asian democratic states. People should be judged by what they do before we stereotype all of a category as being engaged in unchanging negative activity.

## II. USING DIVIDED LEGITIMACY TO EXPLAIN THE CONTINUED CREDIBILITY OF TRADITIONAL LEADERS IN GHANA AND THEIR INVOLVEMENT IN DEVELOPMENT

Having incorporated and subordinated the pre-colonial political leaders into the British Gold Coast colony (what became Ghana), the British colonial state decided to preserve the former pre-colonial kings, nobles, and other leaders as “chiefs” under the system of “indirect rule.” The British colonial state delegated many local government powers to the chiefs. Thus chiefs continued to wield considerable power, authority, and legitimacy throughout the British colonial state period: there was an asymmetric sharing on division of power, authority, and legitimacy between the dominant colonial state and the traditional leaders that reflected political realities on the ground in Ghana. When Ghanaian nationalism challenged the British colonial state, ultimately state sovereignty was handed over to Kwame Nkrumah’s Convention People’s Party (CPP). Despite Nkrumah’s efforts to eliminate traditional leaders as actual and potential political competitors (Rathbone 2000), Nkrumah and all subsequent post-colonial governments have had to recognize that traditional leaders possessed political resources that were unique to them, which could not be stripped away from the chiefs and taken over by the leaders of the post-colonial state. Simply put, many traditional leaders in Ghana and numbers of other African post-colonial states possess local credibility or legitimacy with their communities that is based on their unique cultural and historic roles in their community and their immediate proximity to their people. Most people in Ghana grow up in their community seeing the local chief as their community’s leader. Chiefs thus possess a unique source of credibility or political legitimacy that the post-colonial state has been unable to take over (Ray 2003a, 83–94). Ghana’s post-colonial government did remove nearly all of the local government statutory powers of the traditional leaders but the chiefs have been able to maintain, on the whole, their share of political legitimacy: in Ghana, political legitimacy continues to be divided between the chiefs and the post-colonial state as it was in the colonial period. (Ray 1996 and 2003a, Ray and LaBranche 2001). By the end of the 1970s, during the faltering of the post-colonial

state's development efforts (Arhin 2001; Ray 1992) some traditional leaders became "development agents," contrary to the expectations of Mamdani, Ntsebeza, and Ribot. But what does this mean and is the chief as "development agent" an isolated phenomenon in Ghana?

### III. METHODOLOGY OF THE PILOT STUDY

Newspaper content analysis<sup>1</sup> of articles on traditional leaders and development allows us to use a new source of evidence of chiefs' involvement in development and to move beyond the anecdote and the case study. In this pilot study, two sets of newspaper articles and research in Ghana examine the phenomenon of the traditional leader as development agent. The day-to-day reporting of statements and the activities of chiefs provides a wider or national scope of analysis over a number of years than is possible using one extended case study limited to one area. The pilot study of Ghanaian traditional leaders' stated intentions and interventions to Ghanaian newspapers contributes to our knowledge of what chiefs say that they have been doing and the interests that they are articulating. At this pilot study stage it has not been possible to follow up systematically on these newspaper articles in order to determine the effectiveness of the traditional leaders' reported stated intervention. In this pilot stage, our research is focused on the leader rather than analyzing the leader in the context of his or her community. At this stage of the pilot study, there are only rather tentative indications as to whether or not the statements were followed through in reality.

Two sets of newspaper articles are examined in this pilot study. The first set consists of 3,699 newspaper articles on chiefs published between 1987 and 1998, which were manually gathered, sorted, and organized. This set includes articles from a variety of Ghanaian newspapers published in Ghana's capital, Accra, as well as *The Pioneer* newspaper in Kumasi, the site of the ancient capital of the Asante Kingdom and also Ghana's National House of Chiefs.

In the second set of newspaper articles of this pilot study, a selection of articles have been used, at this preliminary stage of analysis, to illustrate the range and depth of the reported interventions of chiefs as

development agents. The Ghanaian newspaper articles drawn from the Ghanaian press can be accessed through the Internet using specific key words. The database/archive that has been most often used has been the *Ghanaweb* news site (available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/>). Some individual newspaper websites were also accessed to check and fill some gaps. This was done in order to maintain greater consistency in gathering articles from the archives as well as to ensure greater consistency in the results from the search terms that were used. The *Ghanaweb* archives for 1995–2004 were accessed. They have the widest range of identified sources but only include articles from online sources. *The Pioneer* newspaper was not available on the electronic searches but this was accessed in the first set of manually researched newspapers.

The search terms used were: “chief,” “traditional chief,” “traditional ruler,” “traditional leader,” and “chieftaincy”; however, the specific titles within the chieftaincy were not used in gathering data for this paper. A number of permutations of “queenmother” were used as keywords as well – “queen mother,” “queen mothers,” “Queen mother,” “Queenmother,” “queenmother,” “queenmothers,” “queenmum,” “queenmums” – this was done in order to allow for the different usages in the term and to ensure that these would guarantee a “hit.” All of these terms are commonly used in Ghana to refer to the institution of traditional authority. This newspaper reporting of the involvement of Ghanaian traditional leaders in development occurred in a political context in which chiefs did not have formal, statutory jurisdiction over these activities.

#### IV. THEMES OF THE PILOT STUDY NEWSPAPER COVERAGE OF TRADITIONAL LEADERS AND DEVELOPMENT

In the first set of 3,699 articles (published between 1987 and 1998) dealing with traditional leaders, 708 articles (or nearly one fifth) clearly showed that chiefs were perceived to be engaged in promoting development for their people. Of this number, 523 of the newspaper articles showed that traditional leaders were involved in various development projects, another 103 articles focused on chiefs promoting health development projects such as clinics, another sixty-six articles covered traditional leaders and educa-

tion projects such as building or equipping schools, and sixteen articles covered the involvement of chiefs in development projects geared to production, such as the growing or harvesting or processing of agricultural or fishing projects.

In the second set of newspaper articles, three important themes of chiefly involvement in promoting economic development, education, and health are presented from this pilot study. This interaction of traditional leadership and development should be seen within the context of divided legitimacy in the post-colonial state. Since these three areas of development are jurisdictions over which the traditional leaders have no formal statutory powers in Ghana, the involvement of chiefs in these matters raises questions in relation to both development and the post-colonial state's claims to sovereignty and legitimacy. The data set provides another means of indicating how involved traditional leaders are in their society and, more importantly, the kinds of activities and issues with which chiefs state they are concerned and which have been reported by Ghana's print media. Illustrations of the reported involvement of traditional leaders in economic development are drawn from infrastructure building and agriculture.

The nature of the Eastern Region, where economic development projects involving infrastructure, tourism, agriculture, factories, and mining operations require access to land. Often this requires the direct involvement, if not the direct approval of, the community's chief because traditional leaders control much of the land held under customary tenure in Ghana. This land, combined with the other land held by individuals under customary tenure, includes nearly all the land in Ghana. Without the approval of traditional leaders, industries usually cannot have undisturbed access to new lands on which to build facilities.

Nearly all the articles on economic development suggest that chiefs are willing and enthusiastic participants in drawing industries to their communities. However, two newspaper articles showed that there were also those traditional leaders who saw the potential to enrich themselves at the expense of their communities. These traditional leaders were reported as feeling that they could demand and receive ever-higher sums of money in exchange for access to land. This practice threatened economic initiatives. The practice appears to be common enough that prominent traditional leaders feel compelled to warn offenders to halt the practice or

risk losing development possibilities to chiefs who do not engage in such practices. The Omanhene of the Offinso Traditional Area in the Ashanti Region said that “it had come to his notice that some chiefs in the area demanded and took huge sums of money from investors before lands are released to them for their projects” (“Ghana: Chiefs Cautioned against Frustrating Investors,” Ghanaweb.com, 17 September 2001). In another case, when the chief in Onwe, Ashanti Region, controlling the land demanded 80 million cedis (approximately US\$9,800) before he would release land to build a tomato processing plant, the investor relocated the project to Offinso (“Chief Blocks Job Openings for Youth” [Ghanaweb: Chronicle], 27 January 2003).

What brings economic development into the framework of shared legitimacy is that this seems to be undertaken as a partnership between the state, the chief and the third party being brought in, either a development agency or worker, or a specific industry. To the extent that traditional authorities have legitimate authority in the eyes of their communities, their people and the post-colonial state, any efforts that chiefs engage in should also be seen in that light – traditional leaders use what legitimacy they have to engage in and support development, while the state uses what legitimacy it has to assist and support those efforts even while the state initiates and supports its own efforts and those of domestic and foreign investors.

In some cases, the divided or shared natures of sovereignty and legitimacy are tested and encounter a certain amount of tension over the development of land. In Ghana, royalties from lands held by the offices of the traditional authorities, called “Stool Lands” in the south, is now paid to the state’s “Office of the Administrator of Stool Lands” which then re-allocates the revenues to several parties, including the chief’s office in order to pay for the upkeep of that office. There are cases where chiefs feel that they have not been given their entitled royalties from resources in their areas. In one article, chiefs expressed their belief that their resource royalties had not been properly distributed back to them and their communities, while the state was seen as having benefited fully from the income generated by their land. In this case, the state promised to examine the issue and to return all income to those to whom it was due (“Rent on Mining to Be Reviewed – Fiadzigbey,” Ghanaweb.com, 12 May 2000).

Traditional leaders appealed for the initiation and extension of infrastructure such as electrification projects and water systems. There were regional variations in terms of infrastructure needs with which the traditional leaders became involved. In the Greater Accra Region, two articles on the re-planning of the city involved chiefs in the capital city as providers of legitimacy to the state in its efforts involved to promote the “Modernization of the Capital City.” President Kufour stated that the government plan’s success would depend on the cooperation of the traditional leaders and the people. (“Modernization of the Capital City Not for Fun – Kufour,” Ghanaweb.com, 7 August 2003).

In Brong Ahafo, electrification was important. One project for electrification in Forikrom in the Techiman district was funded in large part by the local populace including the traditional leaders (“People of Forikrom Embark on Electrification Project,” Ghanaweb.com, 8 April 2000). Chiefs often urge the population to fund various development projects whether they are electrification or for education.

Traditional leaders also provided some of the funding for infrastructure projects. A notable example of this was in Nana Ako Frimpog II, the Chief of Akim Asene, was reported as personally financing the rehabilitation of two bridges in the area. The bridges had been built a decade earlier by Nana Frimpong (“Chief Finances Rehabilitation of Two Bridges,” Ghanaweb.com, 19 May 1997).

Traditional leaders called for government to rehabilitate major thoroughfares, feed roads and bridges. The issue of roads also appears in a number of articles, not necessarily directly related to infrastructure, that suggest that this is very much an issue of development in general. In the agriculture section, for example, roads are very much a concern as they are the conduit through which products are moved to and from communities.

Traditional leaders are reported to be very concerned with the success of agriculture, including cocoa, rice, cotton, pineapple, and palm oil. For example, the Upper West Region, the paramount chief of the Gwallu Traditional Area, Kuouru Kuri Limann, who was also the chairman of the Cotton Farmer’s Association, called on cotton farmers to take advantage of new producer prices on cotton seed as a way to increase production (“Farmers Urged to Increase Cotton Production,” Ghanaweb.com, 26 May 2001). In the Central Region, the members of the Ekumfi Traditional Area made their full support of a proposed pineapple processing



plant known: the Traditional Council members made it clear that they were willing to release more land to interested pineapple growers in order to expand their farms. The chief also announced the Council's decision to buy a large number of shares in the project in order to encourage citizens to patronize the new venture, as well as to "enable the company to mobilize funds to commence business" ("Chief Supports Pineapple Project," Ghanaweb.com, 17 August 2003). In the Volta Region, the Manrako of Aflakpe, Torgbui Agamas II said that many farmers in the area were turning away from cocoa production in favour of the production of palm oil ("Farmers Drop Cocoa for Oil Palm," Ghanaweb.com, 30 November 2000). In the Upper West Region, Kuoru Kuri Limann, the paramount chief of Gwallu said "that farmers should be educated on the proper use and application of fertilizers and pesticides in order to minimize health problems" ("Farmers Urged to Increase Cotton Production," Ghanaweb.com, 26 May 2001). Many traditional leaders are farmers themselves and as such may be able to intervene with government bodies on behalf of their people and themselves. As farmers, they would naturally have an understanding of the issues involved in farming and agriculture. But the involvement of chiefs on agricultural issues is not limited to advocating on behalf of their people or farmers to the government on strictly crop matters. In the Brong Ahafo Region, Nana Osuodumgya Barima Kwame Bonsu, the Omanhene of the Hwidiem Traditional Area, called for the establishment of a district hospital as well as "a review of the free medical care for the aged from 60 to 70 years, since most farmers die before attaining the age of 70" ("Government to Embark on Mass Spraying of Cocoa," Ghanaweb.com, 3 August 2001). This kind of advocacy across a number of different issues suggests that traditional leaders in Ghana have a nuanced understanding that economic development is a phenomenon where a number of different issues and activities can and must interact.

Education represents a major social theme of development. It is through the education of children that social and political values of Ghana's political culture are created or reinforced. Education is also perceived as being the ticket to wealth. Therefore, if traditional leaders were to actively lend their legitimacy to the post-colonial state's education systems, chiefs can be instrumental as development agents that both socialize children's attitudes and mobilize education resources for their communities.

Education funding was an important issue in these articles. There were two major concerns. These were (a) funding for infrastructure, that is funds or supplies for building or equipping schools, classrooms, and libraries or education-related centres and (b) funding for marginalized or poorer students through scholarships. The fundraising efforts of traditional leaders were not seen to be restricted to a particular region. Traditional leaders across Ghana are supportive of education for their people. Funding issues are not regionally based. Also there are traditional leaders in one region who appeal for funding to traditional authorities in another region. The then minister of education, Professor Christopher Ameyaw-Akumi, stated that the ministry relied on traditional leaders to augment state funding for schools by helping to raise local monies (Interview by D.I. Ray, Accra, 20 May 2002).

One often-raised issue was the importance of education. Traditional leaders are actively involved in raising awareness of the importance of education for all their people, including those who may be marginalized by their social positions, especially girls and the poor. Traditional leaders urge parents to allow their children to go to school rather than take them out and make them work to support the family. By insisting on education as a priority over immediate income, chiefs emphasize the importance of education for its own sake, as well as potential for poor children to improve their living conditions by accessing better skills and credentials.

Access to education for girls is another area where traditional leaders are making their support clear. For example, in the Northern Region, the Yagbon-Wura (the Gonja king), Bawa Doshie II, Paramount Chief of the Gonja Traditional Area stated that “traditional authorities would have reached a qualitative indicator of modifying or abolishing outmoded practices that inhibit the education of children, especially the girl-child” (“Northern Chiefs Attend Conference on Education,” Ghanaweb.com, 19 August 2003). This kind of statement from such a prominent traditional leader is also likely to influence other chiefs. Statements from Minister of State for Basic, Secondary and Girl-Child Education Miss Christine Churcher urged queenmothers to be at the forefront of the campaign to support education for girls (“Education for Women is Non-negotiable – Minister,” Ghanaweb.com, 3 June 2002). Thus, a senior elected leader of the post-colonial state recognized the unique social position of traditional authorities, which gives them a cachet to be able to mobilize their

communities with perhaps great effectiveness. In this instance, a post-colonial state leader directly invoked the legitimacy of female traditional authorities in order to mobilize them to speak up for, and to offer direct encouragement for, the education of girls, thus augmenting the state's efforts. Chiefs are also involved in engaging in the process of monitoring the education process as a whole. Traditional leaders of higher status such as the Asantehene (Asante King) and the Okyenhene (Akyem Abuakwa King) have made public statements decrying the lowering educational standards in Ghana (see "Making Education Relevant – Asantehene Contribution," Ghanaweb.com, 26 June 2002; see "Okyenhene Laments Decline in Educational Standard," Ghanaweb.com, 19 December 2001). Some traditional leaders are clearly interested in being far more involved in the educational system as a whole, even if they lack formal statutory powers from the post-colonial state to so engage in such social policy development.

UNAIDS (2003) estimated that in 2002 the Ghanaian prevalence rate for the 15–49 year age group was 3.0 per cent (South Africa's equivalent rate was estimated to be 20.1 per cent). UNAIDS stated that "given the trend of the epidemic [in Ghana], it is possible for it to spin out of control." Ghana was clearly at a crossroads, and all feasible resources, including traditional leaders, needed to be mobilized against the HIV/AIDS epidemic.

The Ghanaian government's initial response was to manage HIV/AIDS as "a disease rather than a developmental issue" (Ghana 2000, 9). The government response started by being "medically-oriented and directed by the Ministry of Health" to being a much wider developmental focus led by the Ghana AIDS Commission (GAC). GAC's strategy was laid out in the *Ghana HIV/AIDS Strategic Framework, 2001–2005* document. The Director of the Ghana AIDS Commission Sakyi Amoa argued that, while Ghana waited for a medical vaccine against HIV/AIDS, he advocated the creation and use of the "social vaccine," i.e., the use of social programmers for HIV/AIDS awareness-raising as a means to prevent future infections ("Ghana AIDS treatment plan begins in January," MassiveEffort.org, 30 November 2003, and interview with D.I. Ray, Accra, 5 November 2002).<sup>2</sup> Traditional leaders are a part of Professor Amoa's "social vaccine." The Ghana AIDS Commission developed a summary of strategic interventions by which Ghana's HIV/AIDS strategy was to

be implemented. Traditional leaders were mentioned as being one of the programmed target groups and/or being one of the lead agencies (Ghana, 2000).

The Ghanaian press began to reflect gradually increasing numbers and levels of traditional leader involvement in the fight against HIV/AIDS as part of the chiefs' efforts to promote the health of their people. Don Ray suggests that it is possible to construct a three-stage model of increasing chiefly involvement in fighting HIV/AIDS. The first level of involvement for traditional leaders would be that of "gate-keeping."<sup>3</sup> This would involve the traditional leader being approached by an organization already involved in the fight against HIV/AIDS and permission being requested of the chief, and being granted, for the organization to approach the people of the area with social marketing/public education and other campaigns. In Ghana, one example of this was chiefs at a durbar/public meeting telling their people that HIV/AIDS was a real problem and they should pay attention to what the anti-HIV/AIDS organization had to say ("Sell condoms at drinking bars – traditional ruler," Ghanaweb.com, 14 December 2001). In another case in 2000, the Asanthehe commanded his traditional leaders to attend one of five workshops on HIV/AIDS that were organized specifically by him and the Ghanaian committee of UNAIDS, which later became the Ghana AIDS Commission (Interviews in Kumasi by D.I. Ray, June 2000).

The next level of involvement of traditional leaders in the strategy to fight HIV/AIDS is what is termed "social marketing."<sup>4</sup> At the social marketing level, traditional leaders are seen to be publicly speaking out on HIV/AIDS issues with the objective of bringing about change with regard to risk behaviours or how to treat people living with HIV/AIDS. In one example, Ghana television aired a public service announcement that showed members of the National House of Chiefs, prominent paramount chiefs/kings from northern and southern Ghana, speaking out against HIV/AIDS. In another case, the Okyenhehe (the King of Akyem Abuakwa) ran a five kilometre marathon race to raise funds and awareness for World AIDS Day. By running instead of walking at the expected monarchical pace and by wearing exercise clothes and shoes instead of the expected traditional clothes, he purposely broke several customary taboos in order to attract his people's attention to HIV/AIDS ("Okyenhehe runs marathon to mark day," Ghanaweb.com, 3 December 2001).

The Okyenhene also later that day had himself publicly tested for HIV as a way of persuading his people that they should get themselves tested. This traditional leader thus became one of the first major African political leaders to be so publicly tested.<sup>5</sup> (Interview with the Okyenhene, 13 October 2002, with D.I. Ray, Kyebi/Kibi, Ghana, 2002).

The third level of involvement of traditional leaders in the fight for the health development of their people, specifically in the fight against HIV/AIDS is building local community HIV/AIDS competency.<sup>6</sup> Building this local competency means developing the ability and capacity of the community to respond to the challenges of implementing and/or modifying social marketing campaigns as well as responding to the needs of community people living with HIV/AIDS or the AIDS orphans.

The Asantehene, Otumfuo Osei Tutu II, is creating a substantial development project that will enhance the ability of his traditional leaders in the Ashanti Region of Ghana to promote education and fight HIV/AIDS. Over a period of several years, the Asantehene negotiated with the Ghana government and the World Bank for a US\$5 million project from the World Bank to carry this out ("Asantehene to set up AIDS Research Centre," Ghanaweb.com, 25 October 1999; Interviews with the Asantehene and Ashanti Regional government officials by D.I. Ray, Kumasi, 2002).

The Okyenhene, Osagyefuo Amotia Ofori Panin, has built up a number of organizations and institutions in his kingdom to fight HIV/AIDS, including a series of events and campaigns that have grabbed local and national attention. These complement his efforts at protecting the environment with his environmental organization and his creation of a scholarship/education fund to promote educational development (Interview with the Okyenhene conducted by D.I. Ray, Kyebi/Kibi, 13 October 2002). The Many Krobo Queen Mothers Association (MKQMA) is one of the most extraordinary successes of building local community HIV/AIDS competence in Ghana, given the poverty of the community. Located in the Many Krobo district of the Eastern Region, the MKQMA has 371 members. The president is Manye Mamle Okleyo, the paramount queenmother. The deputy paramount queenmother, Manye Seyelor Nartekie I, is also the programme manager of MKQMA projects to fight HIV/AIDS. The konor (or king) of Many Krobo, Nene Sakite II, has been a strong supporter of the MKQMA and their fight against HIV/AIDS. The MKQMA developed and implemented a strategy to fight HIV/AIDS

that went from the first level of gate-keeping to joining with local officials in order to develop social marketing campaigns, then to building HIV/AIDS competence by establishing income-generation projects for young women at risk and programs for people living directly or indirectly with HIV/AIDS (including trying to find financial support for the more than one thousand AIDS orphans) and finally mobilizing resources for the community to increase its AIDS-fighting capacity.<sup>7</sup>

We have been cautious in categorizing traditional leaders as gatekeepers in articles that only mention chiefs as being present when HIV/AIDS was being discussed but in which the article is vague as to the actual day-to-day role of the chief with regard to this topic. However, in terms of social marketing and AIDS capacity-building/competence, those functions are more openly and thoroughly documented by the press and can be analyzed with greater analytical validity. The social marketing and HIV/AIDS capacity-building function of traditional leaders seem to be identified quite clearly by the Ghanaian press, although not necessarily by name. This is also the case with AIDS capacity-building. It is clear from articles that chiefs are either raising awareness or urging behavioural changes in order to address the AIDS crisis or are establishing, or donating to, AIDS programs that collate data, care for those infected, or care for those affected by AIDS-related deaths.

The social marketing aspect of AIDS prevention may include, not only making statements as to how personal (sexual) conduct can be a major factor in transmission and how behavioural change is therefore needed, but also altering, discontinuing, or reintroducing Ghanaian cultural practices that might also be considered factors in transmission or encouraging or discouraging high-risk behaviour. Queenmothers, in particular, seem to be anxious to reintroduce some cultural rites that they believe would be helpful in stemming new infections. In this pilot study, it was not possible to measure the effectiveness of these efforts, but it seems that their interventions are at least contributions to a normative consensus with regard to what is deemed to be appropriate sexual behaviour.

Certain eminent chiefs have a clear advantage in press coverage as their prominence seems to draw greater coverage. The position of these prominent traditional leaders and the statements and actions they take against HIV/AIDS also seem to act to inspire other traditional leaders to act or speak out. Some chiefs and queenmothers have specifically

mentioned either the Asantehene or the Okyenhene in this regard, citing them as examples to be followed.

The involvement of chiefs and queenmothers in the fight against HIV/AIDS is national in scope and is not limited to or concentrated in any particular region of Ghana. If there is a concentration of coverage of traditional leaders and their involvement in HIV/AIDS, it tends to be in the Eastern and Asante regions, the regions where the Okyenhene and the Manya Krobo Queenmothers and the Asantehene preside. As such, articles reporting on the activities of these highly committed high-level traditional leaders who are close to Accra is more likely. However, the articles in this set do cover all regions of the country, which suggests that traditional leaders across the country are involved in preventative or anti-AIDS activities.

Although there are a number of social marketing statements and campaigns that traditional leaders are involved in, there is a clear concentration on preventative discourse that is targeted at young girls, rather than at young men. This is found in statements such as “the chief/queenmother urged youth, especially girls...” There are individual examples of chiefs/queenmothers suggesting a shift to educating men; however, the majority are aimed at women/girls. This shift is interesting to note. Many organizations who combat HIV/AIDS in Africa have noted that women are by far the most vulnerable group in terms of new infections. Most often, women’s position in society leaves them with very little power to protect themselves. Married women in particular tend to contract the virus through their husbands. HIV/AIDS agencies *and* traditional leaders are taking note of this and are shifting their messages and the targets of those messages in order to affect a more meaningful change in high-risk behaviours.

One aspect of social marketing that seems to be in the very early stages is traditional leaders urging those who are HIV positive to come forward and make themselves known. This is urged in tandem with advice not to shut HIV positive’s out of social contact but rather to accept them and learn from them to avoid contracting the disease. The Manya Krobo Queenmothers co-produced a video arguing the point that people living with HIV/AIDS need to be accepted by the community and that those unaffected by HIV/AIDS should pay attention to the social marketing campaigns.

## V. CONCLUSIONS AND POLICY IMPLICATIONS ON TRADITIONAL LEADERSHIP AND DEVELOPMENT INCLUDING FIGHTING HIV/AIDS

Using an analysis of the Ghanaian post-colonial state based on the concepts of divided legitimacy and shared legitimacy, we have argued that chiefs in Ghana not only have the potential to add their legitimacy/local credibility to development efforts, but they have actually been doing so in significant numbers. While some like Ribot (2002) argued that West African chiefs are not likely to be interested in development, others have argued that even if some traditional leaders did become involved, this would involve perhaps a handful of outstanding but isolated traditional leaders. How was one to move beyond the battle of seemingly contradictory anecdotes and case studies in evaluating the potential and the reality of Ghanaian chiefs in contributing to development? Using the methodologies of the pilot newspaper studies, complemented by research in Ghana, we have started to address these questions. The reported involvement of Ghanaian leaders in development is substantial and goes far beyond a handful of exemplary individuals.

The involvement of traditional leaders in promoting economic development is extensive and geographically widespread within Ghana. While it may be true that, depending on the subject matter, some regions are favoured over others, it should be pointed out that all of Ghana's regions are represented in the data and there is no single region or subject category where a particular region is absent. Chiefs frequently acted as intermediaries between their people and the leaders of the post-colonial state in order to promote infrastructure development or tourism or agriculture. Chiefs raised these issues from a local perspective and in some cases were actively involved themselves in these economic activities.

Chiefs' support for education in their area starts with verbal support. This extends to acting as a mobilizing force that lobbies the post-colonial state and other educational resource providers. Traditional leaders organize and take part in fundraising from their subjects and from themselves. Some chiefs also push for financial mechanisms that will address the marginalization of the children of the poor, including the education of girl children. Traditional leaders' support further extends to a growing desire



for chiefs to become involved in educational policy-making and educational standards evaluation.

The involvement of traditional leaders promoting health development by fighting HIV/AIDS is extensive, widespread within Ghana, and of remarkable depth. According to both newspaper articles and personal observation in Ghana, traditional leaders are involved at all three levels in fighting HIV/AIDS within their communities: at the gate-keeping, social marketing/public education, and building-community AIDS competency/capacity level. The level of involvement varies greatly from traditional leader to traditional leader, with some not participating at all. Nevertheless, the involvement of traditional leaders in the struggle to promote health development by fighting HIV/AIDS has moved beyond the realm of one or two exemplary traditional leaders and to such a scale that, as Professor Amoah and the Ghana AIDS Commission had hoped, traditional leaders are now active partners in Ghana's multi-sectoral HIV/AIDS strategy: traditional leaders are now part of the "social vaccine" against HIV/AIDS.

Give the pilot nature of this study, it is not yet possible to conclude that all or most traditional leaders have been active development agents nor has it been possible to evaluate their effectiveness, but there is sufficient evidence to show that substantial numbers of chiefs in Ghana are promoting development and that this would suggest the need for those opposed to involving chiefs in development to rethink their position. The substantial degree of traditional leaders' involvement in development points to the potential of this "chiefs as development agents" strategy. This is not to argue for a "Golden Age of Chieftaincy" or that involving chiefs is not without its potential and actual problems, but rather that there are substantial development opportunities that may have been overlooked when traditional leaders are ignored as potential contributors to development.



HIS MAJESTY NENE SAKITE II, KONOR OF MANYA KROBO, WITH PROFESSOR DON RAY.  
(PHOTO: DR. DON I. RAY.)



PALACE OF THE AGOGOHENE, ASANTE KINGDOM, GHANA. BESIDES BEING A PRINCE, HE HAD ALSO BEEN SECRETARY FOR CHIEFTAINCY DURING RAWLINGS' PNDC GOVERNMENT IN THE LATE 1980S AND EARLY 1990S. (PHOTO: DR. DON I. RAY.)

## NOTES

- 1 Thus there is considerable evidence of the traditional leaders acting as “development agents” in policy questions such as promoting economic development, education, and health. In the last case, the role of traditional leaders in fighting HIV/AIDS is noteworthy internationally: traditional leaders are now active participants in the “social vaccine” against HIV/AIDS, especially in building a normative consensus in their communities on what is appropriate sexual behaviour in the age of AIDS. Moreover, it is important to highlight the point that Ghanaian traditional leaders were active agents in development processes, even though they have had no formal statutory jurisdiction over these activities during the period of the post-colonial state.

What has enabled traditional leaders to become “development agents,” moving into these policy areas over which they have no formal statutory jurisdiction? Traditional leaders used their major political resources with their people, i.e., their differently rooted legitimacy that dates to the pre-colonial period, to give themselves local credibility, which the post-colonial state wished to share or add to its pool of legitimacy/credibility in order to mobilize all available local resources in order to promote rural and urban development. By doing so, traditional leaders reinvented traditional leadership in Ghana. Both male and female Ghanaian traditional leaders can be effective agents of development, including

the fight against HIV/AIDS, even if they had no formal statutory powers over these jurisdictions.

Newspaper content analysis has been used to analyze topics ranging from gender differences in U.S. Senate elections to the varying successes of anti-war social movements. (See, for example, Kahn and Goldenberg 1991; Swank 1997; Sheppard and Bawden 1997; Brodie, Brady, and Altman 1998; Lowrie, Greenberg and Waishwell 2000; Bittle 2002; Hill, Hanna, and Shafqat 1997; Carpini, Keeter, and Kenamer 1994; and Vliegenthart and Roggeband 2007). Common to their methodologies is the assumption that newspaper content analysis allows analysts to increase the scope of generalization beyond what the researchers themselves can actually experience. Swank (212) notes that “one researcher can not simultaneously ... observe the thousands of [events being studied].... Hence logistical impositions routinely necessitate a reliance on secondary sources.” We chose newspaper content analysis because we believe that it allows the researcher to overcome, to some extent, the logistical bonds of time and space by allowing the analyst to add other voices and places to the analysis that they could not access physically. For evaluations of this methodology, see the above cited authors.

- 2 D.I. Ray would like to thank Prof. Sakyi Amoah, Ghana AIDS Commission Executive Director and Dr.

- Sylvia Anie (Research Director, GAC) for their generous help and time in interviews.
- 3 Don Ray is grateful to Jenny Saarin-  
en for the discussion on the concept  
of “gate-keeping.”
  - 4 See a discussion of this term in  
Ray and Brown (2005). Don Ray is  
grateful to Leanne Dolen of AIDS  
Calgary, who first drew his attention  
to the term in 2003 at a workshop on  
social marketing for AIDS support  
organizations (ASOs) in southern  
Alberta that was co-organized by  
AIDS Calgary.
  - 5 We would be grateful for other  
examples of traditional and other  
political leaders in Africa, North  
America, Europe, or elsewhere who  
have had themselves publicly tested  
for HIV. We are aware that the  
President of Botswana had himself  
so tested.
  - 6 For a discussion of this, see Ray and  
Brown’s chapter. Don Ray is grate-  
ful to Sherri Brown for bringing the  
concept of building AIDS compe-  
tency to his attention.
  - 7 For more details of the MKQMA,  
see Ray and Brown’s chapter and  
Brown’s chapter in this volume.

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# **3 Traditional Rulers as Partners in Health and Education Delivery**

Wilhelmina J. Donkoh

## **INTRODUCTION**

The role of traditional rulers in Ghana has been undergoing change as the democratic order advances in the country. Thus it has been necessary to attempt a redefinition of their role as heads of their polities within the framework of developmental efforts by the central government and its adjuncts as well as other non-governmental agencies. Admittedly, the institution of chieftaincy in Ghana dates back several centuries and it remains the fulcrum of Ghanaian culture. The institution is revered and held in awe and in a sense is also seen at once as the embodiment of the spirit of the ancestors and a link between them and the living community. It is expected to provide a renewed sense of belonging as well as being a powerful catalyst for social cohesion and harmony.

However, it is important to draw attention to the fact that the history of the institution differs among the different ethnic groups and even in the

various regions that constitute the country. For example, while among the matrilineal Akan-speaking people the institution seemed to have evolved right from the inception of the establishment of their polities, the same cannot be said about their Guan-speaking neighbours, who seemed to have adopted and adapted the Akan model of leadership as one may infer from the titles used for traditional rulers or chiefs. Again, while certain areas in the northern regions such as Dagbon, Wa, and Mamprussi had centralized states with clearly defined rules of succession and titles, many others such as the Tallensi and the Gurunse, until fairly recently, lacked such systems. For such areas, the institution of chieftaincy in its present form is a relatively new phenomenon resulting from a colonial imposition as part of the British indirect rule system.

Today traditional office-holders acknowledge their role as “agents for development” or “partners in development.” The question to ask is in their present capacity, aside from the vital areas of land administration and customary law practices, in what new ways have traditional office-holders been contributing to the material progress of their communities?

## PERCEPTIONS AND DEFINITIONS OF CHIEFTAINCY

In June 2001, the TAARN project team in Ghana organized a conference on traditional rulers to which each Regional House of Chiefs<sup>1</sup> was invited to send three representatives as participants. The conference theme “The Role of Traditional Rulers as Development Officers” aroused much opposition from the participant office-holders. The leaders drew attention to the fact that their position was not an appointive one but was one that was generally as a result of their pedigree or royal birth, as they are not paid for taking up that position. However, they all agreed that chieftaincy could be described as a unique traditional institution that also mirrors the society over succeeding generations. The traditional rulers perceived their office as an agency for development. They acknowledged that the role they play could be described as a partnership with other agents to bring about development within their polities. Thus they much preferred to be addressed as “partners of development” or “agents of development.”

This view of the traditional ruler acknowledges the institution's historic link with the past while at the same time it emphasizes the important role that holders of the office are expected to play. In this connection, it is pertinent to draw attention to the relatively new office of *Nkosuohene*, or Development Chief, initiated by the *Asantehene Otumfuo* Opoku Ware II in 1985. This office is usually conferred on an individual who has served the community well in terms of providing amenities that would contribute to the general well-being of the community or has the capacity to do this. Such a person need not be of royal birth or even be a native of that particular community.

It is also important to point out that, while traditionally male traditional leaders are often expected to play a generally dominant role, their female counterparts, where they exist,<sup>2</sup> are expected to play important complementary roles only in such areas as resolution of marriage and domestic conflicts as, for example, in cases of marital infidelity and in cases of accountability of family land and farms. It is important to point out that among the matrilineal Akan, the *Ohemaa* [Queenmother], who is the female counterpart of the chief, is regarded as the mother of the royal lineage and has the first option in nominating a potential chief. She plays this role because she is believed to know those who are the true members of her lineage and who therefore qualify to occupy the office. Even where all three nominees that she is entitled to choose have been rejected by the elders, she still exercises the right to approve the elders' nominee.

## CHANGING ROLE OF TRADITIONAL RULERS

It is generally acknowledged that the institution of chieftaincy in Ghana has passed through various phases and the role of traditional rulers has changed over time since the pre-colonial period through the colonial era to the post-independence period. While during the pre-colonial period traditional rulers had considerable influence and exercised greater sovereignty within their polities as their authority in both spiritual and temporal matters was absolute, during the colonial period British jurisdiction cast them in the position of sub-agents of the colonial regime in the areas of local government and for judicial settlements. Subsequently, the political

role of the traditional ruler was prescribed through various legislation and statutes enacted by the British.

However, in the early Nkrumahist phase of the post-independence period, the role of the traditional ruler in local government and judicial settlement ended in the interest of democracy. Between 1960 and 1966, they were subjected to central government control. A hallmark of this development was the enactment of the Chieftaincy Act of 1961 (Act 81). After the 1966 military coup against President Nkrumah and the re-establishment of elected government, central government control as embodied in the Chieftaincy Act of 1971 (Act 370) marked a new liberal phase for the institution. The liberal phase continued until the situation was further enhanced with the promulgation of the 1992 Constitution of the Fourth Republic, which assigned them both statutory and non-statutory functions.

### *Statutory Functions*

The statutory functions among other things included:

- The collection, refinement, codification of and the unification of customary laws.
- Adjudication in chieftaincy disputes.
- Compilation of lines of succession to offices in the various traditional areas.
- Appointments of representations to various government statutory bodies, including the Council of State, Prisons Council, National and Regional Lands Commissions, and Regional Coordinating Councils.

Constitutionally, too, traditional rulers are barred from active partisan politics. The role of traditional rulers has evolved over time with the changing political morphology, thus turning these office-holders into adjuncts of central government and joint custodians of state interests rather than partisan individuals. Significantly, the 1992 Constitution has freed the Chieftaincy Institution from governmental control. Freedom of traditional rulers from active politics enables them to function more effectively

as parents of the nation. In this capacity they tend to devote much time and attention to providing amenities that enhance the quality of life of members of their respective communities. Often, too, their success is assessed in terms of the provision of amenities that promote the well-being of their areas of jurisdiction. The authority to initiate and promote such development projects emanates from their non-statutory functions.

### *Non-Statutory Functions*

The non-statutory functions of traditional rulers are derived from their positions as moral/natural leaders of their respective communities. As influential members of their communities, they undertake the following functions:

- Settlement of disputes through arbitration.
- Mobilization of their peoples for development purposes. In this capacity, they acted as linkages between their communities and the development agencies as central government departments, local government institutions, NGOs, diplomatic missions, churches, and welfare associations.
- Use of the agency of annual festivals: chiefs mobilized their peoples for the purpose of planning and finding avenues and opportunities for executing development projects. In addition, festivals provided a forum for bringing together members of the community for the purposes of soliciting their help in advancing the execution of their development projects.

## THE ROLE OF TRADITIONAL RULERS TODAY

Traditional rulers perceive their role today as being primarily initiators of development or catalysts of developmental processes. They accept that the function of traditional office-holders has been transformed from serving merely in political, military, and ritual capacity that derives from their traditional role as moral and social leaders and is now translated into

mobilizing their communities for developmental purposes, which includes the provision of infrastructure for an enhanced standard of living (material welfare delivery) on behalf of the community. Traditional rulers initiate development projects and secure the support of both internal and external agents of development for the execution of these projects.

Traditional rulers also see themselves as a unifying factor, which is characterized as the belt used in tying a broom to bring out the image of strength through unity.<sup>3</sup> In this role, they are involved in conflict prevention and management as well as having control over conflict resolution mechanisms. They are expected to ensure that peace and stability, which are prerequisites for development, prevail by maintaining fairness in the adjudication of cases and the distribution and sale of land. Increasingly, traditional rulers perceive their role as rendering a service to their people by managing communal resources such as land, water bodies, and forest resources.

## TRADITIONAL RULERS AS DEVELOPMENT PARTNERS

The history of Ghana is replete with examples of partnerships between traditional rulers and other development agents in undertaking projects that would improve the material well-being of members of their communities. The underlying principle in these collaboration efforts is that the traditional rulers deploy their influence in mobilizing resources for the well-being of their communities. A good example was the *Okyenhene* (ruler of the Akyem Abuakwa State) *Nana* Sir Ofori Atta I. An educated son of a Basel Mission catechist, *Nana* Sir Ofori Atta I acknowledged the importance of education in nation-building. Consequently, he established the Abuakwa State College, a post-elementary institution and also set up the *Okyeman* (Akyem State) Scholarship Scheme in the 1920s that sponsored the higher education in England of Dr. J.B. Dankwa, the Ghanaian statesman, legal luminary and acclaimed scholar. Another example was the *Asantehene Otumfuo* Sir Osei Agyeman Prempe II. Under his auspices, the *Asanteman* Council set up the *Asanteman* Scholarship Scheme in the 1930s. The scheme financed the higher education of many brilliant Asante youth, including Mr. Victor Owusu, who became the

attorney general during the Busia regime (1969–72) and Mr. A.S.Y. An-doh, former registrar of the Kwame Nkrumah University of Science and Technology, Kumase, and currently secretary to the *Asantehene*. It was under this scheme also that the *Asanteman* Secondary School was established in the early 1940s. In addition, he encouraged the development of more secondary schools and a university in Kumase. Among them were Prempeh College, Opoku Ware Secondary School, St. Louis Secondary School, and the Kwame Nkrumah University of Science and Technology (KNUST). In more recent times too, the *Asantehene Otumfuo* Opoku Ware II instituted a new scholarship scheme in the 1980s to which every Asante national was expected to contribute one cedi per annum.

In the early colonial period, the spread of education in many parts of Ghana was mainly the result of collaboration between traditional rulers, on the one hand, and the Christian missions and the central government, on the other. The contribution of the rulers was usually in the form of land grants and organization of communal labour. Sometimes, too, they undertook to pay the teachers' remuneration and/or to provide them with accommodation. Traditional rulers employed a similar principle to draw other social amenities like potable water, health centres, and electricity into their respective communities.

Individuals too have undertaken projects that have promoted the material welfare of people in their communities. Recent examples include Mr. Kwame Ofori Bamfo, Managing Director of Bamson Company Limited, who initiated the Sikkens Education Trust with a 20-million cedis capital for the Obomen Kwawu area in the Eastern Region in 2003.<sup>4</sup> Another is the 4.6-billion cedis Sam Jonah Endowment Fund (SAMJE-Fund) set up by Sam Jonah, chief executive of Anglo-Gold Ashanti in June 2004 to help finance infrastructural development of the University of Cape Coast.<sup>5</sup>

The discussion below will examine more closely how specific traditional office-holders have pursued the objectives of improving the material well-being of the people within their communities in the specific spheres of education and health care delivery. Closer attention will be paid to the *Asantehene* [King of all Asante people] *Otumfuo* Osei Tutu Aba-bio and his role in these spheres of development. The traditional Asante state, or *Asanteman*, includes the entire modern political administrative area known as the Ashanti Region, as well as parts of the Brong Ahafo



Region, which, before 1959, was known as Western Ashanti and political islands like Worawora in the Volta Region who profess to owe allegiance to the *Asantehene*.

## OTUMFUO OSEI TUTU ABABIO'S VISION FOR DEVELOPMENT

Upon ascension on the Golden Stool on 26 April 1999 as *Asantehene*, *Otumfuo* Osei Tutu Ababio set out to promote peace, social order, and economic development in addition to improving the living standards for all the people of Asante. He pledged, among other things, to make the socio-economic development of the *Asanteman* [Asante nation], in particular, and Ghana, as a whole, his priority. His fundamental objective was to improve social services for the people. In this scheme, he identified education and health as two important pillars for improving the material well-being of his subjects. He observed that, while education is fundamental to the human resource base for the development of the society, at the same time, able-bodied citizens are required to ensure its realization and sustainability.<sup>6</sup>

Indeed, the *Otumfuo's* declared vision for development in Asante won him much acclaim and respect both locally and internationally. Between May and June 2001, he was received as an honoured guest in Britain and several states in the United States, where he was awarded honorary doctorate degrees.<sup>7</sup> These included doctorate degrees from the University of Maryland and Savana State University as well as the University of Glasgow during its 550th anniversary. Locally, too, KNUST, Kumase, followed by the University of Ghana in Accra and the University of Cape Coast, have all conferred honorary degrees upon him, particularly because of his interest in and support for education.

## OTUMFUO EDUCATION FUND

Shortly after assuming office as *Asantehene*, the *Otumfuo* Osei Tutu Ababio announced his intention to support brilliant but needy students

and deprived educational institutions, particularly within his polity and generally in Ghana, through the establishment of an education fund. At the time, the Ashanti Region reportedly had the highest number of educational districts, teachers, schools, and pupils in the country.<sup>8</sup> It had 18 District Education Directorates, 11 Educational Units, and 128 Circuits. In addition, the region had four tertiary institutions, comprising the Kwame Nkrumah University of Science and Technology, the Kumase and Mampon campuses of the University College of Education, Winneba, and the Kumase Polytechnic, besides other post-secondary institutions, including several teacher training and nursing training colleges. However, despite the region's high endowment in terms of educational provision, according to some official reports, schools within the Ashanti Region were under-achieving at the time.<sup>9</sup> The *Otumfuo* identified pervasive poverty as the root cause of deprivation of access to education in general and the secondary and tertiary levels in particular for a large number of young people. In addition, he observed that poverty also adversely affected the quality of education provided.

Thus *Otumfuo* Osei Tutu Ababio, with the support of the *Asanteman*, decided to establish the *Otumfuo* Education Fund (OEF). The OEF was formally inaugurated at the Manhyia Palace, Kumase, on 3 November 1999, by Dr. Mohammed Ibn Chambas, then Deputy Minister of Education.<sup>10</sup>

The main objective of the OEF is the advancement of education for the benefit of the people of *Asanteman* in particular and Ghanaians in general. This objective was to be achieved through raising funds, which it then allocates to support the education costs of selected "bright but needy" pupils and students. It was also intended to provide incentive packages for teachers and other educational workers who excel at their work. In addition, it was to provide, renovate, or rehabilitate school buildings, structures and facilities, supply school equipment, educational materials, and teaching aids. It was to invest in projects that promote education in *Asanteman* in particular and Ghana in general as well as assist any project consistent with the objective of the OEF. In establishing the OEF, it was anticipated that it would support Central Government efforts by freeing funds intended for certain facilities within the education sector. Funds thus freed would be spent on improving the general quality educational services provided.

## MANAGEMENT OF CONTRIBUTIONS TO THE *OTUMFUO* EDUCATION FUND

The OEF is managed by a board of trustees and has an executive secretary who may be a member of the Board. In 2003, there were fourteen board members. To ensure gender sensitivity, it is the fund's stated policy that at least two of the board's trustees should be women. The board, chaired by the Most Reverend Dr. Joseph Osei Bonsu with Professor Florence Abena Dolphyne as Vice-Chair, has three female members.

A secretariat of six members of staff headed by an executive secretary has been established at *Manhyia*, the administrative headquarters of traditional Asante and residence of its monarch. The deed of trust governing the management of the OEF requires each Asante to contribute a minimum amount of two hundred cedis a month or a specified amount determined by the board of trustees periodically.<sup>11</sup> In addition, any person, company, or association, regardless of ethnic, religious, or political affiliation who so wished could contribute to the fund either in cash or in kind. To establish firm links with Asante citizens in the diaspora, branches of the OEF have been established in Canada, the United States, and the UK.

The practical administration of the OEF is carried by the secretariat, which receives applications from individuals and institutions. The applications are then investigated. Heads of institutions who put in requests on behalf of deserving students usually send along reports and other relevant documents. Such requests are usually granted. Institutional requests are usually for materials.<sup>12</sup>

The administrators of the OEF employ several methods to solicit for funds. They arrange meetings with and give talks to such organizations and business groups as hoteliers and market women. In addition, they make direct appeals to identified institutions and individuals and the response has been encouraging. Originally chiefs were mandated to collect 200 cedis each from every Asante citizen. Paramountcies have been divided into four categories, depending on how well endowed they are, with the Kumase Traditional Council in a separate category. Future fund-raising strategies include organizing special functions as raffles, football matches, and fund-raising weeks.

## DECLINING EDUCATIONAL QUALITY AND JUSTIFICATION OF THE *OTUMFUO* EDUCATION FUND

Between 1990 and 2000, the standard of pre-tertiary education in Ghana as a whole seemed to be declining. The decline was more dramatic in Asante. Between 1997 and 2000, the Ashanti Region recorded some of the poorest Basic Education Certificate Examination (BECE) results. Five factors have been identified as being the major causes of the decline. First, were the poor and inadequate facilities and conditions in the classrooms and schools that were not conducive to studies. School structures were often in a state of disrepair, many classrooms were without furniture, and often there were not enough textbooks. Therefore several pupils had to share the few copies of textbooks available.

Second was the lack of teachers. Often schools in the rural areas, in particular, lacked teachers because those posted there refused to accept the posting due to such factors as lack of or inadequate accommodation and basic amenities like good drinking water and medical care.

The third factor was the poor conditions of service and inadequate pay for teachers. Thus, often teachers did not put in their best in the classroom. Fourth were financial difficulties. Some parents found it very difficult to provide the necessary financial and material support that could help develop their children's interest in education. Fifth were government budgetary constraints. As a result of low revenue vis-à-vis commitments of the central government to other social sectors within the economy, it was impossible to provide adequate financial and material support for the education sector.

Thus the *Asantehene's* objective in establishing the OEF was to complement the efforts of the central government and the local authorities in stemming the tide of decline in the standard of education and providing universal quality education within Asante in particular and Ghana as a whole. To achieve this objective, four discrete areas were identified for the application of the funds.

First was the rehabilitation and renovation of existing schools as well as the construction of new classroom blocks. Second was to assist in the supply of furniture, textbooks, and learning and teaching aids to help both the teacher and the pupil. Third was to boost the morale of teachers by providing them with incentive packages to enable them give of their best.

Fourth were the provision of financial and/or material assistance to bright but needy students to enable them to develop their natural talents to the climax of their academic abilities.

## ACHIEVEMENTS OF THE *OTUMFUO* EDUCATION FUND

It is rather difficult to assess fully the impact of the OEF. Despite the existence of precedence as noted above, the novelty in the *Otumfuo* Education Fund established by the *Otumfuo* Osei Tutu Ababio attracted much excitement and positive support. In the first place, the operation of the OEF, unlike all the earlier schemes, operated beyond the confines of the patron traditional state, which in this case is Asante. Significantly, any person of Asante parentage who lives in any part of Ghana could benefit from the fund. At the same time, any resident in any part of Asante who is not of Asante parentage also qualified to apply to the fund.

In 1999, for the first time, funds collected through a traditional ruler were used to sponsor the university education within the country of needy but brilliant students.<sup>13</sup> Hitherto, university education within the country had been financed almost single-handedly by the central government. Increasingly, the burden had become too heavy for the government and therefore new approaches have been examined. One of the approaches that seemed more acceptable to all parties with interest in university education was a cost-sharing mechanism referred to as the “user-fee,” which was adopted as official policy and implemented in 1999. This scheme required students to contribute towards the cost of using residential and academic facilities. A major flaw in the scheme was that it was not means tested. The implication of this scheme therefore was that brilliant students who did not have the means to pay the user fees were to be excluded from university education. Thus the introduction of the OEF in 1999, which immediately offered to sponsor 200 students each from the three premier universities – the University of Ghana, the KNUST, and the University of Cape Coast – was a timely intervention that guaranteed the university education of some 600 Ghanaians. A total of 180 million cedis from the OEF was granted them to pay their user fees.

However, the current policy of the OEF has discontinued the sponsorship of university students. The rationale for this decision is that a person who has already completed second cycle education would be in a position to seek employment and fend for themselves. This policy change is intended to conserve resources to provide sponsorship and facilities for young people in the earlier phase of their education so that they do not miss the opportunity of accessing education altogether.

Another unique quality of the OEF lies in the fact that it provides facilities for schools both within and outside Asante. Among such beneficiaries outside Asante are Ada Secondary School, Sewhi Wioso Secondary School, and Wesley Girls' High School.<sup>14</sup> Other schools in this category whose requests were pending in 2003 included Our Lady of Apostles, Ho, and Kpando Secondary Schools.

It is important to observe that the education fund idea has become so popular that people from diverse backgrounds both locally and abroad are eager to contribute to it. For example, *The Pioneer* of 28 February 2003, reported that the Anloga Carpenters Association (ACA) in Kumase had donated benches estimated to cost 200,000 cedis, as its "contribution towards the celebration of the *Awukudae* [Wednesday Sabbath] festival."<sup>15</sup> The gesture stemmed from the ACA's desire to identify closely with the OEF's objective of developing quality education within the *Asanteman* and Ghana. It is even more important to observe that the OEF has been able to provide some measure of support in terms of both material and cash. By May 2003, the OEF had provided science laboratories, libraries, and computer units for about six rural secondary schools in addition to funding the construction and renovation of dormitories and other facilities in about eleven institutions. The UK branch of the OEF sent 100 million cedis for the rehabilitation of the Ashanti Regional Library. In addition, through the agency of the OEF, equipment including computers, photocopiers, and 2,300 dual desks were distributed to basic schools in the Ashanti and Brong Ahafo Regions.

Various educational institutions have donated scholarships to the OEF. In the 2001/2 academic year, the Ohio State University offered the OEF a tuition scholarship that is tenable every other year. The first recipient of this award, Miss Cindy Kumah had her pocket money and fare totalling ₵16,000,000.00 paid for by the OEF. The Volta River Authority offered the OEF six scholarships at the Akosombo International School,

effective from the 2002/3 academic year. Each beneficiary receives seven million cedis. The Kumase Polytechnic also offered scholarships worth 5 million cedis each to ten students tenable from the 2003/4 academic year to cover all aspects of their education except for boarding.

The OEF has also sponsored young people to acquire employable skills in the non-academic sector. In the year 2000, six boys were sponsored to train as mechanics. The sponsorship covered procurement of tools, overalls, and other needs for the training, as well as pocket money. At the same time, some girls were sponsored to train as seamstresses.

The OEF management is trying to keep track of all beneficiaries and to encourage them to contribute to the fund. There are plans to form an association.

## LIMITATIONS AND PROBLEMS ENCOUNTERED IN OPERATING THE *OTUMFUO* EDUCATION FUND

The operation of the OEF has come up against many problems and criticisms. The fund could operate and meet its set targets if all contributions collected were paid in. To ensure that funds flowed into their coffers, the management of the OEF periodically appealed to the general public, in particular those who had not already done so, to donate to the fund. To earn the support and commitment of the general public, it is important to publicize how much has been contributed into the OEF's coffers and how these have been disbursed.

A major problem that the OEF has encountered is the failure of bodies and individuals who have undertaken to collect contributions but have failed to submit any accounts of their receipts. Thus, for example, *The Pioneer* of 2 April 2003, carried this headline, "Expected Cash from Education Fund Locked Up: Defaulting Chiefs, Groups to be Summoned to Appear before Asantehene and Board."<sup>16</sup> The accompanying story, which was credited to Kapital Radio, one of the F.M. Stations in Kumase, reported that the administrative assistant of the OEF, Mr. Osei Akoto Amoateng, has disclosed that outstanding contributions expected from certain groups, organizations, chiefs, individuals, and the churches could run into several millions of cedis. The situation came about because the

organizations and individuals who collected the receipt books, issued about a year earlier with the aim of raking in funds for the OEF, had not submitted their returns. As a result of this turn of events, which Mr. Osei Akoto Amoateng reportedly described as “the unpatriotic act of these people,” the OEF was unable to finance about 80 per cent of its projects in the year 2002. Several measures were adopted to coerce the defaulters to submit their accounts or return the receipt books. These measures ranged from appeals, exhortations, and extension of time to those concerned to enable them fulfill their obligations to threats of being summoned before the *Asantehene* and the OEF board.

Some observers and critics have also expressed concern about lack of accountability and transparency regarding the contributions and disbursements so far made. In June 2004, this kind of concern was expressed in the Accra-based *Ghanaian Chronicle* and posted on its internet web site. The authors of the publication, Aaron Kumah and John Tetteli, observed,

... this [establishment of the OEF] is a laudable idea and Oturnfuo [*sic*] deserves commendation for his vision and foresight....

Now, the main issue is not so much about the setting up of the fund but what has been derived from individuals and organizations in respect of contributions and donations as well as what has been expended on students and educational institutions.

For the past three years, Ghanaians have been kept in the dark about the state of affairs of the OTEFund. One would hope that, beyond setting up the OTEFund, there would be greater candor in its activities but that was not the case. This situation is casting a very serious doubt on the veracity of the OTEFund and the managers of the fund. It may soon face public vilification and displeasure.<sup>17</sup>

These critics of the OEF contrasted it to the newlyestablished Sam Jonah Endowment Fund (SAMJEFund) set up to help finance infrastructural development of the University of Cape Coast. They further added that the latter fund had by 4 June 2004, raised 4.6 billion cedis.<sup>18</sup>



It seems such criticisms are unfair or unfounded or highly exaggerated. The OEF usually gives out receipts to cover donations. Also, periodically it publishes the names of benefactors and beneficiaries. For instance in an official report entitled "Short Report on the Projects undertaken by Funds so far and the Needs of the Fund," it was stated that "A number of books and 20 used computers worth \$50,000.00 (¢425,000,000.00) and \$10,000.00 (¢85,000,000.00) respectively donated by individuals and organizations have also been distributed to schools in the districts."

The fund had collected cash donations of ¢2.2 billion. Expenditure in cash and in kind amounted to about ¢2,204,500,000. The fund also has accounts being operated by its branches in the UK, the United States, and Canada.<sup>19</sup> It seems the desire to rush to press without seeking out full information about the OEF and its operation does more damage than good. Probably if such criticisms as high administrative costs and bogus beneficiaries could be made and substantiated, then it would be worth looking into and finding ways and means of resolving them.

In discussions with the administrators of the OEF, it appears among the major problems that inhibit the effectiveness of the fund are excessive patronage, failure of the secretariat to acknowledge all donations promptly and to follow up pledges and offers, donor fatigue, and failure to honor pledges. The wrong use of patronage come in two forms. People in authority sponsor applicants who do not satisfy the fund's criteria for beneficiaries. Others also use the *Otumfuo's* name to swell the numbers of beneficiaries by adding to applicants that have already been selected. Some institutions and individuals contribute for some time and then give up. The secretariat sometimes fails to follow up institutions that promise to contribute over a period of time. An institution promised to pay 300 million cedis over a five-year period; however, after payment of the first installment of 60 million cedis, it did not make any further payment. The administrators of the OEF made no effort to follow up. Others also make pledges in public then refuse to honour them.

In-built mechanisms in the traditional governance system are among the major drawbacks of the OEF. In particular is the patronage system, known in traditional practice as *dwantoa*. Literally, the term means "run to seek refuge." *Dwantoa* is a system whereby people in trouble or seeking favours appeal to a person who has authority or influence to step in and mediate on their behalf. The beneficiary may show appreciation by

offering gifts, which could be in kind or cash. Sometimes cash presentations are intended to pay for transportation and other related costs of the patron. Since traditional rulers are among the most influential personalities in their communities, often such appeals are passed through them. People who solicit assistance from the OEF often use this traditional means of seeking favour. The problem is that such requests often ignore the means-testing system. Thus it is not always the most brilliant but needy that benefit from the fund. It is rather the applicants who has the most influential social and political networks who benefit, thus undermining the cardinal objective for which the fund was established, essentially providing for needy but brilliant students and to raise the standard of education within the *Otumfuo*'s area of jurisdiction. Also such beneficiaries do not adhere to the principle of contributing to the fund themselves but often direct their gratitude towards their patrons who made it possible for them to access the fund.

## THE *OTUMFUO* HEALTH FUND

The *Otumfuo* acknowledged the health problems endemic in the country in general such as the HIV/AIDS menace, the falling standards of health care in Asante, the falling standards of quality health care, the deteriorating infrastructure and facilities in the health sector, and the increasing cost of health care services that make it difficult for many people in Asante to access basic health care. Ministry of Health statistics indicate that there is a high incidence of infant mortality, maternal mortality, and prevalence of preventable diseases in Asante.<sup>20</sup> At the same time, it has been impossible to expand health infrastructure to cope with population growth in Asante. This situation has severely strained the available health facilities. The problem had been compounded by high poverty levels that affect many people, in particular those in the informal sector, thus making it difficult either to pay for or to access health care even when it is within their geographical reach. Indeed, it seems the problem of lack of access to health care in Ghana is a nationwide phenomenon. In February 2003, for example, Professor Agyeman Badu Akosa, the director general of Ghana

Health Service (GHS), revealed that only 46 per cent of Ghanaians have access to orthodox medicine.<sup>21</sup>

The *Otumfuo* is also concerned about the increasing trend of HIV/AIDS and the need to improve the standards of health care in Asante. This includes the poor infrastructure and health care facilities, the low quality of health care, and the increasing cost of health care services that make it difficult for many people in Asante to access basic health care. The *Otumfuo* demonstrated his concern for health-related issues by mobilizing traditional authorities within Asante to spearhead the campaign against HIV/AIDS.

It is as a result of these concerns that the *Asantehene* with the support of the *Asanteman* sought to establish the *Otumfuo* Health Fund (OHF). The stated objectives of the OHF included the promotion of human development and the improvement of the health status of the people of *Asanteman* and Ghana. Another objective was to fight the menace of prevalent but preventable diseases and mortality exacerbated by endemic poverty and deteriorating facilities.

It was anticipated that the OHF would be deployed to mobilize resources that would in turn expand health infrastructure, upgrade facilities in existing health institutions, and improve the quality of health care for the people of Asante. In addition, the fund was expected to serve as a social reinsurance fund to support and promote the development of mutual health organizations in Asante.

In 1987, the Government of Ghana (GoG) replaced its hitherto free medical care system with a cost-recovery system or the payment of user charges, which is generally referred to as “cash and carry.” The policy change was necessitated by dwindling central government funds to the health sector as well as all other sectors within the national economy. Under-funding within the health sector by the government resulted in reduced ability to acquire drugs and other essential medical logistics for health care delivery. However, the introduction of the cost-recovery system, coupled with rising cost, made it increasingly difficult for many people to pay for health services. To ease the acute financial burden on the population, the government introduced a safety net in the form of exemption packages administered by the Ministry of Health for the most vulnerable groups within society. These included children under five years, pregnant

women, the aged (who are categorized as those over seventy years), and paupers, i.e., those who are unable to pay.

Despite the exemption packages, the cost-recovery arrangement within the health care delivery system is still regarded as being financially burdensome by a large number of the population. Thus many avoid seeking medical care in that sector and either resort to self-medication or traditional medicine. Among those who seek medical care, many who are unable to pay hospital services either abscond or are detained for longer periods due to inability to pay their medical debts. A health insurance scheme has been suggested as an alternative to the prevailing situation. The bleak picture of the health delivery situation in countries like Ghana was highlighted by Dr. Yaw Ofori Yeboah, municipal director of health of Cape Coast, when he opined, "With poverty, inadequate health facilities, coupled with the inability of most developing countries to control infectious diseases, the rising number of NCDs [non-communicable diseases e.g., cancer, diabetes, coronary heart diseases] could only spell doom."<sup>22</sup>

The strategy the *Asantehene* intended to employ in the sphere of health provision was the deployment of his influence and the popular support he enjoyed among his people. This was to be expressed through fund-raising projects, including the establishment of foundations, appeals to NGOs, external donor agencies, and governments in addition to mobilization of the people.<sup>23</sup> A stipulated percentage of revenues generated from the sale of all stool lands was to be lodged in the OHF. The OHF was also to establish linkages with overseas hospitals. It was also to fund postgraduate training of qualified medical personnel who are natives of the various paramountcies within Asante who would then return to work within their traditional areas. All traditional rulers within Asante (both males and females) were to be trained to acquire awareness of disease occurrence and outbreak to enable them report such incidents for prompt action to be taken to avoid catastrophe.

## COLLABORATION BETWEEN THE *OTUMFUO* HEALTH FUND AND THE ASHANTI REGIONAL HEALTH ADMINISTRATION

The Ashanti Regional Health Administration supervises a network of health care facilities funded by the Ghana government within the region. In addition, there are facilities run by missions and private individuals. Statistically, the region has some 425 health facilities.<sup>24</sup> They range from health centres to district hospitals and the Komfo Anokye Teaching Hospital (KATH), the second largest tertiary health institution in Ghana, at the apex. The region has 83 hospitals, made up of 25 government hospitals, three of which are quasi-government, 16 run by missions, and 42 owned by the private sector.<sup>25</sup> There are 87 health centres, comprising 81 owned and run by the government and 6 run by missions. Additionally, there are 836 clinics, 80 maternity homes, and another 139 outreach points, which are all privately owned.

The sources of funding for these facilities include central government grants, funds from donor agencies, and user payments or internally generated funds.

Despite the Ashanti region's seemingly high endowment in terms of health care establishments, it has been observed that they have been placed under severe strain because the expansion of health infrastructure has been unable to cope with the population growth. Thus the facilities in most of these establishments are inadequate to meet the standard of quality care required. The OHF was intended to serve as a reinsurance scheme for mutual health organizations (MHO) within the Ashanti region that operate on the principles of solidarity and insurance.

The MHOs are local initiatives within both the formal and informal sectors for financing health care. They are flexible self-accounting schemes with in-built mechanisms that adjust contributions and benefit packages as required. Examples of MHOs in Asante include the Aninwaa Medical Scheme, Edweso-Dwabben, New Edubiase, the Garages Association, the Manhyia Susu Scheme, and the Civil Servants Association Scheme.

## PARTNERSHIP BETWEEN THE *OTUMFUO* HEALTH FUND AND OTHER CENTRAL GOVERNMENT AGENTS

An attempt has been made to derive benefits from both the public and private sector personnel involved in the health delivery system. Senior personnel of the Ashanti region sector of the Ghana Health Service (GHS) were drafted into the *Otumfuo* Health Fund Working Committee.<sup>26</sup> Among them were Dr. Appiah Denkyira, regional director of the GHS and Dr. S. Kyei-Faried, regional senior medical officer in charge of public health. Dr. Chris Atim, regional advisor to PHRplus was employed as consultant. In this capacity, Dr. Atim has been instrumental in forming the ideas and shaping the concepts and principles underlying the OHF. Dr. Marty Makinen, PHRplus USAID consultant, also made very useful contributions towards developing the concepts that informed and shaped the OHF. The regional and all district directors of health were required to give periodic reports to the *Asantehene* to keep him informed about the specific problems that they face such as the buruli ulcer outbreak in parts of Asante.

The OHF also required that health education should be built into all development projects within Asante. This would entail publicizing any ongoing health campaign such as buruli ulcer, HIV/AIDS, polio, sexually transmitted infections, tuberculosis, and other forms of immunization. The health education program was to be carried out through collaboration between traditional rulers and development organizations. While a traditional leader will undertake to host the event in his area of jurisdiction, the development organization will sponsor the program.

## THE SERWAA AMPEM AIDS FOUNDATION FOR CHILDREN<sup>27</sup>

In 1998, it was reported that the HIV/AIDS scourge was increasing rapidly in Ghana and fastest within the Ashanti region where about 30 per cent of the 30,000 reported cases in Ghana could be found.<sup>28</sup> The report further added that most of those affected were aged between 15 and 49. The threat and scare raised by these statistics were the inspiration behind

the *Asantehene's* HIV/AIDS initiative to mobilize forces to deal with the HIV/AIDS menace. Under the slogan, "You develop for the people within the community and the people within the community are needed for development," the HIV/AIDS menace was made a developmental issue. With this view in mind, all developmental projects were required to have an HIV/AIDS component. This included providing billboards and posters and procurement of condoms for construction workers. In selecting companies to undertake development projects, commitment to HIV/AIDS prevention and awareness creation was highly rated. The scheme followed the traditional and historic pattern whereby the *Asantehene* had mobilized his people to fight any force that threatened their survival as a people.

The *Asanteman* HIV/AIDS Control Project reported that the high incidence of the menace in the Ashanti region could be attributed to its central location within the country and its position as an economic nerve centre.<sup>29</sup> This has resulted in the influx of people from all parts of the country into the region. In 2003, the *Asantehene*, with the support of the *Asanteman* decided to turn the HIV/AIDS Control Project, which initially was planned for three years into a foundation, registered as an NGO. It was renamed the Serwaa Ampem AIDS Foundation for Children in honour of the *Asantehemaa* [Queenmother of Asante], *Nana Afua Serwaa Kobi Ampem*. The wife of the *Asantehene*, Lady Julia Osei Tutu, is its executive director, supported by a five-member board and a secretariat.

The objective of the Serwaa Ampem AIDS Foundation for Children is to support children affected by or infected with HIV/AIDS. In this category are children whose parents are suffering from or have died from the menace. The foundation offers support to the identified children by providing for their health and educational needs. This includes payment of their health insurance premium and also soliciting for and providing such children with anti-retroviral drugs where possible. The foundation also pays the schools fees and procures textbooks and clothing in addition to paying other costs related to education. It also offers counselling and guidance as well as upholding their human rights. For example, in inheritance cases, they provide legal and other assistance to ensure that the children receive their fair share of the estate.

As part of the scheme to uphold the human rights of these children, the foundation is careful not to stigmatize them. Thus it carefully avoids the use of such words as "orphans." Also it avoids institutionalizing the

children and promotes support for them through the traditional kinship system. Thus, the children are cared for through support and assistance for their guardians, who are enabled to carry out viable economic activities. Besides, the identity of the children is protected by working through the traditional rulers and volunteers in the secretariats that had been formed in each of the eighteen political districts within the Ashanti region. After attaining the age of fifteen, such children are linked to the OEF for further educational support.

## ACHIEVEMENTS OF THE *OTUMFUO* HEALTH FUND

Many individuals and organizations have donated cash, equipment, drugs, and other facilities to the OHF. These include Ghana Brewery Limited, Guinness Ghana Limited, and Dr. Obeng, a Ghanaian medical doctor based in Germany. Through the reinsurance of mutual insurance schemes, funds have been generated for investment in the insurance funds of the various districts and traditional authorities. By the end of May 2004, the Serwaa Ampem AIDS Foundation for Children had raised 300 million cedis. Through the collaboration of the OHF with the Health Service, community registers termed “Road to Health Chart” for babies have been promoted. The scheme requires every child to be registered before attainment of school-going age. It also requires every child born within a traditional area to be presented to the traditional ruler, who should demand to inspect its weighing card and ensure that the parents will have the child immunized. With the support of the World Bank and through the PPTAP, it has been possible to build capacity for disease surveillance among traditional rulers.

## LIMITATIONS OF THE *OTUMFUO* HEALTH FUND

The OHF was not officially launched until 2004. It seems the *Otum-fuo* was more concerned with the actualization of development projects under the health fund than with the publicity aspect. Various components



within the ambit of the OHF were to be launched first. An example is the HIV Foundation that has been launched and is currently relatively more active. Part of the problem too seems to be that there has been little interaction within the seven-member board of the OHF since its formation in 1999. The members of the board are all distinguished professionals who hold very responsible and demanding positions. They include *Nana* Dr. Susubribi Krobea Asante, *Asokorebene* and chairman of the OHF, Justice Ms. Appau, a high court judge, Professor Agyeman Badu Akosa, director of the Ghana Health Service, Professor Kwadwo Asenso-Okyere, vice-chancellor of the University of Ghana, Legon, Professor Ernestine Addy, former head of department, Community Health at the KNUST School of Medical Sciences, Mr. Peter Osei Duah, managing director of State Insurance Company and Dr. Thomas Agyarko-Poku, coordinator/secretary.

## CONCLUSION

Traditional rulers are political and social leaders who derive their authority from the moral influence they exercise within their communities and often also from their pedigree. While originally they enjoyed very extensive control, over time, as the modern state had evolved, their authority has, on one hand, been circumscribed, but, on the other, their position has been recognized and enshrined in the national constitution. As their position has changed, traditional rulers have reinvented their role in society by emphasizing their function as development partners who act in various ways to bring projects into their areas of jurisdiction to improve the material welfare of their subjects.

The *Asantehene Otumfuo* Osei Tutu Ababio is a key example of traditional rulers who employ their influence to this effect. He has identified the two areas of education and health as strategic areas of development that require considerable attention. The *Asantehene* has used his extensive influence to mobilize funds and other resources into foundations that he had established with the support of the *Asanteman*.

Although the *Asantehene's* schemes had encountered problems and limitations, they have generally received popular support both from local and external sources and had formed the basis for many honours that have

been bestowed on him. In many ways, the schemes introduced under the *Asantehene's* foundations are novel in terms of scope and even the actual operation. Thus, for example, while the OEF seeks to operate beyond the confines of traditional Asante, the Serwaa Ampem AIDS Foundation for Children seek to operate through the traditional kinship system to protect the beneficiary children from becoming stigmatized. Undoubtedly, the *Asantehene* had demonstrated that traditional rulers can use their influence within and outside their communities to enhance the material welfare of their people.



DR. WILHEMINA DONKOH, GHANA.

## NOTES

- 1 The Regional House of Chiefs is a body made up of all the paramount and special category chiefs in a region and is headed by an elected president. Ashanti Region, where the *Asantehene* is the permanent head of body, is the only exception. The Houses of Chiefs constitute an exclusive male preserve that excludes the female. There are ten such bodies representing the ten regions into which Ghana is divided. In addition to the regional bodies is the National House of Chiefs made up of representatives from all ten regions and headed by an elected president.
- 2 Traditionally, many of the different ethnic groups in Ghana did not have female traditional leaders. The practice of having female leaders has been more fully developed and entrenched among the matrilineal Akan. In certain areas, as for example among the patrilineal Ga-Dangme, who inhabit the southeastern part of Ghana, though they have female leaders, they don't seem to acknowledge them as rulers. In an interaction with the president of the Greater Accra Regional House of Chiefs and his deputy in 2001, they both insisted that the position of the Ga-Dangme chief was traceable to his original function as a priest-king that required him to perform certain rituals. Significantly, the Greater Accra Regional House of Chiefs as well as the three northern houses, pointedly failed to send any female traditional leaders to the Chieftaincy conference held in June 2001.
- 3 The *Mampongbene* Osei Bonsu II, in his presentation at the conference on "The Role of the Traditional Ruler as a Development Officer," expressed this view, which was later unanimously endorsed by the other leaders assembled there. The symbol of the chord around the broom derives from the Ghanaian proverb about unity, which states that, while it is easy to break a single broom stick, it is virtually impossible to break many broomsticks when tied together with a chord or twine. Thus the traditional rulers see themselves as the unifying factor within their communities.
- 4 *Daily Graphic*, Accra, 18 February 2003.
- 5 *Daily Graphic*, Accra, 4 June 2004.
- 6 "Investment Opportunities in Ashanti Region." In *The Corporate Guardian* (Jan.-Feb. 2003): 13-15.
- 7 *Kumasi Mail*, 5-11 November 2001.
- 8 In *The Corporate Guardian* (Jan.-Feb. 2003): 13-15, 14.
- 9 Kapital Radio News Report, February 2000.
- 10 "Otumfuo Education Fund: Short Report on the Projects undertaken by Funds so far and the Needs of the Fund."
- 11 The Trust Deed for the Otumfuo Education.
- 12 Interview with *Nana* Abayie Boateng, executive secretary of the Otumfuo Education Fund, at his office in the National House of Chiefs, Manhyia, Kumase, 5 September 2003.

- 13 Interview with Nana Abayie Boateng, Executive Secretary of the Otumfuo Education Fund, at his office in the National House of Chiefs, Manhyia Kumase, 5<sup>th</sup> September 2003Ibid.
- 14 Interview with Nana Abayie Boateng, Executive Secretary of the Otumfuo Education Fund, at his office in the National House of Chiefs, Manhyia Kumase, 5 September 2003. Ibid.
- 15 *The Pioneer*, 27 February 2003.
- 16 *The Pioneer*, Kumasi, 2 April 2003.
- 17 *Ghanaian Chronicle*, Accra, 24 June 2004.
- 18 *Daily Graphic*, Accra, 4 June 2004.
- 19 *Otumfuo* Education Fund, entitled "Short Report on the Projects undertaken by Funds so far and the Needs of the Fund," 26 May 2003, 7.
- 20 *Asanteman* HIV/AIDS Control Project under the Aegis of His Majesty Otumfuo Osei Tutu II Asantehene, Kumasi, n.d., 1.
- 21 *Daily Graphic*, Accra, 28 February 2003.
- 22 *Daily Graphic*, Accra, 18 February 2003.
- 23 *High Street Journal*, November 1999.
- 24 "Investment Opportunities in Ashanti Region." In *The Corporate Guardian* (Jan.–Feb. 2003): 13–15.
- 25 *High Street Journal*, November 1999. "Investment Opportunities in Ashanti Region." In *The Corporate Guardian* (Jan.–Feb. 2003): 13–15.
- 26 *Asanteman* HIV/AIDS Control Project under the Aegis of His Majesty Otumfuo Osei Tutu II Asantehene, Kumasi, n.d., 3. The corporation was used to establish "The Otumfuo HIV/AIDS and Communicable Disease Control Committee."
- 27 Dr. Thomas Agyarko-Poku, medical director for Manhyia Palace and coordinator/secretary for the Otumfuo Health Fund was a very important source of information. Agyarko-Poku kindly granted an interview and also made available documents concerning the OHF.
- 28 *Asanteman* HIV/AIDS Control Project under the Aegis of His Majesty Otumfuo Osei Tutu II Asantehene, 3.
- 29 *Asanteman* HIV/AIDS Control Project, 8.



# **4 Building HIV/AIDS Competence in Ghana – Traditional Leadership and Shared Legitimacy: A Grassroots Community Intervention Best Practices Model**

Donald I. Ray and Sherri A. Brown

## **I. INTRODUCTION**

In 2006 the Joint Programme on HIV/AIDS of the United Nations (UNAIDS) and the World Health Organization (WHO) reported that there were estimated to be 38.6 million people living with HIV/AIDS (UNAIDS Report 2006, 8). Nearly 64 per cent lived in Sub-Saharan Africa (UNAIDS Report 2006, 15). HIV/AIDS has potentially devastating implications for developing countries and economies. All productive resources, human and capital, must therefore be mobilized in the fight against HIV/AIDS. Communities in developing countries that are profoundly affected by HIV/AIDS, such as Ghana, are increasingly exploring grassroots initiatives that address many of their educational, support, and

resource needs. AIDS competence involves the notion that communities can become empowered to create and implement successful AIDS prevention and support programming and initiatives. Furthermore, AIDS competence arises from the actions that communities take to mitigate or alleviate risks to that community. As the case of Ghana will show, traditional leaders can play effective roles developing local AIDS competence through their involvement in mobilizing and delivering HIV/AIDS educational, support, and resource initiatives.

While African post-colonial states (known as “modern governments”) may appear to have a legal monopoly or ultimate power or sovereignty as expected by “Western” conceptions of what a state is, as well as having the capacity to carry out its powers, the reality is somewhat different and this needs to be examined in light of what needs to be done, and who has the capacity and competence to do this, in order to more effectively fight HIV/AIDS across Africa.

The main argument of this chapter is that because African chiefs (i.e., traditional leaders) have their own special historical and indigenous cultural sources of legitimacy or credibility, traditional leaders can play important roles in the development and implementation of HIV/AIDS policies and programs. Traditional leaders are part of the indigenous political and social structures that predate colonialism and the contemporary post-colonial state. In many African countries, governance is shared asymmetrically between the post-colonial state and traditional leaders because of the divided nature of legitimacy and sovereignty. Using the involvement of traditional leaders in Ghana in HIV/AIDS programs, the involvement of traditional leaders in the implementation of existing governmental and other-run development and HIV/AIDS programs could increase program success rates because traditional leaders could add their legitimacy or credibility in convincing their subjects of the usefulness of these programs. If traditional leaders are to play a more prominent role in the implementation of HIV/AIDS and development programs in Africa, first we need to confirm and analyze the actual participation of traditional leaders in HIV/AIDS programs. This chapter thus examines the participation and inclusion of traditional leaders in HIV/AIDS programming and policy apparatus in Ghana. This chapter demonstrates how traditional leaders in Ghana have contributed to the development of AIDS competence in

local communities and thus serves as a grassroots community intervention best-practices model.

## II. HIV/AIDS IN GHANA

In 2008 the Ghana Aids Commission summarized the volatility of the generalized epidemic in Ghana: though the prevalence rate in Ghana has remained below 5 per cent for over the past sixteen years, the number of persons living with HIV continues to rise daily (GAC 2008, 6). While in 2003 in Ghana, the adult (ages 15–49) HIV prevalence rate was 3.6 per cent, it declined to 2.7 per cent in 2005, but it increased in 2006 to 3.2 per cent.

In 2006 Ghana's population was estimated to be 22,113,000 (UNAIDS 2006, 363). By 2007, an estimated 291,398 people (including 18,116 children) were living with HIV/AIDS. Furthermore, 170,000 children under 15 had lost one or both parents to AIDS by the end of 2006 (UNAIDS 2006). West Africa, including Ghana, has not escaped the impact of the HIV/AIDS pandemic and is in fact an area where opportunities for intervention for prevention of new infections may be successful in stemming the tide of the HIV epidemic. The active and growing presence of traditional leaders in social marketing campaigns against HIV/AIDS in Ghana suggests that the effectiveness of traditional authority in HIV/AIDS strategies deserves further investigation.

## IMPACT OF HIV/AIDS

The HIV/AIDS pandemic has multidimensional and far-reaching implications. The epidemic has demographic, political, security, economic, social, and cultural implications. Demographically, HIV/AIDS is contributing to a reversal of age-specific mortality patterns, with increasing proportions of younger people dying. With increased adult mortality due to AIDS, societies have witnessed the creation of child-headed, elderly-headed, single-parent, and over-extended families. Moreover, there have



been increased instances of cluster foster care homes (housing one or more AIDS orphans), itinerant and homeless children and gang families in severely affected areas. The numbers of AIDS orphans in developing areas are growing. In addition to the concerns of how to care for and support these orphans is the question of how these children will affect social stability in the future.

The impact of HIV/AIDS on individuals and households will be felt earlier and will vary according to existing resources of capacities they are able to draw upon. Thus, individuals, especially those with full-blown AIDS will experience immediate impacts on their health status via their experience with increases in morbidity and illness. These immediate impacts on health may have adverse implications on their social and economic productivity and participation. Thus effects on an individual will ultimately create effects on their families, households, and communities, as a previously productive individual becomes semi or non-productive and requires care and support from their household and community (Barnett and Whiteside 2002). When individuals affected with or by HIV/AIDS change their social and economic patterns of consumption, production, and participation, this creates effects for agriculture, business, government, and civil society. Thus, aggregate individual impacts from HIV/AIDS bear profound and often difficult to measure impacts for multiple levels and sectors.

Furthermore, because the HIV/AIDS pandemic disproportionately affects sub-Saharan Africa, it is largely developing countries that must contend with this devastating epidemic. While they struggle to develop, HIV/AIDS threatens to undermine or destroy their efforts. Ultimately, HIV/AIDS is expected to exacerbate existing social, political, and economic issues and inequities. Because of the multidimensional impact and expression of disease, HIV/AIDS is expected to have profound and complex implications for human health and well-being that goes well beyond its immediate clinical impact.

The HIV/AIDS pandemic requires a strong and collective global response. Globally, political commitment has grown stronger, grassroots mobilization is becoming more dynamic, funding is increasing, treatment programs are being developed and initiated, and prevention efforts are increasing; however, the global response must be intensified in order to provide the necessary resources and commitment that are required to prevent

new infections and to care for those currently living with HIV/AIDS. All productive resources, human and capital, must be mobilized in the fight against HIV/AIDS. As the case of Ghana shows, traditional leaders can play effective roles in this fight.

### III. TRADITIONAL AUTHORITY AND DIVIDED LEGITIMACY IN PRE-COLONIAL, COLONIAL, AND POST-COLONIAL STATES: BUILDING ON GRASSROOTS GOVERNANCE

Traditional leaders are known in English as chiefs, traditional authorities, traditional rulers, monarchs, kings, nobles, aristocrats, and natural rulers in a variety of African and other countries. Traditional leadership is meant to include those political, socio-political, and politico-religious structures that are rooted in the pre-colonial period rather than in the creations of the colonial and post-colonial states. By this key consideration, traditional leaders can include kings, other aristocrats holding offices, heads of extended families, and office-holders in decentralized polities, as long as their offices are rooted in pre-colonial states and other political entities. If the office is purely a creation of the colonial or post-colonial states but still involves indigenous peoples, the office should be called “neo-traditional.”

The division of the chronology of African political organization into three periods (pre-colonial, colonial, and post-colonial) is well accepted but should not be seen as applicable only to Africa. The trilogy of pre-colonial state, colonial state, and post-colonial state applies to any contemporary state in Africa, Asia, the Americas, or elsewhere that was the product of the imposition of European imperialism and colonialism since the expansion of capitalism out of Europe from the 1400s onwards. However, one might characterize the pre-colonial states and other pre-colonial political entities as being rooted in political legitimacies that were particular to their special histories, which existed before these pre-colonial states and other polities were *absorbed* one way or another by European empires. Such absorption involved the creation of colonial states by which the European empires ruled their newly subjugated and/or subordinated colonies into

which the various pre-colonial states and polities were drawn. These pre-colonial states and other polities were then processed into various components of the colonial states. In many cases, the indigenous peoples had their political leadership turned into instruments of colonial rule for the benefit of the empires, but the empires were not strong enough to eliminate completely all elements or traces of this pre-colonial heritage: “kings” became “chiefs” in the lexicon of imperialism and colonialism. While the colonial state intended to indicate the subordinated status of the former pre-colonial leader by this linguistic trick, ironically the real pre-colonial terms of the “chiefs” survived in their own languages. Even more ironically for colonialism, often these “chiefs” or “traditional leaders” became rallying points of resistance to colonialism and sources of cultural pride to those indigenous peoples who had been colonized. Where traditional leaders/chiefs thus survived into the periods of the colonial state and the post-colonial state, they often retained sources of political legitimacy rooted in the pre-colonial period, which were unavailable to the colonial state because it had been forced on the indigenous people.

Political legitimacy deals with the reasons that people are expected to obey political authority, especially that of government. Baynes (1993) argues that political legitimacy is an important mechanism of the state to obtain the compliance of its citizens (or subjects) with the laws (or other wishes) of the state. Traditional authorities have specific and distinct claims to legitimacy that are recognized by their subjects. Traditional authorities can claim special legitimacy in the eyes of their people because these institutions are seen as embodying their people’s history, culture, laws and values, religion, and even remnants of pre-colonial sovereignty.

The colonial states and the post-colonial states draw upon different roots of legitimacy and sovereignty than those of the pre-colonial states. Looked at in the brilliant light of democracy, the colonial state would have to admit that its claims to sovereignty were based in the main on violence, racism, and diplomatic trickery, and that its claims to legitimacy as to why the indigenous people should obey its dictates were usually based on: (1) rights of the conqueror rather than the consent of the people, (2) assertions of culture or racial superiority of the colonizers over the indigenous people, and (3) the use of a constitutional and legal order based on or rooted in the imperial power. For these and other reasons, the colonial state

was unable to take over the legitimacy base of the pre-colonial period: to do so would be to call into question its own legitimacy.

The post-colonial state is in a more ambiguous position with regard to the pre-colonial period and to traditional leaders than is the colonial state. Although the post-colonial state has often had its constitutional and legal legitimacy rooted in the colonial state, especially when there was a peaceful handover of power from the colonial state to the post-colonial state, the post-colonial state can claim its legitimacy from the additional roots of (1) the nationalist struggle for independence by the people, and (2) the expression of the democratic will of the people through elections and other political processes and, eventually, a legal-constitutional system that has been processed, re-validated and created by the institutions created by the post-colonial state which express the democratic will of the people. However, the legitimacy of traditional leadership/chieftaincy institutions remains, in nearly all cases beyond the grasp of the post-colonial state, precisely because chieftaincy legitimacy is rooted in the pre-colonial period and there has been a fundamental rupture in the political fabric caused by the imposition of colonialism. Thus a people may choose to express themselves politically for many policy areas through the legislative, executive, and judicial institutions of the post-colonial state, but also decide that certain policy matters (e.g., custom, land, other local matters) are best expressed by their traditional leaders. Thus, because the people of a post-colonial state recognize that the roots of political legitimacy are divided between the post-colonial state and the traditional (i.e., pre-colonially rooted) leadership, these peoples may well decide that their democratic practice includes aspects of both the post-colonial state and traditional leadership. This then would lead to a situation in which the division of the different roots of legitimacy would create a shared legitimacy as the traditional authorities and the post-colonial state pool their legitimacy to promote more and better development, especially more effective responses to HIV/AIDS.<sup>1</sup>

Traditional leaders have long been recognized by the colonial and post-colonial states as being important to the processes of rural local government in Ghana. In both the colonial and post-colonial states, traditional leaders have been incorporated directly into local government and local governance, albeit in various formats. The advent of the National and Regional Houses of Chiefs has institutionalized and entrenched important political

functions for traditional leaders. The National House of Chiefs has fifty members, comprised of five members from each of the ten Regional Houses of Chiefs. There are ten regional houses of chiefs and one hundred and sixty traditional councils (Ray 2003a; 2003b). While they were initially perceived as “auxiliaries” or “subordinate allies” in colonial rule, traditional leaders are now occupying different roles in the Ghanaian contemporary post-colonial state. Christiane Owusu-Sarpong (2003) suggests that traditional leaders function as “intermediaries” between ministries, parliament, and the people. Ray (2003a) suggests that traditional leaders may contribute to the “legitimacy pool” of the contemporary post-colonial state. Hence, both Owusu-Sarpong (2003) and Ray (2003a) concur, not only that traditional leaders possess their own unique sources of political authority, but also that the exercise and cooperation of this authority in conjunction with the post-colonial state is necessary for the achievement of development goals. Owusu-Sarpong (2003) argues that their legitimacy may be “added” to the post-colonial state’s legitimacy resources and that they may indeed serve as a necessary condition to certain governmental actions and activities. She argues that no decision taken at the level of central government, and directly concerning the people in matters such as communal health, education, use and distribution of land, gender issues, etc., can easily be implemented without the active involvement of the traditional authorities in the various regions.

Chiefs in Ghana are influential with their subjects in terms of their abilities to mobilize their people for development, in their articulation of their sense of public morality, and their influence in shaping public opinion. Thus, traditional leaders in Ghana can potentially exert significant influence within their communities. Owusu-Sarpong (2003) argues that chiefs are active opinion leaders, and she cites their presence in media sources and official and informal gatherings as evidence that their opinions and activities are considered important. Moreover, as active opinion leaders, traditional leaders have the potential to be important sources of public education on many social issues. Given their position within a community, traditional leaders can effectively transmit important social messages and values that contribute to development goals. For instance, if traditional leaders impart positive messages and strategies for HIV/AIDS, gender empowerment, environmental stewardship, and cultural and heritage preservation, this is likely to both persuade and mobilize people to

alter their behaviours in ways that produce a more positive and supportive social and cultural environment.

Furthermore, empowering and encouraging female traditional authorities to act as moral and opinion leaders for important social issues helps women and girls in rural and urban communities to access and alter behaviours. In Ghana, queenmothers advise chiefs and serve as moral leaders of the community (Ray 2003b, 25). For instance, *Nana* Boatema-Afrakoma II, queenmother of Juansua, is the Juansua chief's major councillor and is very influential in the selection of new a chief or in his impeachment. Her traditional responsibilities relate to the role of women in society and the moral education of the young girls in society. Accordingly, she has organized workshops for queenmothers on various issues affecting her people and believes they need to reflect on the conditions prevailing in their communities and find ways of introducing changes that will promote development (Owusu-Sarpong 2003, 60). Thus, traditional authorities have the potential to influence and create important social and behavioural changes that will promote development goals, including those of fighting HIV/AIDS, within their communities and Ghana.

Traditional leadership is a factor that has been significantly overlooked in the evaluations of government and governance in much of contemporary Ssub-Saharan Africa and even in parts of the Afro-Caribbean (Zips 2003; Pakosie 1996). This oversight continues to result in lost opportunities, especially with regard to anti-HIV/AIDS strategies, in terms of both development and understanding. Accordingly, we need to consider what role traditional leaders might play in the struggle against HIV/AIDS. The fight against HIV/AIDS requires the mobilization of all available and credible resources and actors. Given their special legitimacy and credibility, traditional authorities may be able to play an important role by pooling their legitimacy or credibility with government and others to build AIDS competent communities by strengthening and facilitating social marketing campaigns, fostering positive and supportive environments for people living with HIV/AIDS and affected by HIV/AIDS, and mobilizing community resources and participation in the fight against HIV/AIDS.

## IV. GHANA'S POLICY FRAMEWORK FOR HIV/AIDS

In response to the spread of HIV/AIDS in Ghana, the Ghana HIV/AIDS Strategic Framework (Government of Ghana 2001) outlined Ghana's strategy for 2001–2005. A multisectoral team including the National Population Council, National Development Planning Commission, Ministry of Health, the former Ministry of Employment and Social Welfare (now Ministry of Manpower Development and Employment), the private sector and NGOs with input from regional and district level officials developed the Ghana HIV/AIDS National Strategic Framework (NSFI). The preface of Ghana's strategic framework states that HIV/AIDS "requires a holistic multisectoral and multidisciplinary response to confront it and bring it under control." Consequently, the framework embodied these principles by identifying and employing multiple partners and sectors in the fight against HIV/AIDS in Ghana. Of special interest to our analysis are those parts of the framework dealing with traditional leaders.

The 2001–2005 framework identified five priority action areas: 1) prevention of new transmission, 2) care and support for people living with HIV/AIDS, 3) creating an enabling environment, 4) decentralized implementation and institutional arrangements, and 5) research, monitoring, and evaluation of existing trends and programs. The framework served to address and outline the goals, guiding principles, and strategies for the prevention of HIV transmission, the provision of care and support for people living with HIV/AIDS and people affected by HIV/AIDS, and the creation of a supportive and empowering legal and ethical environment.

Ghana's first HIV/AIDS strategic framework recognizes traditional authorities as a key sector for program targeting and implementation. Traditional authorities are thus expected to receive and transmit policy strategies within their communities. The strategic framework regards the participation of traditional authorities as integral to the implementation and realization of their policy strategies and objectives.

Most importantly, the framework recognized that these key strategies will require the involvement and participation of selected groups and organizations. The framework identifies key sectors, settings, and population groups (providers/patients/audience) in the implementation

or targeting of these three key prevention strategies. Traditional authorities were identified as a key sector in both the targeting and implementation of policy strategies. Thus, traditional authorities were recognized as requiring education on prevention strategies and behaviours and were seen as potential facilitators and implementers of policy strategies as they relate to the prevention of HIV transmission.

The second priority action area of the framework is the provision of care and support for people living with HIV/AIDS and people affected by HIV/AIDS. The framework discussed two major strategies to intensify and implement strategies for providing care and support to these individuals and groups: providing and strengthening institutional care for people living with HIV/AIDS, as well as providing and strengthening home care support for people living with HIV/AIDS. Accordingly, the framework discusses the need to mobilize funds for institutional and home care support, HIV/AIDS orphans, build the capacity of community networks such as church-based organizations, faith-based organizations and community volunteers in caring and supporting people living with HIV or AIDS (PLWHA) and people affected by HIV/AIDS. The 2001–2005 framework considered traditional authorities as a key sector in Ghana's implementation strategies and objectives.

The fourth priority action area called for the creation of a supportive, legal, ethical policy environment for HIV/AIDS programs. The framework identified three major strategies for this policy objective: a) improving the knowledge of the general public on HIV/AIDS and the rights of PLWHA; b) promoting non-discriminatory policies and practices at workplaces, service delivery points, in communities and in families; and c) programs for sex workers. The framework indicated that Ghana needed to develop a rights-based approach to HIV/AIDS, and thus needed to formulate a legally binding foundation for dealing with procedural, institutional, and other accountability mechanisms related to HIV/AIDS in society. Again, traditional leaders were identified as key implementers.

The 2001–2005 framework's coordination and implementation approaches acknowledged the importance of articulating viable implementation arrangements and the need to mainstream HIV/AIDS into sectors and programs. Furthermore, non-government sectors such as traditional leaders, private-sector organizations, NGOs, community-based organizations (CBOs), religious institutions, professional bodies and associations,



youth groups, etc., were to develop and implement programs in accordance with priorities and intervention strategies outlined in the framework. At the district level, committees on AIDS bringing together local government and non-government actors were to be established to co-ordinate, monitor, and supervise all HIV/AIDS activities. The District HIV/AIDS Committee included all bodies and people concerned with fighting AIDS, such as chiefs, NGOs, religious bodies, youth and women's associations, private sector institutions, people living with HIV/AIDS, and other individuals who were competent in developmental issues.

At the national level, Ghana's strategic framework recognized traditional authorities as a key sector in both program targeting and implementation. At the district level, traditional authorities were to be involved in and represented on HIV/AIDS committees. At the local level, traditional leaders were to be involved in joint and multisectoral social marketing campaigns against HIV/AIDS. Their involvement included acting as directors, spokespersons, intermediaries, and advisers for HIV awareness and education campaigns and providing supports for people living with HIV/AIDS and persons affected by HIV/AIDS.

The Ghana AIDS Commission's second national strategic framework (GAC, NSFII, 2006–2010) continued to integrate traditional leaders into Ghana's strategy. In terms of the enabling environment for the fight against HIV/AIDS, traditional leaders were seen as one of Ghana's core "socio-political structures," one that has "the potential for effective social mobilization to combat HIV/AIDS at the community level" (GAC, NSFII 2006, 24). The contributions of the chiefs and queen mothers/queens was recognized but the Ghana AIDS Commission argued that "the full potential of traditional leaders as strong advocates has not been sufficiently utilized. Community responses must actively involve chiefs, queens and traditional councils to increase participation of traditional leaders and ensure community ownership of the response" (GAC, NSFII, 2006, 34).

## V. SOCIAL MARKETING, TRADITIONAL AUTHORITIES AND HIV/AIDS PREVENTION AND SUPPORT PROGRAMMING

Social marketing has been defined as the “design, implementation and control of programs calculated to influence the acceptability of social ideas” (Kotler and Zaltman 1971, 5). Social marketing applies commercial marketing principles to social problems and objectives. (AIDS Calgary workshop on Social Marketing for Health, Calgary, 13 June 2003). Social marketing has its roots in religion, politics, and education, and its intellectual roots are found in the disciplines of psychology, sociology, political science, communication theory, and anthropology. Fundamentally, social marketing is about capturing audience attention through planned and creative communication strategies. Social marketing is distinguished from commercial marketing by its emphasis on non-tangible products, such as ideas and practices. Its purpose is to positively influence the voluntary behaviour of a target audience and therefore improve their personal welfare and that of the society. Governments and multilateral organizations are increasingly employing social marketing strategies as an effective means of addressing serious health issues in developing countries. Successful social marketing programs improve the health of people by promoting healthy behaviour, ensuring the availability of health products and services, and motivating and educating people to use them (“Social Marketing”; <http://www.gsmf.com.gh/strategy/social.htm>).

In sub-Saharan Africa by 2001, twenty-four countries had HIV prevalence rates over 5 per cent (Kumaranayake and Watts 2001, 541). Many countries in Africa are demonstrating increasing rates of HIV prevalence. With no cure or vaccine in sight, HIV prevention efforts must be a top priority. In order to educate Africans on HIV/AIDS, creative and effective social marketing strategies and campaigns are imperative if we hope to slow the spread of HIV/AIDS, reduce the rate of new infections, and provide caring and supportive environments for those currently living with HIV/AIDS.

## *Social Marketing and AIDS Competence*

AIDS competence has been defined as:

... the ability of people to maintain and improve the quality of their lives by facing up to HIV and AIDS. They determine and manage their own responses to the HIV/AIDS epidemic in their own community by assessing accurately the factors that make them vulnerable to, or put them at risk of infection with, HIV. They act so as to reduce their vulnerability and those risks, and they mobilize adequate holistic care and support when infected with, or affected by HIV/AIDS (Lamboray and Skevington 2001, 514).

AIDS competence means that communities become empowered to create and implement successful AIDS prevention and support programming and initiatives. AIDS competence arises from the actions that communities take to mitigate or alleviate risks to that community (Lamboray and Skevington 2001, 514). AIDS competence involves grassroots movements and campaigns whose objective is behavioural change in regards to both sexual behaviour (HIV prevention) and social behaviours (de-stigmatization) (Lamboray and Skevington 2001, 516–18).

When traditional authorities are mobilized and integrated into the fight against HIV/AIDS, they can become powerful agents in the development of AIDS competent communities. They can act as influential intermediaries for HIV/AIDS social marketing campaigns led by individuals or groups within the community or can serve as campaign leaders and spokespersons. Traditional leaders may also help to build AIDS competence by identifying potentially harmful social and customary practices that constitute a hindrance to anti-HIV/AIDS efforts. Traditional leaders can also help to mobilize community resources and participation for the care and support of people living with or affected by HIV/AIDS. Given their position within their communities, traditional authorities have the potential to be powerful and persuasive agents for social and behavioural change.

## SOCIAL MARKETING AND TRADITIONAL AUTHORITIES

In Ghana, traditional leaders have actively engaged in the fight against HIV/AIDS in several capacities. Given their legitimacy and credibility amongst their subjects, they are well positioned to play effective roles in HIV prevention and support within their communities. President John Kufuor suggested that traditional leaders could serve as “instruments of socio-political cohesion to facilitate national development” (“Chiefs must be instruments of social-political cohesion”; <http://www.mclglobal.com/History/Jan2003/07a2003/07a3n.html>).

Traditional leaders in Ghana have demonstrated their commitment to fulfilling this role and extending this to HIV prevention and support through their participation in various activities and campaigns. They are increasingly serving as collaborative and informed partners in the fight against HIV/AIDS. They are functioning as advisers, intermediaries, and educators in HIV/AIDS education, prevention, and support programming in their communities and traditional areas. They can also play important roles in fighting stigmatization against people living with HIV/AIDS by fostering the development of supportive and informed communities. The *Omanhene* of the Manso-Nkwanta traditional area in the Amansi West district said that stigmatization is one of the most problematic aspects in the fight against HIV/AIDS and has consistently appealed to his people to create a climate of acceptance and support for those living with HIV/AIDS (“Omanhene donates computer for HIV/AIDS data processing,” [on-line], 8 June 2003). Traditional leaders can also play a role by identifying social or cultural practices that may contribute to the spread of HIV/AIDS (i.e., tattooing, puberty rites, love covenants). Susan Osam, a reproductive rights/health expert of the United Nations System Gender Programme has called on chiefs and queenmothers to reflect on social and cultural practices that may be problematic in the fight against HIV/AIDS in their communities (“Chiefs/Queenmothers attend AIDS Workshop,” [on-line], 17 September 2003). Traditional leaders can play an important role by reviewing social and cultural practices in their communities with a view to identifying practices that may be harmful or potentially expose people to HIV infection and subsequently identify safer solutions or alternatives.

Traditional leaders have an important role to play in HIV/AIDS education and prevention in their communities. Many traditional leaders have either developed HIV/AIDS awareness and prevention programs or act as spokespersons, advisers, or intermediaries for prevention programs. For example, the paramount chief of the New Juaben Traditional Area, Daasebre, Dr. Oti Boateng donated a 7-million-cedi computer to the New Juaben Traditional Council in support of its anti-HIV/AIDS program launched at Koforidua on 6 June 2003. The collaborative campaign, "Coalition of Life Preservers" involves eighteen civil society organizations, including the New Juaben Traditional Council. The program includes roundtable discussions attended by chiefs, queenmothers, and headmasters of schools in the Ada and Akwadum circuits in the Koforidua municipality ("Omanhene donates computer for HIV/AIDS data processing," 8 June 2003). Osagyefo Agyemang Badu (Dormaaahene) advised chiefs in his area to educate the youth on HIV/AIDS and cited HIV/AIDS as a major threat for future generations ("Dormaaahene warns chieftaincy contractors," 3 November 1999). In the Tapa traditional area, traditional leaders have partnered with Freedom International, an NGO, in developing an HIV/AIDS education campaign ("NGO and Chiefs Launch HIV/AIDS Education Campaign," 2 September 2003).

The Okyenhene, Osagyefuo Amotia Ofori Panin (King of Akyem Abuakwa in Ghana) has had an enormous impact on HIV prevention, education, de-stigmatization, research, and support in his traditional area. In May 2002, his Traditional Council launched an HIV/AIDS research centre. He has also participated in numerous public events for HIV/AIDS awareness, including in 2002 leading a large number of members of keep-fit clubs from Accra, children and individuals from Okyenman in a twelve-kilometre run to mark the second Okyenman HIV/AIDS day celebrations. The year before, at the first HIV/AIDS day celebrations, the Okyenhene was publicly tested for HIV (Interview, 13 October 2002). At this race, the Okyenhene urged people to discard the notion that the disease is caused by witchcraft. The Okyenhene has shown that in the fight against HIV/AIDS, superstitions and customary taboos must be examined for both their impact on stigmatization of persons living with HIV/AIDS, as well as for their potential to elevate risk of transmission of HIV. He publicly appealed to citizens of Akyem Abuakwa to help eradicate poverty and ignorance in rural communities in the traditional area. He made the appeal

when he briefed the Second Session of the Akyem Abuakwa Traditional Council on his tour of the 160 towns and villages in the traditional area (“Okyenhene Appeals to Successful Akyems,” [on-line], 30 May 2001). The Okyenhene offers an excellent example of how traditional leaders can play effective and important roles in HIV/AIDS education, prevention, de-stigmatization, and support within their communities.

Traditional leaders have also been encouraging schools, families, and community groups to include HIV/AIDS education in their homes and curriculum. *Nana* Bi-Kusi Appiah II, *Omanhene* of the Manso-Nkwanta Traditional Area in the Amansi West district, appealed to parents to invest in the education of their children, particularly the girls, to prevent them from engaging in early sex. *Nana* Frempongmaa II, *Dwantuahemaa* (one of the queenmothers of the Dormaa traditional area) said traditional rulers in the country have a major role to play in the AIDS campaign. She articulated that she “strongly believe(s) that we must inculcate HIV/AIDS education into the school curriculum” (“Queenmother blames media,” [on-line], 4 March 2002). Mobilizing the support and involvement of traditional leaders in HIV/AIDS education and prevention increases the effectiveness of such programming and thus can mitigate the impact and progression of HIV/AIDS in their communities. She noted that:

When a traditional ruler talks people listen. He gets the audience. His people are in love with him, so whenever he advises the children, they take it. It is not just about advising but about the ruler leading a life that makes his subjects know that he has the commitment at heart. (“Queenmother Blames Media,” 4 March 2002)

Traditional leaders have special sources of legitimacy and credibility within their communities and their subjects closely regard their actions and activities. Accordingly, their mobilization can enhance and complement the efforts of government and others and ultimately build AIDS competent communities.

## THE CASE OF THE MANYA KROBO QUEENMOTHERS ASSOCIATION (MKQMA)<sup>2</sup>

The history of the offices of the king, queenmothers, and other chiefs amongst the Krobo people is rooted in the pre-colonial period. When Manya Krobo, which is to the east and north of Accra, came under the control of the British colonial state, the pre-colonial or traditional offices were subordinated to it and were transformed and renamed in English as chieftaincy offices. The konor had been considered by his pre-colonial state as being the king of Manya Krobo but was considered by the British colonial state to be a “paramount chief,” i.e., a superior chief to whom other chiefs owed allegiance.<sup>3</sup>

After independence in 1957, the post-colonial state created the Regional Houses of Chiefs and in 1971 created a National House of Chiefs. While the title “paramount chief” continued to be recognized by the post-colonial state, the use of the English-language title, “king” and terms such as “His Majesty” have been noticeably used by the kings themselves who continue to use their indigenous, traditional titles as well. In the case of the present (1998– ) konor or king of Manya Krobo uses the title, His Majesty Nene Sakite II. The female traditional leaders went through a similar transition in states and the title used today, “queen-mother” (also spelled “queen-mother” or “queen mother”) is used in the English language and in the Fourth Republic’s constitution to mean a female chief. (It should be noted that the term “queenmother” is not used for a woman who occupies a traditional office that is nearly always held by a man.)

The Manya Krobo queenmothers created the Manya Krobo Queenmothers Association (MKQMA) in 1988. An association of queenmothers is a form of organization that combines individual traditional offices in a new manner, even while it continues to recognize the traditional hierarchy in certain ways – e.g., the paramount queenmother is the president of the Manya Krobo Queenmothers Association. Three hundred and seventy-one queenmothers of various ranks form the membership of the Manya Krobo Queenmothers Association. They are drawn from all six divisions of the Manya Krobo Traditional Area.<sup>4</sup>

The Manya Krobo paramount queenmother, Manye Mamle Okleyo, is the president of the Manya Krobo Queenmothers Association. The program manager of the MKQMA is Manye Seyelor Natekie I, who is also the deputy to the paramount queenmother.

The MKQMA was one of a number of district and regional associations of queenmothers that were established in the 1980s and 1990s to address the potential that women traditional leaders were believed to have for the promotion of development, especially for women and children in their communities. In the case of the Manya Krobo Queenmothers Association, the queenmothers noticed an increase in the number of orphans for whom the queenmothers were traditionally expected to arrange fostering. Furthermore, the queenmothers noticed that these orphans were far more difficult to place with what should have been their natural extended family, which appeared to have somehow broken down. In the queenmothers' discussions with each other and other members of the Manya Krobo community, one of the district health officers noted that cases of young mothers dying from HIV/AIDS were beginning to be seen. The queenmothers, educators, and health officials arrived at a joint analysis that suggested that HIV/AIDS was now significantly present in their community and that the orphans were the children of community members who had died from HIV/AIDS. The queenmothers, the health officers, and others faced several questions of how to respond to the presence of HIV/AIDS in their community. What should be done? Who should do it? From where would the resources come? Since the primary method of transmission of HIV/AIDS in Ghana is heterosexual transmission, how could this be discussed in public? Was this not a source of shame for the community? Should the community therefore just be silent over the issue?

As these discussions progressed, the queenmothers decided, with the medical advice of the government medical officers and Family Health International (of the United States), that their traditional responsibilities to the community would entitle them to play a leading role in their community's responses to the newly discovered presence of HIV/AIDS in their community. First, as queenmothers, they had their responsibilities to the Manya Krobo girls and young women in educating them for the Dipo ceremonies that marked their recognition as adult women of the community. The queenmothers decided to extend this education to include questions concerning how to prevent exposure to HIV or how to deal with



it after infection. Second, since queenmothers had customarily played a role in fostering the community's orphans, it would be very natural for the queenmothers to organize community responses to the growing number of HIV/AIDS orphans. The queenmothers decided that they would organize their actions through the previously organized Manya Krobo Queenmothers Association. In short, the queenmothers, with the agreement and support of the konor (king) of Manya Krobo, the government and NGO medical officials, and many in the community, decided to use their traditionally rooted legitimacy to act for the health, protection and development of their grassroots community. The Manya Krobo Queenmothers Association strategy has been composed of four main tasks: social marketing/public education; income-generation for young women; support for people, directly or indirectly, living with HIV/AIDS; and mobilizing resources for the community to increase their AIDS-fighting capacity. Ultimately, the activities of the Manya Krobo Queenmothers Association have helped to build an AIDS-competent community.

The Manya Krobo Queenmothers Association worked to build AIDS competence at the grassroots level in addition to the AIDS competence that already existed in local medical facilities such as the two local hospitals. The queenmothers themselves needed to be educated in HIV/AIDS, its transmission, existing strategies to prevent its spread to more people, and what strategies and resources are available to deal medically and socially with people who have contracted HIV/AIDS. They negotiated with local medical facilities, such as the hospital and medical officers of the Ministry of Health and other bodies such as the Ghana AIDS Commission as well as international NGOs present in Ghana, such as Family Health International ([www.fhi.org](http://www.fhi.org)). These bodies provided expertise and other resources that have allowed the queenmothers to be trained to have the technical competence that would allow them to conduct social marketing/public education campaigns in their sub-communities of Manya Krobo. These AIDS competence-building actions in the community resulted in increasing the number of people with knowledge of HIV/AIDS, as well as increasing the amount of knowledge that they had. In short, a corps of non-medical people in Manya Krobo who could act as trainers and actors in social marketing campaigns was created. The queenmothers' actions also brought in the additional competence and resources of such

key bodies as Family Health International and the Ghana AIDS Commission.

As the queenmothers began to build AIDS competence within their community, they expanded the scope and nature of their public education activities into social marketing programs against HIV/AIDS. Whereas at the start, a queenmother would have warned in general of the dangers of HIV/AIDS to a community gathering, as the social marketing programs of the MKQMA developed, the queenmothers talked to their communities as part of coordinated programs with specific social marketing messages to be conveyed. The MKQMA focused their social marketing campaigns on female children and women, groups who had been identified as being at risk to HIV infection; these foci reflected the traditionally defined, endorsed, and expected activities of queenmothers.<sup>5</sup>

One of the traditional ceremonies that Manya Krobo queenmothers supervise is Dipo. Dipo marks the transition from being a female child to being recognized as an adult woman. Before the ceremony begins, there is a period of education for each group of girls as to Krobo society's expectations of them as women. The MKQMA made or is trying to make several changes to the ceremony. First, the queenmothers have added in a new section on HIV/AIDS during the education sessions in order to alert the girls to new sexual issues that they will confront as women. Second, the queenmothers have adopted the slogan and practice of "one initiate, one razor blade." In the past, many girls might have their hair shaved by an initiator using the same razor blade. However, now in the age of HIV/AIDS, the sharing of a blade that could potentially transmit HIV is problematic to say the least. Third, the MKQMA have been attempting to raise the age at which girls become women so as to delay the onset of societal-sanctioned sexual activity through marriage.

Besides the Dipo ceremony, the queenmothers built upon their traditional functions of calling together a number of girls and young women to discuss societal morals, etc., by adding topics drawn from HIV/AIDS resources and presenting them to young girls, women, and others in culturally appropriate terms. For example, the type of cloth that is worn by chiefs on official duty can send a message to their communities. The MKQMA members have adopted the wearing of a special blue batik cloth when they are on some official AIDS duties. As this is broadly known throughout their communities, the wearing of this cloth by the queenmother sends

a clear social marketing message to those who see them and to the girls and young women who take part in the educational discussions with the queenmothers. The MKQMA with Family Health International (and USAID funding) and the Ministry of Health developed a book-sized ten-to-twelve-page flip chart to be used by the queenmothers in their social marketing discussions with girls and young women. On one side, there is a colour photograph of a dramatized situation that could lead the depicted young women to be exposed to HIV by getting involved in sexual activity. On the other side of the laminated page, there are a series of questions in English and Krobo (to serve those wishing to speak one language or the other). The queenmother shows the picture to the young women and leads them through the questions so that the young women can perceive how certain unfamiliar situations can cause exposure to HIV. Another example is the docudrama video that the MKQMA developed with the support of Family Health International, USAID, and the Ministry of Health. This video dramatizes how young women can become infected with HIV and the subsequent stigmatization that they may suffer. The video shows the MKQMA intervening successfully on behalf of the newly HIV-positive young woman by utilizing several social marketing messages.

The MKQMA formed a “Smart Ladies Association” for young women in which they received education on HIV/AIDS as well as mentoring and training from the queenmothers. The MKQMA members have also formed a choir so that they can use music to deliver HIV/AIDS social marketing messages. They have composed a number of HIV/AIDS songs in Krobo, one of which ends with the words (English translation): “If you can’t control yourself, at least use a condom.” This reflects one of the main social marketing messages of the Ghana AIDS Commission of ABC: Abstain, Be Faithful, or use a Condom.

Income generation was the third major task that the Manya Krobo Queenmothers Association faced in the implementation of their strategy to fight HIV/AIDS in their community. The queenmothers needed to create employment for at least some of the young women who were at risk because of economic factors. Such young women also were part of the traditional mandate of the offices of the queenmothers. The Krobo area is known for its beautiful multi-coloured beads. Traditional leaders wear these beads, often large in size, as part of their regalia. There is some cultural tourism in Ghana and in Krobo relating to the selling of these beads.

As part of the MKQMA's project, young women have been hired to string the beads into necklaces and bracelets. These are then sold through a variety of networks, mainly in Ghana, but reaching as far as Calgary, Alberta, Canada. Young women at the project also make batik cloth, which is sold as wraps, or it may be sewn into shirts, dresses, etc. This is the cloth that the queenmothers wear on their official anti-HIV/AIDS duties. The project also makes soap in order to generate income for the young women.

Providing support for the Manya Krobo people living with HIV/AIDS is the fourth major task of the MKQMA's strategy. For the adults living with HIV/AIDS, the main activity of the MKQMA has been carrying out the 2002 (and other) anti-stigmatization campaigns of the Ghana AIDS Commission. Perhaps, in part as a result of all the AIDS competence and social marketing work done by the MKQMA in their area, St. Martin's Hospital, which had conducted an initial pilot project with anti-retroviral drug therapies in their area, was one of only three hospitals in Ghana chosen to administer an expanded pilot project in the distribution of anti-retroviral drugs to 2000 people for two years starting in January 2004. Providing support for the AIDS orphans is a major part of the MKQMA. There were some 586–660 male and female children of Manya Krobo women who have died of HIV/AIDS. The MKQMA attempts to provide food, clothing, and other subsistence to the AIDS orphans. The Ghana AIDS Commission has been providing this for 120 orphans, but the MKQMA are continually searching for new support, some of which has come from as far away as Calgary, Canada. For example, presentations of Prof. D.I. Ray, based on his International Development Research Centre (IDRC) funded research to Calgary groups such as the Women's Network on HIV/AIDS and the University of Calgary students' group, the Global AIDS Awareness Group (GAAG) led the groups to donate funds for the support and education of the AIDS orphans sponsored by the MKQMA. Funding is required in order to pay the extra fees for schooling for the AIDS orphans. For example, money is needed to provide for school supplies such as exercise books, the special costs of exams and lessons, etc. Such education costs range from CDN\$5 to \$20 per year.

Mobilizing resources for the community in order to increase their AIDS-fighting capacity is the fifth major task of the MKQMA strategy. The queenmothers acted as resource mobilizers by organizing their HIV/

AIDS program in formats that were acceptable to those non-traditional authority organizers that could provide resources of funds and expertise. The queenmothers acted as mediators and facilitators between those needing the resources (the local community) and those with the resources (Ghana government, diplomats, NGOs, and Community Based Organizations ) outside the community such as Family Health International and USAID, and internationally based groups such as the International Development Research Centre of Canada-funded research project,<sup>6</sup> the Traditional Authority Applied Research Network (TAARN). TAARN's IDRC-funded research led to students at the University of Calgary's Global AIDS Awareness Group raising funds for the MKQMA AIDS Project. One student, Ms. Kim Schoon, travelled to Ghana, met with the MKQMA, and was made an honorary queenmother. She has continued to raise funds for the MKQMA's projects since her return. International dignitaries such as Mrs. Theresa Kufuor, wife of Ghana's president, John Kufuor and also UNDP Goodwill Ambassador from Japan, Ms. Misako Konno, have been made honorary queenmothers.

#### IV. CONCLUSION: POLICY IMPLICATIONS

HIV/AIDS has far-reaching and extensive social, political, economic, cultural, and security implications. For developing countries, challenges and goals for development are massively compounded and frustrated by HIV/AIDS. Ghana's national policy responses articulate the necessity of formulating and mobilizing multisectoral participation in HIV/AIDS policies and programming. Ghana has recognized traditional leaders as a sector within the country and have proposed various means for the involvement of traditional leaders in the fight against HIV/AIDS.

Prevention and impact mitigation of HIV/AIDS in developing countries will require the complete mobilization of all productive resources, human and capital, in the fight against HIV/AIDS. As the case of Ghana shows, traditional leaders can play effective roles in this fight. Drawing upon the concepts of differently rooted legitimacies, shared legitimacy, social marketing, and AIDS competence, and the examples of a number of traditional leaders in Ghana, especially cases of the *Asantehene*, Okyenhene and the

Manya Krobo Queenmothers, it has been argued that traditional leaders can and have served in various capacities in HIV prevention and impact mitigation. Acting as directors, intermediaries, advocates, and advisers, traditional leaders have contributed to social marketing campaigns which ultimately contribute to the development of local AIDS competence. By lending their authority and credibility to HIV prevention, awareness, and support, traditional leaders contribute to the creation of positive and informed communities. Traditional leaders who have local credibility are thus an example of a grassroots governance community intervention best-practices model. Thus, faced with the limited capacity of the African post-colonial (or “modern”) government, the pooling and collaboration of differently rooted legitimacies (traditional leaders and the post-colonial state) produces more effective responses to HIV/AIDS. Traditional leaders’ involvement in Ghana has become part of what Prof. Sakyi Amoa, director of the Ghana AIDS Commission, has advocated as the “social vaccine” (“Ghana AIDS Treatment Plan Begins in January,” [on-line], 30 November 2003). The effectiveness of traditional leaders as part of the social vaccine against HIV/AIDS needs further investigation, especially as Ghana may offer an additional AIDS-fighting strategy to other countries in which divided legitimacy exists.

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efforts in Manya Krobo. The work and contributions of the *Asantehene*, Otumfuo Osei Tutu II, and the Okyenhene, Osagyefuo Amotia Ofori Panin in HIV/AIDS prevention, education, and impact mitigation serve as important examples of how traditional leaders and others in positions of authority can create positive and dynamic environments that support and foster social change and development. We would also like to acknowledge the support and work of the following governmental and non-governmental organizations that conduct important research and support activities around HIV/AIDS in Ghana and globally: Family Health International, the Canadian International Development Agency, the Global AIDS Awareness Group of the University of Calgary, and AIDS Calgary. Don Ray received a Killam Resident Fellowship, which provided him with time to write up much of the material for this paper. We would like to express our thanks to all those who made this research possible.

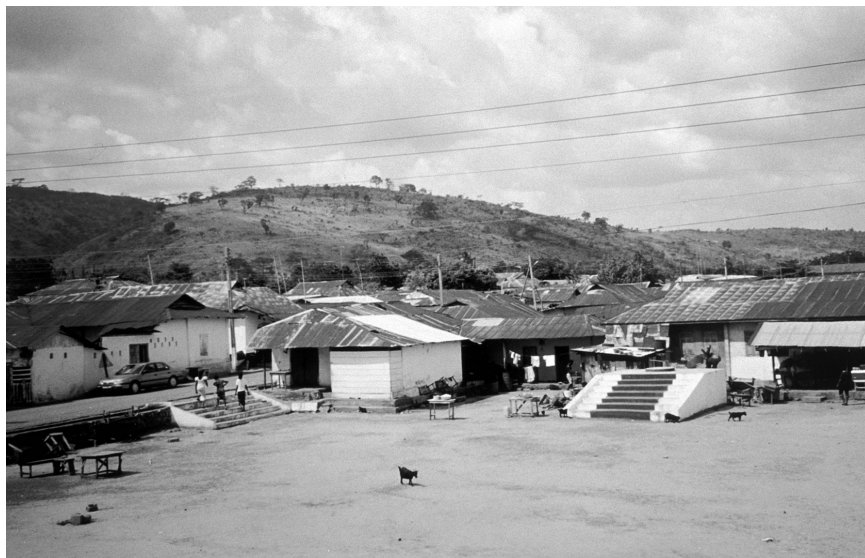


GHANA AIDS COMMISSION HEADQUARTERS IN ACCRA. (PHOTO: DR. DON I. RAY.)



MANYE NARTEKIE, DEPUTY PARAMOUNT QUEENMOTHER OF MANYA KROBO AND PROJECT MANAGER OF THE MKQMA, STANDING IN FRONT OF CLOTH PRINTS MADE AS PART OF THE YOUNG WOMENS MKQMA'S PROJECT. (PHOTO: DR. DON I. RAY.)





ODUMASE-KROBO, GHANA, WEST AFRICA. (PHOTO: DR. DON I. RAY.)



QUEENMOTHERS OF THE MANYA KROBO QUEENMOTHERS ASSOCIATION. (PHOTO: DR. DON I. RAY.)

## NOTES

- 1 The book *Grassroots Governance*, in particular the chapters by Ray, Owusu-Sarpong, Thornton, and Zips, explores these and related concepts. Don Ray appreciates discussions and debates with Werner Zips, Christiane and Albert Owusu-Sarpong, Robert Thornton, Tim Quinlan, Keshav Sharma, M. Molomo, Kwame Arhin, Jean-Michel Labatut, and Sherri Brown, which have led to the enhancement of the “divided legitimacy” school by also using the concepts of “shared legitimacy,” and “pooled legitimacy.” See also Ray (1996; 1997) for earlier discussions of divided legitimacy contributing to development. Ray (1997) can be accessed at the TAARN website (<http://www.ucalgary.ca/~taarn/>).
- 2 The Okyenhene and the Asantehene are two kings who are outstanding leaders in Africa’s fight against HIV/AIDS.
- 3 Interestingly, one of the meanings of “allegiance” in the Oxford Illustrated Dictionary is “Duty of subject to sovereign or government.”
- 4 The term “traditional area” refers to a post-colonial state recognized in a geographically defined area and which is usually headed by a paramount chief (otherwise called a king) who is automatically the president of the traditional council of the traditional area. There are some traditional areas in which the presidency rotates between three or four divisional chiefs. See Ray (2003a) for further details.
- 5 Others were addressing the needs of men. For example, the konor (king) of Manya Krobo wanted to create a program for men who drove long-distance truck routes as they were identified as another high-risk target group for HIV infection and transmission.
- 6 IDRC and TAARN have not provided funding to the Manya Krobo Queenmothers Association. Rather the IDRC funding of TAARN’s research created a research linkage between TAARN and the Manya Krobo Queenmothers Association. TAARN members at the University of Calgary gave presentations on the research to Canadians who in turn have partnered with the MKQMA for development and funding purposes.

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# **5 The Developmental and HIV/AIDS-Fighting Roles of Traditional Rulers: Agency of Festivals**

Wilhelmina J. Donkoh

## **INTRODUCTION**

Traditional rulers in Ghana, usually known as “chiefs” and “queenmothers” or “natural rulers,” play an important role in the delivery of facilities for ensuring the material welfare of the people in their areas of jurisdiction, which could be a “traditional area,” “cluster of villages,” or a “village.” One of the principal agencies through which traditional rulers mobilize facilities for ensuring that certain aspects of material welfare are delivered to people within their polities is festivals. The issue of who should provide material welfare has become problematic as a result of the replacement of the traditional state with the modern centralized one.

## COLONIAL RULE AND ITS IMPLICATIONS FOR TRADITIONAL INSTITUTIONS

The long-term impact of British colonial rule was the transfer of governance from the natural rulers in the traditional states to a centralized state, the Gold Coast, between 1874 and 1901. The process of colonial rule formally commenced in the areas that today constitute the Central, Eastern, Greater Accra, Southern Volta, and Western regions of modern Ghana in 1874. It was expanded to include the modern administrative regions of Ashanti, Brong-Ahafo, Upper-East, Upper-West, and parts of the Northern Region in 1901. The process was completed in 1918 with the addition of the Volta Region and the remnant parts of the present Northern Region. The colonial government adopted the system of indirect rule in which the traditional rulers functioned as adjuncts of local government to enforce its control within the Gold Coast Colony. The deep-seated implications of this process was the considerable loss of power by the traditional rulers to take and implement such decisions as the declaration of peace and war, and other regulatory laws governing the lives of their subjects.

The passage of the Native Administrative Ordinance in the Gold Coast in 1927, and its subsequent amendments, authorized the traditional rulers to make bylaws in political agglomerations that were characterized as the Native Authority Areas. However, such regulations were subject to approval by the Chief Commissioner of the particular territory or the Governor of the Gold Coast. This effectively turned the traditional rulers' councils into local government adjuncts of the colonial administration. In this capacity, the traditional councils became involved in such social welfare matters as the basic infrastructure for economic development, education, feeder roads, health, and markets, as well as maintenance of law and order within the community. To carry out this role effectively often required the traditional authorities sourcing and accessing funds. By 1950, the moral authority and the usefulness of traditional rulers was being questioned by elements within Gold Coast society, in particular, the literati, who perceived traditional rulers as being corrupt, extortionist, oppressive, and flouting the traditional moral order that regulated the exercise of power in the local communities (Busia 1951). The Independence Constitution of 6 March 1957, confined the traditional rulers

to the areas of informal leadership and mobilization of the community for the purposes of development. In the process, the central government machinery worked to undermine the financial backbone of traditional rulers. However, since the overthrow of the Nkrumah regime in 1966, the institution of traditional rule has revived and seems to have peaked under the 1992 Republican Constitution in which Article 272(c) authorized both the Regional and National Houses of Chiefs to undertake and evaluate traditional customs and usages in order to uproot outmoded and socially harmful ones. Today, traditional rulers act as a fulcrum, bringing together otherwise unrelated groups in their areas of jurisdiction for collective action, in particular, in the area of the delivery of social amenities. The following sections examine how traditional rulers deploy a traditional institution – festivals – as a means of attracting development projects into their respectful areas of jurisdiction.

## HISTORICAL EVIDENCE ON FESTIVALS IN GHANA

What is the import of festivals in Ghana today? The vigorous and widespread performances of annual festivals centred on traditional rulers in the country constitute an indicator of the continued interest in the institution of chieftaincy in Ghana. In many parts of Ghana today traditional festivals continue to be observed with great care and ceremony. At the same time, while new festivals have been invented in certain areas, in other areas, almost extinct ones have been revived in more recent times as agencies of asserting distinct identity as well as for expressing and addressing local concerns. A typical example is the Asante *Odwira* festival celebrated in 1985 about which more is said elsewhere in this paper. The festival then celebrated for the first time after almost a century was to commemorate the golden jubilee celebration of the restoration of the *Asanteman* [Asante state], but it was also used as an occasion for the creation of new but important traditional offices – *Nkabom* (unity) and *Nkosoo* (development/progress) stools, – a commemoration of the two elements that constituted the theme of the anniversary. Today, the office of the *Nkosobene* (development chief) has become a very important position in traditional rule and is being deployed in improving the material well-being of communities.



Festivals have been celebrated throughout Ghana in both centralized and non-centralized societies dating back to the pre-colonial period. Among ancient festivals performed in the country are the *Akwasidae* and *Odwira* celebrated by the Asante, the *Apoo* of the Takyiman of Brong Ahafo, the *Bakatue* of the Edina (Elmina) in the Central Region, the *Boyaram* and *Da* performed by the Tallensi in the Upper East Region, *Homowo* of the Ga, *Hoghetsotso* of the Anlo in the Volta Region, as well as the *Kundum* celebration of the Nzema in the Western Region. The Dagomba of the Dagbon Traditional Area in the Northern Region celebrate five main festivals or *Chu Yu*. They are the *Kpini*, *Konyuri*, *Chimsi*, *Boim*, and *Damba*.

The antiquarian nature of festivals in Ghana is attested to by anthropological evidence collected by such commentators as William Bosman (1705, 158–59), the seventeenth-century Dutch trader who described “the annual ritual of driving out the devil” or the *Kundum* festival of the Nzema in Axim, and T.E. Bowdich (1819, 274), the English leader of an official British delegation to Asante in the early nineteenth century who observed and commented on *Akwasidae* and *Odwira* celebrations in Kumase. Towards the end of the same century, Ramseyer and Khune (1875), two Basel missionaries who had been taken captive by the Asante in 1869, also noted the celebration of these festivals during their four-year sojourn in the Asante capital. Similarly, R.S. Rattray (1927), the British ethnographer and administrator, collected and recorded information on such traditional festivals as the *Apoo*, which is celebrated by the Takyiman people in the Brong-Ahafo Region. In addition, Meyer Fortes (1940, 237–71; 1945; 1949), the British anthropologist studied the structure and functions of the *Boyaram* and *Da* festivals which are celebrated among the Tallensi in the Upper East Region.

## STRUCTURE AND FUNCTIONS OF FESTIVALS

Festivals are periodic celebrations by either sections or whole communities. Traditional festivals are a means for attempting to renew the community and to remember the ancestors. As part of most festivals, supplicatory rites are performed in such sacred places as shrines, stool rooms, mausoleums,

rivers, and the outskirts of the town. The rites are also intended to restate the origins of the community, the values and ideas underpinning the various ties and relations that weld them together, and strengthen them as an entity. During such celebrations, rites are performed to offer prayers for such matters that concerned the welfare of the entire community as fertility, good health, good harvest, and successful fishing. They also manifest beliefs and practices associated with the supernatural. Rattray's argument concerning the Asante worldview that acknowledges the universe as a living entity whose foundation and order was based on the twin pillars of religion and law that at once acknowledged a supreme god as well as sanctity and reverence for dead ancestors seems valid for most traditional communities in Ghana and is the major principle underpinning the celebration of festivals (Rattray 1929, ix; Nukunya 1992, 56).

Traditionally, festivals serve the same functions in the various societies and among the various ethnic groups in Ghana. They are usually celebrated during the harvest season, which usually coincides with the end of the old year and ushers in the new. They are also occasions for societal purification. Festivals were (and continue to be) occasions for offering thanks and supplications to the local deities and the spirit of the ancestors in appreciation for what the people perceived to be the means of good life, such as fertile soils, abundant yields, peace and harmony, as well as the absence of droughts and pestilence within the community. Festivals also provide occasions for paying homage to the highest office-holders, for remembering the heroic ancestors, and for rewarding the deserving and applying sanctions to the erring. Festivals are also occasions for renewing solidarity between the various sections of the community, as well as seeking strength and planning both for defensive and offensive strategies on behalf of the community. The office-holders also use the opportunity to display their regalia, which in the preliterate traditional society gave a visual account of the property entrusted to them on their accession to office and demonstrated the additions made to communal property.

Festivals are celebrated either annually or at specified periods. For example, while among the Akan the *Adae* is celebrated twice (*Akwasidae* [Sunday *Adae*] and *Wukudae* [Wednesday *Adae*]) every forty-two days, the *Odwira* of the Akan, the *Hogbetsotso* of the Anlo Ewe, and the *Homowo* of the Ga are celebrated annually. Festivals may be celebrated either by the whole community or by sections within the community. Among some

societies like the Anlo-Ewe and the Tallensi, the ancestral rites are organized within descent groups. The celebration of the *Boyaram* and the *Da* festivals by the Tallensi in the Upper East Region, for example, is organized within groups of people descended from a common ancestor. The ritual aspect of festivals serves as an important means of social control. The belief that the dead have the ability to punish wrong-doing and to reward good behaviour regulates social behaviour and also challenges people to behave well because it is usually the illustrious dead who are remembered and propitiated during festive occasions. The belief also buttresses the authority of traditional rulers and enhances their positions since they are believed to be the direct representatives of the ancestors and therefore flouting their authority amounts to disrespect of those that they represent. Festivals could be classified as one of the non-statutory functions of traditional rulers carried over from the past. In this case, the office-holder uses his political and social position to bring together groups who are ordinarily unrelated into a unified group for collective action periodically. While the public has access to aspects of periodic rites such as durbars, drumming, and dancing, other aspects such as rites performed in the stool houses tend to be private.<sup>1</sup> Annual festivals usually bring together members of the community who are resident both at home and abroad, members of the diplomatic corps, local and central government officials, as well as representatives of donor agencies.

While most festivals are rooted in traditional belief and lore, others are associated with world religions such as Christianity and Islam. Illustrative of the above are the Nkoransa *Munufie* and the *Kpini* festival in the Dagbon.

In the Nkoransa traditional area, for example, the central part of the *Munufie* festival is the re-purification of the stools and the shrines of the deities. This purificatory ceremony lasts one week. The blackened stools are taken to the stream and sprinkled with water. It is also an occasion for remembering the dead, offering thanks for the general well-being of the society and specifically for the harvest.<sup>2</sup> The Dagomba festivals, on the other hand, are intertwined with the Islamic religion. For example, the *Kpini* festival is based on the legend that the guinea fowl refused to provide water to the prophet Mohammed during his travels. The main focus of this annual festival is for each family to get a guinea fowl, pluck

its feathers, and whip it with *dawadawa* branches, and then slaughter it for a communal meal.

However, in all these festivals, the common functional and structural characteristic is the communal focus.

## CREATION OF NEW FESTIVALS

Despite the existence of many ancient festivals in different parts of the country, there seems to be a clamour for new ones, particularly where none exists already. As late as October 2002, One Kwabena Osei Frempong, a citizen of Kwawu in the Eastern Region of Ghana, decried the traditional and cultural festival vacuum in the Kwawu State, which he described as a shameful and an ugly situation.<sup>3</sup> This account is both insightful and instructive on why and how new festivals are created. Significantly, Frempong recounts succinctly the history of the Kwawu people and emphasizes their relationship with Asante. He identifies two events in the history of Kwawu around which a festival could be created. The first was the violent secession of Kwawu from Asante, which was climaxed by the beheading of Antwi Akomea, the Asante Resident in Kwawu at Abetifi by the Kwawu Asafo Group in 1874. The second was Kwawu's attempts in seeking British political protection in 1884, which was concluded with the Friendship and Protection Treaty of 5 May 1888. To him, the latter date was "a significant, momentous and memorable occasion in the history of the Kwawu" and should be recognized as such. Furthermore, he opined that it should be

... remembered and celebrated annually as an indigenous cultural and traditional festival in honour of God ... and the traditional leaders and the Okwawu generation of that period, who won for us this precious freedom to impart vision, inspiration and aspiration to the posterity of Okwawu State. As of now, Okwawus do not have a traditional and cultural festival as the Akims [Akyem] do have Ohum, and Akuapims [Akuapem], Odwira.

... Okwawu as a well-knit-together ethnic group should have her identity and dignity not only in trade and commerce, but also in education and particularly in our traditional and festival setting. Let us do away with flamboyant, prestigious, ostentatious, time-consuming, debt-burden generating funerals, which are being changed to festivals, and are gradually destroying the beautiful and refined natural values of Okwawus of our present generation. It is therefore humbly and strongly suggested that we Okwawus revisit, recognise, adopt and celebrate the cessation [*secession*] from the Ashanti Kingdom on May 5, 1888 as our indigenous traditional and cultural festival annually. The occasion could be a period of reflection, stock taking, family re-unions, social get togethers, festivities, the planning of local development projects for implementation programmes etc. to instil a sense of belonging and fellowship in the Okwawu citizens and hope for the future in the youth of Okwawu State. Let us build and bequeath to our posterity noble and undefiled heritage. This is food for thought for our traditional rulers and citizens of Okwawu State.

One of the significant aspects of ancient festivals in recent times is the addition of new elements to the celebration. Among them is the sponsorship by modern sector organizations such as breweries, the organization of dances with modern dance bands and music, beauty pageants and communal harvest celebrations. Both the print and electronic media are replete with festival sponsorship packages. In October 2002, for example, the Ghana Breweries Limited expressed practical support for the annual Hogbetsotso festival.<sup>4</sup> Among other things, the company made cash donation towards development projects in the state, publicity in the print and electronic media, as well as branded festival T-shirts. Togbi Gbordzor III, *Dusifiga* of Anlo, who received the package, noted that, historically, the festival commemorates the migration of Ewes from Notse in the present-day Republic of Togo, thus highlighting the common origins of the people and the need to unite for the common good of their community. Furthermore, it is intended to create in all members of the community a keener appreciation of the cultural heritage and traditional values of the

Anlo in particular and Ghanaians in general. Thus an attempt is made to forge a union between traditional values and modern principles.

In addition to modern-type sponsorship of “traditional” festivals, other sectors of civil society are creating new festivals for purposes such as providing leisure opportunities to various sectors of the community or promoting tourism as an income-generation activity. Festivals in this category include the Festival of Art and Culture (FESTAC) and the self-explanatory KIDFEST that are celebrated respectively to promote general cultural awareness and to foster cultural consciousness in children. Both of these festivals are organized by the National Commission on Culture. Other new festivals include ECOFEST, which is geared towards promotion of eco-tourism and, more recently, METHOFEST organized by the Methodist Church of Ghana to promote religious tourism.

## CONTINUITY AND CHANGE IN FESTIVALS

The celebration of traditional festivals in Ghana dates back to antiquity. However, its form and expression has over time been strongly impacted by such modernizing agencies as British colonial rule and the European Christian missions. An example is the case of the annual *Odwira* or *Akwasidae Kɛse* festival of the Asante, the most formidable pre-colonial traditional state on the Gold Coast. The Asante *Odwira* festival marked the end of the old year and ushered in the new and was celebrated under the auspices of the *Asantehene*. It brought together all the Asante *amanhene* (paramount chiefs) to perform the common rites and to renew their allegiances to the *Asantehene*.

However, between 1896 and 1985, it was not celebrated. The British had abducted the *Asantehene* Nana Agyeman Prempe I (1888–1931) and sent him into exile while they imposed their hegemony over Asante. Thus, the festival could not be celebrated in the absence of the Asante monarch, who is traditionally the chief officiate at the function. Admittedly, Nana Agyeman Prempe was repatriated in 1924, but he came only as Mr. Edward Prempeh, a private citizen, while a non-traditional office, *Kumasebene* was created for him in 1926. Arguably, the *Asanteman* was restored in 1935 under his successor, *Otumfuo* Osei Agyeman Prempe II and the

restoration was celebrated in grand style. However, the celebration of the *Odwira* festival itself was discouraged because of its perceived association with human sacrifice or what the Asante themselves would classify as judicial execution. It was also feared that the celebration of the festival would revive traditional Asante nationalism, which would not augur well for the interest of the Gold Coast. The Nkrumah government that ushered the country into independence in 1957 followed the same line as the British colonial government for similar reasons. It was not until 1985 during the era of the Peoples National Defence Council (PNDC) that the *Asantehene Otumfuo* Opoku Ware II celebrated the *Akwasiadae Kese* as part of activities commemorating the Golden Jubilee of the restoration of the *Asanteman* (Rattray 1927).

However, in the colonial period, the celebration of other festivals continued. Among them were the *Adae* and *Odwira* by most Akan states, *Okyir* in Anomabo and Biriwa, *Mgmayem* of the Manya Krobo and the *Daa* among the Tallensi. *Odwira*, which is celebrated in Akuapem towns like Amanokrom and Larte and the *Kakobe* of the Nandom are among the old festivals whose celebration has been continuous over time. There seems to be a proliferation of festivals throughout the country. While some of these are old festivals whose celebration has been continuous, others have been revived while yet others have been invented in more recent times. Among the revived ones are the Mmoaninko in the Offinso traditional area and the *Homowo* of the Ga, which is celebrated in turns by the Ga towns between July and September to coincide with the height of the fishing season. New ones include the *AkwantukEse* in New Dwaben (Koforidua) to commemorate their journeys from Old Dwaben in Asante to Akyem in the Eastern Region first in the 1830s and again in the 1870s. There is also the *Akwanbo* (path-clearing festival) in Adwumako-Kyebi and Agona Nsaba, which signify spiritual and physical cleansing of the environment. The committee set up to plan the centenary anniversary of the Yaa Asantewaa War originally proposed the institution of a biannual festival to commemorate the deeds of the legendary female wartime leader as well as to deploy it as a measure to promote tourism and as a means for economic development in the Ashanti Region. Indeed, the second Yaa Asantewaa festival was celebrated in 2006.

Other examples where dormant traditional festivals have been revived as a means of economic development are the *Takpo Wiela* and the *Sankana*

*Kalibe*, which are two of the festivals that are celebrated in the Nadowli District in the Upper West Region of Ghana.<sup>5</sup> They are harvest festivals organized in memoriam and honour of the local deities between January and February. The two festivals are believed to date back to antiquity. Their celebration was considered to be an occasion for propitiation respectively to Wiela and Kalibe, the local deities, for protection from their enemies and for peace as well as to express their gratitude for a good harvest during the year. The chief officiate at the festival was the *Tengdaana*, the traditional leader in charge of the land. However, as a result of misunderstandings and feudings between various sections of the community, the communal basis of the celebration broke down and the propitiation rites were performed individually. The communal celebration was revived in 1996 under Mr. K. Suglo after his appointment as district chief executive (DCE) of the Nadowli District in 1992. He convinced the people of Takpo and Sankana that the celebration of the festival was of crucial importance as an adjunct of development in that it acted as a unifying factor that attracted all members of the community, both at home and abroad, to return home to contribute towards the welfare of the area.

In their reincarnated forms, both festivals apart from their religious connotations, have been the occasion for planning development projects in the areas. All able-bodied members of the community are levied while local NGOs and other philanthropists either pledge or contribute funds towards development projects. Usually, too, government officials including the regional minister, DCE, the local member of parliament, as well as the minister of agriculture, who usually attends as the special guest of honour at the agricultural shows, which are featured as part of the celebration, are all invited to participate in the festival. These officials usually channel funds from central government sources towards identified development projects in the areas. As a result of funds generated through the celebration of the festivals, some development projects have been completed in the area. These include a dam and the Takpo Hospital with a nurses' quarters and a doctor's residence attached. In Sankana too, health care and educational facilities including the Sankana Clinic and the Sankana Day Care Centre for infants have been developed through the agency of the *Sankana Kalibe*.



## FESTIVALS AS COMMUNITY FUNDRAISING INITIATIVES

As could be inferred from the discussion above, festivals have become important fundraising initiatives for development projects in communities in which they are held. Funds are generated from various sources, including direct government intervention, sponsorship from such development partners as diplomatic agencies, NGOs and private enterprises, in addition to levies raised from citizens. The emerging practice is that, as part of the festival planning exercise, key communal projects are identified and budgeted for. Subsequently sponsorship is solicited from the sources listed above or development partners and government agents who are specially invited for the occasion are informed of the needs of the community. The development partners respond by undertaking projects to solve the identified needs. In this regard, festivals have assumed the important function of being a fund-mobilization avenue for community development.

### MUNUFIE KESE FESTIVAL OF NKORANSANSA

It is apt at this point to focus more closely on the *Munufie Kese* celebration of the Nkoransa people and how it is today appropriated as a vehicle for promoting development in the community. The celebration has been modified and innovations have been introduced into it. But first we need to briefly refer to the location of the Nkoransa traditional area and to explain the rationale for selecting it as the focus of this work.

The traditional area comprises the Nkoransa and the Kintampo administrative districts. Its location is between the rich forest lands to the south and the drier savannah lands to the north. While the *Nkoransahene* shares common borders with the *Mamponhene* and the *Ofinsobene* in the south, his domain extends to the southern boundaries of Buikpe along the banks of the Black Volta, where he shares boundaries in the north with the *Yagbonwura*, the ruler of Gonja. He also shares boundaries with Abaase, Atabubu, and Yegyri in the east and Takyiman, Wenkyi, and Mo in the west. The vegetation of the area consists of both savannah woodlands and forests. The strategic location of the Nkoransa traditional area coupled with its good and fertile soil makes it an important agricultural

area that specializes in various commercial and food crops such as ground-nuts, beans, cassava, cotton, tobacco, and cashew. It is also regarded as one of the leading producers of yams and maize in Ghana.

Besides, the Nkoransa traditional area has a rich and interesting history that dates back to the reign of the *Asantehene* Osei Tutu (ca. 1700–17)<sup>6</sup> coupled with considerable natural resources that provides the area with immense tourism potential. The capacity of the area as a tourist destination has not yet been fully developed. Among the tourist attractions in the area is the Fiema-Buaben Monkey Sanctuary, where several varieties of monkeys co-habit with humans as neighbours. There are also the caves at Amoawi, Anyiman, Dandwa, Kokuman, and Yefri, which have been proven to be pre-historic human dwellings, in addition to the Kunso and Kintampo slave markets. Additionally, there are the Kintampo Waterfalls. Besides, there is traditional architecture, mainly the shrines of such local but historic deities as Nkoransa Dam, which according to oral traditions was carried from Amakom near Kumase by Bafo Pim, the first *Nkoransahene* and his retinue; *Seseman* Ntoa, who the Nkoransa believe led them to victory against the Banda; Adinkra Kusopre, which according to tradition was brought back from Gyaman after the Asante-Gyaman war in which the *Gyamanhene* Kwadwo Adinkra was beheaded; and Ekumsa, which according to Nkoransa accounts was captured from Kumasa Dumasa. It is anticipated that once this considerable tourist potential has been more fully developed, it would attract large numbers of people from outside the community, which has the benefit of broadening the revenue base of the area. At the same time, the development of the tourist capacity of the area carries the potential danger of exposing the people of the traditional area to various problems such as sexually transmitted health hazards like HIV/AIDS. Thus the traditional leadership decided to showcase the economic potential of the traditional, while at the same time generating awareness of the potential hazards associated with development by packaging the dual aspects within the ambit of the celebration of the traditional *Munufie* festival.

The Nkoransa *Munufie Kese* has been selected because the full ceremony is only celebrated once every three or four years due to modern contingencies. Besides, in the year 2001, the *Nkoransahene* and his elders decided to make awareness of the HIV/AIDS pandemic a close focus of the entire celebration. Other activities commemorating the festival included

the promotion of communal spiritedness and engaging the attention of the central government as a means to draw development projects into the Nkoransa traditional area to promote the material welfare of members of the community. These objectives coincided with those of the Traditional Authority Applied Research Network (TAARN) Project of which I am a team member. A decision was therefore taken to participate in the festival and to observe first-hand how traditional practices are being harnessed as agencies of development by traditional office-holders in modern times. Besides, the *Nkoransabene Okatakyie* Agyeman Kudom IV had participated in the June 2001 conference that TAARN held on the theme “The Role of Traditional Rulers as Development Officers.” On that occasion, he drew attention to the health insurance scheme that he had initiated in his traditional area, which has been adopted as a blueprint by other areas. The research was therefore prompted by a curiosity to find out more at first hand how he was playing out his role as an agent or partner in development within his community.

The activities constituting the festival commenced on Wednesday, 7 November 2001, and climaxed with a grand durbar in honour of the president, Mr. John Agyekum Kufuor, on Saturday, November 10. It was finally rounded off on Sunday, 11 November 2001, with a solemn remembrance (*Odwira*) ceremony in honour of the fallen heroes of Nkoransa in the various wars that led to the creation of the Nkoransa state.

The *Munufie* festival provides a good example of traditional rulers using the medium of a traditional institution to involve stakeholders in an attempt to improve the material well-being of members of the community. In this case, the *Munufie* festival was used as an avenue to bring together various organizations like the Planned Parenthood Association of Ghana (PPAG) and the GBL as sponsors for various activities. While GBL sponsorship was in the form of cash and drinks, PPAG supplied free samples of condoms and resource persons who demonstrated the use of these devices as well as giving advice and education on reproductive health issues and, more specifically, protection against the spread of HIV/AIDS. Personnel of central government agencies such as the regional AIDS co-ordinator of the Ministry of Health and local youth associations were brought in as resource persons. It was also an occasion that brought together most of the other traditional rulers who serve under the *Nkoransabene* and many

of the local residents, as well as citizens who reside abroad, to consider the general welfare of the traditional area.

In interviews with *Okatakylie* Agyeman Kudom, his elders and his queenmother, *Nana Yaa Duda* Kani, there was consensus that, traditionally, when there was an outbreak of disease, the festival was deployed as an agency to publicize it and to seek a cure or ways of preventing it. *Nana Agyeman Kudom*, for example, observed that, in the past, when there was an outbreak of disease, “*YEyi mmusuo bo ano ban*” [We perform rites to forestall evil], “*YEbo dawuro ma kuro mma ne Nananom nyinaa te sE yadeE bi aba*” [the gong is beaten to inform all citizens that there is an outbreak of an epidemic]. This traditional approach was adopted regarding AIDS because there is no known cure for it and also because of the considerable devastation that it brings in its trail. Admittedly, the HIV/AIDS virus can be transmitted in a number of ways such as blood transfusion and communal use of syringes and other sharp objects. However, one of the major and most likely means of transmission of the condition is through sexual relations. Significantly, too, it tends to affect the most economically productive section of the population who also tend to be the most sexually active. The youth do not seem to take seriously protective measures for the prevention of the disease. At the same time, places of entertainment/amusements tend to be the main venues and sources where promiscuous activities tend to thrive. Thus, it seems appropriate that, as part of the strategy to educate and to prevent the spread of the menace, all these factors are taken into consideration. The festival period was considered to be an opportune time for propagating such vital news and information because it provided an occasion for reaching a wider audience and also there was a greater possibility of capturing the targeted group in the right mood.

According to Nkoransa traditions, the celebration of this festival is intrinsically linked to the history and founding of the *Nkoransaman* under wartime conditions. Traditionally, the celebration of the *Munufie Kεse* is a commemoration of the day that the successor of *Nana Bafo Pim*, the first *Nkoransahene*, sat down to find some water to drink. Tradition recounts that *Nana Bafo Pim*, a member of the royal *Asene* lineage of Amakom,<sup>7</sup> now a ward in Kumase, and the first-born son of the *Asantehene Opemsuo Osei Tutu I* (ca. 1700–17), was sent on a military expedition to the Bono area. *Nana Bafo Pim* and his retainers were able to gain control over the

surrounding lands through warfare. When peace eventually returned, *Nana* Bafo Pim decided that he would look for something to eat. This was accompanied by jubilation and merry-making. Traditionally the durbar was an annual affair. However, in recent times, this ceremony is celebrated every three or four years.

The appointed day for the first such Sabbath was a Friday that fell on a *Munufie*, which is part of the method of time-reckoning among the Akan. There are nine different *Munufie* in the Akan forty-day calendar, the last of which is celebrated as the *Munufie Kese* by the Nkoransa people.

The festival marks the occasion of the ritual consumption of the new yam (McCaskie 1995). The organization of the festival, among other things, is centred on blackened stools established for dead leaders and are regarded as the habitation of the spirit of the stool ancestors. *Nana* Agyeman Kudom, the *Nkoransabene*, functioned as the principal officiate at the 2001 festival. The festival was celebrated over a five-day period that commenced on a Wednesday and rounded off on a Sunday. Each day was characterized by specific activities.

Traditionally, there is presentation of such items as sheep, chicken, yams, cash, and gold dust and nuggets to the *Omanbene*. This usually commences on the Wednesday. The new yam is harvested in June but *Nana Nkoransabene* does not taste it until the *Munufie Kese* as a commemoration of the war period of the past. Between the harvest period and the celebration of the festival, the yams are put up on an *apa* (mat) to dry. Preparatory activities for the festival are commenced on Wednesday with the purification of black stools at the *Ahenfie* (palace), followed by traditional drumming and dancing as well as firing of musketry. Also well-wishers call at the *Ahenfie* to pay homage, to express New Year's greetings to the *Nkoransabene*, and to present him with gifts.

During the celebration of the *Munufie Kese* in 2001 on a Friday, libation was poured in the stool house early in the morning. Around midday, *Nana Nkoransabene* dressed up in modest royal regalia and was carried in a palanquin in a procession accompanied by the great stool, which is believed to be Bafo Pim's own stool and is also known as the *abaandwa* (male stool), to the Apropa stream in Nkoransa for purification rites. Although I did not accompany the group to the stream, I was informed about what had happened there. Libation was also poured at the stream and then the stool was returned home. All celebrants at the stream were

purified by being sprinkled with “holy water” from the stream. Today, tourists and other visitors are admitted to the riverside ritual, which in the past was only limited to members of the community.

That same Friday, all chiefs under *Nana Nkoransahene* also performed similar purification ceremonies in their own towns and villages to signify that their own predecessors had also fought in the wars, and thus, they also remember the war times of the past. Back home, with the stool now purified, more libation was poured as a prayer for peace and for procreation so that many children would be born to replace those young men who have died in war. Prayers were said for wealth, prosperity, plentiful rainfall, and a good harvest, and propitiation was made against war and all manner of diseases. Then the *sodofo* (palace cooks) prepared white and red *et* (mashed yam). The stool was fed first by placing morsels of the prepared food on it. This was followed by sprinkling some of the food around for all spirits and elements to participate in the feast. *Nana Omanhene* then tasted the mashed yam, followed by all royals, children, and grandchildren of the stool who are present as well as *Akyeame* (linguists) and *nhenkwaa* (royal servants). Finally children and all celebrants present were given a portion of the food. I must add that the *Nkoranzahene* and his elders extended their benevolence to me by presenting me with thirty pieces of yams and a sheep as part of the good will that prevailed on this particular occasion. The Friday ceremony was concluded around 8 p.m.

On the Saturday, a grand durbar was held. All chiefs under the jurisdiction of the *Nkoransahene* travelled down to Nkoransa for the durbar. On this day, too, more presents were brought to *Nana*, who could elect to distribute some of the gifts to others. The presents varied according to the ability of each chief or donor. Participant chiefs started to arrive in Nkoransa from about 10 a.m. By 11 a.m., all were assembled on the durbar grounds. The seating arrangement at the durbar grounds was made according to the *fekuo* (administrative and military units through which office-holders are distributed) system. Then, the *Nkoransahene* with his retinue processed to the durbar grounds and commenced to greet all the chiefs present. The two major constituents of Nkoransa – the Kwaabre and Fiagya groups – each brought tributes to the *Nkoransahene*. The Kwaabre grouping is made up of the Akumsa, Dumase, Bonsu, Dotobaa, Nkwaben, Akuma, Brahoho, and Asuoso, while the Fiagya group consists of Busunya, Akrudwa, Buaben, Yɛfri, Buana, Baafi, and Sikaa. The chiefs in

each of these areas presented the *Nkoransahene* with a sheep that they had brought along. The rationale behind this tradition is that, in the past, the occupant of their respective stools might have committed an offence that would have required him to be beheaded but was reprieved. In mitigation, he was required to bring a sheep to the palace for the festival. There is one village, for example, where traditionally all the citizens, except one young male and female who would be spared as remnants to regenerate the population, were executed whenever an *Nkoransahene* or *Nkoransahemaa* died. Over time, such traditions have been modified and the punishment has been commuted to presents and tributes during festive occasions.

Other settlers also brought appropriate homage. An example is the Gurmakrom farmers' association, who are settler farmers and are required to bring a sheep and ₦20.00 cash in lieu of thirty pieces of yams. This presentation was in recognition of the *allogia* rights of the ruler to the land that they occupied and farmed.

## THE GRAND DURBAR

For the purpose of this study, the most significant aspect of the 2001 *Munufie Kese* festival of the chiefs and people of the Nkoransa traditional area were the activities of Saturday, November 10. Although the theme for the entire celebration was "AIDS is real – our youth must be careful," most of the activities that commemorated the festival were of a traditional nature. It was the activities that took place on Saturday that clearly focused on the theme. As already noted, on one hand, the traditional durbar of the chiefs and people was on this occasion organized in honour of Mr. J.A. Kufuor in the anticipation that it would be the first time that a sitting president would have honoured an invitation to come to Nkoransa to see for himself the development needs of the area and the efforts being made by the people there to improve their standard of living. On the other, it was the main venue for highlighting the HIV/AIDS menace.

The objective of the focus on HIV/AIDS was to inform in particular the youth within the traditional area about the potential threat posed by the condition to economic and social development. At the same time, it was to provide an opportunity to draw attention to and to equip the youth

with such skills as HIV/AIDS prevention tools through counselling techniques, behavioural change, and group communication drama, as well as speeches. Although government and voluntary and quasi-governmental agencies have carried out extensive publicity campaigns on the problem, it seems to be a distant problem that affects other people elsewhere. Besides, the people tend to hold certain popular misconceptions about the condition, which is a novelty in the Nkoranza traditional area in the sense that it had been hitherto unknown in the area. Additionally, it is not yet prevalent in the area. Thus a prevention approach has been adopted as a strategy to forestall or, if necessary, to control the menace. The traditional leadership, after attending a series of workshops, seminars, and conferences has become more aware of the need to create awareness about the HIV/AIDS menace, as part of a prevention campaign; hence, the decision to highlight the fact that the menace exists is real and that it is a killer in the sense that there is as yet no known cure for it. Therefore, the *Omanbene* and his elders have decided to use their position and influence to spearhead a prevention campaign in the area. As part of the prevention strategy, the need to inculcate attitudinal change in the youth and to reinforce in them cultural values was taken into account by the traditional leadership in planning the activities for the festival.

Even before the festival, the traditional rulers in the area were making efforts to promote awareness of the new menace. It had been decided to employ both traditional and modern methods in the campaign. A religious approach has been adopted as a technique in raising awareness about the HIV/AIDS problem in the hope that a sound moral basis would be laid and that divine providence would cause a change of heart or conversion of those who would otherwise refuse to listen to advice and persist in indulging in activities that would expose them to the menace.

It has been generally observed that the most likely means for the transmission of the condition is through sexual contact rather than drug use. Thus, for instance, the queenmothers in the Nkoranza traditional area have reverted to traditional practices such as *bragro*, puberty rites for girls, as a deterrent from promiscuity and premarital sex among the youth. Among the Akan, including the Bono of whom the people of Nkoranza form a part, traditionally it was taboo for a girl to become pregnant without first going through puberty rites. The girl involved, together with the man responsible for her condition and her entire lineage, suffered dire



consequences. However, over time, the rites and taboos associated with them have been ignored, largely as a result of the influence of Christianity, western education, and other agencies of modernity. A strategy adopted in the traditional leadership in the Nkoranza area is to advise and discourage the people, including the youth, from having casual sexual relations in general and in particular with those already affected by the condition. Also, family members are encouraged to support relatives afflicted by the disease.

It was anticipated that the durbar would be a good forum to carry out the anti-AIDS campaign because there would be a large audience present who would in turn pass on the message. To this end, the traditional council had generated interest by involving various stakeholders. The regional and district medical officers of health were invited to participate in the durbar as speakers. In addition, the Academicians, a Sunyani-based youth drama group in the traditional area that learnt of the AIDS focus from the media, volunteered to participate by performing a play that highlighted the debilitating effects of the condition and the wisdom of acting in ways that would prevent contracting it. Also the Nkoranza Youth Association demonstrated its willingness to participate by printing, distributing, and wearing special T-shirts to promote greater awareness of the causes and debilitating consequences of the HIV/AIDS condition.

## USES OF THE *MUNUFIE* FESTIVAL

Apart from its religious and festive and religious connotations, the *Munufie* festival of 2001 was deployed as an occasion to draw attention to the economic potential of the Nkoransa traditional area as part of the attempts to draw in resources to improve the material well-being of the members of the community. It also provided an opportunity to address health issues that were of major concern to the community. The strategy was to invite high-profile individuals, including the president, Mr. John Agyekum Kufuor, and ministers of state, the district chief executives of the two districts that constitute the traditional area, prominent citizens from the area who live outside, government officials, NGOs, and private businessmen. To ensure that the festival would be well-patronized and to

ensure that the message to be conveyed would be widely disseminated, an intense publicity campaign was launched in both the print and electronic media in addition to formal invitations that were sent out to individuals.

One of the important messages conveyed at the durbar was the fact that, although the people of the traditional area were predominantly hard-working agriculturists, they needed external assistance to ensure that they had a good standard of living. Besides, the durbar provided the platform to highlight the fact that the Nkoransa traditional area is essentially rural and that the majority of the population are peasant farmers who lack capital to purchase modern agricultural inputs. Also, the area suffers from poor road networks. Four of the important roads used in transporting agricultural commodities were cited as needing immediate attention to ensure that agricultural produce would reach its destination in good time to prevent post-harvest losses. These were the Jema-Nkwanta-Nkoransa-Edwera, Nkoransa-Sekyedomase-Ahenkro, Nkoransa-Busunya-Dromankese-Atabubu and the Kintampo-Pran roads that are considered to be of strategic socio-economic importance to the development of the traditional area in particular and the nation as a whole. Some of the roads become impassable during the rainy season and thus large population centres such as Apesika, Busunya, Dromankese, and Yefri are cut off.

The occasion was also used to draw attention to the need to provide adequate post-harvest arrangements, including the provision of storage facilities like silos and effective marketing arrangements to ensure food security and ultimately stable prices for the farmers. Attention was drawn to the need for credit facilities to relieve the farmers from harsh conditions of borrowing from moneylenders. Again, although farmers in the area have been encouraged to embrace the President's Special Initiative on Cassava Production (PSI) and some of the local farmers had already organized themselves to engage in large-scale production of the cassava, there was still a need for capital in-flows to ensure the production of the commodity on a commercial scale. The traditional council had already set aside four square miles of land and declared its preparedness to release portions of it to individuals, or to private, corporate, or government organizations interested in the production of cassava in commercial quantity.

## PROFILE OF A MODERN TRADITIONAL RULER

It is relevant at this point to outline the profile of *Okatakyie* Agyeman Kudom IV, *Nkoranzabene*, as an exemplar of traditional rulers who use their position, influence, and traditional institutions as a platform to seek the material welfare of their people. Why should he be interested in the health needs and material conditions of his people? First, his traditional position requires him to. **It has been quite commonplace to find traditional rulers spearheading community development projects such as establishing schools, building police stations and health posts, together with residential quarters for the staff, and then handing it over to the government.** For example, the Senior Secondary School at Duayaw Nkwanta was built by the traditional council and later handed over to the central government.

However, in his case, it seems *Okatakyie* Agyeman Kudom's concern transcends simple traditional requirements. It appears his professional training and experience inclined him in that direction. *Okatakyie* is a trained nurse. For a period of thirteen years (1953–69), he worked as ward master at the 37 Military Hospital in Accra. Between 1962 and 1967, he was sponsored by the Ghana Army for further training and work experience in the United Kingdom. He went back to the UK in 1969 in search of more exposure and other opportunities. On this occasion, he worked as a charge nurse at the Chest Unit of Queens Hospital in Croydon, Surrey, and then as Nursing Officer Grade 7 at St. John's Hospital in Battersea, London. He later trained as a community nurse and was subsequently employed as senior residential social worker in the London borough of Lambeth. He went back into mainstream nursing and worked as a staff nurse in the Cardiac Recovery Ward at Papworth Hospital near Cambridge. In 1979, he enrolled in a diploma course in social studies at Ruskin College in Oxford University. As part of this program, he studied Political Ideas, Institutions and Activities; Economic Principles, Economic Development, and Labour Law. He was awarded a diploma in social studies in 1983, as well as being made fellow of Ruskin College between 1983 and 1985.

As a result of his training and experience, *Okatakyie* was already inclined towards a particular vision, which he worked out into a mission and objective for his area of jurisdiction when he was installed *Omanhene* in

1989. He had the view that a community or nation's level of development is assessed by the amount of goods and services at the disposal of its people to secure the means for obtaining a better life. This better life must, at least, have three cardinal objectives:

- Increasing the availability and widening the distribution of basic life-sustaining goods such as food, shelter, and protection;
- Raising levels of living, including higher incomes, the provision of more jobs, better education, and greater attention to cultural and humanistic values, all of which would serve, not only to enhance material well-being, but also to generate greater self-esteem; and
- Expanding the range of economic and social choices to individuals by freeing them from dependence, not only in relation to other people, but also to the forces of ignorance and human misery.

It was with these objectives in mind that he identified the health sector as one of the important areas that would actively engage his attention. In the field of health, his predecessor had initiated the construction of St. Theresa's Hospital through the provision of communal labour and a per capita levy on all citizens. Upon completion of construction work, the hospital was handed over to be administered by the local Catholic church, and there was still a need to maintain the physical structures, purchase medical supplies, and pay staff remunerations. Therefore, patients who used the services of the facility still had to pay. However, the community, being basically a rural one in which the majority of the population are peasants with limited access to cash, payments of medical bills often had serious financial implications for patients and their families. To assuage this situation, after he assumed office in 1989, *Okatakyie* Agyeman Kudom IV teamed up with Dr. Apeadu-Mensah, Dr. Bosman, and the Reverend Father Peter Kumor to facilitate the establishment of a health insurance scheme, which became operational in 1990 and continues to the present.

One of the fundamental principles regarding the operation of the scheme was to ensure that members would be able to pay their contributions

without much difficulty. Thus, initially, members contributed four hundred cedis (¢400.00) per person annually. By the year 2001, as a result of inflation, premiums had been raised to eleven thousand cedis (¢11,000.00). This was still considered cheap compared to twenty thousand cedis (¢20,000.00) being charged in similar schemes elsewhere. By 2003, the premium had been raised to twenty five thousand cedis (¢25,000.00) per contributor. Since it came into effect, it has not been uncommon for the scheme to underwrite hospital bills amounting to four million cedis for insured members. In its initial stages, *Okatakyie* and his elders had to use their influence and clout within the community to publicize the scheme and its benefits.

The Nkoransa example in community health insurance schemes is being emulated in the Brong-Ahafo Region, as well as other parts of the country. Indeed, such a scheme is being discussed at the national level for adoption as a policy in the central government's health delivery scheme. For instance, the Tano District has embarked on a similar scheme. The Jaman and the Asutifi districts are planning to follow soon. What is interesting is the involvement of the traditional rulers in these areas of welfare delivery. As a result of his keen interest in and concern for the success of the scheme, *Okatakyie* also became the chairman of the board of directors of the Nkoransa Community Health Insurance Scheme.

Considering his background and his particular concern for health issues, it is not surprising that a health problem was selected as the focus of the celebration of the 2001 annual festival.

## IMPEDIMENTS

Although traditional rulers like *Okatakyie* Agyeman Kudom have good intentions to ensure that their subjects secure some of the comforts of life such as better health facilities and economic opportunities, often they are faced with real obstacles that sometimes frustrate their efforts. The major impediments are cash/resources and the activities of litigation contractors. Thus the *Munufie* festival was used as a means to bring together various development partners, including government representatives, government agents, foreign and local donor organizations, and NGOs,

as well as individual philanthropists. Also as part of the festival, many of the major disputes in the traditional area were resolved as part of the process of cleansing and renewing the state. This process also ensures that all members of the community play their parts effectively. For example, this author was present when friction emanating from the problem of who should control the local car park came to the fore on the first day of the festival. This economic problem had worked its way into the traditional politics of Nkoransa. Members of the local drivers union came to pay homage to *Okatakyie*. As part of their contribution towards the festival, they were instructed to provide vehicles to convey celebrants from the surrounding settlements into Nkoransa for the durbar. However, some of the traditional rulers who also operate as trade union officials of the drivers' union were found to be behind schemes to countermand the instruction due to competing interests. *Okatakyie* invited leaders of the various factions and resolved the dispute.

## CONCLUSION

Festivals are social events that could be used as a platform by traditional rulers in their capacity as officers, agents, or partners in development with the central government to achieve the objectives of highlighting problems in their areas of jurisdiction and in a convivial atmosphere, to solicit assistance for improving the material welfare of people within their communities. In this regard, and also because festivals tend to bring together people from diverse backgrounds who otherwise would not meet to act in unison, it could be characterized as a public relations device. Prior to the establishment of the modern state, it was the responsibility of the traditional ruler to provide material welfare for the community, and festivals provided an important means for achieving this end. The transfer of governance from the traditional states to a centralized state tended to adversely affect the role of traditional rulers and such institutions as festivals. In recent times, as illustrated by the *Munufie Kese* festival, there has been a renewed effort in the celebration of traditional festivals as well as in the creation of new ones. This development is indicative of people's perception that traditional institutions could be deployed as platforms for modern development while

traditional rulers could function effectively as partners in this process. The traditional ruler is an important link between the community and the outside world, someone who could use his influence to generate awareness about matters that promote the best interests of the community.

## NOTES

- 1 At Nkoranza, I was allowed limited access to some of the private performances because of the nature of my inquiry.
- 2 See also Warren (1970), 32, for further comments.
- 3 K.O. Frempong, "The Okwawu State," *Daily Graphic*, 23 October 2002.
- 4 *The Chronicle*, Accra, 22 October 2002; *Daily Graphic*, 23 October 2002.
- 5 Information provided by John Buro-Naa, a native of Takpo at his residence in Atonso, Kumase, 20 September 2002.
- 6 The *Nkoranzabene* is very proud of his association with Asante and asserts that he owes allegiance to the *Asantehene* but at the same time, is a member of the Brong Ahafo Regional House of Chiefs. His dual allegiance has sometimes been the subject of conflict with the Bron faction that would prefer not to be associated with Asante as it is reminiscent of defeat and disgrace.
- 7 Bafo Pim was also a grandnephew of the *Amakombene* who was also the father of the *Asantehene* Opoku Ware I (ca. 1720–1750).

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# **6 Building AIDS Competence in Manya Krobo and the Role of the Manya Krobo Queen Mothers Association**

Sherri Brown

## **INTRODUCTION**

This case study traces and situates the activities of the Manya Krobo Queen Mothers Association within the AIDS-competence framework. The Manya Krobo Queen Mothers served as change agents in the progression of AIDS competence in Manya Krobo by contributing to the recognition of HIV infection, mobilizing awareness, partnerships and resources, and engaging in actions to reduce vulnerability and mitigate the impacts of HIV/AIDS. The Manya Krobo Queen Mothers contributed substantially to building AIDS competence in Manya Krobo and consequent positive outcomes for HIV/AIDS risk and impact mitigation and individual and social empowerment and well-being. However, the progression and sustainability of AIDS competence in Manya Krobo confronts several challenges and constraints. This chapter discusses and analyzes the

progression, outcomes, and challenges and constraints of building, sustaining, and scaling up AIDS competence in Manya Krobo communities. The case study provides a detailed overview of the history and background of Manya Krobo, Krobo society, its system of traditional leadership, and the HIV/AIDS epidemic that currently threatens its people.

## HISTORY OF KROBO SOCIETY

In his seminal work on the Krobo people, Hugo Huber (1963) traces the history and traditional social and religious practices of the Krobos. The Manya Krobo traditional area was formed circa 1500 (“Ghanaian Traditional Polities”; <http://rulers.org/ghantrad.html>), however, the name *Krobo* does not appear on maps until 1769 (Huber 1963). Krobos are the indigenous and predominant inhabitants of the Manya Krobo and Yilo Krobo districts in Ghana’s Eastern Region (Huber 1963; Sauv , Dzo-koto, Opare, Ekow Kaitoo, Khonde, Mondor, Bekoe, and Pepin 2002). Krobos also settled in other territories, including the villages of the Akyem Abuakwa area, located in Ghana’s Eastern Region (Huber 1963). The people now known as Krobos were originally driven to Krobo Mountain from 1700 to the 1740s to escape warfare and slave raiding (Steegstra 2002) as it offered refuge from invading Asanti armies (Huber 1963). Huber (1963) suggests that these original groups immigrated as linguistically and ethnically diverse small kinship groups, who subsequently employed a single language and system of rule. The chieftaincy system was not introduced until years later (Huber 1963). The Krobo area, originally colonized by the Danish Gold Coast protectorate was taken over by the British in 1849 (Steegstra 2002). At that time, Krobos were one of the largest producers of palm oil for the Gold Coast colony. Krobos continue to this day to be extensively engaged in farming and agricultural activities.

The Manya Krobo traditional area comprises both Lower and Upper Manya in the six divisions of the traditional area. Manya Krobo is 75 kilometres northeast of Accra and 20 kilometres south of the Akosombo dam (Sauv  et al. 2002). The capital is Odumase-Krobo, located in Lower Manya Krobo. The estimated population of the traditional area is 160,873 (MKQMA 2003a). Upper Manya Krobo consists of widely dispersed

farming communities and villages. Lower Manya Krobo is the economic centre of the traditional area, and thus market activities, including selling, petty trading, and retail activities take place in the communities in Lower Manya Krobo.

Krobo society and system of chieftaincy are patrilineal in that children belong to the kin group of their father (Huber 1963). Huber (1963) defines a 'house' as "a minor agnatic group of various spans" (71). Houses contain monogamous or polygamous households and are multi-generational. They may also contain the unmarried brothers and sisters or close patrilineal relatives of the head. Members of the house grant significant respect and cooperation to the head of the house. When the head of the house dies, the next senior male member of the house automatically succeeds the former head. Members of a house are subject to its rituals and customs and the elders of the house exercise considerable and lasting authority over members of the house. For instance, even when female children marry into another family and reside in their husband's "house," they retain *membership* (and the concomitant rights and obligations) in their father's paternal "house" and group (Huber 1963). While children often retain ties to their mother's paternal house, primary identification resides with their father's paternal house.

Krobos living in the Manya Krobo district speak the Krobo language, commonly called *Adangme* (Huber 1963). The Krobo language resembles *Ga*, a language spoken by approximately 4 per cent of Ghanaians (U.S. Department of State 2004). Substantial numbers<sup>1</sup> of Krobos do not read, write or speak English. Junior Secondary Schools in the Manya Krobo district provide basic English language instruction in their curriculum, but this was not always the case.<sup>2</sup> Poverty is widespread across the Manya Krobo district and Manya Krobo has high levels of hunger, malnutrition, and poor and inadequate housing and proper sanitation facilities. There is a high rate of unemployment among inhabitants, and much of the economic activity that takes place is subsistence-based. While Lower Manya Krobo serves as the economic centre, Upper Manya Krobo consists mainly of small rural and scattered communities and villages. The transportation infrastructure in both Lower and Upper Manya Krobo consists of poor and deteriorating roads. While a paved single-lane road connects Upper and Lower Manya Krobo, community and village roads are extremely poor and difficult to access.

Krobos are predominantly Christian, with Presbyterian, Anglican, and Catholic churches serving the majority of inhabitants. It is widely accepted that the work of the Basel missionaries, beginning in 1856, entrenched Christianity in Krobo society (Huber 1963). The Basel missionaries, hailing mainly from Württemberg, a rural area in southwestern Germany, established a mission station in 1858 in Odumase (Arlt 1995). This mission station existed in Odumase from 1858 until 1917, when German nationals were forced to leave the Gold Coast Colony in World War I (Steegstra 2002). However, their lasting influence on Krobo society and religion is palpable. The descendants of the Basel missionaries retain ties to Krobo society and visit Manya Krobo to visit the graves of relatives and reconnect with the Presbyterian Church and its fellowship.<sup>3</sup>

Among the Krobos, kinship groups or individuals own land. The head of the kinship group, with input from elder members, makes decisions concerning the use and distribution of ancestral land (Huber 1963). Huber, in 1963, states that the eldest son inherits land, and if a man has more than one legal wife, there will be an equal distribution of land among first sons. Huber (1963) notes that widows are not entitled to assume control of the land of her dead husband, except, temporarily, when there are no males at all in the deceased man's family. Huber writes in 1963 that "a woman, as a rule, does not own land," but this practice may in fact be changing. Further research on land tenure practices in Manya Krobo is required to reveal the extent of changes in land tenure practices and patterns in female land ownership.

Many social and customary rituals and taboos are specific to Krobos. Indeed, while Huber (1963) identifies many of these, children at a Planned Parenthood Association of Ghana (PPAG) peer education group happily proclaimed many of these taboos and traditions to the peer education leader. The children concurred with Huber's (1963) statement that custom prohibit Krobos from marrying or having a sexual relationship with a person that descends from the same house. They also identified that Krobos do not eat snails, a taboo originating from old folklore that a snail rescued Krobos in a prior war. Krobos also believe that you should not sing while taking a bath, sit in a doorway (as this is where spirits are said to linger), sweep in the night, whistle in the night, leave a glass out in the night, keep chairs out in the sun, or sit on mortar as it will impair fertility (PPAG meeting observation, 2 August 2004).

The Krobo people have strong and enduring traditional belief systems and practices. There is a strong sense of community solidarity and commitment to one's neighbours and family. Regular festivals and public gatherings, including the annual Ngmayem and Yokama Day festivals, provide opportunities for community members to celebrate their common cultural history and practices. Krobos may be renowned in Ghana for their beautifully crafted beads<sup>4</sup>, but indeed, it is their vibrant cultural practices and community solidarity that are remarkable.

## QUEENMOTHERSHIP AND CHIEFTAINCY IN MANYA KROBO

Chieftaincy in Ghana and in Manya Krobo has an organizational, reporting and authority structure. As indicated, Krobo society is patrilineal and thus chiefs and queenmothers are selected from the royal homes of the father's line. Thus, queenmothers' female children cannot become queenmothers in their particular stool but may become queenmothers in their fathers' area if he belongs to a royal home.

The paramount chief, Nene Sakite II, is the highest and most powerful chief in the traditional area and represents the district at the Regional House of Chiefs. Nene Sakite II was installed in January 1998 as the "konor" or paramount chief of the area after an eight-year period without a konor. Konor Nene Azu Mate Kole II served as paramount chief of the Manya Krobo traditional area from 1939 until his death in 1990. The paramount queenmother, the female counterpart in the hierarchical structure is *Nana Mamle Okyleou*. She is the most powerful female traditional leader in Manya Krobo.

The Manya Krobo Queen Mothers Association (MKQMA), established in 1989, consists of 371 queenmothers from across the six divisions of Manya Krobo. The paramount queenmother, *Nana Mamle Oklyeou*, and the deputy paramount queenmother, *Manye Esther Nartekie*, are the highest-ranking queenmothers. *Djase*, a queenmother, follows next in the hierarchy. *Djase* is responsible for installing the paramount queenmother and other queenmothers. After *Djase*, there are six divisional queenmothers, representing the six divisions of the Manya Krobo traditional area. At public gatherings or queenmother meetings, these queenmothers

sit alongside the paramount queenmother, deputy paramount queenmother, Djase, and their elders at the front of a room. Sub-queenmothers follow next in the hierarchy and each represents and is responsible for a particular community or village in Manya Krobo. The reporting structure follows the hierarchy in the sense that sub-queenmothers raise issues and discuss problems particular to their community with their divisional queenmother *before* going to the deputy paramount or paramount queenmother. If the issue cannot be settled at that level or requires the approval or input of the paramountcy,<sup>5</sup> the sub-queenmother or divisional queenmother will raise the issue with the deputy paramount or paramount queenmother (Interview, Manye Nartekie, 2 August 2004).

Each queenmother has at least one elder in their community with whom they consult and report. Elders instruct queenmothers on “how to talk, how to dress, and streamline your life” (Manye Nartekie, 2 August 2004). Essentially, elders “police” the queenmothers in their communities. The paramountcy is served by four elders (Interview, Manye Nartekie, 2 August 2004). A linguist also serves the deputy and paramount queenmothers. The linguist speaks for the paramountcy and has the power to grant or deny access to the paramountcy. Queenmothers in Manya Krobo, as well as in other kingdoms in Ghana, serve for life. They do not usually “de-stool” chiefs or queenmothers, in Manya Krobo, but this practice varies from area to area (Interview, Manye Nartekie, 2 August 2004). Well-established systems of chieftaincy and queenmother-ship have long served the residents of the Manya Krobo traditional area. Chiefs and queenmothers serve alongside in an established hierarchy and organizational structure. While chiefs retain more power and authority in their communities than queenmothers, they are expected to maintain good relations and complement each other’s efforts at governance.

## HIV/AIDS IN MANYA KROBO

The Manya Krobo district and traditional area is widely recognized as having the highest HIV prevalence in Ghana (Interviews: Mrs. Gifty Ofori, 28 July 2004; Dr. Charles Nyarko, 7 August 2004). HIV surveillance for the Agomanya sentinel site, a community within the district

of Manya Krobo, indicated that adult HIV prevalence in 2003 was 9.2 per cent. This is a rate nearly three times the national average at 3.6 per cent (NACP/GHS 2003). The Eastern Region of Ghana also reported the highest regional HIV prevalence rate at 6.1 per cent (NACP/GHS 2003).

Atua Government Hospital and St. Martin de Porres Catholic Mission Hospital are located in the Manya Krobo district and within five kilometres of one another (Sauvé et al. 2002). In 2001, a study conducted in the two hospitals revealed that 14.9 per cent of prenatal women tested positive for HIV (Sauvé et al. 2002). This is the highest rate ever reported among prenatal clinic patients in West Africa, with the exception of one sentinel site in Nigeria (Sauvé et al. 2002). The study also revealed that HIV prevalence was nearly twice as high among the Krobos as among women belonging to other ethnic groups. Furthermore, among the Krobos, HIV infection was strongly correlated with both minimal schooling (having attended primary school only) and having lived in Côte d'Ivoire (Sauvé et al. 2002). In fact, Sauvé et al. (2002) and Dr. Charles Nyarko<sup>6</sup> contend that high rates of HIV prevalence in the Manya Krobo area, particularly among Krobos, appears to be related to migration to Côte d'Ivoire following the construction of the Akosombo Dam. In 1965, construction of the Akosombo Dam on Lake Volta was completed. Lake Volta is the largest manmade lake in the world and extends from Akosombo Dam in southeastern Ghana to the town of Yapei, 520 kilometres to the north. The lake generates electricity, provides inland transportation, and serves as a resource for irrigation and fish farming (U.S. Department of State 2004). The construction of the Akosombo Dam flooded acres of land, which consequently displaced many farmers and people from their homes. Indeed, over 80,000 people were relocated to fifty-two townships. Resettlement resulted in economic displacement and local poverty and forced people to migrate to places like Côte d'Ivoire in order to seek work. Many female migrants engaged in commercial sex work in Côte d'Ivoire. HIV was likely introduced in the communities when women returned home for short visits on festive occasions, or when economic conditions improved in the area (Sauvé et al. 2002).

With an adult HIV prevalence rate that is between 250 and 400 per cent higher<sup>7</sup> than the national median, Manya Krobo communities face extraordinary challenges in HIV/AIDS control and impact mitigation.



Subsequent sections explore the role of the Manya Krobo queenmothers in confronting the HIV/AIDS epidemic in their communities.

## PROGRESSION OF AIDS COMPETENCE IN MANYA KROBO AND THE MKQMA

### *Identification of HIV Infection and Shock Response*

Lamboray and Skevington (2001) indicate that the first stage in the progression towards AIDS competence is the identification of HIV infection. They maintain that communities must first acknowledge that there is a problem and that this typically occurs after the collective shock of loss of community members (Lamboray and Skevington 2001). In 1988/89, doctors reported HIV to the late konor of the Manya Krobo traditional area, Nene Azu Mate Kole II. The konor responded by mobilizing his chiefs and queenmothers to become educated about HIV/AIDS. However, the death of the konor in 1990 appears to have halted these activities until his replacement in 1998. Dr. Charles Nyarko, chief medical officer at St. Martin de Porres Mission Hospital in Odumase-Krobo, cites the eight-year gap between the death of the late konor and the 1998 installation of the current konor, Nene Sakite II, as a contributing factor to the spread of HIV/AIDS in the area (Interview, Dr. Charles Nyarko, 7 August 2004).

In 2000, after witnessing countless families struggle with the devastating impacts of a perplexing syndrome referred to as HIV/AIDS by the hospitals, Manye Nartekie, Manye Mamle Oklyeou, and Manye Makutsu, queenmothers from Lower Manya Krobo, approached the District Health Management Team (DHMT) for guidance and assistance. The queenmothers were referred to Family Health International (FHI), a non-governmental organization, for information and training. Dr. Kwame Essah, country director for FHI recalls how the queenmothers came to Accra to meet with him at the FHI office and indicated that they needed to “do something about HIV/AIDS” (27 July 2004). Dr. Essah and Deputy Queenmother Manye Nartekie held additional meetings to discuss partnership opportunities. Dr. Essah later met with the paramount chief,

Nene Sakite II, where he “wholeheartedly gave his support” to the partnership between FHI and the MKQMA (Interview, Dr. Kwame Essah, 27 July 2004).

FHI agreed to partner with the queenmothers because they “recognized the important role that they play in society” and believed they would be credible and influential voices for conveying information about HIV/AIDS (Interview, Dr. Kwame Essah, 27 July 2004). FHI determined that they needed to provide the queenmothers with accurate information on HIV and its transmission and build their capacity to deliver education locally. Training was facilitated by FHI and the National AIDS Control Programme (NACP). Professional counsellors from the NACP delivered extensive HIV/AIDS, sexual, and reproductive health education and training in both English and the local language (MKQMA 2003a). Three groups of queenmothers from Lower Manya Krobo and Upper Manya Krobo (Asesewa and Otrokper) received training in two- to three-week modules. In March 2001, queenmothers from Lower Manya Krobo were first to be trained. Queenmothers from Upper Manya Krobo were trained in late 2001 and early 2002. In total, 170 queenmothers participated in the training.

Following their training, the MKQMA transferred their knowledge to the communities by developing and implementing widespread HIV/AIDS awareness and prevention programming across Manya Krobo. FHI agreed to assist the queenmothers but indicated that “these are programmes that you are going to run yourselves.” The queenmothers agreed to collaborate with FHI in program development but would manage and implement the programs themselves. FHI provided technical support in designing their HIV/AIDS prevention programs and worked with the queenmothers to secure funding for their activities. Funding initially came from the U.S. Agency for International Development (USAID) under the IMPACT program; however, the program was discontinued in 2004. The Department for International Development (DFID) – the international development agency of the government of the United Kingdom – currently provides funding<sup>8</sup> through the “Start” program.

Before the Manya Krobo Queen Mothers launched their HIV awareness and prevention programs, there were pervasive myths and misinformation surrounding HIV. Previously, Krobos refused to admit that HIV/AIDS was an actual disease and attributed symptoms of HIV/AIDS to

curses or the supernatural (“Krobos Now Admit HIV/AIDS Is Real,” 24 November 2001). The article “Krobos Now Admit HIV/AIDS Is Real” (<http://www.mclglobal.com/History/Nov2001/24k2001/24k1r.html>) credits the “tireless efforts” of the Manya Krobo Queen Mothers with debunking erroneous notions of HIV/AIDS and providing Krobos with accurate information on the nature of HIV and its transmission.

Queenmothers from Upper Manya Krobo admitted that prior to their training they also believed that a “ju-ju” – a superstition or curse – caused the symptoms and illnesses associated with HIV (Group Meetings, 5 and 9 August 2004). Queenmothers stated that they noticed people becoming ill and dying but did not know what was causing it (other than a curse) (Group Meetings, 5 and 9 August 2004). They noticed that some of the girls who were returning home after an absence (usually for *dipo* or puberty rites ceremonies) came home with illnesses and rashes that could not be explained or attributed to any known diseases or conditions (Group Meetings: Asesewa, 9 August 2004). Thus, queenmothers from Upper Manya Krobo (Otrokper and Asesewa) had incomplete or inaccurate information on HIV until the time of their training in 2002.

The shock response in Manya Krobo that Lamboray and Skevington (2001) suggest follows the recognition of HIV infection was largely one of ignorance and silence. Because people did not have full knowledge surrounding HIV and thought it was caused by the supernatural, they could not properly protect themselves from HIV. Furthermore, because discussing sexuality was considered taboo, a culture of silence persisted in Manya Krobo (Interview, Dr. Charles Nyarko, 9 August 2004; MKQMA 2003b).

### *Increasing HIV/AIDS Awareness and Reducing Vulnerability*

Lamboray and Skevington (2001) state that, following recognition of HIV and the shock response, change agents act to raise HIV awareness and reduce the community’s vulnerability to HIV/AIDS. Change agents transfer knowledge to the community and work to transform attitudes and behaviours to raise awareness and reduce the community’s vulnerability to new HIV infections. Lamboray and Skevington (2001) argue that this is achieved by the efforts of change agents in collaboration with community and local partners. Lamboray and Skevington (2001) suggest

that partnerships represent a “people-centered interaction between key social groups, service providers, and facilitators or catalysts” (514). Change agents work with key social groups, service providers, and partners to develop and deliver HIV/AIDS awareness and prevention programming. In this case, the Manya Krobo Queen Mothers, particularly the queenmothers from Lower Manya Krobo, acted as change agents by actively seeking out information and support and then working with partners to develop and implement widespread HIV/AIDS awareness and prevention programming. The queenmothers partnered with FHI, NACP, and Planned Parenthood of Ghana (PPAG) to develop programs and tools to raise HIV/AIDS awareness, discuss sexual and reproductive health, and reduce vulnerability to HIV. Lamboray and Skevington (2001) maintain that this approach is most effective for developing AIDS competence. Awareness and prevention programs are more successful when they are designed by local people for their own use because they are more likely to account for cultural, attitudinal, and behavioural factors that may be susceptible to or in need of change within communities (Lamboray and Skevington 2001).

Lamboray and Skevington (2001) contend that AIDS competence produces positive and effective changes in social and individual behaviours and environments because it employs locally and culturally appropriate HIV/AIDS social marketing materials and strategies. The Manya Krobo Queen Mothers developed locally and culturally appropriate participatory and interactive HIV/AIDS social marketing approaches. For instance, with the assistance of FHI, they devised a set of cue cards, written in both English and the local language, that depict Krobo women and girls in a variety of situations that pose potential safety and health risks. The cue cards are visual and interactive tools that depict women and girls in situations where teachers, taxi drivers, or male partners are asking them for sex. The cue cards ask participants to suggest ways that the girl can respond that will ensure her personal safety and/or protect her from exposure to HIV. Furthermore, the cue cards ask such questions as “what will be the reaction of the man?” and “how can she avoid becoming pregnant or infected with HIV?” The cue cards also deal with situations in which girls may be exposed to alcohol or violence in their families or relationships and ask participants to consider what options and behaviours the girls could exercise to seek help and/or protect themselves from risky

situations and behaviours. The cue cards also depict positive outcomes that result from healthy choices and behaviours. Queenmothers and peer educators each carry a set of the cue cards with them in their FHI-donated HIV/AIDS education and prevention toolkit. The toolkit also contains informational leaflets, a reporting book, male and female condoms, and a condom “model” (a wooden model penis) with which the queenmothers demonstrate the proper use of a condom.

The MKQMA and FHI produced a docudrama entitled “In Sickness and in Health” (or “*Hiomio, Hewamimio*” in the local language). Similar to the cue cards, the docudrama depicts Krobos in situations that place them at risk of contracting HIV and illustrates potential health and social consequences associated with risky sexual and social behaviours and decisions. The docudrama portrays Krobo actors, is set in Manya Krobo communities, and is produced in English and the local language. FHI procured a portable television and VCR to enable the queenmothers to show the docudrama at public gatherings. The queenmothers also invite groups to view the docudrama at their resource centre in Lower Manya Krobo. The cue cards, the toolkit, and the docudrama are locally developed, culturally appropriate social marketing tools that provide valuable information and resources to raise HIV awareness and reduce vulnerability to new HIV infections. Furthermore, because they are delivered by queenmothers, they are more likely to be perceived as credible and worthwhile due to the queenmothers’ prominence and perceived legitimacy within their communities.

The MKQMA sought to access as many people in the community as possible to deliver social marketing tools and impart HIV awareness and prevention information. However, they operate with very limited resources. Therefore, Mrs. Gifty Ofori, the program officer from FHI who worked with the MKQMA, indicated that it was imperative that programs adhere to a “low-cost or no-cost” approach (Interview, 28 July 2004). Thus, the queenmothers sought opportunities to deliver low-cost or no-cost programs. They used large public events such as church gatherings, funerals, and festivals as opportunities to discuss HIV/AIDS and present the docudrama. They also continued to make home visits and used these visits as an opportunity to discuss HIV/AIDS and sexual and reproductive health with family members, including men. The queenmothers visit schools as part of their traditional duties but, following their training,

used these visits to hold discussions on HIV/AIDS. Children actively engage in these discussions and approach individual queenmothers for further information or counselling. Queenmothers meet with teachers to instruct them on issues of HIV/AIDS and to ensure that teachers are refraining from sexual relations with students (Group Meeting, 5 August 2004). Queenmothers regularly attend parent-teacher advisory (PTA) meetings to advise parents on HIV/AIDS and sexual and reproductive health and encourage them to talk openly with their children on these issues. In Manya Krobo, the queenmothers are credible and influential community leaders who delivered awareness-raising programs on a low-cost or no-cost approach.

Queenmothers' traditional duties relate to the welfare of women, children, and families. The MKQMA decided that it was important to raise HIV/AIDS awareness among children and youth and provide them with accurate information and choices for their sexual and reproductive health. They believed that if you accessed children's belief systems and practices at an early age, they would make sound choices into adulthood (Interview, Manye Nartekie, 2 August 2004). Accordingly, the queenmothers established a partnership with Planned Parenthood of Ghana to provide education on adolescent sexual health and HIV/AIDS. Prior to the partnership with PPAG, the MKQMA worked with children and youth in their communities in their homes and schools, however, the PPAG program trains peer educators to work with children and youth. PPAG provides Krobo peer educators with training, support, and tools such as books, flipcharts, leaflets, and handouts (Interview, Ms. Rebecca Anyan, 6 August 2004). Peer educators deliver the PPAG curriculum in local settings twice weekly with Krobo children and youth.

In order to reduce community vulnerability to further HIV infections, the queenmothers sought to transform individual and social behaviours and attitudes. Since 2001/2002, queenmothers have used every opportunity to interact with community members to raise HIV awareness. However, moving from awareness to behavioural change poses a formidable challenge. Sexual behaviours and social attitudes are resistant to change, and thus it is important to sustain prevention and awareness efforts and experiment with different methods to influence individual and social behaviours. Preventing new HIV infections is a priority for Manya Krobo communities and requires that people change their sexual behaviours and

practices. Queenmothers encourage children and youth to abstain from sex and, if they cannot, to use a condom in each sexual encounter. They encourage men to use condoms during every sexual encounter. If men engage in polygamous or extra-marital sexual relationships, they are advised to use a condom every time, even with their wives. They were informed that if they did not use a condom they were putting themselves, their partners, and their children at significant risk of contracting HIV, falling ill, and dying (Group Meeting, 5 August 2004).

FHI/NACP training instructed the queenmothers on the proper use of condoms and provided each queenmother with a model of the penis to demonstrate proper condom application and disposal. Queenmothers now provide demonstrations during home visits and public gatherings. Condoms are supplied by the Ministry of Health (through the DHMT) and the Ghana Social Marketing Foundation (Interview, Dr. Kwame Essah, 27 July 2004) and distributed by queenmothers during community meetings and home visits. Queenmothers also noted that community members will come to their homes to request condoms (Group Meeting, 9 August 2004). By talking openly and widely about HIV/AIDS and sexual and reproductive health, queenmothers broke the culture of silence in their communities and provided community members with information and resources to reduce their vulnerability to further HIV infections.

Prior to the implementation of the widespread HIV awareness and prevention programs in Manya Krobo, sexuality was a taboo topic and HIV was treated as a superstition or curse. Queenmothers from Upper Manya Krobo (Otrokper) stated that there was initially some reticence from the community in broaching these topics (Interviews: Manye Otrokper; Manye Beatrice Kofi; Manye Mawuger, 5 August 2004). However, this changed as the queenmothers proceeded with local social marketing programs to raise HIV awareness and reduce the community's vulnerability to further infections. FHI provided each queenmother with a golf shirt that displays the MKQMA, FHI, and USAID logos. The back of the shirt displays in large black letters, the message: "*Mo Bimi Noko*," which translates into "ask me something about HIV/AIDS." Queenmothers confirm that substantial numbers of people are doing just that; queenmothers are regularly approached for condoms and information on HIV/AIDS and sexual and reproductive health.

The Manya Krobo Queen Mothers positioned themselves as change agents by actively seeking out assistance to confront and control the HIV/AIDS epidemic in their communities. Family Health International, the National AIDS Control Programme, Planned Parenthood of Ghana, the District Health Management Team, and the Ghana Social Marketing Foundation furnished the training and tools necessary for the queenmothers to develop, implement, and disseminate HIV/AIDS awareness and prevention information and tools. Given their special legitimacy and prominence in their communities, they were able to gain widespread access to the community to deliver social marketing messages and tools that were perceived as credible and deserving of consideration.

### *Actions to Mitigate Impacts and Alleviate Risk*

Lamboray and Skevington (2001) suggest that AIDS competence arises when communities take action to mitigate the impacts of HIV/AIDS and work to reduce risk of exposure to further HIV infections. This goes beyond awareness-raising and prevention of HIV through behavioural change; it entails examining social and systemic factors that expose or predispose individuals and the community to the risks and impacts of HIV. Communities develop programs that attempt to mitigate the impacts of HIV and reduce vulnerability to further HIV infections. The Manya Krobo Queen Mothers recognized that it was not sufficient to raise awareness and provide HIV prevention information and resources. Communities were already affected by HIV/AIDS and they needed to consider what traditional and social practices made them vulnerable to HIV as well as devise strategies on how to support and care for people living with or affected by HIV/AIDS. They acknowledged that this would require substantial resources and thus engaged in resource mobilization and local partnerships to support and sustain these activities. The actions taken by the queenmothers to mitigate the impacts of HIV and reduce the risk of vulnerability to HIV include:



1. identifying traditional or social practices that potentially expose people to HIV;
2. transferring knowledge and skills training to vulnerable and marginalized populations, including women, children, and youth;
3. knowledge and skills training for local health and service providers, including local undertakers and traditional birth attendants;
4. mobilizing resources for orphans and vulnerable children and their foster families;
5. forming partnerships with local hospitals to increase utilization of voluntary counselling and testing (VCT), prevention of mother-to-child transmission (PMTCT), antiretroviral treatment for HIV/AIDS (ART), and general health services; and
6. forming partnerships with non-governmental organizations and universities to advise and support their programs.

### **Identifying potentially harmful social practices**

Huber (1963) suggests that the *dipo* rituals exceed all others in terms of their importance to female Krobos. Yearly, occurring between the months of March and May, hundreds of Krobo girls take part in *dipo* rituals (Stee-gstra 2002). Ceremonies and rituals are held throughout the day, with some variation from “house” to “house.” These revered rituals signify the passage into womanhood for female Krobos. Parents present their daughters to a priest or priestess who pours a libation and requests the blessings of the gods upon the rituals. Following this, ceremonies under the supervision of the elder women or queenmothers mark each girl as an initiate. The women adorn the girls with strings of beads and cloth. Each girl receives *yi-si-pomi* or a shaving of their head. The shaving of the head is in accordance with Krobo custom and fashion (Huber 1963). Previously, the blade used to shave the head was used for several initiates. Recognizing that this potentially exposed girls to HIV, the Manya Krobo Queen Mothers appealed to the elders, the priests and priestesses,

to enact a policy of “one blade per initiate” (Group Meeting, 5 August 2004). The queenmothers explained that, if even one girl was infected with HIV, it could be transmitted to any of the initiates that shared her blade. The elders, priests, and priestesses cooperated, and *yi-si-pomi* is now performed with one blade per initiate.

In co-operation with the priest, priestesses, parents, and district hospital health workers, queenmothers used the opportunities provided by *dipo* festivals and gatherings to include HIV/AIDS education in the traditional training and graduation period (MKQMA 2003a). Furthermore, sixty *dipo* graduates were recruited by the MKQMA to act as peer educators. They were provided training in peer education techniques for HIV/AIDS and sexual reproductive health education and now deliver these programs in their communities with the support of the queenmothers (MKQMA 2003a).

### **Transferring HIV/AIDS knowledge and skills**

AIDS competence relies upon widespread community awareness and capacity-building. One of the key components identified by UNITAR in building AIDS competence requires change agents to share their knowledge with those whom they think will benefit (“Knowledge Assets for AIDS Competence”; <http://www.unitar.org/acp/KAssetsG/AID-SCompetence.htm>). The queenmothers identified several key target groups for HIV awareness and prevention training. The queenmothers felt it was important to target children and youth and therefore implemented peer education and advocated for school-based HIV/AIDS education programming. The queenmothers also emphasize the importance of educating women and girls and providing them with income-generating skills and opportunities and thus implemented education and skills initiatives to address these needs.

The queenmothers also recognized that local service providers could benefit from HIV/AIDS awareness and prevention training. Local undertakers and traditional birth attendants were identified as targets for HIV/AIDS education and prevention training. When people die in Many Krobo, local undertakers prepare the dead body for burial. Local undertakers are predominantly women, as women are mainly responsible for bathing people. When PLWHA die, undertakers do not necessarily know

the cause of death, and the queenmothers were concerned that they may handle the body in a manner that exposes them to HIV (MKQMA 2003a). The queenmothers organized a five-day training workshop for sixty-five local undertakers, which took place 26–30 November 2002. Training discussed HIV/AIDS transmission and prevention as well as practices and materials for handling dead bodies (MKQMA 2002a). Hands-on training was provided at the Atua Government Hospital and Akuse Government Hospital mortuary (Group Meeting, MKLUA, 3 August 2004; MKQMA 2003a). Before they received training, local undertakers admitted that they never used disinfectants, rubber gloves, face masks, or aprons when handling dead bodies. Subsequent to their training, the local undertakers formed an association: the Manya Krobo Local Undertakers Association (MKLUA) and now meet regularly. Members of the MKLUA indicate they now consistently employ the practices recommended in training (Group Meeting, MKLUA, 3 August 2004). Furthermore, they are now able to impart their knowledge, respond to questions about HIV and recommend VCT to fellow community members.

Traditional birth attendants (TBAs) provide traditional antenatal and birth delivery care for pregnant Krobo women and girls. Traditional birth attendants employed traditional methods in birth delivery and did not use gloves, clothing, or substances that would protect them from diseases or infections in the delivering woman. The queenmothers were concerned that, if a delivering woman was HIV positive, TBAs were at significant risk of exposure. Thus, the MKQMA organized training for 65 TBAs. In addition to HIV/AIDS education and prevention awareness, the women were trained in proper hand-washing and instrument sterilization techniques. Furthermore, TBAs were informed on where to refer pregnant women for antenatal, labour management, newborn infant care, and post-natal care (MKQMA 2003a). In particular, women who are HIV positive or suspected of having HIV are referred to Atua Hospital or St. Martin de Porres Hospital for VCT and/or PMTCT services. TBAs advise pregnant women under their care to be tested for HIV and provide information on the benefits of testing. Traditional birth attendants confirm that they now regularly employ the practices and materials advised in their training (Group Meeting, MKTBAA, 6 August 2004).

Queenmothers were particularly concerned about women and girls' vulnerability to HIV. Women complained about husbands who forced

them to have sex and threatened to remove them from the home if they did not comply. Women also told of how difficult it was to insist that their husbands use condoms. Some women confessed to the queenmothers that they were in difficult and vulnerable positions in their marriages. The queenmothers felt that, even if men could not be persuaded to change their behaviour, women should be economically empowered to have greater control over their choices and lives. Many women in Manya Krobo did not have any skills training or sources of employment. Typically, women supported their husbands on farms, sold water by the roadside, and did other casual labour work (Interview, Mrs. Gifty Ofori, 28 July 2004). In 2003, the queenmothers formed the “Smart Ladies Club” by recruiting fifty local, unemployed women over the age of fifteen (MKQMA 2003a). In January 2003, the “Smart Ladies” participated in a five-day workshop that emphasized HIV awareness and prevention and taught the women how to properly use male and female condoms. “Smart Ladies” now serve as peer educators and meet regularly at the MKQMA secretariat.

The MKQMA provided the “Smart Ladies” with vocational skills training. The women participated in a one-year training program in business skills, bead-making, tie-and-dye, soap-making, cookery, and house-keeping services (Interview, Mrs. Gifty Ofori, 28 July 2004). Individual queenmothers also train women in their communities. For example, Manye Maku-Kpong provided soap-making training for sixty women in her community. Manye Maku-Kpong supplied the materials and arranged for a skilled soap-maker to teach the women. Manye Maku-Kpong asserts that selling soap can provide women with some financial freedom and extra income for the household (Interview, Manye Maku-Kpong, 7 August 2004). Women’s voices and choices may be constrained if they have no other choice but to rely on their husbands or families for their basic needs. Economic empowerment for women is essential to their social and sexual emancipation and consequently their reduced vulnerability to HIV.

### **Resource mobilization for care and support of HIV/AIDS orphans**

During home visits, queenmothers reported increasing numbers of orphans living in child-headed households, with relatives or neighbours. In 2001, the Manya Krobo Queen Mothers Association began to identify and register each orphan child at their secretariat. They have currently

identified and registered over a thousand HIV/AIDS orphans (MKQMA 2003a). Many of these orphans live with relatives of their deceased parents, including elderly grandparents. The queenmothers are foster parents for a substantial number of these children. Some of the queenmothers report having up to six orphans in their care, in addition to their biological children. Orphans and vulnerable children (OVC) in Manya Krobo do not live in orphanages and, for the most part, are well integrated into homes in the community (Interview, Ms. Rebecca Anyan, 6 August 2004). However, the queenmothers were concerned about the added financial burden on foster parents of providing food, clothing, and school fees for the orphans. They were concerned that these children would not be able to attend school if their foster parents could not afford school fees or uniforms or required the children to work to support the household. The Manya Krobo Queen Mothers appealed to Catholic Relief Services (CRS), a charitable organization, to provide food support for the orphans. Catholic Relief Services agreed to deliver monthly supplies of wheat, soy bean oil, and wheat-soy-bean blend (known locally as “Tom Brown”) for four hundred orphans. Food aid from CRS helps to relieve some of the pressure on foster families.

The Manya Krobo Queen Mothers submitted a proposal to the Ghana AIDS Commission (GAC) for funding for school fees, books, and uniforms for orphans in Manya Krobo. The GAC provided 300 million cedis (approx. CDN\$42,000) to provide school fees, uniforms, shoes, books, and school supplies for four hundred orphans for a one-year period.<sup>9</sup> The MKQMA must re-apply annually to receive funding from GAC. Dr. Sylvie Anie of the Ghana AIDS Commission suggests that the MKQMA is an essential “conduit for the provision of care and support [for orphans and vulnerable children]” (Interview, Dr. Sylvie Anie, 29 July 2004).

### **Partnership formation**

In order to develop and implement HIV/AIDS awareness, prevention, and care and support programs, the MKQMA partnered with several key organizations. The partnership established between FHI and the MKQMA has been crucial to their success. FHI facilitated training for 170 queenmothers, 50 local women (“Smart Ladies”), 65 local undertakers, and 65 traditional birth attendants. FHI also negotiated with the Presbyterian

Church in Manya Krobo to donate an old building to serve as a resource centre for the queenmothers. FHI procured funding from USAID to renovate the building and provide salaries for four staff members, including a secretary, program manager, and two program assistants. FHI provided a computer, printer, office supplies, and a television and VCR (for viewing the FHI/MKQMA-produced docudrama, “In Sickness and in Health”). FHI also supplied a program officer to work in Manya Krobo alongside the queenmothers. Mrs. Gifty Ofori mentored and monitored the work of the queenmothers. She encouraged the queenmothers to apply their skills and transfer their knowledge to the broader community (Interview, 28 July 2004). She met regularly with the queenmothers and asked them to report on the work that they had done in their communities and answered their questions or concerns. Her role with the queenmothers was extremely important, especially immediately following their training. Mrs. Ofori motivated and supported the queenmothers, acted as a troubleshooter, and required the queenmothers to be accountable to her and FHI. She argued:

If you just teach people and they go home [and do nothing] you have only affected a small group. But if you motivate them and tell them how important it is to go out, and make them feel that there’s a need for them to go out then they themselves want to walk out and do something. (Interview, 28 July 2004)

The partnership with FHI provided technical, funding, and motivational support to the MKQMA and thus built their capacity to implement widespread HIV/AIDS awareness, prevention, and care and support programming.

The MKQMA partnered with local hospitals to increase utilization of voluntary counselling and testing (VCT), prevention-of-mother-to-child (PMTCT) services, and to provide care and support for people living with HIV/AIDS. Dr. Charles Nyarko reports that the queenmothers approached him to discuss ideas on how to encourage people to avail themselves of HIV testing and health services provided at the hospital. In conjunction with FHI and the hospitals, the queenmothers devised a “referral and discharge” form that they provide to individuals in the community. The form advises people to go to the hospital to receive VCT,

PMTCT, antiretroviral treatment (ART) to fight HIV/AIDS, prenatal or antenatal care, and other general health services. The individual presents the form to hospital staff and receives the recommended services. The hospital staff signs the form and may offer recommendations for follow-up care or visits. The individual returns the form to the queenmother when she makes a home visit. This informs the queenmother whether advised services were received and allows her to monitor the health of an individual and to provide extra care and support where required. The referral form thus serves as a type of accountability mechanism, as people are more likely to seek out care and testing if they feel that another individual, especially a queenmother, is interested in their care. Results of VCT are never disclosed to queenmothers unless the individual wishes to share their status. Queenmothers now function as intermediaries between the community and health service providers, which Dr. Nyarko claims has contributed substantially to increased utilization of VCT and PMTCT services (Interview, 9 August 2004).

The MKQMA took several actions to reduce vulnerability to HIV and to mitigate the impacts of HIV. They identified traditional and social practices that potentially exposed people to HIV. Furthermore, they identified and provided information and skills training to key social groups and service providers that were particularly vulnerable to HIV, including women, children, traditional birth attendants, and local undertakers. Their resource mobilization efforts secured funding and food aid for school fees, uniforms, books, etc. for four hundred HIV/AIDS orphans. Partnerships developed their own capacity, which allowed them to transfer their knowledge to the broader community. They also partnered with hospitals to increase utilization of important HIV/AIDS preventative and care services. Ultimately, there is a “multiplier effect” attached to these actions. By training and educating local people in HIV/AIDS awareness, prevention, and care and support issues, they invariably impart their skills and knowledge within their own family and community circles. For instance, TBAs and local undertakers now speak to families about HIV/AIDS, recommend testing, and make referrals to local health providers and hospitals. Children and youth participating in peer education forums can talk to their own peers and siblings about HIV/AIDS and sexual and reproductive health. Women can talk to their husbands, children, and

friends. Knowledge and skills training radiates out from the individual and touches the lives of many.

### *Assessing Progress and Adapting to Change*

The MKQMA has been engaged in building AIDS competence since 2000 when they first approached the DHMT for guidance and assistance. Since that time, over 170 queenmothers, 130 local service providers, 60 *Dipo* graduates, 50 local women, hundreds of local children and youth, and countless numbers of Manya Krobo community members have been beneficiaries of HIV/AIDS awareness and prevention education and training. Furthermore, through partnership formation and resource mobilization, the MKQMA has provided care and support for HIV/AIDS orphans, vocational skills training for local women, and peer education programs for children and youth and have facilitated improved access and utilization of HIV testing, treatment, and health care services. The MKQMA has thus reached the fifth stage in building AIDS competence as outlined by Lamboray and Skevington (2001).

Lamboray and Skevington (2001) maintain that once the awareness has been raised and actions taken to reduce vulnerability to HIV, AIDS-competent communities assess their own progress by soliciting and responding to feedback from the community and adapting their programs and skills as required. AIDS competence requires continual assessment and updating of skills and programs. Lamboray and Skevington (2001) suggest that, as the nature of the community's epidemic changes, so must the responses from the community. This requires program leaders and local service providers to continually update their knowledge and skills. Queenmothers from the MKQMA, particularly the program manager (Manye Nartekie) and program assistant (Manye Makutsu), regularly participate in training and information workshops that address, for example, economic empowerment, social marketing techniques, and care and support for PLWHA (Akuaku 2004). Queenmothers from Upper Manya Krobo confirm that core program staff (program manager and assistants) provide them with regular training and information updates (Group Meetings, August 5 and 9, 2004). The queenmothers maintain regular contact with local service providers to discuss their needs and progress. They maintain regular communication with FHI and GAC and



provide them with quarterly financial and progress reports. However, the MKQMA has not participated in any formal or research review of their programs. However, given their limited resources and that the programs in both Upper and Lower Manya Krobo have only been in place for two to three years, it is expected that program and progress evaluations will be conducted over the next several years. Queenmothers are now in the planning stages for anticipating future program needs.

## OUTCOMES OF AIDS COMPETENCE

Lamboray and Skevington (2001) argue that several positive outcomes arise in AIDS-competent communities. Furthermore, because communities AIDS competence is in constant progression, Lamboray and Skevington (2001) state, “the more AIDS competent a community becomes, the more likely they will be to have a range of good outcomes” (519). The development of AIDS competence yields positive outcomes such as: 1) perceived HIV risk reduction; 2) less HIV infection; 3) more care and support for people living with or affected by HIV/AIDS; 4) increased autonomy; and 5) and improved quality of life in the communities. Manya Krobo communities have demonstrated many of these positive outcomes.

### *Perceived Risk Reduction*

There are several indications that HIV awareness social marketing tools and campaigns have effectively reduced the risk of contracting and/or transmitting HIV in Manya Krobo. Awareness of HIV and prevention strategies is now widespread in Manya Krobo. Local people know how to protect themselves and where to obtain condoms, VCT, PMTCT, and ART. They also know that they can approach the queenmothers as community health workers for information and referrals. At group meetings with the Manya Krobo Queen Mothers (2, 5, and 9 August 2004), they indicated that condom purchasing from local vendors and queenmothers has increased substantially. They also indicated that HIV is now a familiar and popular topic of conversation in the communities and is regularly discussed at public gatherings (Group Meeting, 5 August 2004). They

stated that initially there was some reticence in discussing issues of HIV and sexual and reproductive health; however, queenmothers from Upper Manya Krobo maintain that these attitudes have largely dissipated and now describe people as accepting and attentive (Interviews: Manye Gladys Teye, 9 August 2004; Manye Nartekie, 26 July and 2 August 2004; Manye Otokper, 5 August 2004; Manye Beatrice Kofi, 5 August 2004). Dr. Charles Nyarko from St. Martin de Porres Hospital confirms that the activities of the queenmothers have contributed to increased unitization of VCT, PMTCT, and ART services (Interview, 9 August 2004). Furthermore, the queenmothers suggest that this has resulted in decreased utilization of “quack doctors” – unlicensed individuals practising in the community (Group Meeting, 5 August 2004). Queenmothers encourage people, especially in the rural Upper Manya Krobo to travel to local hospitals and clinics to determine their HIV status or to receive medical care by licensed practitioners. Awareness of HIV and prevention strategies has increased substantially in Manya Krobo, which reduces the risks of new HIV infections. While baseline and subsequent demographic health surveys to measure HIV and sexual health attitudes and behaviours in Manya Krobo do not exist, the *de facto* baseline – widespread ignorance about HIV, negligible condom usage, and little collaboration or cohesion between traditional leaders and community organizations, service providers, and health practitioners – implies that social marketing, training, and partnership efforts have contributed to heightened awareness and thus perceived risk reduction to HIV.

### *Less HIV Infection*

Lamboray and Skevington (2001) argue that AIDS-competent communities experience less HIV infection. The rationale is that, as vulnerability to HIV decreases and behaviours change, the incidence of new infections declines. However, this is often difficult to measure, at least in the short term. HIV surveillance reports prevalence or the percentage of the population living with HIV/AIDS. Thus, if prevalence rates drop, it may reflect that incidence (actual number of new infections over a given period) is decreasing *and/or* that people have died from HIV/AIDS. Stable prevalence rates can indicate that the number of new infections is being matched by the number of AIDS-related deaths. Thus, as Dr. Kwame Essah (FHI)

indicates, it is difficult to measure success using prevalence as an indicator (Interview, 27 July 2004). Incidence is a better measurement because it provides the number of *new* infections over a given period. Dr. Essah argues that the successes in Manya Krobo may not be empirically measurable; they relate to the improved climate of awareness, acceptance, care, and support (Interview, 27 July 2004).

### *More Care*

Dr. Sylvie Anie of the Ghana AIDS Commission argues that one of the important successes emanating from the AIDS-competence-building activities of the MKQMA is the improved care and support of HIV/AIDS orphans in Manya Krobo. Dr. Anie argued that the study conducted by the GAC reveals improved social and academic outcomes for HIV/AIDS orphans following their inclusion in MKQMA programs. For instance, differences in orphans – before and after care – in their health status, school records and other quality of life indicators can clearly be seen (Interview, Dr. Sylvie Anie, 28 July 2004). Queenmothers have contributed to their care by securing food support, funds for school fees and materials and by engaging orphans in after-school and vacation peer education and other activities. While Dr. Anie acknowledges that there is “room for improvement and expansion,” she argues that there are important successes in orphan care in Manya Krobo (Interview, 28 July 2004).

### *Increased Autonomy*

AIDS competence is a bottom-up approach to creating HIV awareness, prevention, and care and support in communities. Programs and initiatives are community-owned and led and take full account of the cultural and social factors that may be susceptible to change. Change agents within the community, such as traditional leaders, assume leadership roles, but the community is expected to fully participate in programs, provide feedback, and engage in the process of developing AIDS competence. Lamboray and Skevington (2001) suggest that the full involvement of the community is imperative to building AIDS competence. This approach provides significant autonomy for communities to develop locally and culturally appropriate responses to HIV/AIDS and adapt responses as deemed necessary.

External agencies do not impose programs on the community but support and build the community's capacity to design and implement their own strategies. The MKQMA has taken a leadership position in building AIDS competence in their communities; however, community members, including Paramount Chief Nene Sakite II, clergy, community-based organizations, schools, vendors, women, children, hospitals, service providers, and health practitioners, have been both beneficiaries and facilitators of HIV awareness, prevention, and care and support activities. This is a community well-positioned to control and confront the epidemic.

### *Improved Quality of Life*

Lamboray and Skevington (2001) predict that quality of life is improved in AIDS-competent communities from the point at which the community acknowledges that they have an HIV/AIDS problem. Experience with communities engaging in AIDS-competence building indicates that there is a net gain in terms of positive outcomes as a result of being AIDS-competent (Lamboray and Skevington 2001). Again, this is difficult to empirically measure without a significant time and financial investment. However, it can be determined that quality of life in Manya Krobo has been enriched through AIDS-competence-building actions and activities. Countless numbers of local people have new knowledge and skills that they did not possess prior to AIDS-competence-building actions and activities. HIV/AIDS orphans and their foster families have new sources of support. There is a spirit of openness and responsibility to respond to HIV/AIDS and care for those who are living with or affected by the disease. These indicators indeed suggest that AIDS-competence-building has created an improved quality of life for people living in Manya Krobo.

## CHALLENGES AND CONSTRAINTS TO BUILDING AIDS COMPETENCE

Despite the successes, several constraints and challenges confront Manya Krobo communities in building and scaling up AIDS competence. Key challenges and issues to be addressed are:

1. poverty and financial constraints;
2. deficiencies in health infrastructure;
3. rural program delivery issues;
4. the care and needs of HIV/AIDS orphans over the short and long-term;
5. women's social and economic empowerment and equality;
6. greater involvement of men and chiefs;
7. moving toward behavioural change; and
8. the participation of queenmothers on local and national decision-making bodies.

Each of these challenges threatens and/or precludes the sustainability and scaling up of current programming. The concluding section addresses these challenges and provides recommendations for policy, practice, and research.

### *1. Poverty and Financial Constraints*

The foremost challenge facing Manya Krobo is the sheer poverty of the area. Poverty and illiteracy rates are very high and there is massive unemployment (MKQMA 2003a). Traditional birth attendants and local undertakers find it challenging to pay for the materials that FHI training advised. They stated that clients usually do not have money to pay the TBA and thus they must pay out-of-pocket for first-aid kits, aspirin, anti-coagulants, bed sheets, blankets, flashlights, boots, aprons, and surgical gloves (Group Meeting, 6 August 2004). While many of the programs use a low-cost/no-cost approach, poverty and financial difficulties threaten

the sustainability of the programs and preclude opportunities for growth and development. While the MKQMA has facilitated the acquisition of knowledge and skills resources, deprivation of material resources threatens people's basic survival, their willingness and ability to translate knowledge into behavioural change, and the survival of the programs themselves. HIV/AIDS is a disease of poverty, and thus efforts to reduce risk and vulnerability to HIV must be coupled with those to eliminate poverty and economically empower people and societies.

The MKQMA operates on extremely limited resources and relies upon FHI and GAC to financially support their programs. Although FHI and GAC provide funds for programs and to support HIV/AIDS orphans, there are still considerable unmet needs. For instance, GAC provides funds for orphans up to the junior secondary school level. Accordingly, there are no funds for children wishing to pursue senior secondary school or tertiary education, and the fees attached make it prohibitive for most children and their foster families. The queenmothers are often poor themselves and have only meagre incomes to support their own families. Furthermore, because they are responsible for the welfare of children and families in the community, they often must pay for clinical care for community members out of their own pocket (Group Meeting, 5 August 2004).

The MKQMA also does not have access to stable and predictable funding for their programs. Funding is contingent upon the capacity and support of donor agencies. Furthermore, funding is usually tied to specific programs, and there is little flexibility to create new programs or to divert funds for other program uses. The MKQMA must spend a great deal of time fundraising for their programs, which diverts already strained human resources. The MKQMA would like to scale up existing programs and add new programs but do not have the resources to do so. Manye Nartekie, the project manager, wants the MKQMA to develop a computer training centre in Lower Manya Krobo. She emphasizes that economic empowerment and skills training are essential to controlling the epidemic, enhancing the standard of living, and providing important growth and career opportunities for Krobos (Interview, 26 July 2004). Professor Amoa of the GAC acknowledged that the MKQMA needs access to longer-term financial support for developing and sustaining current programs, as well as further building organizational and community capacity (Interview, 17

August 2004). Dr. Anie of the GAC admitted that the MKQMA suffers from a “serious dearth in financial support” (Interview, 28 July 2004). The Chieftaincy, Governance and Development Project (2000) suggested that there was considerable sympathy from Ghanaians for queenmothers to access government funding. An endowment from government could provide the MKQMA with the needed resources and flexibility to develop new programs, scale up existing programs, and purchase important capital such as a desperately needed new resource centre to house their programs. The MKQMA has demonstrated their commitment and capability to build AIDS competence in Manya Krobo. Longer-term and sustainable funding, in addition to current support, must be secured to allow the MKQMA to sustain and expand AIDS competence in Manya Krobo. However, if the Government of Ghana is not in a position to provide needed funds, international donor agencies must look towards supporting AIDS-competence efforts such as those in Manya Krobo.

## *2. Health Infrastructure*

Inadequate health infrastructure and access are serious constraints to delivering important VCT, PMTCT, ART, and other health services in Manya Krobo. Manya Krobo is served by two local hospitals – St. Martin de Porres Hospital and Atua Government Hospital. St. Martin de Porres Hospital houses forty-eight beds and Atua Hospital provides eighty-two beds. Thus, demand for services nearly always exceeds capacity. Furthermore, St. Martin de Porres Hospital is staffed by only one doctor and forty nurses. St. Martin de Porres Hospital does not receive any funding from the central government or the district assembly. Access to both hospitals is compromised by poor, unpaved roads that desperately need resurfacing. Dr. Nyarko from St. Martin de Porres indicates that adequate funding and human resources are major problems for both hospitals (Interview, 9 August 2004). Hospitals provide health services on a “cash-and-carry” basis, and thus patients and their families pay for services at the point of delivery. Given inadequate government funding and high poverty levels in Manya Krobo, hospitals and health clinics suffer from ongoing financial problems. Improved access is needed for VCT, PMTCT, ART, and other health services; however, financial constraints preclude or impede renovation or expansion of facilities.

### *3. Problems Specific to Rural Program Delivery*

In Ghana, over 60 per cent of the population lives in rural areas (Seini 2003). This presents problems for program delivery because it is difficult to access rural populations with mass media campaigns (there is little or no television or radio reception in rural areas). For this reason, the Ghana Social Marketing Foundation developed and implemented the Rural HIV/AIDS Campaign, using mobile vans to deliver social marketing materials to rural areas. It is also difficult to organize rural populations for program delivery because of scattered and widespread settlements. Villages and homes in rural areas tend to be widely geographically dispersed. Queenmothers from rural Upper Manya Krobo cited problems with long distances to walk between homes and poor road systems to access homes and villages (Group Meetings. 5 and 9 August 2004). Queenmothers make home visits to discuss issues of HIV/AIDS and sexual and reproductive health, provide condoms, monitor health, and recommend VCT, PMTCT, ART, or other health services. Inadequate transportation and road systems serve as a major impediment to the delivery of awareness, prevention, health, and support services. Furthermore, when queenmothers discuss these issues, some people have indicated that they do not have the money for transportation to district hospitals. The two district hospitals (located in Lower Manya Krobo) are anywhere from thirty-five to seventy-five minutes by car from Upper Manya Krobo villages. This harks back to the issue of poverty; because the district does not have the resources to develop roads, queenmothers do not have the resources to purchase a vehicle and must use their own resources for taxis and local transportation, and people cannot afford the transportation costs to go to the hospitals to receive VCT, PMTCT, ART, or other health services. It is thus very difficult to deliver rural programming, particularly in impoverished areas such as Manya Krobo.

### *4. Orphans*

The MKQMA successfully secured important food and education aid for four hundred HIV/AIDS orphans in Manya Krobo. However, the queenmothers have expressed concern about providing for the long-term health, education, and emotional needs for HIV/AIDS orphans (Group



Meetings, 2, 5, and 9 August 2004). Furthermore, because the GAC does not provide funding for orphans beyond junior secondary school, one of the major concerns expressed by queenmothers related to their ability to provide financial support for children who wish to pursue senior secondary and tertiary education and training (Group Meetings, 2 and 5 August 2004). Caring for increasing numbers of orphans without unduly straining already overextended family and social networks will be an ongoing challenge in Manya Krobo.

### *5. Queenmothers and Women's Economic and Social Empowerment and Equality*

Despite advancements in women's economic and social empowerment, women continue to occupy subordinate positions in many traditional areas. Persistent cultural and gender norms preclude women from attaining and exercising equal social and economic rights. Women continue to be discriminated against and treated as unequal to men (Fayorsey 2003). Huber (1963) sums up a Krobo woman's social status as one marked by social and economic inferiority. Krobo women are not allowed to choose their own husbands and are expected to demonstrate respect and obedience towards their husbands. Krobo women relinquish their reproductive rights to their husbands who control the number and spacing of children. Krobo women assume the burden of all domestic work and polygamy is also approved under Krobo customary law (Huber 1963). While queenmothers admitted that many of these practices are phasing out, women continue to confront considerable social and economic disadvantage and inequality in Krobo society. However, the Manya Krobo Queen Mothers have continued to advocate for and achieve meaningful gains in social and political equality in terms of traditional political structures. Where traditional political structures and decision-making structures in the Krobo Kingdom and its administration were previously exclusively the domain of chiefs, the Queen Mothers were invited in 2003 to become sitting, and subsequently, voting members of the chiefs' traditional council. This provides them with considerable voice and agency in decision-making around development in the Krobo Kingdom. However, many queenmothers across Ghana and elsewhere in sub-Saharan Africa, are shut out of formal participation in the structures of political authority and decision-making. This continues

to be a major obstacle to the full and meaningful participation of women leaders in social and political organization in their communities.

Unlike chiefs, queenmothers in Ghana do not usually have palaces, access to royalties that accrue from the appropriation of resources of the traditional state, or access to allowances from government (Fayorsey 2003). Even where queenmothers have considerably more power, such as among the Asante queenmothers, Fayorsey (2003) argues that chiefs form enclaves of male autocracy to subjugate their female counterparts. Queenmothers *and* chiefs should continue to review and challenge the negative perceptions and traditional and social practices that circumscribe women's full social and economic inclusion, which consequently exposes them to increased risks of HIV. This is further discussed in the concluding section.

### *6. Involving Manya Krobo Men and Chiefs*

Because women are more susceptible and vulnerable to HIV infection, and arguably face greater social and economic disadvantage than men, programming is increasingly "gendered" or focused on creating HIV/AIDS awareness, prevention, and empowerment strategies for women and female children. However, this can create an asymmetry whereby men's HIV/AIDS awareness, prevention, and support needs are not effectively addressed. It is important to include men in HIV/AIDS awareness and prevention programming – indeed they are a crucial half of the equation for reducing vulnerability to HIV infection. If males learn to behave responsibly in sexual relationships and respect the social, sexual, and economic rights of their partners, both male and female vulnerability to HIV infection will be reduced. Although women's empowerment is crucial to reducing vulnerability to HIV and elevating the status of women, men nonetheless constitute the other half of the primary method of HIV transmission in Ghana: heterosexual intercourse.

Manya Krobo men and chiefs should be encouraged to meaningfully engage in HIV/AIDS awareness, prevention, and support programming. The konor, Nene Sakite II, encourages and supports the efforts of the MKQMA, and regularly addresses his people on issues of HIV/AIDS (Interview: Dr. Kwame Essah, 27 July 2004). Mrs. Gifty Ofori contends that his support has been integral to the success of the MKQMA because it affirmed their credibility and responsibility to develop and deliver HIV/

AIDS awareness, prevention, and support programming (Interview: 28 July 2004). Due to prevailing cultural and gender norms, direct access to males by the queenmothers, especially chiefs, was not considered appropriate. While queenmothers address males during public gatherings, they target women, children and youth for programming. Involving and targeting men and chiefs in HIV/AIDS awareness, prevention, and support programming is the next stage in building AIDS competence in Manya Krobo.

### *7. Moving Towards Behavioural Change*

Dr. Kwame Essah and Professor Sakyi Amoa contend that the MKQMA has substantially raised awareness of HIV in Manya Krobo (Interviews: 27 July and 17 August 2004). However, the next challenge facing Manya Krobo is translating awareness into action. Behavioural change implies increased utilization of condoms, voluntary counselling and testing to monitor one's status, and preventative health services (i.e., controlling and treating sexually transmitted infections). It requires people to apply their knowledge to sexual and social behaviours. Behavioural change remains a challenge in Manya Krobo, and thus social marketing campaigns and access to testing and preventative health services must be sustained and strengthened.

### *8. Local and National Representation on Decision-making Bodies*

Queenmothers across Ghana have proven to be formidable and effective agents in the fight against HIV/AIDS in their communities. Despite their contributions, they continue to be excluded from participation on local, regional, and national decision-making bodies. Queenmothers are not represented at the National or Regional Houses of Chiefs, and only very recently have limited numbers of queenmothers had representation on traditional councils. Mrs. Valerie Sackey, former Director of Public Affairs under the Rawlings administration, stated that queenmothers have formed associations at the district, regional, and national levels to *inter alia* lobby for inclusion in National and Regional Houses of Chiefs, but suggests that there is "serious resistance to women joining the Houses of Chiefs" (Interview: 29 July 2004).

Because queenmothers cannot hold membership in the National House of Chiefs (NHC), they were inevitably excluded from participating in stakeholder discussions around the formulation of Ghana's national strategic framework. Prominent male traditional leaders drawn from the NHC and across Ghana were invited to participate on seven stakeholder committees in the formulation of the 2001–2005 national strategic framework. However, according to the list of participants, queenmothers were not represented on stakeholder committees (Government of Ghana 2001). Queenmothers make valuable contributions in their communities and deserve to have their voices heard and represented on national, regional, and local decision-making bodies. While the NHC has permitted their informal involvement, by inviting queenmothers to selected meetings,<sup>10</sup> formal integration is imperative to their full and equal representation on national, regional, and local decision-making bodies.

## CONCLUSION

The case of the Manya Krobo Queen Mothers Association demonstrates the potential for involving female traditional leaders in the fight against HIV/AIDS. Queenmothers' traditional duties relate to the welfare and well-being of women, children, and families, which naturally extends to protecting them against the risks and impacts of HIV/AIDS. HIV/AIDS poses enormous challenges to communities, particularly rural, impoverished communities. AIDS competence provides a framework for grass-roots community responses to HIV/AIDS. AIDS competence means that communities become empowered to develop and implement locally and culturally appropriate strategies to address their unique needs. Ultimately, AIDS-competent communities create "AIDS hardy" populations that are equipped to respond to the risks and impacts of HIV/AIDS. AIDS-competent communities are more likely to demonstrate perceived risk reduction of HIV infection, less HIV infection, more care and support for people living with or affected by HIV/AIDS, improved quality of life, and increased community autonomy.

Manya Krobo Queen Mothers acted as change agents in the development of AIDS competence. Following recognition of HIV infection

in their communities, they sought and received HIV/AIDS awareness, prevention, and support training by establishing partnerships with non-governmental (FHI) and governmental (GAC) organizations. They then transferred their knowledge and training by developing and implementing widespread and targeted social marketing campaigns. They also provided education and skills training for targeted groups, including women, children and youth, and HIV/AIDS orphans. Furthermore, the queenmothers identified traditional and social practices that were inimical to reducing vulnerability to HIV infection. They mobilized resources and partnerships to provide care, support, and testing and treatment services for people living with or affected by HIV/AIDS. The data from this case study demonstrates that the actions of the MKQMA have contributed to building AIDS competence in Manya Krobo.

However, the sustainability and progression of AIDS competence is threatened by several constraints and challenges. High levels of poverty and unemployment, inadequate access to health and testing services, increasing numbers and needs of HIV/AIDS orphans, and gender inequality compromise or undermine efforts to build AIDS competence. To address these problems, increased levels of sustainable funding for capital and human resources and health and social needs is essential. Furthermore, there needs to be a greater involvement of men and chiefs in programming, as well as a full review of social and traditional practices that expose or increase vulnerability to HIV/AIDS. Queenmothers and women need to have equal representation on local, regional, and national decision-making bodies to ensure that their needs and perspectives are recognized and considered. Sustaining and scaling up AIDS competence will require a considerable and long-term investment of time, resources, and energies. Traditional leaders are willing to provide leadership and to develop and deliver low-cost/no-cost programs; however, technical and funding partnerships are essential to building and sustaining AIDS competence.



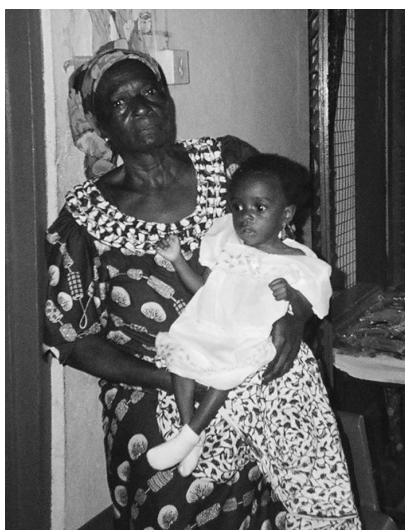
MANYA KROBO SCHOOLCHILDREN. (PHOTO: SHERRI BROWN.)



MANYA KROBO QUEENMOTHERS ASSOCIATION RESOURCE CENTRE.  
(PHOTO: SHERRI BROWN.)



UPPER MANYA KROBO QUEENMOTHER  
DEMONSTRATING CONDOM USE.  
(PHOTO: SHERRI BROWN.)



MANYA KROBO WOMAN WITH  
HER FOSTER CHILD. (PHOTO:  
SHERRI BROWN.)



MANYE NARTEKIE,  
DEPUTY PARAMOUNT  
QUEENMOTHER,  
AND SHERRI BROWN.  
(PHOTO: SHERRI  
BROWN.)



MANYA KROBO CHIEFS AND QUEENMOTHER. (PHOTO: SHERRI BROWN.)



UPPER MANYA KROBO QUEENMOTHERS. (PHOTO: SHERRI BROWN.)



## NOTES

- 1 Exact figures are not known. Sources: Interview, Manye Nartekie, 2 August 2004; Manye Krobo Queen Mothers Association (MKQMA), 2003. *Executive Summary of the Projects of the Manye Krobo Queenmothers Association*. MKQMA: Odumase-Krobo, Ghana.
- 2 I was not able to obtain the exact year when the Ghana Education Service and Manye Krobo District began providing English language instruction as part of core education curricula.
- 3 Descendants of the Basel missionaries made two visits to Odumase-Krobo in August 2004 while I was there conducting fieldwork. Chiefs, queenmothers and many community members warmly welcomed them and held a small durbar (festival) in their honour.
- 4 The Manye Krobo and Yilo Krobo districts in the Eastern Region are renowned for their distinctive bead handicraft. Krobo produce exquisitely crafted and colourfully painted powdered beads made from Bodom, Zagba, Ader, Koli, Olongo and other materials.
- 5 The 'paramuncy' of Manye Krobo refers to the paramount traditional leaders (male and female) – and comprises the paramount and deputy paramount chiefs and queenmothers. The paramuncy refers to these reigning leaders, and the royal houses from which these leaders descend.
- 6 Interview: Dr. Charles Nyarko, Chief Medical Officer at St. Martin de Porres Hospital, Manye Krobo district, Eastern Region, Ghana. Held 7 August 2004.
- 7 Based on figures from NACP/GHS (2003) and Sauvé et al. (2002).
- 8 DFID provides funding to FHI under the "Start" program. FHI manages and disburses these funds to local organizations, including the Manye Krobo Queen Mothers Association. Exact funding amounts could not be obtained from FHI.
- 9 From June 2004 to May 2005, the GAC would disburse a total of 300 million cedis in quarterly payments.
- 10 For example, Manye Nartekie addressed the NHC in March 2004 on the work of the MKQMA.

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## LIST OF INTERVIEWS/MEETINGS

<b>Date</b>	<b>Name and Place of Interview</b>	<b>Title and Organizational Affiliation</b>	<b>Type of Organization</b>
26 July 2004	Esther Kpabitey (Manye Nartekie) <i>Odumase-Krobo</i>	Deputy Queenmother and Program Manager, Manya Krobo Queen Mothers Association	Traditional Leader Organization
27 July 2004	Dr. Kwame Essah <i>Accra</i>	Country Director, Family Health International	NGO
28 July 2004	Mrs. Gifty Ofori <i>Accra</i>	Programme Officer, Family Health International	NGO
28 July 2004	Dr. Sylvie Anie <i>Accra</i>	Director of Research, Policy, Monitoring and Evaluation, Ghana AIDS Commission	Para-Public
29 July 2004	Mrs. Valerie Sackey <i>Accra</i>	Former Director of Public Affairs, Office of the President, President J.J. Rawlings Administration	Government
29 July 2004	Mr. Duke Ofori-Atta <i>Accra</i>	AIDS Coordinator, Okyeman AIDS Foundation	Traditional Leader Organization
30 July 2004	Dr. Joseph A. Ayee <i>Legon, (University of Ghana)</i>	Dean, Faculty of Social Studies, University of Ghana-Legon	University
2 August 2004	Esther Kpabitey (Manye Nartekie) <i>Odumase-Krobo</i>	Deputy Queenmother and Program Manager, Manya Krobo Queen Mothers Association	Traditional Leader Organization
2 August 2004	Group Meeting <i>Odumase-Krobo</i>	Planned Parenthood Association of Ghana (PPAG) Peer Education Group Meeting	CBO
3 August 2004	Group Meeting <i>Odumase-Krobo</i>	Manya Krobo Local Undertakers Association	CBO
5 August 2004	Group Meeting <i>Otrokper, Upper Manya Krobo</i>	Queenmothers from Upper Manya Krobo-Otrokper	Traditional Leader Organization
5 August 2004	Manye Beatrice Kofi <i>Otrokper, Upper Manya Krobo</i>	Queenmother for Sekesua	Traditional Leader Organization

5 August 2004	Manye Otokper <i>Otokper, Upper Manya Krobo</i>	Queenmother for Otokper	Traditional Leader Organization
5 August 2004	Monica Mawuger Tetteh <i>Otokper, Upper Manya Krobo</i>	Queenmother for Breponso Ogome	Traditional Leader Organization
6 August 2004	Ms. Rebecca Anyan <i>Odumase-Krobo</i>	National Service Personnel, Assistant to Manya Krobo Queen Mothers Association	Traditional Leader Organization
6 August 2004	Group Meeting <i>Odumase-Krobo</i>	Manya Krobo Traditional Birth Attendants Association	CBO
6 August 2004	Ms. Maku Kodji <i>Odumase-Krobo</i>	President of the Manya Krobo Local Undertakers Association	CBO
6 August 2004	Ms. Comfort Naki Odonkor <i>Odumase-Krobo</i>	Vice-President of the Manya Krobo Local Undertakers Association	CBO
7 August 2004	Mrs. Comfort Ayertey <i>Odumase-Krobo</i>	Manya Krobo Traditional Birth Attendants Association	CBO
7 August 2004	Manye Maku-Kpong <i>Odumase-Krobo</i>	Queenmother for community of Kpong Manya Krobo Queen Mothers Association	Traditional Leader Organization
7 August 2004	Dr. Charles Nyarko <i>Odumase-Krobo</i>	Medical Officer, St. Martin de Porres Catholic Mission Hospital	Health Sector
8 August 2004	Esther Kpabitey (Manye Nartekie) <i>Odumase-Krobo</i>	Deputy Queenmother and Program Manager, Manya Krobo Queen Mothers Association	Traditional Leader Organization
9 August 2004	Group Meeting <i>Asesewa, Upper Manya Krobo</i>	Queenmothers from Upper Manya Krobo-Asesewa	Traditional Leader Organization
9 August 2004	Manye Gladys Teye <i>Asesewa, Upper Manya Krobo</i>	Queenmother for Asesewa	Traditional Leader Organization
17 August 2004	Professor Sakyi Awuku Amoa <i>Accra</i>	Director-General, Ghana AIDS Commission	Supra-Ministerial Government Organization
20 August 2004	Mr. Rudi Lokko <i>Accra</i>	Chief of Marketing Operations and Coordinator for External Business, Ghana Social Marketing Foundation	NGO



## **7 From Calgary to Krobo and Back: How the IDRC Encouraged Grassroots Links between Canada and Ghana**

Kimberley Schoon

In May 2003, I had the great opportunity to do research and work with the Manya Krobo Queen Mothers Association (MKQMA). I first learned of this particular group of queenmothers and the significance of traditional leadership in development from two classes taught by Dr. Don Ray, “Political Science 279 – Politics of the Global South” and “Political Science 371: Politics of Africa” at the University of Calgary. I was also involved with a group called the Global AIDS Awareness Group (GAAG), at the University of Calgary, whose focus is on raising awareness locally, nationally, and internationally about HIV/AIDS. This group invited Dr. Ray, also a member of the group, to speak at a panel discussion in March of 2003 regarding the topic. He spoke in depth about his research sponsored by the International Development Research Centre (IDRC) of Canada in regard to traditional authority as a potentially effective tool in combating HIV/AIDS in Africa, in particular with respect to the MKQMA.

As a result of this lecture, I was motivated to do research and work with MKQMA while in Ghana.

My initial intentions for visiting the MKQMA was to do research for an undergraduate academic project and to develop a partnership between the queenmothers in Ghana and GAAG in Calgary, Canada. The research component of my visit was aimed at understanding the various aspects of HIV/AIDS resistance in Ghana. In the case of the queenmothers I wanted to understand in greater detail their understanding of HIV/AIDS as a social issue, particularly in the context of gender, and to determine which aspects of their activities most contributed/inhibited their success. The second dimension to my visit was the partnering of the MKQMA in Ghana and GAAG in Calgary, Canada. This was instigated so that GAAG could support the queenmothers by generating resources and awareness in Canada on their behalf.

I visited the MKQMA at their headquarters in Krobo-Odumase on two separate occasions. The first visit took place on 23 May 2004. Manya Krobo Deputy Paramount QueenMother Manye Nartekie (also spelled Manye Natekie or Manya Naterkie) was exceptionally welcoming, as were the rest of the queenmothers. Because Dr. Ray had written ahead introducing me and informing the MKQMA that I would be coming, she knew who I was without an introduction and took my husband and me upstairs where the queenmothers were already gathered for another guest. After listening to a presentation of songs sung by the queenmothers, I was given the opportunity to present my "mission" to the group. Both were accepted (research and partnership). After this I was introduced to the 'AIDS orphans,' who were already gathered for the previous guests. Manye Nartekie and I agreed that I would return the following Thursday to conduct my interviews and to purchase a quantity of crafts to be sold by GAAG in Calgary. Overall, I was overwhelmed by Manye Nartekie's kindness and support.

The second visit took place on 29 May 2004. The queenmothers were just as hospitable as the first time. As Manye Nartekie was initially away for related business, I sat with the Manya Krobo paramount queenmother until I could conduct my interviews. The queenmothers were very willing to answer my questions. As a result of the interviews, I was able to understand further details of the various activities and projects of the queenmothers, as well as their understandings of their capacity as traditional

leaders. Furthermore, the reasons for their success became increasingly obvious, as did the barriers that prevented them from acting further. Following my interviews, we discussed further the potential relationship between their association and GAAG. We determined that GAAG would purchase a quantity of their crafts and attempt to develop a market in Calgary and elsewhere where these crafts could be sold. eW agreed that GAAG would begin thinking of potentially working with MKQMA in order to assist in the sponsorship of the orphans in their care. We also made a list of long-term goals, which included working towards the donation of a sewing machine and the development of a permanent resource centre for their collective use. We all walked away from this meeting feeling incredibly optimistic about the partnership.

During this particular visit, I was installed as an honorary queen-mother. I was presented with the appropriate beads and cloth, identical to the ones they wear while on “official AIDS duty.” Furthermore, I was granted the title “Pi Yo Gu,” which translates as “special woman” or “ideal woman.” This installation took place in the presence of the many queen-mothers involved in the association and was led by Paramount Queen Mother Manye Mamle Okleyo and Deputy Paramount Queen Mother Manye Nartekie I. Their final words as I returned to Accra were to remind me that now I was “one of them,” permanently installed as the Paramount Honorary Development Queen Mother of Manya Krobo.

Since my return to Canada in July 2003, GAAG and I have engaged in several activities in order to fulfill our obligations within the partnership. On a personal level, I have spoken numerous times at schools, churches, and at the University of Calgary with regard to the MKQMA. Many of these events paid me an honorarium; all of the funds were then directed in full to the queenmothers. I completed an independent studies project and several research papers with respect to female traditional authority and development. Much of this work has been published in such media as CBC Radio, the *Calgary Herald*, the University of Calgary newspapers *On Campus* and the *Gauntlet* (the student newspaper), with acknowledgment of the role of the International Development Research Centre of Canada in funding Dr. Ray’s research, which got me involved and active in this project. One further result of this locally generated public education was that I was contacted by a Dutch researcher doing post-graduate studies in



development chiefs/queenmothers. She had read about my experiences on the internet and included me in her research.

GAAG had the opportunity to engage in many events that both supported the MKQMA and worked to raise awareness about HIV/AIDS in our local community. This occurred through such public awareness days as International Women's Day, where we honoured women like the MKQMA who are championing the fight against HIV/AIDS. We also sent volunteers to Sexual Health Awareness Week events. We attended many festivals for the purposes of craft sales, including the Ploughshares Peace Fair in December 2003, and the African cultural festival "Afrikadeys" in 2003 and 2004. We have also had many opportunities to showcase the video, "In Sickness and in Health," a docudrama produced by MKQMA. University of Calgary students in particular have been very interested and excited about the work of GAAG and the MKQMA. In April, 2005 we were able to send to the queenmothers our first disbursement of \$800, money that was generated from craft sales, donations, and speaking/fundraising events. Our policy is to send 100 per cent of revenues to the queenmothers, regardless of expenses incurred along the way.

In 2004–2005, our goal was to raise enough money to send sewing machines to the MKQMA. In June 2004, the people of St. Paul's Anglican Church in Calgary donated twenty sewing machines to the MKQMA and \$1,000 toward the cost of shipping them. Our intention was to develop a sponsorship program to offer financial assistance in the care of the more than six hundred AIDS orphans in the Manya Krobo cultural area. Finally, we will be applying for the status of "registered charity" with the Government of Canada. This will be called the "Manya Krobo Queen Mothers Association, Canadian Chapter." This chapter will be accountable to the MKQMA of Ghana and will act under their leadership and guidance.

My experiences with the MKQMA, all of which arose out of Dr. Don Ray's IDRC-funded research and the Traditional Applied Authority Network (TAARN), have been overwhelming. I feel that what we have done thus far has made a significant and sustainable contribution to the already phenomenal work of the MKQMA. Our local university campus and the Calgary community at large have been inspired by the success of the queenmothers, which is reflected in the growing number of people who are involved in the various activities in which we engage. This part-

nership has become the pride of the students of International Development Studies program at the University of Calgary, who recognize it as an instance in which a student has been able to make a genuine contribution to positive and sustainable development. Numerous people within the academic community are excited by the fact that the project arose out of research being done on campus, specifically Dr. Don Ray's IDRC-funded TAARN project. We've "thought globally," yet "acted locally," and we look forward to a long partnership with both TAARN and the Manya Krobo Queen Mothers Association.



MAKING BEAD NECKLACES AND BRACELETS FOR ONE OF THE INCOME-GENERATING PROJECTS OF THE MANYA KROBO QUEENMOTHERS ASSOCIATION. (PHOTO: KIM SCHOON.)



CAYLA GILBERT AND  
EUNICE MAHOMAH  
– PRESENTATION BY  
THE UNIVERSITY OF  
CALGARY'S GLOBAL  
AIDS AWARENESS  
GROUP TO THE  
CALGARY OLYMPIC  
PARK ROTARY CLUB,  
MAY 2005, ON THE  
WORK OF THE MANYA  
KROBO QUEEN-  
MOTHERS ASSOCIA-  
TION. (PHOTO: DR.  
DON I. RAY.)



HONORARY QUEENMOTHER CEREMONY FOR KIMBERLEY SCHOON – BECOMING MANYE  
PI YO GU. (PHOTO: KIM SCHOON.)



MANYA KROBO QUEENMOTHERS ASSOCIATION. (PHOTO: DR. DON I. RAY.)



MANYE PI YO GU SITTING WITH MANYE NARTEKIE, PARAMOUNT QUEENMOTHER AND OTHER QUEENMOTHERS AFTER INSTALLATION AS HONORARY QUEENMOTHER. (PHOTO: KIM SCHOON.)



# 8 The Predicament of the Akan “Queenmother” (*Ohemmaa*)

Christiane Owusu-Sarpong

## I. INTRODUCTION

A word is not a thing... A word is alive, it moves from mouth to mouth, from one context to another, from one generation to another. – Tzvetan Todorov (1981, 236)<sup>1</sup>

A word’s history reflects the changes a society has undergone. In the Akan<sup>2</sup> world, the word *ohemmaa* most certainly took roots at the beginning of chieftaincy amongst the Akan people. Many centuries have gone by since, and the institution of traditional leadership in what is Ghana today has suffered tremendous changes. In order to track down the origin of the predicament of the Akan *ohemmaa* or “queenmother,” and in an attempt to prove that her predicament has been caused by a constant denial or misrepresentation of the power and authority that may well have been

originally invested in her, I will first turn my attention to “texts of olden days” – namely to two Akan queenmother tales – before taking a closer look at colonial archives referring to “chiefs and queenmothers.” This glimpse into the past will hopefully shed a new light on the contemporary state of affairs: while chiefs have managed to secure a place for themselves in the Ghanaian society of today, queenmothers are sometimes still struggling to regain their lost strength.

The fieldwork I conducted in conjunction with successive groups of students in Asante and Brong-Ahafo (Ghana) between 1992 and 2000<sup>3</sup> harvested a considerable number of Akan texts. Two of these archived stories will be reproduced in their English translation and then analyzed; they both have, as the central figure of their plot a female character, an Akan *ohemmaa*.<sup>4</sup>

While editing the texts of the collections, I was involved in two international research projects, namely *WWA* (an inquest into the secular voicelessness of African women) and *TAARN* (a comparative study of traditional rule in contemporary African states)<sup>5</sup>; these seemingly different academic pursuits soon started to crystallize in my mind and one topic in particular appeared to be central to the multidisciplinary work I was involved in – that of “the Predicament of the Akan Queenmother.”

Once again, Robert S. Rattray’s<sup>6</sup> writings proved to be a major source of inspiration. In the Preface to his bilingual collection of *Akan-Ashanti Folk-tales* ([1930] 1959), Rattray quotes an Asante informant who offers the view that, during the oral performance of a folktale,

... subjects ordinarily regarded as sacred, e.g. the Sky God, the lesser gods, fetishes, spirit ancestors, the rich, chiefs, sexual matters, appear to be treated as profane, and sometimes even tend to become the subject of ridicule ([1930]1959, x).

The view expressed is that the public performance of an Akan folktale often became an exceptionally dramatic event, during which controversial matters of religious, social, or political import were raised; during those very special moments, when some amount of verbal licentiousness was permitted, normally “untouchable” people such as the political leaders were proverbially criticized and elements of social tension were purged (Rattray [1930] 1959, xii).

Interestingly, Rattray had devoted some earlier pages, in his *Ashanti* ([1923] 1969), to those he then referred to as the “old Ashanti mothers,”<sup>7</sup> or, more precisely, to the “position of the senior female in the ruling clan, i.e. the *Ohema* or so-called Queen Mother, and the part she took ... in local government and in the selection and enstoolment of a chief” ([1923] 1969, 81). To date, this passage remains the earliest *locus classicus* on the subject.<sup>8</sup>

In those pages, which even today remain popular in Ghana and elsewhere, Rattray insisted on the importance of the institution of female leadership in pre-colonial Asante as well as on the fundamental need for its survival; yet, at the time of his writings, and probably partly because of the complete “gender chaos” that had by then started setting in, in Asante (Allman 1996, 49), this once strong Akan socio-political system of “Dual Leadership with Gender Parallelism” (Stoeltje 1997) was to be more and more denied, suppressed, and endangered by the Asante male rulers themselves, with the active support of the British policy of Indirect Rule. And, amidst the contemporary turmoil of a post-colonial African state, within which traditional leaders and central government are constitutionally working out various forms of “divided sovereignty and legitimacy” (Ray 1998), the *nhemmaa* managed miraculously to survive, to increasingly regain and to continuously struggle for a proper recognition by their male “counterparts.”

When I started editing Akan folktales with queenmothers as their central heroines, it dawned on me that the storytellers of today are still pursuing the poetic task of subversion, described by Rattray’s informant a century ago; each such story is, at the time and in the place of its performance, making a point that could probably help us grasp the puzzling historical “predicament of the Akan Queenmother” as the embodiment of the eternally suppressed voices of women in power in Africa and in the world at large.

In order to develop this argument, which, basically, will be a development on a persistently negative “social discourse” on the Akan *ohemmaa*, first I shall give the English translation of the two selected tales, then conduct a semiotic textual study of those two texts, and follow this by an analysis of the complexity of female power in the Akan state and the constant academic and political verbal denial of female power in the colonial and post-colonial contexts.



## II. TWO QUEENMOTHER TALES

In Akan culture, *Ananse Kokroko* (the Great Spider) first served as a metaphor of the Supreme Being (Rattray [1916] 1952, 52) and later became “a symbol of tales, that is, of linguistic art and skill and intellectual play, which are the sign of the divine spirit in man” (Kropp-Dakubu 1990, 49). But, more often than not in Akan folktales (*anansesem*, lit. stories of Ananse), Ananse the Spider plays the role of a Trickster, of a “monster of evil and perfidy; summarizing all human shortcomings.... Spider is precisely what we are not supposed to be” (Colardelle-Diarrasouba 1975, 185).<sup>10</sup>

In both tales reproduced below, Ananse the Trickster and a Queenmother will be clashing on the subject of “morality.” In both stories, the Trickster will be tricked. Yet to determine the moral value of the main characters’ actions, and to decide upon who actually tricked whom, must have been much more of a dilemma for the audience of the second tale. This textual confrontation will, in any case, serve as a lively opening of this chapter’s debate on the predicament of the Akan *Ohemmaa* or Queenmother.

### *Tale 1: Kwaku Ananse and the Queenmother Crocodile*

(Kwabena Obeng, 14 January 1996, Bekyem)

Kwaku Ananse once lived with his children. One day he decided that he would find a way to lure all animals and kill them.

“Kwaku, what plan do you have which will enable you to kill all animals?” his children wanted to know.

“You are not smart,” Ananse laughed at them. “Do you want to bet with me, Kwaku Ananse, that I will achieve this feat?”

True to his word, Kwaku Ananse, determined to accomplish this task, wove cane rods into an *apentennwa* – a big cane basket which used to be called *akotwe*. Kwaku also took some rope, in addition to the *akotwe*, and set out for the farm.

On his way, he met Kwabena Agyanka, the *duyker*.

“Kwaku my father, why are you sweating under such a heavy load,” the duyker asked Ananse.

“Your children, Tikononkono, Nyaakronhwea and Ntikuma say that you are heavier than I,” Ananse replied. “But I insist that I am heavier than you are.”

Kwaku put down the load he was carrying. He asked the duyker to lie down in the basket so that he, Ananse, would carry him, supposedly to find out whether he was the heavier of the two. But because Agyanka, the duyker, did not know exactly what to do, Ananse decided to demonstrate it to him. He lay in the contraption and arranged his hands and feet to show the duyker exactly how he would have him do when he got into it.

“You will tie me up before you carry me,” Kwaku explained to the duyker, knowing very well that when it was his turn, he would want the duyker tied up securely before he killed him. “Then you will untie me so that I also can carry you to see which of us is heavier.”

Kwabena Agyanka tied Kwaku up, just as he had been told to do, and carried him.

“Ah, Kwaku, you are not heavy at all,” said the duyker.

Then he put Kwaku down. Ananse tricked the duyker into the basket and tied up his hands and his feet. He carried the duyker and turned round to return home. On the way, the duyker asked him: “Father Kwaku, why don’t you put me down, just as I did?”

“What do you want me to eat if I put you down?” Kwaku asked the duyker.

It was a very sad situation! True to his word, Kwaku Ananse took the animal home and called his children to him.

“Now you know what wisdom I have!” he told them. “You can see for yourself that I have brought one animal home.”

Kwaku Ananse had killed the duyker and used it in cooking his soup.

Three days after this incident, when there was no more meat, Ananse carried the basket again and set off to find another animal. He met Adowa, the antelope, on the way. He tricked Adowa into the basket, tied him up, and turned to go home.

“Father Kwaku, are you really going to use this trickery to kill me?” Adowa asked him on the way. “Why don’t you put me down so that I can also do what you demonstrated?”

“Look here,” was Kwaku’s callous reply, “I am going to kill you; then I will use your offal for cocoyam casserole. As for the meat itself, hmmm... I cannot tell you what I am going to do with it!”

The antelope cried all the way to Ananse’s house. Once they got there, Ananse, with his children, killed him. All this while, Amoakua the squirrel, in his hide-out on the outskirts of the village, had been watching all that Kwaku had been doing. He had seen everything.

Soon there was no more meat. Ananse had killed almost all the animals in the forest. So what happened was that he had to go out again to see whether he could find an animal to kill. He picked up his *akotwe* again and set off for the outskirts of the village with the knowledge that that was Amoakua’s favourite eating place. While Amoakua was eating, he saw Ananse coming toward him with his *akotwe* on his head. Immediately, Amoakua came out to meet him. Kwaku Ananse called out to Amoakua, flattering him with appellations:

*Hail Amoakua, the pure one!*

*Hail Amoakua, the pure one!*

*Hail Amoakua, the pure one!*

“Why are you, as old as you are, sweating under such a heavy load?” Amoakua asked Ananse. “Where are you going?”

“It’s your children,” Ananse replied. “They insist that you are heavier than I; I say, however, that I am heavier than you!”

“Hey, Kwaku, all this is unnecessary,” Amoakua told him when he had put the basket down in preparation for his usual demonstration.

“Oh, don’t worry,” Ananse replied. “I am going to show you how it is done. You will carry me first; after you have put me down, I will carry you.”

Amoakua pretended to sit in the basket first.

“Hey, Amoakua, this is not how it is done,” Ananse protested. “Put your hands and your feet in the basket!”

“You know, Kwaku, that I walk with both hands and feet,” Amoakua answered. “You know that when God created me he did not make me straight. Therefore come and lie in the basket and show me how I can do it right.”

Amoakua had planned that as soon as Ananse sat in the basket, he would tie Ananse up. So when Ananse lay in it, Amoakua quickly tied him up tightly. He also decided to carry Kwaku home and kill him; then Ananse would know what hunger was really like! He set off for home. When Kwaku Ananse realised what was happening to him, he started lamenting out loud.

“Amoakua, why don’t you let me down so that I can also do what I showed you?”

“Look here,” Amoakua retorted, “you have tricked all the animals and lured them to their death. I alone am left. I am also taking you home to cut your head off so that you will know what hunger is really like.”

Kwaku Ananse cried and cried and cried. On their way, they came to a pond. While they were crossing it, Ananse suddenly had a great idea. He stared into the water, and then lifted up his voice in song:

*Queenmother Crocodile lying in the depths of the pond,  
Queenmother Crocodile lying in the depths of the pond,  
No animal was able to tie Ananse up ... to tie Ananse up,  
Amoako the pure one has tied Ananse up ... has tied Ananse up,  
Odennee, okudennee, odennee,<sup>11</sup> he has tied Ananse up,  
Odennee, okudennee, odennee, he has tied Ananse up,  
Odennee, okudennee, odennee, oo !*

Immediately, the bottom of the pond shook! Kwaku Ananse lifted up his voice in song again:

*Queenmother Crocodile lying in the depths of the pond,  
Queenmother Crocodile lying in the depths of the pond,  
No animal was able to tie Ananse up ... to tie Ananse up,  
Amoako the pure one has tied Ananse up ... has tied Ananse up,  
Odennee, okudennee, odennee, he has tied Ananse up,  
Odennee, okudennee, odennee, he has tied Ananse up,  
Odennee, okudennee, odennee, oo !*

As if on cue, Crocodile rose out of the water and lay down on the edge of the pond.

“Hey Amoakua, why, what is wrong?” Crocodile asked. “You know that Kwaku Ananse is our leader; why have you tied him up?”

“Nana,<sup>12</sup> Kwaku Ananse has tricked the elephant and all the other animals in the forest and lured them to their deaths,” Amoakua explained. “Now I am the only one left in the bush. By the grace of the Creator, I have succeeded in luring him and tying him up. I was just about to take him home and cut off his head so that he too will feel hunger in the pit of his stomach!”

“Well, you know that I am the queenmother of all the animals,” Crocodile replied. “Since Kwaku has asked me to intercede on his behalf, I ought to be able to help him.”

“Nana, Kwaku Ananse is a very troublesome person,” cautioned Amoakua. “Let me take him away!”

“Oh, don’t worry,” Crocodile assured Amoakua. “Let us give him another chance and see what he will do after this.”

Kwaku Ananse was untied. You should have seen the once-brave man, scared, sweating, and feeling quite miserable! For the help she had given him, Kwaku decided to swear an oath to the queenmother Crocodile.

“Nana, I would like to advise you not to trust Kwaku Ananse,” said Amoakua to Crocodile. “If you are not careful, he will trick you and kill you as he did to all the other animals!”

“Nana, don’t listen to what Amoakua is saying,” Ananse cut in. “I am going now, but I promise that I will return to show my appreciation.”

Kwaku was allowed to leave. In disgrace, he carried his *akotwe* home.

“I have seen Crocodile the Queenmother,” Ananse informed his wife when he got home. “You should see her tail; it would be very good in palm-nut soup!”

“Hey Kwaku,” his wife exclaimed. “Why are there so many welts on your skin?” He did not tell her the truth about what had happened to him. On the day he promised to return to the Queenmother Crocodile, Kwaku Ananse asked his wife to make some white mashed yam with twelve cooked eggs. He was going to call Crocodile and use the food to lure her to her death.

His wife did as he had asked. When she had finished, Ananse set out on his way to lure Crocodile out of the pond, and together with his wife, eat her flesh. He carried the food to the pond, and when he arrived, he started to sing his song:

*Queenmother Crocodile lying in the depths of the pond,  
Queenmother Crocodile lying in the depths of the pond,  
No animal was able to tie Ananse up ... to tie Ananse up,  
Amoako the pure one has tied Ananse up ... has tied Ananse up,  
Odennee, okudennee, odennee, he has tied Ananse up,  
Odennee, okudennee, odennee, he has tied Ananse up,  
Odennee, okudennee, odennee, oo !*

Immediately, the bottom of the pond shook! The crocodile rose out of it.

“Nana, here is the promise I made to you,” said Kwaku Ananse, giving the food to Crocodile. When Crocodile started to eat the food, she first took an egg. Kwaku Ananse waited impatiently for an opportunity to kill her, his knife well-sharpened. He had hidden the knife and was trying to persuade Crocodile to eat more eggs.

“Kwaku, be patient,” Crocodile said to him. “This is your gift to me; whether I eat it myself or give it to my children is really none of your business!”

Kwaku Ananse was very impatient. He desperately wanted Crocodile to pick up another egg, so that he would have the opportunity, in her unguarded state, to cut her up. Meanwhile, Crocodile had caught on to what Kwaku had up his sleeve. They were still arguing over the egg when Kwaku Ananse took out his knife to cut Crocodile. But Crocodile was quicker; she lifted up her tail, brought it down sharply right into Kwaku Ananse, and cut off his head which got itself reattached to his rear!

This is the reason why the spider’s head is attached to his rear, and his rear attached to his head!

## *Tale 2: How divorce came into the world*

(Eno Sikyaena, 9 January 1998, Kwaso)

Today, I am going to show you how divorce came into the world. This is the story.

There was once a woman whose name was Domaa Akua; and she was very beautiful. She was a queenmother. This queenmother caught a very contagious skin disease. This disease was known as *buropete*. Anyone who

had this disease was not allowed to live at home. Rather, a small hut was built some distance from the village, and the afflicted person was quarantined in that tiny settlement.

When the queenmother, Domaa Akua, caught this disease, she was covered with sores from her head to her toes.

“We have to take precautions,” the people said, “otherwise it will spread in this village.” They found a good place about six miles away from the village. They weeded it and built a hut there. (A long time ago, our forefathers called a hut *sese*). They packed all her belongings including her pots and pans and sent them, along with her, to her new place. They lit a fire for her and provided her with all that she would need to dress her sores. Every day, on waking up, this woman would light a fire, boil water, and clean her sores. The elders of the town would also visit her every day to see how she was faring. This continued for some time.

One day Kwaku Ananse set out to look for wild yam. Then he saw flames pushing up smoke in the middle of the forest.

“Ah! Who is this bold person who has chosen to settle in the middle of this thick forest?” he wondered. Kwaku walked on, little by little, into the forest. Suddenly, before him stood a woman who was very beautiful to look at.

“Ei? Why, my good woman?” Kwaku asked her. “What is wrong with you?”

“Anyone who is afflicted by this disease, my good man, is not allowed to live in our village. A place is found for that person to live away from the village. That is why I have come here.”

“A beautiful woman, such as you are?” Kwaku asked. “Tell me, if I take care of you until you are healed, would you marry me?”

“Oh! my lord, I would marry you,” she replied. “As a woman living alone in the middle of the forest, do you think that if God were gracious enough to bring healing to me through you I would refuse your proposal of marriage? Tell me, whose proposal would I accept?”

“I can see that you are agreeable. I have to leave but I would want you to try and look for a gourd. If you do not get it, do not worry. I will look for one and bring it along with me on my return. On second thought, since you cannot return home, who else can bring it to you but I?”

Kwaku Ananse abandoned his search for wild yams and set out to look for the gourd. He walked and walked, looking for the gourd and

some cotton wool. He found it, tore off a piece of cotton wool, and returned to the woman with all these items.

“Whenever you finish rubbing the medicine all over your body, put the used cotton wool in this gourd,” he told the woman.

Every day Kwaku would come and dress the sores and cover them with the medicated cotton wool. In the evening, he would take them off and place them in the gourd.

The gourd was soon full of pieces of used cotton wool, and the woman was completely healed. She was once again her old self, Domaa Akua, the queenmother. Kwaku and the woman continued their relationship; as her husband, he often came to see her.

“Papa, make me a farm,” the woman asked of Kwaku one day.

“I will indeed make you a farm,” Ananse replied. “Why not?” And Kwaku made her a farm.

All the crops on the farm grew well. On market days, the woman would take some foodstuffs from the farm and sell them. She would use some of the money she made from the sales to buy salt and other needs. Then she would return home. This was her usual practice.

She was recognized at the market by a woman called Ankoma, who immediately ran to the chief’s palace.

“Nana!” Ankoma called out.

“Yes,” the chief responded.

“Ei! I have seen Nana Domaa Akua, and she looks more beautiful than ever!”

“Oh, it can’t be true. Since we sent her away about a year ago, we have not been to see her. She must be dead by now, and you come to me talking about these heavy matters!”

“I swear by the sacredness of your foot, Nana, that I saw her!”

“When she comes to the market again, come and call us. When you have positively identified her as the woman, come and call us so that we too can see her and confirm that it is indeed her.”

Ankoma became very vigilant at the market place from then on, looking out for Domaa Akua.

Soon it was market day again, and Domaa Akua was at the market, with her wares arranged ready for sale.

Sales began and the market teemed with people busy with buying and selling. The woman, Ankoma, walked about, on the look-out for Domaa



Akua. Then she saw her sitting by her wares. She broke into a run and returned to the village.

“You did not believe me when I told you that I had seen Domaa Akua,” she told the chief. “She is back again. Come, you have to see her for yourselves.”

“Go with her and confirm what she has told us,” the chief instructed his linguist.<sup>13</sup>

When they got to the market place, Domaa Akua was there indeed, seated by her wares.

“Nana, you are welcome,” the village people said to Domaa Akua, without further ceremony.

“Thank you,” she replied.

“Nana says we should bring you to the palace.”

“Who is going to take care of my wares while you take me to the palace?”

“We will take care of them for you. You go on and listen to what Nana has to say,” the market people assured her.

Domaa Akua left her wares in the care of the market women and set off for the palace.

“We will not allow you to go back to your hamlet,” she was told when greetings had been exchanged at the palace. “We would be lying to you if we were to promise you that we would allow you to return to your hamlet. Your stool<sup>14</sup> is still vacant. Come and occupy it.”

“Ever since you sent me away, I have been assisted by a very generous person who has taken very good care of me. What will happen to me if you do not allow me to return home?”

“We cannot let you go,” they insisted. “We would be deceiving you if we were to promise to let you go.”

No matter what she said, they would not let her go. And since she herself was pleased with the prospect of going back to occupy her stool, she did not put up any further resistance.<sup>15</sup> She would do well to stay. And she did.

Meanwhile, Kwaku waited and waited for his wife’s return. Day after day, he waited. Soon, almost a whole month had passed.

“No,” said Ananse, “I do not understand this. Obirekuo, the cuckoo bird, is my friend. I will go and tell him what has happened. This is a situation I cannot handle by myself. After all I have done for this woman,

how can she deceive me by telling me that she's paying a short visit to her town when, in fact, she is running away?"

So Kwaku Ananse called his friend Obirekuo.

"Obirekuo, judge for yourself what this woman has done. After all that I have suffered for her, she tells me that she will return soon from her visit. See what has happened. I will say nothing for now. However, I want you to understand this, Obirekuo, that I will return her skin disease to her.

"How are you going to do this?" Obirekuo wanted to know.

"Do you really think that she intends to return, after all the time she has been away?" asked Ananse. "I am going to return her disease to her. Obirekuo, come, I want you to accompany me."

"I will go with you," replied Obirekuo. "But tell me, how are you going to return the disease to her? How can that be?"

"We are going to organize ourselves into a performing group to perform at a funeral that I hear will take place in that town. The queenmother is bound to be in attendance by virtue of her very status. There I will get the opportunity to give her back the disease."

The two friends discussed the plan thoroughly.

"From now until it is time for us to go," said Obirekuo after deep thought, "we have to perfect our performance."

"I agree with you," replied Ananse.

They made some drums. Then Ananse called his wife, Aso Yaa, and his children, Ntikuma and Afaseenkyerebua. Obirekuo also called his wives and children together. Then they lifted up their voices in song:

*When first I saw her she was a nonentity ... she looked pitiful.*

*She was a nonentity when I saw her.*

*I told you so, Akua Gyaamaa!*

*I told you so, mm, Akua Gyaamaa!*

*I told you so, mm!*

*The song of the bird Obirekuo sounds like the song of the bird*

*Dankaa.*

*Let her come closer,*

*Then throw it at her!*

*Let her come closer,*

*Then throw it at her!*

*Let her come closer,  
Then throw it at her!*

“We are now ready to go,” declared Ananse. “I am ready for whatever happens at the funeral.”

Soon it was time to go. Ananse and his friend prepared themselves for the trip to the funeral. Domaa Akua had no idea that Ananse could ever turn up at the palace. The thought never crossed her mind that a person of his inferior standing would attend this funeral! How could he?

The funeral celebration was in progress and the performers had swung into full action.

“Obirekuo, listen carefully to what I am about to tell you,” Ananse told his friend. “While I am singing you have to wait until she gets very close to us before you throw it at her. When you throw it this way, you will see that the disease has returned to her. If she is far away, do not throw it at her; otherwise too many people will be infected. So let her come close to us. Therefore listen carefully as I sing; that way you can throw right on cue, just as we planned it.”

They lifted up their voices in song again:

*When first I saw her she was a nonentity ... she looked pitiful!  
She was a nonentity when I saw her.  
I told you so, ei! ei!  
Akua Gyaamaa ei!  
I told you so, ei! ei!  
Akua Gyaamaa ei!  
I told you so ei! ei!  
The song of the bird Obirekuo sounds like the song of the bird  
Dankaa.  
Let her come closer,  
Then throw it at her!  
Let her come closer,  
Then throw it at her!  
Let her come closer,  
Then throw it at her!*

“Nana, there is a group of performers here whose performance far surpasses the ones you brought here,” the people said. “You have thrown good money away by hiring the others! You have wasted good money! The good performers are down there. You should see them with your own eyes! We do not have words to adequately describe their performance. You should have placed them here by your side. In fact, if you do not go down there to commend them by dancing to their music, they will depart with ill-feelings. Their performance is extraordinary!”

As soon as the performers saw the chiefs coming towards them, the performers lifted up song:

*When I first saw her she looked pitiful!*  
*She was a nonentity, she looked pitiful*  
*I told you so!*  
*Akua Gyaamaa, ei!*  
*I told you so!*  
*Akua Gyaamaa ei!*  
*I told you so!*  
*The song of the Obirekuo bird sounds like the song of the Dankaa*  
*bird.*  
*Let her come closer,*  
*Then throw it at her!*  
*Let her come closer,*  
*Then throw it at her!*  
*Let her come closer,*  
*Then throw it at her!*

The chief began to dance. His *Kontihene* (his regent) and the *Asafohene* (the leader of his army) also danced.

“Nana, Queenmother,” the people said, “it is amazing that these men know your name, which very few people use. Even we do not use your name very often. See how they say your name, Akua Gyaamaa, with all its appellations. We would like to suggest that when you escort the chief and his entourage back to their seats, as God is our witness, you too should return and dance to their music. The performance of the men is outstanding!”

The queenmother got ready to dance, holding her cloth and turning it this way and that. She let her cloth fall gracefully from her hands, and she began to dance to the music of the performers:

*When I first saw her she looked pitiful  
When I first saw her she was a nonentity.  
When I first saw her she looked pitiful,  
When I first saw her she was a nonentity.  
I told you so!  
Akua Gyaamaa,  
I told you so!  
Akua Gyaamaa  
I told you so!  
The song of the bird Obirekuo sounds like the song of the bird Dankaa.  
Let her come closer,  
Then throw it at her!  
Let her come closer,  
Then throw it at her!  
Let her come closer,  
Then throw it at her!*

As the queenmother danced, turning this way and that, Obirekuo turned to Kwaku Ananse.

“Kwaku, as for me, I am ready to fly off. I am a little worried about how you can get away. As for me, as soon as I have thrown it, I will take off.”

“Be firm in your resolve,” Ananse told his friend. “Let her come closer. When she gets closer, we can then determine better our get-away plan.”

Then they sang their song again:

*I told you so!  
Akua Gyaamaa ei!  
I told you so!  
Akua Gyaamaa ei!  
I told you so!  
When I first saw her, she looked pitiful,  
When I first saw her, she was a nonentity.*

*When I first saw her, she looked pitiful,  
When I first saw her, she was a nonentity.  
The song of the bird Obirekuo sounds like the song of the bird  
Dankaa.  
Let her come closer,  
Then throw it at her!  
Let her come closer,  
Then throw it at her!  
Let her come closer,  
Then throw it at her!*

Obirekuo lifted up the gourd of used cotton wool and threw it at her –  
*too!*<sup>16</sup>

“Kwaku Ananse says ‘Take back your disease,’” said Obirekuo, as he  
threw the gourd at her.

The woman collapsed, and Obirekuo took off. But Kwaku Ananse was  
grabbed by the throat...

“You this man! What you have done here today in public has put your  
life in great danger,” the townspeople told Kwaku. “Your brother has fled;  
but you will not get out of this alive!”

Ananse was firmly grabbed, handcuffed, and sent to the chief’s palace.

“We are going to cut your head off; and your blood will be poured to  
cleanse our stools because of the crime that you have committed. Never,  
in this town, have we seen such sacrilege! Who are you that you should  
infect a prestigious personality such as the queenmother with this disease,  
during such a public, well-attended event?”

“*Nananom,*”<sup>17</sup> Kwaku Ananse addressed the chiefs, when he had been  
dragged before them at the palace, “I know that you are going to kill me.  
However, I beg you in God’s name, to allow me to try and explain to you  
why the woman should be blamed for what has happened today. When  
I complete my explanation and you still want to kill me, you can do so.”

Some of the people began to plead for him thus: “Nana, it will be  
impossible for him to flee. Therefore allow him to explain his relationship  
to this woman which seems to be at the root of the crime that has been  
committed in public today. That way, everyone will hear what he has to  
say. It will be a fair deal. And then if you have to kill him, you can do so.”

“*Okyeame!*” Ananse called out to the chief’s linguist. “Ask Nana whether he has ever seen me in this town.”

“No,” Nana answered.

“Ask the queenmother if she knows me,” Ananse requested.

“Yes, I know you,” the queenmother answered.

“Ask her how she knows me,” instructed Kwaku.

“When I had the contagious skin disease, the chiefs sent me into the forest because they said that if I stayed in town, I would infect other people with it. They built me a small hut and asked me to live in it. This is the man who healed me of my disease and made me well. After that, I came to the market every day to sell my wares. When once, I came to the market, and you sent for me, try as I did, you refused to allow me to go back to my home. As God lives, I cannot say in all honesty that I do not know this man. This is why all this has happened. This is what I have to say.”

“Well, well!” said the elders, now fully appreciative of the matter before them.

“Nana, are you satisfied with the explanation the woman has given to you?” Ananse asked the chiefs.

“Yes, we are,” the chief replied.

“Take her then,” Ananse told them. “I am returning her to you just as you took her to the hut in the forest once. She belongs to you, take her.”

I have shown you how divorce came into the world.

### III. TEXTUAL ANALYSIS: A SEMIOTIC PERSPECTIVE

Every culture possesses this capacity to generate texts, which it uses to produce the types and quantities it feels it needs, both functionally and aesthetically...

Writing in the semiotic sense, which includes all signifying sets of social signs, points to the notion of *texture*, social fabric, web of experienced and accepted constraints, claims of possible imaginative pulsions in a given culture. – Simon Battestini (2000, 361)<sup>18</sup>

Amongst the Akan, public speech remains, to date, circumscribed; strict limitations have been placed on all forms of protest against the decision-makers and the norms they regulate, at all levels of the still-existing “traditional” socio-political structure. This control is being exercised inside the large “family houses” by the family elders (*mpanimfo*); at the political level, whether at the chief’s palace (where major decisions concerning matters of the traditional state are taken), at the chief’s courts (where land and chieftaincy disputes are settled), or at the village square (during funerals or annual festivals), where “communication functionaries,” such as the *akyeame* (chief’s counsellors and speech intermediaries), the *akyerema* (royal drummers), or the *abofɔ* (heralds), have the prerogative of safeguarding their leaders’ public image as well as social peace and harmony.

Nevertheless, social tensions are regularly released during cathartic “anti-structure” rituals such as the Brong *Apoo* festival<sup>19</sup> or the Nzema-Ahanta annual *Kundum* festival. In an organized manner, performers of songs such as the *avudwene* have been participating, over the years, in the continuous production of “a poetry of profound political significance” (Finnegan 1970, 82), so much so that Kofi Agovi considered the *avudwene* singers as true “democratic agents” (1995, 48); their texts, like those of the *Apoo* singing groups, seem to constitute an ongoing discourse on leadership, on sovereignty and power, on freedom of expression, and on accountability.

Akan women’s access to public rhetoric tends to be more restricted than that of men; they were totally forbidden from appearing at public proceedings at the palace during their monthly period of “uncleanness.” This, however, never prevented them from being creative in the expression of their grievances or praises. During funerals, for instance, it has been women’s prerogative to sing dirges (Nketia [1955] 1969) or *nnwon-koro* songs of praise (Anyidoho 1994); the Nzema *ayabomo* maiden songs (Agovi 1989) or the Asante *mmomomme* songs and pantomime dances (Arhin 2000) in support of their men at war constitute well-documented examples of Akan women’s oral poetry. During daily interactions, “textile rhetoric” still serves as a remarkable form of non-verbal expression, which, alongside proverb-creation (*ebebuo*), Akan women resort to in order to project an argument, for instance, in the realm of domestic rivalry/inside a polygamous marriage; proverbial textile prints such as *Ahwene pa nkasa* (“Precious beads are silent”) can be worn by a teasing “senior wife”



who might well feel like proclaiming loud and clear, to the hearing of her co-wives, that “A man is not a pillow upon which to rest one’s head” (Yankah 1995, 83).

The apparently anodyne act of storytelling represents a more subtle and complex instrument at the disposal of any adult member of the Akan community, any time he or she wishes to make a point, in the same fragile, elaborate, and ever-changing manner a spider waves its web; this may well be one reason why the Akan describe tale-telling as *anansesem to* (lit. “to spin a spider’s-web”). Interestingly, the word “text,” as recalled by Battestini, etymologically means “a set of woven ideas”; by analogy, the production of a “text” is, in Textual Semiotics, “made from a limited inventory of selected signs and symbols, proper to one culture, serving as scaffolding during its construction,” which necessarily “aims at testifying or contesting texture”; in this new perspective, a “text” becomes, “against the usual senses of ‘structure’ or ‘appearance’ or ‘disposition of the constituent parts’ of a fabric, an autonomous dynamic entity” (2000, 413). In other words, a tale-text poetically voiced by a gifted member of a community must be perceived as a statement on ever-changing matters of communal relevance.

In this respect, Kwabena Obeng’s and Eno Sikayena’s literary suggestions on gender relations in Asante and, more particularly, on “the Predicament of the Akan Queenmother,” appear as totally opposed. Both storytellers live in regions of Ghana (Brong-Ahafo and Asante) where chieftaincy took roots and continues to flourish; in both stories, Ananse the Trickster and a queenmother are central figures of the plot; yet this is where the similarity ends. A brief overview of each tale will highlight the fact that Kwabena Obeng, the male storyteller, is actually carrying out a literary denial of the institution of female leadership and tackles gender relations just to add a touch of comic relief to his story, while Eno Sikayena, the female storyteller, produces a very committed “monument” of Akan “verbal art,”<sup>20</sup> a feminist apologia on Asante history.

### *Kwaku Ananse and the Queenmother Crocodile*

Kwabena Obeng’s version of this tale is, in many ways, a typical West African “Trickster story” inside which Kwaku Ananse (the male anti-hero) symbolizes the selfish, greedy, and callous member of his community, as

well as the boastful husband and father who ends up being ridiculed and trapped at his own game. The “Trickster” (whose relationship with the human world or animal kingdom remains somehow unclear) will be tricked twice, first by Amoakua, the clever squirrel, who lives on the borderline (*nkwantia*) between the village and the bush (*fukwan*) and has observed the cruel manner in which Ananse-the-Spider was trapping and killing all the animals of the Kingdom (*mmodoma*), one after the other; this is the turning point of the story, for Ananse, in danger of losing his life, then appeals to Crocodile, who, according to the custom of *dwantoo*,<sup>21</sup> pleads for his release, despite the squirrel’s violent protest:

“Hey Amoakua, why? What is wrong?” Crocodile asked.  
“You know that Kwaku Ananse is our leader; why have you tied him up? ... You know that I am the queenmother of all the animals. Since Kwaku has asked me to intercede on his behalf, I ought to be able to help him.... Let us give him another chance and see what he will do after this.”

The plot moves on with Kwaku playing a trick on the queenmother herself and getting his final punishment: a disgraceful disfigurement of body which would bar him from becoming a chief.

Kwaku Ananse represents a male figure (*barima*) living with his family in a home in the village (*fié*); prototypically, the portrayal of family relations in the story is a mockery of Ananse’s irresponsible acts of bravado and a condemnation of the reprehensible aspects of his character; but it does not, in any pungent manner, question a *status quo* according to which, as the Akan proverbs go:

*Obaa ton ntorowa, na onton atuduro.*

(A woman sells eggplants, and not gunpowder) (Appiah and Appiah 2000, N°96).

*Obaa twa bomma a, etweri barima dan mu.*

(Even if a woman makes a drum, she keeps it in a man’s room)  
(Christaller 1879, N°22).

*Odenkyembemmaa* (Queenmother Crocodile), on the other hand, does not live in any form of royal village set-up as a queenmother “normally” does; although the role of intercessor and of righter of wrongs “she” plays recalls the “motherly” role of an Akan queenmother, “she” acts much more like a water goddess responding to a fervent supplication (Ananse’s songs) than like a royal female ruler, settling a case in her court of justice. One can therefore justifiably conclude that the story-teller, by relegating her to the distant underwater world (*ebunu mu / nsuo asee*), pushes her socio-political existence as a female traditional ruler back into a mythical past.

### *How Divorce Came into the World*

Similar to all folktales around the world, Eno Sikayena’s story is neither dated nor precisely located; yet it is, from the very outset, reminiscent of a “historical” past with which the historians of the Akan have not yet entirely come to terms. Several of its descriptive elements set the mind back to a period of time (from 1500 onwards) when the Akan’s ancestors (*atetefoo*) had already accomplished their slow transition from foraging to sedentarization, from hunting and gathering to farming and gold mining in the dense moist forest areas (Wilks 1993; 2003; 2005).

The early times of Akan village life and chieftaincy would then be the ancient “historical” background during which Domaa Akua, the queenmother, had been quarantined in a *sese* hut, and lived in total isolation because she had contracted a contagious skin disease, referred to as *buropete*.

From a purely structural perspective, Eno Sikayena’s story belongs to the category of “cyclic” tales:<sup>22</sup> it starts and ends with the same clause and this grammatical repetition is indicative of a perfect closure of the cycle – the final situation being apparently “identical” to the initial one.

The main dramatis persona is being introduced, right from the beginning, as *both* a “beautiful woman” (*obaa fefeefe*) and a “queenmother” (*ohemmaa*). The plot will continuously shift from one aspect of her being (womanhood) to the other (royalty associated with sacredness) and the line between the two will keep on narrowing, until the very end, when she – as a human being (*onipa*) – will forever be reduced to the level of social “nothingness” (*adee*, lit. “a thing”), a woman without a husband, a “divorcee.”

Domaa Akua's misery began when she contracted a contagious skin disease (*buropete*), which not only disfigured her but resulted in her being abandoned in the forest, in a place of quarantine (*sese* hut), to die; she was not only endangering the health of the other village dwellers, but also the spiritual survival of her community; she could no more "sit on her ancestral stool" in her "unclean" state. Kwaku Ananse, the ludicrous and very dubious character of Akan tales, comes into play at that very moment, when Domaa Akua's position is at its weakest; they become, for a short time, an eccentric couple, "married" in the broadest cultural sense of the term<sup>23</sup>; but Domaa Akua, probably considering that she has sufficiently paid her so-called "husband and lord" (*wura*) back for having helped to cure her, decides to desert her "home" in the forest and to recover her position as a queenmother. Ananse's frustrations as an abandoned lover lead him to fight for what, in his mind, had become his *bona fide* property – doubtful as this may appear. He refuses to accept that the social disparities between them would, under normal circumstances, never have allowed him to engage in any form of sexual or marital relationship with her. And so the story ends with the queenmother (*ohemmaa*) being paid back for her ingratitude as a woman (*obaa*): Ananse "divorces" (*ogyae aware*) his wife (*ne yere*) and gives her back to the chief and elders of her village, in the same pitiful state (*mmobo mmobo, nkete nkete ...*) in which he had found her in the forest.

The story remains open-ended; the elders' decision concerning their queenmother's illness remains untold. Ananse's trial has introduced a new notion of guilt and it looks like the old order has been profoundly disturbed. A new gender relationship has begun.

In his essay, "Kinship and Marriage among the Asante," Meyer Fortes did underline the tensions inherent in a kinship system such as the Asante where, even though the matrilineal rule of descent remained a dominant principle, both patrilineal and matrilineal affiliations were important (a great number of bonds and claims did arise out of marriage and of fatherhood).<sup>24</sup> He noted the high rate of divorce among the Asante, at the time he was writing (Fortes [1950] 1965), and linked the factor to the strength of the matrilineal ties; he suggested that women could envisage divorce with some amount of serenity since, in Asante,

Divorce usually makes little change in the domestic circumstances of a woman or in her economic situation, nor does it affect her jural status or that of her children. Though it may involve personal distress, it carries no moral stigma and no social penalties. ([1950] 1965, 283)

Fortes was pointing at the “sandy and slippery path” gender relations were bound to move on, inside a system supporting male supremacy, yet in which a husband had the greatest difficulty in keeping his wife or wives under control.

More recent studies have shed new light over the gradual changes in the gender construction among the Akan from the pre-colonial period, through colonial times, up to the present post-colonial age.

Victoria Tashjian, for instance, shows how, because property, in matrilineal Asante, was never joint and spouses did not inherit each other’s property, “conjugal labour” (that is the right for the husband to demand his wife’s participation on his land) gradually became a litigious matter, in particular at the turn of the twentieth century with the rapid expansion of “cash cropping” such as cocoa farming (Tashjian 1996, 207).

Jean Allman addresses the topic of another Akan customary practice – that of *ayerefare* or “adultery compensation,” and tries to establish how this practice had always been, at least in Asante, “about power and subordination: chiefs on commoners, Kumasi over Asante’s periphery, and husbands over wives” (Allman 1996, 56). She describes how this custom slowly but surely drifted away and faded, during the colonial period, under the policy of British Indirect Rule.

Eno Sikayena’s story is gradually taking on many new layers of meaning. Domaa Akua’s illness, the contagious disease that was threatening the community as a whole, can be read as a metaphor of the “social decay” and chaos which, from a male point of view, hit the Akan society from early colonial days onwards – namely the growing rebellion of women.

Domaa Akua’s abandonment takes us into the realm of royalty, for she had not just been quarantined as anyone with her sickness would have been, she had as a matter of fact been left to die. Not only was she being punished as a rebellious woman (the “story inside the story”: her liaison with Kwaku Ananse and its tragic end) but the chief and the elders were

actually trying to “get rid of her” entirely, while the down-trodden of the village community (the “people”) were pulling her back on her stool.

At this level, she symbolically represents an institution: that of the Akan female ruler (*ohemmaa*), the embodiment of female power and authority which, from the period of the British Indirect Rule up to this day, has been continuously suppressed and denied.

#### IV. THE COMPLEXITY OF FEMALE POWER IN THE AKAN STATE AND ITS CONSTANT ACADEMIC AND POLITICAL DENIAL

*In this Chapter unless the context otherwise requires, “chief” means a person, who, hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, en-skinned or installed as a chief or queenmother, in accordance with the relevant customary law and usage. – Constitution of the Republic of Ghana, 1992, chap. xxii, “Chieftaincy.”<sup>25</sup>*

From the early times on, when the Akan had become sedentary in the tropical forest regions at the centre of present-day Ghana to practise agriculture, the founders of the settlements had started organizing their social and political life in a very structured and hierarchical manner.

The Asante became the dominant group during the eighteenth century, when Osei Tutu established the original Asante nation and state, with the help of *Okomfoo* (traditional healer, priest-ideologist) Anokye, ruling it from Kumase; Osei Tutu was the first *Kumasehene* and *Asantehene* (king of the Asante state). Thereafter, his successor, Opoku Ware I, extended the state through wars of conquest and succeeded in establishing a vast Asante empire or confederacy that covered most of present-day Ghana, from the northern states of Gonja, Mamprusi, and Dagomba to the southern Ga-Adangbe, Fante, and Ewe lands.

In this pre-colonial set-up, the Akan world was divided into structural units, which, at all levels, were governed by traditional leaders (*ahene*, ‘heads’): each *nmanso* (hunting lodge), each *akuraa* (village), each *kuro* (larger settlement, town), each *oman* (state/traditional area) was governed by

an elder (*opanin*): the *odikro* was literally the “owner of a town” and the *omanhene*, the “head of a state” or “traditional area”; a “chief” necessarily originated from the family of the founders of the settlement (the so-called “royals” or *adebye*) and his ancestry could be traced back, through the matrilineal line (*abusua*), to the “royal” female ancestress.

In his classical textbook, *Traditional Rule in Ghana – Past and Present*, Kwame Arhin explains, that, in the Akan traditional set-up,

All the political heads had their female counterparts. The female counterpart of the *Ohene* and *Omanhene* was known as *Ohemaa*. The female counterpart of the *Odikro* was known as *Obaapanyin*. The *Ohemma* or *Obaapanyin* was a female relative of the male office-holder, and could be any of the following to him: a mother, or mother’s sister, a sister, or a mother’s sister’s daughter; a sister’s daughter or a mother’s daughter’s daughter. The *Ohemma* or *Obaapanyin* was supposed to look after women’s affairs, and was a member of the council of her political unit. (Arhin 1985, 17)

Arhin thus posits the view that the translation of *ohemmaa* to “queen-mother” is not accurate.

Arhin’s brief presentation of the chiefs’ “female counterparts” also underlines the fact that, if one may, like Stoeltje, talk of “dual leadership with gender parallelism” in Asante, “the terms *duality* and *parallelism* [certainly] do not imply equality or sameness, but *complementarity*” (Stoeltje 1997, 44) in this cultural context; be that as it may, the terminology used by Arhin to evaluate the level of power of the Akan *ohemmaa* is fraught with some subjectivity which renders most ambiguous our understanding of the female ruler’s status.

Strikingly, in his 2000 article “The role of Yaa Asantewaa in the 1900 Asante War of Resistance,” Arhin does consider historically well-documented examples of “powerful” Asante women who have left eloquent memorials on the sands of time; he concedes that “the Asante could in appropriate circumstances accept female leadership.”

Arhin first remembers Akyaa(wa), the daughter of Okoawia Osei Kwadwo (*Asantehene* 1764–77) who, in 1831, and according to Ivor Wilks, had “blazed a trail” (*oyi kwan*), when she was appointed by the

then *Asantehene Nana Osei Yaw Akoto* (1823–43) as the Head of a diplomatic mission that negotiated the McLean Treaty of 20 April, and a Treaty with the Danes at Christiansborg Castle, on 19 August.<sup>26</sup> Interestingly, we read in Wilks’s own chapter this rather revealing final parenthesis:

With the conclusion of the treaties of 1831, Akyaa’s public career was virtually ended. It was an extraordinary invasion of a sphere that was, in Asante, all but totally male dominated. Yet the fundamental role of the Asante woman was to see to the reproduction, not only in a biological but also in a social and economic sense, of her lineage. Akyaa’s descendants commemorate her for this rather than for her brief intrusion in public affairs. (1993, 353)

Arhin further takes his reader back to Sir Francis Fuller’s pages in *A Vanished Dynasty – Ashanti* (1921, 188–89) on “The last (Asante) rising” in which mention is made of how “*Ya Asantiwa*, the Queen-Mother of Ejisu, was asked to head the movement” of rebellion after the incident which took place on 28 March 1900; that day, Sir Frederik Hodgson, the governor of the Gold Coast, on visit to Kumasi, had made a stunning speech, asking for *Sika Dwa Kofi* – the Golden Stool (the most sacred of all Asante symbols of power and authority). Arhin adds that, according to his own informants, when “the [above reported] meeting broke up silently,” this woman of courage, who was “present at the meeting in the absence of her grandson, Afranie, the *Ejisubene* in exile with Nana Prempeh, taunted the Asante rulers, enquiring how they could sit there and listen to all that ‘nonsense,’ and had they been turned into women?” (Arhin 2000, 53). She thereafter became the first woman ever to be appointed *Osahene* (war-leader), commander of the Asante fighting force that went to fight the last battle against the British troops, now celebrated as the “Yaa Asantewaa War.” Rather cautiously, Arhin adds:

Whether or not they were stirred into action by Yaa Asantewaa’s taunts or not ... the leaders of the resistance held a meeting in the evening of the ‘palaver’ in the house of the Gyasawahene, Opoku Mensah, where a resolution was adopted....



... Jealousy among the men may have led them to choose a woman, who had already shown a keenness to defy the British and, perhaps, unusual leadership qualities. (Arhin 2000, 53–54)

Ensnared by the exigencies of his own logic, Arhin ends the article by strongly stating, this time, that “for the Asante [of the pre-colonial period], gender was irrelevant to leadership” (Arhin 2000, 66).

In effect, and despite the occasional reminiscences of “exceptionally powerful women,” the enforcement of a proper gender balance of power in the Akan state is presented as a debatable historical reality in most scholarly accounts; this is the more so since, throughout the colonial period and the post-colonial period, the position of “chiefs,” and particularly that of “queenmothers,” has been undergoing major shifts.

Stoeltje rightly argues that “Queen mothers have been given rather scant attention by scholars and politicians while chiefs and kings have received quite generous notice” (1997, 44). This may be so, as a result of the constant attempt (both in politics, and in male-dominated academia) to suppress the truth about the actual pre-colonial power and authority of the then Akan female rulers (“chiefs”) and to counter their influence by ignoring them in all manner of ways.

Ever since the advent of British Indirect Rule, colonial administrators and conniving male rulers started sensing the subversive pressure queenmothers could potentially exercise and the constant threat to an already difficult and complex prevailing situation they represented. Increasingly, moves were made by commoners – mainly by groups of “young men” or *nkɔwankɔwaa*<sup>27</sup> for the destoolment of government-sponsored or traditionally legitimate but unpopular chiefs; these rebellions were often led through the queenmothers. According to Allman and Tashjian (2000):

One of the most serious of these rebellions against British-recognized chiefs occurred in Agogo in 1917 and witnessed the *ohemaa* (queenmother), Adjua Jiwah, and a group of *nkankɔwaa* “malcontents” calling for the ouster of the recently enstooled Kwabena Tandoh. The “malcontents” argued that Tandoh was not nominated by the queenmother, was not of the stool family, and had incurred serious debt. They also

charged him with “having neglected a cocoa farm made for him by the people,” having “discarded 10 stool-wives after collecting head-money on them,” and a host of other misdeeds.

All to no avail; the queenmother was deposed by the chief commissioner and accused of having been of “relentless, revengeful and vicious disposition” (2000, 21).

In the colonial discourse at the beginning of the twentieth century in Asante, it is apparent that queenmothers were considered as a dangerous force of opposition to be reckoned with. A legal mechanism was therefore put in place to gradually dispose of the institution of female rule. The Ordinance of 1902, aiming at creating structures that could adjudicate “native custom,” recognized native tribunals, alongside the chief commissioner’s and district commissioners’ courts; but it did not recognize the queenmothers’ courts. In 1905, at Chief Commissioner Fuller’s instigation, the government formally recognized the Kumasi Council of Chiefs, thereby restoring some of their power to the chiefs; but not one of its members was a queenmother. Queenmothers were not listed as “chiefs,” nor were their courts recognized in the 1924 Native Jurisdiction Ordinance. The same position of law was taken when the Ashanti Confederacy Council Ordinance of 1935 formalized Indirect Rule under a “restored Ashanti Confederacy” headed by *Asantehene* Agyeman Prempeh II.

It is therefore not surprising to read the astute adjustments made in a short passage on the role of the queenmother in the selection and election of a chief, as part of a document written down for the use of district commissioners and compiled from the *Minutes of the (restored) Ashanti Confederacy Council Meetings (1935–1949)*:

The Queen Mother’s hereditary position as mother to the founder of the Stool entitles her to be treated with considerable respect as she is on this account accorded privileges to which she has no legal right. She is allowed by custom to say that the Stool belongs to her, and this has no doubt been partly responsible for the prevailing impression that her authority in respect of elections is considerable. This is however merely a *polite fiction* and her legal rights with regard to elections are

limited to the right to be consulted as to the eligibility of a candidate. (Matson 1951, 64)<sup>28</sup>

This official and twisted interpretation by Asante chiefs under British Indirect Rule of the position of the Queenmother vis-à-vis the male “stool” contradicts Rattray’s anthropological findings. Rattray’s trusted informants had indicated to him that “the recognized seniority of the woman’s stool [was] no empty courtesy title” and that

Ashanti traditional lore carries us back to the time when the various clans, that were later to be loosely united under one king, were living in isolated, independent groups, owning no common head, but each looking upon the senior woman of the clan, the Queen Mother, who delegated some of her power to her male kinsman, as its head. ([1923] 1969, 219)

In *The Position of the Chief in the Modern Political System of Ashanti*, Kofi Abrefa Busia re-opens the topic of the “seniority of the female stool” and supports Rattray’s observations about the supplementary creation of “male stools”:

It is common belief that in olden days it was women who were chiefs. The traditional histories of Wenchi, Mampong, Juaben, and other Divisions in Ashanti tell of women who were chiefs. But, according to a well-known tradition, when war broke out and they were sent for, they would say “My menstrual period is on (*m’akyima*)” and they could not perform their duties. So, said [the] informant, we asked them to give us men who would be chiefs in their place. That is why the elders ask the queen-mother to nominate a candidate. (Busia 1951, 20)

In the midst of this furore of claims and counter-claims, most sources nevertheless seem prepared to accept the fact that a queenmother’s political and jural functions were, at least in the past, extremely important. The Akan *ohemmaa* is said to have exercised a lot of influence on all decisions made by the enstooled chief; she was the trusted moral authority of her

community and the democratic guarantor of the male ruler's demeanour; through her, he could be kept under check. Her position was essential, even if it could be challenged, for the selection of a new chief; a complex procedure was in place, with precise rules of succession that ensured that the queenmother acted in all fairness and in consultation with the various electoral bodies and the "people."

Nowadays, succession disputes are plaguing the traditional areas of Ghana; this was apparently not the case in nineteenth-century Asante, when it was still the queenmother "who had most to say in the choice to be made" (Rattray [1923] 1969, 82). Not only was she the "foremost authority on the genealogy of the royal matrilineage and hence the final arbiter on who was qualified by blood to be a male ruler," but also, and in the words of Arhin:

... generally, the social conditions of the Akan political communities in the nineteenth century favoured peaceful selection of stool-holders. The towns were small settlements of small populations, whose people had intimate knowledge of themselves. The peoples of a state were connected by the kinds of bond that could have formed the framework of a moral community.... In the intimate, face-to-face societies of the nineteenth century, it was not difficult to estimate public opinion from the village to the state level. An *Ohemma* was in touch with public opinion through her servants, normally drawn from different parts of the political community. And an *Ohemma* could make direct and informal enquiries outside the royal family before going into consultation with her own kinsfolk (Arhin 1985, 34).

Once a male ruler had been chosen, rightly elected, and enstooled, the queenmother was to remain his constant guide and advisor; it was her prerogative to criticize him when he erred, and if she failed to do so, she was held responsible for the chief's misdemeanour. Busia recalls how "Two queen-mothers of Juaben, Ataa Birafo and Afua Kobi, were destooled for not advising their sons (i.e., the chiefs) well" (1951, 19).

Reportedly, a queenmother was also, in olden days, the moral custodian of the women folk in her polity. She participated in the upbringing

of adolescent girls and played a key role in the puberty rites that licensed their adulthood and marriage. She generally exercised a great influence on women, leading them into all kinds of communal and spiritual activities, like cleaning the village in order to cleanse it from evil, or engaging in pantomime dances and gestures such as *mmomomme*<sup>29</sup> or *bontoa*.<sup>30</sup> She, most importantly, exercised jurisdiction over women in her court and this remains an essential role of hers today.

A queenmother, just like her male counterpart, has her own stool and performs sacred rituals connected to the female stool – which is the incarnation of the royal ancestress, whose worthy deeds she must continue. In Asante law and constitution, the *ohemmaa* of a state has her own *ntam* (a formula for invoking a judicial process) and her own court and *akyeame* (spokespersons) who act as prosecutors and judges. But, while the male rulers deal with *amansem* (matters of the state), the female rulers deal with *efiesem* (domestic matters). Describing the jurisdiction of the *Asantehemaa* (queenmother of Asante), Takyiwaa Manuh therefore equates her role to that of “the protector and enforcer of women’s rights” in her society, in the following words:

The Asantehemaa’s court is concerned primarily with matters affecting women, principally matrimonial issues of divorce and maintenance; matters arising in the market; and rights to *nfofoa*, fallow land. Marriage matters include divorce proceedings, cases between rivals, adultery of the wife, unfair treatment of a wife by a husband and other domestic and interpersonal matters. Cases between rivals often take the form of one “putting another in fetish,” to use the highly evocative colonial term; or invoking an oath against the other, the consequences of which could be fatal.

... The Asantehemaa’s dispute settlement roles are two-fold: these are adjudicatory and mediatory, and the latter role is the usual mode in matrimonial issues. This is known as *dwantoo*, in which the Ohemmaa or her nominee acts as a third party to help the parties arrive at a settlement (Manuh 1988, 57).

The 1992 *Constitution of the Republic of Ghana* does include queenmothers in its definition of a “chief,” yet to be an Akan *obemmaa* today remains a predicament. Although queenmothers have now fully regained their “official” existence in contemporary Ghana and are still installed with traditional pageantry in their regions,<sup>31</sup> they are being kept away from major areas of state over which their male “counterparts” rule and draw their income from; the distribution of land, for instance, remains in the hands of chiefs, and land disputes, which attract heavy fines, are settled by the male leaders and their Council of Elders; queenmothers are not represented in the National or Regional Houses of Chiefs, nor are they allowed to participate significantly in local government; in a recent development, the creation of a National House of Queenmothers has been advocated.<sup>32</sup>

How, may one wonder, can the National and Regional Houses of Chiefs accomplish their new constitutional duty – that of “undertaking an evaluation of traditional customs and usages with a view to eliminating those customs and usages that are outmoded and socially harmful”<sup>33</sup> without the direct involvement of queenmothers whose “traditional” mandate includes women and girls? This question is all the more relevant since most inhumane practices to be addressed by the Houses concern women and the girl-child.<sup>34</sup> In contemporary Ghana, psychological, sexual, economic, and physical forms of violence against women still prevail and are often linked to “traditional” worldviews, which tend to make women seem inferior. Gender equity is far from being realized in schools and universities; as a consequence, most leadership positions, in the modern economic and political domains are still encumbered by men.

## V. CONCLUSION

Annie M.D. Lebeuf’s refreshing paper, “The Role of Women in the Political Organization of African Societies,” was meant to rectify the wrong impression that a certain colonial and post-colonial discourse may have created. Her views are salient and unmistakable:

By a habit of thought deeply rooted in the Western mind, women are relegated to the sphere of domestic tasks and

private life, and men alone are considered equal to the task of shouldering the burden of public affairs. This anti-feminist attitude, which has prevented political equality between the sexes from being established in our country until quite recently ... should not allow us to prejudge the manner in which activities are shared between men and women in other cultures, more particularly ... in those of Africa. And we are entitled to ask ourselves if it is not an attitude of this kind that is at the bottom of many erroneous ideas about the very real authority exercised by women in African political systems; and whether it has not contributed, to a certain extent, to the initiation of policies which deprive women of responsibilities which used to be theirs. (Lebeuf 1963, 93)

Rattray's informants made a similar avowal on the matter of Akan female rule when the anthropologist finally managed to break the "taboo." According to Rattray, his informants would express misgivings in sentences like: "you [that is: the white men] have dealings with and recognize only men; we supposed the European considered women of no account, and we know you do not recognize them as we have always done"([1923] 1969, 84).

This survey of contemporary and past sources on the Akan *ohemmaa* has led me to conclude that the responsibility for the distortions in the representation of a queenmother's functions is not to be placed solely on the British colonial authorities. Clearly, and by all accounts, the topic of female rule in Asante has not been discussed in all objectivity.

The gradual obliteration of traces of real female power (if it ever existed) seems to have been done by scholars on Akan chieftaincy, in a manner similar to Kwabena Obeng's literary act of denial. The male storyteller simply relegated the *Odemkyemhemmaa* of his tale to the realm of mythology, thereby erasing all possible analogies one may have wanted to make between her kingdom and the "real" Akan world. Arhin (the learned specialist of *Traditional Rule in Ghana* and its evolution, himself an Akan chief) as well as other scholars mentioned have often tended to relegate the history of female rule to the realm of conjecture, especially when their quoted informants themselves were referring back to some unsubstantiated "traditional lore."

When I started gathering material on the Akan *ohemmaa*, as part of the TAARN Project, I never envisaged the outcome of this investigation; it was the multidisciplinary research I was engaged in that pushed me beyond my initial goal. The fascinating discovery I made of the symbolic meaning of Eno Sikayena's tale in the light of new discoveries in Akan studies (in particular on shifts in gender relations in pre-colonial Asante) encouraged me not to write a mere report on "female leadership among the Akan." My diverse interests urged me to try and understand the puzzling "Predicament of the Akan *Ohemmaa*," which previous researchers on Akan chieftaincy had so blatantly played down.

My new focus was then to show that discrimination against women really started at the dawn of the twentieth century in Asante and that Akan women who had amply proved, throughout official state history, that they could save the nation in times of crisis, stood up to be counted very early in modern times. When economic changes, such as the beginning of cocoa farming, brought about changes in family residence and shifts in relations between spouses to the detriment of married women, Asante women gradually made moves towards financial independence – and "*this* is how divorce started in the world"... it was not men abandoning women in their predicament (the tale's apparent meaning), but rather women leaving their marital home to secure a future for themselves and their children (the hidden meaning of the tale).

In all likelihood, the queenmothers must have led the way, as Domaa Akua did in the story; they certainly supported rebellious women in their marital queries as they were looking down, not only on those husbands who were shamefully giving up their traditional responsibilities towards their wives for financial gain, but also on those male leaders who, similarly, were selling out their political authority for a mere pittance.

*Sikanibere na ede bone nyinaa aba* (Money is at the bottom of all evil), says the Akan proverb: "Money had started its infernal rule" and I am inclined to believe that it was the Akan *ohemmaa solely*, in Asante, who put up a singular combat against all incipient forms of corruption and bribery. And for this she had to pay.



## VI. BROADENING THE PERSPECTIVE

In their introduction to a challenging series of essays dealing with: "*Wicked Women and the Reconfiguration of Gender in Africa*, Dorothy Hodgson and Sheryl McCurdy, the editors, acknowledge that "recent feminist work in African studies has foregrounded issues of gender, power and social change" (2001, 3).

Many researchers have, for instance, underlined the frequent collaboration that took place, in various parts of Africa, between European colonial administrators and African male elders, as they attempted to maintain patriarchal authority over women and young men, through the construction and reinforcement of "customary law" and "traditional authority" (e.g., Chanock. 1982, on the "making" of customary law in Northern Rhodesia). The consultation of colonial archives, for the present paper, confirmed that this was undoubtedly the case in Asante, at the detriment of a previous "order," inside which elite women, such as the "queenmothers," must have played an all-important social and political role.

Works such as Marcia Wright's study on the introduction of maize-growing in Zambia help us understand how environmental and technological changes prompted women and men to renegotiate their marital and household obligations all over the continent. This was also the case in the British Gold Coast, after the abolition of slavery and the prohibition of pawning in 1908 (Allman and Tashjian 2000, 62) when husbands started to rely on their wives' labour, particularly when cocoa farming was introduced and eventually gave rise to the so-called "gender chaos."

The collection of essays gathered by Hodgson and McCurdy tends to prove that, when the "new [colonial] world" began to crumble,

When communities faced particular difficult social or economic circumstances, *wicked women* became the locus of moral panic. Anxious to preserve existing social orders, local and state officials blamed unconventional women for community problems, rather than acknowledge that their own programs and policies created difficulties. Women were construed as the cause rather than the symptom, thereby enabling others

to lay the responsibility for all the scourges of society on their laps. (2001, 14)<sup>35</sup>

Women were, at that point, individually and collectively, challenging dominant authorities: Misty L. Bastian (2001) focuses, for instance, on the women dance groups that confronted powerful Igbo men in colonial Nigeria, while Jean Allman (2001) shows how, amidst the already mentioned turmoil in colonial Asante, “spinsters” (sometimes with the help of men) undermined attempts by chiefs to force them to marry.

Further research also indicates that, as nationalisms emerged in the 1950s, aspiring leaders frequently condemned elite women who “pursued Western ways” and chastised low-class women for their “disrespectful behavior,” urging them all to behave in “African” ways, central to which was, once again, respect for patriarchal authority. Mobutu’s early doctrine of “authenticité” in Zaire is a case in point: he demanded that women, especially the notorious “*femmes libres*” return to their “traditional” roles as obedient wives and good mothers as proof of their “patriotism” and “revolutionary consciousness” (e.g., La Fontaine 1974).

These are some of the new avenues opened by historians and social anthropologists of today. Thanks also to a growing interest in the significance of earlier traces of communal life (artifacts, but also language and oral texts), art historians<sup>36</sup> and archaeologists, together with linguists and specialists of Orature, are trying to reach out further into the past, in order to get to the roots of the puzzling “gender matter” in African societies.

\* \* \* \* \*

In a challenging paper on Nekwaya Loide Shikongo, a prominent woman from “Ovamboland” in northern Namibia and the *oshitewo* (epic poem) she performed in 1953 – where the poetic appraisal of her sons was interwoven with the story of the controversial King Ipumbu yaShilongo, the former ruler of the Uukwambi kingdom who had been deposed by the South African colonial administration in 1932, Heike Becker postulates that “in the case of Ovambo elite women, gender as a social category played a negligible part in the constitution of identity.” This was so [in pre-colonial / pre-Christian times, and especially before the nineteenth century development of militaristic and violent forms of masculinities in

Ovambo societies; “belonging to nobility was far more important for their sense of identity than being a ‘woman’” (2005, 237). This must also have been the case in pre-colonial Akan kingdoms, when they were still run on a purely kinship basis, before the eighteenth and nineteenth centuries, when, according to Emmanuel Acheampong, military expansion “resulted in a stratified [Asante] society rife with tension: a huge class of slaves, commoners subjugated under a military aristocracy, juniors subordinated to elders, and men elevated over women” (Acheampong 1996, 6).

Becker reminds us about the fact that in Ovamboland “of old,” there had been ruling queens, female royals (especially the king’s mother) and other elite women (such as the king’s head-wife) who held extremely powerful and influential positions. She refers us to Märta Salokoski, who argues that the earlier social organization entailed a “duality of male and female power throughout Ovambo societies” (Salokoski 1992, quoted by Becker 2005, 249–50).

Becker finally shows how Christianity and its new discourse on femininity and masculinity, on “legitimate sexuality” through monogamous marriage, and on “housewifisation” continued to shape the “ontological status of gender in post-colonial Namibian discourse on gender and tradition” (Becker 2005, 254). Christianity reinforced the already existing discourse by African male elders and colonial administrators on social, political, and economic power linked to maleness and equated femaleness with domesticity. In this respect, Becker agrees with Ian Fairweather, who argued that many Ovambo nowadays display the notion of *tradition* to express *nostalgia* for a time “when people had proper respect for the church,” instead of a long-vanished pre-Christian time (Fairweather 2003, 287, quoted by Becker 2005, 237).<sup>37</sup>

Domaa Akua’s story, reproduced at the beginning of the present paper, can at this stage be read as a metaphor of a confrontation that probably did not, originally, exist among the “matrilineal” Akan, but was brought about, somewhere in time, through the super-imposition of a “patriarchal Tradition.” Both Loid Shikongo’s epic poem and Eno Sikyena’s folktale illustrate the fact that African women have always used to and continue to practice Orature, beside modern literary genres, in order to exercise various forms of “poetic license,” in particular, to “write” their own “history” of Africa and to change its course.<sup>38</sup>

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QUEENMOTHER OF WENCHI  
(*Wenchihemmaa*), WHOSE STOOL  
NAME IS *Nanahemmaa Toaa Ampofo  
Tua III*. (PHOTO: PROFESSOR  
CHRISTIANE OWUSU-SARPOG.)



PROFESSOR CHRISTIANE  
OWUSU-SARPONG, GHANA.  
(PHOTO: PROFESSOR CHRIS-  
TIANE OWUSU-SARPONG.)

ASANTE KING OSEI TUTU II  
RECEIVING VISITORS, INCLUD-  
ING HIGH-RANKING POLITICAL  
PARTY LEADERS, AT HIS PALACE  
IN KUMASI, GHANA. (PHOTO:  
DR. DON I. RAY.)



## NOTES

- 1 My translation.
- 2 The Akan people live in most of the coastal and forest areas of Southern and Central Ghana and in the Ivory Coast; in Ghana, they occupy the Ashanti Region and parts of the Eastern, Western, Central, Volta, and Brong-Ahafo regions. According to Florence Dolphyne, the word “Akan” has also, since the 1950s, been used in Ghana to refer to the language whose dialects include Fante, Akwapem, Asante, Bron, Wasa, Agona, Akyem, Kwahu, and Gomua; the Akan people, living along the Ivorian boarder, have dialects of the Bia language in common with their neighbours, such as Ahanta, Sehwi, Aowin, and Nzema (Southern Bia), and, along the Togolese boarder, Chakosi (Northern Bia). See Dolphyne (1988) and Kropp-Dakubu (1988). See also my 2003 chapter in Ray and Ready (2003) for a discussion of aspects of Akan traditional leadership and its relationship to the post-colonial state.
- 3 This fieldwork was conducted while I was at the Department of Languages, Kwame Nkrumah University of Science and Technology, Kumasi, Ghana, within the framework of two courses I taught: “Introduction to the Collection and Study of African Oral Literature Texts” (M.A. Program in Comparative Literature) and “Introduction to Creative Writing” (Undergraduate Final Year Course).
- 4 The first tale, “Kwaku Ananse and the Queenmother Crocodile,” by Kwabena Obeng of Bekyem, was recorded on 14 January 1996 by Lot Agyei-Kye, translated from Akan into English by Frederika Dadson and into French by myself: Owusu-Sarpong (1998), 31–37. The second tale, “How divorce came into the world,” by Eno Sikayena of Kwaso, was recorded on 9 January 1998 by Lot Agyei-Kye, translated into English by Frederika Dadson and into French by myself: Owusu-Sarpong (2001), 151–59.
- 5 WWA = *Women Writing Africa*, a project of the Feminist Press at the City University of New York, funded by the Ford Foundation and the Rockefeller Foundation, and directed by Florence Howe. TAARN = *Traditional Authority Applied Research Network*, funded by the International Development Research Centre (IDRC) of Canada, and directed by Donald I. Ray.
- 6 Captain R.S. Rattray (1881–1938) played a significant role in the development of British anthropology. After having learnt a number of African languages, he joined the colonial service in the Gold Coast and was the first ever to be appointed government anthropologist in an African colony; his official appointment was to help government to “understand the natives.” His books on the Asante traditions (laws, customs, and oral literature) remain classics of the great age of anthropology. Despite the suspicion still harboured by some researchers today that he was part

- of the conspiracy “to keep the Black man in his place,” it seems that (and in Noel Machin’s words) Rattray was keen “to let Westerners know that pre-colonial Africans had not been mindless savages, and to let modern Africans know that an intelligent sense of continuity with his past would enrich the future” (Machin 1998, Preface).
- 7 ... who had been referred to by Mary Kingsley (whom Rattray quotes) as: “The old woman you may see crouching behind him [the chief], or whom you may not see at all, but who is with him all the same, and says, ‘Do not listen to the white man, it is bad for you.’”
  - 8 Busia, for instance, writes that “Rattray was the first to point out how important the queenmother’s position was in Ashanti” (1951, 19).
  - 9 Bakhtine’s fundamental theory of “dialogism” to which the concept of “social discourse” is connected is focused on the idea that culture, or even existence itself, is inherently and actively “responsive,” involving individuals acting at a particular point in time and space, in reaction to what has gone on before and in expectation of what is to follow (see, for instance, Bakhtine 1986, and Peytard 1995).
  - 10 My translation.
  - 11 *Odennee, okudennee* ... are onomatopoeic words; they introduce rhythm and life and, at the same time, help to underline a moment of suspense in the plot.
  - 12 *Nana* is used as the title for a male or a female traditional ruler. It also serves as a more general form of address, used by a speaker who intends to show respect for an elderly person, in particular a child for his grandparent.
  - 13 “Linguist” has been commonly used since colonial days to translate the Akan word *okyeame*, referring to the traditional ruler’s counsellor and speech intermediary. See Yankah (1995) for a comprehensive study of the *Okyeame and the Politics of Akan Royal Oratory*.
  - 14 When an Akan traditional ruler appears in public, he sits on a wooden stool, most beautifully carved and ornamented. Special symbolic designs give each chief’s stool (*obene dwa*) its name. Among all royal insignia, the stool of the founder of the state on which he used to sit to deal with the affairs of his people was set aside to be “recognized as the shrine of the spirit of the ‘originator’ and therefore as a symbol of the ‘soul’ of the people.” (Adu 1949, 7). When elected into his office, a new chief or queenmother is “enstooled” (symbolically placed on top of the ‘originator’s’ stool); but, should he be considered an unworthy ruler, a process of “destoolment” then takes place. The word “stool” (*akonwa*) has a twofold meaning: it refers both to the wooden object and to the office of the chief or queenmother who sits on it. The Akan thus also talk of “stool money,” of “stool farm,” of “stool land” (Sarpong 1971, 8).
  - 15 This sentence was recast to tally entirely with the Twi original.
  - 16 Akan storytellers are fond of onomatopoeic expressions such as *tool!*

- At this point of her performance, Eno Sikayena used it to emphasize the swiftness with which the gourd was thrown at Akua Gyama.
- 17 *Nananom*, plural form of *Nana*; see note 13.
  - 18 Emphasis added.
  - 19 See Rattray ([1923] 1969, chap. 15); Turner (1977, 178–81); and Owusu-Sarpong (2000, 113–16).
  - 20 The word “monument” (vs. “document”) is used according to Zumthor’s redefinition of Literature (1983) and “verbal art” is used as in Bauman and Babcock (1984).
  - 21 *Dwantoa* = *dwane* (to flee, to run away); *dwanetoo* / *dwantoo* (a place of refuge). In the past, criminals about to be taken to the chief’s court for trial could escape the death penalty by seeking refuge at the queenmother’s palace; it was also the queenmother’s “motherly” role to plead for forgiveness, whenever someone was taken on by another member of the community for ill-doing.
  - 22 See Paulme’s structural classification of African folktales (1978).
  - 23 In pre-colonial times, according to Rattray ([1929] 1969, 22–32), Akans used to distinguish between various forms of “marriages”: 1. *adehye awadee* (or legal “marriage between a free man and a free woman”); 2. *afona awadee* (or marriage between a “free” man and a “slave”); 3. *awowa awadee* (or marriage with a “pawn”); 4. *ayete* (or sororate); *kuna awadee* (or marriage with a widow, by the heir of the deceased); 5. *mpeña awadee* (lit. “the mating of lovers” without any formal marriage ceremony or *aseda* custom). In the tale, Ananse’s relationship with Aso Yaa comes under the first category and his casual arrangement with Doma Akua under the last; both women are nevertheless called by the same generic name – *yere* or “wife.” Note that polygamy, until recently, was the norm but that, nowadays, although the *aseda* custom is still performed, most weddings – especially amongst town folks, are conducted in a Westernized fashion (town hall and church).
  - 24 See Akan notions such as *ntamoba* and *ntoro*, for instance, which “used to be central to the definition of fathering for previous generations” and which, by the early years of the twentieth century, had nearly disappeared with transformations in childrearing, care, and paternal authority in Allman and Tashjian (2000, 97–105).
  - 25 Emphasis added.
  - 26 See Wilks (1993, 329–69).
  - 27 On *nkwankwaa* or “young men” associations, see McCaskie (1998).
  - 28 Emphasis added.
  - 29 *Mmomomme twe*: pantomime dances and dirges in support of the men at war. “It is unclear,” according to Arhin, “whether the dances and songs were expected to have magico-religious effects on the enemy. But they had the practical effect of shaming potential war-dodgers known as *kosankobi* into joining the war” (2000, 65).
  - 30 *Bontoa*: symbolic seizing of arms by a woman of high status, “as an exam-



ple to the males, in order to arouse their sense of honour and sharpen their martial ardour” (Arhin 2000, 65).

- 31 See newspaper articles such as “Dokua new Okyenhemmaa,” in *The Weekend Statesman*, 28 April–4 May 2000.
- 32 See, for instance, “Chiefs urged to respect Constitution,” in *The Pioneer*, Tuesday, 8 May 2001, or “National House of Queenmothers advocated,” in *The Ghanaian Times*, Monday, 13 January 2003.
- 33 *Constitution of the Republic of Ghana*, 1992, 272, b) & c).
- 34 See Coker-Appiah and Cusack (1999).
- 35 Emphasis added.
- 36 The Musée Dapper, a French museum entirely dedicated to African

Art in Paris, is about to launch an exhibition entitled *FEMMES* (October 2008). In a chapter I am contributing to the catalogue, “Le pouvoir de la femme et les femmes de pouvoir asante (Ghana),” I am taking the matter of “powerful women” a step further than in the present paper, for instance, by looking at artifacts such as the terracotta funerary heads of Akan elite women, produced by women potters of olden days.

- 37 Emphasis added.
- 38 See the series of anthologies published by the Feminist Press at the City University of New York: *Women Writing Africa* (2003), *The Southern Region* (2005), *West Africa and the Sabel* (2007) *The Eastern Region* (2007), and *The Northern Region* (2008).

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# 9 Gender and Traditional Leadership in Botswana

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## INTRODUCTION

The end of protectorate rule ushered in a new political base rooted in non-arbitrary power in Botswana. When the country gained independence in 1966, it was conferred with a constitution, which gave individual equality of status and the right to participate in decision-making, including women. However, Botswana women, though they have consistently participated in voting, have not enjoyed their constitutional rights like their male counterparts. This participation is limited by certain customs, traditions, and laws, which subordinate them to men. These constraints derive from the common law based on the Roman Dutch law and the Acts of Parliament as well as from customary laws and cultural practices.

This chapter examines the role of women with respect to traditional leadership in Botswana. It also discusses some of the cultural values giving rise to such practices which too often are invoked to counter any advocacy

for change, even where it is obvious that the social and economic conditions under which these cultural practices evolved are no longer tenable. Such cultural practices have socialized women into accepting a subservient position in society and as such they have been reluctant to take on some challenging roles. The chapter begins by discussing the context of gender in an African setting. It goes further to consider some of the cultural practices and laws that have been used to exclude women from taking an active leadership role in society specifically in the context of Botswana. Then the research findings are presented, followed by a conclusion.

## THE CONTEXT OF GENDER RELATIONS

The gender concept exposes the fact that in various societies women are socialized to believe that they are subordinate to men. They also accept a culture that is largely defined by men, where society condones the subordination of women to men. In many cases men relate to women as they do to children (McFadden 1992). Sakala (1996) also argues that women have continued to suffer all forms of abuse in the name of culture. Women are physically, emotionally, sexually, and economically abused by men. Their roles are defined in terms of wives, mother, daughters, and sisters.

Sakala goes further to argue that culture has been twisted to benefit men. One form of culture that is twisted to favour men is the institution of marriage. Once a woman is married, she is treated as a property of the man. It is not uncommon in some urban areas to come across women who surrender all their earnings to their husbands as men see it as “their money” since they paid *lobola* (bride price). Indeed, such traditions and cultures have reduced the capacity of women. In Uganda, for example, such traditional systems have kept women isolated to socially inferior positions prescribing norms of total obedience and strict adherence to a system that ensures the maintenance of specific roles for men and women. Mugo (1995) points out that history is constructed around men’s achievements since they dominate the position of power that define the direction the world takes. Historically, men are associated with strength, protection, and security while women are regarded as dependents and fragile, requiring protection. Because of this conceptualization of women as the

weaker sex, they have been marginalized and this is visible in the following areas:

- Patriarchal abduction of history, which gives token to women's achievement which in many cases subject them to alienation or exclusion where women were not allowed to become chiefs.
- Control of the institution of marriage, which places them under patriarchal possession where women become part of the male's possessions, even to the extent of changing names.
- Subject to gender-targeted forms of violence including rape, prostitution, and battering.
- Sexist discrimination accompanied by the stereotyping and objectification of women that rob them of their dignity and human uniqueness as a gender.
- Consequent imposition of silence and in some cases strangulating female voices when they dare explode the silence.

These attitudes have led women to wage struggles for equality and participation for their governance.

One of the landmark cases that Batswana women used in their struggle for equality in the 1980s is the 1982 Citizenship Act.<sup>1</sup> During that time, a number of seminars, conferences, research activities, and workshops were held to enlighten women and society in general on the provisions of the law, the status it accorded women, and the social and economic consequences arising therefrom (Selolwane 1997).

Prior to 1995, the Act provided that a person born in Botswana acquired citizenship by birth and descent, that is if at the time of birth his or her father or mother (where born outside wedlock) was a citizen of Botswana. Those who are born outside Botswana are to acquire their citizenship by descent under some stated conditions. Adopted children under the age of three years could become Botswana citizens if at the time of the adoption, the adopter, or in the case of a joint adoption the male adopter, was a citizen. Equally so, children under the age of twenty-one could be registered as citizens where their father was a citizen, and in the case of



children born out of wedlock, where their mother was a citizen (Report of a Review of All Laws Affecting the Status of Women in Botswana, 1998).

The effects of all these provisions were seen to be discriminatory against married women, compared to their male and female counterparts. This is because these provisions denied married women the capacity to pass on their Botswana citizenship to their children irrespective of where they were born. The clause went further to make a special provision for the granting of a certificate of naturalization of a woman married to a Botswana citizen if they satisfied certain conditions. For example, it was possible for wives of Botswana citizens to acquire Botswana citizenship after a period of two and half years, as compared to the normal requirement of ten years. This provision was however, not extended to a foreign male married to a Botswana citizen, thus discriminating against Botswana female citizens.

The constitutionality of these provisions was however successfully challenged by Unity Dow, who was then a woman activist and currently the judge of the High Court of Botswana, and this resulted in the amendment in 1995 of the constitution to become gender neutral in this respect. Although developments such as these have been embraced as positive developments in Botswana, there are still some gaps to be looked into which were not anticipated at the time.

## EXCLUSIONARY CUSTOMS AND TRADITIONS

There are a number of traditions, customs, and laws that have historically been used to deny women their rightful place in decision-making positions. One of the customs that hindered women from ascending to power is that they had no legitimate claim to hereditary power, unlike their male counterparts. The right of succession was only guaranteed to male heirs. In fact the closest women came to assuming such office previously was as regents where the legitimate heir was either too young or for some reason unable to take office. Furthermore, women were excluded from taking part in public assemblies as it was argued men could represent them adequately. Not much has changed with regard to the perception of men being regarded as legitimate leaders. Several legal provisions and

practices still exist that guarantee men the right to certain positions. This position tends to perpetuate traditional forms of arbitrary conferment of power to men. Such cultural practices have led to capable women being reluctant to come forward to assume leadership positions, either as chiefs or in politics. Because of the socialization process stemming from such traditions and cultural practices, potential female candidates deem themselves incapable and presume that they may not garner support for the task from the public, even from their own female counterparts. Customary law recognizes women as minors, including those married in community of property according to common law. In the following paragraphs, we discuss some of the laws based on tradition and custom which have been in use and were considered discriminatory against women. These include, among others, the legal status of unmarried women, property rights, and marriage. Though it is not discussed here, it should be noted that there are many other practices that hamper the participation and enjoyment of full rights by women.

## THE LEGAL STATUS OF WOMEN IN BOTSWANA

As mentioned earlier, the legal-rational constitution that was bestowed on Botswana at the time of independence guaranteed and protected individual rights and freedoms, including the right not to be discriminated against. This meant each individual had the right to act freely in making choices about his or her life, including participation in deciding who takes power. This is reflected under the constitution of Botswana under the Bill of Rights (Section 3), which is in line with the Universal Declaration of Human Rights and provides that every person in Botswana is entitled to certain fundamental rights and freedoms, irrespective of their race, place of origin, political opinions, colour, creed, or sex.

## THE LEGAL CAPACITY OF UNMARRIED WOMEN UNDER COMMON AND CUSTOMARY LAWS

The legal status of women in Botswana is affected by both common and customary laws. These laws also affect women differently depending on their marital status. Under common law, the “age of majority” is defined as twenty-one years of age for both men and women. Similarly, the Age of Majority Act (Cap. 15:04) provides this but does not go any further to state that this person should have full legal capacity irrespective of their sex.

Traditional customary law, however, recognizes unmarried men and women as falling under the guardianship of the male head of the family. They can acquire property rights through their guardians. In some communities, customary law grants men their full capacity when they get married, whereas with women this is passed from the guardianship of the father to that of the husband. Under customary law, as Molokomme (1990) points out, women remain minors for the rest of their lives. In reality, however, due to changing circumstances, some customary courts tend to be flexible with the application of this principle and sometimes allow women to represent themselves without being asked to be accompanied by a male guardian.

This change from strict adherence to tradition and custom is necessitated by the increase in the number of female-headed families in Botswana. In some areas such as Molepolole, Kanye, and Hukuntsi, there is still a strong feeling that unmarried women should not be allowed to bring cases to the *Kgotla* unaccompanied by male relatives. In Kang, Gantsi, Gumare, and Tutume, some chiefs said they allow women to bring their cases alone as they treat them as adults. Thus, attempts are being made to give women access to the *Kgotla*, but there is a perception by women that they are not taken seriously, and as such this prevents them from seeking redress from the *Kgotla*. There is also another unsubstantiated view from men, which claims that, in their attempt to show neutrality, chiefs tend to favour women when handling complaints brought to them. These changes are sporadic and are taking place unevenly in the country to the extent that it is difficult to generalize on their precise application.

Another area of concern for unmarried women that perpetuates unequal access to justice in the *Kgotla* are some socio-economic practices that are anchored in culture. For example, during the rituals and the negotiation processes of their own children, unmarried mothers are excluded from taking part on the basis that they are not married. Another practice in some areas such as Kanye is that, when the child of an unmarried mother dies, the corpse is not allowed to be taken through the normal front entrance to the yard, but instead must enter through an opening at the rear of the compound. According to the prevailing custom, this was intended to demonstrate that the child was illegitimate and came through the backdoor.

Another custom, although it is supposed to be applicable to both men and women but tends to oppress women more than men, pertains to the death of one party in a marriage. According to custom, when one party dies, the surviving spouse has to undergo a period of mourning. During this period, the surviving spouse is regarded as hot and as a result is a danger to crops and people and may also scare away rain. Thus, this person is expected to refrain from mixing with people freely, and, whenever the person goes out, he or she was expected to scatter the peels of the mogaga bulb on the ground especially at road crossings. Women were expected to wear a black gear from toe to top, including a black umbrella (wherever she uses one normally) for a period lasting a year. More importantly, they were expected to refrain from sexual intercourse as they may cause the other person to fall ill and even die. The period of mourning is to give formal expression to the sorrow that is felt by the loss of the dead spouse.

Although both spouses were supposed to undergo the period of mourning, the way it was implemented discriminated against women as their period of mourning was expected to be for about a year, whereas with men the mourning period was between three and six months. Moreover, men were not required to put on black gear such as trousers and shirts, but in some tribes a simple black cloth around the arm would do. The plausible explanation was that traditionally men were supposed to be the breadwinners and therefore could not be expected to spend more time mourning. Today it is accepted that circumstances have changed such that more and more women are now engaged in the cash economy, and also with the decline of the marriage institution, the burden of family responsibility is equally shared, if not more so by women. Some women still

undergo the rituals of death, but it differs from place to place. Even those who undergo these rituals, go through them not because they want to but partly due to fears that they would be frowned upon by society and harm may befall them if they did not.

## PROPERTY RIGHTS

Under customary law, with respect to property rights, valuable resources such as land and cattle are normally allocated to families and lineages through male heads. This meant that women had no direct control of these resources except through the male guardian, that is, the father, husband, or uncle.

Under customary law of inheritance, when a husband dies, the eldest son becomes the principal heir (*mojaboswa*) of the deceased's estates (Schapera 1984). Traditionally, the motive behind this was that the principal heir only took over the management of the estate, not the sole ownership, and was expected to take care of the other people, including the surviving spouse of the deceased and the siblings. This meant daughters generally had no rights to inheritance, except of property that belonged to their mother, or any that was earmarked for them during their father's lifetime. In the olden days it was easy to administer such an estate as many of the family members lived in the same yard and were in many cases engaged in communal production. Today, however, residential patterns have changed and new forms of property such as cash have emerged. As a result, some heirs are able to individualize this inherited property and fail to support the other female dependants of the deceased father. In recognition of these changes, some traditional leaders have taken a pro-active stance in handling such cases. Chief Linchwe II of the Bakgatla tribe has from time to time handed down a number of decisions in which the property of a deceased man was distributed equally between the children irrespective of their gender. The mood is changing and there is a feeling that the principal heir should of necessity give the sisters something as a form of inheritance. Oftentimes, depending on the personality of the principal heir, tensions exist between the male heir and his father's wife.

Some administer the estate in consultation with the mother, while some would administer it as if it were their individual property.

Another valuable resource that has an impact on the status of women is land. Although there is no legal requirement that unmarried women be accompanied by a male elder when applying for a piece of land, some male land board members still ask questions suggesting that these people have no legal right to a piece of land on their own. Traditionally, unmarried women could not directly be allocated a piece of land without first acquiring the consent of their parents irrespective of age. The same reasoning is used to refuse a married woman a plot without the consent of her husband as it is regarded as encouraging divorce and unruly behaviour in the household.

## MARRIAGE UNDER COMMON AND CUSTOMARY LAWS

Botswana law recognizes two systems of marriage – customary law and common law. Both these lay down some requirements to be complied with by those wishing to marry. Individuals are expected to choose between these two regimes. The Marriage Act (Cap. 29:01) lays down the different ages for which one is eligible to marry at sixteen years for males and fourteen years for females. Under customary law, there is no precise age at which people can marry, except that traditionally they could marry after going through an initiation school. It is not our intention here to discuss in detail the process of going about the two marriages, but the task is to show the consequences of the two and the effect on the status of women. Both customary and common law do not provide equality between the two as the husband is made the head of the household, with final decision-making powers on family matters. Thus under customary law, the husband assumes a superior position to the wife as a woman is said to be *ngwana wa monna* (a woman is treated like a child). Under common law, the husband is given marital power in its personal aspects, which means a woman has no *locus standi in judicio* because the husband is the sole guardian who can bring and defend legal suits on her behalf and is also expected to assist her in entering into contracts.

This also means that, upon marriage, the wife loses the capacity to acquire a domicile of her own choice, the choice being that of the husband. The effect of this is that the consequences of marriage are now determined by the law of the husband's domicile.

There is therefore a view expressed that this rule under both customary and common law undermines the legal status of women. Married women are also affected in many different ways. It is expected that whenever they have a complaint/case, this has to be reported through their in-laws who are supposed to speak on their behalf and represent them at *Kgotla* meetings. Traditional leaders do not normally take on such cases brought by women until they are satisfied that all levels of communication have been exhausted within the family setting before the case is brought to the *Kgotla*. Traditionally, this was meant to protect the family name from being ridiculed by people from outsiders such as the daughter-in-law. The effect of this is that a married woman is at the mercy of the in-laws and is expected to trust and have confidence in their good judgment in dealing with complaints against her husband. However, it is being recognized that in modern days, the in-laws do not necessarily exercise impartiality as expected when dealing with conflicts between the couple.

The property consequences of women married under common law depends on whether they are married in or out of community of property.<sup>2</sup> When married under community of property, both spouses hold equal individual shares and there is a community of profit and loss. However, in practice this is nullified by the fact that the law grants marital power to the husband, which means the woman is reduced to a legal minor as she requires the consent of the husband to deal with family property. Based on this principle, the Deeds Registry Act (section 18) used to provide that immovable property may not be transferred or ceded to a woman married in community of property unless this was expressly excluded from the community or the marital power by law. The section also required that a woman be assisted by her husband in executing any deed or other document. This section was amended in 1996. A woman, whether married in or out of community of property and whether or not the marital power has been exercised, is allowed to execute deeds and other document without the husband's consent. Though this amendment goes a long way in addressing the property rights and status of women, it does not go far enough. This Act only deals with marital powers with respect to movable

property such as cattle, vehicles, and cash. To achieve full equality in law, the marital powers of the husband over the joint property have to be removed from common law.

Another observation to be made is with regard to women's rights to property following a divorce. According to custom, grounds for divorce are available to both men and women, with sterility, infidelity, and witchcraft giving the husband full justification for the divorce. The above were not readily available to the wife. However, due to changed circumstances, the record of cases at the Customary Court of Appeal indicates that traditional leaders now treat infidelity of husbands with the same seriousness as those of wives.

The property entitlement of women following divorce under customary law is as fluid as their rights during marriage. In many cases, it is said to be dependent on who is responsible for the break-up of marriage. Generally, it is believed that the person who is responsible for the break-up of marriage should be punished by being deprived of property. In practice, however, to arrive at who is guilty involves all sorts of behaviour that often puts women at a disadvantage. Where women are not at fault and are supposed to receive benefits, especially in the form of cattle, this is vague as to what the number should be. This is usually left to the discretion of the traditional leaders as the presiding officers, and in many cases they tend to assume that cattle belong to the husband, even though women contribute to their accumulation. Thus, due to the fluid nature of customary law in such cases, women tend to lose out on property following a divorce, especially cattle, which according to tradition are regarded as the domain of men.

The foregoing discussion has indicated that Tswana culture and traditions have for a long time considered women as minors and for all intents and purposes has treated them as children who needed assistance from the husband based on the notion of *Phuti tla oje letlhodi*.<sup>3</sup> These traditions and customs have been used over many decades to portray women as the weaker sex that constantly needs the protection of a man. These have also been used to perpetuate and undermine the legal capacity of women as persons and human beings. Consequently they were not regarded as capable enough to assume responsibilities in society, including becoming chiefs.



Based on these customs and traditions, some tribal communities in Botswana were of the view that they could not have a woman chief. In the interviews conducted during this research, the majority of respondents said they have never had a woman chief and some said they can never have one, except at the lowest level of a headman (D'kar, Maun, Bobonong). In almost all the areas visited, the view expressed was that they can have a woman chief only as a regent (Maun) or at the lowest level. Reasons given for this were not convincing enough except to refer to tradition and custom where in Kang one leader said tradition does not allow a woman to become a chief.

Another reason that seemed to be the preoccupation of many is that a woman cannot be a chief because this would create succession disputes as the blood would be contaminated. According to Tswana custom, chieftainship is hereditary and succession is along the male lines. A long tradition in various communities in Botswana is that chieftainship is reserved exclusively for males. A paradox however emerges as we probed them more about the issue of traditional leadership. When asked what would be their reaction if they suddenly had a female chief, the majority of respondents said there was no problem in having women as chiefs as long as she demonstrates that she is a capable leader. From the discussion we had, we could discern that there were really no sufficient reasons advanced for not allowing women to become chiefs except tradition. Moreover, others argued further to say this would be a welcome development as it would help address the issue of gender inequality.

Traditional leaders are charged with responsibility of enforcing customary and statutory law in the customary courts. Because the majority of them are men, we wanted to find out how they deal with the cases and whether there is a feeling that justice is dispensed impartially despite these imbalances. We asked whether there are many more cases brought by women to the chiefs to adjudicate and who is actually involved between the two sexes. The response was that indeed the number of cases brought by women has increased and in many of them men are at fault (Tutume, Bobonong, Maun, D'kar). Generally, cases of violence against women are prevalent in Botswana, and this has been a subject of discussion in several conferences and workshops convened by government departments and non-governmental organizations.

Legally, there are no specific rules that protect women from being beaten or abused by their husbands. Such cases are treated like all the others under common assault. Some police officers do not take cases of battered women seriously as they are dismissed as private matters to be dealt with in the home. Traditional leaders also do not intervene at the appropriate time since they normally insist that such cases should be dealt with by the relatives within the household before it reaches them. Different tribes in the country treat wife-battering differently. In some areas, it is argued that wife-beating is allowed as long as it is not excessive and it is done in private. Those who said custom allows wife-beating said it was meant to discipline a disobedient woman and it served that purpose. Moreover, a woman is a child who can be chastized if she incurs the husband's discipline. The handling of such cases will also have effect on whether the judgment handed out satisfies both parties. Opinions were divided on this issue where male respondents felt that traditional leaders were biased and tend to favour women in their judgments. In many of the cases, especially those of violence, men are perpetrators and traditional leaders have no option but to sympathize with the victims, in this case, women. Again due to pressure mounted by women's organizations about the plight of women, traditional leaders have to respond by protecting women.

## CULTURE AND TRADITION: THE CHANGING CONTEXT

There are indications that the attitude towards women is slowly changing where society in general expects them to take part in some activities that were solely regarded as the preserve of men. We now observe that the majority of tribal communities expect women to take leadership positions in many organizations, including government and political parties. In fact, women have demonstrated good leadership qualities in the few cases where they have been afforded the opportunity; the main undoing has been that their ascent of the career ladder to the same extent as men has been hindered by various factors already alluded to. This includes the socialization of girls into traditionally female activities, thus reducing them to a subordinate position (*National Gender Programme Framework* 1998). Things are now changing where we have witnessed a major development

in 2003 in the succession of a female chief to the throne in one of the hitherto constitutionally recognized eight tribes. The Balete tribe in the South-East district of the country has for the first time given the throne to a female who has for some time now been presiding over *Kgotla* meetings and participating in the deliberations of the House of Chiefs. She is the first woman paramount chief to sit in the House of Chiefs, again the first to break the long-held tradition that chieftainship is reserved exclusively for sons. *Kgosi* Mosadi Seboko succeeds her younger brother who died after a long illness. Because of tradition, it was felt that Mosadi could not be a chief even though she was older. Yet others argued in the same *Kgotla* meeting that chieftainship had already passed to her.

The significant point here is not only the fact that a female has taken this office but, more importantly (as she pointed out during the interview), the fact that she faced very little resistance from the *Kgotla* in the process of her nomination by the tribe in the traditional manner. According to her own observation, the reservation and resistance was primarily from within some members of the royal family who said the throne should not be passed to a woman. The same principle has been applied to Ian Khama, who was installed while he had an elder sister. The main reason given was that royalty will be diluted as it is supposed to be kept along the male lines. Moreover, it is argued that it is against culture and traditional practice for a woman to take over. An agreement was reached to the effect that her children will not claim the throne. As she put it, "I am a daughter of a chief, but my children's father is not a chief. So they will have no right to claim the throne. I am claiming it because it was my father's" (*The Gazette*, December 2001).

Many of those who spoke in support of her at the *Kgotla* meeting said there was no valid reason preventing her from ascending the throne except male chauvinism. Attesting to the capable leadership of women in different walks of life, the former member of parliament for the area argued that, if chieftainship is about leadership, it should also be susceptible to change. Numerous examples were given where women have been successful in positions of leadership such as heading schools in the country. In addition to the fact of her assumption of office, it is also significant to note that she is an educated person who has been employed in a responsible position in the private sector for some years (banker) and has started performing a very active role in leadership to the community with regard to

the handling of the problem of the youth, unemployment, alcohol abuse, and crime.

Before the assumption of office by this female *kgosi* in the South-East district, the House of Chiefs some years back for the first time welcomed a female chief (Banika) from Kasane as she was elected to represent their tribe (being a sub-chief) of the area. *Kgosi* Banika has made her mark in the deliberations of the House of Chiefs and has been quite progressive in her outlook. Her progressive approach could be discerned from her view, expressed in the House of Chiefs, where she argued that, contrary to prevalent tradition, the females should also be treated equally with their male counterparts and whipped as a punishment if found guilty of offences similar to those for which males are whipped. In her view this will not only promote the principle of equal treatment to male and female but will also reduce the hardship on the female head of the household whose family has to undergo greater suffering if she is imprisoned and taken away from the family as a result of punishment. The punishment of whipping could be more reasonable as it will not take her away from her family and she could continue with her domestic responsibilities. This way could be less painful to her and family.

So far, women who have ascended to the position of chief and have served in the House of Chiefs (*Ntlo ya Dikgosi*) have executed themselves well and there is no doubt that they have brought power to bear on social and political reform.

Gradually changing place of females in the traditional setting could also be discerned from some other positions held by the lower levels of hierarchy of traditional leadership. The information obtained from the office of the Customary Courts Commissioner (2001) indicated that the females have held positions such as: female regent for the Batawana, the sub-chief of Moroka in the North-East, sub-chief of Kgalagadi, a court president in the town of Selebi-Phikwe, a deputy court president of Selebi-Phikwe, a deputy court president in the city of Francistown, a sub-tribal authority in Mmadinare, and a court president in Lobatse. In addition, the customary courts commissioner was a female for quite a long time and has performed her role diligently with regard to certain matters falling under the authority and jurisdiction of the traditional courts commissioner. At the time of carrying out the research in 2002 the director of

tribal administration in the Ministry of Local Government was a female and has been in the position for some time.

In yet another move, the Batawana once again endorsed a woman to become their regent following the resignation of their chief – *Kgosi Tawana* in a bid to join politics. The Batawana royal family went ahead to install Kealetile Moremi (Tawana's sister) the regent amid some opposition from some members of the tribe. The fear amongst those who opposed Kealetile's choice was that when the time comes for Tawana's son to take over as a chief, some women's organizations, mainly organizations such as Emang Basadi, may rally behind Kealetile to cling to the throne, arguing that she has equal rights to chieftainship (Mmegi, 30 January 2004).

Emang Basadi is a women's organization that was established in 1986 by a group of women interested in improving the legal, social, cultural, and economic status of women in Botswana. The main objectives of Emang Basadi ("stand up women") include the identification of problems related to women through discussion and research, development of action-oriented strategies with a view to changing the socio-economic and legal status of women. Furthermore, the association aims at mobilizing and increasing awareness in women and the public regarding specific problems faced by women. Emang Basadi also aims to emphasize the role of women and enhance recognition of women's participation in national development. Issues relating to greater social equality and removal of cultural and legal barriers that prohibit the advancement of women are an integral part of Emang Basadi's mandate.

## CONCLUSION

There is no doubt that the world is experiencing rapid changes in almost every field. Following on these global trends, Botswana is also witnessing a change in the status of women. As the world conferences have operated as strong pressure groups, Botswana also began to organize and put pressure on their government to review all legislation that seems to hinder women's full participation in the political domain. Though the government of Botswana has welcomed such developments, the biggest challenge to gender equality is the deeply-rooted culture that is founded on a patriarchal sys-

tem that subordinates women to men. For the plight of women to change for the better, the culture in which some of the laws are embedded has to change. One such indication of positive change in Botswana is the installation of a woman paramount chief, *Kgosi* Mosadi Seboko of the Bamalete tribe in 2001. This is a historic and humble beginning of a new era. Botswana's development initiatives and traditional leadership need people who are modern and yet rooted in tradition. Women's voices must be heard in all institutions for balanced development. This can also give women an opportunity to resist some of the laws that are discriminatory. Through their roles as chiefs, women are better positioned to influence legislation in a positive way as traditionally they have been regarded as the bearers of culture.

Botswana's government has taken positive steps regarding women's issues. A number of policies, programs and institutions have been put in place. A Women's Affairs department in the government coordinates and evaluates women's activities at local, national, regional, and international levels. The Women's Affairs department has executed its mandate well in certain areas, although its capacity is limited and needs to be developed.

## NOTES

- 1 The law regarding citizenship is contained in the Citizenship Act of 1982, as amended in 1984 and 1995.
- 2 According to the married persons property law in Botswana, "in community of property" means property accumulated belongs equally to both spouses while "out of community" means what one accumulates belongs to him or her.
- 3 In Tswana custom when a man marries a woman, it is expected that he will provide for her.

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# **10 Governance Policy and Democracy: Reconstituting Traditional Authorities in the eThekweni Municipality (Durban), 1994–2003**

Shahid Vawda

## **1. INTRODUCTION**

One of the defining features of South Africa over the last decade has been its attempt at instituting and consolidating democracy in a continent that has few long-term post-colonial stable democratic regimes. Much has been said about formal democracy taking root: there have been three successful “free and fair” general elections for national and provincial levels of government and two local government elections. A third local government election occurred in 2005. The last decade has also been important for the African National Congress (ANC) government mandated to formulating and implementing policies committed to the development, transformation, and enhancement of what has been



termed “the disadvantaged” sectors of society. In this, the ANC has enjoyed almost hegemonic control of the terms of debate and direction of a modernist development agenda and transformation with very little direct open challenge from civil society. Some commentators have decried the lack of sustainable challenge and dissent led by civil society to the government’s development and transformation agenda. Yet the picture of South Africa as a modern liberal democracy that votes every five years giving the ANC an unfettered mandate belies the very intense debates over the direction of aspects of government policy from competing institutions taking place at several other levels of society. One such site of competition is from the institution of traditional authorities.

In KwaZulu-Natal province there are very strong challenges to policies of government that assign a largely ceremonial role to traditional authorities. This challenge initially came from the Inkatha Freedom Party (IFP), who made the lack of a meaningful constitutional role for traditional authorities a point of principled boycott of the first democratic elections before the historic compromise by the ANC to attend to the issue once the elections were over. This promise, including giving the IFP three seats in the president’s cabinet, was sufficient to entice the IFP to participate in the 1994 election. However, the role that traditional authorities would play at national, provincial, and local government was left vague and continues to be one of the fault lines of politics in the KwaZulu-Natal province. Yet several times between 1994 and 2003, inflamed emotions around the issue of the traditional authorities were diffused and violent confrontation was averted. The question is why has this fault line not been breached thus far: avoiding, rather than precipitating, a civil war on the scale of the 1980s, or worse.

I examine the politics of traditional authority with regard to local government policies that seek inclusiveness and legitimacy of authority, rather than merely a single litmus test of elected representative democracy. I analyze the policy of government towards traditional authorities, in particular, the way in which traditional authority is constructed in the policy and its implications for governance. The issue is not whether the ANC government, a modernist liberation movement turned political party, had to negotiate with what appears to be a retrogressive political party with non-democratic tendencies by virtue of being aligned with traditional leaders. The issue is not a construct of “us versus them,” although in the

rough and tough of political dialogue that much appears apparent. Nor is this a simplified understanding of the division as democratic versus non-democratic. Traditional authorities are by definition un-elected representatives as they inherit their positions of authority and leadership of their communities. Rather the focus of attention is on the relationship between policy and governance, or governmentality, inherent in the policies pursued within a largely liberal democratic form of government, which seeks to control rather than exercise outright domination.

In this chapter I seek to understand how the traditional authorities in the eThekweni Municipal Council (formerly the Durban Unicity, also known as Durban Metropolitan Region [DMR]) are constructed and shaped by their own actions and discourse and by a bewildering series of policies, legislation, interpretations, and the actions of politicians and bureaucrats to play a role in the development of the area under their jurisdiction. These constructions, or rather reconstructions, of traditional authorities are also played out against a historical background of intense violence and conflict, and new imperatives towards democratic local government, changing boundaries, and the reconstruction of the South Africa society as a liberal democracy. The main question that I ask is how do policies, often embedded in mechanisms of institutional decision-making, act as instruments of government power to shape the way individuals or institutions are characterized as “subject,” “citizen,” “tribal authority,” “development beneficiary,” etc., and hence the way in which they act or are constrained to act as members of a state, and thereby consent to be governed. By policies I mean an ensemble of political speeches, party manifestoes, service delivery promises, people’s experiences at street-level bureaucracy (in offices of government or traditional authority’s office who may act as a cog in the bureaucracy of government) and written documents such as research reports, green papers, white papers, and legislation.

The way in which traditional authorities have put their case on the political agenda and the way in which government has responded are analyzed as a complex process by which policies, not only impose conditions, as if from above or outside, but influence people’s norms of conduct so that they themselves contribute, consciously or not, to a model of institutional social order. Burchell has remarked that governance is “a more or less methodical and rationally reflected ‘way of doing things’ or ‘art’ for acting on the actions of individuals, taken singly or collectively so as to shape,

guide, correct, and modify the ways in which they conduct themselves” (Burchell 1993, 267).

## 2. THE BROAD TERMS OF DEBATE ON TRADITIONAL AUTHORITIES

The role of traditional authorities is part of a larger debate about the transition to democracy and the entrenching of democratic values and institutions. The question is whether traditional authorities can co-exist with democracy in a post-colonial situation, or should they be abandoned. On the eve of African independence, Mamdani (1996) argues that questions of de-racialization and democratization loom large. While de-racialization can be a relatively simple process in the post-colony, democratization has proven to be a less-enduring success. One of the pivots around which the promise of democratic freedoms hangs in the balance is between the urban and rural forms of governance. Mamdani argues that the inhabitants of the urban areas are impregnated with notions of political, social, and economic freedoms and rights, while the rural dwellers are constrained within the limits of “tribal authoritarianism” and the *imprimatur* of violence. Mamdani suggests, broadly speaking, that overcoming, rather than compromising, this distinction is critical to democratization. Although Mamdani’s urban-rural divide of unmediated polar opposites within the post-colonial state, does offer a limited way to understand the *impasse* of the current situation of a bifurcated state, the tradition-modernity trajectory is resolved only in the dissolution of rural “tradition” into the modern (or renders itself into a clash).

At first glance, it might appear that Mamdani’s position is correct. In the first national democratic elections in South Africa, rural people’s participation was the result of a combination of an alliance and a compromise with the two main proponents of the ruling rural elites, the Congress of Traditional Leaders of South Africa (CONTRALESA) and the Inkatha Freedom Party. Although the Congress of Traditional Leaders of South Africa was in an alliance with the ANC, it nevertheless wanted the issue of traditional authorities to be addressed. But it was prepared to do so within the framework of the ANC alliance partners and the interim constitution.

The other main rural-based party, the Inkatha Freedom Party (IFP), negotiated a settlement with the ANC, which allowed them access to three ministerial posts in a government of national unity and a promise to address the issue of traditional authorities. Although the IFP participated in the strongly contested general elections (national and provincial), their strength was said to be in the local authority level in rural areas, which were strongly controlled by the traditional authorities. The compromises also led to peace pacts and negotiations over maintaining the peace at provincial, local government, and community levels. The impact of the peace is not difficult to discern in the aftermath of a decade of violent confrontation. Political tensions still exist but not the destructive violence of the past. There are obvious differences in the support bases of the political parties, which hint at the disjunctures inherent in the social composition of rural and semi-rural areas where traditional leaders have an important social and political influence and ordinary people desired the promises of the Reconstruction and Development Programme. Rural people are not the assumed subjects of unreconstructed traditional authorities.

While dualistic notions do offer some insights, they are problematic in the assessment of unmediated urban-rural divisions. There are examples to draw from to understand and illustrate the mediation of such urban-rural distinctions. For example, following Franz Fanon, rural migrant workers, or the unemployed lumpenproletariat in the city, may represent a strand of opposition to the colonial state, which in some circumstances may be extremely militant and violent, whereas the existence of trade unions in rural areas represent the notion of civil and political rights (cf. Kadalie; Hirson, Champion), rather than rural authoritarianism and compliance. "Tradition" as a rural form of institutional governance is thus not uncontested. Nor is the idea of tradition used by government agencies inspired by modernist intellectual pedigrees ideologically or politically neutral. "Tradition," as tropes, rhetorical and narrative devices, or discursive formations, is used in various ways by traditional leaders, as well as the state and various government agencies, to include and exclude, to empower or disempower, to give voice or to silence some against others. One such discursive formation is the invocation of the constitutional phrase "co-operative governance," often quoted as a way of getting on with the business of government, involving the relevant stakeholders such as traditional authorities, and providing the service delivery and development

that it loftily promised in 1994. This is often justified on the basis that “co-operative” government is both a constitutional, legislative, and policy requirement. To state that such a legal constitutional and policy requirement is being fulfilled would be to suggest that an objective, an intention of government, is being implemented and successfully achieved in that all voices are heard before a rational level-headed decision is made. Such a perspective, even to the casual observer, would be lacking in precision. Its imprecision is not just because the roles and functions of traditional authorities are still contentious and the subject of debate in parliament and subsequent legislation, but it would suggest that government policy of “co-operative governance” is being implemented and driven by a rational process that provides for a tangible, regulated, and legitimate outcome. If this is the case, then it would suggest that the policy and legislative framework has shaped the way traditional authorities are being categorized and classified in terms of their status and position within a system of governance, has their assent, and gives meaning to what they do or practice as it contributes to, or detracts from, “co-operative governance.” In such a view, there is little to suggest whether such actions contest or comply with the terms of the policy (or policies) and legislative framework as the process evolves with greater depth and complexity. I suggest that the outcome of the implementation of government policies on traditional authorities (combined with other policies that affect or implicate traditional authorities such as land tenure) and new democratic local government structures is more likely to be varied, contingent, negotiated, and re-negotiated and may include the use of violence.

Indeed, for the traditional authorities, the ending of apartheid brought, not the promised land so superbly imagined in our liberation cargo cults (certainly not an upper house of chiefs, mimicking the British parliamentary system), but a new confrontation of modernity’s latest maelstrom, re-entry into a globalizing world – disintegrating the solidity of their familiar ground, generating new kinds of struggles and calls for renewals, and unleashing a host of ambiguities in their attempts to govern “traditionally.” This chapter traces the contours of the still-emerging new regulatory system for traditional authorities, against the historical background of a defeated Zulu state and the ever-present contemporary threat of politically inspired violence. It outlines the constitutional position and role of traditional authorities in a parallel system of representation for traditional

authorities from local government to the national parliament, and the general policy environment. The chapter also analyzes the image of traditional leaders that emerges from the role and functions as contained in the constitution, local government legislation, white papers, and government discussion documents. It is the engagement with the new emerging system of governance that is the subject of this chapter. This engagement is predicated on traditional authorities co-operating with the new regulatory framework but also highlights the predicament and dilemmas of their own political and economic circumstances. Their responses, in particular to the new images of governance inherent in the municipalization and demarcation process, saw a variety of responses, from enthusiastic acceptance to grudging compliance. In some early responses to demarcation, there was outright rejection and the threat of violent confrontation with both central government and local councils who tried to discharge their legal responsibilities. The chapter attempts to develop a typology of the responses to analyze and explain why traditional authorities take the various positions they do and what might be implications for governance and development in the areas that they claim to have authority over.

### 3. THE CONSTRUCTION AND GOVERNANCE OF TRADITIONAL AUTHORITY: 1800–2000

After the 2000 local government elections, the Durban Metropolitan region was expanded to include much of the rural and semi-rural area of the former Ilembe Regional Council.

The incorporation of these areas into what became known as the Durban Unicity (later the eThekweni Municipality) were justified on the grounds of functional integration, density of population, and the need for service delivery and development. In terms of the Municipal Structures Act and the White Paper on Local Government, the local authority's main prerogative is to implement local development policies. For the newly incorporated areas this meant, in the main, service delivery of water, electricity, roads, health services, libraries and the provision of recreational and civic halls. These areas, as I shall later show, have immense backlogs in infrastructure and services. These areas, significantly, also consist of

sixteen tribal authority areas. Most of these tribal authority areas have wholly been incorporated into a new metropolitan area, although some have been split by the new demarcation boundaries, which became effective in December 2000. Given that these areas are under rule of traditional leaders, it is difficult to ignore their importance in pursuing any development agenda. The very fact that tribal areas have been included within the metropolitan area is indicative of encounters between urban and rural forms of governance in overcoming the burdens of the past, not least that which is predicated on the past, albeit contested, constructions of traditional functions, roles, and power.

### *3.1. The Historical and Social Context of Traditional Leadership*

It has been argued that the institution of traditional leadership has been largely marginalized under colonial and apartheid rule and that its final demise should be hastened by the arrival of democracy. If this was so, its resilience in KwaZulu-Natal may have been underestimated. Indeed, I shall attempt to show that the institution was firmly rooted in the policy and was instrumental in the governance, firstly of the colony of Natal, and later of the province. Furthermore, it is likely, given its current constitutional recognition, to evolve to meet the challenges of the twenty-first century as an integral cog in the governance of rural and semi-rural areas and in particular the eThekweni Municipality for the foreseeable future. (This is not to say that its future is guaranteed or that the institution will live out its relevance in obscurity.)

### *3.2. Before Colonization*

In Southern Africa, particularly, before colonization, chiefdoms had been fluid communities with an ill-defined jurisdiction in which *imizi* (homesteads), the unit of mainly self-sufficient agricultural production, had been bound together by ties of neighbourhood, kinship (real and fictive), clientship, and marriage. Chiefdoms defined themselves in genealogical terms as a grouping together of lineages and descent groups. Kinship in this context was important in the maintenance of social and political cohesion and conferred legitimacy on the chief. However, kinship and lineage was

open to interpretation and manipulation, thus allowing for switching of allegiance from chiefdom to chiefdom, enabling fluid and unstable political units rather than consolidated polities of chiefly power. The emergence of the *amabutho*, or young male groups, in the late eighteenth century, which were bands of men required to provide labour or military services for their chiefs, was instrumental in the rise and consolidation of the Zulu state by King Shaka. However, until the latter half of the nineteenth century, the Zulu state and surrounding chiefdoms still relied on the productive unit of the homestead (Guy 1979, 10–11, 21).

### 3.3. *The Colonial Period*

Since the beginning of colonial domination in Natal and Zululand during the nineteenth century, the *amakhosi* or traditional leaders have had a precarious and uneasy relationship with the successive colonial governments. After the British annexed Natal in 1842, the colonial authorities evolved a plan whereby they recognized the authority of the chiefs, but they were deprived of their power of life and death. Traditional leaders were co-opted into the system of indirect rule, known as the Shepstone System (named after the Secretary for Native Affairs). Shepstone recognized their role as allocators of land to their people, but retained the right to appoint and dispose of chiefs. Within his reserve, the chief had the sole right to allocate land, which was held under communal tenure by his people. Although this right did much to strengthen the position of chiefs in early colonial years, the power of chiefs declined through a combination of new laws administered by magistrates and an inability to defend their communities against taxes imposed by the colonial government. In this way the institution of traditional leadership was essential to creating the space for the colonial government to pursue the development of the plantation and mining political economy in Natal.

### 3.4. *The Union Era*

The establishment of the Union of South Africa in 1910 did not usher in any new improvements in the position of *amakhosi* and their people. Instead, the successive governments intended to estrange *amakhosi* from their followers so as to ensure that they conform to the governments' scheme



of indirect rule and the policy of racial segregation. During the twentieth century, various governments decided to consolidate their stranglehold on *amakhosi* so that they could serve the purpose of being government servants. In that way, an *inkosi* was no longer accountable to the people but to the government to whom he was indebted for material support and his position as *inkosi*.

The government was not the only entity interested in securing the support of the traditional leaders. Political organizations such as the African National Congress (ANC) and the Industrial and Commercial Workers Union (ICU) recognized the significance of the traditional leaders during the early years of the struggle for liberation. The ANC, having been inspired by late-nineteenth-century struggles that had been waged by traditional leaders, had a House of Chiefs when it was established in 1912 (Odendaal 1984). The ICU yaseNatal also paid special interest to traditional leaders and A.W.G. Champion used to invite chiefs to meetings in Durban. For some time, Champion of the ICU yaseNatal and Clements Kadalie of the national ICU vied for King Solomon kaDinuzulu's support for their trade unions. Chiefs were also regular visitors to the Bantu Social Centre in Durban, which was a site of many early resistance activities.

### *3.5. Traditional Authorities, Apartheid, and Democracy*

Increased urbanization during the first decades of the twentieth century as well as the legalization of land dispossession by the Native Land Act of 1913 further challenged and undermined the powers and positions of *amakhosi*. The political economy, which was centred on the patriarchal homestead system typical of the rural areas controlled by *amakhosi*, was being eroded, but not ended, by urbanization. However, it should be noted that many urbanized people still maintained their connections with the rural areas and still paid allegiance to their traditional leaders.

The swift pace of the struggles against apartheid in South Africa from the late 1940s left many of the *amakhosi* politically ambiguous. During the subsequent decades, many chiefs were perceived to be politically reactionary and a bulwark against liberation. On the other hand, the apartheid government was continuing with its plan of making traditional leaders the cornerstone of the Bantustan system. The most notable step that the government took to further complicate the position of chiefs was to enact the

Bantu Authorities Act of 1951, whose implementation led to many rural revolts and in some areas pitted chiefs against their followers. However, some chiefs decided to risk being deposed and openly supported the liberation movements, thus continuing a thread where chiefs were considered leaders of people, rather than agents of the apartheid regime. When the homelands were created during the 1960s and 1970s, chiefs formed a vital component in their administration. Implicitly considered as cogs in the apartheid machinery, troublesome chiefs could and were replaced with more compliant chiefs whose installation was to be ratified by the homeland government (Discussion Document: Towards a White Paper on Traditional Leadership and Institutions, 2000, 4). The appointment of councillors also changed with only some being elected while others were being appointed. As a result of these administrative changes, traditional authority institutions lacked the subtle control measures that moderated the power of chiefs and the accountability of councillors to their communities. The overall result, as Tapscott points out, is that, under apartheid, the homelands parliaments were heavily slanted towards giving chiefs 50 per cent or more of seats, insuring that power remained in the chiefs favour (1995, 294). Although traditional leaders continued to control, allocate, and remove people from land, this was now in a context where most homeland inhabitants were subject to influx control measures (Ntsebeza 2000, 289; Tapscott 1997, 294–96). However, it should be noted that it was mainly in the homelands that African people could legitimately have access to land principally in the form of permission to occupy land (a PTO certificate) issued by a chief and ratified by the relevant homeland government department. In effect, chiefs became representatives of a government department, but with none of the responsibility or power to service or develop that piece of land. Hence they were never empowered to deal with development or basic service issues. In the case of the KwaZulu bantustan, chiefs tried to find alternative forms of recognition, and many joined or came under the influence of Inkatha, the ruling party in the KwaZulu Legislative Assembly. This provided many of them with a parliamentary salary compared to the meagre stipend they received as chiefs (McIntosh et al. 1996, 341).

By the mid-1980s, it became clear that apartheid could no longer survive. Its strategy of propping up the rural economy with devolution of power to authoritarian bantustan authorities, a system of tight controls

over labour migration to urban areas, buttressed with sub-economic township housing, and subsidized transport, came under severe economic and political pressure. Under conditions of economic recession, a failing rural economy and the crumbling of the spatial order of apartheid, the struggle for access to basic resources such as land, water, and shelter shifted closer to the urban centres. The increasing movement by the rural poor to peri-urban and urban centres, added to the increasingly materially deprived and densely populated settlements in urban centres such as Durban. These areas, particular around the Inanda Dam area, have settlement patterns that are conventionally defined as peri-urban or semi-rural. They are in fact the result of the particular migration and urbanization patterns of the last two decades or more and are the most visible effects of the failure of apartheid's bantustan and rural-urban migration policies. These settlements, in the face of material adversity, both on the periphery of the old Durban metro and within the borders of the former Ilembe Regional Council, are characterized by the construction of survivalist livelihoods from both the natural environment and urban opportunities.

During the 1980s and early 1990s, these areas were subjected to intense political conflict and violence. From about 1985 onwards, these conflicts were reported variously as "black on black violence" or a "civil war" and became entangled in the political struggle between the proclaimed modernist progressive UDF/ANC and traditionalist Inkatha (Kentrige 1992, 43–73). In its declining years, the apartheid state could not provide a trickle-down effect sufficient for the material well-being for its most discriminated citizens. But neither could Inkatha, which was ultimately dependent on the apartheid state for the provision of basic services and significant economic development. Nor could those alternative formations, the UDF/ANC, as they did not have the levels of power, administrative capacity or legality to do so. Indeed, as some commentators maintained, a liberated UDF zone during the 1980s and early 1990s, was nothing more than the expunging of any opposition, in particular Inkatha supporters (Freund 1996, 183–84; Kentrige 1992, 57).

The political conflict of the late 1980s and early 1990s in the Valley of a Thousand Hills, outside the then municipal boundaries of Durban, was described as a struggle between progressive notions of "democratic" rule as opposed to the traditional authority system. This particular classification of the conflict submerged another important strand to the conflict. In

the area of Molweni, the conflict at first appeared to be one based on the legitimacy of governance between a movement for democratic change and traditional authority systems. Yet further investigation revealed that the already settled community of Molweni was not willing or was afraid to share their resources, particularly land and water, with newly arrived impoverished victims of flooding and the construction of the Inanda Dam. The refugees and victims of resettlement felt helpless and at a loss as to what to do with their ruptured lives. For the settled community of Molweni, the increased pressure on local natural resources, a sense of overcrowding on the land, growing unemployment, and general deprivation fuelled their frustration and mistrust of the newcomers on the boundaries of their land. Lacking the institutional mechanisms for promoting cooperation, peaceful co-existence or incorporation, these two groups soon descended into cycles of violence characterized by terror and revenge. Under such circumstances, pursuance of livelihood strategies, dependant in part on natural resources, became virtually impossible. Nor could any development plans be implemented.

With a near collapse of any state administrative structures to either maintain or extend the delivery of services and with growing unemployment and extremes of poverty, support for either organization and its leadership was a continually contested one. But this contestation was played out within locally based communities and along the fault lines of locally defined geographical spaces and cleavages. Neither organization could ultimately provide the sustained material amelioration that ordinary people desired. This contestation allowed for extreme forms of violence to flourish, often manifesting itself in brutal killings and the destruction of homes and other property. Varied forms of contestation emerged in this administrative vacuum: vigilantism, warlordism, gangs of professional killers and other criminals. Criminal violence existed alongside the more formal political rivalry between comrades, traditional leaders, and rival political parties. Although violence has often been linked to political affiliation, it was not the only, primary, or indeed conscious source of conflict and violence. The question of the ability to provide land and water as essential means to pursue livelihood strategies was also an underlying element to conflict.

In summary, during the colonial and apartheid periods, the institution of traditional leaders, though under-developed and under-resourced,

performed within the homelands system the important function of controlling, in the interests of the colonial and apartheid state, the movement and residence of people. The homelands also served as labour reservoirs of cheap labour for the urban centres and mining industry. At the same time, traditional authority institutions were pressed into ideological service of the state. Through a set of legislation, traditional authority institutions became a tool in which cultural differences were emphasized, balkanizing the country. Precipitated by the decline of apartheid, a spiral of political violence created an administrative vacuum in the semi-rural and rural areas around Durban.

It was against this background that, when there were negotiations for a democratic South Africa during the early 1990s, there was an impasse over the role of traditional leadership within the new dispensation. Compromises were reached, but many of the traditional leaders were, and still are, uncertain about their roles and their future. The continued perception of *amakhosi* as part of the system of apartheid has also contributed to the negative image many people, mostly urbanized, have about them and the institution of *ubukhosi*. Yet in the midst and the aftermath of a virtual civil war, many traditional leaders still attended to the daily problems of people, their myriad of mundane grievances and disputes, and attempts to valorize the few options they had in their everyday struggles to make a living within their textured and differentiated cultural logics. This strand of everyday practice also served to emphasize that the traditional leaders were in the service of the people they claimed jurisdiction over and by implication were the *de facto* officers maintaining a semblance of social order, however disruptive and irrational it might have been.

While various forms of violence characterized the pre-1994 period, the changed conditions in the post-1994 period saw a shift in emphasis to a state-directed reconstruction, development, and service provision through community participation. This was particularly appropriate, given the widescale destruction caused by a decade of conflict and violence. After 1994 the thrust of bringing areas under traditional authority under the control and influence of the state took the form of demarcating the country into municipal authorities, who are to be responsible for local level infrastructural and social service development, legitimated by the participation of newly elected municipal councillors. The effect that demarcation brings in the form of urban development initiatives, such as

bulk infrastructure (water and electricity) or social services such as clinics and libraries raises the question of the control of such services in support and enhancement of livelihood strategies in the semi-rural areas around Durban.

There are two questions that arise out of this reconfiguration related to institutional governance. Firstly, how would demarcation in such areas affect the current form of administrative control, particularly in relation to the traditional authority structures? More to the point, how does the development discourse give shape to the political leadership to be exercised or excised? The development discourse at the time discouraged the role that traditional authorities could play in immediate post-1994 period. The question is what was the response of traditional leaders, and whether their interventions fractured the dominant discourse shaped in the first instance by the ANC's Reconstruction and Development Programme and later by the state's development initiatives. Secondly, how would demarcation affect livelihood strategies, and whether it would potentially generate conflict over resources or resolution over its use. Thus a political choice of resolving the conflict over the distribution and allocation of resources had to be shaped by political leadership, whether represented by elected councilors or traditional leaders.

#### 4. DEMOCRACY, NEW POLICIES AND TRADITIONAL AUTHORITIES

Currently South Africa has about eight hundred ruling chiefs supported by approximately a thousand headmen. Their authority extends to over 18 million people or 40 per cent of the population who are largely in rural areas. This fact is clearly recognized both constitutionally and by the ANC government. It is not as if the new national government is unaware of the democratic impulses and contradictions inherent in the body politic. Since 1994, various attempts to contain the impulses of traditional leaders and improve the democratic standards of representation in rural constituencies have been undertaken. Two main mechanisms have been attempted. The first was constitutional. This took the form of giving effect to the interests of traditional leaders through the constitutional provisions from

the national level down to the local governmental level. The other was to re-structure the entire form of representation in local government through demarcating new local government boundaries. This chapter outlines the constitutional and legislative framework, including the White Paper on Local Government and Municipal Structures Act. Also discussed here, as it forms part of the regulatory framework which gives territorial effect to the new created municipal councils are the criteria for demarcation and the anticipated impact in terms of the land mass, population increase, and developmental challenges for the newly constituted eThekweni municipal authority.

#### *4.1. Institutionalizing Traditional Authority – Framework for Co-operative Governance*

Although the Constitution recognizes the importance of traditional leaders, it falls short of outlining their exact role and function at a local level. Instead, the Constitution states, “national legislation may provide for a role for traditional leadership as an institution at local level on matters affecting leaders local communities” (Section 212[1]). This clause in the Constitution is problematic but suggests that the central government is to specify the exact roles and responsibilities of traditional leaders at various levels of government.

Although much ambiguity exists on the exact roles and responsibilities of traditional leadership at a local level, provision is made for them to approach and lobby other agencies and spheres of government at both provincial and national levels through the houses of traditional leadership. The 1996 Constitution makes provision for the establishment of a National House of Traditional Leaders subject to relevant national and provincial legislation. The functions of these houses are to advise government on matters affecting traditional leadership, traditional communities, and customary law. It must be noted that it is not mandatory for government to seek the House’s advice before or during the submission of legislation and policy documents to parliament.

In keeping with the constitutional provision, six provincial houses were established in terms of legislation passed by the provincial legislatures and in close consultation with traditional leaders. This combination led to the formation of the National House of Traditional Leaders (previously the

Council of Traditional Leaders) in terms of the National Council of Traditional Leaders Act of 1998. The renamed national structure in 1998 consists of eighteen members (three nominees from each of the six provincial houses). The number of members of the six provincial houses was as follows: Eastern Cape 20; Free State 15; KwaZulu-Natal 76; Mpumalanga 21; Limpopo 36; and North West 24. Overall, KwaZulu-Natal represents 40 per cent of the total membership. The actual numbers of traditional leaders were as follows: Eastern Cape 179; Free State 15; KwaZulu-Natal 282; Mpumalanga 53; Limpopo 189; North West 68 (*White Paper on Traditional Leadership and Governance*, 2003, 49).

The Department of Provincial and Local Government is responsible for the administration of traditional affairs at the national level. The provincial houses of traditional leaders interrelate with the provincial administrations responsible for the administration of traditional affairs. However, relationships between the national government and the functions of the provincial houses differ from province to province. In KwaZulu-Natal this is the Department of Traditional Affairs and Local Government. Generally, they are concerned with the succession and appointment of traditional leaders, customary practices within individual communities. In theory, the issues of wider concern to traditional authorities can be raised via the House of Traditional Leaders at provincial and national levels and then be introduced into the National Council of the Provinces, and then enter into the debates of the National Legislative Assembly. This is a very circuitous route.

The White Paper on Local Government (1998)<sup>1</sup> did not create any new approach of the institution of traditional leadership. In fact, the White Paper simply highlights what the roles and responsibilities had been like in the old dispensation. Broadly speaking, the White Paper outlines the functions (sometimes very vague) of traditional leaders as follows:

- Acting as head of the traditional authority, and as such exercising limited legislative powers and certain executive and administrative powers;
- Presiding over customary law courts and maintaining law and order;



- Consulting with traditional communities through *imbizo* (meetings);
- Assisting members of the community in their dealings with the state;
- Advising government on traditional affairs through the Houses and Council of Traditional Leaders;
- Convening meetings to consult with communities on needs and priorities and providing information;
- Protecting cultural values and providing a sense of community in their areas through a communal social frame of reference;
- Being general spokespersons for their communities;
- Being symbols of unity in the community; and
- Being custodians and protectors of the community's customs and general welfare.

More specifically, their role in the development of the local area and community include:

- Making recommendations on land allocation and the settling of land disputes;
- Lobbying government and other agencies for the development of their areas;
- Ensuring that the traditional constituency participates in decisions on development and contributes to development costs; and
- Considering and making recommendations to authorities on trading licences (White Paper on Local Government, 1998, 96).

It is important to note that the White Paper accords no direct decision-making powers on development issues to traditional authorities. In instances where there is an overlap with municipal functions, it is the municipality that has jurisdiction and not the traditional authority. In other words, traditional authorities will be obliged to operate as

part of the government in a local government structure. This of course does introduce a tension in terms of the structure of responsible authorities. N. Mkhize (personal communication) in her research shows quite strikingly different local community views on what traditional authorities should and should not be doing. Traditional authorities may in the interim be making decisions, for in the absence of functioning local authorities, they are the only functioning local government structures in the rural and peri-urban areas. Indeed, it should not be surprising to note that traditional authorities often have well-structured development committees that deal with many of the issues that face their subjects. The Municipal Structures Act (1998) places the weight for local development on local municipal councils, not traditional authorities. The Municipal Structures Act together with the new demarcation of the country has entirely restructured municipal local government. Within the eThekweni Municipality and former Ilembe Regional Council, the new demarcations cut a swath through traditional authority territorial entities (see Map1.) What the White Paper on Local Government envisages is giving effect to further co-operative governance as contained in the constitution. In other words, traditional authorities will be obliged to operate as part of the government in a local government structure. The white paper does acknowledge that in rare circumstances traditional authorities are the only representatives of the local government structure in their entirety.

#### *4.2. Commentary on Policy and Legislation*

Notwithstanding the acknowledgment of *de facto* non-traditional roles, the general image of a traditional leader as portrayed in the white paper is overwhelmingly one of a benign facilitator of local disputes, adjudicator of traditions and customs, and state informant/consultant on matters of development. Actual robust engagement by traditional leaders with the state is not envisaged (except perhaps in an emasculated way at the national and provincial levels through the Houses of Traditional Leadership). The actual work of traditional authorities, certainly in the latter half of the twentieth century, has been varied, and does not conform to this image. Perhaps the objective reasons for traditional authorities' unease with contemporary policies of a post-apartheid government lies partly in what their actual roles, rather than the assigned functions, were in the past. It

might even be suggested that the image envisioned by the policies and legislation of a post-colonial government (and in the constitution) is consistent with an imagined unchanging chieftaincy from a not-too-distant past, appended onto a modern democratic modality without much insight into the actual practices of traditional leaders.

Prior to the establishment of the KwaZulu Homeland and KwaZulu Legislative Assembly in the early 1970s, the magistrate played a crucial role in co-ordinating the activities undertaken by the various divisions of the Department of Native Affairs (later Bantu Affairs). The magistrates generally liaised extensively with the *amakhosi* in implementing government policy because they lacked an adequate policing or administrative infrastructure for such implementation. They therefore relied on the traditional leaders, who took on a series of *de facto* powers in association with magistrates. However, during the 1970s, the functions of magistrates were brought under the control of the KwaZulu government. Service delivery became the responsibility of the KwaZulu government and was exercised through individual line departments. Traditional leaders could make requests and voice their concerns, but these were to be processed through a regional authority, then to the chief minister's office, and then back down to various line departments (McIntosh 1995). The consequence was that decisions about the development and delivery of local services and the actual provision of services were handled by officers of the line ministries, and the traditional leaders were bypassed and in effect were still confined to performing various judicial functions under customary law, to dispute resolution, and to land allocation and administration. Given these conditions and difficulties (lack of service delivery and inadequate infrastructure to carry out their duties), many traditional leaders sought political authority beyond their domain through participating in the party political arena, particularly by seeking membership of the old KwaZulu Legislative Assembly, which some have argued compromised them in the eyes of their followers. The outcome of the KwaZulu homeland experiment was not really effective development, but rather great variability in the conditions that traditional leaders found themselves in. Many found themselves living in conditions that were close to poverty stricken and were poorly educated, often feeling threatened by a rapidly stratifying society along lines of income, education, and employment opportunities and networks of political influence. But there were other traditional leaders who had

become influential, wielded political power, or had the appropriate political connections, had extensive business connections and were invariably well educated. It is suggested that it is under these circumstances that different traditional leaders have responded to the overtures of the government since 1994 and have sought to maintain their influence over their followers, or, as some have called it, their “constituents.” Indeed, in the early years of the new government, when the process of municipal demarcation began, relations with their “constituents” ranged from exercising their authority through violence and despotic behaviour, as was common throughout the 1980s, to regular consultation with their councillors (*izidunas*). The unfinished and unlikely success of the homeland experiment resulted in a combined and uneven legacy of neglect and patronage, of development and under-development that continues to shape lives of traditional leaders and the communities they lead today. Yet the roles and functions of traditional authorities are still unresolved in the post-1994 period, albeit there are new consultative structures and institutions. These new institutions both shape the way in which traditional leaders have to reconstitute themselves in order for their concerns to be addressed (as an interest group) to the state, and how they articulate their concerns and their subjects. A pertinent question is whether the new framework provides a basis for co-operative governance.

What emerges from the discussion thus far is that the legislation and the white paper envisages a shift in roles for traditional authorities in the future, that is, apart from their role and function as custodians of their heritage. But the shift is not clear, and the role of traditional authorities in development and service delivery is still clouded with ambiguity and vague generalizations. Whatever the final outcome, it seems clear that traditional leaders are to be bound to a set of democratic conventions in that they will not be able to out-vote any elected body of representatives in a local government structure. At most they will have an influence on decision-making if they actively seek to engage with the local authorities. From the point of view of the central state, traditional authorities compliance with a new but vaguely defined institutionalized system of local governance makes a great attempt to democratize the rural areas. At the very least, for those areas under the control of traditional leaders, it seems the roles and functions of traditional leaders may be fused with development issues but leave unanswered how this will happen. Thus what emerges is a

combination of traditional and non-traditional roles for traditional leaders to play (*de jure* and *de facto* powers that they have). Some issues that emerge out of this context are:

- What government support will be given to traditional authorities to enable them to fulfil their traditional functions?
- How do traditional authorities fit in with the delivery aspects of the new municipal authorities?
- Given the tension that is sure to exist between elected representatives and traditional authority representation in local government councils, what is to be their relationship? How will it be structured to ensure co-operative governance?
- What will the relationship be between land tenure, land use and development?<sup>2</sup>

I have sketched some of the important issues arising out of the new legislative process and the implications of the policy options in the White Paper on Local Government. While the Municipal Structures Act sets out the governing principles for the new municipalities, the Demarcation Board's mandate is to create the geographical entities in which these principles could be operationalized. It is to the politics of the demarcation and the creation of local authorities that I now turn. There were two phases of demarcation: in 1995/96 and in 1998/2000, coinciding with the interim and final phases of implementing local authority structures. The question that needs to be addressed is how does demarcation affect the roles and functions of traditional leaders in the governance of their respective chiefdoms as well as within the municipality.

## 5. DEMARCATIONS AND THE TRADITIONAL AUTHORITIES

### *5.1. The Demarcation Criteria*

In the demarcation process, the following factors and considerations were taken into account:

- Sustainable service delivery: i.e., the economy, functionality, efficiency, equity, financial viability, and optimization of human and environmental resource with respect to the administration and rendering of services;
- Functional urbanization: i.e., the interdependence of people, communities and economies as indicated by commuting, shopping, employment, recreational, and amenity and infrastructure use patterns;
- Existing and expected patterns of human settlement, land use, and migration, including the need to accommodate future growth;
- The need for a cohesive, integrated, and unfragmented area;
- Existing and expected land use, social, economic, environmental, infrastructural, and transport planning;
- Topographical, environmental, and physical characteristics of the area;
- Existing and proposed functional boundaries (service, administrative, and statistical), e.g., municipal boundaries, magisterial districts, tribal, health, transport, electricity, water catchments, police, voting districts, and census enumerator boundaries;
- The financial viability and administrative capacity of the municipality to perform functions efficiently and effectively;
- The need to share and redistribute financial and administrative resources;

- The need for coordinated sectorial, municipal, provincial, and national programs and services;
- Political acceptability.

The criteria for demarcating new municipal boundaries is nearly always presented as a technical exercise, but it is inevitably the outcome of political and technical decision-making. In South Africa, after the first national elections in 1994, the impetus to create new boundaries for local government was heavily influenced by the need to overcome the boundaries, both physical and ideological, of what many perceived as the irrational and racially divided settlements based on apartheid policy. Overcoming the legacy of apartheid planning was an important objective of demarcation, and the idea of new local authorities was also conceived as the vehicle for promoting participative planning. The process of demarcation in the Durban functional region in both 1995 and 2000 serves to remind us that creating boundaries is not a value-free rational technical exercise, however much it is invested with such thinking. Boundaries influence power and the access to resources and services. Inevitably, it also presages who will have access to resources and the power to use (or abuse) those resources.

## 5.2. *Demarcation in 1995*

Based on the above principles, demarcation boards were established in South Africa in the first half of 1994. In KwaZulu-Natal, the Demarcation Board became operational in September 1994. The provincial Demarcation Board had until July 31, 1995, to make its recommendations to the MEC (Minister of Executive Council, Local Government and Housing) in order to comply with election regulations. Due to the volatile political situation in the province between the ANC and the IFP (with the IFP enjoying popular support in former traditional areas), the board was instructed to ensure that consultation took place with every tribal authority (Pillay 1999, 207), sometimes under the protection of the army. Thus, for example, the board's proposal for the demarcation of boundaries to define the Durban metro area and those external to it, which consisted mostly of semi-rural peri-urban tribal land that was under the control of the former KwaZulu Legislative Assembly, was opposed by the *amakhosi*

and the IFP in KwaZulu-Natal. The two main competing political parties, the ANC and and IFP, also accused the each other of manipulation of the city's boundary in order to protect their own constituency.

In July 1995 the Demarcation Board for Durban proposed ten substructures based on "population balance and community interests rather than economic viability" (Report on the KwaZulu-Natal Local Government Elections, 1996, 24). For example, the Indian areas of Chatsworth, Shallcross, and Reservoir Hills and the mainly white areas of Westville and Queensburgh were to form one substructure along with the mainly African area of Chesterville. In addition, the board also proposed the promotion of purely black municipalities such as Umlazi (south of Durban) and Ntuzuma/Newtown/Inanda (townships and informal settlements). The then MEC for Local Government and Housing, Peter Miller (who was an IFP member and Finance MEC), argued forcefully, and with some merit, that historically disadvantaged areas stood little or no chance of standing on their own financial resources and that the proposals amounted to retaining apartheid style boundaries. However, after extensive negotiations, it was agreed to adopt the MEC's proposal of six substructures in the metro area on the grounds of economic viability (Polunic 1999, 77-78).

The outer boundaries of the city, which were a serious point of political contest between the IFP and the ANC, were finally formed into a horseshoe-shaped intermediate regional authority between the rural areas to the south and north of the urban metropole of Durban and in the west between the regional authority of Ndlovu (which included the city of Pietermaritzburg) and the tribal authority area of KwaXimba (which insisted on being included into Durban metro area). These were areas under the control of the former KwaZulu homeland government, which had been unable to develop these poorly serviced areas. Over time, these areas had become functionally urban in character, and the Demarcation Board proposed that a significant amount of land under traditional authority be included into the Durban Metro. This proposal was rejected by the IFP as it represented a potential loss of support for the IFP and significant gains for the ANC and prompted the delay for the 1995 local government elections in KwaZulu-Natal until March 1996, while the Electoral Court sat to make a decision. It was these political considerations that, at the time, had a potentially high risk of degenerating into violence, and



undermining the legitimacy of the proposed local government elections. In these final decisions, political considerations combined with the technical criteria, and led to some dramatic last minute compromises. Indeed, the 1996 election results bear this out. The ANC won an overwhelming victory in the city, but also significantly won 32 per cent of the vote in the iLembe Regional Council (i.e., the surrounding region that was excluded from the Durban Metro boundaries). Rhetorically speaking, the ANC complained that the result would have been better had the *amakhosi* not prevented them from campaigning in those areas.

Significantly, the one tribal authority area that became part of the Durban Metro Region, KwaXimba, received an enormous boost in terms of development and service delivery. This showed up the vast differences in capacity and resources between the Durban Metro and the iLembe Regional authority. The results of almost five years of development could not have escaped the notice of those on the other side of the Durban Metro boundary and is probably a factor in the significant swing away from IFP in the 2000 local government elections.

### *5.3. Demarcation, Municipalization and Traditional Authorities: 1998–2000*

The interim local government phase came to an end with local government elections in 2000. Given that demarcations of local government boundaries in the interim phase were not always decided on financial viability criteria, the new 1998 the Demarcation Board seemed more determined on applying the technical criteria more strictly. The Demarcation Board's mandate was to create municipal geographical entities to plan and provide for the needs of communities within the integrated social and economic arena and to operate effectively in the exercise of its particular powers and functions.

The national government decision to redraw the entire set of municipalities saw the 883 South African municipalities reduced to 284. The following were taken into consideration when determining boundaries of municipalities.

- Interdependence between communities in the area in respect of settlement patterns, work, commuting, spending patterns, and recreation;
- Financial viability of the municipality for that area, including a viable tax base for the performance of its functions;
- Sufficient financial and administrative capacity of the municipality to perform functions efficiently and effectively;
- Topographical, environmental, and physical characteristics of the area;
- Existing functional boundaries, including tribal authority boundaries, magisterial districts, and enumerator areas; and
- Existing and future land usage, town and transport planning, including commercial, industrial, residential, and recreational and amenity use (White Paper on Local Government, 1998, 99).

This re-demarcation process also introduced the concept the UniCity, which essentially is a metropolitan urban centre. The demarcation process resulted in an increase in the area under the control of the Durban Metropolitan Region (DMR, a.k.a. eThekweni Municipality). It is now 68 per cent larger than previously, covering some 2,297 km<sup>2</sup>, (previously 1,366 km<sup>2</sup>). The population increased from 2,519,955 to 2,749,737, an increase of approximately 9 per cent. (Urban Strategy, Summary Information Comparing new Durban Metro Boundary with Present One, May 9, 2000).

This newly incorporated territory consists mainly of rural and semi-rural areas and included almost wholly sixteen traditional authority areas. Some traditional areas were split as a result of the demarcation. In theory, the municipalization of local government did not change the boundaries of the land under traditional rulers but split them into a number of wards, some of which fell outside of the eThekweni Municipality boundaries. But, as we have pointed out, lines on a map are not just technical boundaries; they influence access to resources, services, and other amenities. Such a dramatic shift in boundaries led to no less dramatic shifts in the strategies of stakeholders such as the political parties and traditional leaders. For traditional leaders, the major point was that: firstly, their functions in terms of the Municipal Structures Act were not that much different

from the apartheid era, secondly, they initially only had 10 per cent, later changed to 20 per cent, representation in the municipality with no voting rights, and thirdly, they had not been properly consulted on the issue of demarcation and the new municipal boundaries. As one traditional leader who requested anonymity stated: “There was no consultation. They just went ahead with the process of demarcation without consulting us. That was a big problem and caused confusion among the people.”

The conflict between traditional leaders and the state on the newly demarcated boundaries evoked much concern about the future political stability of local government after the 2000 local government election. There were widespread threats from the *amakhosi* to call for a boycott of the local government elections. In Durban and its surrounding areas, the 1998 demarcation process and subsequent 2000 local government elections were no less contentious, although they were probably considerably less openly violently aggressive than in 1994–96. Nevertheless, the state did not want the second democratic local government elections to be at risk of being derailed, especially in KwaZulu-Natal, where the *amakhosi* was still very influential. Also the province of KwaZulu-Natal was one of two provinces not under the control of the ANC. The Provincial Legislature was dominated by the Inkatha Freedom Party (IFP). On the other hand, the City of Durban is predominantly African National Congress (ANC) dominated. On November 28, 2000, Deputy President Jacob Zuma, together with a special cabinet committee on traditional leaders, met with representatives of traditional leaders to resolve their grievances. The state committed itself to defining the powers and roles of traditional leaders arising out of the newly demarcated boundaries. A joint committee was established with representatives of the state and traditional leaders. In addition, a coalition of traditional leaders was formed, comprised of the national and provincial houses of traditional leaders, the Congress of Traditional Leaders of South Africa, and the Royal Bafokeng nation (Daily News, 12/12/2000).

The *amakhosi* in KwaZulu-Natal are known to have the largest constituency compared to their counterparts in the other five provinces. In KwaZulu-Natal, the *amakhosi* is comprised of a king, 280 chiefs, and approximately 10,000 headmen spread over 60 local, district and metropolitan municipalities. The KwaZulu-Natal Provincial House of Traditional Leaders has the largest number of representatives compared to the other provinces. Until 2004 the province was controlled by the IFP, to

which most traditional leaders owe allegiance, which gave them a sense of significant power. Their sense of power is further enhanced by the In-gonyama Trust Amendment Act (1997),<sup>3</sup> whereby the king in KwaZulu-Natal is vested with powers to administer and manage land falling under the jurisdiction of tribal authorities for the benefit, material welfare, and social well-being of the members of the tribes and communities as set out in the KwaZulu Amakhosi and Iziphakanyiswa Act (1990) (Section 2(b)). Although the *amakhosi* do not in theory own the land, they are vested with the authority from the king to administer and allocate land to people. It is this right to administer and allocate land that has always been an important source of power, rather than modest functions of adjudication over customary practices. But at the same time they only have control over specified territory and can only draw their authority from their followers within that territory. Although they draw their cultural capital and legitimacy from the king, their support base is fairly narrowly defined. Here is the dilemma they face: they have to acknowledge the two sources of their continued existence from outside, i.e., the king for their continued cultural legitimacy as part of royal lineages and the state for their remuneration; yet at the same time they have to engage with local government for developmental improvements, i.e., infrastructural development and services, in order to retain their support base.

Their responses to the demarcation and municipalization process reveal fairly dramatic and quite divergent perspectives of the traditional authorities. There were *amakhosi* who defended their status. One representative comment, made by a chief who requested anonymity, suggested an astonishing claim for monarchy: "I always ask myself who is senior in terms of status: the chief; the mayor; councillor and the president? And I always believe that it's the chief." Another made the outrageous claim that "the apartheid government was much better ... I really miss the old government."

While some mourned a passing era, a few saw the new developments in more prosaic terms: "the only positive development introduced by the new government was to increase the salaries of the traditional chiefs." But others welcomed the new challenges: One saw the arrival of the provision of new services and development as positive but clearly wanted to carve out an integral role for himself: "I want to concentrate on development.... My two main functions are to unite people and maintain peace

and stability and to develop my people and their land.” Another claimed “development as my responsibility.” Clearly not all traditional leaders saw local government provision of services necessarily as a negative intrusion into their territory.

While there was uniform view among most traditional leaders that the demarcation process was flawed because of the process of consultation and the unsettled question of leadership roles and functions, the question of development elicited varied responses. It is these responses as leaders that are important to consider because they shape the way in which new forms of governance will be introduced by them and accepted by the wider community that they purport to serve. Stoker and Mossberger (1995) suggest a useful typology to understand the varied and perhaps fragmented responses to changes in local authority leadership roles unleashed by the demarcation process and the passing of the Municipal Structures Act. While Stoker and Mossberger’s analysis refers to the changes in local government in Europe, their typology of early adherents, pragmatic compliers, critical compliers, and late adopters may be usefully adapted to the conditions prevailing among the traditional authorities within the eThekweni area. The typology outlines four possible kinds of responses:

- Early adherents are usually leaders who display loyalty in adhering to implementing new local government initiatives.
- Pragmatic compliers are leaders who will play the game, but lack any innovation or vision as to how the system can be worked to their advantage.
- Critical compliers are leaders who may delay entry into the new system of governance but, once in, will re-shape or interpret policies and procedures to fit their own vision or local needs.
- Late adopters display little enthusiasm for the new system and make little attempt to comply. In some cases, there is nostalgia for the past, an acknowledgment that times have changed irrevocably.

The nature of the responses may be related to the economic and political circumstances of the local area. Early adherents tend to be sympathetic

to government or to act out of loyalty to a political party in government. Pragmatic compliers, although not enamoured of government restructuring of local authority structures, probably feel less threatened by the changes in local government, or the effects on their followers, because they do not feel under threat politically but are willing to comply. Critical compliers need to react because of declining, worsening, or difficult social or economic conditions, or challenges to political leadership, whereas late adopters show little urgent response because they are in peripheral rural areas where there is very little or a small chance of effects reaching them in the near or immediate future, or will be peripheral to the game of contestations and negotiations that, for example, critical compliers will engage with, because it requires a commitment to acquire the knowledge (policies, laws, constitutional issues) and understand how the new system works (governmental modalities). This is not to suggest that each traditional leader fits or is made to fit each type. There will of course be some degree of overlap in these categories. However, what is suggested is that the varied responses of the traditional leaders, as reflected in the interviews conducted, show an inclination to one of these types, and it is useful to explore the kinds of responses received thus far to governance issues within the new framework.

An example of an early adherent to the policy of the central government is *Inkosi* Mlaba from the KwaXimba Tribal Authority. He initiated from a very early stage in 1995 the entry of his area, KwaXimba, into the newly demarcated Durban Metropolitan Council. In formal terms, it became part of the outer west sub-structure. His political connections, being a member of the ANC and CONRALESA, ensured a steady stream of development initiatives, principally in the form of providing basic services such as electricity, roads, water, and civic halls in the KwaXimba area. However, *Inkosi* Mlaba openly welcomed development to the point of saying that the institution of *Ubhukosi* (the institution of chieftainship) would in the final analysis fade away because of the power of representative and democratic forms of government. He argued that development in the peripheral mainly rural areas should involve a merger of the traditional form of governance with modern representative systems. Indeed, according to the councillor for the area, cooperation between the *iziduna* (the *inkosi*'s councillors) and the municipal council representatives is precisely what is occurring in order to meet a number of development objectives beyond

that of basic services. Thus there is a touch of innovation, mixed with prophecy, in *Inkosi* Mlaba approach to politics and development.

*Inkosi* Gwala, however, argued that development of his area was a good thing and he would encourage it, although he was more sceptical of the process if there was no control over it by the *amakhosi*. Although he was openly critical of the municipality in applying a top-down approach, he argued that they, the *amakhosi*, needed the Durban municipality to provide services such as water and electricity. This implied a greater degree of compliance with the way in which basic services would be provided by local government. In reply to a question on the slow progress of service delivery to his outlying tribal authority area since the early 1990s, he said: “we are hoping that now we will be under Metro they will consider assisting us with electricity. Perhaps the Durban municipality will see that it is not good for some areas to lack basic services while others have everything.”

Although indicating a passive recipient mode of accepting service delivery, he was ambiguous on his role in development issues: “I fear my role in development is not going to be clear.... I may not be able to play an active role in development under municipal structures.” He nevertheless felt that he was active in development issues in his area and would not want to be excluded from playing a role in service provision. However, he did not define what that role should be. He did not think that traditional leadership could be easily ignored because of its role in providing stability in rural areas.

*Inkosi* Bhekisisa Felix Bhengu represents that strand of critical compliers among the traditional leaders whose areas have been incorporated into the metropolitan municipality. While some traditional leaders are ideologically tied to particular political parties, however impartial they might appear, *Inkosi* Bhengu offers a different approach. He is highly critical of approaches that have politicized chieftainship and made it a tug of war between two political parties, which he claims has led to confusion, not only among traditional leaders themselves, but also among their followers, the ordinary people they are supposed to lead. He is also critical of leaders, elected or traditional, who have no understanding of development challenges, no knowledge, and sense of their responsibilities and duties. While he acknowledges that many among the *amakhosi* are less than adequate to the task of leadership (in terms of education and ethical

responsibilities to their people), he defends the institution of chieftainship almost on biblical grounds. Despite these limitations, he is convinced that co-operative governance is the solution to the problems of development and, in particular, basic services. He states: "I differ from many traditional leaders because I see this [new local authority institutions] as a challenge."

For him, the challenge is multi-dimensional. It lies in equipping traditional leaders with intellectual knowledge of how local government works and the theory and legislation that underpins its work and making and sustaining contacts with the elected ward councillors. *Inkosi* Bhengu, unlike many traditional leaders, is not content to sit back and wait for councillors and city officials to come to him. Without upholding royal protocol as an excuse for not meeting elected ward councillors and officials, he has made contact with those he deems as relevant to his crusade for development in his area. In this melding of knowledge and action, he sees engagement between traditional authority structures and local government as the fertile grounds in which to pursue the development agenda. In his interview, he points to his certificates and diplomas on local government, project management, and development from University of South Africa (UNISA), Technikon SA, and Damelin College. As he says, "If you talk about local government and municipalities to me, I do not get surprised or threatened." Although *Inkosi* Bhengu seems to eschew party politics, his emphasis is on the politics of the locality. In this sense, he points to the fact that an *inkosi* is only an *inkosi* because of his appropriate leadership of his people, that is, the extent to which people who live within the designated boundaries of his chieftom are prepared to follow him. In this, he says he is willing to share leadership with elected councillors because they must also be answerable to the people. He states: "I believe a councillor should know what he's supposed to do and the same goes for the *inkosi* in terms of responsibilities and limits. There is no need for squabbles." Thus he argues that, rather than playing to the gallery, for example by both parties trying to build sports grounds or civic halls near their own homes, a more rational approach needs to be taken into account so the maximum number of people in the community benefit. He has a rational model of negotiating the best deal for his people in conjunction with elected leaders:

To me there is no need for quarrels between *amakosi* and elected councillors because both are doing the same job. They must work



together. The interests of people and their priorities should be considered when it comes to development. For example, if we want to build a hall we should look at priorities first before finalising it. In some areas there are halls dotting the hills when the people actually want clinics. That is why we have white elephants – chiefs and councillors are competing and building structures without consulting people about their needs.

*Inkosi* Bhengu places emphasis on consultation with the people, the community of followers, and the electorate. This is refreshingly different from the image of recalcitrant, backward-looking traditional leaders. He is able to debate and challenge, not only elected leaders, but also professional development consultants without underestimating the enormity of the task of providing basic infrastructure and services. He thus reshapes the debate and interprets policy in a bottom-up way that not only parallels the intent of the Reconstruction and Development Programme (RDP) but also contrasts it sharply with the demarcation as essentially a top-down process.

In sharp contrast to this interventionist approach are those leaders who display little enthusiasm for the new system, making little attempt to comply in the sense of how the system might be used to explore advantages and the limits of the concept of co-operative governance. Their disposition is one of holding at arms length the *fait accompli* of new local government institutions. While not wanting to appear to be against the idea of democracy, they concede that there has to be a parallel system of governance: the traditional system as intact and the local municipal system that should be subordinate. For example, playing on the idea of biblical precedents of the divine right to rule, one *inkosi* argued:

We do want changes but not when those are brought in order to destroy traditional leadership. Traditional leaders rule by divine right because they were put here from time immemorial by God ... during the days of Kings David and Solomon. Traditional rulers are the representative of God and look after the people on his behalf.

Recognizing that his people are functionally linked to the urban economy of Durban, have the right to vote, and cannot possibly gain access to the

services without the municipality, he argues for a depoliticized local government that provides services as a purely technical exercise at his request.

We as traditional leaders want development and the brightness of the urban area like good roads, electricity, water and many other good things.... But what we say is that we do not want the municipality in our areas ... we prefer the status quo to remain. The present local government should continue to work hand in hand with traditional leaders.

Another *inkosi* put it more blatantly:

I am not calling for an alternative state, but I am saying we should work with one another, but under the same conditions as we did during those days of the KwaZulu government. We need to work together but we don't want to have a situation where the mayor undermines us.

Indeed this model of benevolent divine rule is most exquisitely expressed thus by another *inkosi*:

The way I see it is that the King must be at the top level of the pyramid, below him *amakosi* who are part of his council and then the government, like it is done in the British system. The government needs to refer any disagreements to the King for a final decision. This is very simple and clear.

For some, their reluctance to comply with the new system is also tinged with nostalgia for the past dispensation of the old KwaZulu Legislative Authority and scepticism of what real changes it might bring. "I really don't see the point in this demarcation. No change is going to take place because of the demarcation and the new government." While his scepticism on the real possibility of change may seem healthy, it stops at that. In other words, any engagement with newly elected councillors is premised on such councillors meeting with traditional leaders in the first instance. This is a common refrain: "The government must not impose the municipality"; "the *amakosi* should always be consulted." "The fact that they

[elected ward councillors] have not introduced themselves has led to a deterioration of relations.”

Hence I suspect that, while the pre-2000 elections tried to wring more concessions out of the central government, the traditional leaders knew that they would have to engage with, compromise, and accommodate themselves to new conditions. While it appears that the state is winning the battle, the situation is still paradoxical and ambiguous because the outcome may reinforce chieftainship, render it fatally ruptured, or slowly dissolve the social and political influence of the institution. The outcome depends on what independent (material and political/social) resources traditional leaders have prior to engaging the state and how they engage the state.

## 6. ENGAGING THE FUTURE

In the next section I analyze the new political landscape in which traditional leaders have to operate by sketching in the political, social, and economic profile of the newly incorporated areas of the eThekweni Municipality. This profile provides the context for the development and service delivery challenges faced by both elected councillors and traditional authority leadership.

### *6.1. Changing Political Support*

The Municipal Structures Act made provision for the role of traditional leaders, but it limited the representation to no more than 20per cent<sup>4</sup> of the total, that is, no more than three or four representatives out of the sixteen could sit *ex officio* on the Metro council. (Municipal Structures Act, 1998, Part 6, section 81). Without effective participation in municipal councils, many traditional leaders felt that their roles as leaders of their communities and actors in the development of their areas would be usurped, and the aligned this fear with the historical alienation of their land by the Durban City Council since the nineteenth century.

In terms of formal governance, demarcation has led to eighteen new wards being created. The complication arises out the fact that the ward structure does not coincide with the traditional tribal authority boundaries. For example, as *Inkosi* Bhengu, reflecting on the interesting change in elected representatives, states:

Now we're in the final phase and the interesting thing is that after having nine councillors [in the pre-2000 elections] I now have one councillor. My councillor for ward 8 lives in the adjacent Embo traditional authority. Mr Mngwengwe here in ward 9 at Molweni and his councillor is a white man who lives in Hillcrest, a member of the DA. You see that it's complex and confusing to some ordinary people. (Interview, September 11, 2001)

In short, some wards cover several tribal areas, while some large tribal areas cover a few wards. In effect, this means that one councillor has to deal with several *amakhosi*, or conversely, one *inkosi* may have to deal with several councillors.

Yet the results of the voting patterns arising out of the 2000 local government elections in these areas suggest an interesting conundrum. The 2000 municipal poll in the new re-demarcated Durban Municipal Region (now known as eThekwin Municipality) reveals an unexpected surprise. Of the 200 council seats available, the ANC won 95. The IFP only received 35 seats. Even though the ANC was clearly the majority party, its dominance and inroads into the strongholds of the IFP are very clearly seen when it wins 61 of the available seats (of 100).<sup>5</sup> This represents an interesting turn-around since the last elections. The borderlands were supposed to be IFP supporters but now represent a turn-around. These results can be seen in Table 1.

Table 1: 2000 Municipal Election Results in the DMR. Number of Councillors per Party.

	Ward-specific councillors	List-specific Councillors	Total
ACDP	0	2	2
AIPP	0	1	1
ANC	61	34	95
DA	29	24	53
ECOPEACE	0	1	1
IFP	7	28	35
INDEPEND	1	0	1
MF	2	8	10
NUCO	0	1	1
PAC	0	1	1
Total	100	100	200

More specifically, when one examines the election results for the traditional areas incorporated into the eThekweni Municipality, the outcome is more revealing. In the sixteen of the eighteen wards in the traditional areas, in terms of average votes per ward, there was a two-third majority vote for the ANC. This result is intriguing as these areas were supposed to be IFP strongholds and were not to be included in the metropolitan area in 1995/96. What is the explanation for this remarkable change? What is it that caused a rupture in support for the IFP in what was considered a safe political support base? Does this mean that ordinary people’s support for traditional authorities has begun to dissolve?

Clearly the close identification of the IFP with traditional authorities is beginning to loosen. Although traditional leaders might still support the IFP as the political party of choice, their continued leadership depends ultimately on allowing their followers to exercise their right to a free vote. Except for a few inveterate loyalists, most traditional leaders know that it is all but impossible to return to the days of the KwaZulu homeland. They need to compete for their “constituents” more openly, or at least not be seen to act in any way that hinders the prospects for “development” that

lies in the hands of a local authority whose concerns are much wider than only accommodating a particular interest group within their boundaries. Indeed, traditional leaders are only one of a number of “stakeholders” that the new council has to deal with. From the point of view of the traditional leaders, the question that must be uppermost in their minds is what are the possibilities that exist for engagement with the local state, or indeed their disengagement without losing their legitimacy.

I want to situate my remarks about traditional authorities engagement with local authorities within the context of basic delivery of services and the reasons for the incorporation of the very specific area under the control of the sixteen traditional authorities. I do not want to suggest that the *amakbosi* will or should take particular courses of actions. I do wish to argue that it is not conceivable to ignore traditional authorities, and that they should, and probably can, be involved in the decisions about the development plans that will affect the communities under their authority. I want to do this by linking the very factors that prompted the demarcation in the first instance (i.e., functional integration and service delivery) to the prospects for the future. To speak of functional integration and service delivery presupposes acceptance of a particular discursive interpretation of the economic and social profile of such areas, which forms the basis for engaging with the future in terms of basic citizens’ rights to services. Although functional integration, service delivery, development planning, and environmental management did not feature significantly in the public disputes over demarcation with traditional authorities, it might be worth considering how any of these are likely to feature in possible contestations in the future.

It is the specific character or peculiarities of the settlements that have to be taken into account to situate the relationship between functional integration and the traditional authorities. These peculiarities relate in a substantial measure to the historical continuities from the past into the present in the construction of livelihood strategies that currently occurs in the areas under the governance of traditional authorities. Currently, these settlements are, in effect, under the control of traditional authorities that control access to land and the natural environment and provide a measure of civic administration. The households in these settlements have in large measure been able to combine elements of the communal tenure system, use of natural environmental resources, and whatever economic opportunities

become available in the urban centre in a way that provides a modest livelihood. However, there is a great disparity in incomes between settlements in the Metro and in Ilembe. It is the implication of this that needs to be considered. It is suggested that the implications of service delivery may shape the way traditional authorities respond and the directions they take will see them critically engage, passively accept, or reject the development options inherent in an urban development strategy. It is suggested that an urban strategy that is based on housing and the provision bulk water and electricity and other infrastructural services at a recoverable cost may disrupt the basis of livelihoods, which in turn could result in social disturbances and conflict.

## *6.2. Social and Economic Profiling of the New Incorporated Areas*

In order to provide an adequate socio-economic profile of the tribal authority areas, a detailed analysis of the data collected by the Urban Strategy Department of the Durban Municipality and the Demarcation Board was conducted. The data used by Urban Strategy comes from various sources: the national census of 1996, the quality of life survey in 1999, and various sectorial surveys conducted in 2000 at the local level. This is being compiled into an as-yet incomplete database. In trying to provide a basic social and economic profile of the areas as a collective unit, I have relied on a paper by Khan and Lootvoet (2001a, 2001b) dealing with the issue of service provision in these semi-rural areas. They worked on what they called the “gross” tables that the Urban Strategy Unit of the Durban Metropolitan Council is compiling for a GIS profile of the entire Metro region. Urban Strategy has divided the eThekweni area into 406 planning units (PUs).

Despite the shortcoming of the database, according to Khan and Lootvoet, the metropolitan tribal authority areas correspond approximately to 62 planning units (PUs) covering a surface of 870 km<sup>2</sup>. This is approximately 93 per cent of the surface that was added to the metropolitan area. The population of the 60 PUs for which data are available is 410,618. In the tribal authority areas, the demographics are quite specific, differing sometimes significantly from the urban areas. The average household size is 5.4 persons against 4.1 for the rest of the metropolis and the people are

significantly younger than the inhabitants living in the other areas. In the tribal areas, 47 per cent of the population are less than ten years old and only 9.8 per cent are fifty or more. The percentages for the urban areas are respectively: 36 per cent and 13.5 per cent.

This age structure influences the employment conditions on these outer boundaries of the city. Only one out of six people settled in the “tribal areas” is employed, that is, twice as bad as the rest of the metropolitan region. Incomes are particularly low. Khan and Lootvoet note that 21.8 per cent of the households are without any income or access to resources, and that only one out of four earns more than R18,000 per year (that is, R1,500 per month). The figures are respectively 11.9 per cent and 52.5 per cent for the rest of the metropolis. Assuming that this elementary data on income, age, and population are accurate, and even noting that the first six kilolitres of water (per month) will be free, it becomes difficult to imagine how people at this level of poverty, in a city that is working on the principle of cost recovery for services provided, is going to afford to pay for electricity, water, or telephones.

There are other considerations that will have to be taken into account in the development challenge for these areas, and it is likely that traditional leaders will take into account the way they receive and respond to development initiatives, at least those who want to actively engage in development projects within their areas of rule. A first consideration is distance and transport. On average, most of the settlements on the periphery are thirty kilometres away from the centre of Durban, eight kilometres from a transport node, and twelve kilometres from the nearest commercial centre. These are areas that would be considered undeveloped, or even underdeveloped, as some settlements merely served as migrant labour supply zones in the past. Khan and Lootvoet consider that only 16 per cent of the surface area as having agricultural activities, which in their calculations “is less than half of the surface occupied by the peri-urban settlements (35%). The proportion of the area that was classified as properly urban is small: 5%, of which 2.1% is formal and 2.9% is informal.” Conversely, 36 per cent of the area consists of traditional dwellings, compared to 3 per cent in the other areas of the Durban metropolitan region. Informal dwellings are only 15 per cent, whereas houses built on properly demarcated plots represent more than 30 per cent of the dwellings. The last figure is not vastly different from the average of 40 per cent in the



DMA. This is the socio-economic context within which services such as electricity, water, refuse removal, or sanitation (basic services) are still to be delivered. Yet Khan and Lootvoet estimate that more than two-thirds of the households potentially have access to the electricity grid, in contrast to 84 per cent for people living in the other metropolitan areas. They also note that the number of clinics (0.66) and of schools (6.26) per 10,000 inhabitants is higher in the tribal areas compared to the rest of the eThekweni Municipality, which is respectively 0.48 and 3.20. The development agenda thus presents a mixed series of lower levels of services compared to the rest of Durban and greater potential with respect to electricity, schools, and clinics. Nevertheless, the backlogs the local government has to address are still huge; for example, just over one household in five has access to running water in the tribal areas, compared to two-thirds in the former DMA in 1996 (Khan and Lootvoet 2001a, 2001b). This then sets the stage for engagement between traditional authorities and the local metropolitan government.

### *6.3. Engagement Over What and How?*

The research for this chapter has not been able to elicit any specific examples or cases studies of sufficiently advanced development projects to enable a sufficiently valuable evaluation as this is an interregnum where the whole process of service delivery and planning is only beginning, and the procedures of incorporating the traditional authorities into a new system of governance is not fully complete. However, given the information at hand on the incorporated areas under traditional rule, there is a particular set of circumstances that sets them off from the other tribal authorities in the more rural parts of the province. These are poverty stricken areas with very high settlement densities as a result of migration and poverty (see GIS map on settlement densities). These dense settlements are a result from the demand from affordable land and housing close enough to the Durban Metro. The disparities in income between these areas and the metro are stark. In the peri-urban areas on the borders of the eThekweni Municipality/Ilembe Regional Council, the traditional authorities provide access to land for a large number of people, which is affordable (i.e., almost cost-free). Such land as allocated by the *inkosi*, through his *indunas*, provides for the construction of a subsistence base (and shelter), and the

ability to migrate to the urban centre for work – whether these are formal or informal jobs. In short, it provides for multiple set of livelihoods that enable them to survive the effects of the decline of apartheid and the harsh economic conditions of post-apartheid South Africa. These areas are compacted high-density areas with high land usage.

#### *6.4. Controlling Settlements, Land Tenure, and Survival*

While clearly there are settlements in these areas, and even if much of the rest of the area consists of ravines and gorges, agricultural activities, whether of the small garden variety or communal farming, is probably a consideration. Agricultural activities that do exist are controlled through the traditional land tenure system, and this inevitably involves the traditional authority structure. The households in these areas survive by a multiple livelihood strategies that include migration, remittances, and subsistence farming activities. The *inkosi* and his *iziduna* are intimately involved in the control and maintenance of the areas. Their survivalist strategies depend on minimalist costs in providing these services, and a judiciary system labelled “tradition” or “customary”. The central thrust of the eThekweni Municipality’s urban development strategy is to provide services (water, electricity, sewerage, refuse removal, roads) but with the proviso that the costs can be recovered. In other words, such development initiatives and services will be provided on the basis that they are paid for. However, in these settlements, as suggested by Cross et al. (2002), household survival is constructed by combining rural strategies that rely on the natural environment as a resource base and extracting whatever benefits can be had from forays into the urban economy of the city. Thus, monetary household income is not highly significant compared to those within the township, suburban, and inner city areas. Cross et al. (2002) suggest that the provision of basic services within such a development framework will drive a wedge through such peri-urban communities, which will led to the exclusion of many household/families from the benefits of inclusion in the metro. What are the potential implications?

1. The provision of services introduces an “insider-outsider” dynamic which could destabilize communities. Services – water, electricity, roads, – provided initially to all citizens

may be denied to those who cannot afford them. Those that are denied such services, even though they are part of the eThekweni Municipality, will be seen as outsiders and may be considered a potential threat to the well-being of the community of fee/rate-paying households. Such a process of defining who belongs and who does not with reference to services and/or other development initiatives creates “insider-outsider” boundaries. It marginalizes sectors of the population who may become unwilling displaced refugees from development initiatives. Unraveling of an “insider-outsider” dynamic depends on what choices are made available to counteract marginalization in the first instance, and this it depends on how the eThekweni council defines an inclusive approach to development by including traditional authorities as stakeholders. A development discourse championed by the *amakhosi* to include the poorest of the poor would contest the notion of services provided on a cost-recovery basis from individual households.

2. Land is an important resource in these densely populated settlements. It is the tribal authority that determines the land tenure and land usage through the patronage of the *inkosi*, his *indunas* and *councillors*. The tribal authority is the administrative mechanism for land management, which in theory is supposed to grant all community members’ equal access according to need. In the minds of the local population, there is no perceptible difference between ownership and land use. The granting of access to land conveys to the people land tenure and land use rights. These rights are necessarily seen as undivided and provide under the circumstances an effective way to sustain their multiple livelihoods and welfare networks developed within their communities. But from the eThekweni Municipality’s point of view, the provisions of services, albeit paid for by individuals or households, grants them the right to regulate how land is governed in terms of planning procedures and regulations. The difference between the two systems of control over land usage has the potential for severely strained co-existence between the Durban Metro and the tribal authorities. The introduction of modernist notions of land usage, bound up with unfamiliar sets of rules and regulations, unilaterally introduces a rupture to the current

traditional system of land administration. Rupture introduces uncertainty and confusion, which, like the refugees and helpless flood victims of Molweni in the late 1980s, can fuel frustration and the spark for violent reaction. Demarcation and incorporation has to be a process that adopts procedures that accommodate, sustain, and build the means of survival of such communities, rather than a process which undermines them.

3. The demarcation and incorporation into the eThekweni Municipality of portions of the traditional authority areas has undermined their territorial integrity. For example, the Inanda area, including the area around the Inanda Dam shows the excision of part of the Qadi Tribal Authority land. This is an area of fairly dense settlement, between 120 and 7,000 per square kilometre (Urban Strategy 2000: GIS map: Settlement Areas and Population Estimate. Durban Metropolitan Council). The income levels are fairly low, mostly less than R600 per month (Urban Strategy 2000: GIS Map Settlement Areas and Population Estimate. Durban Metropolitan Council). There are both traditional and formal types of houses. Several potential problems arise here: (a) Traditional authorities are already wary of eThekweni Municipality intentions and are unlikely to be simply swayed by the urban development possibilities. Without critical engagement on what constitutes development or service delivery, their legitimacy would be undermined. (b) The Qadi is already a tribal authority area split up by the demarcation process. The incorporation of portions of the Qadi Traditional Authority land into the eThekweni Municipality may focus people's attention into one of two possibilities. Firstly they might migrate further away from the influence of the eThekweni Municipality in order to retain their multiple livelihood strategy based around reliance on the natural environment for subsistence production, that is, to continue to be dependent on virtual costless use of the land and its natural resources (at least from their point of view). Such a migration out could then affect other already settled communities in the Qadi Traditional Authority area or indeed any other tribal authority area that is close enough. The question would then be whether other settled communities would be willing to incorporate these "refugees" from the

metro or resist any sharing of their meagre resources? The case of Molweni, described above, gives some credence to this possibility. A second possibility is for the locals to accept incorporation but resist the provision of services at a cost. One can only speculate on who would lead such a resistance and what the possible consequences might be.

### 6.5. *The Question of Governance*

As indicated above, traditional authority structures do exist, and in many settlements, especially for the very poor, provide a framework within which the elements of a modest household livelihood can be constructed. Undermining such structures may lead to conflict situations. Even if no conflict ensues, the likelihood of increased poverty looms. Two issues arise from the consideration of traditional authority structures in such a context. The first is the recognition of traditional authority and the integrity of the boundaries under their sphere of influence, especially those whose boundaries are overlaid with municipal wards and have been split by the demarcation of municipal boundaries. The second is their accommodation within a workable representative arrangement within municipalities. It is because the very poorest of the poor find a means of survival within the framework provided by traditional authorities that it is imperative to take into account the social dynamics of such settlements. The role of traditional authorities in development is recognized at a policy level in terms of the White Paper on Local Government, and in terms of participation in municipal affairs by the Municipal Structures Act (section 81). The real issue is how to respect the boundaries of traditional authorities as an integral whole, and their meaningful participation in a way that the interests of the communities within those settlements are not unilaterally sacrificed to those of the eThekweni Municipality. Thus, for example, many *amakhosi* and their *izidunas* see the former Durban City Council as being the agent that has consistently taken land away, albeit for developing townships, residential estates, and industrial areas and for bulk infrastructural development and provision of services. Such actions in the past have often led to disputes and divided communities, resulting in ongoing conflict and delaying development and delivery. A constant refrain in the run-up to the 2000 local government elections of those traditional authorities in the areas

that were to be affected by demarcation is that they did not want their land taken away. This refrain was not just as a complaint of historical injustices, nor can it be considered a bulwark against modernity. Historical injustices must be understood at a number of levels but can also serve as the point of departure in the articulation of different and multiple forms of representation and participation within municipal government. Respect for the integrity of traditional authority structures and their boundaries may lay the basis for developing appropriate participatory structures. These would make legitimate decisions that provided basic services, and administered the land in an environmentally sustainable way for the people.

## 7. CONCLUSION

In this chapter, I have illustrated that the legitimacy of traditional leaders, that is, their authority to lead their communities, is a combination of their own rhetorical commentary on themselves as historical agents (justifying their own legitimacy), their understanding of citizenship and development (the right to vote, to dissent, and to expect basic services from the state), and their own internalization and subjectification of the policies of governance in general and more specifically those directed mainly at the traditional authorities, principally expressed in white papers and legislation, and actions and rhetoric of government spokespersons and ministers.

A key concern in this chapter has been to understand and analyze the way in which policies as discursive practices have sought to define and classify traditional authorities in ways that have served and continue to serve the interests of the state. Since 1994, the policies and dominant discursive practices of the state portrayed traditional authorities as tradition-bound functionaries of the state. In effect, the policies appeared to make traditional authorities no more than the consultants on how best to implement development policies in the areas under their influence. However, by adopting the language of the developmentalist state and asserting their right to speak and decide on their future, traditional authorities have shifted the debate beyond the initial parameters set by the state. But in effecting a new set of parameters for thinking about traditional authorities,

they have not challenged the state's right to set the agenda for development. The challenge then is how traditional authorities can engage with the issues of development while protecting their social support base.

It may be that some traditional authority figures see the best chances of development for their areas through the eThekweni Municipality Council. Although both the Municipal Structures Act and the White Paper on Local Government have built into them a consultative role for traditional authority, especially on development issues, this is not a direct role in decision-making. Those traditional authority leaders that opt for a more direct representative role may be seen as compromised if:

- (a) Consultation with the leadership such as *indunas*, councillors, and elders does not ensure an agreement on such a strategy;
- (b) Such a strategy fails to deliver on the communities' basic needs in these areas;
- (c) Engagement is not critical, constructive, and participatory; or
- (d) Development initiatives are beyond the sustainable capacity of the people in the communities concerned.

Underlying these conditions is the need for greater openness and accountability by traditional leaders. Clearly, while the institution of traditional authority appears resistant to social change, they can and do evolve in response to new circumstances. Under colonialism, segregation, and apartheid, traditional authorities changed to accommodate new situations, albeit not on terms they could effectively challenge. There is an equally compelling argument to be made that, in the current context, the strong possibility exists where political intervention and agreements signal significant changes in the direction towards a more inclusive and democratic system of governance. More concretely for some traditional leaders and their supporters, such a situation offers the acceptance by the state that the institution of traditional authority has a historical materiality and tenacity that cannot be ignored. By accepting the discourses of the developmental local state, traditional leaders have shown that participation within a local government offers significant advantages.

Elected politicians engaging with traditional authorities in rural and semi-rural areas have the advantage of instituting local forms of governance in rural and semi-rural areas that has largely been absent almost a century. By accommodating the traditional leaders, the ANC government as also avoided a protracted battle, both legal and on the streets.

However, the real possibilities can only be fully appreciated once two further issues are explored. Firstly, the semi-urban, peri-urban nature of the households and community settlements implies that a township model of development is not necessarily appropriate and may indeed be considered an imposition and potentially disruptive. A model of development that incorporates present land usage patterns and future provision of services and basic needs has to be developed, possibly giving greater meaning to the idea of “co-operative governance.” Secondly, the provision of services and infrastructure as part of the urban development strategy used by the Durban Metro can have a serious effect on the livelihood strategies of households in these settlements. It may drive a wedge between those few that benefit from urban development and those who do not because of cost factors. This may lead to an increase in tensions between “haves” and “have-nots,” or insiders and outsiders. A possible way out is to recognize that the role in terms of the White Paper on Local Government. The inhabitants of such settlements would probably have informal lands rights in terms of current land reform legislation, which obliges negotiation land occupied is controlled by traditional authorities and that they are accorded a development in any case. It means entering into a series of negotiations towards the provision of services to meet basic needs for households and other welfare provisions without undermining the current livelihood base any further. To enter into negotiations implies two further aspects. Firstly, an acceptance of representation, which will mean that traditional authorities as legal entities have to be accommodated. At the very least they have to have a voice in deliberations, and decisions that affect the traditional leaders and their followers must be seen to be acceptable and legitimate.<sup>6</sup> Secondly, it implies creating the space for open debate and allows for the exploration of the rupture in alignment between the IFP and traditional authorities.

Thus, the subject of authority becomes a participating citizen, and at least one ghost in the policy is exorcised.





INKOSI BHENGU IN HIS OFFICE. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



INKOSI GWALA IF AMAPHEPHETHE. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



INKOSI MLABA IN HIS OFFICE. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



KWA XIMBA MR. SIMON NGUBANE ELECTED MUNICIPAL WARD COUNCILLOR. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)

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## NOTES

- 1 Within the framework of the Constitution, the White Paper establishes the basis for a new developmental local government that is committed to working with citizens, groups, and communities.
- 2 To a large extent, the question has been answered by the Communal Land Bill, which envisages that traditional authorities will continue to have control over the distribution of land. In short, traditional authorities will control the allocation of land, and all access and development of the land will be subject to their decision-making in consultation with stakeholders.
- 3 In terms of this Act, 56 per cent of land from the former KwaZulu Homeland government is held in trust by the king. The Act required that this land be held in trust on behalf of the traditional authority, and the king of the Zulu nation is the primary guardian. This Act has recently been superseded by the Communal Land Rights Bill of October 2003.
- 4 This was 10 per cent, but increased after objections were raised by traditional authorities to the inadequate representation they have in municipal councils.
- 5 Elections at local government level are a combination of proportional representation based on a list of candidates submitted by the different political parties and direct elected representation (hence the list of specific councillors). In the Durban Metropolitan Council, there are an equal number of proportional and directly elected ward councillors. The ANC won 61 of the seats for directly elected councillors and 34 of the proportional seats as against the IFPs 7 and 28 respectively.
- 6 It is interesting to note that in an effort to get development and participatory democracy as features of the administration of the city, area-based management is being actively canvassed by the city. Yet in its list of stakeholders, traditional authorities are not mentioned as having any significance.

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# **11 Gearing Up for Constructive Engagement: Traditional Authorities and the Predicament of the 2000 Local Government Elections in the Durban Region, South Africa**

Sibongiseni Mkhize

## **I. INTRODUCTION**

The purpose of this chapter is to critically engage selected aspects of the KwaZulu-Natal component of the TAARN research, which focuses specifically on traditional authorities around Durban (now known as the eThekweni Municipality). The research project looks at some of these traditional authorities and their responses to and perceptions of the demarcation process and development rather than having a province-wide focus as Reddy and Biyela (2003) do. It attempts to grapple with some of the key aspects relating to a wide range of issues including, inter alia, the

changing powers, functions, and roles of traditional leaders in the context of transformation in South Africa. The areas in which research is being conducted for the KwaZulu-Natal case study are those chiefdoms that are adjacent to the city of Durban. We are focused on a variety of issues regarding *amakhosi* and the demarcation process, for example, “boundaries” and their meanings, powers of *amakhosi*, their roles before and after 1994, traditional authority structures, communication structures, development or development initiatives in their communities and the role of *amakhosi* therein, their relationship with the Durban Metro with regard to both politics and development initiatives, relationship with both the provincial and national governments, and *amakhosi*’s views about the institution of *ubukhosi* in South Africa. Although this study examines broadly issues affecting traditional authorities, it is not an attempt to present a definitive study on the institution of traditional leadership and its attempt to negotiate space within a western constitutional democratic context.

Of the fifteen traditional authorities, I managed to interview seven. I also managed to interview three councillors. Those seven are from the Umbumbulu, Indwedwe, and Mpumalanga regional authorities. Some traditional areas did not have traditional leaders because *amakhosi* had passed away (Ngqungqulu-Mthembu and Embo-Khabazela), while some *amakhosi* resided in the areas that were not earmarked for inclusion (Nyuswa and Embo-Isimahla).

When I began this component of the research in 2000, the majority of those areas fell under the Ilembe Regional Council while one was under the Indlovu Regional Council. This study attempts to present an overview of the views of the traditional leaders who were interviewed prior to the elections that took place on 5 December 2000 and those who were interviewed in 2001. The author has observed that the views of traditional leaders have been affected by changing circumstances, which have led to some shifts and adaptations among some traditional leaders. During the April 2001 workshop, I wrote a paper based on my interviews with four traditional leaders and I concentrated on the following aspects: views on demarcation; consultation process; powers and functions; traditional authorities and development, and the future of chieftaincy. This study will highlight their views on the demarcation process after their incorporation into the eThekweni Municipality, while comparing those with their opinions before demarcation in order to see if there are shifts and changes.

## II. TRADITIONAL AUTHORITIES: A HISTORICAL OVERVIEW

Traditional leaders (*amakhosi*), formerly referred to as chiefs, have always been a significant political and socio-economic factor in the lives of many African people in KwaZulu-Natal. Since the beginning of colonial domination in Natal and Zululand during the nineteenth century, *amakhosi* or traditional leaders have been having a precarious and uneasy relationship with the colonial governments. The character of an *inkosi* determined his relationship with the government and his continued position as an *inkosi*. Power struggles between *amakhosi* and the government, and amongst the *amakhosi* themselves, became the order of the day. The structure of traditional authority was reconfigured in a way that it is consistent with and forms a vital role in the government's scheme of indirect rule. During the twentieth century, the successive governments, colonial, union, and, after 1948, apartheid, decided to consolidate their stranglehold on *amakhosi* so that they could serve the purpose of being government servants. This ensured that the *inkosi* was no longer accountable to the people but to the government to whom he was indebted for material support and his position as *inkosi*.

The increasing level of urbanization during the first decades of the twentieth century also challenged and undermined the powers and positions of *amakhosi*. The political economy which was centred around the patriarchal homestead system typical of the rural areas controlled by *amakhosi* was being eroded by urbanization and the westernization of people's lifestyles. However, it should be noted that many urbanized people still maintained their connections in the rural areas and still paid allegiance to their traditional leaders. The swift pace of the struggles against apartheid in South Africa from the 1950s left many of the *amakhosi* behind, and during the successive decades they were viewed more as government stooges and reactionary elements. It is important to mention that not all traditional leaders supported the apartheid's Bantu Authorities system. One notable example is that of Chief Albert Luthuli. Between 1936 and 1945, Luthuli occupied himself with matters of his "tribe" and the institution of traditional authority, the church, and the struggles of the African peasantry. In 1945 he joined the African National Congress (ANC) and in 1951 he was elected provincial president of the African National

Congress. As punishment for his participation in anti-apartheid politics, the National Party government deposed him from his chieftainship in 1952. At its national conference in December 1952, the ANC elected him its president-general. He was one of the main people accused during the Treason Trial of 1956–61. He served as ANC president during the crucial period of the radicalization and transformation of resistance politics. In recognition of his dedication to non-violent resistance and human rights, he was awarded the prestigious Nobel Peace Prize in 1960 – the first African to receive that international award (Contact 1961, Fighting Talk 1961, Wintterie and Cramer 1971). He was dedicated to non-racialism and was an ardent opponent of the pass system, which he demonstrated by publicly burning his passbook in 1960. In 1962 he published his well-known autobiography, *Let My People Go*, which contains the crux of his political philosophy. After the publication of his autobiography, a rule of silence was imposed on him, and banning orders, which had become part of his life since the 1950s, were renewed until he died (Sithole and Mkhize 2000).

The perception that many of *amakhosi* were apartheid “collaborators” or accomplices and that they participated in the implementation of apartheid has contributed to the denting of their image and historical legitimacy. It was against that complex background and the role played by chiefs that, when there were negotiations for a democratic South Africa during the early 1990s, there was an impasse over the issue of traditional leadership within the new dispensation. Compromises were reached, but many of the traditional leaders are still uncertain about their roles and their future.

### III. TRADITIONAL AUTHORITIES AROUND DURBAN

The city of Durban is one of the biggest cities in South Africa and, together with five other metropolitan centres in South Africa, has been earmarked to be a UNICITY with either executive mayors or executive committees. Before the demarcation process, which led to the heightening of emotions from 1999, Durban’s boundaries excluded areas that fell under traditional authorities, except the area of kwaXimba near Cato Ridge, which opted to fall under Durban Metro from 1996. The 1996 local government

structures were in accordance with the arrangements and compromises of 1993–94 and the 1996 municipal elections and were part of the transition process. All of these are western-style political systems that put emphasis on democracy and do not cater for the institution of traditional authority.

Under the new municipality structure there are fourteen traditional authorities. The areas, except for the area of kwaXimba, were previously outside the boundaries of Durban Metro. The new areas that have been incorporated are, in the northern side, amaQadi under *inkosi* Mzonjani Ngcobo, amaPhephethe under *inkosi* Thandizwe Frank Gwala, abaThembu (*inkosi* deceased), amaNgcolosi under *inkosi* Bhekisisa Felix Bhen-gu,<sup>1</sup> Mkhize (Khabazela near Hillcrest – *inkosi* deceased), Qiniselani-Manyuswa (*inkosi* Ngcobo lives in the Ezingolweni), abakwaShangase under *inkosi* Mehlesizwe Shangase, amaXimba under *inkosi* Zibuse Mlaba, Mkhize – Isimahla under *inkosi* Zwelinjani Mkhize, Sobonakhona-Makhanya under *inkosi* Bhekokwakhe Andreas Makhanya, Vumengazi under *inkosi* Emmanuel Bhekuzalo Shozi, Cele under *inkosi* Ndoda Cele, Thoyana under *inkosi* Mhlabunzima Wellington Hlengwa, Maphumulo under *inkosi* Thembisile Virginia Maphumulo, and Luthuli in Mnini Trust under *inkosi* Phathisizwe Philibert Luthuli. All of the above chiefdoms claim links or connections of some kind with the nineteenth-century Zulu Kingdom. Some trace their arrival to their respective areas to the upheavals commonly associated with King Shaka during the early nineteenth century while others claim to have been loyal supporters of King Shaka who were persecuted by his successor, Dingane, during the early 1830s. The abaThembu, amaThuli, and the Thoyana are, however, known to have occupied the Durban area a few decades before the consolidation of the Zulu Kingdom.

#### IV. PRE-ELECTION ISSUES: CONTENDING PERSPECTIVES OF AMAKHOSI NEAR DURBAN REGARDING THE DEMARCATION PROCESS

The Demarcation Board under the chairmanship of Dr. Mike Sutcliffe, which began its function in 1998 in order to prepare for the final phase

of local government transformation in South Africa, incorporated traditional authorities and other previously excluded areas into municipalities. Some of the regions affected by this are the traditional authorities around Durban, many of whom fell under the Ilembe Regional Council, another structure that had been set up after the 1996 local government elections.

Shortly after the Demarcation Board had commenced its work, a fierce debate ensued between various interested parties over the incorporation of traditional authorities into the new UNICITY. This does not mean, however, that all the *amakhosi* were opposed to incorporation. In the case of traditional leaders around Durban, the disagreements centred around issues like powers, duties and function of chiefs, the roles of *amakhosi* in the municipal structures, the representation of *amakhosi* in those structures, lack of consultation on the demarcation process, the drawing up of boundaries, splitting of the *amakhosi* areas, taking away of vital assets like dams and nature reserves, the uncertainty over the continued observation of cultures and traditions, the role of *amakhosi* in development, and the perceived threat on the future of *ubukhosi* (chieftainship) posed by the encroachment of the urban municipal structures into their territories.

While some *amakhosi* in areas around Durban were abreast with the pace of socio-economic and political transformation in South Africa, some, however, embarked on defensive resistance. Those who were against the new system of local government and were calling for the status quo to remain claim that they are placed under an adapt or die situation, while those who are in favour of this system or who adopt a pragmatic approach argue that *amakhosi* cannot afford to exist in isolation and they have to be part of the changes in order to save the institution of traditional leadership from demise. A common thread among some *amakhosi* is that they welcome development in their areas and would also appreciate material assistance from the UNICITY of Durban on issues of development but reject the incorporation of their areas into the urban and politically dominated municipal structures. The demarcation process was perceived more as a demolition process, which is tantamount to territorial invasion and usurpation of powers, rather than a progressive step aimed at bringing development to the areas that historically provide the city of Durban with labour. Below is an overview of their opinions on few issues.

## 1. Demarcation

As was mentioned above, there are a few key issues that the *amakhosi* were concerned with during the interview process. Out of the four *amakhosi* who were interviewed in 2000, three were concerned about the process of demarcation and the manner in which it was done while the fourth one showed a high level of clarity with the whole process and welcomed it. On the issue of demarcation and boundaries, the three chiefs who were not happy with the whole process expressed their unease. Chiefs Makhanya, Gwala, and Ngcobo were concerned that demarcation would tamper with existing boundaries and lead to conflict within communities. *Inkosi* Gwala argued that the Demarcation Board was exacerbating the situation because the traditional authorities were having problems among themselves regarding boundaries. Therefore, this issue was viewed as a recipe for conflict because it would happen that people from one traditional authority would be placed under a councillor who comes from a different traditional authority. According to Ngcobo, the whole issue of demarcation was unnecessary. He argued that the government should instead improve on the system of regional councils and upgrade the system of rural local governance that was in operation at that time without changing or undermining it.

Mlaba, however, saw this issue differently. He contends that demarcation was relevant so that traditional authorities could be in line with the nationwide trend. The demarcation process, according to him, was a step in the right direction because traditional leaders would be involved in the development process and be exposed to the decision-making system, which works in accordance with the western representative democracy. Mlaba further argued that the demarcation process was necessary for the transformation of local government.

## 2. Consultation

Another issue that the *amakhosi* were concerned about was the whole process of consultation regarding the demarcation process. As with the above issue, Mlaba also differed with the others of this issue. The other *amakhosi* argued that they were not properly consulted and were only informed when the process had already started. According to Mlaba, traditional



leaders were properly consulted through their relevant structures, and the Department of Local Government and Traditional Affairs even arranged workshops. Gwala and Ngcobo, however, argued that there was no consultation and the whole process was decided at government offices and the board members used helicopters to fly over their areas and demarcate boundaries without discussing with them. Makhanya also argued that the *amakhosi* are not even represented in the Demarcation Board, and that is why the board failed to consult with them. Gwala pointed out that a referendum or survey would have been appropriate.

### 3. Powers and functions

In the build-up to the 2000 elections, the media reported that the bone of contention between traditional authorities and the government over the demarcation process was the question of powers and functions. Three of the *amakhosi* that I interviewed were concerned about the fact that demarcation would lead to the usurpation of their powers – the main problem being the allocation of land and powers of adjudication. *Inkosi* Mzonjani Ngcobo was overtly critical of the whole process, arguing that the government was putting two bulls in one kraal by placing their areas under Durban Metro. He pointed out that it had been made clear that the new municipalities would be more powerful than *amakhosi*. He was also concerned whether he would still be able to freely perform his functions as an *inkosi*. *Inkosi* Makhanya was also concerned about his powers as an *inkosi* and also whether he would be able to continue performing his functions. He even argued that, because of modernity, people have already started to undermine traditional structures by challenging *amakhosi* decisions of civil cases and even taking traditional leaders to magistrate courts. *Inkosi* Gwala was also concerned about his powers and functions as an *inkosi*.

The above-mentioned traditional leaders were concerned about whether they were going to share their powers with the mayor and councillors. However, *inkosi* Zibuse Mlaba took the opposite view. He argued that the law is clear about the separation of powers and that the municipalities have been brought into their areas in order to transform the local government system and not to take away the powers of *amakhosi*. He was of the opinion that the changes were meant to improve service delivery and accountability and to promote good governance. He argued

that because *amakhosi* know their functions there should be no confusion as to their responsibilities and those of the elected councillors. He attributed the worry about powers and functions to the fact that many of the traditional leaders have been victims of a campaign of disinformation pursued by political organizations. Mlaba further pointed out that there is legislation that clearly defines as well as protects the powers and functions of traditional leaders. He argued that many are worried about their powers because, for many years, they have been abusing those powers and are afraid of the democratic process.

#### 4. *The role of amakhosi in development*

The issue of the *amakhosi*'s role in development was also of great concern to the traditional leaders. *Inkosi* Zibuse Mlaba was also straightforward as to what the role of the traditional leaders should be on matters of development. He pointed out that for many years traditional leaders have neglected their areas and concerned themselves with political conflict. He pointed out that, in the kwaXimba area, development is driven by well-organized structures that involve both elected representatives and structures of traditional authority such as *izinduna* of various wards. This was confirmed by the ward councillor of the area, Mr. Simon Ngubane. Ngubane has been a councillor of the area since the 1996 elections. Both argue that, without all the structures working together and attending workshops, there is no way development could happen smoothly.

Mlaba argued that, even though the *inkosi* oversees the overall development process, he should let the people drive the process so that there could be empowerment and people feel a sense of responsibility and accountability. He pointed out that it is not necessary that the *inkosi* become the chairperson on the development forum. Mlaba further argued that traditional leaders would benefit by becoming part of big structures like the Durban Metro because they would be exposed to the democratic decision-making process and keep abreast of national and international trends in local governance. Being part of the municipality would provide the traditional leaders with an opportunity to network with people from different backgrounds, thus broadening their horizons.

The other three *amakhosi*, Ngcobo, Makhanya, and Gwala, were openly critical of the interference of the municipality in their areas. However, they

were a bit ambivalent on the issue of development in their areas. All of them claimed to be playing a critical leadership role in development as chairpersons of various committees dealing with roads, electricity, water, schools, halls, clinics, and agricultural development. They were not sure whether they would continue performing those roles once their areas were incorporated into the municipality. They, however, argued that they need the municipality to assist with development in their areas but not to come and take over their land. Ngcobo and Gwala also voiced their concerns about tribal accounts. Makhanya and Ngcobo also expressed their uneasiness about the prospect of elected councillors and politicians bringing development in their areas without following protocol. This, they argued, is linked to the undermining of amakhosi and the structures of traditional authority and would lead to conflict.

### *5. The future of traditional leadership in South Africa*

On the question of the future of the institution of *ubukhosi* Makhanya, Ngcobo and Gwala pointed out that *amakhosi* could not be eradicated by the democratic process. At the time of the interview, none of the traditional leaders spoke about their representation in the Metro because they were still hoping that their areas could be left out of the new Durban Metro. The three *amakhosi* argued that the institution is old and is closer to the rural people, compared to the representative democracy form of governance. They argued that traditional leaders have a role to play in the governing of the country and the government will always require their wisdom. Makhanya argued *amakhosi* are a body of the nation, and for President Mbeki's "African Renaissance" to succeed, the institution of *ubukhosi* should be accorded the dignity it deserves because it is a crucial component of African heritage. Gwala used Zimbabwe as an example where *amakhosi* were at one time marginalized by the state. He argued that in Zimbabwe the government had now started to look at mechanisms to integrate traditional leaders so they could play a central role in local governance of the rural areas – something which the elected representatives have failed to do.

All *amakhosi*, including Mlaba, argued that the institution of *ubukhosi* is a custodian of African culture and tradition. Mlaba's view on the future of the institution of traditional leadership, despite his optimism about the

demarcation process and the development for the areas under *amakhosi*, was pessimistic. He argued that the writing is on the wall as the majority of the people of South Africa have chosen a western-style of representative democracy and the future of *ubukhosi* looks bleak. At the same time, he was arguing that the only way traditional leadership was going to survive was to positively embrace opportunities that are presented by the demarcation process. He argued that, inasmuch as there are strong currents from outside threatening the institution of chieftaincy, the misconstrued obduracy of the *amakhosi* could precipitate their demise. He pointed out that the way the country is transforming politically should make *amakhosi* prepared that one day there would be people in power who oppose traditional leadership. Mlaba pointed out that in view of this predicament he always encourages his children to concentrate on education in order to explore other career options and not to aspire to become traditional leaders.

## V. POST-ELECTION ISSUES PERSPECTIVES

After the 2000 elections, I went back to those *amakhosi* and included three more to find out their views on the demarcation process and the question of the transformation of local government in general. In doing the second round of interviews, I took into account the points that were raised during the April 2001 workshop of the Traditional Authorities Applied Research Network (TAARN) South African team. Obviously, traditional leaders had different views and some had more issues to grapple with. Of the four that I visited in 2000, I saw chiefs Makhanya and Gwala. I did not go to interview chief Mlaba because I assumed there was going to be nothing new to him since he was already under the Metro from 1996 so the municipal demarcation process was not going to bring any new changes in his area. Sadly, I was not able to secure an interview with Chief Ngcobo, who was also an arch-opponent of the demarcation process.

The *amakhosi* who were interviewed for the first time in 2001 were chiefs Ngcolosi, Maphumulo, and Luthuli. All these chiefs have different ways of seeing the changes and evinced a wide range of perspectives and expectations with regard to their roles in the new structure and the questions of development in their areas. One could point out that, of the five

traditional leaders interviewed this year, four were still uncertain about development, but not hostile this time, while only one demonstrated a high level of understanding of local government and was more optimistic and welcomed the process as a challenge. His stance should not be misconstrued as related to his political allegiance as he pointed out that his stance had more to do with his decision to arm himself with knowledge than the fact that he was once a member of the Inkatha-controlled KwaZulu Legislative Assembly during the 1980s. An interesting issue is that, for some traditional leaders in the south of Durban, land is a problem issue, something which did not come out of any of the interviews I conducted last year. Chiefs Luthuli and Maphumulo were concerned about the serious issue of land shortage, which was being compounded by the demarcation process.

In this section, I would like to outline a few main issues that came out of the interviews of the chiefs who were being interviewed for the second time and those who were interviewed for the first time. Here are the issues around which this discussion will be organized: views of demarcation after the 2000 elections, relationship with the elected ward councillors, the role and function of chiefs after the 2000 elections, relationships with eThekweni Municipality, the role of *amakhosi* in development, comparing the government's attitudes towards traditional leaders, and the issue of land shortage and demarcation.

### *1. The Demarcation process*

In 2001 I began the second round of interviews with traditional leaders. The main issue I wanted to examine was their views on the demarcation process after the December elections, which had seen the incorporation of their areas into the new eThekweni Municipality. The traditional leaders whom I met in 2000 were still unclear about the way things happened but had accepted the fact that demarcation was a reality they had to face. Of the three chiefs who were being interviewed for the first time in 2001, only one expressed emotional discontent with the whole process and was pessimistic even about the way the government was treating *amakhosi*. An interesting view was that of *inkosi* Bhengu of KwaNgcolosi, near Hillcrest, who adopted a pragmatic view of the situation and argued that demarcation was a challenge to chiefs and they have to work hard to make themselves

indispensable as change was inevitable. He showed a greater and sophisticated understanding of the demarcation process and the issue of local government. Although Bhengu was positive and saw this as a challenge and did not see his position as chief being threatened, he argued that the uncertainty and the emotional and negative response by -Natal many *amakhosi* to the process was caused by the lack of consultation. The same point was echoed by the traditional leaders who were interviewed in 2000 and by those who were interviewed in 2001 for the first time.

## 2. *Amakhosi and elected councillors*

Another interesting finding during my interviews with the chiefs was their responses to the question about the relationship with elected ward councillors. Chiefs Makhanya and Gwala were both uncomfortable with their elected councillors. Makhanya argued that he had not even met the councillors formally and they had not bothered to introduce themselves to him. Gwala had a similar problem but his was compounded by the fact that the councillor lived in another traditional area. This problem had to do with the question of one ward straddling different traditional authorities. According to Gwala, the councillor was not doing his job properly because he was unable to visit these areas and introduce himself and it was also difficult to get hold of him when they wanted to do something. Gwala found working with his ward councillor very frustrating. *Inkosi* Maphumulo argued that she was working very well with her councillors as she was the one who made sure that the elections took place in her strife-torn area. However, her secretary pointed out that there are cases of some councillors arranging meetings and taking decisions without asking for the chief's permission or even inviting her. She argued that those actions cause problems because after taking those decisions they come to the *inkosi* to request or "demand" that she sign and put an official tribal stamp on their documents, which in most cases are worded in such a way that they include the chief.

Luthuli pointed out that councillors in his area were not working harmoniously with existing traditional authority structures. He argued that only one had introduced himself properly and he attributed their attitude to the fact that they are undermining the structure of traditional authority. The interesting perspective was that of Chief Bhengu. Bhengu argued

that there should be no conflict between traditional leaders and ward councillors, as long as they know what their duties and functions are. He pointed out that the cause of friction was the fact that in many cases both the councillor and the traditional leader do not know their functions and they end up competing with one another instead of working as a team for the development of their areas. He also made an interesting acknowledgment by pointing out that inasmuch as the elected councillors are causing some problems, many of the *amakhosi* are not innocent either and there are many problematic elements in their midst. Bhengu also pointed out that he has an amicable relationship with his ward councillor but mentioned the fact that there is a minor problem with another councillor who is responsible for a section of his area and the suburb of Hillcrest. It seems Bhengu's attitude to the transformation of local government is informed by the fact that he has armed himself with knowledge by studying local government and development. For him the demarcation process falls within the process of globalization.

### *3. Powers and Functions*

During the interviews I also asked *amakhosi* about their powers, roles, and functions after the 2000 elections and their incorporation into the municipal structures. This question was asked because, before the elections and when there were heated debates about the demarcation process, the issue of the powers, roles, and functions of *amakhosi* was central. The question of the powers and functions is closely related to the traditional leaders' relationship with the elected ward councillors, discussed above. Four of the five *amakhosi* argued that they are still working as they did in the past but they were still unclear about their roles and functions under the new dispensation. They were concerned about their powers vis-à-vis those of elected leaders. However, Bhengu argued that there is no need for *amakhosi* to fear for the eradication of their powers and the abolition of the institution of traditional leadership. According to him, they will always have a role to play as long as they arm themselves with knowledge since the world is changing and they too have to adjust to those changes.

*Inkosi* Luthuli, on the other hand, was vehement about the fact that *amakhosi* were being undermined by the present government. He argued that *amakhosi* used to have powers during the era of the apartheid government. He

pointed out that *amakhosi* in KwaZulu used to have clearly defined powers and had clear roles and functions because Dr. MG Buthelezi, who was then chief minister of KwaZulu, was committed to the development of the institution of traditional leadership. However, Luthuli cited the negative example of the current local government of putting stickers with numbers to homesteads, which was done without proper consultation with *amakhosi*. He further pointed to the fact that *inkosi* Zibuse Mlaba of KwaXimba, an ANC MP, and the mayor of eThekweni Municipality, Mr Obed Mlaba, came to his area and held rallies without informing him. Gwala also mentioned this problem, which he argued makes him as an *inkosi* appear to be useless as he ends up not being able to account for the stickers when people come to ask him. All the *amakhosi* argued that they will continue performing their functions as they did in the past because no one has come to them to tell them to change anything or to abandon their old way of governing their areas. It was also pointed out that, although the Ilembe Regional Council no longer existed as a structure where *amakhosi* could meet, they still meet in their respective regional authorities, which are structures that existed before the establishment of Ilembe Regional Council. In these structures, the traditional leaders under the eThekweni Municipality meet with their counterparts who are outside the municipality but under the same regional authority.

#### *4. Relationship with the eThekweni Municipality (expanded Durban)*

In spite of all the uncertainty about the powers, roles, and functions, they all pointed out that they would like to work closely with the eThekweni Municipality in order to develop their areas. Some even mentioned some projects that were proof that their incorporation into the municipality had some benefits. All the five *amakhosi* pointed out that they have had meetings with the eThekweni Municipality to discuss their role and function within the council. They all sounded positive, although they were a bit concerned about the fact that the council had not given them any travel allowances. Other than that, they were all hoping for a positive outcome of their meetings. *Inkosi* Bhengu even went further by arguing that he has personally been involved in devising some development plans and maintains contact with the mayor and the municipal manager. He was positive



about the fact that the mayor was encouraging *amakhosi* to attend meetings themselves rather than sending delegates. Bhengu has a more sophisticated understanding of the operations of local government. He was the only one who went further by explaining in detail the need for *amakhosi* to be represented at all levels of the municipal council. Even Makhanya and Gwala, who were negative about the process last year, expressed their willingness to work with the city council and cherished the opportunity to meet with the mayor. Gwala pointed out that he was still waiting for the mayor to visit his area. He even gave as an example complimentary tickets for soccer matches, which the chiefs who have been incorporated into the municipality are getting as a sign that relations were improving. Luthuli, who was more worried about the treatment of *amakhosi* by the present government, was also optimistic about co-operation between traditional leaders and the municipality. Like Bhengu, he expressed his worry about allowances for traditional leaders and even pointed out that there was still a problem because some *amakhosi* were not attending those meetings. The point about non-attendance came out during the interview with Chief Maphumulo, who pointed out that she did not know about the meetings with the municipality and only joined when they had already had five meetings.

## 5. *Development*

The issue of development in the areas under traditional authorities relates to the demarcation process and the whole rationale behind the transformation of local government. As was mentioned above, the traditional leaders who were interviewed all mentioned development of their communities as their main priority. They also pointed out that they would welcome any assistance from the municipality in that regard. None of the *amakhosi* interviewed viewed development as the responsibility of elected councillors alone. They saw it as their duty as *amakhosi* to ensure that in addition to their functions of maintenance of peace and unity, land allocation, and presiding over civil cases, they also play an active role in development.

Development priorities differed from one area to another. Some of the chiefs pointed out that they have seen some visible sign of development and service delivery since their areas were incorporated into the municipality. *Inkosi* Luthuli gave an example of a water supply project in his area

but also argued that there is nothing new as the old KwaZulu government had already come up with a program to develop the areas under *amakhosi* long before 1994. *Inkosi* Maphumulo mentioned the crèche and plans to build a hall but complained about the state of the roads in her area. Makhanya pointed out that he now sees the difference because, during the days of Ilembe Regional Council, projects were taking a long time to be finished due to lack of funds but now things are moving quickly, and he mentioned the construction of a dam in his area. Bhengu, however, argued that there was no need to use development as a pretext for demarcation. According to him, some areas had been developing and getting water and electricity before the era of the present local government dispensation. He argued that some areas that are not even inside the municipality have got electricity supplied by the city council and that invalidates the claim about territorial incorporation and development. He pointed out that in his area many development projects were done even before the changes that occurred in 1994. He claimed that his area is relatively developed, arguing that development needed to be well-planned with clear and broad consultation on identification of needs, and said that the tarring of the roads in the area was one aspect in which he expects the municipality to assist. As mentioned above, all the *amakhosi* regarded development as one of their primary responsibilities.

## 6. *Comparing the attitude of governments towards amakhosi*

Although the questions were mostly about the present developments, I also asked the *amakhosi* to tell me how they compare the democratically elected government since 1994 with the previous governments since many of them assumed their positions before 1994. This was in relation to the treatment that traditional leaders were getting from the government and the powers and functions of *amakhosi*, and it was also closely linked to the issue of development in their areas. Their views varied but chiefs Luthuli, Maphumulo, Makhanya, and Gwala were of the opinion that the present government did not care about traditional leaders. They all referred to how well the *amakhosi* were regarded during the era of KwaZulu government during the late apartheid era. Luthuli even went further by arguing that the only good thing the present government did was to increase the salaries of *amakhosi*. He argued that after 1994 traditional leaders were stripped

of their bodyguards who were supplied by the old KwaZulu homeland government and that had made them vulnerable. Interestingly, except for Makhanya, none of the *amakhosi* acknowledged the fact that their tribal courts had been modernized by being provided with fax machines, photocopiers, and computers. This might be caused by the fact that in some areas this equipment had not been provided because of lack of electricity. Makhanya pointed that the way the government is ignoring them was worrying, considering the fact that the president had not attended to their submissions while he has dealt with issues that arose later.

Bhengu, on the other hand, does not glorify the past while also trying not to be too excited about the present government, although he recognizes that the country is still in a period of transition. When asked to compare governments, all he could remember was the fact that the magistrates used to have significant powers in the areas of traditional authorities. He did not attribute any developments in his area to either the present government or the apartheid one but partly to an NGO called Valley Trust and to the commitment of the people of KwaNgqolosi.

From the interviews, it became clear that even the provincial Department of Local Government and Traditional Affairs was not perceived to have the interests of *amakhosi* at heart. Although Luthuli and Maphumulo seemed content with the department, Bhengu highlighted the issue of the employment of officials who had no idea about the issues pertinent to *amakhosi*. Bhengu also cited the issue of what he saw as poorly planned training courses that were provided by the Department of Traditional Affairs and the University of Zululand as an example of uncoordinated activities by the department.

## *7. Demarcation and the land problem*

During the interviews conducted in 2000, a wide range of issues and concerns were expressed by traditional authorities. The land question was only raised in the context of territorial incorporation in relation to the threat of the municipalities as was perceived by traditional leaders. None of the traditional leaders interviewed mentioned the fact that demarcation was going to complicate the problem of land shortage in their area. In fact, *inkosi* Makhanya even mentioned that he had a vast tract of land and would appreciate it if the government could assist with agricultural

projects. In 2001 two traditional leaders voiced their concern about the land and the demarcation of boundaries. Luthuli and Maphumulo argued that the demarcation process worsened the already volatile situation because their chiefdoms had been losing land to their neighbouring traditional authorities or to government. They argued that the drawing of boundaries excised land that had belonged to their areas and put them under adjacent traditional authorities. The land problem seems to be only prevalent in the Umbumbulu area, where both Luthuli and Maphumulo are situated. Luthuli even argued that most of the land in his area is being occupied by squatters; hence he objected to the attaching of stickers in people's houses as this indiscriminately conferred land ownership to many people who had no right to that land. Both Luthuli and Maphumulo mentioned the existence of some important landmarks of their traditional authorities, such as graves that are situated in areas that now fall under different traditional authorities. To them the demarcation process has complicated issues by adding to land dispossession, which had been going on for many years in their areas. The issue of land and demarcation is related to the question of the politics of space, representation, and the role of cartography in emasculating people. What became clear during the interviews with the *amakhosi* mentioned above was that what appears on the maps was not what the *amakhosi* conceive as their areas. *Inkosi* Maphumulo mentioned that in reality she is a chief with no land at all as many sections that traditionally or rather recently used to belong to her area are now under the control of the adjoining traditional authority – Makhanya being one of those traditional leaders.

## VI. CONCLUSION

This chapter has sought to analyze the responses of traditional leaders in the Durban Metropolitan area. I have attempted to show that, despite some reservations, traditional leaders have accepted the new structure of local government as a reality. Clearly in the post-2000 period, they were exploring the best possible ways of constructively engaging the new eThekweni Municipality, an approach that is in stark contrast to the way some were viewing the process before the 2000 local government elections.

Another important point to make is that the traditional leaders did not have an abundance of choices as far as this matter is concerned. What has emerged out of this research is that traditional leaders are willing to work with the eThekweni Municipality and that they also see themselves as playing a vital role in development. None of the traditional leaders mentioned any “cultural roles” as a priority. They are doing more than just allocating land and presiding over cases. What became clear also is that a lot of work still needs to be done on the issue of the relationship between elected councillors (some wards straddling different traditional authorities) and traditional leaders. Even for *inkosi* Bhengu, who was more optimistic and pragmatic about the changes that are taking place, the issue of the elected councillors and their knowledge of their functions was a source of discontent. One can conclude from the interviews that traditional leaders want to play a more active role in their respective areas. They were of the opinion that *amakhosi* have a role to play because, unlike elected councillors who could be voted out after a five-year term, they can provide continuous and stable administration as their positions are hereditary. As *inkosi* Bhengu stated, “we have always been part of Durban, the reason why we were left outside the boundaries in the past is that we were discriminated [against].” From an interview with *inkosi* Bhengu, it became clear that it would be a sign of intellectual naivety to oversimplify the problem between traditional leaders and the government as well as to conveniently categorize all of them as being reactionary.

So far, the research has been limited to traditional leaders and some elected councillors. I have not been able to conduct an in-depth study of how people in different traditional authorities feel about the changes that are taking place. The gender issue has also not been fully explored. There is only one woman traditional leader out of the fifteen traditional authorities who were incorporated into the municipality. However, an interesting observation I made was that most of the time she was accompanied by her male *izinduna* and councillors. What also still needs to be done is to do some interviews with the local politicians such as the mayor and heads of committees whose portfolios relate to traditional authorities. Furthermore, the issue of wards straddling different traditional authorities and how that affects development has also not been fully explored.

The latest developments in KwaZulu-Natal have shown the need to problematize the role of traditional leaders in a western constitutional

democracy. Since the enactment of the Governance and Traditional Leadership Act in 2003, traditional structures and the provincial government have been at loggerheads. This raises questions about the reasons for the chiefs' acceptance of the 2000 municipal demarcation settlements. What this raises is the complicated nature of the negotiated relationship between chiefs and democratically elected government. The rift became clear early in 2008 when the government of KwaZulu-Natal gave Dr. Mangosuthu Buthelezi, the president of the Inkatha Freedom Party and chairman of the provincial House of Traditional Leaders, an ultimatum to choose between serving as a member of parliament and working full-time as the chairman of the House of Traditional Leaders. The ultimatum forced Buthelezi to choose in an environment in which he has since 1994 been able to reconcile his role as a traditional leader within a democratic state. Buthelezi has cunningly made use of both structures to mobilize for his political party. What the ultimatum attempts to do is to limit his ability to use traditional structures to influence the democratic processes.

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KWA<sup>X</sup>IMBA ADMINISTRATION OFFICES – MEETING PLACE FOR WARD COUNCILLORS AND IZINDUNA. (PHOTO: eTHEKWINI MUNICIPALITY’S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



KWA<sup>X</sup>IMBA CATTLE OUTSIDE COMMUNITY HALL. (PHOTO: eTHEKWINI MUNICIPALITY’S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



INKOSI BA MAKHANYA OF SOBONAKHONA MAKHANYA TA. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)

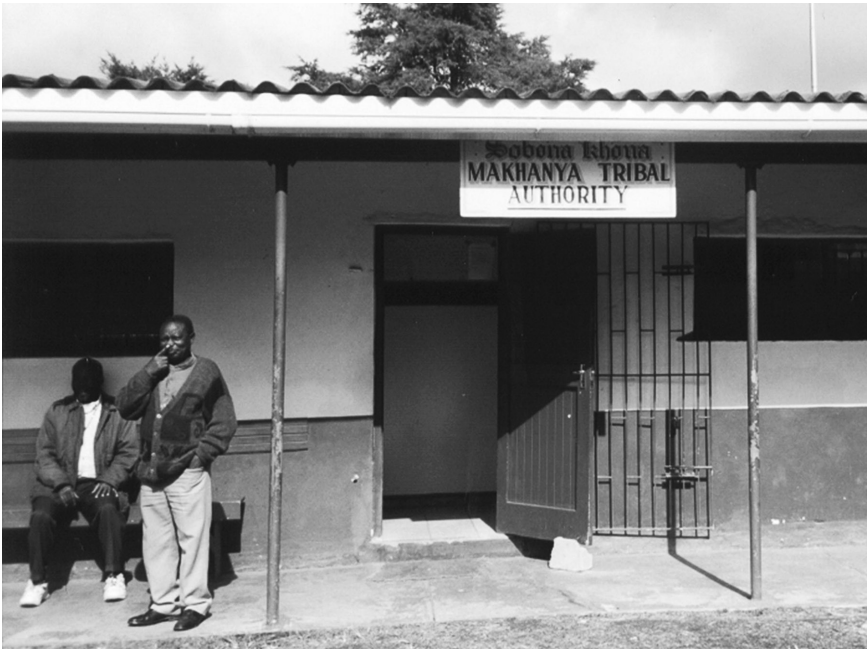




MR. SIBONGISENI MKHIZE, SOUTH AFRICA. (PHOTO: MR. SIBONGISENI MKHIZE.)



RURAL UMBUNBULA PART OF SOBONAKHONA MAKHANYA AND EMBO TA. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



SOBONAKHONA MAKHANYA TRIBAL AUTHORITY COURT. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)

## NOTES

- 1 In 2006 *inkosi* Bhengu challenged Buthelezi for the chairmanship of the KwaZulu-Natal House of Traditional Leaders. Although he was defeated by Buthelezi, his stance went a long way to show the heterogeneous nature of the institution of traditional leadership in KwaZulu-Natal, which had hitherto been perceived as homogenous and united behind Buthelezi.

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## **12 Traditional Authorities and the District Assemblies System: A Case Study of the South Tongu District, Ghana**

Morgan Nyendu

The slow growth and often stagnation in Africa's institution-building capacity has been attributed to numerous factors. Perhaps the most poignant factor has been perceived as the continent's inability to effectually seek a viable synthesis between tradition and modernity. – J. Maxwell Assimeng (1995, 145).

In view of the important role which chieftaincy still can play in the Ghanaian society, particularly at the local and district levels and in the belief that there is still a chance of rationalising its best features to bring it in harmony with modern government ... – Republic of Ghana (1968).

## INTRODUCTION

Traditional authorities, often referred to as chiefs, had been central to local government in what is now the Republic of Ghana a long before the advent of colonial rule. As well, during the colonial era, local government in the form of Indirect Rule was woven around them. Since independence in 1957 and except for the rule of the government of Dr. Nkrumah (1957–66), various governments have tried in one way or another to make traditional authorities part of decentralization programs in Ghana by either giving them institutional representation or by appointing some individual chiefs to local government institutions.

Although the roles that traditional authorities have played in local government especially since independence have varied with time, by and large, they have been a necessary part of it, especially since 1966. In fact, all governments and constitutional provisions between 1966 (when Nkrumah was removed from office) and 1981 have reserved one-third of the membership of the District Councils for traditional authorities. For instance, as Article 183, Section 1 (ii) of the 1979 Constitution stipulated that one-third of the membership of the district councils “shall be chosen by the traditional authorities in the district in accordance with traditional and customary usage” (Ghana 1979). The philosophical orientation underlying this reservation of seats for traditional authorities was that their experiences must be tapped into for the success of governance and development efforts at the local level. More importantly, there has been the argument of “political culture” and “political legitimacy.” These two concepts/issues have emerged as a result of the perception that, because the modern institutions of government inherited at independence lack African cultural orientations and have been imposed on the colonial peoples, development in post-colonial Africa could only occur with the active participation of traditional authorities who better understand local circumstances, nuances, and norms.

In this chapter, I will first discuss the general arguments since the late 1980s for the greater participation of traditional authorities in development planning and implementation and local governance in Ghana. This will provide the general background for an examination of the degree of their participation in Ghana’s district assemblies system by using the

South Tongu District Assembly as a case study. I will then examine the nature of the relationship between traditional authorities in the South Tongu District and the operatives of the South Tongu District Assembly (viz., district secretaries/district chief executives and assembly members), thereby enabling me to determine what roles they have been playing in the current decentralization program in Ghana.

It must be pointed out that the provisions of PNDC Law 207 of 1988, the 1992 Constitution, and Act 462 of 1993, all of which have provided the legal basis for the district assemblies system in Ghana, have called for a consultative process involving traditional authorities in the selection of government appointees to the district assemblies. This provision is illustrative of the general belief that traditional authorities could play important roles in local development and for that matter the district assemblies system in Ghana.

## TRADITIONAL AUTHORITIES AND DECENTRALIZATION BETWEEN 1982 AND 1988

It is important to point out that at the onset of the current decentralization program in early 1982, traditional authorities were forbidden from any participation in the defence committees, which at the time provided the rudimentary framework for participation at the local levels. In fact, at the time, the then head of state, Flt. Lt. J.J. Rawlings, and the leadership of the Provisional National Defence Council (PNDC) perceived traditional authorities as conservative and counter-revolutionary and so denied them any participation in the defence committees (Ray 2001, 4; Bofo-Arthur 2003, 1). The result of this perception was that, whereas most participants in the defence committees saw traditional authorities as arrogant and a relic of the past that must be done away with, some traditional authorities, on the other hand, also saw the defence committees as “nine-day wonders” that would soon fade into the dustbin of history. The tense relationship that developed as a result of the respective perceptions often resulted in heated disagreements and sometimes clashes between the two institutions throughout the country (Ray 1986; Nugent 1995, 76). For instance, as Ray points out, as a result of the bitter disagreement between the traditional

authority establishment and the People's Defence Committee in Daboya in the Northern Region, a proposed bridge over the White Volta that could have facilitated the free flow of goods, personnel, and services was abandoned (*ibid.*). However, as Ray (2001, 4) points out, by 1988, there began an improvement in the relationship between the PNDC and traditional authorities as noted in statements made by Rawlings himself and other officials of his government. This change of attitude on the part of the PNDC government, as Ray further notes, was due to the realization that traditional authorities have important roles to play in governance and development at the local level and that there was the dire need to cultivate their support.

## TRADITIONAL AUTHORITIES AND DECENTRALIZATION AFTER 1988

In an address to the Central Regional House of Chiefs in 1989, the then PNDC secretary for Local Government and Rural Development, Kwamena Ahwoi, pointed out that the consultative process involving traditional authorities in the selection of government appointees to the district assemblies showed that the policy envisaged "a partnership" between them and the district assemblies in the provision of development at the local level (Ahwoi 1990, 21). As Ahwoi further noted in the same address, traditional authorities were expected to play a key role in the provision of infrastructure in the districts through the organization of communal labour and the mobilization of local resources for the construction of offices for the successful implementation of the decentralization policy. However, on the issue of their direct participation in the district assemblies, Ahwoi was of the opinion that as citizens, they are expected to "monitor" the performances of members of the district assemblies and draw attention to their failures on the "quiet" (*ibid.*, 22).

The perception that traditional authorities could play important roles in local development was not only held by ministers of state but also by Flt. Lt. Rawlings as head of state under whose leadership the current decentralization policy was begun. In fact, as Rawlings himself reportedly pointed out, "the institution of chieftaincy has so much that is good, so

much potential to mobilize people for development efforts towards a better life” (Rawlings 1990, 8, cited by Ray 2001, 4). In his 1999 address on the occasion of the opening of Ghana’s parliament, President Rawlings emphasized the importance of traditional authorities in local development when he called on them to help provide development projects and also make land available for investment opportunities at the local level (Rawlings 1999, 2–3, 23–24, 29–30, cited by Ray, 2001, 5). Although both Rawlings and his then secretary for Local Government and Rural Development, Kwamena Ahwoi, were clear on the important role that traditional authorities could play in local development, the statements attributed to them failed to directly address the more important issue of the nature of their participation in the district assemblies system. In a sense, therefore, these statements from the political leadership often sent mixed signals to the public on what role traditional authorities were expected to play in the district assemblies system.

However, in spite of the above ambiguity, the importance of traditional authorities to the success of the decentralization policy, and for that matter local development, has also been recognized by the government of the J. A. Kufuor’s New Patriotic Party (NPP), which won the presidential and parliamentary elections in December 2000. In fact, in its Electioneering Manifesto for the 2000 elections, the NPP made its position abundantly clear on the importance of traditional authorities in governance and development at the local level when it stated that “Ghana has a rich store of traditional wisdom and institutions. The guardians of this treasure house are the traditional authorities. *The NPP government will uphold their participation in the governance of the country*” (New Patriotic Party [NPP] 2000, 34; emphasis added).

Furthermore, in an address read on his behalf on 27 October 2004, at the Seventh National Governance Workshop on the theme “Traditional Authority and Good Governance: Implications for Democratic Consolidation,” Ghana’s then-president, J.A. Kufuor, noted that it was heartening to realize the emergence of a new group of well-educated traditional authorities who are very determined to be active partners in national development (Kufuor 2004). He, in fact, lauded this new crop of traditional authorities for their efforts in seeking investors for their local areas, adding that, “We applaud this noble effort to help the central government to achieve its goals. We believe that this effort has huge implications for the



growth of our democracy” (ibid.). On the relationship between traditional authorities and the district assemblies, President Kufuor tasked the traditional authorities to “collaborate with the district assemblies to design development projects in order to eliminate duplication of functions” (ibid.). In spite of this positive statement, there does not exist any serious mechanism for “collaboration” between traditional authorities and the district assemblies as outlined in the 1992 Constitution and other legislative instruments and also regularly enunciated by government officials.

It is important to note that the calls for the greater participation of traditional authorities in democratic local and national governance and development in Ghana have also come from traditional authorities themselves. In a speech to welcome Vice President Alhaji Aliu Mahama to his palace at Odumase-Krobo, the konor of Manya Krobo in the Eastern Region, Nene Sakitey II, called on the government to set up avenues that would facilitate the participation of traditional authorities in the national and local governance of the country in order to help promote good governance and accelerated development (Nene Sakitey II 2003). In his response, the vice president emphasized his government’s continuing belief in traditional authorities as partners in development and also expressed the commitment of the government to a policy of utilizing their rich experiences in seeking solutions to “national problems and to bring governance to the doorsteps of the people” (Mahama 2003). This view of the vice president meshes with the position of Boafo-Arthur, when he observes that traditional authorities are stakeholders in the overall development of the country, adding that:

... the ability of chiefs to serve as effective governmental partners in development by sustaining the new paths of collaboration with the central administration being championed by some of them will go a long way in not only strengthening the relations between the government and the chieftaincy institution but also facilitate development in various traditional areas. Poverty and ignorance generate societal conflicts that could undermine the authority of chiefs. The institution must, therefore, work in concert with the government and other development partners to minimize the levels of poverty and ignorance (ibid., 17).

Moreover, with the increasing number of well-educated people – lawyers, university professors, medical doctors, accountants, engineers, pharmacists, senior military and police officers, etc. – who are being made traditional authorities, it is also clear that involving them in the district assemblies system will ensure that they would bring their professional expertise to bear on the functioning of the institutions of local governance so as to facilitate development. For instance, there are currently such prominent traditional authorities in Ghana as Osagyefo *Nana* Amoatin II, a medical doctor by profession and Okyenhene of Akyem-Abuakwa Traditional Area in the Eastern Region, Otumfuo Osei Tutu II, king of Asante (*Asantehene*), Torgbe Afede XIV, a stockbroker, investment consultant, and Agbogbomefia (king) of the Asogli State of Ho in the Volta Region, Professor *Nana* S.K.B. Asante, a former diplomat, economic consultant, and chief of Asante-Asokore in the Asante Region, and Professor John S. Nabila, the Wulugunaba, once chairman of the Research Committee of the National House of Chiefs<sup>1</sup> and now Member of the Council of State<sup>2</sup> representing the Northern Region.

It is important to point out that all these traditional authorities, among several others, have been involved in such development efforts as afforestation, anti-HIV/AIDS campaigns, investment drives, and the provision of educational and other social facilities, all aimed at improving the lot of people within their respective traditional authority areas and beyond. For instance, in the case of the anti-HIV/AIDS campaign, the National House of Chiefs in January 2005 launched the Traditional Authorities' Development Programme (TRADEP) on HIV/AIDS. According to Odencho Gyapong Ababio II, president of Ghana's National House of Chiefs, this program, which is sponsored by the Ghana AIDS Commission, is expected to put traditional authorities "at the forefront of mobilizing the people to achieve the right response in the fight against the disease" (Ababio II 2005). In fact, some traditional authorities have even been involved in what was hitherto the preserve of the state by embarking on investment drives with foreign governments. A case worth mentioning is that of Torgbe Afede XIV, Agbogbomefia of the Asogli State of Ho. In a pre-departure interview on 26 August 2005 while leading a twenty-member trade and investment promotion delegation to the People's Republic of China, he emphasized the need to modernize the institution of traditional authority so as to promote development when he stated that:

The role of a chief in this modern time has changed from previously leading the people in conquering territories to attracting investment, fighting poverty, dialoguing, promoting education, creating an enabling environment for development, and facilitating human development. (Afede XIV 2005)

Again in furtherance of the above issue, some traditional authorities are getting involved in various partnerships in order to promote local and national development. For instance, the New Juaben Traditional Council in the Eastern Region of Ghana in collaboration with the Koforidua Municipal Assembly has embarked on a project aimed at providing facilities for computer training in the municipality as a way of supporting the country's developmental efforts (*Nana Asiedu* 2005).

Moreover, traditional authorities in Ghana through the National House of Chiefs have now assumed a new responsibility that is unprecedented in the political history of Ghana. In this direction, the National House of Chiefs, led by its then-president, Odeneho Gyapong Ababio II, were involved in efforts to reconcile ex-president J.J. Rawlings and his successor, then-president J.A. Kufuor (Ababio II, 1996). This effort became necessary as a result of the scathing war of words that has developed between them. Whereas ex-President Rawlings accused then-president Kufuor and his government, among other things, of harassment and intimidation of his party's operatives, political persecution against former ministers and functionaries of his government, and about his personal safety and security Kufuor, on the other hand, expressed his discomfiture about the former president's "non-conformity" as a statesman and for his refusal to be neutral in national politics. The fact that public concern about the unfolding situation and its consequences for national security captured the attention of the National House of Chiefs shows the extent to which traditional authorities are concerned with national issues. In fact, as noted by the president of the National House of Chiefs, their action became necessary because they had foreseen the possibility of the situation destabilizing national security.

Finally, because of the high levels of professional expertise and the "modern" outlook that the new class of traditional authorities possess, they have come to provide a vital link between government and their

people and in the process have become agents for the dissemination of government policies and decisions among the latter (Ababio II 1996, 36). In sum, the newly emerging class of traditional authorities in Ghana has become more development-oriented and has, therefore, become greatly involved in leading in the mobilization of the people and resources for local development.

Beside the above factors, there is the added issue of traditional authorities sometimes either serving as the custodians of clan assets, including lands or having influence over those who own land in the rural areas. In this case, since land is vital to development, traditional authorities are now seen as important elements in development at the local levels. Furthermore, there is another important dimension to the issue of their control over land that has often been ignored. It has been suggested that it could be the case that a traditional authority who, together with his elders and/or landowners are selling land in their areas, might unknowingly be prejudicing local development if a district assembly also has its eyes set on that same parcel of land but had, at the time of the sale, not notified the traditional authority in the area concerned (Interview with Addo-Fening at Legon, 27 October 2003). Thus if traditional authorities are more involved in the functioning of the district assemblies system, they would be part of the development planning processes of their districts and would, therefore, know which areas in the districts are being earmarked by the district assemblies for purposes of development. This knowledge of the plans of the district assemblies will, therefore, enable the traditional authorities to help facilitate local development in collaboration with their respective district assemblies.

In fact, the broad belief that the institution of traditional authority could play an important role in local and national development stemmed from the view that the institution has the relevant “political culture” and “political legitimacy.” That is, traditional authorities are seen as having a good understanding of local circumstances, history, and culture and are also noted as legitimate political authorities who derive their authority from the history and culture of their people, unlike the “modern” institutions of governance, which are part of the colonial legacy.

It is clear that the involvement of traditional authorities in collaborative development planning and implementation processes with the district assemblies could best be achieved only when they become more involved

in the functioning of the district assemblies system. This means that the lack of adequate representation for traditional authorities in the district assemblies system has, therefore, created a situation in which they and the district assemblies are working at cross-purposes, a situation that is unhelpful to development. Moreover, there is no gainsaying the fact that traditional authorities are seen as important in ensuring the prevalence of peace and order in their areas, conditions that are crucial in facilitating orderly development (Yankson 1999, 162). Thus, as Nsarkoh (1964, 5) rightly argues, since local government in Ghana, and for that matter in Africa, is seen as a continuation of tradition and part of the African heritage and culture, there is the need to provide a central place for traditional authorities in the district assemblies since their enhanced participation in local government would ensure that all available resources are mobilized for local development. In the light of the policy on democratic decentralization in Ghana and the views expressed by both political leaders and traditional authorities on the district assemblies system, it is clear then that both traditional authorities and the district assemblies have been identified as agents of good governance and development at the local level. Moreover, it is also clear that in order for an orderly development at the local level, both traditional authorities and the district assemblies must work in partnership and this could best be achieved when the former participate more actively in the functioning of the district assemblies system. In fact, this collaboration is important if the district assemblies are to promote local development in particular and national integration in general. In a series of interviews with one traditional authority, he was of the opinion that because traditional authorities remain the legitimate spiritual, cultural, and political leaders of their people, they must not be ignored in any governmental machinery that seeks to promote governance and development at the local level (Interviews in South Tongu District, November 2003). It is in light of this that one must examine the relevance of the two epigraphs at the start of this chapter.

## TRADITIONAL AUTHORITIES AND THE SOUTH TONGU DISTRICT ASSEMBLY (STDA)

As already noted, there is an emerging crop of well-educated professionals swelling the ranks of traditional authorities in Ghana. In the case of the study area, there are such prominent traditional authorities as Torgbe Agamah Amattah IV, paramount chief of the Fievrier Traditional Area, a lawyer by profession and currently the deputy clerk of Ghana's parliament, Torgbe Avudzega I, chief of Sogakofe, a well-respected social worker and an advisor to the current president of Ghana, Torgbe Azaxie Degenu III, an economist and paramount chief of the Agave Traditional Area, Torgbe Avadali IV, a physicist and divisional chief of the Anyigbe Clan of the Agave Traditional Area, Torgbe Agbodemegbe II, an accountant by profession and divisional chief of the Agave Traditional Area, Dumegah Torgbe Korku Ganu III, an accountant, economic consultant, and town elder of the Sokpoe Traditional Area, and Mama Adobea Aketse IV, a police officer, an accountant, and paramount queenmother of the Vume Traditional Area. In light of the above, it is clear that the new trend of well-educated people joining the ranks of traditional authorities in Ghana is also reflected in the South Tongu District.

Arising from the foregoing, the main concern of this chapter, as already noted, is to examine the role that traditional authorities have been playing in the current decentralization program (i.e., the district assemblies system) since its inception in 1988, using the South Tongu District Assembly as a case study. The above, therefore, brings to mind certain important questions that will be addressed in this chapter. First, what has been the level of participation of traditional authorities in the South Tongu District Assembly since the start of the current decentralization program? This will partly be measured by making a determination of the number of traditional authorities that have so far been appointed to the assembly and how their presence has affected the quality of decision-making and implementation processes in the assembly. Second, how far have traditional authorities in the South Tongu District been involved in the consultative process that goes into the selection of government appointees as provided for in PNDC Law 207, the 1992 Constitution, and Act 462 of 1993? Third, what has been the relationship between

traditional authorities and the leadership of the South Tongu District Assembly (i.e., district secretaries and district chief executives), on the one hand, and between them and the elected members of the South Tongu District Assembly from their respective traditional authority areas, on the other? Fourth, how do the traditional authorities perceive the district assembly? Fifth, what role do the traditional authorities see for themselves in the South Tongu District Assembly in their desire to participate in the development of the district?

The importance of the above questions lies in the fact that, among other things, they will enable me to determine the degree to which the provisions on the consultative process for the choice of the government appointees are being complied with, help in finding out the extent to which traditional authorities are participating in the South Tongu District Assembly, and finally help in making an overall assessment of the policy on the district assemblies system vis-à-vis traditional authorities in the South Tongu District, in particular, and Ghana, in general.

In an effort to answer the questions raised above, interviews were conducted both within and outside the study area during 2003. In all, eighty people were interviewed with the breakdown as follows: twenty-five traditional authorities (including males and females, western-educated and non-western educated), twenty-five past and current members of the South Tongu District Assembly (including past district secretaries and district chief executives), twenty ordinary people (i.e., non-traditional authorities and non-assembly members) living within the study area, and ten experts and university faculty at the Ministry of Local Government and Rural Development and the University of Ghana, Legon.

## COMPOSITION OF THE SOUTH TONGU DISTRICT ASSEMBLY SINCE 1988 - 2006

The current decentralization program in Ghana formally began in 1988, in spite of its roots in the defence committees of the early 1980s. This means that the policy had been in place for a period of eighteen years by 2006. Moreover, since elections and appointments to the district assemblies are done every four years, it follows that, so far, four such elections

had been held and the same number of appointments having been made to the South Tongu District Assembly since 1988 to 2006. A look at the composition of the South Tongu District Assembly shows that it has a total membership of fifty-one with the number of the government appointees coming up to seventeen, and the remaining elective positions being thirty-three.

An examination of the list of government appointees since the inception of the district assemblies system to 2006 has shown that the number of traditional authorities appointed to the South Tongu District Assembly is twenty-one out of a total of sixty-eight government appointees during the period, with some individual traditional authorities having been appointed as many as three times (Records of the South Tongu District Assembly, Sogakofe). Although the records on the traditional authorities who have contested the elective positions are difficult to come by, due to the poor record-keeping at the South Tongu District Assembly, the evidence gathered so far and collaborated in the course of interviews with some former and current members of the district assembly in addition to my personal recollection have shown that only about eight traditional authorities in the South Tongu District have contested elections to the district assembly between 1988 and 2006, with only five winning to become members of the STDA. After the district assemblies elections in 2002, there were only two traditional authorities amongst the seventeen government appointees.

## THE CONSULTATIVE PROCESS AND THE CHOICE OF GOVERNMENT APPOINTEES TO THE STDA

In my series of interviews with some of the traditional authorities who had served in the past in the South Tongu District Assembly as part of the government appointees, it was gathered that their appointments were either the result of personal lobbying efforts or due to the fact that they were in the “good books” (euphemism for being supporters) of the government at the time of their appointments (Interviews in South Tongu District, July–November 2003).



According to one of my traditional authority sources, if there were any consultative processes involving traditional authorities in the selection of the government appointees to the South Tongu District Assembly over the years, this could not have involved those among them who were perceived to have had views that were independent of those of the government of the day, irrespective of the quality of the inputs that they would have made towards the selection process, in particular, and the achievement of the objectives of the decentralization policy, in general (Interview in South Tongu District, 24 September 2003). As this source further pointed out, only traditional authorities that were seen to have been loyal supporters of a given government would have been engaged in any such consultative process. This view, in fact, meshes with that of a queenmother who stated in her interview that, by and large, “chiefs appointed to the South Tongu District Assembly are not there because of the contributions that they can make but simply out of political patronage” (Interview in South Tongu District, 25 September 2003). In fact, most of the prominent traditional authorities and some paramount traditional authorities interviewed complained that they have never been consulted on the choice of government appointees to the South Tongu District Assembly (Interviews in Accra and South Tongu District, July–November 2003).

When asked whether they were aware of the provisions for the consultative process involving traditional authorities in the nomination of government appointees to the district assembly, some of the traditional authorities, especially those who do not have western education, expressed their ignorance and argued that it was because governments since the inception of the district assemblies system had wanted to keep them out of the district assembly that their attention was never drawn to the provisions (Interviews in South Tongu District, July–November 2003). This group of my traditional authority sources was even of the opinion that, even if they had been made aware of the provisions, there was no way they could have forced the hands of governments to give them as many positions among the government appointees as they would have wished since the final decisions lay with governments. In light of this, they see the institutional representation of traditional authorities by way of the entire seats reserved for government appointees being rather given to them as done in the past as the only way of meaningfully involving them in the district assemblies system (Interviews in South Tongu District, July–November 2003).

Furthermore, some traditional authorities were of the opinion that, besides the reservation of seats for them, the position of presiding members in the district assemblies should also be reserved for traditional authorities (Interviews in South Tongu District, July–November 2003). Those among the traditional authorities who hold this view argued that most of the confusion and acrimonies that sometimes crippled the efforts of some district assemblies could have been avoided if the presiding members were level-headed and mature enough to have dealt with the differences that sometimes emerged in the course of assembly sessions. To this group, therefore, since several of the differences are partisan in character, traditional authorities are best positioned to deal with them since they (traditional authorities) have been kept out of partisan politics by the provisions of the 1992 Constitution.

On the issue of whether the institution of traditional authority should be integrated into the district assemblies system or not, there was an overwhelming rejection of the idea by all my traditional authority sources. One queenmother, for instance, was of the view that the debate should not be about integration but rather about a quota system by way of institutional representation. As she told me in her interview:

Any attempt at integrating the institution of chieftaincy into the District Assemblies system would eventually lead to its adulteration and no chief or queenmother is prepared for this scenario. Rather, what is important in the circumstance is to allow for an enhanced participation of chiefs and queenmothers in the District Assemblies through a formula that does not necessarily imply integration since the independent identities of the institution of chieftaincy and the District Assemblies must be maintained because they are symbolic representations of different periods in history (Interview in South Tongu District, 15 September 2003).

As she also observed, the fact that the institution of chieftaincy has survived “westernization” and “modernization” is enough to show its resilience and adaptability. This means that the relevant aspects of the institution could be adapted into mainstream governmental machinery, and, in this specific case, into the district assemblies system. According to another

traditional authority source, the values that have sustained the institution of traditional authority since the colonial period could guide the quest for both local and national development (Interview in South Tongu District, 9 September 2003). However, as this source was quick to note, any effort at enhancing their participation in the district assemblies system should be mindful of the potential for compromising the “neutrality” of this unique institution in the face of an increasingly partisan district assemblies system. In fact, some of the traditional authorities interviewed lamented the fact that, although governments have always asked them to work with the district assembly, they are at a loss as to how this collaboration could be effected when they are literally not part of the district assemblies system (Interviews in South Tongu District, July–November 2003). From my interviews and the available statistics, it is clear that traditional authorities have been greatly under-represented in the South Tongu District Assembly since 1988.

Although a majority of the former and current members of the South Tongu District Assembly who were interviewed claimed to have been aware of the provisions of the 1992 Constitution and the Act 462 of 1993 on the choice of government appointees, a negligible number, most of whom lack western education, conceded that they were unaware of them (Interviews in South Tongu District, July–November 2003). It is interesting to note that even those who are aware of the consultative process as provided for under the respective enactments were skeptical that it has ever been used in the choice of government appointees to the South Tongu District Assembly. It must be noted that, although the central government represented in the president is supposed to consult traditional authorities and the interest groups in the selection of the government appointees, it is the incumbent district chief executives and local party officials who are expected to do this on behalf of the central government. Thus, in many instances, neither the regional ministers nor the Presidents have any personal knowledge of the persons prior to their being made the government appointees.

Because I was once a member of the South Tongu District Assembly, serving from 1990 to 1997 as a government appointee, some of the former and current members of the assembly were able to speak freely in the course of my interviews (under conditions of anonymity) that the provisions for the consultative process in the nomination of government

appointees to the district assemblies has never been followed in the South Tongu District. Several of them who have been familiar with the appointment process over the years informed me that the selections were either solely made by the district secretaries (now district chief executives) or in consultation with a close circle of confidants and most often without consultation with traditional authorities (Interviews in South Tongu District, July–November, 2003). The final list of the choice of government appointees is then sent to the regional secretary (now regional minister) for verification and the issuance of appointment letters on behalf of the president. In fact, my personal experience as a government appointee in the South Tongu District Assembly confirms these assertions.

In interviews with five former district secretaries and district chief executives, they all confirmed their knowledge of the provisions for the nomination of the government appointees to the district assembly. Some had argued that, in spite of this, they, as the local representatives of the government, had the obligation to ensure that people opposed to their respective governments were not included on the list of the government appointees. It was in light of this that they took pains to ensure that people did not, in the words of a former district secretary, “intrude into the list” (Interview in South Tongu District, 24 September 2003). According to this same source, it was with this position in mind that they personally screened people who should be on the list of prospective government appointees before forwarding them to the regional secretary (now minister) since willfully or unknowingly putting someone opposed to the government on the list could be an invitation to be fired.

There was much agreement amongst the interviewed past and present district secretaries and district chief executives that there were little or no consultations with traditional authorities in the nomination of the government appointees to the South Tongu District Assembly during their periods in office. However, one former district chief executive was emphatic in his interview that, although he had instructions from district and regional party officials on people to be included in the list of government appointees, he did, in fact, consult some traditional authorities and the Ghana Private Road Transport Union (GPRTU), an umbrella union of vehicle drivers as an “interest group” in compliance with the provisions of the 1992 Constitution and the Act 462 of 1993 (Interview in South Tongu District, 12 September 2003). As another former district chief

executive told me in an interview, the provisions of Article 242 (d) of the 1992 Constitution and its enabling Local Government Act 462 “become ambiguous when it comes to practice. Some of the traditional authorities are covert politicians who derive their status from political party lineage” (Interview in South Tongu District, 15 October 2003). Moreover, as the same source lamented, the nature of the selection process of the government appointees:

... does not bring out competent elements for effective work in the District Assembly. The Government Appointees simply become rubber-stamps for the politically-biased District Assembly. The constitutional provision and parliamentary Act 463 of 1993 are therefore being misinterpreted and abused to the detriment of the District Assemblies (Interview in South Tongu District, 15 October 2003).

In his opinion, much more needs to be done than the mere provisions for a “consultative process” involving traditional authorities since the provisions are not applied in the selection of the government appointees. According to this same source:

If the Government Appointees are expected to make up for the technical expertise that the elected members of the District Assemblies might lack, then this has, at least, not occurred in the South Tongu District Assembly since its inception because many of the more professionally competent traditional authorities in the District have been by-passed for some less professionally competent ones (Interview in South Tongu District, 15 October 2003).

He was of the opinion that, because traditional authorities continue to serve as links between their communities and the formal institutions of government and also are the first points of contact on visits by government officials to the rural areas, they deserve a greater participation in the decentralization program to help promote meaningful development at the local level. As he further pointed out, the argument by traditional authorities for a greater participation in the District Assemblies stems from their

special legitimacy heritage, the expertise of the new crop of traditional authorities, and the control that they exercise over resources in their local areas.

All the twenty ordinary people interviewed in the study area were made up of men and women above the age of eighteen, the statutory age for voting in Ghana. Although this group of informants seemed to have been fairly divided on whether or not traditional authorities should participate in the South Tongu District Assembly, a bare majority were not aware of the provision for the presence of government appointees in the district assembly. An examination of the background of the ordinary people showed that their lack of knowledge on the constitutional and parliamentary provisions for the selection of government appointees was due either to a lack of western education which has made it impossible for them to read the provisions, a lack or even a complete absence of public education on the district assemblies system, or simply their disinterest in the functioning of the district assembly. Twelve out of the twenty ordinary people who were favourably disposed to the participation of traditional authorities in the South Tongu District Assembly were of the view that since the district assembly is supposed to tap into local resources for development, traditional authorities must be involved in the decentralization program if the resources that they control should be made available for local development (Interviews in South Tongu District, July–November 2003). Some of them argued that the colonial local government policy was built around traditional authorities partly because of the fact that they were seen as central to the provision of development at the local level. Thus, the ordinary people who support the participation of traditional authorities in the South Tongu District Assembly were of the view that there is a need for institutional representation for them if they are expected to make any meaningful impact on the decentralization policy.

However, the remaining eight ordinary people interviewed (i.e., the ones who were opposed to the participation of traditional authorities in the South Tongu District Assembly) were of the opinion that the institution of chieftaincy should be confined to customary functions but those with professional expertise could be appointed to the district assembly on their individual merits (Interviews in South Tongu District, July–November 2003). As one of my sources within the ordinary people pointed out:

Any special consideration for an institutional participation of chiefs in the District Assemblies will naturally open the floodgates since social groups, among others, will also begin putting forward justifications for representation in their respective District Assemblies throughout the country (Interview in South Tongu District, 17 July 2003).

In fact, the consensus among the ordinary people was that government must involve traditional authorities in the consultative process for the selection of government appointees to ensure that they recommend those among them with the requisite professional expertise to enhance the functioning of the South Tongu District Assembly.

## THE STATUS OF TRADITIONAL AUTHORITIES WHO HAVE SERVED IN THE STDA

As already noted, prominent traditional authorities in the South Tongu District have been marginalized in whatever consultative processes that have been in place for the selection of the government appointees to the district assembly. The result of this is that an examination of the status of the traditional authorities who have served in the South Tongu District Assembly since 1988 has shown a common trend, that is, the appointment of sub-traditional authorities and sub-queenmothers, with paramount traditional authorities, paramount queenmothers, and some very well-educated traditional authorities in the district being left out of the list of government appointees.<sup>3</sup> In fact, in its eighteen-year period, it was only on one occasion that a paramount queenmother (in the person of Mama Adobea Aketse IV of the Vume Traditional Area) was appointed to the South Tongu District Assembly with no paramount traditional authority benefiting from these appointments.

This practice of leaving the prominent and well-educated traditional authorities and paramount queenmothers out of the South Tongu District Assembly has often resulted in conflicts between them and the sub-traditional authorities and sub-queenmothers who have served as government appointees, on the one hand, and the former and the district secretaries

and district chief executives, on the other. Most of the prominent and well-educated traditional authorities, paramount traditional authorities, and paramount queenmothers interviewed were of the opinion that they have been sidelined in the selection of the government appointees to the district assembly because of their independent views on issues, which would make it impossible for them to simply “follow” official positions (Interviews in Accra and South Tongu District, July–November, 2003). Although the two sub-traditional authorities currently serving in the South Tongu District Assembly as government appointees are well-educated professional accountants, by and large, the appointment of traditional authorities to the South Tongu District Assembly, as elsewhere, has been to ensure that those appointed are favourites of the government of the day and would, therefore, be unlikely to take positions independent of those of the latter (Interviews with Addo-Fening, October 27; Ayee, October 30; Asibuo, October 30; and others in Ghana 2003).

## THE RELATIONSHIP BETWEEN TRADITIONAL AUTHORITIES AND MEMBERS OF THE STDA

According to Ayee, Addo-Fening, and Asibuo, during their respective interviews, the general expectation has been that there would be cooperation between traditional authorities and the elected members of the district assemblies from the electoral areas in their traditional authority areas, in particular, and the district assembly itself, in general (Interviews at Legon, *ibid.*, 2003). As they pointed out, at the level of the electoral areas, the traditional authorities and the assembly members elected from their respective traditional authority areas are expected to be in regular consultation with each other in order to ensure collaboration in local governance and development. As they also noted, it is expected that the assembly members initiate consultations with their traditional authorities before and after sessions of the district assemblies so as to ensure that their traditional authorities respectively make prior inputs into their work during assembly sessions and also get briefings after these sessions, especially on issues that directly affect their traditional authority areas. Moreover, since there is a correlation between traditional functions of traditional



authorities and the initiation and sustenance of development, this collaboration between them is regarded as vital to local development. According to some of the traditional authorities and assembly members interviewed, in instances where there is co-ordination between them and a recognition of each other's vital role in the partnership, things have gone on well (Interviews in South Tongu District, July–November 2003). However, as my informants pointed out in their respective interviews, where each party sought to subdue the influence of the other, there have been rivalries and often bitter confrontations, which naturally undermined local efforts at promoting governance and development.

It is clear from the foregoing, that one main implication of the participation of traditional authorities in the district assemblies system in Ghana is that they must be prepared to work in a collaborative relationship with the assembly members from their respective traditional authority areas. That is, traditional authorities must be prepared to concede some of the roles that they had played in the past to enable members of the district assemblies to also perform their constitutionally mandated functions. Thus, it is clear that any refusal of the traditional authorities to cooperate and allow the assembly members to perform their statutory functions for fear that it would erode their traditional functions in society would undermine governance and development at the local level since these would only occur with the peaceful co-existence and cooperation from all stakeholders.

It must be noted that the relationship between traditional authorities and members of the South Tongu District Assembly had, from the very onset of the district assemblies system, not been cooperative, although the situation has improved with time. There had been instances when sub-chiefs and sometimes paramount chiefs and assembly members elected from their traditional authority areas vehemently disagreed on issues and even openly confronted each other. According to several of my sources and from my personal experience, the friction in the relationship had largely been the result of the desire of each party to protect its "turf." For instance, on certain occasions, the conflict was over who exercised the right to summon the local communities to self-help labour or to meetings for the planning and implementation of development projects (Interviews in South Tongu District, July–November 2003).

These disagreements, it must be noted, often resulted in some members of the South Tongu District Assembly reportedly acquiring their own

“gong-gong” (metal instruments used to summon community meetings, which had been the prerogative of the traditional authorities from time immemorial) to rival those of their traditional authorities. In fact, there were numerous occasions when some traditional authorities appeared before the executive committee of the South Tongu District Assembly while I was a member to complain about these occurrences in their traditional authority areas. At other times too, the source of the conflict could be traced to the perception on the part of some assembly members that the institution of traditional authority is outmoded and that it must have no role to play in institutions of modern local government (Interviews in South Tongu District, July–November 2003). It is important to note that, although the sources of some of these conflicts between the traditional authorities and members of the district assembly from their traditional authority areas could also be traced to personality clashes, by and large this has been the result of inadequate public education on the importance of cooperation between traditional authorities and assembly members to the success of the district assemblies system. This lapse in the implementation of the decentralization policy needs to be rectified if there should be any meaningful collaboration between traditional authorities and the district assemblies system to ensure development at the local level.

Some of the traditional authorities in the study area complained that, in spite of the improved relationship between them and some assembly members from their traditional authority areas, some of the latter still do not give them the much-required respect befitting their traditional authority status (Interviews in South Tongu District, July–November 2003). According to them, these assembly members informed them neither before nor after meetings of the district assembly, thereby keeping them in the dark about the functioning of the district assembly and its policies and development programs for their traditional authority areas. According to some, the failure and/or refusal of assembly members to regularly consult them amounted to attempts to undermine the institution of traditional authority, since the assembly members have more or less usurped their traditional functions in their traditional authority areas (Interviews in Accra and South Tongu District, July–November 2003). Those traditional authorities who hold this last view argued that, since the institution of traditional authority pre-dates the district assemblies system, being a member of a district assembly does not, *ipso facto*, elevate that

individual over and above the institution of traditional authority and that the assembly members must still regard themselves as subservient to their traditional authorities. This last point illustrates the degree of the contest for power that has become attendant with the relationship between traditional authorities and their assembly members. This, by extension, is illustrative of the contest for supremacy between traditional and modern institutions of government and their sources of legitimacy. In spite of this, most of the traditional authorities still believe that they could work with their assembly members once the latter are prepared to have regular consultations with them, especially before and after assembly sessions and to recognize the fact that they (i.e., traditional authorities) are the highest political authorities in their respective traditional authority areas.

It must be pointed out that there seems to be more cooperation between assembly members and traditional authorities who have acquired high levels of western education than with those without it. This is not surprising because, whereas the traditional authorities who do not have western education stay in their traditional authority areas, and, therefore, see the assembly members as daily threats to their positions, those with western education and high professional skills often stay in the cities, plying their professions, and so will welcome cooperation from the assembly members who they expect to help administer their traditional authority areas, especially while they are away in the cities pursuing their respective careers.

In fact, in interviews with some of the traditional authorities with high levels of western education, they were of the opinion that since development in their areas is expected to emanate from a collective effort, they will welcome any cooperation aimed at attaining that goal, more so when their professions do not allow them to regularly visit home (Interviews in Accra, Tema, and South Tongu District, July–November 2003). This shows that there is a correlation between the level of western education of traditional authorities and their degree of support for and cooperation with the Assembly Members from their traditional authority areas. However, in a few instances, some traditional authorities with no western education have good working relationships with their Assembly Members as a result of their shared desire to facilitate local development.

## THE RELATIONSHIP BETWEEN TRADITIONAL AUTHORITIES AND DISTRICT SECRETARIES/DISTRICT CHIEF EXECUTIVES

It must be noted that one important issue that constantly came up in the course of my fieldwork was the often sour relationship between traditional authorities and the district secretaries/district chief executives. In fact, since the district chief executives are the political heads of the districts and the main points of contact for the central government with regard to the district assemblies, any problematic relationship between them and traditional authorities, who, on the other hand, are the first points of contact for both the central government and the district assembly in the local areas would not augur well for local development. Moreover, the development of bad blood between them would naturally colour the perception of one party about the other.

It must be noted that, whereas a minority of my traditional authority sources were full of praise for the cooperation that they have had in the past from some district secretaries/district chief executives, the majority complained about the way they were often ignored for several hours on their visits to the South Tongu District Assembly to have discussions with some of the district secretaries/district chief executives (Interviews in Accra, Tema, and South Tongu District, July–November 2003). One aggrieved traditional authority expressed his frustration about one such experience when he told me in an interview that:

You see, my son [referring to me], these people who are in-charge of our district behave the way they do because they have the support of their people in government. Well, if they think they can govern alone, let them go on and we wait to see what they can achieve. (Interview in South Tongu District, 13 November 2003)

In fact, all those traditional authorities who had in one way or another been treated in a similar manner were unanimous in their opinion that their complaints to the district secretaries/district chief executives on the issue had not helped the situation (Interviews in Accra and South Tongu District, July–November 2003). It is interesting to note that the more

elderly traditional authorities whose reigns pre-dated Ghana's independence spoke of fond memories of the excellent relationship between them and the British colonial district commissioners and expressed their nostalgia for those moments. As one elderly traditional authority told me in an interview:

These young men [referring to the district secretaries/district chief executives] are so full of pride and arrogance that they did not know that the institution of chieftaincy has been here since the start of history and that the institution will continue to survive all post-independence governments just as it did its predecessor, the colonial government. In those days [a reference to the colonial era], the DCs visited us regularly and sought our advice because they recognized our importance in local government and development but all that is gone now (Interview in South Tongu District, 2 September 2003).

In the above sense, the elderly group of traditional authorities in the South Tongu District who had worked with the colonial authorities regarded the district secretaries/district chief executives who did not give them the desired attention on such visits as people who had simply become arrogant and disrespectful by virtue of their political appointments. Moreover, the reference by the traditional authorities to the district secretaries/district chief executives as "young men" is not only an indication of the often-held view at the local level that "there is more wisdom in old age," but, more importantly, it is a further demonstration of the clash between tradition, represented in the institution of traditional authority and "modernity," which, on the other hand, is represented in the formal institutions of government as we have them today. Besides, this shows a dimension of the contest for legitimacy in the post-colonial era in the Global South between traditional institutions of government and the modern ones, represented in the formal institutions of government.

The sour relationship between some traditional authorities and some district secretaries/district chief executives in the South Tongu District, as revealed by several of my sources, was often the result of disagreement over the allocation of development projects. That is, sometimes the lack of cooperation from some traditional authorities occurs when they perceive

the district secretaries/district chief executives as having denied their areas of development projects. On other occasions, the conflicts were the result of the contest for the exercise of authority over issues that traditional authorities regarded as their areas of legitimate jurisdiction, for instance, decision-making over the allocation of resource-endowed lands in the district. Particular cases in point are disagreements over who exercised control and, for that matter, rating authority, over lands in the district from which contractors and ordinary people purchase sand and gravel in large quantities for construction purposes. Although Article 267 of the 1992 Constitution is clear on the formula for the sharing of royalties, in certain instances, some traditional authorities and their people feel that the formula should have given them a greater percentage of the royalties.<sup>4</sup> This often occurred, especially in traditional authority areas where there lingers the perception of a lack of government attention in the provision of development projects and the feeling that, if government and the district assembly do not care about the development of their areas, then they needed “to keep their resources” to enable them provide for their own development.

## CONCLUSION

In this chapter, I have tried to examine the degree of involvement of traditional authorities in the South Tongu District Assembly. I also tried to determine the relationship between the traditional authorities and the various operatives of the South Tongu District Assembly, namely, the district secretaries/district chief executives, and the assembly members.

As noted, there is very minimal participation of traditional authorities in the South Tongu District Assembly. In fact, as shown in my interviews, very little or no consultation has been made with traditional authorities in the selection of government appointees since the start of the district assemblies system in spite of the provisions of PNDC Law 207 of 1988, the 1992 Constitution, and Act 462 of 1993. This is because the district secretaries/district chief executives either did the selection alone or with a few party officials and sometimes with interference from the regional level to influence the selection process. Besides, even in instances where some

traditional authorities were appointed as part of the government appointees, this was largely because they were either sympathizers or supporters of the ruling government or because they were perceived as people who would serve as vote-banks for the government. Moreover, in spite of the claim that the government appointees are expected to provide the district assemblies with the technical expertise that the elected members might lack, by and large, the evidence from the South Tongu District Assembly has shown the contrary.

I have also realized from my interviews that, in spite of the fact that there has been an improvement in the relationship between the traditional authorities and the district secretaries/district chief executives over time, much more needs to be done to improve upon it. In fact, the traditional authorities were initially seen by the district secretaries/district chief executives as people who needed to simply take directives from them; hence they were not prepared to tolerate their views on issues.

With regard to the relationship between the traditional authorities and the elected assembly members from their traditional authority areas, this could be described as fairly good, having come a long way from the fractured situation that it was at the start of the district assemblies system. I have pointed out that the sour nature of the relationship was basically a contest, not only for power, but also between the pre-colonial state, represented in the institution of traditional authority, and the post-colonial state, seen in the institution of the district assemblies. That is, the “struggle” between some traditional authorities and some assembly members over who wields greater authority in the local communities stems from the concept of “divided legitimacy” and “divided sovereignty” (see Ray 2003). The relationship between traditional authorities and the elected assembly members from their areas was, by and large, more cordial where the former had western education. This, as I have indicated, was because all the traditional authorities with high levels of western education live in the cities and far away from their traditional authority areas and almost always welcomed cooperation from their assembly members, who they see as people “holding the fort” for them while “they (traditional authorities) were away from home.”

In sum, the degree of cooperation that is expected to exist between the traditional authorities and the functionaries of the South Tongu District Assembly has, by and large, not been seen in practice. However, the

good news is that, given the fact that the situation has improved over the years, a more strenuous effort on the part of the stakeholders – central government, the district chief executives, assembly members, and traditional authorities – could help greatly in improving the situation and help the district assemblies system promote the goals for which the decentralization program was supposedly put in place to attain.

## NOTES

- 1 Article 271 of the 1992 Constitution provides for the creation of a National House of Chiefs, as the highest body in matters concerning traditional authorities in Ghana. In fact, this provision in the Constitution is simply to maintain the legality of the National House of Chiefs since it was long in existence before the writing of the 1992 Constitution. It must be pointed out that, there are hierarchies of chiefs in Ghana. At the lowest level are the local chiefs and queenmothers who come together to form traditional councils if they happened to be in one paramountcy, with their paramount chief as the president of their traditional councils. The next level of the hierarchy is the Regional Houses of Chiefs, located at the respective regional capitals. The main function of the Regional Houses of Chiefs is to exercise administrative responsibility over issues pertaining to chiefs in their respective regions. At the highest level of the hierarchy is the National House of Chiefs. The membership of the National House of Chiefs is made up of five paramount chiefs elected by each Regional House of Chiefs. The president of the National House of Chiefs is elected on rotational basis from among its membership.
- 2 The 1992 Constitution provides for the creation of a Council of State. According to Article 89 (1), the Council of State is expected to “counsel the President in the performance of his functions.” The membership of the Council is derived from various institutions, among which is the National House of Chiefs, which is represented by its sitting president. In fact, the idea of setting up a Council of State predates the 1992 Constitution and was also provided for under the 1979 Constitution. The philosophical idea underlying the creation of the Council is that since presidents need wise counselling, there is the need to get together Ghanaians of excellent academic and professional backgrounds, whose experiences will enrich presidential decision-making. Although it is expected that presidents listen to the Council, its advice is not binding.
- 3 The use of the pre-fix “sub” to describe some traditional authorities is by no means a way of denigrating their status. This is simply meant to differentiate those described as such



from paramount traditional authorities. That is, any use of the term “sub-traditional authority” is a reference to non-paramount traditional authorities.

- 4 According to Article 267 (1) of the 1992 Constitution, all lands belonging to stools and skins (i.e., traditional authority areas) are to be vested in the appropriate stool or skin to be administered on behalf of the people. As provided for under Article 267, there shall be an Administrator of Stool Lands to help

in the administration of these lands. The article also provides for the formula for the disbursement of royalties accruing from these lands. This disbursement formula, as provided for under Section 6 of the said article is as follows: 10% to the Administrator of Stool Lands to facilitate the administration of his office; 20% to the stool through the traditional authority for the maintenance of the stool; 20% to the traditional authority; and 50% to the district assembly within whose jurisdiction the stool land is located.

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# 13 The *Kgotla* and Traditional Leadership in Botswana

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## INTRODUCTION

Botswana still remains one of the few sub-Saharan African countries that has sustained a long period of political liberty, including a multi-party system, free and fair elections, a free press, and a good human rights record. This record is partly explained by the fact that the country managed to successfully blend its traditional and modern institutions. The *kgotla*, headed by the chief is a key part of this. This is a forum where crucial decisions affecting the community and development in general are taken.

## A BRIEF OVERVIEW OF THE *KGOTLA* AS A TRADITIONAL INSTITUTION

The *kgotla* has always been the central feature of Tswana society and has existed from time immemorial. It is an institution that dates back to the pre-colonial era. Thus politicians in Botswana are of the view that the country's parliamentary democracy is anchored on the traditional political structures of the *kgotla* (Molutsi and Holm 1990). Its history is well documented and it is not the intention here to delve into such analysis (Mgadla and Campbell 1989). It will only suffice to highlight some of the important aspects of the *kgotla* to set the context for the present discussion.

The *kgotla* is a Tswana traditional and respected place of assembly for the community and the chief to discuss issues concerning village administration, planning, and settling of disputes. The *kgotla* was the chief's office as there was no designated office building. Its significance and centrality as a traditional mechanism of consultation and policy-making is encapsulated in the following statement made by Schapera in the early 1940s:

All matters of public policy are dealt with finally at an assembly open to all the men of the tribe.... Such assemblies are held very frequently, at times almost weekly, and they usually meet early in the morning in the tribal council place, close to the chief's residence.... Since anybody present is entitled to speak, the tribal assemblies provide a ready means of ascertaining public opinion.... The discussions are characterised by considerable freedom of speech, and if the occasion seems to call for it, the chief or his advisors may be severely criticized ... such assemblies are frequently used by the Government as a means of informing the tribes about new legislation and other developments or of inquiry into local disputes (Schapera 1976)

Following Schapera's baseline research, other researchers came to the same conclusion regarding the significance of the *kgotla*. Kooijman sees the *kgotla* as the chief's "Council place where he listened to views, petitions

and complaints and gave orders for whatever he deemed necessary” (Kooijman 1980).

It was through the *kgotla* that traditional leaders mobilized communities to provide for facilities to local communities and to help those in need. Through the chief, who acted as the chief executive officer, the *kgotla* was a focal point as it performed administrative, consultative, and judicial functions. In addition, the *kgotla* possessed fiscal, developmental, and land management functions. Taxes were levied through the *kgotla* to raise revenue for local and national projects. Age regiments called through the *kgotla* were supervised by the chief to engage in public works such as building schools and constructing of roads, clinics, and bridges. These regiments also worked in the chief’s fields for the general welfare of the community (Odell 1985). Land allocation and management decisions were handled by the chief through the *kgotla*. Land rights for ploughing and commercial and residential land rights were carried out through overseers appointed by the chief in the *kgotla*. The management of grazing areas and the preservation of land were well defined and understood by all. Any indications of overcrowding or over-utilization were reported to the community through the *kgotla* and alternatives were sought.

The *kgotla* in the pre-colonial era had considerable powers, but these powers were dispensed in a democratic fashion. The constant presence of chief’s advisers at the *kgotla* and the constant consultation were very important to reduce the chance of autocracy and absolutism on the part of the chief. Another form of a check to reduce autocratic rule by traditional leaders was an advisory council, which consisted of the headmen of various wards. These ward heads could force the chief to consider views and opinions of people from other outlying areas. Though there was nothing compelling on the part of the chief to summon such a council, traditional leaders relied on them to communicate and test out reception of new policies (Ngcongco 1989).

While both the *kgotla* and the chief had considerable powers in the pre-colonial era, these changed somewhat during the Protectorate days. Further changes also took place after independence. The first piece of legislation introduced by the British colonial administration that negatively affected the powers of traditional leaders was the Order-in-Council of 1891. This proclamation established the basis of the administrative work and gave the high commissioner the powers to legislate and to

appoint administrative and judicial staff. The high commissioner was, however, ordered to respect

... any native laws and custom by which the civil relations of any native chiefs, tribes or populations under the majesty's protective are now regulated, except so far as the same may be incompatible with the due exercise of her majesty's power and jurisdiction. (Du Toit 1995, 23)

This order in effect meant that the chiefs were no longer responsible to their tribes, but to the colonial government.

The second piece of legislation that further reduced the powers of the *kgotla* as well as the chief was the Native Administration Proclamation Act of 1934, which basically changed Tswana law and custom. The proclamation regulated the judicial powers of chiefs and formalized the tribal court system and its jurisdiction. The various provisions of the proclamation reduced the chiefs to becoming mere servants of the colonial administration. The high commissioner now had powers to appoint chiefs, to refuse to recognize one and even to suspend a chief if he deemed such action necessary (Picard 1987; Lekorwe and Somolekae 1998). Some traditional leaders, such as Bathoen II and Tshekedi Khama, contested the 1934 proclamation as they saw it as limiting their powers. Specifically, they objected on the following grounds. First, that the creation of tribal councils actually changed the relationship between the chief and the *kgotla*, secondly, they protested against the restrictions placed upon the judicial authority of the chief, and, thirdly, they were not happy with the provision made for government intervention and regulation of the selection and deposition of chiefs. Consequently, the Native Tribunals Proclamations No. 75 of 1934 further curtailed the jurisdiction of the traditional leaders and stated that they could no longer hear cases of rape, murder, and culpable homicide.

In summary, the effect of all these proclamations introduced by the colonial administration meant the reduction and erosion of the powers of traditional leaders through the institution of the *kgotla*. These proclamations treated traditional leaders as a link between the colonial administration and the Africans, which ensured that they remained under the control

of the district commissioner. Thus, the *kgotla*'s own traditional powers and authority, derived from Tswana law and custom, was severely affected.

## THE *KGOTLA* AS A VILLAGE INSTITUTION

Several analysts and researchers have noted the importance played by the *kgotla* as a consultative mechanism. In this context, consultation implies a process where decision-makers solicit the views of those whom the decisions will affect. What should be noted, however, is that there is very little room for debate once the chief has issued orders at the *kgotla*.

The *kgotla* is regarded as an indispensable unit without which no viable community government can be built in Botswana. Though criticisms have been levelled at the institution of *kgotla*, none of these have led to serious suggestions of doing away with the forum. Extension workers cannot contemplate any viable program undertaken at the village level without the use of the *kgotla*. It operates today, essentially the same way it did in the pre-colonial era with just a few changes. It is still being used extensively to solicit views from the community. The key player in the process is the traditional leader (*kgosi*) as the chief executive of the *kgotla*. This traditional leader heads the governance system and is the custodian of culture, custom, and welfare of the people. In the past, an elaborate ward system was in place, which the traditional leader used to rule over his subjects (Ngcongco 1989; Mompoti 2000). Presently the governance system utilizes the *kgotla*, which performs a number of functions.

A major role of the *kgotla* is its communicative function. The *kgotla* provides people with a means by which they come to an agreement as to what ought to be done with respect to a particular government program for the community. Traditional leaders also use the *kgotla* to discuss publicly and gather views on matters affecting their communities before government makes policy decisions. As the main point of contact within the community, discussions are conducted on issues related to policies and their implementation in a free atmosphere. Government officials, including politicians, such as members of parliament and councillors, also use the *kgotla* as a means of informing the various tribal communities about new legislation. Members of parliament and councillors are normally



expected to request *kgotla* meetings before and after parliamentary and council meetings to solicit views of the community. Most government staff who do extension work initiate their contact with the community through the *kgotla*. The traditional leaders or chiefs are able to contribute in the process of planning development in their own areas through this forum. The *kgotla* therefore serves as a two-way channel of communication between government and the people (Lekorwe 1989).

Traditional status plays an important role in determining the seating arrangement in the *kgotla*. The chief sits at the edge of the circled space in the shelter (*leobo*) and closest to him are his uncles and advisers. The older members of the tribe come next. The middle-aged, the young, and the women are normally expected to sit at the back. Women were traditionally expected to sit on the floor. Government officials, including some visitors, are given a prominent position, normally at the centre. *kgotla* meetings are announced at every place where the opportunity arises, including funerals. These meetings are given priority over others, any conflicting community events are supposed to give way to *kgotla* meetings. Teachers, social workers, and local police assist in spreading the message for the *kgotla* meeting. The media is also used, for example, Radio Botswana often announces these meetings particularly for big villages and when an important event takes place.

Although in the past *kgotla* meetings could be called at any time, there is sensitivity now to the time and day when these are called. In big villages, traditional leaders now prefer to call such meetings during the weekends when some members of the community working outside could be available. In small villages, it is still possible to call meetings during weekdays. There are still some practical problems related to the timing of these meetings. Traditional leaders have pointed out that Saturdays also are problematic as many people attend funerals on that day. Sundays also cause problems as some people attend church services on that day. It does seem that there is no perfect day for these meetings.

Personal behaviour is also important at the *kgotla*. As it is considered to be a sacred place, those who attend are supposed to be sober. Beer drinking is not allowed at the *kgotla*, except if there is a community ceremony going on. Calm behaviour is expected and all views are allowed in the spirit of *mmu a lebe o bua la gagwe* (*Everybody is free to speak candidly, and even to make mistakes*). This then implies that there is freedom

of speech and discussion is conducted in a free atmosphere. However, in practice, status tends to determine who can speak freely in *kgotla*. Those who have a recognized status, such as the chief's uncles, can speak for as long as they wish and may do so several times. This therefore shows that attendance and participation at *kgotla* meetings are two distinct things. Attendance does not necessarily mean those who attend are able to speak. Ngcongco (1989) also confirms that some lower-status groups such as the Bakgalagadi were never expected to speak at such meetings during the pre-colonial era, though they were free to attend *kgotla* meetings:

As children in the home, they were to be seen and not to be heard.... Bakgalagadi were children and their overlords were the ones who could and did speak for them (Ngcongco 1989, 40).

Although change has taken place since independence, these perceptions still abound in some areas. Similarly, though women are expected to attend *kgotla* meetings, the same level of participation is not expected from them in all the issues. Women tend to participate more actively in *kgotla* meetings on issues of development, compared to issues concerning culture. These perceptions are now changing gradually, and it is being realized that no issues can be treated as the exclusive preserve of men.

Local organizations play a crucial role in the success of rural development projects. The studies undertaken to determine the factors critical for the success of rural development projects have concluded that local action and involvement are critical. *kgotla* is the most representative body at the village level. All other organizations derive their authority from the *kgotla* as decisions taken at this forum are regarded as decisions taken by the entire village and are binding on every one. Because of its legitimacy, it is difficult to by-pass the *kgotla* and make any direct contact with the village on any issue of major importance.

Since independence in 1966, the government has formulated five-year plans to guide and inform the process of development. The government built this process on the institution of the *kgotla*, where villages are given an opportunity to forward their needs and wishes that they would like to have incorporated in the coming development plan (Byram et al. 1995).

Input into the planning process is expected to take place through the village-based grassroots organization known as the Village Development Committee (VDC), which receives support from *kgotla*. VDCs were set up by a presidential directive in 1968 and were seen as modern and development-oriented organizations that were supposed to strengthen the *kgotla*'s consultative process. VDC's were supposed to ensure community participation in national development plans. Though these were initially targeted for rural areas, the VDC idea was adopted in urban areas as well and Ward Development Committees (WDC) were created to perform a similar community mobilization role in urban areas. VDCs were to coordinate all village institutional activities, including the Parents Teachers Association (PTA), women's organizations, and other voluntary organizations. Since their inception, their functions have always been the subject of discussion, more especially their relationship to the *kgotla*. The directive establishing VDCs (including WDCs) states that these committees are to be elected by the *kgotla* and are also to be responsible to the *kgotla*. In other words, VDCs are seen as the development sub-committee of the *kgotla*. They are accountable to the community through the *kgotla*. Their main roles are:

- (a) to identify and discuss local needs;
- (b) to formulate proposals for the development of the village which it represents;
- (c) to determine a plan of development for the village area;
- (d) to determine the extent to which people are willing and able to develop the community on a self-help basis;
- (e) to elicit the help of the district commissioner and other development agencies in their improvement and to provide a mechanism of contact between the headman, the councillor, the people and the district council in order to make the council better informed as to the needs of certain areas, and thereby help in the district council responsibilities to provide a district plan for development; and

- (f) to represent villages in development matters and to act as a source and reference point in matters pertaining to village development (MLGL 1968: Cabinet Memorandum; District Planning Handbook, 1997).

The VDC is composed of ten members who are elected at a *Kgotla* meeting. There are five executive and five additional members. The chief/headman and the councillor are ex-officio members. Council and central government departments post extension workers to the various villages to provide technical input into the work of V/WDC. These organizations are regarded as playing a meaningful role at the grassroots level. The VDCs are expected to facilitate bottom-up planning as they reach out to the smallest cluster of communities, and, in this way, it is felt they could be able to identify the development needs at that level. Experience, however, shows that village development committees have not lived up to their expectations. Some have been active, while the majority has done very little. One of the problems contributing to their ineffectiveness is that they are not taken seriously by the government establishment, as well as the ordinary members of the community. Their members are not given proper training regarding their responsibilities. If these people can be given proper training and orientation, VDCs could sensitize different communities about their responsibilities and could give meaning to democracy (Report of the Second Presidential Commission on Local Government Structure in Botswana, 2001). Communication between the District Council staff and VDCs leaves a lot to be desired. There is a feeling among members of the VDCs that they are not fully consulted on developmental issues but only when their contribution is needed, for instance, when building teachers' houses or when important people visit their areas. Concerns have been registered in some places that some councillors are not very supportive of the efforts of VDCs. Though they are ex-officio members of these bodies, they do not attend meetings regularly and also show very little interest in their work. Traditional leaders are the key role players in the function of the VDCs. The VDCs find it difficult to function in a desirable manner when relations between traditional leaders and democratically elected leaders are strained (Report on the Review of the Rural Development

Policy: BIDPA, 2001). The VDCs that perform better have strong links with the chiefs.

The *kgotla*'s role in consultation with the community is likely to continue. Although opinions differ on the extent of the role of this institution, it is clear that it still enjoys a lot of support from the people. A number of respondents interviewed questioned the nature of the consultation that takes place at the *Kgotla*. The main concern is that attendance at *kgotla* meetings has declined. Attending *kgotla* meetings is no longer compulsory. The decisions taken at the *kgotla* can no longer be regarded as representative of the community (Confidential interview in Tutume). Some are of the view that, although the *kgotla* makes consultation easy as the chief is used to mobilize people to attend, it is dominated by a few vocal members. An elder from Masunga in the north-east is of the view that the nature of consultation is symbolic as the government uses the *kgotla* to present issues that have already been decided elsewhere. A study undertaken by BIDPA (2001) also confirms this fear that the national development planning process, which is supposed to involve bottom-up consultation and decision-making from the village level upwards through the *kgotla* and the district development committee (DDC), is far from the ideal. The reality is that extension officers dictate the pattern and manner of local development instead of consulting. The VDCs are relegated as mere agencies of implementation of government projects, which deal with local infrastructure and services. The *kgotla* is generally used to legitimize the decisions taken at the higher levels. On whether traditional leaders uphold traditional values through the *kgotla*, opinions are equally divided. It is felt by some that chiefs no longer uphold traditional values because they are basically working like civil servants and therefore are expected to do what the government directs. This was the perception in places like Tutume. In some areas, it is felt that traditional leaders only uphold traditional values that are advantageous to them. Thus there is an element of self-interest in what the chiefs do. Another point of contention is that chiefs may not be able to uphold traditional values as some may not be accustomed to such traditions. One example is in D'Kar, where one respondent argued that

... the chief cannot uphold traditional values in this area because he does not come from the area. He is a Mongwaketse

appointed by the government, and the people of D'Kar did not choose him, so he cannot instill and uphold traditional values (interview with councillor).

The role of *kgotla* in urban areas is limited. This is partly because the majority of people in urban areas have some form of education and therefore are able to get many things done without having to go through the *kgotla*. In addition, the *kgotla* does not have the same level of respect in the urban areas because many of those who are in charge of the *kgotla* are appointed by the government and have very little background in traditional rule. Another point of contention is that it is difficult to uphold any tradition in the urban areas as people are intermixed and have different customs and cultures.

Traditional leaders, irrespective of whether they are in the urban or rural areas, are expected to maintain law and order. This is done by trying cases in the *kgotla* and even administering corporal punishment as some form of a deterrent. Most people in rural areas consider corporal punishment to be important and feel that it should continue as it is part of Tswana tradition. A notorious group called “Makgaola seven” in Kanye was brought under control due to the employment of corporal punishment. Again in Molepolole the then regent of Bakwena, Kgosikwena Sebele, used a vigilante group from a tribal regiment to fight terror groups in the village. This terror group was originally known as “Maspotis” – the miscreants – and rechristened themselves “Ma DRC.” The regiment (Mophato) set out each evening to patrol the streets until the early hours of the morning. Those who were caught and could not give a credible account of why they were still up and about at that time of the night were taken to the *kgotla*, where they received four strokes of the cane the following morning.

The *kgotla* deals with diverse and complex issues. Once an issue becomes a concern to the community, one way of dealing with the problem is to bring it to the attention of the chief who in turn brings it to the *kgotla* for debate. The *kgotla* therefore addresses a wide spectrum of issues like development issues related to health, education, service delivery, crime prevention, complaints about the implementation of government policies, land issues, and government policies in general. Issues of interest to *kgotla* differ from area to area. For example, land issues are discussed in the

*kgotla* mainly in the areas where land seems to be a problem. Equally, issues of protection of wildlife are visible in Maun and Kgalagadi regions. Though diverse issues are discussed in the *kgotla*, not all of them receive the same level of attention and debate.

The relationship between traditional leaders and party politics is complex, though the rules are simple. Chiefs and headmen are not allowed to be involved in party politics. This means they cannot run for office unless they resign their position. When the former chief of the Bangwaketse, Bathoen, joined politics to contest elections, he resigned from his position as chief. He joined the opposition party, the Botswana National Front (BNF) in 1973 and defeated the then vice-president of the country (who later became president), Quett Masire. One of the reasons why the *kgotla* has become a place where civil servants and communities can dialogue on policy implementation issues is because party politics is not allowed in this forum. At the time of independence, the chiefs refused to allow political parties to hold rallies at *kgotla*. They did this because they feared the anti-chief posture of those who were leading political parties at the time. They insisted that the *kgotla* should be non-political, meaning that the *kgotla* should not be a place where any organized party activity could take place.

Botswana is undergoing some form of transformation. Ian Khama Seretse Khama, who is the president, has taken the chief's non-political role to another level. For a number of years, Ian Khama was a military officer and rose in the ranks of the army to become the commander of the Botswana army. As the first son of the late Sir Seretse Khama, and in line with tradition as already mentioned, by rules of premogeniture, he was to become chief. Ian Khama decided to be installed as chief in the 1980s. However, he did not take on his formal duties as chief but instead had one of his relatives perform this role while he continued with the army. When Masire resigned from the office of president in 1998, Khama announced his resignation from the army to join politics. He was immediately appointed the vice-president and contested by-elections on the Botswana Democratic Party (BDP) ticket and won overwhelmingly. In joining politics, Khama did not resign his position as chief, as required. The attorney general ruled that Khama did not have to do so since he had never taken his duties as a chief. Due to this controversial ruling, Khama decided to take advantage of this dual status as a politician and a chief at the same

time. In 1999 he attended campaign rallies where he repeatedly presented himself as a chief and not a politician.

During the consultation process to the national development planning process, issues of health and education are discussed in the *kgotla*. Educational issues discussed here include projects undertaken by VDCs, such as the building of houses for teachers. With regard to health issues, traditional leaders' involvement goes as far as facilitating *kgotla* meetings to elect or have volunteer members of the Home Based Care for the HIV/AIDS patients. Some chiefs have now started opening up and talk about HIV/AIDS during funerals.

Opinions are divided on the issue of whether politics should be discussed in the *kgotla*. Some feel that party politics should not be discussed because the institution is supposed to be a neutral place where all interests are considered. Opening the *kgotla* for party political issues will cause commotion since politics is by nature divisive. Yet another view is that politics can be discussed in the *kgotla*; as one respondent in D'kar put it: "politics is the heartbeat of a community ... socio-economic issues cannot be isolated from political issues."

An interesting observation is that while the majority is of the view that party politics should not be discussed in the *kgotla*, they also argue that chiefs should also not be seen to be taking part in political meetings. From time to time chiefs are invited to officiate at political meetings. This makes some members of the community uncomfortable. In 2002 the then paramount chief designate of Bakwena (now installed) *Kgosi Kgari Sechele III*, was invited to officiate at the Botswana Democratic Party (BDP) youth congress in Molepolole. In defending the action of the chief, the secretary general of the BDP, who is also the member of parliament for the area, Daniel Kwelagobe, said they invited the chief in his capacity as the "father of the District." This was not the first time a chief officiated at such a gathering. Bathoen II, *Kgosi Linchwe II*, and Letsholathebe have done this before. It is not correct to have chiefs in party forums as this can create suspicion in the minds of many about their neutrality to party politics.

The youth seem to be less interested in many of the issues discussed at the *kgotla* and as a result do not bother to attend these meetings. Several studies, including the Democracy Research Project study, confirm that the youth say they are not interested in many of the issues discussed.



Trust is one of the important attributes of a leader. Asked who they would choose between a politician and a traditional leader, the majority of the respondents preferred a traditional leader as they felt they could be trusted. Moreover, they stay in office for a longer time and therefore ensure continuity. It is worth noting that traditional leaders are still perceived as playing the role of problem-solver, as can be seen from the results of a survey conducted by the Democracy Research Project of the University of Botswana in 1987. About a quarter of the rural sample thought the chief would be the most responsive to solve a problem in the local community. Those who opted for a politician said that a politician is broadminded and people have the liberty to exercise their democratic right to vote them out if they no longer do as they promised. There is also another view that says the two complement each other and therefore cannot make a choice between the two. A traditional leader, it is argued, is needed in a traditional forum such as the *kgotla* while a politician also has a role on issues that are political. One of the key variables that may shape the perception of any institution's legitimacy and trustworthiness is the extent to which its leaders are involved in corruption. Corruption is here understood to mean "where those in positions of power take money or a gift to do their job." Then respondents were asked whether they think chiefs are involved in corruption. An interesting observation is that many of the respondents said chiefs are also human beings, and if other people are involved in corruption they may not escape it. However, the predominant perception is that chiefs are not involved in corruption. Where there are indications that there is corruption, it might just be lack of understanding or what the respondents referred to as "weak chieftainship."

It appears that the role of chieftainship as an embodiment of Tswana body politic and a custodian of cultural values has diminished. This process was begun by the colonial administration and has since been continued by the post-colonial state in Botswana. Different opinions have been expressed regarding the usefulness of the institution in the twenty-first century. These opinions come in the wake of globalization, which among others embraces concepts such as diversity, merit, skills, and innovation. Questions have been raised as to whether we should be striving to live in the glory of our feudal past, more especially where chiefs occupy their positions by virtue of their birth ("Molobe," *Mmegi*, 2002). To test the perceptions regarding these issues, we asked whether they think

chieftainship has outlived its usefulness. Opinions were divided on the issue. Some felt that chieftainship has outlived its utility and therefore can be done away with. The majority, however, felt that the chieftainship was still useful. It is an institution that will never outlive its utility as long as we have the majority of people in the rural areas who would like to continue practising their traditional way of living. Only in one area, in Tutume, almost all those interviewed felt that chieftainship is no longer useful. In general, those who supported chieftainship argued that it should be modified and strengthened by giving chiefs more resources.

## THE *KGOTLA* AND THE DEVELOPMENT PROCESS

There is no consensus among development experts, donors, and politicians in Botswana on the importance of traditional local institutions such as the *kgotla* in the development process. Some argue that any support given to such an institution is a regressive step. Still others see the support of this traditional institution as a threat to political structures. Those who recognize the importance of this institution are not well placed to articulate their views. The majority of them reside in the rural areas. Politicians generally reject traditional institutions in defence of the modern institutions in which they are actively involved.

In 1979 the Presidential Commission on Local Government Structure, which was chaired by the then vice-president of Botswana, the late L.M. Seretse, expressed the continuing trust that rural people placed in their traditional institutions. The commission noted that these traditional institutions have an important role to play in maintaining the fabric of society:

... it recognised that change in society is inevitable and not necessarily undesirable as more people adopt “modern” ways of living.... The Commission believes that the only sound way to preserve the nation’s culture is to restore the people’s faith in their own leaders and traditional society.

In support of the same sentiments, the 2001 Presidential Commission on Local Government Structure chaired by the then member of parliament, who later became the Minister Wildlife, Trade and Tourism, Ms P. Venson, concluded that traditional institutions are still held in high esteem. The commission concluded that

... the role of traditional leaders in Botswana remains pivotal to development process. The principle of consultation continues to be dependent on the kgosi and his kgotla. The convening of community meetings and enabling their participation depends on the institution.... Success in service delivery depends on the extent to which the communities are involved and informed about development in their villages. (Report on Local Government Structure 2001, 96)

From the foregoing, it is clear that traditional leaders and their *kgotla* are still central to rural development in Botswana. To treat the *kgotla* as just a mere traditional institution and no more denies it the role it can play in the socio-economic development of the country. The findings from the TAARN research indicates that the *kgotla* is able to isolate area specific needs of various communities. Through the *kgotla*, communities are able to voice their complaints to their representatives regarding the implementation of government policies. Through *kgotla* meetings, communities have complained to various representatives, particularly members of parliament, about the lack of implementation of government programmes. The *kgotla* is still seen as the “premier consensus-reckoning forum in Botswana – providing for local inputs into the community decision-making that rival any democratic system in the world” (Odell 1985; 79).

There is no denying that traditional leaders have not been able to perform some of their functions satisfactorily due to a number of reasons. Shortage of resources is often cited. Their effectiveness in the development process varies greatly within the country. Another important factor is personality. Some of the traditional leaders see their role as mainly preserving the traditions of their tribal groups within the modern system. Thus Linchwe sees the chief as a “social engineer who provides leadership as the community decides whether to modify, develop or abolish certain organisations or practices” (Holm and Molutsi 1989, 99).

Chiefs like Linchwe have done quite a number of things within their community to preserve their culture. The most notable one is the revival of the initiation schools for both boys and girls in his tribe. These schools are meant to emphasize the tribe's history and culture. Though at times he appears to resist change, he has also encouraged women and the young to attend *kgotla* meetings.

There are also those leaders who see chieftainship as simply continuing old traditions. This group is likely to be content with administering justice in the *kgotla*, calling meetings and meeting visitors to their villages. Such leaders fail to address other social problems facing their communities.

## THE *KGOTLA*, TRADITIONAL LEADERSHIP, AND THE FUTURE

Some researchers are of the view that the importance of traditional leadership and the *kgotla* is slowly eroding as modernizing forces gain momentum. This decline, according to them, is also due to the decrease in the constituency of chiefs in the face of urbanization. It is felt that the areas of influence for chiefs, especially in the rural areas, are being de-populated as many people migrate to cities and peri-urban areas. Also the government and the business community transfer their employees all over the country. Consequently, those who work for these sectors are composed of people who come from different tribes who may have very little loyalty to some of the village chiefs.

## CONCLUSION

The conclusion that emerges from this chapter is that, even though more and more Batswana are developing interest in modern institutions, they still value and respect traditional institutions. People in the rural areas continue to have respect for their traditional leaders. Traditional leaders and the *kgotla* still remain central to the formulation and implementation of public policies and district level development plans. Traditional leaders,

through the *kgotla*, can play an important role in the transition to a more democratic society. Traditional leaders can through the *kgotla* spearhead or resist change in society. The *kgotla* can also be instrumental in keeping law and order through the use of regiments.

The greatest challenge is for the government of the day to blend the traditional and modern institutions for the greater benefit of society. As Mpho Molomo rightly emphasizes in his chapter, culture is an intergral part of a people's existence and therefore must be promoted, nurtured, and deepened as society develops.

From the foregoing, it is clear that the institution of chieftainship contributes immensely to African governance in general and Botswana in particular. Traditional leaders should be mindful and subscribe to the changing times, but this does not mean throwing away the respectful culture that it has built. It is important to put measures in place to strengthen the institution. As more and more youthful and educated chiefs ascend to the throne, as is the case in Botswana, this will make the institution more responsive to the problems facing the youth and better placed to tackle the challenges facing society, like crime, poverty, and HIV/AIDS. African leaders must take stock of the moral fabric of society and think about re-inculcating the lost cultural values, which produce responsible men and women.



KGOTLA AT MOCHUDI. (PHOTO: KESHAV SHARMA.)

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## **14 “Traditional Authority” and Governance in the Emjindini Royal Swazi Chieftdom, Barberton, Mpumalanga<sup>1</sup>**

Robert Thornton

A questionnaire-based survey (1,200 questionnaires) of local opinion about the value of the chiefship, municipal government, and national government reveals that there is a remarkable resurgence of support for the institution of chiefship in post-apartheid South Africa. This chapter reports results for a predominantly Swazi-speaking area of Mpumalanga Province, South Africa. It shows that support for the chief is relatively insensitive to most other sociological factors including sex, age, language, income, employment status, or religious or political-party affiliation. Although there is little statutory basis for chiefs to exercise any real political power in contemporary, post-apartheid South Africa, this survey shows that a large percentage of people still expect the chief to provide many political goods and services, including “democratic government” and “development.” This empirical study demonstrates the existence of a strong positive assessment of chiefship in general and argues that this rests not only on historically rooted practices of resistance to the state but also on an



assertion of local African political and cultural ideals against the modernizing and distant authority of the South African state. It suggests that the chiefship has a very important political role to play, perhaps as an institution of civil society, if not directly as an institution of government.

## THE EMJINDINI SWAZI CHIEFDOM AND LOCAL GOVERNMENT

The Emjindini Chiefdom comprises the town and townships of Barberton and surrounding lands to the west of the urban area. The chiefship lies more or less between the northern border of Swaziland in the area to the west and north of Piggs Peak (Swaziland) and the uMlambongwane or Kaap Rivier. It is situated approximately 50 kilometres to the south of Nelspruit, Mpumalanga, and around the current town of Barberton. The Swazi chiefdom of Emjindini was located at "Moodies Farm," the site of Barberton's first gold strike, and remained there until 1924, when it was moved to the farm "Glenthorpe 184," and from there was moved to the farm Sutherland 322 in 1946. The chief's house currently stands on a farm purchased by the Department of Land Affairs in 1998 from the previous white owner. Thus, the current "tribal authority" lies to the southwest of Barberton town. It is separated from the town by the large Barberton Prison and prison farm but is close enough to the town (4 km) that it is roughly contiguous with the sprawling township that lies outside of the formerly "white" town of Barberton. The Emjindini chief says that the township falls within his domain. Conversely, the Barberton municipality also considers the township and the chiefship to fall under its authority. Neither one, however, succeeds in providing significant services. After the demarcation of new municipal boundaries in 2000, both are included in the new municipality called Umjindi.

The Barberton townships consist of New Village, the first black township on the northern edge of the previously "white" Barberton municipality, plus multiple "extensions" of more recently surveyed and demarcated "black" township areas. There are also a "Coloured" area and an Indian area on either side of the main road coming into Barberton from Nelspruit. Residential segregation is still firmly in place, despite the presence

today of a black mayor and town council. The politics of the townships is dominated by the ANC, which virtually all township residents' support.

This research was conducted, in part, to determine the level of support for the current chief and for chiefship in the South African lowveld. In order to assess this, however, support for the municipality (*masiphala*), for political parties, and for "government" (*bulumende*) was also assessed. Based on a questionnaire that was developed by Barbara Oomen (Oomen n.d., 1999, 2000; Van Kessel and Oomen 1997) for her earlier research in Sekhukhuneland, the current research aimed to develop data that would be formally comparable with Oomen's data for Hoepakranz and Mamone in Sekhukhuneland.<sup>2</sup> Additional research, using the same questionnaire, has now also been conducted in Dan village in the Tsonga-speaking area<sup>3</sup> adjoining Tzaneen; in the Barolong boo Rashidi chiefship near Mafikeng<sup>4</sup>; and in two additional villages, Mafefe and Pahla Manoge in Pedi-speaking Sekhukhuneland.<sup>5</sup> Once these data have been fully computerized and analyzed, we will be able to offer a broad comparative perspective on chiefship in these communities. This will cover a Swazi chiefdom (Emjindini under then Chief Kenneth Dlamini), a Tsonga chiefship (Dan village under Chief Mhlaba), several Pedi chiefships in Sekhukhuneland (Mafefe and Pahla Manoge), and the Tswana chiefship of the Barolong boo Ratshidi. These chiefships were all formerly situated in different homelands during the apartheid period, including Kangwane (Swazi), Gazankhulu (Tsonga), Lebowa (Pedi, or Northern Sotho), and Bophutatswana (Tswana). Today, they also lie in three different provinces, including Mpumalanga (Emjindini), Northern Province (Dan Village, Mafefe, and Pahla Manoge), and Northwest Province (Mafeking and Barolong boo Ratshidi "Tribal Authority"). Since each homeland administration utilized the chiefship in different ways, this will provide comparative empirical data on how it has fared since the end of the homelands and the beginning of democratic government under the ANC administration. Here, however, I deal only with the data from Barberton and Emjindini Tribal Authority in Mpumalanga.

The Emjindini chiefship's ruling family is Nkosi (*isibongo*), although they are addressed as Dlamini *wakunene*, "of the right hand," that is, of the Swazi Royal family. The family acknowledges the current Swazi king, King Mswati III, as their senior head. Although they are South African, the Swazi chiefs of the area make frequent visits to the Royal Swazi palace

in Swaziland to consult with the King of Swaziland and consider themselves to be part of a trans-national royal family that includes both Swaziland and South African chiefs and the Dlamini royal family in South Africa and Swaziland. At the end of December 2001, the South African Council of Traditional Leaders of South Africa (CONTRALESA) convened a meeting on this issue in Piet Retief, a town to the south of Swaziland along its border with the South African Province of KwaZulu-Natal. They claimed that the “partition” of South Africa by its “colonial masters” – that is the creation of Swaziland as a Protectorate under the British Crown in the nineteenth century – deprived Swazis living in South Africa of their “right of being ruled by King Mswati III.”<sup>6</sup> According to the CONTRALESA spokesman, Lazarus Hlophe,

The Zulus have their own *emakhosi* [chiefs] and *Silo Semabandla* [King of the Nation], the ruling African National Party leaders have their own *emakhosi*, but when it comes to us Ngwanes [Swazis], we are denied that privilege and right.... We must be clearly understood here that we want what belongs to us as per the South African constitution, and nobody has the right to deny us that constitutional right.<sup>7</sup>

It will seem paradoxical to the outside observer that citizens of South Africa should think they have a constitutional right to be “ruled” by the Swazi king who is, after all, a foreign monarch. No contemporary national constitution can, in fact, permit such a claim. However, under apartheid’s “homeland” system of government, the South African government did indeed create independent “tribal homelands” that were ruled – in terms of the ruling fiction – by “foreign” heads of state and governments. For Transkei, Bophutatswana, Ciskei, and Venda, an entire diplomatic apparatus was set up to assert the foreign-ness of designated portions of South Africa’s own citizens. For other homelands that elected not to take “independence,” such as the Swazi homeland of KaNgwane, the degree of supposed autonomy that they had from South Africa often meant, in fact, only misrule, corruption and poverty. Still, it was often little worse than the rest of apartheid South Africa.

While the leaders of these political entities may have suspended their disbelief in order to rule these political fictions, they did not stop thinking

that they were South Africans. Nor do South African Swazis (or “*Ngwanes*”) who wish to be “ruled” by King Mswati III imagine that they are not South Africans. Rather, they exist, like all South Africans, in a political environment in which the boundaries of the political community are as much contested as any of the political goods and goals that might be contested within some political community.

Swaziland, and Lesotho – the two already independent entities effectively within South Africa’s borders and under its influence – created partial precedents for the homelands of apartheid. The homelands, in turn, created the precedent for the demands made by the Swazi chiefs and CONTRALESA at the end of 2001 that the Swazi King “rule” them notwithstanding their status as South African citizens. Indeed, they even claimed it was their constitutional right. “The only right they have [in South Africa],” they complained, “is that of belonging to political parties,” and they demanded their right to be Swazis as a matter of “freedom of expression,” a right that is indeed guaranteed by the South African constitution. The right to “be Swazi,” however, entailed being ruled by a Swazi king, namely King Mswati III of Swaziland. While this is certainly not the view held by all Swazis in South Africa, it probably touches a chord in many of them.

What is at issue, evidently, is not national sovereignty and political-jural power, but rather identity, or what is more broadly called “culture” in South Africa. As an advisor to King Mswati said to me while we were discussing some details of intrigue around the performance of the annual *incwala* “first fruits” ceremony, “Culture is our politics!” This is an important key to unlock the meaning of the findings from this survey, since it immediately orients us towards a politics of identity or “recognition” rather than to a politics of rule or governmentality. The broad base of support for the chief, and the widely held disappointment that these people feel with respect to central government and the South Africa state, then, suggests that they evaluate the chiefship in different terms. It appears that the chiefship might better be considered as an institution of civil society rather than as a governmental institution.

## A SWAZI CHIEF IN SOUTH AFRICA

Chief Kenneth Dlamani of Emjindini participates in royal rituals such as the annual *incwala* (“First Fruits”) and the Reed Dance. Representatives of the King’s regiments send word to him in South Africa that he must come to Swaziland to participate in this ritual of annual renewal of the king’s power. He drives to Swaziland where he puts on his *majobo*, the antelope-skin loincloths, and other items of traditional Swazi warrior’s dress, picks up his cow-hide shield, spear and stick, and joins his Swazi regiment to ritually renew the kingship. This is called “culture,” but it is also clearly politics. Here the boundaries of western intellectual concepts break down. While ritually renewing the power of the Swazi king – and through this act, his own Swazi-ness – he is also a South African chief paid by the South African government. His role in South Africa makes him a significant participant across the Swaziland border, while his role in the Swazi kingship ritual gives him political capital in South Africa. The national boundary, in effect, potentiates the power of both king and chief – but makes ambiguous the limits of political community.

Kenneth Dlamini is the son of the previous chief, Mhola, who is descended from previous King Mswati II of Swaziland.<sup>8</sup> The Emjindini chief, however, is also a member of the House of Traditional Leaders of Mpumalanga Province, South Africa, and is paid by the South African government. The trans-national affiliation, therefore, is somewhat precarious since there is no basis in South African law or previous custom for such alliances.

Nevertheless, where linguistic and cultural areas are bisected by national borders, as is the case for the Tswana people (SA and Botswana), the Swazi (SA and Swaziland), and the Tsonga (SA and Mozambique), trans-national cultural affiliations are maintained and considered to override country boundaries in matters of “tradition” and cultural identity. In Mozambique, the FRELIMO government effectively eliminated the institution of chiefship, so there are no alliances of chiefs across the South African/Mozambique border.<sup>9</sup> Tsonga chiefs in South Africa, however, actively recruit Mozambican refugees and migrants to their own followings in order to improve their own local political position. Chief Cedric Mhinga of Malamulele district in Northern Province also recently visited

the Coutada 16 district of Mozambique and told the Tsonga-speaking people there that he was their chief and that he would bring development to their villages.<sup>10</sup>

According to *Nduna* (headman) Joseph Shongwe, the chiefdom was established by Mswati II of Swaziland, who established kraals for three of his wives in the area: one at Emjindini, one at “Mbhuleni,” and the third at “Mekemeke.” The Swazi first came to the area around 1865, having settled there after their defeat by the Sotho (Pulana) people at Mholoholo Mountain (along the Drakensberg escarpment between Acornhoek and Hoedspruit).<sup>11</sup> “Emjindini” is said to mean “We are not returning” or “we stay here” because the remainder of the regiment that fled the Mholoholo battle after their defeat were afraid to return to Swaziland for fear of being punished by the Swazi king.

The current chief, Kenneth Dlamini, only recently took up the chiefship some ten years after the death of his father. He moved to land that had been purchased in the late 1990s from two white farmers, and re-instituted the chiefship as a institution after the interregnum left by his father. Although the chiefship had been part of the Kangwane Homeland system, in the early nineties it had virtually ceased to function. Chief Kenneth Dlamini, together with his *indunas* (“headmen”) and councillors, wishes to re-invigorate the chiefship, despite the ambivalent support from the South African government and the lack of any formal legal or constitutional legitimacy. Administratively, the chiefship includes the chief, twelve councillors (four of whom are women), five *indunas* and two “tribal police.” The South African government pays only the chief.

The questionnaire data suggests that there is considerable support in the Emjindini area for this chief, and for the institution as such. Forty-three per cent<sup>12</sup> of the respondents in Emjindini Tribal Authority claimed that they “supported the chief” (“*uyayisekela nkhosi?*”), while an even higher 52 per cent claimed that they supported the institution of chiefship (*Ucabanga kutsi bukhosi emphakatsini buyintfo lenhle?*).<sup>13</sup> Declared support for the chief is even higher in the Barberton townships at 85 per cent.<sup>14</sup> Against this, only 31 per cent of all respondents in Emjindini and the townships expressed an opinion that the municipal government was “good” or “very good,” while 61 per cent were either neutral (21%) or did not express an opinion at all (40%).<sup>15</sup>

Despite the lack of constitutional or legal support for the chiefship as a political institution, and the lack of any directly observable economic or social benefits deriving from the chief himself, it is clear that the chief has a high level of expressed support in this community. The current chief has done nothing for the community so far – except for the fact that he and his supporters successfully lobbied the Department of Land Affairs to purchase two large farms – and the data show a great diversity of opinion about what the chief ought to be doing. Indeed, few seem to know precisely what the chiefship should do or how it should do it.

The high level of support for the chiefship is contrary to many prognostications about the future of the chiefship after the end of apartheid and flies in the face of government policy that seeks to downgrade or eliminate the influence of the chiefs as much as possible. Moreover, support for the chief and the chiefship is considerably greater than support for the municipal local government despite the fact that the vast ANC majority of these communities elected its members. Eighty-four per cent of respondents declared support for the ANC, with only a few people declaring support for the IFP, the DA, and the PAC. Only 3 per cent declined to declare support for any party. Virtually all, therefore, see themselves as participants in a national politics as well as a local one. In addition, the Swazi people, and their chiefs in particular, also participate in a transnational politics of cultural identity across the South African-Swaziland border.

The Emjindini population is almost entirely Swazi-speaking, with small numbers of Tsonga and Pedi speakers among them, but there is a strong sense of a *local identity* – whether or not this is associated with the chiefship, with “Swazi-ness” or with their particular place in this lowveld social and political environment. For virtually all residents, this sense of local identity seems to go with the “tradition” of chiefship. This study seeks to examine the social context of this broad support for the chief and for the institution of chiefship in Umjindi (Barberton/Emjindini) and to suggest reasons for this – apparently paradoxical – high level of support for the chief and the institution of chiefship in general.

## METHODOLOGY

Current research on this chiefdom is based on a questionnaire originally developed by Barbara Oomen of the Van Vollenhofen Institute for Comparative Law at the University of Leiden, Netherlands.<sup>16</sup> The questionnaire used in Emjindini and Barberton townships was translated into Swazi (*SiSwati*) from Oomen's English version, with modification deriving from cultural differences in the Swazi area. For instance, Oomen's questionnaire asked questions about initiation and about a vigilante organization, *Mapogo a Mathimaga*, that was active in the Pedi-speaking area in Sekhukhuneland, where her research had been conducted. Neither existed in the Barberton area, so these questions were dropped from the Swazi version of the questionnaire.<sup>17</sup> Questions about the genealogical and political distance from the chief that were appropriate in the Pedi context were also modified for the Swazi context of Barberton, where the social position of the chief is much less elaborate than it is in either Swaziland itself or in Sekhukhuneland. Barbara Oomen also provided the SPSS data dictionary and coding sheet that she had used in her analysis of her data set. This was also modified for the Emjindini/Swazi data set.<sup>18</sup>

I trained four local Swazi-speaking residents to administer the questionnaires: Zelda Gama, Winnie Khanyile, Selina Shongwe, and Thokozane Tsabetsa. These researchers all assisted in the translation of the questionnaire. All had high-school qualifications and were also fluent in English. Winnie, Selina, and Thokozane administered the questionnaire in the tribal-trust area on the farms, while Zelda administered a set of questionnaires in the Barberton township area. My time was limited in Barberton due to teaching obligations, so I was only able to accompany the researchers during initial administration of the questionnaires. I felt confident that they were competent and thus left them to carry out the administration in their assigned areas.

The questionnaire was administered in two distinct areas. While the chiefship of Emjindini includes the municipal area of Barberton (and vice versa), there is a large difference in education, economic level, and lifestyle between the rural farm area around the chief's residence west of Barberton and the townships of Barberton itself. The questionnaire was administered in the oldest township of Barberton, New Village, and in Extensions



9, 10, and 11 of the Umjindi (Barberton) municipality township area. Extensions 9 and 10 include RDP<sup>19</sup> housing (minimal government-provided housing of two rooms), while extension 11 comprises mostly shacks. Residences in New Village, on the other hand, are well-established and date back to the 1930s when Paulus Nkosi, a builder and member of the Swazi royal family, established this “black” area of Barberton.<sup>20</sup> This area consists mainly of long-established freehold tenure plots and housing for black Africans in Barberton. Thus, the questionnaire coverage included a wide range of types of accommodation, life styles, and identities. Here, I shall refer to the rural tribal area around the chief as “Emjindini,” and to the Barberton township areas as “the townships.”

## THE SOCIAL AND ECONOMIC BACKGROUND OF EMJINDINI

One questionnaire was administered to each household. Three hundred and thirty-five people were interviewed. The researchers were asked to target approximately the same number of men as women in administering the questionnaire. While the majority of respondents were men, a good balance of men and women was achieved: 55% were men (186), 45% were women (149).

Similarly, a representative sample of ages of respondents was also achieved, divided into age groups. Nine were “Under 20,” 77 were “20–30,” 121 were “30–40,” 86 were “40–50,” 29 were “50–60,” and 13 were “60+” years old. The sample appears to represent the normal distribution of ages of those in charge of households in South Africa in general.

Despite the generally representative age range of adults in the samples, it appears that marriage is not a priority among the residents of Emjindini. Only a third of all respondents claimed to be married by the magistrate, by customary rites, or by religious ceremonies. While virtually all of the households surveyed had children in them, relatively few were actually born into families in which the mother and father were married to each other and were the biological parents of the children. Although data were not collected on this, most households included numbers of people – children and adults – who were not members of a single “nuclear” family. This appears to be normative for many South African black communities.

However, 75 per cent of all households had at least one adult female or male member, while only 12.5 per cent of all households did not have an adult male, and 5 per cent of these did not have an adult female member.

The low rate of marriages, however, is surprising since a large percentage of them claimed religious affiliations of one Christian denomination or another. Churches are scattered throughout the area, and church membership and attendance is clearly high. Unfortunately, the questionnaire assumed that religious affiliation was predominately Christian. We did not ask how many, if any, were “pagan” or considered themselves to be practitioners of some form of African traditional religion. My impression, however, is that there are very few, if any, who could claim this.<sup>21</sup> The category “Other,” therefore, includes other Christian denominations.<sup>22</sup>

Marriage appeared to be highest amongst the “born again” (50%) and Roman Catholics (35%), although all of the three members of the NGK are married. Nevertheless, people belonging to all religious denominations preferred to remain unmarried, with the rate of marriage overall around 33 per cent for those adults surveyed. In general, religious affiliation appears to have little effect on the rate of marriage.

In addition to the diversity of religious affiliations, there is also a diversity of first languages in the rural Emjindini area. Most people say that the area is “Swazi” and assert its strong Swazi identity. Despite this, Tsonga speakers comprised a relatively high 7 per cent with a handful of people who said their first language was not Swazi. Not speaking Swazi, however, did not imply that the respondent had been born elsewhere, since two Tsonga-speakers had been born in Emjindini. Virtually all of the non Swazi-speakers, however, were women, most of whom had either married Swazi men in Emjindini or had moved in to the area.

In general, levels of education were very low, with 43 per cent of the sample having no education at all and nearly 20 per cent having only a primary school education (up to standard 6) or less. Only 16 per cent had completed high school with matriculation certificates or had higher qualifications. Most of those with high school or higher educational qualifications lived in the township, however. Standards of education were lower in Emjindini, where 50 per cent of the sample had no education.

Employment rates were also low. About 41 per cent of all respondents (45% in Emjindini) declared themselves to be unemployed, while the remainder claimed to be either self-employed or to be working for

an employer. Much of the employment in the area, however, is seasonal work on white-owned farms, or semi-permanent work on several large vegetable farms that supply Woolworths, Pick 'n Pay, and other large grocery chains in the urban areas. Many of those who were "unemployed" at the time of the survey (October 2001) work as seasonal labour. A few work for government (roads, the municipality) and those who are self-employed run small businesses such as spaza shops or are tradesmen. Those who live in Emjindini raise small crops of vegetables and/or livestock.

Although approximately 56 per cent of the respondents were employed in one way or another, income (declared for this questionnaire) was very low, with 56 per cent of respondents claiming an income of less than R500 per month. Only 4 per cent claimed an income greater than R2000, but this is almost certainly an artefact of the questionnaire process.<sup>23</sup> It is very likely that most people sampled actually had household incomes greater than the amounts indicated, but the relative proportion of people in these income categories (allowing for some upward adjustment) is probably more or less accurate. The low level of income is certainly borne out of the state of accommodation. In Emjindini, most people rely on off-cuts from Sappi timber plantations, with assorted other bits of plastic, bricks, tin, and cardboard to construct their living quarters. Most homesteads have several such houses on them, with only a few goats and chickens. Some have small vegetable gardens, but since water must be carried from the rivers, these are unproductive and, at best, only contribute to subsistence. In the Barberton townships, however, there is a wide range of types of accommodation from very substantial "suburban style" homes with three or more bedrooms (some even multi-storey) to the humblest of shacks made of wood, cardboard, and plastic. The different types of accommodation are often built side by side, since there is no clear "class" division within the townships apart from the older, and slightly more prestigious area of New Village.

Household size ranged from one person to fourteen, while the median number of people in each household was five. The household size measure gave a remarkably normal distribution around the mid-point of five, with only fifteen "outliers" of more than ten people in the household. This reflects the number of people living in one household unit, generally two to three adults with children. In the township, each "household" is situated on its own clearly demarcated plot. There is usually one main house and

sometimes other outbuildings and shacks also on the same property. This constitutes a single household in the township. In the Emjindini tribal area, however, there are no clearly demarcated plots. Houses are often grouped together in a homestead, but in this case each house constitutes a different household. Although it is not always clear to an outsider where the boundaries of a household lie, residents have no such confusion. In the Emjindini area, the chief allocates household sites initially. Once he has granted rights to a site, however, household residents may bring in kin or continue to grow and occupy a larger area. According to custom, the chief cannot remove rights to land once they have been granted. The data show a large range in household sizes, then, largely due to natural growth and to fostering of children of migrants and non-resident household members who may live and work in the cities.

Despite the relative lack of commitment to marriage, statistically speaking, household composition looked remarkably “middle class,” with on average one adult female, one adult male, and three children per house. Only forty-nine (15%) houses lacked adult male members, while twenty-one (6%) lacked adult female members. Number of children ranged from none (42 households, 12.5%) to twelve with a mean of 3.14 and median of three children per household. While many households had more than two adult members, with additional adult male and female members, the questionnaire methodology did not allow further analysis of household structure.

## THE POLITICAL CONTEXT

Economically, people have seen little improvement in their lives since the transition to democratic government under the new constitution of 1994. This year was used as a marker in order to ask questions about whether conditions in the chieftdom had improved or deteriorated in the subsequent seven years before the present questionnaire was administered (October 2001). Overwhelmingly, respondents felt that things had become worse in all areas on which they were asked, including access to schooling, water, electricity, and jobs. In general, they felt that the “financial situation” and the “general situation” had become worse. This disillusionment did not

vary significantly by sex, although slightly fewer women than men felt that the situation was “much worse.”

Since the Emjindini tribal farms were obtained in 1998, there has been very little development of any kind. About half of the residents were already living on the farm, but many others came to settle once the Department of Land Affairs (DLA) had purchased the farm for the chiefship. It is not surprising, then, that most feel that the situation in general has become worse since 1994. Nevertheless, 84 per cent declare allegiance to the ANC (the national ruling party and the party of all members of the local municipal council), although very few are actually members of the party. Most people expected a general improvement in their lives after the ANC took power, but this has not happened. Disillusionment with the pace of development, however, has not translated into rejection of the ruling party.

While support for political parties is unresponsive to perceived economic decline, it also does not seem to be correlated with any other social differences. Although the IFP is generally known as a Zulu party, none of the three first-language Zulu speakers are members of it. In Emjindini, the members of IFP are Swazi (3 people) and SePedi speakers (2). With the additional exception of one Tsonga speaker who belongs to the PAC, all non-Swazi speakers belong to the ANC, and the members of all other parties (including “other” and “don’t know/no answer”) are Swazi speakers. Thus there seems to be no political division based on ethnicity or identification with a particular language. Similarly, there seems to be no correlation between party affiliation and sex, church membership, or income. There is a weak correlation between age and party membership; all people under thirty are ANC members. Membership of all other parties is more or less evenly distributed across all other age groups. Some patterns also existed between party membership and educational level. All DA members had more than a standard 6 education, while 47 per cent of ANC members had no education at all, and two-thirds had less than standard 6 education. The three persons with technicon or university education were all ANC members, however. It is impossible to draw any firm conclusions about this since there were relatively few members of other parties compared with the ANC. It is also not valid to conclude from the above discussion that ANC members tended to be both young and uneducated since most of those without education were older people.

## PERCEPTIONS OF CHIEFSHIP AND MUNICIPAL GOVERNMENT IN EMJINDINI

Since the introduction of the Municipal Demarcation Act in 2000, chiefs throughout South Africa have been at loggerheads with government over the definition and exercise of their powers. In fact, under the constitution, chiefs only have “recognition.” The constitution does not specify discrete political or administrative powers for chiefs, but recognizes them as community representatives and guardians of tradition and culture. With the introduction of the Municipalities Act, municipal boundaries were greatly expanded to include areas around towns – such as Emjindini outside of Barberton – as parts of the municipality. Municipalities were divided into wards, with councillors elected for each ward. Councillors sit on the municipal governing body with a mayor at its head. In Barberton/Emjindini, the previously “tribal trust” land of Emjindini has been included in the new municipality of “Umjindi,” which now includes the old, formerly “white” Barberton, the formerly “black” townships, and the chiefship of Emjindini, among other areas. After considerable negotiation with the national Department of Local Government and Provincial Affairs under Minister Sydney Mufumadi, chiefs have been granted a 20 per cent representation on the Municipal Council. A meeting between municipal council and the chief’s council has been scheduled for early 2002 to work out the details of how they will cooperate in the governance of Umjindi.

In general, people in Umjindi show reasonably high levels of support for both the chiefship and the municipality. Surprisingly, support for the chiefship as an institution (*bukhosi*) was higher than support for the municipality. In particular, the support for the institution of chiefship was highest (85%) in the townships, and lower (43%)<sup>24</sup> in the Emjindini area. Overall there is a tendency for people to support both institutions, although there are significant numbers who rate the municipality positively and the chiefship negatively (24 people; 16% of those having an opinion, including “neutral” but excluding “don’t know/no answer”) and vice versa (8 respondents; or 5%). Forty-five respondents (30% of those who responded), however, rate both institutions positively (i.e., “good” or “very good”), while only six (4%) thought both institutions were “bad” or “very bad.”

The number of people who chose not to answer this question or who expressed neutrality on both judgments (44% of the entire sample), however, is much more significant.<sup>25</sup> This seems to reflect a “wait and see” pragmatic attitude rather than apathy or ignorance. The large number who refused to express opinions on this question also suggests that they are amenable to placing their support behind the institution that begins to provide them with benefits. At the moment, strongly negative attitudes about development in the area say that they are not overly impressed with any political institution whether this be the chiefship, the municipality, political parties, or central government.

There is a generally low level of approval for the performance of the municipality (31% of those expressing an opinion, including “neutral”). This may simply indicate that there is very little familiarity as yet with the municipality structures. The majority of the entire sample (61%)<sup>26</sup> either said they did not have an opinion or declined to answer at all, while others expressed ambivalence or neutrality towards the municipality (20%). At first glance it would seem that this should not be difficult to understand, since the municipalities were only introduced to Emjindini in 2000 when the Municipalities Demarcation Act was implemented. This brought Emjindini under the jurisdiction of the elected council of the municipality for the first time. The smaller sub-sample of households in the “Umjindi” township itself, however, have been under municipal control since 1994, and before that still formed part of the Barberton urban area, although divided by apartheid legislation into black and white areas. The township sample of 75 households shows that, although they were generally loath to express an opinion about either chiefship or municipality government, significantly more people in the township had more positive feelings about the chiefship (29.3%) than those who felt the same way about the municipality (18.7%). Also only 32 per cent expressed a “neutral” opinion about the chiefship compared with 72 per cent who declined to assess the municipality as either good or bad.<sup>27</sup>

No one in the township, unlike the Emjindini tribal area, expressed an extremely negative opinion about either, and some – though very few – found either the chiefship and/or the municipality “very good.” Thus, lack of familiarity with municipal government does not seem to explain the poor overall rating that was given to the municipality. Those with most familiarity with municipal government generally rate it most negatively

or remain “neutral.” And, generally speaking, in South Africa a refusal to express an opinion implies a negative attitude. People either fear reprisal for expressing a negative attitude to those in power or hold the view that “if you can’t say something nice, don’t say anything at all.” We can infer, then, that assessment of the *performance* of the institutions of chiefship and municipal government are generally negative but that people maintain a pragmatic attitude towards both, waiting to see which one might eventually deliver on promises for development.

Against the generally negative attitude towards the municipality, there is a much higher rating of chiefship as an institution. Nevertheless, there is a clear and strong difference of opinion and large numbers of people who refuse to express an opinion.

Compared with the general assessment of the municipality, there is a more even spread of opinion on the chiefship. Approximately 57 per cent feel that the chiefship is either bad or very bad or are neutral. On the other hand, 43 per cent are generally in favour of the chiefship, against only 33 per cent who are generally negative.

The generally positive attitude to the chiefship in general carries through into support for the chief himself, Kenneth Dlamini. Interestingly, only 3 per cent of all respondents declined to answer this question, as opposed to the large majorities who refused to rate the institutions as such. This suggests that attitudes are formed much less in respect of abstract institutions than in respect of persons. People who are “agnostic” about the institution nevertheless have strong feeling that they will express about the current chief himself.

Chief Kenneth Dlamini manages to carry the support of just over 50 per cent of his “constituency.”<sup>28</sup> That he does not have more support is probably due to the fact that the current chief is very young, new in the role, and has not made much effort to promote himself among the people of Emjindini. He also has a court case against him, still pending in court, over the (probably accidental) killing of a youth in a shooting incident last year. Several respondents explicitly mentioned this as the reason they did not support him. Others, the vast majority, claimed that “he does nothing for us.”

Support (or lack of support) for the chief is relatively evenly distributed across all age ranges. In other words, there is a diversity of opinion among all age groups, and no age group is strongly either in favour of



the chief or rejects him entirely. There is, however, a tendency for more older people to support the chief.<sup>29</sup> While those under the age of 30 are more likely not to support the chief, those over 50 are much more likely to support him. This is not particularly surprising if we consider that older people are more in favour of “tradition” than younger ones. What is surprising, however, is that the age group of 30–50-year-olds shows a weak tendency to *support* the chief. These are the people who might have been politically active in the 1980s when, according to the ANC and its affiliates, chiefs were strongly rejected as part of the apartheid system. Indeed, as officers of the government under apartheid, they were responsible for enforcing its laws. Intensive propaganda was directed against the chiefs from all parties to the left of the political spectrum, and many chiefs were attacked or killed during this period. In spite of this, those who would have been most influenced by the politics of the struggle against apartheid now tend to support the chief.

Similarly, there is a difference of opinion among people of both sexes. Men, however, tend with a high level of statistical significance to support the chiefship more than women do.<sup>30</sup> This finding is expected since the chief is male and the chiefship is generally held to be a male-centred, even male-chauvinistic or “patriarchal”<sup>31</sup> institution. Nevertheless, there are only slightly fewer women who do not support the chief than those who do. While this difference is statistically significant, the fact that female opinion is more or less evenly divided is probably of greater political importance. It suggests that males and females, as categories, are generally in agreement about their assessment of the chiefship. This is borne out forcefully by examining the distribution of answers to the question “Does the chief discriminate against women?”

Despite the fact that only 25 per cent of people questioned about this matter chose to express an opinion, it is remarkable that the proportions of males and females who agree or disagree with this question are identical (in each case, 35% agree and 65% disagree). Just as we have seen concerning their assessment of the “general situation since 1994” and their support for the chief, men and women are more or less equally divided in their opinions. It is not clear, however, what interpretation we can draw from the fact that many chose not to express an opinion. There has been a vast amount of discussion of sexual discrimination and gender bias in all South African media, including Swazi-language radio broadcasts that

the people of Emjindini are likely to have heard. They are not ignorant of the issues. If there were truly a strong degree of feeling on the matter, I expect that this would be reflected in more people wishing to make their opinions known. The fact that many did not express an opinion suggests that they were more or less content with the situation, that is, that they believed there was no reason for concern about sexual discrimination. This does not mean that in some objective terms the chief and the chiefship as an institution do not discriminate against women. In all likelihood, it only means that the large majority – both men and women – agreed that what happened in practice was acceptable. But this needs to be tested by further ethnographic enquiry.

Language was not a particularly good predictor of support for the *nkhosi*, although support for the *nkhosi* was generally more evenly spread across the (fewer) non-Swazi speakers, with more negative opinion being expressed by the Swazi first-language speakers. The sample of non-Swazi first-language speakers is too small to make a judgment, and the data are too heavily skewed towards Swazis to make statistical tests meaningful.<sup>32</sup>

When I presented the data on the level of support for the chiefship to Chief Kenneth Dlamini, however, he remarked that the number of “Shangaans” (that is, Tsonga-speakers) in Emjindini probably negatively affected the level of support shown in these statistics. “It’s those Shangaans,” he said. I quickly drew his attention to the data, which shows that many Tsonga-speakers (“Shangaans”) do indeed support the chief, while many first-language Swazi speakers do not. He accepted the data but remained sceptical, I believe, of the so-called “Shangaans” loyalty.

The data given here, however, do not give a true reflection of socially relevant categories. The question asked only about “first-language,” not about “ethnic” or “tribal” or family identity. There are many people with non-Swazi surnames who may not be generally accepted as “true Swazis,” but who nevertheless speak Swazi as their first language. These would include the large number of people who came into the area during the gold-rush days in the late nineteenth century from as far away as Malawi. A. C. Myburgh, the government ethnologist, noted in 1949 that

In the urban location Shangaan, Nhlanganu [a sub-category of what is called “Shangaan” today] and even Blantyre [Malawi] immigrants have permanently settled and become

members of the tribe, recognising the chief and paying tax in his name but retaining their own language. This tribe is predominantly Swazi however and while accepting other races as neighbours or tribesmen prefers association and intermarriage with Swazi or Zulu.<sup>33</sup>

According to N. J. van Warmelo's estimates of population in the Barberton District during the 1940s, approximately 12 per cent were of non-Swazi origin, mostly from "Portuguese East Africa" (that is, "Shangaans") or from "Nyasaland, Rhodesia, etc." (that is, from outside of the Union of South Africa).<sup>34</sup> This pattern continues today with numbers of "Shangaans" (Tsonga speakers) arriving as refugees or migrants from Mozambique or from other parts of South Africa. These people generally assimilate gradually to the Swazi majority, either retaining their language as a family language, or mixing it freely with Swazi and "township Zulu," the widely spoken *lingua franca*. To be "Swazi," however, one must have a Swazi surname and "isibongo" ("clan name" or "praise name"). Those who have Shangaan surnames would therefore not count as "real Swazis" to the chief or others, although they would still be considered members of the chief's following. Since the questionnaire was anonymous, the numbers of such people can not be reckoned from these data. Only those who have arrived and who have been incorporated recently would still speak Tsonga as a first language. It may be this larger category of people who are not "pure Swazi" – those with non-Swazi surnames – to which the chief may have been referring. Whether or not these are *actually* less likely to support the Swazi chiefship could only be ascertained by further ethnographic enquiry.

There was also no significant correlation between support for the chief and employment status or level of income; however, it appears that people who are self-employed are more likely to support the chief. Otherwise, support for the chief is remarkably evenly distributed across all those who are working for an employer or who are still at school or unemployed.<sup>35</sup> Similarly, there is virtually no correlation between the level of declared income and level of support for the chief.<sup>36</sup> The distribution of opinion for or against the chief is, again, remarkably evenly distributed across income categories. There is, however, a slight tendency for those in the

highest income bracket to be more favourably disposed towards the chief than those in the lowest. While this relationship is weak, it is suggestive.

The higher level of support given to the chief by those with higher incomes may reflect the difference between the lower level of support in the rural (and therefore poorer) Emjindini tribal area compared with the higher level of support the chief received in the townships where more people are employed.

A significant, though perplexing, difference in levels of support for the chief is found between the “urban” township and the rural region of Emjindini. Surprisingly, support is much higher (85%) in the townships than it is in Emjindini.

Thus, it is difficult to see what, if anything, might determine support for the chief. It would appear to be relatively “randomly” distributed – in other words, there is no particular factor in these data that seems to account for it. This does not mean, of course, that support is without explanation but only that the cause of opinions for or against the chief is determined by some unknown “political” factor. In this it is like support for the ANC. Economic factors that might determine support for the ruling party in more “mature” democracies (that is, those where “rational” economic judgments are more easily applied by “maximizing individuals”) do not appear to determine political options in Emjindini. Support for the ANC, the chiefship or the municipality seem to be determined by more personal factors such as “tradition” or personal loyalty to office-holders.

Levels of support aside, people expect a great deal from both the municipality and the chief. When asked who should provide “democratic government” or “socio-economic development” or who should promote community involvement in political and community activities, the largest number of people responded “political parties”! This is clearly the “wrong” answer since political parties have no direct governmental function at all and do not provide services or “bribes” of any kind. Surprisingly, the chiefship is rated much higher in the expectation of which institution(s) should provide democratic government than the “democratically elected” municipality. Only two respondents selected the “correct answer” – government, meaning here central authority – as the one that should provide “democratic government”! Clearly, people expect very little, if anything from central government, which is seen as being remote and generally irrelevant to local political affairs. This is despite the fact that central government is

the only institution in charge of providing roads, schools, water, electricity, and telephone services.

Highest expectations for socio-economic development and for promotion of community affairs were expressed for “political parties,” meaning here the ANC in particular. Over 40 per cent of respondents thought that political parties should provide these more abstract political goods.

While the majority selected political parties as the governmental institution that should promote community involvement, the chief (*nk-bosi*) was selected more often than the municipal government. It appears – counterintuitively – that the chiefship is viewed as more “democratic” and more likely to be involved in community affairs than the municipality. Clearly, then, the people do *not* see the chiefship as “anti-democratic,” or “authoritarian” as many political analysts have claimed. Although the chiefship was certainly a central institution in the imposition of apartheid rule, the negative attitudes towards the chiefship that were expressed during the “struggle” seem to have evaporated in the new millennium.

Opinion was divided between the chiefship (25.4 per cent), the municipality (40 per cent), and political parties (32.8 per cent) over who should provide services. In point of fact, again, the municipality is charged with delivery of water and electricity through para-statal organizations of Eskom (the national electricity supplier) and the Provincial Water Boards, in charge of bulk water supply. This fact seems to have been lost on the residents of Umjindi.

Only in the field of “services” does the municipality compare with expectations of the chief. Thirty-eight per cent believe that the chief should provide democratic government, while 25 per cent believe the chief should provide socio-economic development and 31 per cent believe the chief should lead people in involving themselves in political and community action. Overwhelmingly, however, people believed that political parties ought to deliver these services or leadership. Ironically, the political parties (meaning, for the most part, the ANC in this community) cannot do any more than provide political leadership and are entirely unable constitutionally or practically to provide the sort of expectations that these data suggest people have for them. In fact, government (*bulumende*) or the municipality (*masiphala*) is formally responsible for most of these areas, and yet receives a very low expectation for delivery according to these results.

## CONCLUSION

This study suggests that while there is a surprisingly high level of support for the institution of chiefship in general, there is also an extremely high degree of apparent political naiveté about who should provide political leadership and how delivery of services can and should be achieved.

The data show that support for the chief is relatively insensitive to economic factors or differences of age, sex, religion, employment status, and level of education. There are slight tendencies, however, for those who have higher incomes or better education, and for those who live in the township rather than in the rural tribal area directly under the authority of the chief to support the chief. This finding contradicts widespread notions, especially prevalent in the South African government, that the chiefship is a dying political institution that can only be, at best, an icon of African cultural identity or a guardian of supposed “traditional values” in the rural periphery. Clearly, whatever the chiefship represents, it is not dying, and it does not draw its strongest support from the rural periphery – although surprisingly strong support for it is also found there.

Interestingly, those in the age group who were most affected by the struggle rhetoric against the chiefs as agents of apartheid are now – almost a decade later – more likely to support the chief than those who are young enough not to have had any direct personal experience with the struggle against apartheid. Again, this contradicts some of the most strongly held beliefs of the modernizing ANC national political elite who suppose that support for chiefship would be weakest among those who were most likely to have participated in the struggle against apartheid. In Barberton, as elsewhere in the lowveld, this struggle included, above all, a struggle against the chiefs. Moreover, the data for all communities studied in the broader project suggest that support for the institution is increasing at all levels and age groups and in all social and economic categories. This may be related to the fact that the majority of people see little improvement in their lives since 1994, or indeed, feel that their general social and economic situation is actually worse than it was before the new ANC government took power. Strongly positive sentiment about a return to “tradition” seems to include a more positive evaluation of the chiefship as an institution. Overwhelmingly, those who indicated their reasons for supporting

the chief indicated that they did so because “it is our tradition,” or “it is the African custom.” Support for the institution of the chiefship thus seems to represent a strong and possibly growing belief that people must return to “tradition” and to African identities. In the South African context, this means a closer identification with a “tribal” or ethnic identity.

Such identities cannot be construed, however, as exclusive or even as strictly “ethnic” or “tribal” as these labels are understood elsewhere in the world. The Swazi people of Umjindi, like virtually all South Africans, are highly “mixed,” having absorbed large numbers of people from other language groups who still assert a different or “multicultural” identity, notwithstanding their simultaneous identification with the Swazi chiefship. People with Tsonga (Shangaan), Pedi, Zulu, or other non-Swazi backgrounds are aware of this difference, as are their “pure Swazi” (those with Swazi surnames) neighbours. This does not mean that they are any less “subjects” of the chief or that they are not Swazi with respect to their cultural identity in this context. Cultural identities here, as elsewhere in South Africa, are overlapping and multiplex. These identities may be significant in the context of business association, political affiliation, marriage patterns, or in membership of religious congregations – although this study is not able to make any judgments about this – but they apparently do not affect attitudes towards the chiefship. Rather, a generally positive attitude towards African tradition leads to support for the chiefship as an African cultural institution irrespective of other economic or social identities. The chiefship is a local institution, integrated with land and landscape, and therefore a counterweight to the pressure of national government.

In fact, however, it appears that “government” – that is, the national ANC-dominated government located in Pretoria and Cape Town – is essentially irrelevant. When asked “who should provide democratic government?” virtually no one thought “government” should do this job. The same was true for most other services and benefits that government should provide. Instead, people thought the municipality, the chief, or political parties should provide these services. Perhaps they feel that “government” is simply not up to the job. Certainly Emjindini has seen no benefits from central government. However, most respondents in the Umjindi townships live in government-provided housing and have the benefits of electricity, piped water, schooling, roads, and other services. Nevertheless,

they are strongest in their support for the chief and weakest in their support for the municipality. Those who chose to express an opinion also rated the chiefship higher than the municipality, despite the fact that only the municipality is empowered to deliver the benefits that they receive. How can we interpret this apparent anomaly?

To answer this question, we must return again to the contested and ambiguous nature of the political community itself. South Africa's diversity of languages, cultures, peoples, and identities seems to entail strong local identities that, though always overlapping and ambiguous, are still "closer to home" than the distant Pretoria government. Under all political dispensations, from colonial rule through Union, the Republic, apartheid, and now the New South Africa under an ANC government, South Africans have long resisted central government. This was deployed as a central strategy in the struggle against apartheid, but the end of apartheid did not mean an end to resistance to the state. The *cultural permeability* of the South African border means that people not only identify as South Africans but also, in this case, as Swazis whose political community spans national borders. The demographic permeability of these borders also means that political actors can participate in two national cultures. This implies, as King Mswati's advisor remarked, that "culture is our politics." "Culture" here means the identification with African institutions such as the chiefship, which is located in Emjindini but is defined, not with respect to national boundaries, but rather by allegiance to a Swazi tradition embodied by the chief himself and integrated with the Kingship of Swaziland. If the ANC has its own "chiefs," so do the Swazi. Here African political identity is localized and personalized. It is also understood to rest on African "culture," which is implicit and integral to everyday life. This does not mean, however, that people are not also willing to participate in a national politics through political parties. It does mean that they reject this as their only option. The chiefship with its hereditary (rather than elected) head, and its male-dominated and "tribal" character, contradicts fundamental principles of the South African constitution. This brings it into fundamental conflict with the elected democratic government. In formal political terms, they are like oil and water. From the point of view of the individual actor, however, both have the potential to be exploited for different purposes. Thus, there is no contradiction for the residents of Emjindini: their loyalties are not divided as much as they are strategically



deployed. Their political identities are not fixed and exclusive but strategic and inclusive. The nature and limits of political community and of its appropriate political institutions are also part of the political contest. And since these are partly determined by “culture,” then culture is also politics.

Finally, can we take seriously the belief expressed by 31.9 per cent of the respondents that the chief should provide democratic government? This raises a fundamental question about what people in Emjindini understand by “democracy” and “government” – a question that empirical questionnaire research cannot answer. I would suggest that the respondents to this questionnaire took this to mean “government by the people.” The distance of government from “the people” and the failure of government to deliver expected benefits seems to imply that only the local community can provide its own government and that the chief must play a role in this. As people in Emjindini have remarked to me, “when we elect these ANC people, they get in their new cars and drive to Nelspruit (the Provincial capital) and Pretoria and we never see them again.” Or, as chiefs in the lowveld are fond of saying, “the chief is always here.”

## NOTES

- 1 Research was supported by a grant from the International Development Research Centre of Canada, administered through the Traditional Authority Applied Research Network (TAARN), and by the South African National Research Foundation (NRF). The TAARN project comprises a large comparative study of chiefship in Ghana, Botswana, and South Africa, directed by Don Ray of the University of Calgary. Professor Tim Quinlan of the University of Durban-Westville directs the South African project. Additional funds were provided by a grant from the South African National Research Foundation.
- 2 Barbara Oomen is based at the Van Vollenhofen Institute for Non-Western Law, Leiden University, Netherlands. The questionnaire instrument is used with her permission. It was translated into Swazi, Tsonga, and Tswana for the purposes of this study and partially modified in response to differing local social and cultural conditions.
- 3 Research in Dan Village near Tzaneen was conducted by my then MA student, Mr. Joseph Nkuna.
- 4 Research in Mafikeng in the Barolong boo Ratshidi chiefship was conducted by my then MA student, Mr. Kereng Kgotleng.
- 5 Research in Sekhukhuneland was conducted by my student in Development Studies, Mr. Phahlana Magoseng.
- 6 “Swazis living in SA eager to see border adjustment issue resolved,” *Times of Swaziland*, Monday, December 31, 2001, p. 8.
- 7 Ibid.
- 8 Mhola’s father, Matsafeni, was the son of Yoyo, the second wife of Mswati II.
- 9 Since the end of the war in Mozambique, and the establishment of a FRELIMO-RENAMO government of national unity, the institution of chiefship (*regulo* in Portuguese) has again been promoted but remains weak.
- 10 Personal communication: Conrad Steenkamp, February 8, 2002. Steenkamp worked intensively with the Makuleke of Malamulele district for five years between 1996 and 2001.
- 11 Myburgh, 1949, p. 32.
- 12  $N = 260$ ; with eight persons or 3% saying “don’t know” or data missing.
- 13 Specifically, the 52% reflects those who say the institution is “good” or “very good” of those who expressed an opinion for the total  $N = 260$  of Emjindini. However, 14.2% preferred to remain “neutral” on this measure, while 19.2% refused to express an opinion at all, that is 33.5% of the total sample either had no opinion or did not wish to express one. If this is taken into account, only 42% felt the institution was either “good” or “very good” for the population of Emjindini as a whole, that is, approximately the same

- number that expressed support for the chief himself.
- 14 *N* = 75, with two cases (3%) showing “don’t know” or where data is missing.
  - 15 *N* = 335.
  - 16 Barbara Oomen developed this instrument for use in her PhD research in two communities in Sekhukhune-land, Mamone and Hoepakranz. Oomen had written the questionnaire in English, then translated it into Pedi for use during her research on chiefship in two communities, Hoepakranz and Mamone, in Sekhukhune-land in Northern Province. After reading her work, I asked if I might use the questionnaire in order to gather comparative data from the communities that my students and I were studying. She consented to the use of the questionnaire under the condition that her copyright is acknowledged, and that the University of Leiden and the Van Vollenhofen Institute are acknowledged in all publications. I gratefully acknowledge her authorship.
  - 17 They were included, however, in the Tzaneen, Sekhukhune-land, and Mafikeng questionnaires that are part of the larger study since initiation is practised in these areas, and the vigilante organization, Mapogo, is active.
  - 18 For instance, Pedi words such as *kgosi* (“chief”) was translated to the Swazi *nkhosi*. Words for “magistrates court,” “chiefs court,” and other translations had to be made as well.
  - 19 RDP (Reconstruction and Development Plan) was introduced in 1994 as the primary national development plan inspired by a populist sentiment and desire for “reconstruction” after the demise of apartheid. Its primary result was a national housing plan that provided cheap housing throughout the country for poorer people. It was abandoned in 1996 in favour of GEAR (Growth, Employment and Redistribution), a fiscally conservative plan formulated in response to IMF pressure and global financial crisis in other ‘emerging market’ countries such as Mexico and Thailand. Today, RDP survives only in the on-going provision of cheap housing that is known as “RDP housing.”
  - 20 Zelda Gama, personal communication.
  - 21 During fieldwork in Barberton and Emjindini, I have not yet encountered anyone who asserts that they follow exclusively or optionally something that might be called “African traditional religion.” This does not mean, however, that many people would not consult “traditional healers” (*sangomas*) or acknowledge or “pray” (*phabla*) their ancestors (*amadlozi*) or even sacrifice for the *amadlozi* on occasion.
  - 22 There is a sizeable Muslim population, but this is restricted to the “Indian” population of Barberton. Only four respondents declined to answer or gave no data for this item on the questionnaire.
  - 23 Chief Kenneth Dlamini and the speaker of the tribal council, Lucky Nkosi, both believe that these figures are too low. They suggest that people are not likely to have reported

- their real incomes accurately. Indeed, these amounts do seem low, and may reflect only the respondent's income without including other incomes in the household.
- 24 3% (10 persons) of the Emjindini respondents declined to answer this question ( $N = 260$ ).
- 25 Unfortunately, the category "don't know/no answer" (dk/na) is absent in the data rating the chiefship, but amounts to 78 respondents as reflected in this table.
- 26 This includes those who refused to answer the question.
- 27 The large number of "don't know/no answer" responses on the question about support for the chiefship probably reflects the fact that many people in the townships do not have any direct contact with the chief or the institutions of chiefship, and thus are more inclined not to answer. However, if these are combined with the "neutral" response, the difference between these scores for the chiefship and municipality virtually disappears.
- 28 I do not use the term "subjects" since this is a misrepresentation of the relationship between chiefs and their followers in contemporary South Africa. As shown below, people believe the chiefship is essentially a "democratic" institution (though they mean something different by the term "democracy" than Western political theory does), and assert that "the chief is a chief by the people."
- 29  $\chi^2 = 14.73, p = 0.01$  (2-tailed).
- 30  $\chi^2 = 3.045, p = 0.081$ . Fisher's Exact test yields  $p = 0.094$  (2-tailed).
- 31 "Patriarchal" is the word most often used in South African feminist and gender studies to mean anything that is male-centred or that privileges males in any way. In South African academic discourse, it apparently does not mean "rule by senior males" or "authority of fathers," according to its etymological and fundamental meaning but is rather more general in its application.
- 32 Nevertheless,  $\chi^2 = 10.143$  and  $p = 0.071$ . These statistics are not easily interpretable on these data, however. SePedi and Tsonga speakers tend not to support the chief, but Zulu and Venda speakers do support the chief. In any case, numbers are too small to make much of this finding here.
- 33 A. C. Myburgh, *The Tribes of Barberton District*, op. cit., p. 33.
- 34 Van Warmelo's figures show 3,240 from "Portuguese East Africa" and 2,900 from "Nyasaland, Rhodesia, etc.," or 6,140 from outside the Union. From: "Introduction" to A. C. Myburgh, *The Tribes of Barberton District*, pp. 18–20.
- 35  $\chi^2 = 4.817, p = 0.186$ ; that is, not statistically significant. Goodman and Kruskal's  $\tau$  is 0.015 ( $p = 0.186$ ), suggesting no significant relationship between these variables.
- 36  $\chi^2 = 5.006, p = 0.171$ . Goodman and Kruskal's  $\tau$  = 0.017, with a significance of 0.173. These statistics, in other words, show no significant level of relationship between these variables.

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# 15 Widening the Democracy Debate: *Bogosi* and Ethnicity in Botswana

Mpho G. Molomo

“... a nation without a past is a lost nation, and a people without a past are people without a soul.” – Sir Seretse Khama, President of Botswana, Address to graduates of the University of Botswana, Lesotho and Swaziland, 1970.

## INTRODUCTION

As an ardent supporter of democracy, Seretse Khama, in the above passage cautioned that, as we embrace and nurture democracy, we must at the same time remember who we are and where we come from. The moral of the passage is that culture is an integral part of a peoples' existence and must be nurtured, promoted, and deepened as we develop and embrace other cultures and, perhaps more importantly, as we consolidate democracy. In this regard, *bogosi* (chieftaincy) and ethnicity as integral parts of the Tswana society must be preserved and strengthened in the process of

democratic consolidation. Khama was an icon of both traditionalism and republicanism.

William's incisive thesis of "leading from behind" (2004) in the characterization of democratic consolidation and the *bogosi* in South Africa has hugely influenced this chapter due to the great similarities that exist between Botswana and South Africa. It is undisputable that *dikgosi* are not in government but still have immense influence in people's lives. The debates on the role and relevance of *bogosi* with regard to democratization are continuing and are far from being concluded. In many parts of the Southern African region, the struggles between traditionalism and republicanism or traditionalism and modernity have characterized the politics of the post-colonial state. In Mozambique (Harrison 2002; Gonçalves 2002), for instance, when FRELIMO came to power in 1975, it abolished *bogosi*; in Lesotho (Southall 2003), the constant tensions between the monarchy and the republican government have been sources of political instability; in Swaziland (Takirambudde 1982), monarchy suspended the independence constitution and abolished political parties. More examples could be drawn from other African countries, and the lessons from these experiences are that relations between the two institutions are full of tension. Botswana is not an exception to this trend, but it articulated itself somewhat differently. In an intriguing way, Botswana has managed to graft a broad liberal democratic tradition since independence in 1966 by blending liberal democracy with traditional structures and institutions of governance. The phenomenon is quite unique in Africa.

Botswana's political stability must be unpacked to explain the basis of its stable democratic rule. Although at times characterized as a "fragile bloom,"<sup>1</sup> "an authoritarian liberal state,"<sup>2</sup> Botswana is generally regarded as a model of a working democracy in Africa. This chapter seeks to analyze the extent to which traditional institutions, especially *bogosi*, have contributed to the democracy debate. It shows how *bogosi* as a traditional system of governance has contributed to state democratic rule in the post-colonial state in Botswana. Second, it seeks to understand whether *bogosi* undermines democratic rule or is a partner in its development. The basic thesis of this chapter suggests that *bogosi* serves an important link between government and the people in the democratization process in Botswana. Government relies on the *kgotla* (village assembly) as a forum for consultation, communication, and dissemination of information, which is presided

over by *dikgosi*. Outside the *kgotla*, government does not have any reliable forum for a two-way communication with the people. Political rallies that take place at “freedom squares” are partisan and are characterized by volatility and often abusive language. As a result, the *kgotla* stands out as an important forum for democratic discourse in Botswana. Third, it addresses the important dialectic that exists between *bogosi* and ethnicity in Botswana. Perhaps the relation between *bogosi* and ethnicity constitutes a new site for democracy debates. As propounded by Muller (2008, 19), it shows how “ethnic nationalism has played a more profound and lasting role in modern history than is commonly understood” and, whether we like it or not, “ethnonationalism will continue to shape the world” in the new millennium. In the quest to expand the frontiers of democracy, ethnicity is used to question the notion of democratic citizenship. Citizenship within the liberal democratic setting guarantees people the enjoyment of individual and civil rights, as well as equality before the law, irrespective of class, race, or ethnicity. Fourth, the chapter concludes by addressing the process of democratic consolidation in Botswana. The problematic is to try to establish whether *bogosi* and ethnicity play important parts in democratic consolidation or whether they are anathema to democratic rule. Since elections have been embraced as one of the fundamental pillars of the liberal democratic process and are said to be essential conditions for regime change, the questions are: 1) how can *bogosi* be said to be assisting democratic consolidation, and yet remain a hereditary institution? 2) how can ethnicity consolidate democracy when the ethnic question presupposes that ethnic groups are not equal in the country? This chapter proceeds to address these issues, first by discussing the framework that underpins Botswana’s political reality.

## CONTEXTUAL FRAMEWORK

A brief survey of Botswana’s political history could perhaps explain its exceptionality as a stable and successful democracy. Bechuanaland, as Botswana was called then, fell under British protectorate in 1885,<sup>3</sup> as an attempt to ward off Boer encroachment from South Africa. Its relative unimportance to the colonizers, given its barren and semi-arid nature and



lack of economic potential, at the time, characterized the benign neglect of colonialism. More specifically, a system of indirect rule was put in place in which the British used *dikgosi* to maintain political control. Bechuanaland did not experience colonialism *par excellence* as was the case in situations where there was a significant white settler population. A dual political and legal structure existed during the protectorate period that was intended to handle European and “native” affairs separately. Although British protectorateship in Botswana, to some extent, undermined the essence of the traditional cultures and authority of traditional leaders, it did not supplant traditional institutions, as was the case in other parts of Africa.<sup>4</sup> Traditional institutions, such as *bogosi*, although distorted in some instances, as was the case with the lineage of Bakwena,<sup>5</sup> were by and large left intact. As stated by Wilmsen (1989, 273), “the policy of indirect rule never contemplated taking administrative control of minorities out of the hands of Tswana.” And this practice went a long way to institutionalize inherent inequalities in Tswana society, and these disparities found their way into the constitution. Moreover, traditional systems, such as *mafias* (cattle loaning system to less privileged members of society) continued, and this helped to reinforce patron-client relationships and a sense of paternalism in society.

Anthropologists (Schapera 1952; Wilmsen 1989), historians (Morton and Ramsay 1987), and sociologists and political scientists (Mafeje 1971; Mamdani 1996; Diamond 1987; Peters 1984) seem not to agree on the definition of a tribe. As a historical, anthropological, sociological, and political concept, ‘tribe’ means different things to different people. Mafeje (1971, 258), in his seminal work, “The ideology of tribalism,” engages in a substantial debate on what constitutes a “tribe.” He asserts that it refers to a “relatively undifferentiated society, practising a primitive subsistence economy and enjoying loyal autonomy.” With reference to Botswana, Peters (1984, 22) points out that the term “tribe that was used to denote *morafe* during the colonial period and is still used in modern Botswana, is misleading in that it connotes a group of persons identified by ethnic ties.” Peters (1984, 26) further pointed out that *morafe* was a political and cultural entity that owed allegiance to a *kgosi* and was internally differentiated by wealth and social standing. Invariably, *kgosi* was always the richest man because he enjoyed tribute, collected taxes, and also controlled *matimela* (stray cattle). The basic structure of *morafe* during the pre-colonial

period was that the *kgosing* ward where *kgosi* and his uncles resided was always at the centre, and around it were other wards that made up *morafe*. Outlying these wards were *Batlhanka* (commoners) and *Bafaladi* (aliens or refugees). *Batlhanka* were people who were captured during war and incorporated into *morafe* occupying a lower social status. *Bafaladi* were people who had emigrated from their places of origin either because of famine, wars, or internal dynastic rivalries, and decided to settle among a politically or economically powerful group for security.

Botswana's history is widely documented (Tlou and Campbell 1984; Mgadla and Campbell 1989; Ngcongo 1989; Holm and Molutsi 1989; Morton and Ramsay 1987), and this chapter seeks to comprehend it with a view to conceptualize *bogosi* and ethnicity in their socio-political and economic frameworks. Historical accounts suggest that Botswana has a long history with democracy. Although there are strong debates (Mgadla and Campbell 1989; Ngcongo 1989) about the substance and nature of democracy in Botswana, it is believed to be firmly rooted in traditional Tswana culture. It is anchored on the *kgotla* (village assembly) system of consultation, which is based on the assertion that *mafoko a kgotla a mantle otlhe* (free speech). As discussed in Mgadla and Campbell (1989, 49), *dikgosi* ruled their people, at least during the pre-colonial period, as absolute sovereigns who enjoyed hegemonic influence, and their decisions were almost always based on consensus. The assertion that *kgosi ke kgosi ka batho* (a chief is a chief by the grace of people) goes to the heart of the basis of rule by *dikgosi*. *Dikgosi* preside over *dikgotla*, which were, and still are, forums for deliberating public policy. A *kgosi* can only exercise his or her authority based on the respect he or she gets from the people, and one who rules against the wishes of his or her people, does so at their own peril. The above notwithstanding, historical evidence (Potholm 1979) suggests that during the pre-colonial period there were despotic *dikgosi* as there were benevolent ones. Similarly, in the liberal democratic setting, democracies and autocracies call themselves by the same name but these nomenclatures need not cloud political analysis.

Due to the historical processes that "tribes" have gone through, it is perhaps no longer accurate to refer to them as such because they have lost the social structure that defined them; *dikgosi* who preside over them have lost their power, wealth, and sovereignty. During the pre-colonial period, tribalism was perhaps the highest form of nationalism because it

implied complete loyalty to the *kgosi* and recognition that he or she was the absolute sovereign, controlled the political and economic well being of the polity, and also had divine powers for rain-making. However, in the post-colonial period, 'tribes' denotes entities that were infiltrated and undermined by colonialism, their powers having been usurped by the post-colonial state. Economically, they are no longer self-sustaining entities and depend on the central government for financial support. To this end, scholars (Sklar 1979; Diamond 1987, 119; Mafeje 1971, 258–59) have asserted it is a misnomer to talk of tribalism in the post-colonial period because tribes have been transformed and have lost their traditional essence. Nevertheless, this is not to deny that 'tribal' sentiments still exist among people; rather they manifest themselves not to restore the autonomy of the *kgosi* and *morafe* but often as a ploy to advantage the petty bourgeoisie. In this sense, tribalism is seen as a "false consciousness" that tends to "mask for class privilege." The ruling elite often invokes tribal sentiments as a stepping-stone for a position of political power.

Scholars have suggested that perhaps ethnicity would be a more value-free term to refer to manifestations of 'tribal' feelings during the post-colonial period. Goldsworthy (1982, 107) defines ethnicity, as "a form of consciousness, a sense of identity, that is usually associated with" language and kinship. Other scholars, such as Horowitz (1985) and Diamond (1987, 117), concur and conceptualize ethnicity as "based on a myth of collective ancestry, which usually carries with it traits believed to be innate" and which gives rise to a sense of group identity, affinity, and solidarity. Schraeder (2000, 138) defines 'ethnicity' as a sense of "collective identity in which a people (the ethnic group) perceives itself as sharing a common historical past and a variety of social norms and customs." These social norms and customs also define "relationships between males and females, rites and practices of marriage and divorce, legitimate forms of governance, and the proper means of resolving conflict." The struggles by ethnic minorities to have their languages recognized as national and official languages, according to Horowitz (1985, cited in Diamond, 1987, 122), "encompasses much more than access to education and jobs in the modern sector" but also notions of peoples dignity and recognition. Although cultural attributes are not tangible, they form an essential part of people's identity, self-esteem, and dignity. Horowitz (1985) further delves into the

realm of “social psychology” and argues that there is nothing more degrading than to deny a person his or her self-esteem and dignity. In what he calls the “politics of ethnic entitlement,” Horowitz (1985) outlines that the fear of “domination” and exclusion by far outweighs the drive for material gain (Diamond 1987, 122). This explains why people would rally behind an ethnic course that does not have any apparent economic gains.

Arising from the modernization theory (Apter 1965; Lerner 1958; Rostow 1971) of social change, there was a strong perception that, in order for Africa to develop, it needed to transcend the parochial traditional institutions and embark on the road to modernization. Lerner (1958), in particular, talked about *The Passing of the Traditional Society* and argued that with the application of modern political institutions, ethnic identities and traditional values would disappear. The cultural values theories (Almond and Powell 1963) assert that attitudes towards democracy proceed from values that are socially constructed and culturally embedded. Perhaps in a more profound way, people who retain traditional identities (based on language, ethnicity, and place of origin) rather than modern identities (such as class or occupation) are said to develop a low sense of political efficacy, develop low levels of interpersonal trust, and hence low levels of what Putnam (1993) would refer to as ‘social capital.’ As a result, attachment to primordial loyalties is said to undermine political development or democratic consolidation. Under this framework, tribalism was viewed as negative and backward, and progress meant shedding the ethnic loyalties.

Perhaps it is also in order to point out that sociological approaches emphasize the demographic features of society, wherein age, gender, location, and ethnicity influence the manner in which people form political attitudes. Young people, who invariably have higher levels of education and are often located in urban centres, are less inclined to traditional values and are receptive to new ideas. Rural people are often more inclined to primordial loyalties and hence support traditional institutions, whereas urbanites are exposed to divergent views and are stimulated by a variety of social engagements and are usually receptive to change. The patriarchal structures that are embedded in traditional societies tend to constrain women’s engagement and participation in politics and leadership roles. While *dikgotla* are said to form the basis of democratic rule in Botswana,

they cannot be said to encourage popular participation. In the past, women and children were not allowed to take part in *kgotla* proceedings, let alone assume office. Moreover, according to Peters (1984), the *kgotla* as a forum for public discourse excluded ethnic minorities, such as *Bakgalagadi* and *Basarwa*. Nevertheless, the installment of *Kgosi* Mosadi Seboko in September 2003 as *kgosi kgolo* (paramount chief) of Balete was a clear indication that *bogosi* is adapting to a “new wave” of democratization and is beginning to be more inclusive.

Given the multi-ethnic nature of post-colonial societies, ethnicity is often seen to structure society along the dominant and minority societal groups, and it is perhaps at this level that we seek to enter the cultural-political discourse in Botswana. In a more profound way, institutional approaches to political development negate the relevance of traditional institutions (*bogosi* and *dikgotla*) in advancing democracy, and of necessity these institutions need to be replaced by modern ones (parliaments, courts, political parties, voting). Moreover, the hierarchical structure of the Tswana society tended to undermine the non-Tswana ethnic groups who settled in their areas, and this is in part reflected in sections of the constitution and the Chieftaincy Act. While this chapter does not argue at tandem with the above theoretical approaches, they seem to miss the essential fabric of traditional societies; new reforms must take into account what already exists on the ground.

Perhaps, the greatest challenge that the majority of African countries face is that they are polarized by a “dual political identity”; manifesting both an “ethnic identity” and “national citizenship” (Sklar 2000, 9). These identities are not only imaginary but are also real, and understanding them would go a long way to understanding the dynamics of African social formations. In Botswana, these identities are fostered, not only by linguistic differences (though not as pronounced as in other parts of Africa), but also by the territorial division of tribal and administrative districts.

Political and theoretical discourses that try to understand the relationship between *bogosi* and ethnicity, on the one hand, and democratic consolidation, on the other, are limited because they depart from the basic premise that *bogosi* and *ethnicity* are institutions from the authoritarian past, hence anathema to democracy. As stated by Proctor (1968, 59), one of the major problems faced by the architects of the new states of Africa was to carve out a “satisfactory position for tribal authorities in a

more integrated and democratic political system.” As Sklar (1999–2000, 9) succinctly pointed out, the nation-states in Africa appear to be polarized by a “dual identity,” that is identity, at one level, accorded to the “ethnic group,” and, at the other level, to the “nation-state” manifesting a “common citizenship.” Furthermore, given the arbitrary manner in which colonial boundaries were drawn, eroding a sense of “national identity,” the effect was that the nation-states that emerged had low levels of cohesion, making political competition a zero-sum game.

Following from cultural and modernization theories, Mamdani (1996) concluded that *bogosi* is a hindrance to the development of democracy. He asserts that *bogosi* leads to “decentralized despotism” as well as the “bifurcation” of society in “citizens and subjects.” While his formulation clearly captures important trends during the colonial period and has validity in some African social formation, this position does not enjoy universal validity. The argument that *bogosi* is repugnant to democratization is a simplistic and perhaps Eurocentric way of looking at social reality. Democracy must be seen as a socially constructed and contested process that is mediated by prevailing cultural institutions. In Botswana, as clearly articulated by Nyamnjoh (2003, 111) *bogosi* is a “dynamic institution, constantly reinventing itself to accommodate and be accommodated by new exigencies” of democratization. The interface between *bogosi* and democracy constitutes an “unending project, an aspiration that is subject to renegotiation with changing circumstances and growing claims by individuals and communities for recognition and representation” (ibid.).

## BOGOSI AND ETHNICITY

The ethnic question in Botswana can only be understood if placed within a historical context. In the period before the establishment of the Bechuanaland Protectorate in 1885, Southern Africa was characterized by migrations and population movements resulting from conquest and wars. These wars were known as *Mfecane* and were largely attributed to the rise of the Zulu State under Shaka and its subsequent break-up, which led to migrations that disrupted the entire Southern African region. The Boer expansion also disrupted large populations. *Merafè* that constitute

present-day Botswana suffered major upheavals as a result of these wars and expansion, and forms that they took thereafter constitute the basis of the Tswana tribal existence, which formed the basis of the post-colonial state.

In the period before the protectorate, Tswana *dikgosi* controlled large *merafe* (nations) that were multi-ethnic. *Merafe* were built through conquest<sup>6</sup> and assimilation of weaker groups. However, other forms of assimilation were voluntary, as people who were displaced by wars, famine, and dynastic rivalries joined stronger and more-established *merafe*.<sup>7</sup> With the advent of the protectorate period, the colonial government recognized *dikgosi* of these five *merafe* – Bakwena, Bangwato, Bangwaketse, Bakgatla,<sup>8</sup> and Batawana – as *dikgosi kgolo* (paramount chiefs), and this designation was later extended to three other *merafe* – Balete, Batlokwa, and Barolong. The land that they occupied was called “native reserves,” and the remaining land, which was placed under the jurisdiction of the colonial administration was called “crown land.” By 1899 the colonial administration had established the boundaries of the “native reserves,” and this helped to consolidate and define the territorial control of the eight *dikgosi kgolo*. In the same vein, this process also undermined the autonomy of the so-called subordinate groups,<sup>9</sup> and came to be known as minority groups (derogatorily known as *meratsbwana*) and their *dikgosi* came to be known as *dikgosana* (sub-chiefs).

Ethnic minorities in Botswana, although they cannot be discussed fully in this chapter, deserve some special discussion because the stability of the post-colonial state is predicated on the extent of their inclusion in the socio-political setting. *Babirwa* were alienated from their land during the colonial period. Following the representation of the three Tswana *dikgosi* (Khama III, Sebele, and Bathoen) to seek British protection in the face of Boer expansion, Khama ceded the area in the Tuli block in lieu of protection. The Tuli Block, which was transformed into crown land, was handed over to the British South Africa Company (BSACo) with a view to build a railway line linking Mafikeng and Bulawayo. In 1904, when the BSACo realized that the land was not suitable for the construction of the railway line, it sold it to white commercial farmers as freehold farms. These developments were oblivious of the fact that *Babirwa* had historically owned this land. As a result, *Babirwa* were reduced to tenants and squatters on their own land.

In 1920, to assert effective occupation of the land, the colonial administration acting on behalf of the white settler farmers asked Khama to move his people from the land, and Khama, without regard to *Babirwa* property and crops, sent a regiment to forcefully remove them. While some *Babirwa* were dispersed and forced to flee to South Africa and Rhodesia, *Kgosi* Malema (with some of his people) stood his ground and fought dispossession. Needless to say, he was defeated and forced to settle at Molalatau; he had sowed the seeds of *Babirwa* nationalism<sup>10</sup> against Ngwato hegemony. Ngwato hegemony extends over the *Babirwa* and the *Bakalanga* as well.

*Bakalanga* as a linguistic group comprises two major divisions. As discussed in Morton and Ramsay (1987, 74–81), they are *Bakalanga Dumdu* (original *Bakalanga*), who originate from Masvingo in eastern Zimbabwe. They are an extraction of a *shona* ethnic group, who have a close affinity to *Mnyika*, *Zezeru*, and *Kwerekwere* and are comprised of the *Balilima* and the *BaaMe'we*. The *BaaMe'we* trace their origins from the Butua Kingdom, while the *Balilima* came from the Mutapa Kingdom. Descendants of this group are found in Maitengwe in Botswana. The second group of *Bakalanga* comprises groups of Sotho-Tswana who have been assimilated into the *Ikalanga* language. This group is comprised of *Bakalanga* found in the North East.<sup>11</sup> In the Boteti, Mokubilo, and Nata areas, *Bakalanga* have coexisted with *Basarwa*.

Perhaps the origins of ethnic tension between *Bakalanga*- and Tswana-speaking groups involved disputes between *Bakalanga ba ga Nswazwi* and *Bangwato*. *Bakalanga ba ga Nswazwi* originated as a group of Bapedi who resided in the area around Tutume and because of the *Mfecane* wars found refuge among *Bangwato* in the Ngwato Reserve. They occupied a subordinate status compared to *Bangwato* but assumed a higher position under the reign of Khama III and collected tax from *Bakalanga*<sup>12</sup>-speaking people for *Bangwato*. However, things changed during Tshekedi's rule. Tshekedi bypassed *Bakalanga ba ga Nswazwi* and used his own appointees from Serowe to collect tax. More specifically, in 1926 he ordered *Bakalanga* (including *ba ga Nswazwi*) to build a fence along the border with Southern Rhodesia. *Bakalanga* resented this imposition because the assignment coincided with the ploughing season. In the meantime, John Nswazwi and his people had not paid tax, and when the Ngwato tax collector came to Nswazwi village to collect tax, John Nswazwi used this



as a pretext to stop the fencing project. Tshekedi perceived this as insubordination and he fined Nswazwi and his people two beasts each.

Infuriated by what he called *Ngwato* domination, Nswazwi in October 1929 petitioned Tshekedi with the resident commissioner. Nswazwi argued that, despite the heavy burden of tax imposed on his people by Tshekedi, his people were not supplied with community services, in particular, education. The bitter clashes that ensued between Nswazwi and Tshekedi led to Nswazwi to go into exile in Southern Rhodesia in 1948 where he later died in 1960.<sup>13</sup> In 1958 some of his followers returned to Bechuanaland and settled at Marapong. Stories of *Bakalanga* ill-treatment by Tshekedi, in part, form the basis of Kalanga nationalism.<sup>14</sup> To escape *Ngwato* oppression, a lot of *Bakalanga* children attended schools and are now articulate to advance their cause. The tale of ethnic subjugation does not end with *Bakalanga*; *Bayei* in *Ngamiland* suffered a similar fate.

The history of *Ngamiland* is well documented (Tlou and Campbell 1984; Morton and Ramsay 1987). After *Batawana* broke away from *Ngwato* State, Tawana moved to *Ngamiland*, where he conquered the *Bayeyi*, *Ovaherero*, *Basarwa*, *Basubia* and *Bambukushu*<sup>15</sup> population groups who are the early inhabitants of the area. In the post-World War II period, *Bayei*, who were primarily fishermen and agriculturalists, were probably the largest single ethnic group in *Ngamiland*. Nevertheless, they suffered the *Batawana* cultural and military onslaught because they did not have a centralized state. They lived in scattered homesteads and, as Murray (1990, 11) put it, “had no tradition of *bogosi*.” *Batawana* introduced a system of *botlbanka* (servitude) in order to subordinate *Bayeyi*.<sup>16</sup> Unlike *Ovaherero*, who settled in *Ngamiland* after they suffered German onslaught in South West Africa (now Namibia) and enjoyed greater autonomy and emerged into prosperous pastoral farmers, *Bayeyi* were denied a voice in the *Batawana kgotla* system and were denied fundamental human rights as freedom of speech and freedom to own property. The other groups that were marginalized in *Ngamiland* were *Basarwa* and *Bakgalagadi*, who were mainly cattle herders (discussed later in the chapter).

*Bayeyi* articulated nationalist tendencies as far back as 1948, when they demanded that they be accorded their own *dikgotla* and given a voice in tribal administration. They also demanded the restoration of their land rights and right to property. In recent years, *Bayeyi* have coalesced into a cultural association called Kamanakao. On 24 April 1999, this association

enthroned Calvin Kamanakao as *Shikati* (paramount chief) of *Bayeyi* and demanded his recognition by government and that Gumare be designated their district headquarters. They also demanded jurisdiction over their tribal land. *Bayeyi* nationalism does not only demand official recognition of their *Shikati* but also demands that the *Shiyeyi* language be recognized as an official language and be introduced into the school system.<sup>17</sup>

A discussion of ethnic minorities would not be complete without reference to *Bakgalagadi* and *Basarwa*, who are perhaps the most marginalized of ethnic minorities. These people are often referred to as remote area dwellers. Their designation as remote area dwellers has connotations of spatial dimensions,<sup>18</sup> material well-being,<sup>19</sup> and ethnicity.<sup>20</sup> Perhaps the remoteness could also be attributed to being remote from the Tswana societies. The designation of a people as *Bakgalagadi* is perhaps a misnomer in the sense that there is no ethnic group known as such. *Kgalagadi* refers to a place with heavy sands where after it rains the water is quickly absorbed by the sand. It refers to a place that is thirsty and readily absorbs water. So the term *Bakgalagadi*<sup>21</sup> is used as a blanket term to refer to people from this area. All these groups derive from the Sotho-Tswana stock, and were traditionally subjugated<sup>22</sup> by *Bangwaketse* and *Bakwena*.

In addition to the *Bakgalagadi*, the San-speaking people in the *Kgalagadi*, referred to by Europeans as Bushmen, have been, according to Wilmsen (1989, 175), “lumped undifferentially” and labelled by Batswana as *Basarwa*, despite the fact that the San comprise about ten “unintelligible San languages.”<sup>23</sup> It is perhaps this “homogenous treat of a diverse people” under one name that led the ethnic Tswana’s to be dismissive of them. The stem *Barwa*, perhaps signifying people from the south, was originally value-free but later derived a negative connotation, as they were also seen as “Bushman” (people from the bush) who came from an “uncontrolled wild nature.”

The advent of the borehole technology and its association with the mafia system were forces that helped to consolidate the Tswana hegemony over other ethnic groups. Perhaps more profoundly, the introduction of money economy in southern Africa and the emergence of a regional labour market were factors that facilitated the institutionalization of subjugation. The introduction of the hut tax by the colonial administration forced young Tswana men to work in the South African mines, and this created a void in the labour supply; *Bakgalagadi* and *Basarwa* were then

grafted as cattle herders. In a more profound way, the cattle post facilitated the process of “social marginality, with its attendant economic poverty coupled with stigmatised group identification” (Wilmsen 1989, 277). This economic marginalization was further augmented by the privatization of land under the Tribal Grazing Land Policy and is perhaps going to be further consolidated by the relocation of *Basarwa* from the Central Kalahari Game Reserve.

The dominance of the Tswana ethnic groups as a result of conquest and state-formation during the pre-colonial period, the resultant dominant position they acquired during the colonial period, and the subsequent manifestations of nationalism ensured that the Tswana ethnic groups wrote their history and culture into the independence constitution. For many ethnic minorities in Botswana, the attainment of independence was perceived as the creation of a republic and end to the autocratic rule of *dikgosi*. However, the independence constitution defined Botswana as a unitary state comprising parliament as the only legislative body and the House of Chiefs (*Ntlo ya Dikgosi*) as a second chamber without legislative powers. The social stratification that was developed during the pre-colonial and colonial periods formed the basis of the composition of *Ntlo ya Dikgosi*. The eight *dikgosi kgolo* were accorded an ex-officio status, and *dikgosana* of *merafe* outside the “native reserves” came into the house by election on a rotational basis. Yet the advent of political independence was widely perceived, especially by ethnic minorities, as a process that would liberate them from the “authoritarian” rule of *dikgosi*.

The ethnic question in Botswana contests the notion of citizenship. Citizenship under the liberal democratic setup guarantees the enjoyment of individual and civil rights as well as equality before the law, irrespective of race, class, or ethnic group. Yet these rights are contested in Botswana, given the perception that some ethnic groups are major and others are minor. The issue is that the so-called minorities reject the expectation that they should assimilate Tswana culture and suppress their own under the guise of nation-building. Ethnic minorities argue that their cultural heritage must be recognized in the public sphere so that their languages are not only recognized as official languages but also taught in the schools. What was also contested was the hierarchy of tribal administration implied in the constitution.

Section 3 of the constitution of Botswana guarantees fundamental human rights to every Motswana, irrespective of race, place of origin, political opinion, colour, creed, or sex. Yet there is a perception in Botswana that Sections 77, 78, and 79 discriminated against the so-called ethnic minorities. As a result, on 17 February 1995, Parliament debated and adopted a motion tabled by the Honourable Member of Parliament for Sebina/Gweta, Oliphant Mfa, with a view to amend these sections to make them ethnically neutral. In addressing the issue, His Excellency the President, Festus Mogae, in July 2002, appointed a commission of enquiry and mandated it to make recommendations that would render those sections of the constitution ethnically neutral. More concretely, the people of North East, Ghanzi, Chobe, and Kgalagadi felt discriminated based on the perception that the constitution did not recognize that they have *dikgosi kgolo* and are represented in *Ntlo ya Dikgosi* by *dikgosana* (sub-chiefs). Public discussion of issues surrounding ethnicity, following the consultation of the Balopi Commission, revealed deep-seated ethnic tensions and in a real sense brought back ethnicity as an important dialectic of understanding politics and society in Botswana. Ethnicity has continued to be a contentious political and constitutional issue.

Democratic consolidation should be a process in which these tensions are discussed and resolved in a way that recognizes the plurality of nations founded on unity in diversity. In short, the existence of multiethnic and multiple identities, where the notion of citizenship is contested, does not make consolidation of democracy impossible, but only difficult. Moreover, the stability that the country enjoys is not so much a result of the cultural homogeneity of the country but more profoundly of the nature of the struggles of inclusion. The struggles by the so-called ethnic minorities for inclusion and recognition as equals are negotiated on the basis of a stable democratic rule, which does not challenge the existence of the state.

Perhaps now, during the “third wave” of democratization, ethnicity is taking primacy as a new site for democratization. Now that independence has been won, ethnic minorities who had accepted their low status are increasingly questioning the social ordering in society. Without questioning the legitimacy of the post-colonial state, they demand that, as a part of democratic consolidation, the state should be more inclusive and accommodating. The ethnic question in Botswana is intimately bound up with the issue of *hogosi*, which is the subject of discussion in the next section.

## BOGOSI AND DEMOCRACY

The interface between *bogosi* and democracy constitutes an “unending project, an aspiration that is subject to renegotiation with changing circumstances and growing claims by individuals and communities for recognition and representation” (Nyamnjoh 2003, 111). Botswana’s exceptionality in creating a stable democratic state when most sub-Saharan states have experienced phases of political instability could be attributed to Tswana traditions and cultures. Needless to say, Batswana are well known to be a peace-loving people; it is argued that Botswana’s stability is premised on a successfully blending of Westminster parliamentary institutions and the traditional institution of *bogosi*. The continuity between the modern and traditional elites was borne out of the fact that Khama, who became the first prime minister (and later became president) was a figure that straddled both elites (traditional and modern) and was able to facilitate a reciprocal assimilation of these elites and thereby diffused the inherent tension between republicanism and *bogosi*.

The creation of the Republic of Botswana as a unitary state based on the Westminster parliamentary system with parliament as the only legislative authority and the House of Chiefs (*Ntlo ya Dikgosi*) as a second chamber with no legislative powers defined the power relations between *dikgosi* and the republican government. In addition to the provisions made in the Constitution, the Chieftainship Act, the Tribal Land Act, and the Matimela Act, among others, circumscribed the political, judicial, and economic roles of *dikgosi*. The Chieftainship Act curtailed their political powers as absolute sovereigns; they play second fiddle to politicians. Their involvement in politics is only incidental, and where they take overt political roles, they are expected to resign<sup>24</sup> their positions as *dikgosi*. Perhaps more importantly, the Tribal Land Act relieved them of their important function of land allocation, which was given to newly established institutions, the Land Boards. Moreover, the Matimela Act also relieved them of the economic power of collecting stray cattle. Although these developments did not completely destroy the authority of *dikgosi*, it undermined their “potential ... as a counter-hegemonic site” for claim to political power. Despite its severely curtailed powers, the maintenance of the institution was recognition of the Tswana cultural heritage and also of the

influence that traditional leadership has on people, especially in the rural areas.

After independence, numerous studies speculated on the future and survival of *bogosi* in Botswana (Proctor 1968; Picard 1980; Gillett 1973; Jones 1983). As stated above, with the adoption of the independence constitution, *dikgosi* lost the mantle of political power, and they were statutorily relegated to a second position in terms of legislative authority. More precisely, they do not have legislative powers; they only advise government on matters relating to tradition and custom. They now operate as civil servants under the political authority of the minister of local government. *Bogosi* constitutes one of the four structures of local authorities, which include the district council, the land board and district commissioners office. *Dikgosi* are ex-officio members of district councils and village development committees and are central to the lives of rural people. *Dikgosi* also preside over customary courts.<sup>25</sup>

Despite the tenuous relationship that exists between *dikgosi* and politicians, a judicious balance between the two institutions, they complement one another in matters of governance. Although the post-colonial state has curtailed the powers of *dikgosi* in their judicial, political, and administrative powers, they are still accorded a lot of respect and also have a lot of influence. The primary functions of *dikgosi* are to mobilize *morafe* for development purposes and also to play an important judicial function. They have a responsibility to instill a sense of community, discipline, and stability within their areas of jurisdiction.<sup>26</sup> The structure of *bogosi* is decentralized. The *kgosi* presides over the main *kgotla*; *dikgosana* (headmen) preside over wards.<sup>27</sup> All the wards are courts of arbitration, which resolve disputes within communities. In this way, *bogosi* has the effect of omnipresence among the people. However, it is only when a headman of record heads a ward that evidence of their court proceedings can be admitted in the magistrates' court. In civil cases, *dikgosi* have limited warrants.<sup>28</sup> On matters of culture, *dikgosi kgolo* (paramount chiefs) have unlimited powers. However, respecting criminal cases, the penal code specifies cases they can try.

In the words of Sir Seretse Khama (1970, 468), the founding father of the Republic of Botswana:

Modern democracy in Botswana does not rest on the formal institutions of representative democracy alone. Parliament and the District Councils are virtually augmented by the institutions of participatory democracy, notably Village Development committees, cooperatives and a wide range of voluntary organizations, including woman organizations, including parent teachers associations, through which people can exert direct influence on decisions concerning the quality of their lives.... The president and parliament can govern effectively only with the consent and active participation of the people. The institutional framework has changed, but the fundamental principle, that decisions which affect the lives of the people must have the consent of the people, has not been modified. Indeed it has been strengthened, since these modern institutions are more flexible, and of course better suited to the increasing complexities of development and economic growth.

Since independence, the post-colonial state has recognized the essential role that pre-colonial structures and institutions such as *dikgosi* and *dikgotla*<sup>29</sup> (village assembly) could play in Botswana politics. *Dikgosi* remain the traditional heads of districts and government uses *dikgotla* as forums for public consultation and dissemination of government policies. This interface between traditional and modern institutions of governance has created the basis of a stable democratic rule. The then minister of local government, Michael Tshipinare (Bopa 2004, 1), commended *dikgosi* for enhancing Botswana's development goals for 2016 by "reconcil[ing] the differences that exist in their communities." Through the *kgotla* system, "justice" is brought to the people. He further observed that if customary courts did not exist to try cases within their warrant, magistrate courts would be brought to a grinding halt. In many ways, it is argued that democracy in Setswana culture<sup>30</sup> existed long before modern forms of government or judicial system. Speaking on the theme of culture democracy, commemorating the Culture Day in Lobatse, the then minister of science and technology, Boyce Sebetela, maintained that "democracy is part of Botswana culture ... Botswana practiced democracy through *dikgosi* ... before the modern form of government was introduced ... the *kgotla*

system where everyone was allowed to speak is a demonstration [that] democracy exists within the Setswana culture.”<sup>31</sup>

However, this is not to suggest that emergence of the Westminster parliamentary democracy as a dominant political paradigm was a smooth one; it manifested serious political contests, which are defining characteristics of Botswana politics. An analysis of democratic consolidation in Botswana must take into account the struggles between *dikgosi* and government; these tensions have been major but have never reached breaking point. The alliance between the two institutions has not been an easy one; it has been one of love and hate, and political pragmatism won the day. Based on the erosion of their authority (Gillett 1973), the cohesion or the traditional alliance that existed between *dikgosi* and the Botswana Democratic Party (BDP) experienced some noticeable, although not complete, rupture. *Dikgosi* are now transformed into civil servants and are expected to be non-partisan, and their association in politics can only be incidental.

Just to recap issues, the BDP was formed in 1962, at the instigation of the colonial administration, with the express aim of neutralizing the militancy of the Botswana Peoples Party (BPP). The BDP emerged as an alliance of the traditional aristocracy of *dikgosi* and *dikgosana* (headmen), the traditional cattle-owning elite,<sup>32</sup> teachers, civil servants, and small traders. With the support they got from *dikgosi* and *merafe* (nations) they preside over, BDP was guaranteed a landslide victory in the independence election of 1965 and have won every election since. Moreover, the disparities in wealth and income<sup>33</sup> distribution have aided the development of a system of patronage between rural peasants and *dikgosi*, and the new ruling elite.

*Dikgosi* are eminent persons within their *merafe*, and their influence often transcends their ethnic domain and, although indirectly, influences political fortunes of political parties. Although Seretse Khama did not take up the throne of *Bangwato* when he decided to join politics and form the BDP, he continued to wield enormous influence, and the Central District became the heartland of his party. The legacy of the Khama dynasty remains an important in Botswana politics, especially within the BDP.

The decision by government to make *Kgosi* Linchwe II of Bakgatla Botswana’s ambassador to the United States in 1968 was perhaps out of the recognition that his presence in Mochudi<sup>34</sup> confused the political fortunes of the ruling party. Subsequently,<sup>35</sup> and after he was out of the scene,



the BDP was able to work on the Kgatleng parliamentary constituency and subsequently won it. Manifesting the ongoing battles between *bogosi* and government, *Kgosi* Bathoen II of Bangwaketse resigned from *bogosi* in 1969 to join politics on the ticket of the opposition Botswana National Front (BNF). In what appeared to be an uneasy alliance between traditionalists and Marxists, Kanye and its outlying areas became the stronghold<sup>36</sup> of the BNF, a legacy that continues today. In the run-up to the 1994 election, perhaps in a bid to remove *Kgosi* Bathoen II from the political scene or to appease him and his people,<sup>37</sup> government appoint him customary court president.

The outcry of Bangwaketse, following the suspension of their *kgosi*, *Kgosi* Seepapitso IV, demonstrated that people still accord *bogosi* a lot of respect and support. *Kgosi* Seepapitso IV was suspended from the throne by government for alleged “lack of co-operation with the authorities and disregard for government policy.”<sup>38</sup> Exercising his constitutional powers, the minister of local government and lands appointed to the throne, Le-ema Gaseitsiwe, Seepapitso’s son, as acting *kgosi* of Bangwaketse.<sup>39</sup>

The collusion between civil society and political society for the reinstatement of *Kgosi* Seepapitso was also significant. The BNF, as the main opposition, said, “the treatment meted out to *Kgosi* Seepapitso IV was spurious and fell far short of what might normally be expected of a so-called democratically elected government.” Eitlhopha Mosinyi of the Lesedi La Botswana (LLB) said the suspension of *Kgosi* Seepapitso was “unfair, oppressive and out of our tradition as Batswana.”<sup>40</sup> Tribesmen were also up in arms at a *kgotla* meeting addressed by the then president Sir Ketumile Masire.<sup>41</sup> Bangwaketse complained that, despite the various representations they made, government was not paying heed to their request to reinstate *Kgosi* Seepapitso IV.

The words of an elderly tribesman summarizes it all:

You in person [President Masire] told us that your government is a government of the people by the people, a government of consultation. Today you have reneged those words.... I tell you that *bogosi* is a serious matter. We tell you that you have spoiled your chances; you have undermined your dignity by discarding your own *kgosi* and you made his own son, without proper consultation, to act in his throne. The enthronement

of Leema is not proper because it did not follow tradition.  
[translation]<sup>42</sup>

*Kgosi* Seepapitso was subsequently reinstated to the throne, he later took leave of absence to join the diplomatic service. He returned to his *kgotla* and became the chairman of *Ntlo ya Dikgosi*.

Over the years there have been debates as to whether or not *bogosi* as a traditional institution is losing its dignity because it is being politicized. As an institution of government, it is used as an instrument for political patronage. Retired politicians and civil servants are made *dikgosi*, and this ensures that government has control over the institution, and it does not emerge as a counter-hegemonic site. Government has also in a subtle way, because it cannot antagonize the institution, devalued it by not upgrading it in terms of support services, infrastructure and pay structure. As a result, young educated chiefs find it uninspiring, and some have made attempts to join power politics.<sup>43</sup> But the big question is whether *bogosi* is dying?<sup>44</sup> I submit that it would take time for it to die. Perhaps it is repositioning itself in the post-colonial state. As a traditional institution; it enjoys legitimacy, especially among the rural people.

Perhaps it is in order to conclude this section with a cautionary note from Keane (1989, 9) who maintains that:

... in matters concerning democracy the past is crucial for the present; that tradition is not the private property of conservatives; and that a key element of a modernist outlook is the presence of the past in the present that attempts constantly to claim and supersede the past ... the viability of democratic theory and politics depends not on their capacity to forget about the past, but at least in part on their ability to retrieve, reconstruct and imaginatively transform the old.

## DEMOCRATIC CONSOLIDATION

It is almost four decades since Botswana began what has turned out to be Africa's most enduring experience with liberal democracy. When most of

Africa opted for one party and military governments, which was the norm during the 1960s and 1970s, Botswana remained resolute in its adherence to multi-party democracy<sup>45</sup> (Dahl 1989; Diamond 1991; Huntington 1991; Linz and Stepan 1996). Having met its minimum attributes, as discussed by various scholars (Przeworski 1991; Huntington 1991, Linz and Stepan 1996; Diamond 1999), it qualifies as a democracy. Perhaps in what Huntington (1991) refers to as a “third wave” of democratization, it is instructive to go beyond identifying the formal appearance of democracy to determining the extent of democratic consolidation. In what Przeworski (1991), Linz and Stepan (1996), and Diamond (1996) conceive as the “the only game in town,” democracy has become a universal ideology.

Linz and Stepan (1996, 15) define a consolidated democracy as “a political regime in which democracy as a complex set of institutions, rules, and patterned incentives and disincentives has become, in a phrase, the only game in town.” Democracy is consolidating if the processes of electing leaders into office and holding them accountable are widely accepted by the populace and are taken as the norm for regime change. More substantively, it entails the establishment of an institutional framework for facilitating free and fair elections, the separation of powers, and effective oversight of democratic procedures to ensure transparency and accountability. Diamond (1999) refers both to “institutionalization” and “legitimation” as key variables that underpin democratic consolidation. Institutionalization refers to the existence and adherence to codified rules and procedures in dispensing democratic practice. And with respect to legitimation, the existence of institutional structures that supply democracy is not enough; democracy is said to be consolidating if citizens also demand it. Yet Botswana demonstrates that institutions, which are defined to be outside the structure of democracy or that are said to be inherently authoritarian, operate within the structures of democratic institutions. The unity or convergence of opposites (parliamentary institutions and *bogosi*) in what in other traditions would manifest the reification or bifurcation of the state perhaps explains Botswana’s exceptionality.

Democracy is understood to mean regular free and fair elections, enjoyment of civil liberties and political freedoms, and a military that is subordinate to civil authorities. Such a system exists in Botswana but co-exists with the traditional institution of *bogosi*. Democracy should be understood as a contested process that is evolving and ever-changing.

Democracy, like society itself, is a dynamic process that is forever seeking to widen and deepen its frontiers. The challenge that social scientists face is to integrate *bogosi* into the conceptual and theoretical map of democratic consolidation.

To comprehend democracy at the local level, “we need to ask ourselves not only how people understand and interpret basic democratic institutions such as elections but also what value people attach to [*bogosi*].” The fundamental conceptual issue to grapple with is that elections are one of the fundamental tenets of democracy without which we cannot say we are democratizing, let alone consolidating democracy. Yet *dikgosi* assume office through hereditary means, which are not always based on merit. However, a way out of this seeming paradox is that *bogosi* is no longer contending for political power; the institution helps to legitimate the Westminster parliamentary system. Through their respect and influence in the rural areas, they are able to deepen democracy. For many rural people, *bogosi* is not an “obstacle to democracy, but a necessary intermediary which will ensure that change occurs in an orderly and familiar way” (William 2004, 121). *Dikgosi* are an embodiment of identity and belonging, and in the rural areas they are there among the people, and their identity with government helps to legitimize government to the people.

The basic thesis of this chapter is that, instead of conceiving *bogosi* and democracy as inevitable opposites, we need to reconfigure our conceptual tools and see the co-existence of the two institutions more positively. *Dikgosi* have accepted their position in the political structures of the polity. The constitution defines them as a second chamber of the legislature, without any legislative authority. *Dikgosi* are no longer contesting this position, although they would be happy with enhanced powers but are resigned to being civil servants operating under the minister of local government. In addition to accepting their advisory role to government on matters of tradition and culture, they have also availed the *kgotla* to communicate with the people, thereby legitimating the new governing structures.

To say that “democracy is the only game in town,” according to the cultural values theory, is to suggest that modern values have replaced traditional values, but in Botswana people still have multiple affiliations, such as ethnic identity, which are presided over by *dikgosi*. According to the Afrobarometer (2003) data, 27 per cent of Botswana identified with

their ethnic group, while 42 per cent maintained a national identity. In any society, “innumerable collective entities exist to which citizens may be attached” (Dahl 1989, 46), but such attachments do not weaken their democratic probity. To argue that *bogosi* is inconsistent with democratization is to fall into the trap that “the development of democratic institutions, and consequently democratisation,” at least insofar as Botswana is concerned, “are inappropriate for non-western societies” (Huntington 1991, 22). Democracy is universal in character but in every situation is anchored on the prevailing cultural and socio-economic conditions. Arising from this specificity, no two democracies can be identical, as they are socially embedded.

In a more profound way, *dikgosi* can make a contribution to the deepening of democracy in the rural setting. The Botswana government has come to terms with the fact that it would be a mistake to make people choose between liberal democracy and *bogosi*. *Bogosi* has embraced democracy. The challenge for social science research is to develop a paradigm that would unpack this relationship and develop a comprehensive theory that would explain the endurance of democratic transitions in traditional societies. This would be an attempt to go beyond the simplistic notion of viewing democratic consolidation in a linear fashion where the west is seen as a paragon of excellence. To a limited extent, democratic consolidation implies the emulation of western ideals, but more fundamentally it is a process that is nurtured and given form and content by conditions that prevail in every society. For democracy to be relevant, it has to be based on local conditions and mediated through peoples’ dreams, aspirations, and struggles. Botswana’s exceptionality bears testimony to this fact; its democracy is a reflection of the blending of the Westminster model and the traditional institution of *bogosi*. *Dikgosi* should be seen as intermediaries, who in a manner different from civil society “straddle the space between the state and society” (William 2004, 122).

In the Afrobarometer (2003) survey, 66 per cent of the respondents said democracy is a preferable form of government. When they are forced to reject non-democratic alternatives, 50 per cent said they would “disapprove all decisions made by *dikgosi*” and 41 per cent said they would approve of *dikgosi* making decisions. This should make us pause and think. It suggests that it is wrong to regard politics as a zero-sum game – that you either support a parliamentary democracy or *bogosi*. To do that is to miss

the point altogether. Moreover, the question is a bit out of context in that respondents are being forced to make a judgment about a process that cannot take place. Perhaps the question should have been, should *dikgosi* have a role in making decisions? Botswana is clearly a republican government, and there is no way that *dikgosi* can make all decisions. Nevertheless, support of rule by *dikgosi* is still a significant factor, and people are saying that they should play a role in advancing the course of democracy. What the data suggests is that, while people support democratic rule, their attitudes reflect that they still pay homage to traditional rule. And in the Botswana context, it should not be interpreted to mean a return to rule by *dikgosi* but simply that *dikgosi* also have a role to play in advancing democracy.

Still using the Afrobaroter (2003) data, respondents were asked how much trust they have in institutions. In a liberal democratic setting, elections cannot take place without political parties. Although Botswana is widely perceived as the longest surviving multi-party democracy in sub-Saharan Africa, political parties are the least trusted political institutions in Botswana. In combining the scores of "I trust them somewhat and I trust them a lot," the National Assembly scored 79 per cent, while *Ntlo ya Dikgosi* scored 83 per cent; *dikgosi* scored 73 per cent, while political parties scored 43 per cent.

## CONCLUSION

The overall conclusions that emerge from this chapter are that, much as Botswana are being socialized into liberal democratic institutions, based on the Westminster parliamentary system, their perceptions are still rooted in the traditional institutions. Despite the fact that the authority of *dikgosi* is significantly eroded, their influence over people is still an important political reality and does not show any signs of receding. In a more profound way, the *kgotla* remains a focal point for public consultation, discussion, and dissemination of information. What is needed is to adapt it more to liberal democratic procedures, to make it more inclusive and democratic. Therefore democracy as a contested process must be seen as a socially contested process that involves a synergy of liberal democratic institutions and *bogosi*. These processes must not be seen as mutually ex-

clusive but as complementary processes geared toward good governance and democratic consolidation. Instead of being perceived as anathema to democratic rule, they should be seen as a source of legitimacy and basis for consolidating enduring democratic rule. *Bogosi* has been reinvented to play a supporting role in the process of democratization.

Moreover, instead of modernization eroding peoples primordial loyalties, i.e. belonging to a particular ethnic group, there is growing evidence that people, while they do not challenge the basis of the nation-state, their primary form of identity is with their places of origin. Ethnicity should not be wished away as an identity of the past but must be recognized as forming a core identity, with people simply adding on other forms of identity and not replacing it. Increasingly ethnicity is emerging as a new site of democratization as people require that constitutions should be ethnically neutral and accord people equality of citizenship. These observations constitute the greatest challenge for democratic theory and suggest that social scientists need to develop conceptual tools of comprehending this social reality.

## NOTES

- 1 National Democratic Institute for International Affairs (1990), 8.
- 2 Good (1996): 1.
- 3 This was following the request for British protection of the three Tswana chiefs: Khama, Sebele, and Bathoen.
- 4 This was the case in areas where there were significant white settler populations.
- 5 The banishment of Bakwena Kgosi Sechele to Ghanzi created serious succession disputes.
- 6 Kgosi Linchwe II of Bakgatla made representation to the Balopi Commission, since nations were built on conquest and domination, most of the Tswana ethnic groups are not monolithic units; rather, they are an amalgamation of several ethnic groups. Ethnic groups are made up of ethnic minorities. For example, he pointed out that Bakgatla ba ga Kgafela in Mochudi are made up of Bakgatla, Batlokwa, Bakwena, Bakalanga, Bapedi, Bakgalagadi, Basarwa, Baherero, Matebele, and other groups.
- 7 According to Morton and Ramsay (1987, 65), these established *merafê* were Bakwena, Bangwato, Bangwaketse, Bakgatla ba-ga Kgafela, and Batawana.
- 8 Bakgatla, as an ethnic group, are made up of five groups, namely:

those of Moseitlha, Kgafela, Mocha, Kau, and Mmanaana. Moseitlha was born as the eldest daughter of the Bakgatla *Kgosi*, but some Bakgatla refused to recognize her authority and broke away with the first son of the second house Kgafela and moved westwards towards present-day Botswana. On the way, group that later on came to be identified as Bakgatla-ba-ga-Mmanaana broke away and perhaps were the first Bakgatla to settle in Botswana. Due to the fact that they did not have land, they settled among the Bagwaketse and Bakwena and were reduced to a minority status. Upon arrival in Botswana, they settled among Bangwaketse. Though subordinate to Bangwaketse, they did not pay tribute to them and had good relations with them. However, relations between the two groups deteriorated after *Kgosi* Gaseitsiwe Bathoen assumed the reigns of power in 1928. Gbuamang, *Kgosi* of Bakgatla-ba-ga-Mmanaana, who had had good relations with Bathoen's father and was already old, assumed the young Bangwaketse *Kgosi* (Bathoen) would rely on his experience. Instead, Bathoen had a different style of leadership; he did not consult with Gbuamang. After all, he was an absolute sovereign and Gbuamang was his subordinate. Problems between the two started, as discussed in Morton and Ramsay (1987: 69), after the Seventh Day Adventist Mission decided to extend health services to cover the entire Ngwaketse Native Reserve in return for a fixed annual premium. *Kgosi* Bathoen, after only consulting Bangwaketse in Kanye, imposed a levy of 2 shil-

lings on every adult in the reserve. Gbuamang did not take kindly to this; he refused to collect the levy from his people, arguing that it would impose a heavy financial burden on them. He asserted that "the hills and planes of [Moshupa] belonged to Bangwaketse, but the Bakgatla belonged to [him]" (Morton and Ramsay 1987, 69). Bathoen viewed Gbuamang's reaction as insubordination, which was not at all acceptable to him. He enlisted the support of the colonial administration and tried to depose Gbuamang from the throne. Following the misunderstanding and ill-treatment he received from Bathoen, he decided to go into exile. He and his people settled in Thamaga in the Kweneng Reserve.

- 9 These included, among others, Babirwa, Bakgalagadi, Bakalaka, Bayei, Hambukushu, Basarwa and Bakgatla ba-ga-Mmanaana, Baherero, Bapedi, and Bakhurutshe.
- 10 Interview with Mmirwa Malema at Molalatau, 23 June 2001.
- 11 They include Barolong in Matsiloje and Moroka; Bapedi in Tutume, Nswazi, Masunga, Mathangwane, and Nkange; Bahurutshe in Makaleng and Kalakamati; Bakaa of Sebina, Ndebeles of Ramakgwebana, Jackalas No. 1 and No. 2. Bakalanga are also found in the Central District in places like Serowe, Palapye, Mahalapye Tonota, Mmadinare, and Pilikwe.
- 12 The BB1 *kgotla* in Sebina was created by Serowe to oversee the Bakalanga, who were under Bangwato control.



- 13 His remains have recently been exhumed and re-buried in Botswana.
- 14 It is in line with these sentiments that we should understand why residents of Mathangwane were up in arms protesting the decision to make Tonota a sub-district of the Central District (*Botswana Gazette*, 18 April 2001, p. 1). Manifesting ethnic sentiments, the residents who feel a closer cultural affinity to Tutume (both Kalanga-speaking) than to Tonota (Tswana-speaking) would rather join Tutume sub-district rather than be a part of Tonota sub-district. Interviews with *Kgosi* Masunga, 25 June 2001, Masunga; interviews with *Kgosi* Ramokate Makaleng, 25 June 2001; interview with *Kgosi* Selolwane, 26 June 2001, Tutume.
- 15 Bambukushu who resided in the villages between Mohembo and Seronga escaped the harsh Tawana rule in part because of their distance away from Maun and also because Batawana used them as rainmakers. For detail see Morton and Ramsay (1987, 112).
- 16 They were derogatorily referred to as *Makoba*. Interview with Motsamai Mpho in Maun.
- 17 Interview with Motsamai Mpho, 10 August 2000, Maun.
- 18 The Kalahari, where most of them are found, is part of the hinterland, which is difficult to access, and is far removed from the major urban areas.
- 19 Some of these people are found in nearby areas is the Kgatlang District as Khurutse, Bodungwe, and Kweneng in the Kweneng district. So their designation as remote area dwellers does not manifest distance per se but the extent of poverty. They are the poorest of the poor. Interviews in Khurutse and Bodungwane, 7 August 2002.
- 20 They are regarded as ethnic minorities who were oppressed by the Tswana ethnic groups.
- 21 These include Bashaga, Bangologa, Baboloongwe, Bathlaping, Batlharo, Bahurutshe, Baphaleng, Bathlaping, and Barolong.
- 22 Interview with *Kgosi* Church Seipone, 2 August 2000, Kang; Interview with *Kgosi* Anthony Moopare, 3 August 2000, Hukuntsi.
- 23 These include, among others Babolongwe, Baxuikwe, Xankwe, Banao, Makaukau, and Baxong. Interview with Mothusa *Kgosi* Mr. Tuelo Sekalabue, 5 August 2000, New Xhadi; interview with Roy Sesana. They also include BaQoo, Batshila, BaG//kwe, Babukakwe Bazunxese, Bag/aneko, and Bag/orokwe, 7 August 2000, Ghanzi.
- 24 There are precedents to this effect as Bathoen II resigned his position of Bangwaketse when he joined politics. A close reading of the Constitution and the Chieftainship Act does not clearly spell this out. Matters are confused further by the fact that Khama did not rescind his throne when he entered politics. Perhaps the difference is that he never practised as *kgosi* but he was installed as *Kgosi* Kgolo of Bangwato and *Kgosi* Sediegeng Kgamane is Acting *Kgosi* Kgolo.

- 25 Botswana has a dual legal system, namely received law (i.e., Roman Dutch Law) and customary law. Following the declaration of the Bechuanaland protectorate in 1885 (but more specifically in 1909), the common law of the Cape colony became law of the protectorate. This law was applicable only to Europeans. The law governing the affairs of Botswana remained customary law.
- 26 Interview with *Kgosi* Mothibe Linchwe, acting paramount chief of Bakgatla, 25 July 2004, Gaborone, Botswana.
- 27 Every village has wards, which are used for arbitration. For instance, in Mochudi, main wards in the village according to seniority are Kgosing, Morema, Mabudisa, Tshukudu, and Manamakgota. Two other wards, Phaphane and Boseja (north and south), were created as a result of the expansion of the village.
- 28 The structure of the institution is that it is headed by paramount chief (*kgosi kgolo*), followed by deputy *kgosi kgolo*, senior chief representative, chief representative, and headman. Cases beyond P4,000 are referred to the magistrates court. Cases up to P4,000 are tried by the *kgosi kgolo* and his deputy, senior chief P2,500, chief representative P10,000 and headman P500.
- 29 Traditionally the *kgotla* (assembly) served as a forum for customary court and a platform where political and economic matters pertaining to the community were discussed. Its significance and meaning has somewhat changed with the advent of the colonial and post-colonial states which not only curtailed its judicial functions, to only try civil cases, but also strip it of its political functions. For details, see L.D. Ngcongco (1989), 42–47; P.T. Mgadla, and A.C. Campbell, “Dikgotla, Dikgosi and the Protectorate Administration,” in Holm and Molutsi (1989), 48–56.
- 30 Raditladi maintains that democracy existed before the advent of colonialism. During the rule of *dikgosi*, there was constant consultation between a council of elders and *dikgosana* before a decision was taken or a judgment was handed down. In a more fundamental way, culture plays a role in democracy. And in the present representative government, government ministers and members of parliament consult with the people through the *kgotla*. Bopa (2004a), “Democracy is our culture – Historian,” p. 1.
- 31 Bopa emphasized that “all ethnic cultures are equal” and Botswana must find ways of sharing their culture with other people. He said, “culture must be digitalized to preserve it and share it with other people ... products and goods depicting Setswana culture could be marketed globally and that an academy of *bojale* (female initiation school) and *bogwera* (male initiation school) through which nations could teach their youth about Setswana culture.” Bopa (2004b), “Ethnic Cultures are Equal,” pp. 1–2.
- 32 Although cattle contribute only 2 per cent of the gross domestic product and their ownership is skewed, they remain the mainstay of the rural economy. It is estimated that

- 45 per cent of the rural households own no cattle, and 60 per cent of the cattle are owned by only 5 per cent of the population.
- 33 Botswana is a success story in terms of economic growth, it is one of the richest countries in sub-Saharan Africa (its per capita income only exceeded by that of Mauritius). Though a market-led economy, there are huge disparities between the rich and poor. Botswana is only exceeded by Brazil in this regard.
- 34 Mochudi is the administrative and political seat of the Kgatlang District.
- 35 Although not immediately, because, in 1969, the Botswana Peoples' Party candidate, T.W. Motlhagodi, defeated the BDP candidate, Norman Molomo, but in 1974 Greek Ruele won it on the BDP ticket. Since then, the seat has oscillated between the BDP and BNF.
- 36 The BNF lost their hold of the area during the 1994 due the splits and internal wrangles in the party. However, during the 1999 election, the party reclaimed the seats.
- 37 Notwithstanding the fact that Kgosi Bathoen was then the most senior of the Dikgosi Kgolo, government may have appointed him in recognition of the contribution he would make to the institution, but the politics of cooptation can never be ruled out.
- 38 T. Boitumelo, "Re-instate Seepapitso, Opposition Says," *Midweek Sun* (4 May 1999), 1.
- 39 Ibid.
- 40 Ibid.
- 41 Sir Ketumile Masire is a member of the Bangwaketse ethnic group, of which Seepapitso IV is *kgosi*.
- 42 For details, see M. Mothibi, "Tlho-baelo ya Bangwaketse: Kgosi Leema ga a Tshegelwa," *Mmegi* 11, 34 (September 1994): 4.
- 43 In fact the sitting president, Ian Khama Seretse Khama, is paramount chief of Banwato. *Kgosi* Tawana of Batawana left the throne in a bid, though not successful, to join the ruling party as a candidate for one of the constituencies for his village on Maun.
- 44 There is a lurking danger that *bogosi* is a dying institution. Stalwarts of the institution such as *Kogi* Linchwe II of the Bakgatla are showing signs of fatigue and disillusionment with the institution. In an interview with the *Botswana Gazette* (2004, 1), he is alleged to have said that Bakgatla are no longer "cooperative," they have "lost their culture," and this makes him "reluctant to lead them." Part of his unhappiness arises from the fact that in 1994, when Mochudi was engulfed in major disturbances following the murder of Segametsi Mogomotsi, a pupil of Radikolo Community Junior Secondary School, some members of his *marafe* "accused" him of being "involved in the killing." He said he was "insulted by the youth and some parents encouraged them to do so," including some community leaders. However, despite saying that he would never take up his traditional role again of leading his *marafe*, he said he would not abdicate *bogosi* as it is his birth right and would pass it on to his heir, Kgafela. On whether he would join

politics, he said as *kgosi* he would not “interfere in politics.”

- 45 To situate the democratization debate in its proper perspective, democracy requires: (1) the existence of a multi-party framework underpinned by basic freedoms to articulate divergent political views; (2) the existence of universal adult suffrage; (3) regular free and fair elections conducted in a competitive atmosphere; (4) the

existence of a vibrant civil society, and the existence of alternative sources of information; (5) the existence of the rule of law in accordance with constitutional provisions; (6) a bureaucracy impartial in its implementation of government policy and neutral and willing to serve any government that comes into power; and (7) democratic control of the military.

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## INTERVIEWS

*Kgosi* Church Seipone, 2 August 2000, Kang

*Kgosi* Anthony Moapare, 3 August 2000, Hukuntsi

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*Kgosi* Selolwane, 26 June 2001, Tutume

Maggie Kebopetswe, 7 August 2002, Bodungwane

*Kgosi* Mothibe Linchwe, 25 July 2004, Gaborone

## A LIST OF ETHNIC GROUPS IN BOTSWANA

Babirwa, Bakgalagadi, Bakalanga, Bayei, Hambukushu, *Basarwa*, Bakgatla, Ovaherero, Bapedi, Bakhurutshe, Bakwena, Bangwato, Bangwaketse, Batawana, Balete, Batlokwa, Basubiya, Bayei and Barolong, Babanderu.





# 16 The Role of the House of Chiefs (*Ntlo ya Dikgosi*) in Botswana

Keshav C. Sharma

This chapter examines the envisaged and actual role of the House of Chiefs (*Ntlo ya Dikgosi*) in Botswana by outlining its composition, powers, functions, and performance. It discusses measures for reforms related to its composition, authority, administrative machinery, relations with the National Assembly, and capacity building. It concludes by pointing out how the government has demonstrated its interest in mending rather than ending this House. The changes in the composition of this House following the Presidential (Balopi) Commission receive specific attention.

## 1. INTRODUCTION

The establishment of the House of Chiefs (now known as *Ntlo ya Dikgosi*) by the Constitution of Botswana was a significant recognition and mark of respect for traditional leaders. The House of Chiefs in Botswana was established primarily for giving traditional leaders a forum at the national

level where they could articulate their views on matters of interest to their tribes. The autonomy of the House of Chiefs vis-à-vis the National Assembly is very limited. This House is not like a second chamber of legislature such as the House of Lords in the UK or Senate in the United States. This House does not have revisory jurisdiction on legislation, which is the sole responsibility of the National Assembly. This House cannot initiate legislation and does not have any authority in the process of approval of the national budget, which is also the sole prerogative of the National Assembly. The National Assembly is not obliged to accept the recommendations or opinions of the House of Chiefs. A minister of the National Assembly could consult the House for its opinion but is not obliged to accept it. The National Assembly might take note of the views of this House if it considers it politically expedient to do so or if it considers these to be in keeping with the national interest.

## 2. COMPOSITION (2004), POWERS, AND FUNCTIONS OF THE HOUSE OF CHIEFS

In accordance to the constitution and prior to the implementation of recommendations of the Presidential (Balopi) Commission in 2004, the House of Chiefs consisted of three categories of membership: eight “*ex-officio*,” four “elected,” and three “specially elected.” *Ex-officio* members were those for the time being performing the functions of the office of chief in respect of the Bakgatla, Bakwena, Bamalete, Bamangwato, Bangwaketse, Barolong, Batawana, and Batlokwa tribes (Section 78). Elected members were those elected from among their own number by the persons for the time being performing the functions of the office of sub-chief in the Chobe, Northeast, Ghanzi, and Kgalagadi districts (Section 79.1). The specially elected members were elected by the *ex-officio* and elected members of the House of Chiefs from among persons who were not within the preceding five years actively engaged in politics (Section 79.2).

The constitution defined the role of the House of Chiefs as follows. The House is entitled to submit resolutions on the bills referred to it by the National Assembly. The National Assembly cannot proceed upon any bill (including any amendment to a bill) that, if enacted, will alter any

of the provisions of the constitution or affect the designation, recognition, removal of powers of chiefs, sub-chiefs or headmen; the organization, powers, or administration of customary courts; customary law, or the ascertainment or recording of customary law; or tribal organization or tribal property; unless a copy of the bill has been referred to the House of Chiefs and a period of thirty days has elapsed from the date when the bill was referred to the House of Chiefs. Any minister may consult the House of Chiefs in respect of any matter on which he desires to obtain the opinion of the House and for that purpose the minister or his representative may attend the proceedings of the House. The House of Chiefs is entitled to discuss any matter within the executive or legislative authority of Botswana of which it considers it is desirable to take cognizance in the interests of the tribes and tribal organizations it represents and to make representations thereon to the president or to send messages thereon to the National Assembly (Sections 85–88).

### 3. ADMINISTRATIVE MACHINERY SERVING THE HOUSE OF CHIEFS

The House of Chiefs meets in the parliament building. As its total membership was not very large (15 members in all before 2004), the House met in a small chamber adjacent to the chamber where parliamentary sessions were held. With the renovation and extension of the parliament building, construction of a larger chamber for sessions of the National Assembly, and enlarged membership (35) of the House of Chiefs in 2005, it started having its sessions in the chamber previously used by the National Assembly. The House of Chiefs by convention meets soon after the session of the National Assembly and its session normally lasts for three weeks or less. The House conducts its business in English but its members also frequently use Setswana. The proceedings are published in English. These are not up to date and are not verbatim record of proceedings like Hansard of the National Assembly.

The members of the House elect its chairman and deputy chairman. A small staff of public servants who are administratively under the clerk of Parliament serves the House. The main administrator serving the House

is the secretary to the House. The secretary is responsible for preparing for the meetings of the House and keeping minutes of all the proceedings. The secretary keeps custody of all the bills, papers, and other documents placed before the House. This officer's services to the House are somewhat similar to those rendered by the clerk of Parliament to the National Assembly. For strengthening the administrative machinery serving the House of Chiefs, the Balopi Commission recommended that the House should have a hierarchy of officers parallel to, and independent of, that of the National Assembly. In this regard, the House should have its own speaker, who shall not be a member of the House, a clerk, a committee system, and support staff, with privileges and functions similar to officers serving the National Assembly. The government did not accept this recommendation, observing that, although the principle of capacity-building for the House is acceptable, the proposals will result in duplication of structures, which was not acceptable. The government also did not see the need to accept the Balopi Commission's recommendation that there should be a joint committee of the members of the House of Chiefs and members of Parliament, which will act as a link between the two Houses, facilitating communication between them. On the recommendation of the Balopi Commission that the status of members of the House should be enhanced, the government did not see the need for any action as it felt that "the status of the House of Chiefs is sufficiently enhanced." Similarly, the government did not see any need for action on the recommendation that the House should have a budget devoted to it on the ground that "Head 10 Part II of the Estimates of Expenditure under Parliament is devoted exclusively to the House of Chiefs." The Balopi Commission's recommendation that "Members of the House of Chiefs should be afforded the same minimum facilities, as are Members of the National Assembly both in the House and in the territories they represent" was not accepted on the ground that *dikgosi* are provided with facilities under tribal administration. Moreover, the government felt that "comparison with Members of Parliament was inappropriate given the different roles that the two perform." It is interesting to note that the House of Chiefs was in agreement with the government and not with the Balopi Commission with regard to the above-mentioned recommendations.

## 4. ASSESSMENT OF THE ROLE PERFORMED BY THE HOUSE OF CHIEFS

If we look at the role and functions of the House of Chiefs in terms of the constitutional provisions, Sections 85 and 88(2) define the role of the House of Chiefs as follows:

Section 85(1):

The House of Chiefs shall consider the copy of any Bill which has been referred to it under the provisions of section 88(2) of this constitution and the House shall be entitled to submit resolutions thereon to the National Assembly.

Section 88(2) states:

The National Assembly shall not proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the person presiding, would, if enacted, alter any of the provisions of this constitution or affect (a) the designation, recognition, removal of powers of Chiefs, Sub-Chiefs or Headmen; (b) the organization, powers or administration of customary courts; (c) customary law, or the ascertainment or recording of customary law; or (d) tribal organization or tribal property, unless (i) a copy of the Bill has been referred to the house of Chiefs after it has been introduced in the National Assembly; and (ii) a period of 30 days has elapsed from the date when the copy of the Bill was referred to the House of Chiefs.

Section 85(2):

Any resolution which has been submitted to the National Assembly in accordance with the last foregoing subsection shall forthwith be laid before the Assembly by the Clerk of the Assembly.

Section 85(3):

Any Minister who is responsible for a Bill such as is referred to in subsection (1) of this section, or his representative, may attend the proceedings of the House when the copy of the bill is considered.

Section 85(4):

Any Minister may consult the House of Chiefs in respect of any matter on which he desires to obtain the opinion of the House, and for that purpose the Minister or his representative may attend the proceedings of the House.

Section 85(5):

The House of Chiefs shall be entitled to discuss any matter within the executive or legislative authority of Botswana of which it considers it is desirable to take cognizance in the interest of the tribes and tribal organizations it represents and to make representations thereon to the President, or to send messages thereon to the National Assembly.

Section 85(6):

A person attending the proceedings of the House of Chiefs by virtue of the provisions of subsection (3) or (4) of this section shall be entitled to take part in the proceedings of the House relating to the matter in respect of which he attends as if he were a member of the House; Provided that he shall not be entitled to vote in the house.

The role, effectiveness, and performance of the House of Chiefs seen in the context of the above constitutional provisions have been limited. This was also the view of the Balopi Commission (2000). The main criticisms related to the effectiveness of the role played by the House of Chiefs, as also documented by the Balopi Commission (62–64), are on the following lines:

(a) Government and the National Assembly have not taken the House seriously. The resolutions of the House have not made any significant impact on the public policies or legislation adopted by the Government and the National Assembly. (b) Members of the House have lost a sense of direction. Instead of cultural concerns, they involve themselves in matters that belong to the domain of politicians. (c) The House has rarely come up with anything of public value. This may partly be attributed to the calibre of its members. (d) The existing composition of the House is not fully representative of the nation's diverse cultural heritage. (e) The House has denied itself the ability to bring in members with additional skills as members of the eight listed tribes have caucused together to ensure that only their preferred candidates are selected. (f) Members of this House have failed to consult with the communities they represent. (g) The powers of the House have been too limited. This has reduced its effectiveness. (h) The House does not have sufficient capacity to carry out its mandate. (i) The public has very little information about the deliberations of the House as the media ignores it.

The members of the House of Chiefs have from time to time expressed their grievances and frustration about their own role and the reasons for lack of their effective contribution. The Balopi Commission also recorded the views of the members of the House on their own effectiveness (pp. 64–65). The members of the House feel that their effectiveness has been compromised over the years by inadequate capacity and the failure of politicians to take the House seriously. They observe that: (a) The House has limited powers and is not in a position to initiate any legislation. (b) The House can only meet when there is government business to discuss, irrespective of whether members themselves see the need to meet. (c) Members of the House do not have a specific budget to allow them to consult with communities. (d) The House has little in the way of a secretariat and no research capacity.

It is interesting to note that the same House of Chiefs, which registered its frustration with the Balopi Commission about its inability to initiate legislation, its insufficient independent budget provisions, and its inadequate secretariat facilities, rejected the favourable recommendations of the Balopi Commission in this regard and agreed with the stand taken by the government. (See the following pages for further discussion.)



Official reports of the meetings of the House of Chiefs reveal that there has been an improvement in the quality of debates in the House and the nature of questions and motions tabled. However, one could sometimes feel that the Chiefs could do better by concentrating on matters related to culture, chieftainship, and tribal matters, instead of taking interest in matters such as the telephone billing system of the Botswana Telecommunications Corporation, quality of blankets and bed covers used by patients in hospitals, shopping plastic bags as health hazards, etc. (Official Report of the House of Chiefs, June 2000), or why mathematics is a compulsory subject for a certificate or diploma in Accounting Studies offered by the University of Botswana, or why some district labour officers have official telephones at their residences (Meeting of the House of Chiefs, August 2001).

At this time when the country is faced with an HIV/AIDS epidemic of serious proportion, one expects that the members of this House will express their concern by taking an increased interest in deliberations related to this matter. The chairman of the House in the June meeting of 2000 observed:

[T]here is a concern from our communities that we seem to be dragging our feet in giving this matter the necessary attention it deserves.... The nation is calling upon us to contribute in this national fight against this dreaded disease ... we should be seen to be taking this fight in our own hands, we have to help in publicizing some of the huddle that stand as obstacles in our nation, as we try to fight this HIV/AIDS scourge. (House of Chiefs Meeting, June 2000, 105)

The members of the House could demonstrate more active leadership inside and outside the House, in the community, and in the forum of *Kgotla* on measures that need to be undertaken related to the spread, prevention, cure, and impact of HIV-AIDS epidemic.

As we expect a more prominent role from traditional leaders in the HIV-AIDS inflicted society, their active interest and pronouncements with regard to undesirable customs (such as exorbitant funeral expenses) and harmful social behaviour (such as excessive drinking and alcoholism) are a matters of some satisfaction.

Lavish spending on funerals has come under attack by the members of the House of Chiefs as increasingly the people are spending large amounts on expensive caskets, coffins, black clothes for the widow, transport for the corpse, and feasts, creating a serious financial strain on families. *Kgosi* Garebekwena moved a motion in the House of Chiefs (in May 2002) asking the government “working in conjunction with District Authorities and relevant government organizations to educate and encourage Batswana to reduce their funeral and bereavement expenses.” The motion was passed with overwhelming support. In response to that motion, Minister of Local Government Margaret Nasha agreed with the chiefs that today’s mourning process was expensive, unnecessary, and even acultural. She expressed perplexity at the round-the-clock overfeeding of mourners, citing an example whereby traditional dishes like *serobe* (shredded tripe and intestines) are served to mourners at four in the morning and *seswa* (pounded beef) following two hours later. “Now really, who eats *serobe* at four in the morning, even at their own house?”, Nasha asked. (*Botswana Guardian*, 24 May 2002). *Kgosi* Tapson Jackalas of North-East lamented the post-burial “after-tears” sessions as another money-wasting activity. These sessions come a few hours after the burial and after the mourners have wiped off their crocodile tears. Participants meet at some convenient place to play loud music and consume large quantities of alcohol. The members of the House of Chiefs have been in agreement that they, along with ministers and MPs, should decry and discourage the funeral expenses when they address *Kgotla* meetings.

Denouncing the alcohol abuse, the members of the House of Chiefs have made scathing statements about *Chibuku*, its brewers, sellers, and drinkers. Highlighting the link between *Chibuku* consumption and AIDS infection, they have exhorted the *Chibuku* distributors to join in the AIDS war by distributing condoms to far-flung places where they have customers. *Kgosi* Mosadi Seboko tabled a motion that requested the government to review laws relating to the governing of *Chibuku* and similar brews manufactured commercially on a large scale. The motion asked for the sale of *Chibuku* to be licensed and like other types of alcohol to be sold outside homes. *Kgosi* Seboko also said that the involvement of school children in the sale of *Chibuku* was not in their best interest as an extra-curricular vocation as it interfered with their education and that some of them ended up drinking. She complained that a *Chibuku shabeen* was not the best place

to raise children as they could pick up vulgar language from foul-mouthed persons. *Kgosi* Rebecca Banika has held the view that *Chibuku* consumption was depleting the manual labour base, leading to a situation where employees had to engage the services of Zimbabweans. In one of the tribes in her area, abuse of *Chibuku* was so rampant that dusk-to-dawn drinking by couples was the norm. She has observed that that was the reason why members of this tribe are dirt poor and had to rely on the government for assistance. *Kgosi* Basiamang Garebekwena asked the minister of Trade, Industry, Wildlife and Tourism to consider reducing the alcoholic content of beer brewed in Botswana from 5 per cent to 3.5 per cent and raise the price of spirits and imported beer by further increasing tax on these commodities in order to discourage the high rate of alcohol consumption. *Kgosi* Garebekwena also wanted the minister to regulate the distribution of *Chibuku* in rural areas where its high consumption was evidently affecting productivity and spread of AIDS.

One of the significant developments in the history of the operation of the House of Chiefs has been the membership of female chiefs beginning with the election of *Kgosi* Rebecca Banika from Chobe in 1999 and inclusion of *Kgosi* Mosadi Seboko as *ex officio* member after becoming the paramount chief of Balete in 2000. Her election as chairperson of the House soon after becoming a member, was a significant development. *Kgosi* Banika, the thirty-two-year-old mother of five, made history by becoming the first woman member of the "House of Male Chiefs." Before coming to the House of Chiefs, she was the only female member of the Chobe Land Board for a period of five years. As the representative of the Chobe district, *Kgosi* Banika has ruled over ethnic groups such as the Basubiya, Bakalanga, Bananjwe, *Basarwa*, and some people of Tswapong extraction. Banika herself comes from *Basarwa* lineage (*Mmegi*, 28 Jan.–3 Feb., 2000). *Kgosi* Banika is the third born in a family of four but the chieftainship baton was passed on to her as her elder sisters were unwilling to serve the institution. Banika believes that she has always been destined for leadership and she mentions the clubs and associations she led during her school days at Maun Secondary School, where she completed her secondary school certificate ('O' levels). *Kgosi* Mosadi Seboko of Balete, who was the apparent and automatic successor to her late brother Seboko, had to fight for her position because of being a female. The resistance to her fight, however, was not insurmountable. Through the *Kgotla's* democratic

method, the Balete unanimously elected her in preference to her male cousin in December 2001, and, following her election and recognition by the minister of Local Government, she became an *ex-officio* member of the House of Chiefs. She started work amidst whispers of discontent among some tribal chauvinists in the tribe, but she was not perturbed by that, as those opposed to her leadership soon realized that she was as capable as any leader. Actually she did not face any serious resistance to her leadership at the *Kgotla*; if there was any resistance, it was within the royal family (Interview, 2002). She is reported to have made the following observation to *Mmegi* ( 11–17 January, 2002):

What Balete need is a leader. Whether the leader is a man or a woman is immaterial. The key thing is education. People need to be educated to understand that a woman is capable of being a Kgosi. Other than the unwritten customary rites and practices, bogosi (chieftainship), is mainly administrative. As a former administrator, I do not anticipate problems in my new profession as Kgosi.... When I assumed office, I never thought for once that I would need to prove to Balete that I am as capable as my brothers were. I know that as a human being I am not infallible. All I am asking of my people and Batswana is to realize that and not to crucify me when I err only because I am a woman.

It is interesting to note Mosadi's observation when she says that Batswana recognized the important role of a woman or mother and thus addressed their chiefs as "Mmabatho," which means Mother of All and not "Rabatho." "I remember people used to answer 'Mma!' and not 'Rra' when my father called them."

There has been very little resistance to the female membership of the House of Chiefs nationally. Even the senior male chiefs as members of the House have accepted the change without serious reservation. This is evident from the fact that, after her elevation to the throne of Balete, *Kgosi* Mosadi was unanimously elected chairperson of the House of Chiefs. She decided to step down voluntarily after serving a term, not because of any opposition, but because she wanted to devote more time to her other chieftainship responsibilities (Interview with *Kgosi* Mosadi).

The female members have not only changed the gender of the House, but some of their contributions and issues raised by them, such as *Kgosi Banika's* motion in 2000 to introduce corporal punishment for women in customary courts, have aroused considerable public discussion. Introducing this motion, *Kgosi Banika* said:

I am putting before you this very sensitive request because I am deeply hurt by the way our women and their children suffer. The fact that most women in the rural areas are single mothers, they do not have jobs and they are sole bread winners in their respective families, when they are convicted of a crime and sent to prison, their children and extended families suffer a lot. Considering the AIDS scourge, a lot of women are burdened with the responsibility to look after their sisters' children; so you could imagine what will befall families such as these when the breadwinner is in prison. It is a very pathetic situation. That is why I came up with this motion that, wouldn't it be better if such women are lashed because since I joined the service, I have observed that corporal punishment rehabilitates as compared to prison sentence. (Official Report of the House of Chiefs, June 2000, 102)

During that session of the House, some members spoke in support of the motion and no member raised any dissenting voice. But, the then minister of Lands and Housing, Mr. Nkate, did not support the motion and made the following observation:

[T]he infliction of corporal punishment is prohibited by law on women and on men who are above the age of 40. It goes without saying therefore that we would have to go and amend the law, and amending the law inevitably will bring with it a lot of publicity, publicity which will, I submit with the greatest respect Mr. Chairman, be adverse for the image of our country. The trend internationally and I dare say even in Botswana the high court has held that in some instances corporal punishment is some form of torture, is inhuman and degrading.... I think it would be regressive. I do not think it would

be a progressive step to take. I certainly think it would expose us and our good image to undue criticism and animosity from the international community.

Minister Nkate added:

Our culture holds women and their being sacrosanct and it is that culture in fact, that has led to the sort of laws that we have now in our statutes.... Lately the violence against women is on the increase in this country. The question that we have to ask ourselves is whether we would not be sending the wrong message if we were ourselves as government or yourselves as Dikgosi in legal institutions be seen to be going in that direction, would that not weaken our message against violence on women? Can we ourselves inflict corporal punishment on women and then be heard to argue in the same vein that we are going to discourage the advent of violence against women?

The minister finally pleaded that the matter should be left to rest for the time being and be put to a referendum for ascertaining the views of Batswana on the matter. *Kgosi* Banika finally agreed reluctantly in the House with this view of the minister but has not changed her views on the matter.

There is an increased harmony and cordiality between the government ministers who appear before the House of Chiefs (to respond to the questions and motions presented in the House or for consulting the House on bills under consideration in the National Assembly) and the members of the House of Chiefs (who have felt in the past that they are not taken seriously by the government ministers). This can be discerned from the increasing seriousness with which ministers have responded to the motions and questions raised in the House. A statement of the previous chairman of the House (*Kgosi* Seepapitso), while bidding farewell to the House on his appointment as ambassador to the United States in 2000, is indicative of increasing cordiality between the government ministers and the House of Chiefs:

It has been common in my membership of the House, that many times issues are lost in antagonism between magosi and ministers. But this time around I have found very objective arguments. Not necessarily agreements, disagreements at time, but overall I think the spirit displayed has been very good. I have seen members on both sides of the House smiling to each other on occasions. Maybe we are getting rid of the antagonism that we used to see. I know I am one of those who could be blamed for such antagonism. But, I am glad to say I think the spirit of co-operation and team work on both sides of the House has improved, and let us hope that it continues, for the good of this nation. (Official Report of the House of Chiefs, June 2000, 106)

## 5. MEASURES FOR STRENGTHENING THE HOUSE OF CHIEFS

Observers, from time to time, who have tried to address the above-mentioned weaknesses and to enhance the effectiveness of the House, have suggested various measures. The Balopi Commission also recorded the measures suggested by the public and the members of the House of Chiefs themselves to enhance the effectiveness of the House (67–71). These can be summarized as follows:

- (a) The House of Chiefs should be restructured in order to make it more representative. The Chiefs of one ethnic group could not effectively represent the culture of other ethnic groups.
- (b) The House should be more accountable. Chiefs should consult more with their people.
- (c) The House should be given greater powers.
- (d) The House should be able to initiate legislation.

- (e) The House should be able to veto at least some types of legislation such as those dealing with matters of customary law, culture, and land.
- (f) The capacity of the House should be strengthened by improving secretarial support, better facilities such as office space and computers, and greater budgetary support.
- (g) The status and conditions of service for members of the House should be improved.
- (h) The House should be accorded greater coverage by the media.
- (i) The number of specially elected members of the House should be increased. This way the House could become more representative and could accommodate excluded ethnic minorities, women and youth.
- (j) The House should focus on issues of culture and should be primarily concerned with codifying, harmonizing, and periodically reviewing customary law; promoting national cultural norms, with respect to such matters as funerals, marriage procedures, and inheritance; developing the National Development Plan's chapter on culture in development; assisting in curriculum development; and initiating programs necessary to promote the goal of building a united and proud nation, with special reference to the traditional concept of Botho.
- (k) There should be greater provision for the training of members of the House through both in-service training and academic preparation.

Although the above-mentioned measures have been discussed from time to time for strengthening the House of Chiefs, one of the most serious concerns and discomforts has been the composition and membership of this House. Some sections of the population have felt that the composition of the House as it was up to 2002 did not accord equal treatment to all the tribes of the country and tended to be discriminatory. In 1988, the then BNF member of Parliament, the Honourable Mr. M. Dabutha,



tabled a motion demanding that the constitution of Botswana should be amended to give equal treatment to different tribes in the composition of the House of Chiefs in accordance with the principles of democracy and equality. Parliament rejected that motion after a full debate. On 17 February 1995, Parliament adopted a motion tabled by the member of Parliament for Sebina-Gweta, the Honourable Mr. Oliphant Mfa, to amend Sections 77, 78, and 79 of the constitution (related to the composition of the House of Chiefs) in order to render them tribally neutral.

## 6. PROPOSED REORGANIZATION OF THE HOUSE OF CHIEFS FOLLOWING THE BALOPI COMMISSION REPORT

Following the 1995 motion by Honourable Mr. Mfa, President Festus Mogae appointed a twenty-one member commission of enquiry in to Sections 77, 78, and 79 of the constitution on 28 July 2000. (Contents of these sections have been elaborated above while discussing the composition of the House before the appointment of the presidential commission.) A former minister and member of Parliament, Mr. P.K. Balopi, headed this commission. The commission submitted its report on 15 December 2000. The terms of reference of the commission were:

- (a) To review sections 77, 78, and 79 of the constitution of Botswana and to seek a construction that would eliminate any interpretation that renders the sections discriminatory;
- (b) To review and propose the most effective method of selecting members of the House of Chiefs; and
- (c) To propose and recommend measures to enhance the efficiency and effectiveness of the House of Chiefs.

The commission observed that it is necessary to change the three sections to ensure that they do not, if objectively read, reasonably cause offence to any citizen. The commission was of the view that a proportion of the nation's citizens interpret Sections 77, 78, and 79 of the constitution as

being discriminatory. Even if the sections are not discriminatory, the fact that enough of the citizenry has the perception that they are is sufficient cause to warrant the change. The commission recommended that no tribe or ethnic community should be named in the constitution.

Before coming to this conclusion, the commission also noted the views of those who held that there was nothing discriminatory about sections 77, 78, and 79 if we understand the historical background. Followers of this view held that the eight tribes listed in Section 78 as *ex-officio* members of the House of Chiefs were not to be seen as representatives of various tribal communities in the districts concerned, which during the colonial era, had been either crown lands or, in the case of North-East, concession lands. These areas thus had not been gazetted as tribal territories under the 1933 Act. Each of these tribal communities was under its own sub-chief, with no single chief having status of a territorial chief over the entire district. In this context, one of the principal architects of the constitution, former president Sir Ketumile Masire, stated to the commission:

If, however, people of Ghanzi, Kgalagadi, Chobe or North-East feel their Chiefs should be *ex-officio*, they should have a Paramount Chief.... The stumbling block to taking this option is the multiplicity of tribes in the area all of whom state historical reasons why the Paramount Chief should come from their tribe. (Balopi Commission Report, 19)

Defending the Sections 77, 78, and 79, Sir Ketumile Masire further observed,

Sir Seretse Khama was passionately anti-discrimination and could not have conceivably allowed any discriminatory provisions in the Constitution. He was, in fact, not particularly in favour of chieftainship because he considered it divisive. To him, talking of republicans as junior or senior tribes would have been an anathema.

Although the Balopi Commission took note of these views, it finally recommended that Sections 77, 78, and 79 needed to be removed. The government accepted this recommendation of the commission (White Paper,

6). From the time of appointment of the Balopi Commission to the adoption of a white paper by the National Assembly, the country witnessed intense discussions surrounding ethnic politics (as discussed below).

The Balopi Commission also observed that the name “chief” is seen by some as demeaning. As a title, “chief” does not fully and truly reflect the attributes associated with the institution of traditional leadership in Botswana that is *bogosi*. It noted and agreed with the view that the former colonial government, in order to downgrade and subordinate their status to that of the British monarchy, imposed the title “chief.” It recommended that the name “*kgosi*” should be used in place of “chief” and the nomenclature of the House of Chiefs should be “*Ntlo ya Dikgosi*.” The government accepted this recommendation (White Paper, 7).

The Balopi Commission recommended prohibiting the members of the House of Chiefs from active participation in party politics. The government accepted this recommendation. The commission further recommended that no specially elected member of the House should have served in the elective offices of councillor or member of Parliament, and/or to an office within any political party for at least three years before becoming a member of the House. The government did not accept this recommendation and observed that “active participation in politics prior to being Member of the House of Chiefs shall not bar any person from being a Member of the House of Chiefs.”

The Balopi Commission recorded the views of those in favour of retaining as well as those opposed to the continuation of the House of Chiefs. Those opposed to the continuation of this House believed that it has outlived its usefulness; it had become an anachronism and is not consistent with democratic values of equality and meritocracy; it has become divisive and is a potential threat to national unity. They further observed that it is not representative of the public as a whole; it is ethnically exclusive and is not contributing anything of substance to Botswana’s development.

Those supporting the continuation of the house believe that the House of Chiefs has a continuing role to play in the protection and promotion of those aspects of our culture that will enhance Botswana’s future development. There was a considerable body of opinion that equated the survival of the House of Chiefs with the survival of chieftainship itself, asserting that the abolition of the former would inevitably lead to the demise of the

latter. Its supporters see chieftainship as the “glue” that binds together communities and the nation as a whole, and a tribal leader is seen as a symbol of the embodiment of the values, history, and traditions of his people. The supporters continue to regard chiefs as an embodiment of the nation’s cultural identity and a living link to their past. Many emphasize the need to continue to build and consolidate the nation’s democracy on the foundation of its traditional institutions. The Balopi Commission noted these views and found these consistent with Botswana’s development strategy, Vision 2016.

The Balopi Commission observed that there is widespread dissatisfaction with the current method of selecting members to the House of Chiefs. The commission recommended that territoriality, rather than any actual or perceived membership of a tribal or ethnic group, should form the fundamental basis for representation. No tribe or ethnic community should be listed in the constitution in relation to the composition of the House of Chiefs. The territorial model recommended by the Balopi Commission provides for division of the country into twelve territories coinciding with eight tribal territories and the four districts of Ghanzi, Kgalagadi, Northeast, and Chobe. Of the twelve territories, six should be further divided into regions. Considerations of population distribution and density, the territory’s vastness and population, existing sub-district structures, settlement formations, and the need to ensure wide representation guided the recommended division of six out of twelve territories into regions. The six territories to be sub-divided into regions are: Central Territory (6 regions); Ngamiland Territory (3 regions); Kweneng Territory (3 regions); Ngwaketse Territory (3 regions); Gantsi Territory (2 regions); and Kgalagadi Territory (2 regions). The six territories to remain undivided are: Kgatleng, Tlokweng, Maletle, Borolong, North-East, and Chobe.

The commission recommended a three-tier structure for the proper and accountable representation of Botswana in the institutions of chieftainship at territorial and national levels (pp. 111–42). These tiers will consist of: (a) an Electoral College (b) a Local Chamber of Chiefs, and (c) the National House of Chiefs. Each territory or region shall have its own electoral college for designating representatives to Local Chamber of Chiefs and the National House of Chiefs. The electoral college will consist of headmen of record up to and including the deputy chief. The territorial *kgosi* will have the right to attend meetings of the colleges in their

respective territories. In addition, other individuals may be included in the electoral college to ensure adequate representation as applicable to each territory. The local tribal administration in consultation with the minister responsible will identify such individuals. Each electoral college will determine its chairperson. The function of the electoral colleges will be two-fold: (1) to designate the members of the Local Chamber of Chiefs, and (2) to present to members of the Local Chamber of Chiefs suggestions and views from the people of the territory to be taken to the House of Chiefs, and to receive from the members of the Local Chamber of Chiefs feedback from the House of Chiefs for transmission to the people. The local chamber will be composed of the head of the tribal administration as an *ex-officio* member, and other members designated by the electoral college in the region and/or territory concerned. The Local Chamber of Chiefs will function as the local division of the national House of Chiefs. Each of these chambers will be a consultative forum for members of the House of Chiefs and other chiefs within the respective territories. The person for the time being performing the functions of chief in each of the twelve territories will be an *ex-officio* chairman of the Local Chamber of Chiefs. He shall also be an *ex-officio* member of the national House of Chiefs. Members of the Local Chamber of Chiefs will serve for a period of three years, except for territorial heads of tribal administration, who will be *ex-officio* members. The government did not accept the recommendation on the “Local Chamber of Chiefs” on the ground that “it creates unnecessary and unwieldy bureaucracy at local level” (White Paper, 25). The House of Chiefs was also in agreement with the decision taken by the government.

The government decided (Revised White Paper, 2002) that:

- (a) There shall be NTLO YA DIKGOSI for Botswana which shall consist of 35 members.
  
- (b) Members of NTLO YA DIKGOSI shall be: (i) Twelve (12) Members who for the time being perform the functions of Kgosi or designated to be a representative of Kgatleng District, Kweneng District, Barolong and Ngwaketse in the Southern District, Ga-malete and Tlokweng in the South East District, Gammangwato in the Central District, Goo

Tawana and Chobe in the North West District, North East District, Gantsi District and Kgalagadi District. (ii) Twenty (20) Members who shall be designated from the Districts. This number will vary depending on whether Districts of Gantsi and Kgalagadi opt to be among the Twelve (12) above. (iii) Five (5) Members who shall be specially appointed by His Excellency the President for the purpose of injecting special skills and obtaining a balance in representation. (See Appendix 1, Revised White paper, 2002.)

(c) In respect of the Twelve (12) Members, each district shall designate Members to Ntlo ya Dikgosi according to their established norms and practices or through the existing method of selection.

(d) In respect of the Twenty (20) Members, each region shall designate Members to Ntlo ya Dikgosi through Regional Electoral colleges.

(e) The districts of Chobe, North East, Gantsi and Kgalagadi will have the option of designating a Member each to Ntlo ya Dikgosi on a permanent basis. In this event, the Districts of Gantsi and Kgalagadi will have no representation at the regional level.

(f) In the case where Gantsi or Kgalagadi or both opt to designate a Member each to Ntlo ya Dikgosi on a permanent basis, the number of regional representatives will reduce from Twenty (20) by either Two (2) or Four (4) depending on whether only one or both choose to opt. (Revised White Paper, 2002, 21–23.)

The National Assembly deliberated on the Revised White Paper (2002) on the Balopi Commission Report in April 2002 (Hansard No. 138, 2002). Although the White Paper was approved by the National Assembly, some members, particularly those belonging to the tribes other than the so-called privileged eight, expressed their discomfort with the final

decision of the government as outlined in the White Paper. Thus Hon. Joy Phumaphi, Minister of Health, representing Francistown East constituency, made the following observation:

Unfortunately the draft that is before the Honourable House today does not achieve equal access to all tribes, and it does not achieve equal treatment of all Chiefs in the House. This is unfortunate Mr. Speaker. It is unfortunate because it is an anomaly within the Constitution which needs to be rectified. (Hansard, 2002, 78)

Mrs. Phumaphi pointed out that

... the tribal groupings that seek representation are not just the eight tribes that were originally there ... neither is it the four other tribal groupings that previously had to elect representatives, but it is all the tribal groupings that are in this country.

She drew the attention of the House to the appendixes in the Balopi Commission Report, which listed nineteen tribal groupings and sixteen *Basarwa* groups (80). She considered it

... unfortunate that some members of our society are not ready for a Constitution that is going to achieve an equitable treatment of all tribal groupings in this country. It is unfortunate because one would have thought Mr. Speaker and hoped and prayed that after 30 years of independence this country would be ready to treat all tribal groupings equitably. Unfortunately this White Paper ... is a compromise and it does not remove discrimination. (79)

Another member of Parliament from North-East constituency, Hon C.J. Butale, observed that he did not support the amendment to Section 78 and that his constituency was supportive of the first draft of the White Paper (102). He was of the view that “the so-called minority tribes have been compromised for the sake unity” (103). According to the Hon. B.

Gaolathe, Minister of Finance and Development Planning and Specially Elected Member of Parliament, who belongs to the North, “we would not be honest to ourselves to say that this paper fully addresses what the Members of Parliament wanted to be covered by promoting nation building and amending the constitution such that it becomes tribally neutral” (168). Nevertheless, Hon. Gaolathe adopted a conciliatory view and considered it as “a step in the right direction. Let us not throw the bit because it is a brick on the top of the house that we are building. It is the right brick, the right size. Let us put it on, others would come later” (168). Concluding that debate in the National Assembly on the Revised White Paper on the Balopi Commission Report, the leader of the House, Hon. Mr. Daniel Kwelagobe, Minister of Presidential Affairs and Public Administration, paid tribute to members “for the dignified and constructive manner in which they contributed to the debate.” Hon. Kwelagobe responded to a sentiment expressed by some members who felt they and their constituents had been short-changed by not being given time and further opportunity to consult on the Revised Draft White Paper:

The position of government is that the initial consultative process precipitated comments and feedback which formed the basis of the revisions, there would not have been any ground to warrant those revisions if it were not for the feedback. (187)

To those who expressed dissatisfaction with the revision of the First White Paper, Mr. Kwelagobe said:

I cannot agree more with colleagues who made the point that the alteration of the first Draft White Paper in order to accommodate the variety of concerns which emerged, is a demonstration of a responsive government. Whilst there were observations and expressions of some disappointment by some Honourable Members that some of the content of the first Draft White Paper were dropped, there is merit in the argument of those who said that as a nation, we are accustomed to gradual change. The solution required was not one which should lead to disintegration as may have happened if we insisted on the first Draft White Paper in its entirety. Future



generations will review our work and move us forward as appropriate if they find that we did not go far enough. (188–89)

To those who felt that retaining of the names of Kweneng and Kgatleng Districts was not quite in keeping with the effort for giving tribally neutral image to the districts, Hon. Kwelagobe made the following observation:

Honourable Mothibamele expressed the view that the names Kweneng and Kgatleng were retained because those with power to say No, said No. Mr. Speaker, I do not think that this view takes account of the contributions to the debate on this issue from many quarters. The fact of the matter is that, the first Draft White Paper went out as consultation document and it became clear that the proposed names were not critical to the solution sought. As government we needed to ensure that we have as much support as possible for the elimination of discrimination in sections 77, 78, and 79 of the constitution and arguments over change of names were not deadly central to the matter. (191)

The House of Chiefs gave its views on the Balopi Commission Report only after the government had already issued the White Paper in 2002. The House of Chiefs could have given its independent views on the Balopi Commission Report in its session held in August 2001 before the production of the White Paper by the government, as the report had already been published in November 2000 and the National Assembly had not yet considered it. The chairman of the House did indeed move a motion in the August 2001 session of the House of Chiefs for consideration of the Balopi Commission Report but the House was not ready for discussion. Thus, the House failed to demonstrate leadership with regard to matters pertinent to chieftainship. The House of Chiefs eventually deliberated (2002) on the Balopi Commission and recorded its views. Some of the significant observations of the House of Chiefs on the Balopi Commission Report were as given below.

With regard to the Balopi Commission recommendation and the government stand that territoriality rather than actual or perceived membership of a tribal or ethnic group should form the fundamental basis for

representation, the House “strongly feels that Ex-Officio status in membership of the House should not be subjected to selection or election process therefore ‘chiefs’ in tribal territories should remain members of the House by virtue of their office and position.” The House of Chiefs was in favour of increasing membership of the House to forty in all, consisting of the following:

- (a) Eight (8) Ex-Officio Members from eight tribal territories.
- (b) Additional members appointed customarily from their territories as follows: Bakgatla Tribal Territory – 2; Bakwena Tribal Territory – 3; Balete Tribal Territory – 1; Bangwato Tribal Territory – 7; Bangwaketse Tribal Territory – 3; Batawana Tribal Territory – 3; Batlokwa Tribal Territory – 1; Barolong farms – 1.
- (c) Eight elected Members from the four districts namely: Chobe, North-East, Kgalagadi, Gantsi.
- (d) Three (3) Specially Elected Members.

On the Balopi Commission recommendation that the status of members of the House should be enhanced, the House of Chiefs observed, “The status of the House of Chiefs is sufficiently enhanced as per Constitution.” The House did not see any need for a joint committee of the members of the House and members of Parliament or for separate budget provision for the House, as recommended by the commission. The House also rejected the Balopi Commission recommendation that the House should have a hierarchy of officers parallel to and independent of the National Assembly (its own speaker, a clerk, a committee system, support staff, with privileges and functions similar to officers serving the National Assembly). The House felt on this recommendation that there was no need for “duplicating Parliament.” The House was not supportive of the Balopi Commission recommendation that members of the House of Chiefs should be afforded the same minimum facilities, as members of the National Assembly both in the House and in the territories they represent. In this context, the House noted “that facilities under Tribal Administration are available to substantive holders of Chiefs, Sub Chiefs or persons acting on their behalf.”

The House did not accept the Balopi Commission recommendation that it should be able to initiate legislation and should have the right to promote private members' bills. For the House "the present way of sponsoring motions is adequate for the advisory function." The House accepted the recommendation of three specially elected members but preferred their election by the House instead of appointment by the president.

A close examination of the deliberations and recommendations of the House of Chiefs on the Balopi Commission Report and the decisions of the government outlined in the White Paper reveal how little impact, if any, the House had on the outcome of the government decisions. The nature and timing of the deliberations of the House on the Balopi Commission Report are also revealing in terms of its inability to demonstrate leadership.

## 7. CONCLUSION

The establishment of the House of Chiefs by the constitution of Botswana was a significant recognition and mark of respect for traditional leaders. This House has served as a forum at the national level, where the traditional leaders articulate their views on matters of their interest. The role performed by the House has been somewhat limited and it has not made any significant impact on the public policies or legislation adopted by the National Assembly. The members of this House have expressed their frustration from time to time about the lack of seriousness attached to this House by the cabinet and the National Assembly.

Official reports of the meetings of the House reveal that there has been an improvement in the quality of debates in the House and the nature of questions and motions tabled. The cordiality between the House and the cabinet ministers has also improved. However, this House needs to focus its interest on matters related to culture, chieftainship, and tribal matters, instead of those that can be better attended to by the National Assembly. The members of the House could take a more active interest inside and outside the House on matters related to spread, prevention, cure, and impact of the HIV-AIDS epidemic. Pronouncements by some active members of the House with regard to undesirable customs (such as

exorbitant funeral expenses) and harmful social behaviour (such as excessive drinking and alcoholism) are a matter of some satisfaction.

The membership of female chiefs, beginning with the election of *Kgosi* Rebecca Banica from Chobe in 1999, and inclusion of *Kgosi* Mosadi Seboko as *ex officio* member after becoming paramount chief of Balete in 2000 and her subsequent election as chairperson of the male-dominated and tradition-minded House, has not only changed the gender of the House but some contributions and issues articulated by them, such as those discussed above, have made a difference to the general perception of the possible role of female chiefs in contemporary Botswana.

Besides various measures that have been discussed from time to time for strengthening the House of Chiefs, one of the most serious concerns and discomforts, as discussed above, has been its composition and membership. The changed composition of the House after 2005 might not have made it tribally neutral altogether; nevertheless, it is a significant improvement over the past.

Whatever the effectiveness of the House of Chiefs in the governance of the country, the government of Botswana is committed to retaining the House. The then president of Botswana, Festus Mogae, unequivocally expressed his support for the House while officially opening the new chamber of the House of Chiefs in 2001. He observed that his government viewed the House of Chiefs as one of the cornerstones of the young democracy. He expressed the appreciation of the government for the contribution that traditional leadership has made towards political stability in the country. The president said, while his government was committed to the preservation of the institution of *bogosi*, it was imperative that the institution demonstrate resilience and dynamism in the face of mounting cultural globalization.

We know our prosperity over the years will be increasingly and irrevocably integrated in to the rest of the humanity. As the custodian of our culture, the chiefs have a role in ensuring that those positive aspects that have guided our destiny before can endure so that we too can pass a portion of our identity to humanity. (*Botswana Gazette*, 31 January 2001)



KGOSI KGARI SECHELE-BAKWENA – PARAMOUNT CHIEF AND DEPUTY CHAIRMAN NTLO YA DIKGOSI (HOUSE OF CHIEFS), PROFESSOR KESHAV C. SHARMA, KGOSI MODADI SEBOKO – PARAMOUNT CHIEF OF BALETE AND FORMER CHAIRPERSON NTLO YA DIKGOSI, AND KGOSI MOTHIBE LINCHWE – ACTING PARAMOUNT CHIEF OF BALGATLA, BOTSWANA. (PHOTO: PROFESSOR K.C. SHARMA.)



THE FIRST WOMAN TO BECOME PRESIDENT OF BOTSWANA'S NATIONAL HOUSE OF CHIEFS: KGOSI MOSADI SEBOKO, PARAMOUNT CHIEF OF BALETE. (PHOTO: DR. DON I. RAY.)

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# 17 The National House of Chiefs – Ghana

Kusi Ankra

## INTRODUCTION

The 1960 Constitution of the Republic of Ghana, Article 49, stated that there shall be a House of Chiefs for each of the regions of Ghana. In compliance with this article, the Chieftaincy Act 81 of 1961 established the Regional Houses of Chiefs. Then, after the overthrow of the CPP government, led by Dr. Kwame Nkrumah, in 1966, a delegation of five members from each of the Regional Houses of Chiefs met a team from the military government in Kumasi at the request of the late Otumfuo Sir Osei Agyeman Prempeh II, *Asantehene*, to discuss the question of establishing the National House of Chiefs in Ghana with a view to obtaining a united front for the chiefs.

The 1969 Constitution of Ghana guaranteed the institution of chieftaincy together with its traditional councils as established by customary law and usage. The 1969 constitution made provision for the establishment of the National Houses of Chiefs.



As a result, the Parliament of Ghana passed into law the Chieftaincy Act 370 of 1971, establishing the National House of Chiefs, and confirmed the already existing Regional Houses of Chiefs and gave them judicial and other functions. Although Act 370 was passed as an amendment to the statute law on Chieftaincy Act 81 of 1961 in order to bring it into conformity with the provisions of the constitution, Parliament gave the government the power to recognize a chief under Section 48(6) of the Act. The constitutional and legal role of the chiefs as endorsed by the Chieftaincy Act can be summarized as judicial – that is trial of chieftaincy cases, advisory, and research. The House may perform any other duties which are consistent with the laws of the land.

The Chieftaincy Act 370 of 1971 has been the basic law in chieftaincy ever since, with minor amendments. The National Redemption Council (NRC) overthrew the Busia Regime on 13 January 1972 and suspended the constitution but exempted the clauses dealing with chieftaincy. The Armed Forces Revolutionary Council (AFRC) in 1979 continued the practice of the NRC.

## MEMBERSHIP

The Act specifies that the membership of the National House of Chiefs (NHC) shall be composed of five chiefs from each of the Regional Houses of Chiefs elected to serve a three-year term of office. The National House of Chiefs elects a president and a vice-president for the duration. The House operates and functions through the following committees with specific responsibilities.

## COMMITTEES

### *1. The Standing Committee*

The Standing Committee consists of the president, the vice-president of the National House of Chiefs, presidents or representatives of each of the

Regional Houses of Chiefs, chairmen of the Research Committee, the Stool/Skin Lands Committee, and the Finance and Staff Committee of the National House of Chiefs. It meets whenever necessary and as directed by the chairman, who is the president of the National House of Chiefs, at least once a month or at the request of three or more members. The committee organizes the functions of the House and advises the House generally on all matters and also on behalf of the House when it deems it expedient to do so.

## *2. The Research Committee*

The Research Committee is made up of the representatives from each Regional House of Chiefs with one of them as chairman. Under Section 40 of the Chieftaincy Act, the National House of Chiefs is expected to research into the customary laws and traditions of the various ethnic groups with a view to evolving, in appropriate cases a unified system of customary law. The Research Committee had been grappling with this function for several years until the House was fortunate to get *Na* Prof. J.S. Nabila, who is the Wulugu Naba, as the chairman of the committee. He is a professor of geography in the University of Ghana in Accra. Through his initiative, a steering committee of the Research Committee was appointed and with the assistance of the Konrad Adenauer Foundation of Germany, National Commission on Civic Education, series of seminars were organized for the Research Staff at the Chieftaincy Secretariat and National/Regional Houses of Chiefs, and some traditional councils. A pilot project was started with twenty traditional areas to gather information on the enstoolment/enskinment and destoolment/deskinment of paramount stools/skins in the country. Funds were provided by Konrad Adenauer Foundation of Germany and the government through the chieftaincy secretariat. The information was gathered for the first phase. The traditional areas for the second phase have been chosen.

Under Section 50 of the Chieftaincy Act, the National House of Chiefs is expected to study Chieftaincy Declaration forms of the new chiefs before the names are entered into the National Register of Chiefs. The procedure adopted is that the C.D. forms are prepared by the traditional council, duly signed by the president of the traditional council with the curriculum vitae of the chief signed by the registrar of the council.

The forms are forwarded to the Regional House of Chiefs for vetting by its Research Committee and confirmed by the full house of the Regional House of Chiefs and transmitted to the National House of Chiefs for further vetting by the Research Committee and Standing Committee of the National House of Chiefs. The general meeting of the National House of Chiefs has to confirm the approval before they could be entered in the National Register of Chiefs and later published in the local government bulletin through the chieftaincy secretariat. It was observed that the Provisional National Defence Council (PNDC) government (1981–93) published the names of certain chiefs whose C.D. forms were not channeled through the National House of Chiefs with the reason that it was using PNDC Decree 107, which empowered the government to do so. This method created two chiefs in a particular area with its attendant problems.

With the promulgation of the 1992 Constitution, the final approval of Chieftaincy Declaration forms hinged on the National House of Chiefs, except when the security or financial aspect of the particular area called for assistance from the national government.

### *3. The Finance and Staff Committee*

This committee is responsible for the supervision of the finance and staff matters of the House, including preparation of estimates, control of expenditure, and control of staff.

### *4. The Stool/Skins Committee*

This committee studies all matters affecting stool/skin lands and advises the government on legislative proposals affecting stool/skin lands. The committee may also advise the government on the utilization of stool/skin lands. Stool and skin lands are lands held under customary tenure on behalf of the community by their chief. Chiefs occupy “stools” made of wood in the south. In the north, chiefs sit on “skins” made of cattle hide. Both are key regalia for the chief.

### *5. The Privileges Committee*

This committee prescribes the code of conduct to be adhered to by members of the National House of Chiefs.

## OTHER COMMITTEES

Under Section 3 of Act 370 (1971), the National House of Chiefs shall be responsible for advising any person or authority charged by the constitution or any other enactment with any responsibility for any matter relating to chieftaincy. It is the convention of the National House of Chiefs to refer such matters to committees appointed by the House to study the issue and advise.

## JUDICIAL FUNCTIONS

“The National House of Chiefs shall have appellate jurisdiction in any matter relating to Chieftaincy which has been determined by the Regional House of Chiefs from which appellate jurisdiction there shall be an appeal with the leave of the Supreme Court or National House of Chiefs to the Supreme Court” (Section 22 of Act 370 of 1971). This is a function whose objectives are for the settlement of chieftaincy disputes to bring the needed peace and socio-economic development in the country. In pursuit of this objective, the National House of Chiefs has three sets of judicial committees made up of five members each at a particular time to hear and determine cases with the assistance of a counsel appointed by the attorney general on the advice of the National House of Chiefs.

## DECISION-MAKING

All important decisions at the National House are arrived at by consensus or, where these fail, by voting, with the majority carrying the day. It is normal for any of the committees of the House to make proposals and recommendations on issues in their field of activity to the full house, which would take the final decision on the proposals through consensus or voting. This is the *modus operandi* for all of the committees.

## DISPUTE RESOLUTION

As already indicated, all chieftaincy disputes filed at the National House of Chiefs as the court of first instance are determined by the Judicial Committee. Such disputes affect parties from two regions. Similarly, appeals from Regional Houses of Chiefs are determined by judicial committees. The National House of Chiefs has three sets of judicial committees, made up of five members each at any particular time to hear and determine cases.

The National House of Chiefs has counsel to assist it to perform its judicial functions. Parties to disputes at the National House of Chiefs are allowed counsel of their own to present their case.

There is, however, right of appeal with leave of the National House or the Supreme Court to the Supreme Court against the judgment of the National House of Chiefs. By the Chieftaincy Act it is only chieftaincy disputes in matters arising out of the nomination, election installation, or destoolment of a chief and stool property that can legally be determined by the National House of Chiefs.

Although the National House of Chiefs can offer some advice and assistance in helping to solve land disputes, these disputes do not fall within the jurisdiction of the National House of Chiefs.

## RESOURCE MANAGEMENT

The National House of Chiefs has no resources of its own as it is a creature of statute and therefore funded and financially maintained by central government. The resources allocated to the National House of Chiefs are channeled through the chieftaincy secretariat. The president of the National House of Chiefs, the Finance and Staff Committee, the registrar, and his supporting accounting staff manage and utilize the funds allocated to the House. The chieftaincy secretariat also monitors the management of the funds allocated to the National House of Chiefs. It should, however, be mentioned that the individual members of the National House of Chiefs as chiefs in their traditional areas have resources such as land,

royalties from timber, minerals, and labour, which they manage at their local level using their customs and traditions.

## CRISIS MANAGEMENT

The National House of Chiefs normally takes four strategies to deal with crisis situations. The first is to refer the issue to the local paramount chief or the Regional House of Chiefs in whose area there is a crisis. The second is to investigate and find the source of the conflict or disturbance, e.g., the National House of Chiefs at its meeting held on 17–18 March 1983, appointed a three-man committee to deal with Mamprusi and Kusasi conflict. The third strategy employed by the National House of Chiefs is to appeal to the good sense of the parties concerned, particularly in civil disorders and ethnic rivalry so that normalcy can be restored. With natural disasters and food shortage, the National House of Chiefs would mobilize both local and national enthusiasm to alleviate the hardships of the disaster of food shortage. However, the most popular and commonly used strategy of the National House of Chiefs is to appeal to the government of the day to intervene or help curb the crisis or its effects.

## STRUCTURE

At the top of the institutional organization of chieftaincy is the National House of Chiefs. Section 49 of Act 370 of the Chieftaincy Act identifies the categories of chiefs as: (a) *Asantehene* and paramount chiefs, (b) divisional chiefs, (c) sub-divisional chiefs, (d) *Adikrofo* (village chiefs), and (e) such other chiefs not falling within any of the preceding categories as are recognized by the Regional House of Chiefs.

Except for some members of the Northern, Greater Accra, Volta, and Ashanti regions, all the members of the National House of Chiefs are paramount chiefs. The first president of the National House of Chiefs was Otumfuo Opoku Ware II, *Asantehene* (Asante), with Nene Annorkwei,

Prampram Mantse (Ga) in the Greater Accra Region as vice-president elected in October 1972.

On 8 October 1973, the *Asantehene* was re-elected as president with Nene Annorkwei as vice-president. However, on 8 October 1978, *Nana* Agyeman Badu, Dormaahene from Brong Ahafo Region was elected president with Togbe Adeladza II, Awoamefia of Anlo in the Volta Region as vice-president.

On 10 December 1982, the *Asantehene* was elected as president, with Yabumura Timu II of Gonja from the Northern Region as his vice-president. He was re-elected as president, with Daasebree Akuamoah Boateng II, Kwahuhene in Eastern Region as his vice-president. In 1988 when an attempt to amend the Chieftaincy Act to enable the *Asantehene* to remain president failed (the Chieftaincy Act permits only two consecutive tenure of office), Togbe Adja Tekpor VI, Osie of Avatime in the Volta Region was elected as president with *Nana* Agyefi Kwame II, Nseinhene as the vice-president.

In October 1992, Odenho Oduro Numapau II Essumjahene in Ashanti was elected president, with *Nana* Boakye Tromu Duayaw Nkwantahene in Brong Ahafo as vice-president. Odenho Oduro Numapau II was re-elected as President after serving the three term and *Na* (Dr) Puoure Puobe Chiir VII, Nandom-*Na* was elected as his vice-president.

In 1998 Osagyefo (Dr.) Kuntunkununku II, Akim Abuakwahene was elected as president with Nandom-*Na* as his vice-president. After serving for four months, he died, and Odeefuo Boa Amponsem III was elected to continue until the end of the three-year term. Not long after, Odeefuo Boa Amponsem III fell sick and his vice-president *Na* (Dr) Puoure Puobe Chiir Nandom-*Na* acted. The current president, Odenho Gyapong Ababio II Sefwi Bekwaihene, in Western Region was elected in November 2001, with *Na* Banamini Sandu II, Kaleo-*Na* in Upper West Region as the vice-president.

Thus the presidency of the National House of Chiefs has been dominated by the *Asantehene*. It is also of interest to mention that he is not a member of the House as he feels he would be compromising his elevated position by being in the National House of Chiefs under the presidency of any other chief.

The National House of Chiefs deals with the central government through the chieftaincy secretariat. All government policies and directives

on chieftaincy and related matters are channeled through the chieftaincy secretariat to the National House of Chiefs.

The National House of Chiefs also sends its views and comments on chieftaincy and other matters in memorandum form or physical contact through the chieftaincy secretariat. All complaints or demands of the National House of Chiefs to government are passed through the chieftaincy secretariat, which acts as a conduit from government to the National House of Chiefs.

Although the Regional Houses of Chiefs are separate autonomous units, the National House of Chiefs has assumed or portrays a superior and supervising role over the Regional Houses of Chiefs. This is because there is a right of appeal from the Regional House to the National House. All legal changes such as customary laws must pass through the National House of Chiefs. The names of all chiefs must be entered into the National Register of Chiefs and, by the 1992 Constitution, the National House of Chiefs can accord or withdraw recognition of chiefs. Therefore, in practical terms, the Regional Houses of Chiefs are under the National House of Chiefs, which links up the institution of chieftaincy, i.e., the Regional Houses of Chiefs through the chieftaincy secretariat to central government.

Under the Regional Houses of Chiefs are traditional councils, who come administratively, and otherwise, directly under the Regional Houses and deal with the National House through the Regional Houses. The traditional councils are established by Section 12 of the Chieftaincy Act. Traditional councils are headed by presidents who, except in the case of joint traditional councils, are paramount chiefs of traditional areas. The membership of each traditional council consists of persons shown in the National Register of Chiefs as members of those traditional councils and so membership varies from one traditional area to another because of the different customs and traditions and hierarchy or arrangement of chiefs.

Each traditional council has exclusive jurisdiction to hear and determine any cause or matter affecting chieftaincy that arises within its area, not being one to which the *Asantehene* or a paramount chief is a party (Section 15 of the Chieftaincy Act). However, any person aggrieved by any judgment or order made by a traditional council in any cause or matter affecting chieftaincy can appeal to the House of Chiefs of the region as of right against the judgment or order. In exercise of the jurisdiction



conferred upon it, traditional councils are expected to conduct their proceedings according to customary law.

A traditional council can also modify and change the customary practice and laws of its area if it considers this desirable or the customs are outmoded. It can do this by a resolution through the Regional House of Chiefs, the National House of Chiefs, and a law passed by government.

As already mentioned, most of the chiefs in the National House of Chiefs are paramount chiefs. However, the office of the president and vice-president of the National House of Chiefs are elective and one holds the post for three years and can only hold the post for two consecutive terms. By Section 5(4) of the Chieftaincy Act 370, the president and his vice-president alone should preside over the meetings.

Although the president has an office at the National House of Chiefs, his job is not a fulltime one. The president is, however, assisted by the registrar and administrative staff. There is also a counsel for the National House of Chiefs, and he has a supporting staff of bailiffs, court clerks, and assistant registrars. The National House of Chiefs also has a research officer who acts as the secretary to the Research Committee.

Members of the National House of Chiefs are paid all expenses incurred in respect of their judicial functions from the consolidated fund (Section 58(3) Chieftaincy Act 370 of 1971). In addition, members are paid mileage and sitting allowance for attending the meetings and other functions of the National House of Chiefs. The president and the vice-president are paid entertainment allowances and all these expenditures of the National House of Chiefs are charged on the consolidated fund.

All members of the National House of Chiefs are entitled to the same rights and obligations by law and therefore members of the House recognize each other as colleagues and equals. However, divisional chiefs in the House are not treated like paramount chiefs. For instance, when there is a case affecting paramount chiefs, the convention is to entertain only paramount chiefs on the panel for adjudication.

### **i. Rules**

The National House of Chiefs can and do make rules. Firstly, in accordance with provisions of the Chieftaincy Act, 1971, Act 370 (Part One, Section 4), “The National House of Chiefs may make standing orders for

the regulation and orderly conduct of its business.” The Standing Orders of the House were made and revised in 1986 and then in 1992 in accordance with this provision.

Secondly, in accordance with Section 41–42 of the Chieftaincy Act 370, the National House of Chiefs can make a request to the president, who, after consultation with the attorney general, makes a legislative instrument, subject to the confirmation of Parliament, to modify the customary practices of specific areas. This can be done on recommendations of a traditional council through the Regional House to the National House. This could also be done with the recommendation from Regional Houses of Chiefs (Section 43, 44) or at the initiative of the National House of Chiefs.

The National House of Chiefs can also recommend the assimilation of customary law into common law.

At its meeting held on 17–18 July 1980, the National House of Chiefs accepted a memorandum from the Research Committee aimed at cutting down funeral expenditure. The memorandum was the result of positions taken by the traditional councils and the Regional Houses of Chiefs. However, before this could become law or an assimilated law, the elected PNP government was overthrown and the whole legal process was frozen.

## **ii. Rule Compliance**

The enforcement of the Standing Orders of the National House of Chiefs is done by appeal to the sense of dignity of the membership of the National House of Chiefs.

The Standing Orders are also enforceable through the courts of the land, e.g., when an attempt was made in 1991 to move the National House of Chiefs from Kumasi to Accra, the Ashanti chiefs, who felt that the move was a violation of the Standing Orders, sent the issue to court. Fortunately, the matter was settled amicably.

Legislative instruments enacted on the recommendation of the National House of Chiefs or customary law enacted through a similar process are enforceable as any other orders of the law through the interpretation of the judiciary and executive action. It should, however, be mentioned that, even though the institution of chieftaincy is as old as the Ghanaian society, the National House of Chiefs is a creature of statute. With

the promulgation of the Chieftaincy Act 370 of 1971, it was expected that the National House would exploit its rights and obligations to effect the modification of customary law. However, there were only two short spells of constitutional rule (1971 to January 1972 and September 1979 to December 1981). Although the two military regimes of 1972–79 and 1981–93 exempted the clause governing chieftaincy from the constitutions they suspended, the constitutional arrangements were non-existent for the National House to function constitutionally, and therefore the National House of Chiefs could not make extensive use of the provisions of the Chieftaincy Act. As a result of the lack of continuity of constitutional rule, when the National House of Chiefs made rules that were not backed by any legislative instrument, they could only appeal to the good sense of the people affected by those rules. The National House of Chiefs had no power of its own to enforce those rules. Constitutional rule returned in 1993. The draft amendment of the Chieftaincy Act and the amended Legislative Instrument on Membership of Regional Houses of Chiefs were long delayed.

## LEADERSHIP

Chiefs are enstooled or enskinned after going through a vetting system that ensures that the best gets the stool or skin. Leadership qualities such as wisdom, courage, honesty, moral and physical uprightness, and life style that is above reproach are taken into consideration before enstoolment or enskinment. The National House of Chiefs is made up of five chiefs from each region.

Except for some chiefs from the Northern, Greater Accra, and Upper East Regional Houses of Chiefs, all the chiefs selected to the National House of Chiefs are paramount chiefs. In the North, because of the high rate of illiteracy of paramount chiefs and also because of the graduation nature of chiefship, i.e., one starts at some level (e.g., village level) and then climbs through sub-division and division before the paramountcy, most of the paramount chiefs are old. In Upper East and Greater Accra, Regional Houses of Chiefs because of litigation and the fact that the membership includes divisional chiefs, some energetic, educated and young divisional

chiefs are sent to the National House. Each region tries to send the best to represent them at the National House. It would appear chiefs who are well educated and articulate have better chances of representing the various Regional Houses of Chiefs. The National House of Chiefs is therefore mainly made up of chiefs who are professionals, e.g., lawyers, engineers, medical practitioners, professional and graduate teachers, and chiefs holding senior posts in the civil/public service or business. Thus the National House of Chiefs by its composition and the quality of its membership appears to be similar to the House of Lords in the United Kingdom. However, the major source of government authority of the National House of Chiefs is the Chieftaincy Act, which was saved by the 1979 and 1992 constitutions and PNDC L. 42. The National House of Chiefs is a creature of statute and it derives its power and legitimacy from the Act 370 of 1971 and now from the constitution.

The National House of Chiefs is a consultative body with no executive powers. However, it is consulted by the government and its agencies. The members, however, feel that, as the embodiment of the souls of the society and heirs and successors to the founders of the native states, they are competent to ensure peace, stability, and development.

The membership of the National House of Chiefs represents the interests of the citizens at the local level. As the paramount chiefs of their traditional areas, they also represent their people at the Regional House of Chiefs. They represent their people and their regions at the National House of Chiefs.

The National House of Chiefs at the top of chieftaincy administration offers strategic leadership to the people as it is in a position to deal with government and national issues at the very high levels. The House acts not only as a link between the government and the people but also as a link between the people, the chiefs, and the government and political authority.

The members of the National House of Chiefs are affected by destoolable (i.e., impeachable) offences such as insanity, stealing, adultery, selling of stool/skin property, misappropriation of state funds, insulting behaviour, disrespect to elders and sub-chiefs, and imprisonment on criminal charges. Therefore, the members of the National House of Chiefs should be morally above reproach.

## RELATIONSHIPS

Relationships between members of the National House of Chiefs appear always cordial and dignified. Similarly, the relationship between the National House of Chiefs and the Regional Houses of Chiefs should and is normally cordial, except in a few cases of conflict, e.g., in 1980, when there was strained relations between the National House of Chiefs and the Brong Ahafo Regional House of Chiefs over the Nsawkaw and Nsoatre stools, which the Brong Ahafo Regional House of Chiefs had recognized as paramount stools without the approval and consent of the National House of Chiefs.

The National House of Chiefs has no legal administrative supervisory role over the Regional House of Chiefs; yet, because it is the highest chieftaincy body, it has been superimposed on the Regional Houses of Chiefs. Moreover, there is a right of appeal from the Regional to the National House of Chiefs. The view of the Regional House of Chiefs on any chieftaincy and other matters are usually passed through the National House of Chiefs as specified in the constitution and Act 370. This has therefore strengthened the superiority of the National House over the Regional Houses of Chiefs.

The relationship between the National House of Chiefs and the Regional House of Chiefs is cordial and full of mutual respect. The National House of Chiefs continues to seek the views of the Regional Houses of Chiefs on many issues. Similarly, it continues to strengthen and advise the Regional Houses of Chiefs on many fronts. On the other hand, the Regional Houses of Chiefs carry out directives of the National House of Chiefs and explain its policies to the membership of the Regional Houses.

### **i. Relationship with Queenmothers**

Although the personal relationship between chiefs and queenmothers are normally cordial, the National House of Chiefs has refused to have anything to do with queenmothers. As a result of the 31 December Revolution (1981–93) and the activities of the 31 December Women's Movement, subtle attempts were made by queenmothers with the support of the 31 December Women's Movement and the PNDC government to

get the queenmothers admitted into the Regional and National Houses of Chiefs. By a memorandum submitted on 23 May 1990 to government, the National House of Chiefs rejected the representation of queenmothers in the National and Regional Houses of Chiefs on the argument that the institution of chieftaincy does not serve factional interests.

## **ii. Relationship with Government Political Leaders**

The relationship between the National House of Chiefs and the central government is a matter of great controversy. One school of thought sees the relationship between the National House of Chiefs and the central government as that of a master and servant. The chiefs, particularly in the National House of Chiefs, seem to be at the beck and call of the government, receiving varied directives and instructions from the government. As the National House of Chiefs seems to follow and support every government, they have been accused of sycophancy and bootlicking. These observations seem to be justified by some of the activities, comments, and views of the National House of Chiefs over the years.

When the civilian Busia administration was overthrown in 1972, the National House of Chiefs supported the Acheampong military regime. When the Acheampong regime outlined a nebulous form of government known as Union government, the National House of Chiefs not only met the ad hoc Committee on Union government at its meeting held 31 May–2 June 1976 but also supported the concept of Union government.

When Acheampong's SMC I was overthrown, the National House of Chiefs supported SMC II, and when SMC II was overthrown by Flt. Lt. J.J. Rawlings and the AFRC in June 1979, the National House of Chiefs gave their support to Rawlings.

After September 1979, the National House of Chiefs turned around and supported the elected civilian constitutional Limman administration, and when the regime was overthrown on 31 December 1981, the military regime of Flt. Lt. J.J. Rawlings, the PNDC, got their approval.

In November 1992, when the presidential elections which gave victory to Flt. Lt. J.J. Rawlings and his NDC party was being disputed as rigged and unfair, the National House of Chiefs was among the first to pledge their support for the NDC government.

Another school of thought sees the National House of Chiefs as a flexible national institution that puts national interest before any other and therefore can always work and cope with every government. This is attributed to the natural leadership qualities of chiefs who should always compromise to bring unity, peace, and development.

It must be said in support of this view that, although the National House of Chiefs in the national interest supports all governments, it does not support excesses. For example, at its meeting held on 17–19 May 1978, the House demanded and obtained the release of most of the opponents of the Union government who were detained after the Union government referendum. Similarly, at its meeting held on 12–13 July 1979, the National House of Chiefs sent a delegation to the chairman of AFRC Flt. Lt. J.J. Rawlings to protest against the excesses of the regime, such as flogging, demolition of houses, and harassment of food sellers.

In 1977 and 1987, when there were disturbances on the university campuses leading to their closure, the National House of Chiefs intervened and had the matter settled amicably and the universities re-opened.

In 1992, after the presidential elections when the opposition parties refused to accept the results of the elections and decided to boycott the parliamentary elections, the National House of Chiefs intervened but failed to persuade the opposition parties to take part in the parliamentary elections.

The relationship between the National House of Chiefs and the government in fairness to the chiefs should be viewed taking the following into consideration:

- (i) The National House of Chiefs is a creature of statute and is funded by the central government.
- (ii) Except the provisions of the 1992 Constitution which debars the central government from according or withdrawing the recognition of chiefs, all previous governments had this prerogative and therefore the chiefs in order to survive had to toe their line of action.

The relationship between the National House of Chiefs and government is cordial. The government from time to time seeks advice from the National House of Chiefs on pertinent national issues. The National House of Chiefs also sends its views and comments on national issues to the government from time to time. It is not unusual for the head of state to address the National House of Chiefs.

The government has also on many occasions acknowledged the contributions of the National House of Chiefs. Togbe Adja Tekpor VI served on the Lands Commission. A member of the National House served on the National Economic Board and others represented the National House of Chiefs on the constituent assemblies in 1969 and 1979 and the consultative assembly in 1992.

By the 1992 Constitution, the president of the National House of Chiefs is an automatic member of the Council of State. Members of National House of Chiefs serve on Judicial Council, Prison Service Council, Lands Commission, Population Council, Forestry Commission, and many other boards and commissions and committees.

### **iii. Relations with Government Departments/Ministries**

The National House of Chiefs has a very cordial working relationship with government departments, particularly the Ministry of Finance and Economic Planning, Agriculture, Education, Justice, and the National Commission on Culture. Although administratively the National House of Chiefs ought to deal with these institutions through the chieftaincy secretariat, it has nonetheless developed informal relations with these ministries. For example, it is not unusual for the National House of Chiefs to invite the minister or principal secretary/chief director in charge of finance to brief the National House of Chiefs on the state of the economy. For instance, at its meeting held on 17 August 1976, the National House of Chiefs invited the principal secretary, Ministry of Finance, to explain the annual budget. Similarly, in 1983 Dr. Kwesi Botchwey, the Secretary of Finance under PNDC government, was invited to brief the House on the budget and the state of the economy. This was at its meeting held on 16–17 June 1983.

The National House of Chiefs submits memoranda or through verbal discussion communicates its views on the economy through the chieftaincy



secretariat to the government. The House has also on occasion invited the minister for Agriculture, the executive secretary of Arts Council, and the chairman of the National Commission on Culture to address the House and highlight their policy objectives. The House from time to time also submits its views to these departments.

## **18 The Role of Traditional Leaders in the Administration of Customary Courts in Botswana**

Keshav C. Sharma

Recognizing the role played by the traditional leaders, Botswana has integrated them into its contemporary machinery of public administration. The role of traditional leaders in Botswana is particularly significant in the administration of justice as Botswana's customary courts co-exist with the modern set-up of judiciary and handle almost 90 per cent of the cases handled by the courts. The people in the rural areas find the justice administered by these customary courts to be comprehensible, inexpensive, speedy, and not too technical. These customary courts have been recognized by law, derive their authority from tradition as well as from statutes, and administer customary as well as statutory law. This chapter covers historical and contemporary background, nature of authority and jurisdiction of these courts, their relations with modern courts, machinery for their administration at the central and district levels, machinery for the review of cases, the role of the Customary Court of Appeal and of local police. The chapter concludes with a discussion of strengths, limitations, and challenges and their relevance in the modern set-up of public administration.

## 1. INTRODUCTION: ROLE OF TRADITIONAL LEADERS (PAST AND PRESENT)

Chieftainship in Botswana has enjoyed the glory of pre-colonial times, has survived through the colonial period, and has reconciled to the new political system of the post-independence period. Although the status, powers, and functions of traditional leaders have been gradually reduced during the post-independence period, the institution of chieftainship has not only been retained but it has been integrated into the contemporary machinery of public administration. The traditional leaders (chiefs) during the pre-colonial period enjoyed unlimited and undefined powers over their tribe. Each tribe owned a given piece of land, which was controlled by its chief. The chief was the custodian of tribal land and allocated it to tribesmen for ploughing or residential purposes. The villages were divided into several wards, each headed by a headman. The chief settled disputes, pronounced on tribal customs and traditions, and ruled on matters concerning the tribe in consultation with its members. During the period of colonial rule, the colonial government exercised minimal control over local administration at the tribal level. The chiefs were by and large allowed maximum independence in their tribal rule and in maintaining law and order (Morton and Ramsay 1987).

Chieftainship was retained in Botswana after independence and the Chieftainship Act provided the legal cornerstone for the recognition and functioning of the office of chieftainship at different levels of tribal rule. This act outlined the functions of chiefs and provisions for appointment and removal of the chief, sub-chief, regent, chief's representative, and village headman. According to this act, "a Chief is an individual who has been designated as a Chief in accordance with customary law by his tribe assembled in *Kgotla*; and has been recognized as a Chief by the Minister." The functions of a chief, according to the act are: to promote the welfare of the members of his tribe; to carry out any instructions given to him by the minister; to ensure that the tribe is informed of development projects in the area; to convene *Kgotla* meetings to obtain advice as to the exercise of his functions; to determine questions of tribal membership; to arrange tribal ceremonies; and to prevent commission of any offence within his tribal territory.

A chief is identified by the *Kgotla* in a customary manner and is appointed by the minister. Where there is a vacancy in the chieftainship of a tribe, due to death, deposition, or abdication, the tribe assembled in the *Kgotla* under the chairmanship of the senior member of the tribe designates the rightful successor to the chieftainship according to the customary law. The minister can at any time withdraw recognition from a chief if he or she considers it to be in the public interest to do so. The minister can suspend a chief if he or she believes that the chief is incapable of exercising his powers, has abused his powers, or is for any reason not a fit and proper person to be a chief. The minister can do so if a section of a tribe lodges such complaints with the minister against the chief. After such suspension the minister must hold an enquiry to confirm that the allegations made against the chief are correct. After doing this, the minister can depose or suspend a chief for a period not exceeding five years, if he considers it expedient and in the interest of peace, good order, and good government. The minister is authorized by the act to issue directions to any chief for the better carrying out of his functions. Any chief who fails to comply with any direction given to him by the minister is liable to be suspended or deposed. Various other acts of Parliament (such as those covering Customary Courts, Common Law and Customary Law, Marriages, Children, Succession, Inheritance, Adoption, Local Police, Stock Theft, House of Chiefs, etc.) also cover the powers and functions of chiefs. This traditional institution has been adapted with the changing pattern of government and public administration machinery in the country since independence at the central and the local levels (Sharma 1997; 1999a; 1999b; 2003).

## 2. ROLE OF TRADITIONAL LEADERS IN THE ADMINISTRATION OF JUSTICE: ORGANIZATION AND ADMINISTRATION OF CUSTOMARY COURTS

### *2.1. Significance of Customary Courts*

One of the most significant roles of traditional leaders in Botswana is in the administration of justice on customary lines. The traditional leaders

continue to play a significant role in imparting justice on customary lines as customary courts handle approximately 80 per cent of criminal cases and 90 per cent of civil cases in the country. The customary courts (about 378, at present) are popular with the people in the rural areas, as these are easily accessible, cheap, fast, and comprehensible to the ordinary people.

## *2.2. Authority and Jurisdiction of Customary Courts*

The Customary Courts Act authorizes the minister to establish customary courts in accordance with customary law, on the recommendation of the chiefs who advise on recognition, establishment, abolition, or variation in jurisdiction of customary courts. The minister exercises the authority to appoint, suspend, or dismiss members of the customary courts.

The customary courts have civil and criminal jurisdiction. A customary court may exercise civil jurisdiction over (a) any customary law, and (b) any written law, which the court may be authorized to administer. For civil cases to be tried by the customary courts, all the parties had to be tribesmen before the amendment to the Customary Court Act of 2002, which deleted this restriction. The defendant should ordinarily be resident within the area of jurisdiction of the court or should be cause of action therein. The customary courts exercise criminal jurisdiction in connection with criminal charges and matters in which the accused is a tribesman or consents in writing to the jurisdiction of the court; and the charge relates to the commission of an offence committed either wholly or partly within the area of jurisdiction of the court.

The provisions of the Penal Code in trying the criminal cases guide customary courts. No person can be charged with a criminal offence unless the Penal Code or some other written law creates such offence. Customary courts do not have jurisdiction to try cases in which the accused is charged with treason, riot, or any offence involving the security or safety of the state, murder, bigamy, bribery, an offence concerning counterfeit currency, robbery, extortion by means of threats, an offence against insolvency law or company law, rape, contraventions of prohibitions relating to precious stones, gold and other precious metals, marriages contracted outside the customary law, and insolvency. The customary courts are also not authorized to try cases relating to witchcraft without the general or special consent of the attorney general. The minister may, by order in the Gazette,

authorize any customary court to administer any written law specified in the order. The customary courts may sentence a convicted person to a fine, imprisonment, corporal punishment, or any combination of such punishments within the prescribed limits.

Some acts such as the Stock Theft Act of 1996 authorize the customary courts with significant powers. Article 3 (1) of this act provides that:

Any person who steals any stock or produce, or receives any stock or produce knowing or having reason to believe it to be stolen stock or produce, shall be guilty of an offense and, notwithstanding the provisions of any other written law, shall be sentenced for a first offense to a term of imprisonment for not less than five years or more than 10 years without the option of a fine, and for second or subsequent offense to a term of imprisonment for not less than seven years or more than 14 years without the option of a fine.

Further, Article 3 (II) lays down:

Where, for the purpose of stealing, any stock or produce, or in the course of stealing any stock or produce, violence or threat of violence is used, the penalty shall be a term of imprisonment for not less than 10 years or more than 15 years without the option of a fine, and if the violence used or threat involves the use of a firearm or other offensive weapon the penalty shall be a term of imprisonment for not less than 12 years or more than 20 years without the option of a fine.

These are significant powers given to the customary courts. Before the amendment of 1997 to the Customary Court Act, the customary courts were not authorized to award a sentence of imprisonment in excess of four years or a fine in excess of P4,000, unless the state president authorized increased jurisdiction. A substantial increase in the powers of the customary courts in 1997 signifies the support of the government for customary courts.

The Customary Court Act provides that any person subject to the jurisdiction of a customary court who undermines its authority is guilty of

contempt of court and is liable to a fine not exceeding P100 (one hundred pula) or to imprisonment for a term not exceeding three months, or both.

The practice and procedure of customary courts are regulated in accordance with customary law, subject to such rules as may be promulgated by the minister. Where in any proceedings before a customary court any party demands that the case be transferred to some other court, the Customary Court of Appeal can transfer the case to some other customary court or a magistrate's court of competent jurisdiction in the interest of justice.

The Customary Courts Act provides that any chief may have access to the customary courts in the area of his jurisdiction and may examine the record of any proceedings before a court for satisfying himself as to the correctness, legality, or propriety of any judgment, sentence, or order. If he considers that any finding, sentence, or order of a customary court is illegal or improper, he can forward the record with his remarks to the court to which an appeal lies from that customary court.

### *2.3. Corporal Punishment by the Customary Courts*

The customary courts have the authority to administer corporal punishment but no customary court can sentence any female or any person who is over the age of forty to corporal punishment. The corporal punishment is to be administered on the buttocks and not on backs. These days, it is not administered in the open *Kgotla* as in the past but in one of the offices of the premises. Where any person under the age of eighteen is convicted of an offence, a customary court may, in its discretion, order him to undergo corporal punishment in addition to or in substitution for any other punishment. No sentence of corporal punishment of more than four strokes can be carried out unless confirmed by the district officer.

Corporal punishment by the customary courts has been a subject of some controversy. While the traditionalists consider corporal punishment as an effective method of controlling crime, some members of the public consider it to be barbaric and against human rights. The traditional leaders all over the country would like to continue with this traditional form of punishment for the offenders. One could discern this from the newspaper reports. For instance, *Mmegi* (20–26 September 2002) reported the views of the Francistown Phase Four customary court president, Paul

Motshwane, who strongly believes that corporal punishment is the best tool for maintaining law and order in the modern society, especially among the youth. Motshwane claimed that he saw the fruits of corporal punishment after he was appointed the court president (*kgosi*) there. He had no doubt that corporal punishment contributed to the decline in criminal cases. Customary court president of Tatitown Margaret Mosojane was also reported to have observed that she has had feedback from some parents that their children have reformed following an appearance at the *Kgotla* for whipping. Another newspaper, *The Botswana Gazette* (5 April 2000) reported how *Kgosi* Mathuba Moremi of Maun makes parents who bring their children to *Kgotla* for punishment beat their own children in front of him. Expressing an opposite view, an editorial of *Botswana Guardian* (16 November 2001) condemned caning as a form of punishment at the *Kgotla* by observing that “caning is a form of torture. It subjects those to whom it is administered to gruesome physical pain. It is this that makes it an act that belongs to history.” This editorial concluded with strong words: “This country should not allow itself to drift back to the old dark ages where brutality was an accepted norm. Caning was and will always be an abuse of those it is applied on.”

The members of parliament have generally been opposed to the traditional form of corporal punishment at the *Kgotla*. However, some of them have held the opposite view. *Botswana Guardian* (16 November 2001) reported the views of MPs who echoed the sentiment of their constituents in support of the old-style corporal punishment at the *Kgotla*. Hon. Duke Lefhoko, MP for Shoshong, would like the old style of flogging restored and to be administered in public and not inside a *Kgotla* office in private. Lefhoko sees no reason to punish the offender in some private room when the trial is conducted in an open court. He would also like caning not to be restricted on buttocks, as at present, but to be administered on bare backs, as in the past. In the 1980s corporal punishment on the back was discontinued for medical reasons as some people’s health deteriorated after being flogged at the *Kgotla*. According to Hon. Ponatshego Kedikilwe, MP for Madinare, corporal punishment on bare back was still an unbeatable way to bring down crime. Kedikilwe is reported to have said that old men in his constituency have told him that they saw nothing wrong with old-style corporal punishment as they grew up being caned that way and nothing untoward happened to them. *Kgosi* Tapson Jackalas would have



no problem with the threshold being raised by at least another ten years, such that even fifty-year-olds could be caned. *Kgosi* Jackalas is reported to have said in the House of Chiefs that it made no sense to exempt fifty-year-olds from corporal punishment when they (fifty-year-olds) could still assault.

#### *2.4. Conflict between Customary Law and Common Law*

As the customary courts apply customary law as well as common law, they are expected to be well versed in both. The Common Law and Customary Law Act (Cap 16:01) is meant to give guidance. This act defines common law as “any law, whether written or unwritten in force in Botswana other than customary law.” “Customary Law” according to this act “consists of rules of law which by custom are applicable to any particular tribe or tribal community in Botswana, not being rules which are inconsistent with the provisions of any enactment or contrary to morality, humanity or natural justice.” The act provides that “any question as to the existence or content of a rule of customary law is a question of law for the court and not a question of fact.” If the court entertains any doubt as to the existence or content of a rule of customary law relevant to any proceedings, it may consult reported cases, textbooks, and other sources and may receive opinions either orally or in writing to arrive at a decision in the matter.

Serious conflicts have not surfaced between customary law and common law. This was evident from the interviews in different parts of the country and at different levels of Customary Courts. The Customary Appeals Court Judge Linchwe (interviewed in 2002) also did not experience serious conflict between customary law and common law. He however pointed out that sometimes the Appeals Court has difficulty in upholding the customary law of certain tribes as these follow different practices and customs. For instance, customs on inheritance vary and different tribes view the seriousness of seduction differently. In some tribes, when the father dies, the eldest son becomes the head of the family/estate even though his mother is alive. The son may subject his mother to hardships and treat her like one of the children. The Customary Court of Appeal has, in such cases made the mother in charge of the estate. In cases where both parents are dead, the Appeal Court has taken into account the contribution of each child to the estate and divided it accordingly. According

to the custom in Kweneng District, seduction is repugnant but only at first instance and not subsequently, whereas Kgatleng District considers the subsequent case of seduction equally repugnant. In the Bakwena tribe, when a lady has been seduced and falls pregnant, the man who impregnated her will be fined four heads of cattle or P4,000.00 (four thousand pula). Other tribes fine six heads of cattle or P2,000.00. In such cases, according to Linchwe, the Court is guided by the general principle that the customary law should not be repugnant to the standards of morality. The court interprets the standards of morality.

In some cases, traditional leaders have sought guidance and clarification by raising questions in the House of Chiefs. For instance, on 13 August 2001, *Kgosi* M.S. Linchwe of Bakgatla pointed out the varying views of the customary courts commissioner and of the Customary Court of Appeal on adultery cases and asked the minister of Local Government to state which one of the two views should be followed by the customary courts. The minister's answer to the House of Chiefs clarified the matter when she said:

I am aware that in February 2000, the Customary Courts Commissioner delivered a revisional judgement on an adultery case, which judgement differed with the Customary Court of Appeal's view on the matter. The position was later clarified by the Attorney-General when he advised that "any law that confers rights to sue for adultery on the husband and denies the wife such rights ... would be struck down by our courts as discriminatory and therefore unconstitutional."

The minister further clarified that "whatever the customary law of any particular tribe is on this matter, it should apply in the same way to wives as it does to husbands. In terms of the law, the view of the Customary Court of Appeal is correct and is the one to be applied" (Record of the House of Chiefs, 2000).

## *2.5. Review of Cases Tried by Customary Courts*

All sentences in criminal cases tried in the customary courts in which the punishment awarded is imprisonment exceeding six months or a fine exceeding P200 were reviewed by the customary courts commissioner before the amendment of 2002 to the Customary Courts Act (without prejudice to the right of appeal of the person pronounced as guilty). The customary courts commissioner could reduce the sentence but could not increase it. He could order retrial. He could not convert acquittal into conviction. He was authorized to order the transfer of a case from one customary court to another or from customary court to the magistrate's court if requested by the aggrieved party. These powers exercised by the customary courts commissioner have been given to the customary appeals court after the amendment of Customary Court Act of 2002. This was the recommendation of the Presidential Commission on the Judiciary [Aguda Commission] (1997). This commission was generally in agreement with the view that "the Customary Courts Commissioner be stripped of his judicial powers and such powers transferred to the Customary Court of Appeal" (app. 67). The transfer of authority from the Customary Courts commissioner/director of Tribal Administration to the Customary Court of Appeal for reviewing the cases tried by the customary courts has resulted in further delays in the disposal of these cases (due to the shortage of staff in the appeals court), which were taking too long in the office of the customary courts commissioner (also due to shortage of staff). The cases tried by the customary courts, which result in imprisonment up to one year and a fine up to P2,000, continue to be reviewed by a district officer in the Office of the District Commissioner (2002). Some customary courts have expressed their dissatisfaction with the process of review by the office of the customary courts commissioner or the district commissioner on the ground of lack of legal training of the reviewing officers in these offices and the inordinate delays in the process. In some cases, by the time the cases are reviewed, the convicted person has already served the sentence!

District officers in the district commissioners' offices who review the cases from customary courts (interviewed in 2002) point out that the chiefs do not have adequate knowledge of law and their own authority given by the law. They sometimes do not follow the advice given to them

by the local police. The accused are not given time to defend themselves or to produce witnesses and are forced to admit their guilt. Chiefs have a tendency to give corporal punishment in almost all the cases even when the law does not allow such punishment. For instance, corporal punishment is not allowed for offences such as those related to stock theft or consumption or sale of Dagga, but the chiefs administer corporal punishment. The chiefs in some cases take up the cases for which they do not have jurisdiction and commit the offenders. Sometimes, cases that should go to the magistrates' courts are brought to the customary courts by the local police and the chiefs entertain these. They need to have better knowledge of law. Provision of administrative machinery for reviewing the cases tried by customary courts becomes significant due to inadequate legal knowledge and training on the part of chiefs. The increased authority and jurisdiction of chiefs given to them by the Stock Theft Act increases the significance of review function further. The district commissioner in Kanye revealed in an interview (2002) that he acquitted an man over sixty-three years of age, owner of a butchery, who had been sentenced to eight years imprisonment by the customary court on the charge of buying a stolen beast. The district commissioner noted in the plea of mitigation that the old man was sick, had sustained serious injuries in an accident, had no conviction record of any kind, and had actually been framed and trapped into committing this crime. The acquittal by the district commissioner in this case created lot of dissatisfaction among the chiefs. Such cases have created mutual dissatisfaction on both sides from time to time.

## *2.6. Role and Limitations of the Customary Court of Appeal*

Following the authority of the Customary Courts Act, the Minister has established a Customary Court of Appeal. This court is based in Gaborone and has a panel in Francistown. Any person aggrieved by any order or decision of a lower customary court may within thirty days appeal to a higher customary court, or, if there is no higher customary court, to the Customary Court of Appeal. Any person aggrieved by any order or a decision of a customary court of appeal may, within thirty days, appeal to the High Court, provided the amount of the judgment exceeds P200 or where sentence of imprisonment exceeds six months, or corporal punishment exceeds eight strokes. A customary court of appeal consists of three persons

appointed by the minister. One of these three is appointed by the minister to be the president of the court; the minister may appoint a panel of three other persons to be alternate members of each customary court of appeal. A customary court of appeal may sit with assessors whenever the court deems it necessary. The Presidential Commission on the Judiciary (1997) expressed its discomfort with the absolute power of the minister to make appointments to that court insofar as “he does not need to consult any one or any body whatsoever” (66). This commission also expressed its discomfort with the provision of assessors without any mention of qualifications or experience or knowledge of customary law that they are expected to apply (66). In the process of hearing appeals, the appeal court judges also conduct on-the-spot informal discussions with the members of the court. These include, for example, presiding officers, police prosecutors, investigators, court clerks, and district commissioners to try and bring to their notice their mistakes, omissions, non-observance of procedures, ethical standards in educating cases, etc. All parties concerned have considered these deliberations quite helpful. A translator was employed in 2000/2001 to translate case proceedings, which are written in Setswana. (Interview with *Kgosi* Linchwe, Chairman of Customary Court of Appeal, 2002).

Legal representation is not allowed in the Customary Court of Appeal, as in all the customary courts. The Presidential Commission on the Judiciary (1997) was of the view that “it would not be proper to prohibit such representation in criminal trials in which an accused, if convicted, is liable to be sentenced to a term of imprisonment of not less than five years” (138). The government did not accept this recommendation on the ground that “it is not proper to have professional lawyers arguing cases presided over by lay persons, some whom have not had the advantage of higher education.” (Government White Paper No. 3 of 1998, 16).

The Customary Court of Appeal is overstretched and overburdened due to the small number of judges and its small administrative machinery. The Customary Court of Appeal consists of three judges, who sit together to adjudicate the appeal cases. There is a branch of the court at Francistown, which serves the northern region, including Ngamiland. The administrative machinery of the appeals court in Gaborone consists of only one senior court clerk and two typists, assisted by one cleaner and one security guard (Interview with *Kgosi* Linchwe, 2002).

The small staff of the Customary Court of Appeal is now loaded with all the review cases, which were earlier being reviewed by the office of the customary courts commissioner. The amendment to the Customary Court Act passed in 2002 has removed that responsibility from the customary courts commissioner and has entrusted it to the Customary Court of Appeal, without strengthening their staff and administrative capacity. *Kgosi Linchwe* (Interview, 2002) feels that there may be a need to review the Customary Courts Act again to make a provision for additional judges who could be entrusted with the review function and there could be a clearer appreciation of difference between the review and the appeal, although this court should essentially be an appeals court and not a review court. When the appeals court started utilizing temporarily (in 2002) the services of alternate members of the appeals court for review of the cases, they were instructed by the director of Tribal Administration that it was not proper to do so, as the alternate members of the court could not be deployed that way. The director of Tribal Administration clarified that these were alternate members and not additional members of the court and therefore should not be deployed for reviewing the cases (Interview: *Kgosi Linchwe*, 2002).

The Venson Commission (2001) recommended that divisions of the Customary Court of Appeal should be set up in similar fashion with those of the High Court to cover other parts of the country. There should technically be one customary court of appeal to enforce leadership of the overall institutional structure. (99–100). This commission observed that at the time of establishing the Customary Court of Appeal, there was a plan to establish three of them covering north, south, and west.

The Venson Commission (2001) was not in favour of loading the Customary Court of Appeal with the additional task of reviewing the cases being reviewed by the district commissioners. In this context the commission observed that

... members of Customary Court of Appeal, though competent to do so, are inundated with a variety of cases. To suggest that they should do the reviewing would overload them with work, and thus consequently clog the system. The Commission therefore recommended that reviewers be appointed for each tribal territory, and these should be coordinated and

administered by the Customary Courts Administration Division at the national level. (99)

The appeals court is faced not only with the shortage of staff; the system of appointment, equipment of staff, grading, appraisal, and budget provisions require serious and urgent attention. The appointment of judges of the Customary Court of Appeal and the appointment of presidents of urban customary courts is not governed by clear criteria. Although the credentials of presidents of the appeal courts in Gaborone and Francistown (*Kgosi* Linchwe and *Kgosi* Monare) can not be questioned, the required qualifications and experience for appointment as a judge of the Customary Court of Appeal or its chairman have to be clearly outlined. These requirements have also to be clearly stipulated and laid down for the presidents of urban customary courts.

The Presidential Commission on the Judiciary recommended in 1997 that,

... the Judicial Service Commission should be given the power to make appointments to the Customary Court of Appeal. That Commission should have the other ancillary powers for example, of discipline of the President and members of that Court. The Chief Justice will of course have the powers to make rules of practice and procedure in that court. The Minister shall continue to be in charge of the lower and higher customary courts and to make rules of practice and procedure in those courts. (139).

The government did not accept this recommendation on the ground that,

... for as long as the Customary Court of Appeal is part of the customary courts systems manned by people versed in the workings of the customary law but not professionally trained, there is no justification for placing that court under the Judicial Service Commission. There is no peculiar or particular qualification pertaining to the members and the President of the Customary Court of Appeal, which the Minister would be inadequate to deal with. The Judicial Service Commission

has no advantage over the Minister in the identification of the person best qualified to be a Court President and other members of that Court. (Government White Paper No. 3 of 1998, 17)

The level of posts available to the Court placed at that high level should be higher than what they have at present.

The location of the Customary Court of Appeal within the Department of Tribal Administration leaves much to be desired. The Customary Court of Appeal is a unit within the Department of Tribal Administration, which in turn is a part of the Ministry of Local Government. The appeals court has very little autonomy, even in terms of its administrative structure. It is dependent on the Department of Tribal Administration even for its small needs, such as tea, etc. It deserves some autonomy.

The system of appraisal also needs to be reviewed, as the appraisal of the judges of this court by the director of Tribal Administration does not appear to be satisfactory. It will make sense to have, for instance, the urban court presidents appraised by the chairman of the Customary Court of Appeal, instead of the director of Tribal Administration. Adequate qualifications and training opportunities are needed for staff working in all the customary courts, including the Customary Court of Appeal.

The Customary Court of Appeal has also experienced some difficulties with regard to implementation and enforcement of their judgments. These are sometimes not carried out by the respective courts, partly due to indifference and partly due to unhappiness to enforce orders, which changed their original judgment.

### *2.7. Role and Limitations of Administrative Machinery of Tribal Administration/Customary Courts in the Districts*

The conditions of service in Tribal Administration have continued to remain neglected for some time in the past, in spite of the government pronouncements that these are being attended to. The calibre and morale of the administrative staff in Tribal Administration has been low. The posts of tribal secretary were upgraded in 2000, and this resulted in the upgrading of the posts under him. The physical facilities for Tribal Administration have not been very attractive, although some good buildings



have come up in some villages during the last few years. A few years back, Tribal Administration was given its own vote; otherwise, it had to depend on the district commissioner for small items like stationery. Some facilities like transport have improved gradually during the past years. The Venson Commission (2001) in this regard recommended that “financial provision for Tribal Administration should be decentralized and capacity built to enable them to make their own budgets” (100). The commission further recommended that the Tribal Administration, like the Land Board and Council, should be funded directly and be authorized to operate their own local bank accounts (96). This commission noted that Tribal Administration is not adequately provided with financial resources for the procurement of vehicles and the building of offices and staff quarters. The commission found that in most places the institution does not have resources to the extent that one office is shared between *kgosi*, local police and court clerks. The commission therefore recommended, “all new customary courts projects should be provided with a housing package, and a programme should be developed to clear the housing backlog in Tribal Administration” (101).

The Tribal Administration does not have satisfactory mechanisms for the appointment of staff at different levels. The director of Tribal Administration (before 2001 known as Customary Courts Commissioner) appoints the tribal secretary and the deputy tribal secretary. The other staff in Tribal Administration at lower levels are appointed by the staff committee at the district level, chaired by the district commissioner and includes the chief of the area and a councillor appointed by the minister. This committee, provided for by the Local Police Act, is essentially for the local police in the Tribal Administration, but it assumed this additional responsibility and has continued with it for some time. This situation is not satisfactory and needs to be given attention. As the conditions of service are not attractive; it is difficult for Tribal Administration to attract high quality staff. Qualified manpower such as the graduates of the university is not attracted to Tribal Administration, although they have joined the local government service management and even the local police. Because of the nature of locally based recruitment in the districts, the choice has tended to be restricted to the members of the tribe of the area, which is not a satisfactory situation. In order to raise the quality of Tribal Administration staff, the Venson Commission (2001) recommended that

“the post of Tribal Secretary be filled with candidates who hold a degree in law and/or Public Administration; and qualifications for Customary Courts Administration and Administrative Support Services should be at least Diploma in basic law and Public Administration respectively” (98). For strengthening the conditions of service, this commission further recommended that “conditions of service as well as scheme of service be developed for Tribal Administration and as a matter of urgency an Organization and Methods and a Job Evaluation exercise be embarked upon for Tribal Administration” (102).

The training facilities and opportunities for the tribal administrative staff are limited. A number of staff in Tribal Administration are not “trainable” due to their poor educational background, age, or temperament. Some of these staff will not be acceptable to the training institutions due to their poor educational background. Some of these may have to be retired or phased out to give way to younger and better-qualified personnel if the conditions of service improve. The Department of Tribal Administration has also not strengthened its training staff (trainers), and its initiative in this regard has been limited.

### *2.8. Role of Local Police*

The traditional leaders and customary courts have all along been served by a “local police force,” established by Local Police Act. It has operated as a separate entity, not as part of Botswana’s national police force. After prolonged deliberations, the government decided in 2008 to integrate the local police into the national police force. Up to the time of integration, the Local Police Act has authorized the president to appoint such numbers of officers as may be considered necessary. The minister is in charge of the force and assigns the officers to tribal areas. Every tribal area has a committee responsible for general supervision of officers in its area. The district commissioner of the area is chairman of this committee. The chief or sub-chief of the area and a councillor of the district council appointed by the minister are its members. The president is the appointing authority but the district commissioner issues the certificate of appointment. The chief or sub-chief of the area administers the force subject to the general or specific directions of the minister. The hierarchy of local police officers

consists of officer commanding/senior superintendent at the top and junior constables at the bottom.

These local police officers are mandated to assist the traditional leaders in the exercise of their lawful duties. They help in preserving the public peace, prevent the commission of offences, and can apprehend persons with warrant of arrest.

The local police are expected to cooperate with the Botswana Police Force and can be subjected to the orders of the commissioner of police if the president so directs. A local police officer may lay information or complaint before any customary court and make application for summons or warrant. A local police officer can stop anyone and ask him or her to produce the licence, permit, or certificate that he or she must possess. He may stop, search, and detain any vehicle or vessel suspected of being employed in the commission of an offence and can arrest a person who fails to obey his authority. Any person who assaults, resists, or willfully obstructs any police officer in the due execution of his duty is guilty of an offence and liable to imprisonment up to five years.

The decision of the government to integrate the local police into the national police force could improve the existing conditions of service of local police and establish complete uniformity between the local and the national police. It could improve the promotion prospects of the local police as they will belong to a larger cadre and will have access to better facilities available to the Botswana Police.

The local police establishment, with 746 posts to serve the entire country and its 378 customary courts, is quite small. Most of the customary courts are manned by only two constables. These police officers are not well trained. Their conditions of service are also not attractive and do not compare favourably with those of the national police force. They do not get free accommodation like their counterparts in the national police, and they are not awarded any police medals for special services. The staff belonging to this force has low morale due to unattractive service conditions and limited opportunities for further training and career advancement. The local police force has remained undeveloped for long with very limited resources available. The officers undergo a nine-month course on their initial employment, but they need more and better training opportunities.

### 3. CONCLUSION

As noted above, one of the most significant roles of the traditional leaders in Botswana is in the administration of customary courts. These customary courts are popular with the people in rural areas, as they are easily accessible, cheap, fast, and comprehensible. Customary courts remain significant insofar as these courts handle 80 to 90 per cent of civil and criminal cases in the country. The quality of justice imparted by these courts, however, leaves much to be desired. As these courts enforce the penal code and other laws of Botswana, their sound understanding by the traditional leaders is of paramount importance. The situation on the ground appears to be that the traditional leaders do not have legal training and adequate understanding of the penal code and the laws of Botswana and their authority given to them by these laws. The amended Stock Theft Act has enhanced the powers of the customary courts considerably with the authority to give mandatory sentences of imprisonment up to five years. Therefore, adequate legal knowledge and training of traditional leaders have assumed increased significance.

While we advocate increasing education and training for the chiefs, one may wonder whether their educational status creates tensions with the modern political elites at the governmental levels. It may be noted in this context that the tensions that surface between the traditional leaders and the modern political elite are sporadic in the first place and erupt from time to time, mainly between individuals as a result of clashes of personalities. The chiefs have felt aggrieved due to their lost status, authority, importance, and respect. The new political elite, on the other hand, have occasionally tried to display their newly acquired status and authority over the chiefs and have not felt comfortable with the continuing respect of chiefs in the local community. This is what causes tension, rather than the level of education of the chiefs. Improved education of chiefs could reduce the tension between them and the modern political elite in government and strengthen the capacity of chiefs for improved performance.

The judgments given by the customary courts are subject to review by the office of the district commissioner and by the Customary Court of Appeal. The Director of Tribal Administration, formerly the Customary Courts Commissioner, reviewed the cases tried by customary courts, but

from 2002 onward, that review function has gradually been transferred to the Customary Court of Appeal. The process of review has taken too long – so much so that in some cases the convicted persons have already served the sentences before the review process is completed. The chiefs have expressed their dissatisfaction with the review function on the ground of inadequate legal training of reviewers in the district commissioners' or customary courts commissioner's offices. The reviewers on their part have pointed out that the traditional leaders, as customary court chairmen, need better understanding of the penal code and legal training for satisfactory performance.

The Customary Court of Appeal has a significant role to play, but it is extremely short-staffed to cover a large jurisdiction of the country. The Customary Court of Appeal is over-stretched and over-burdened due to the small number of judges and its small administrative machinery placed at a low level of hierarchy. The amendment to the Customary Court Act (passed in 2002) has removed the review function from the director of Tribal Administration and has entrusted this appeals court with that review function. This additional responsibility, without increasing its staff, has inundated the appeals court with review cases, thus resulting in further delays in the disposal of such cases. Appreciation of difference between appeal and review functions and creation of separate administrative machinery for review of cases has become imperative. The Customary Court of Appeal is faced not only with the shortage of staff the system and criteria of appointment and appraisal of judges, provision for training of staff, grading, and budget provisions require serious and urgent attention. Qualifications for appointment of judges, their appointing authority, and their appraisal system have to be clearly stipulated.

The conditions of service of tribal administration and customary court staff have continued to remain neglected. The calibre and morale of the administrative staff in Tribal Administration has been low. Provisions related to their recruitment, promotions, appraisal, discipline, postings, transfers, and general conditions of service need to be improved and streamlined. Integration of Tribal Administration into the Local Government Service Management needs to be speeded up. The conditions of service of local police and their training also need to be improved. The integration of local police with the national Botswana Police Force might improve the conditions of service of local police and needs to be speeded up.

Having noted the strength and limitations of the institution of traditional leadership in Botswana and the equipment of traditional leaders, one realizes the need for enhancing their capacity for more effective performance. Specific and priority attention at present is needed on training strategies for strengthening the customary courts. Some of the traditional leaders are not educated and are at times faced with limitations in the understanding of the laws of Botswana and the penal code that they follow. They have limited understanding of their legal and traditional authority or the relationship between customary law and common law or procedures. The administrative staff of the customary courts (e.g., court clerks) do not have adequate education or training. They work with unattractive service conditions, limited facilities, and low morale. The local police in the tribal areas are also handicapped due to limited education, training, and unattractive service conditions and facilities.

Strengthening customary courts requires, among other things, training customary courts chairmen, tribal secretaries, court clerks, and the local police force. These training programs need to be organized through workshops, seminars, and lectures on specific themes, topics, and self-identified problem areas, instead of long courses leading to diplomas and certificates. Such workshops could be organized for four separate and distinct groups of court chairmen, tribal secretaries, court clerks, and local police. The court chairmen, in turn, could have workshops/seminars for three distinct groups: one consisting of paramount chiefs; another for sub-chiefs and chief's representatives; and a third for village headmen. The subject matter of such workshops should also be distinct with varying content and coverage for different groups.

The customary courts continue to have a place in Botswana and need to be strengthened. Recognition of training needs and adoption of some of the training strategies (such as those discussed above) could strengthen the customary courts.

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# **19 The Secular Dynamics of Traditional Leadership in KwaZulu-Natal, South Africa: The Decade of Active Political Transformation after Apartheid<sup>1</sup>**

Mpilo Pearl Sithole

## **INTRODUCTION**

The process of economic and political transformation from colonial phase to post-colonial phase is infested with social misfit between two or more systems. The dynamics of urban-rural political imbalances and the present condition whereby traditional leadership is a structural appendix in modern politics are examples of this misfit. Such situations result from the capitalist upperhand in the economic situation and the structural displacement of indigenous institutions by institutions imposed or formed during colonial and liberation struggles. For a decade after apartheid, traditional leadership in South Africa had existed in a spurious political ontology in which the constitution merely recognized its existence, while policy and administrative practice reveals its indispensability in administration and political responsibility in many ways (see Ntsebeza 2001). However, with legislation developments since 2003 this is changing. The Traditional Leadership Governance Framework Act (TLGFA) of 2003

and the Communal Land Rights Act (CLaRA) of 2004 have emerged to give scope for some creativity on the issue of rural governance in KwaZulu-Natal and other parts of South Africa with traditional leadership and communal land. There is however a big dispute over this “scope for creativity” as others feel that it should not have been designed. The dispute must be contextualized within the main schools of thought on traditional leadership in South Africa. On the one hand, there is a school of thought that sees it as something that contradicts democracy as enshrined in the South African constitution. On the other hand, there is a school of thought that sees it as an indigenous form of governance that must find ways to blend and co-exist with the current democracy applicable in a wider South African boundary.

This paper examines the major challenges of the last decade on traditional leadership in South Africa through focusing in the debates between traditional leaders in government on the issues of demarcation of municipal boundaries which took place in 1999. It argues that traditional leadership as a form of government has been undergoing a precarious stage in KwaZulu-Natal, a stage that is neither a fault of state nor that of traditional leaders, but in which both systems are seeking to prevail. The basic principles upon which traditional leadership and the state are founded contradict one another so much that there is risk of an insinuation that, if the former prevails, the principles of the latter are in jeopardy. But history (of colonial conquest, indigenous customs, liberation struggle, formulation of bigger territorial boundaries) supports both institutions, while present circumstances (demographic mix and numbers, globalization, industrial economy) are more in favour of the principles of a democratic state. This paper makes an argument that, because of the intrinsic relationship between current diplomatic and economic system, on the one hand, and state-based democracy, on the other, the present form of elected government at various levels will prevail as a main political system in KwaZulu-Natal. However, because of history and the surviving social functions of the system of traditional leadership, this institution is likely to pose a serious challenge to the conscience of democratic government for many years to come.<sup>2</sup>

Unless the state deals convincingly with propounding its legitimacy as a power and authority over land (and people) that was historically taken from traditional leaders, the liminal transition from pre-colonial

indigenous systems to post-colonial democratic polities will remain infested with grudges of colonialism. Currently the alternative is happening: the institution of traditional leadership is in many ways asked to adapt and prove its worth in the current situation. If incumbents of this institution were to embark on a co-ordinated effort in fulfilling this challenge, especially in formulating an ideological basis for continued existence of traditional leadership, such an initiative would perhaps ensure some longevity for traditional leadership. However, the modern-day predominance of governance protocols suggests that the continued existence of traditional leadership also depends on it being able to communicate in terms that suit the government protocols and procedures. This might be the recognition behind Patekile Holomisa's observation that:

One of the ironies of post-colonial Africa is the ease with which its new rulers find comfort within the governance systems of their former oppressors, while they all invariably seem not to know what to do with the indigenous systems that have somehow managed to survive the colonial onslaught. There is usually no debate about whether or not the inherited white man's courts, his Parliament, his executive arm of government or his economic systems should be retained or discarded. The debate is about which Africans must occupy the newly vacated seats of power – political, economic, social and even cultural. (*Mail and Guardian*, 11–17 Feb. 2000, 29)

## A SOCIO-HISTORICAL BACKGROUND

This paper critically analyzes the dynamics of extending democratic local development intervention in South Africa at the beginning of the twenty-first century and locates the controversies of this process in the historical clashes between the ideals of addressing historical dispossession while at the same time adopting democracy in governance of the rural part of KwaZulu-Natal. Towards this end, an appraisal of the historical roots of traditional leadership is engaged in, followed by a discussion of concerns that were raised by traditional leaders around the redemarcation of

local government boundaries in 1999 to 2000. The redemarcation of local government boundaries was a process that the government engaged in order to establish well-planned local government structures and achieve a facilitation of development in a way that balances human and economic capital with local development demand and size of “cliente.” The paper does not impose a separation between “traditional leadership” and “democracy”; it merely portrays a historical legacy in which authority is a matter of ascription in one case and a matter of referendum in the other case. The paper argues that the situation contains a confrontation between an out-phased moralistic socialistic approach in which ideological factors of seniority, age and gender are important; and the rationalizing Western democratic approach in which individual human rights and equality are enshrined. Depending on whether they are put on a political administrative scale or a human factor fulfillment scale both these approaches to governance could be placed differently with regards to their relevance to the twenty-first-century rural population of KwaZulu-Natal.

### *Traditional leadership in historical perspective*

Historically, traditional leadership in Southern Africa was an institution based on kinship. It assumed a relationship of kin relatedness (blood, fictive, or distant) between the leader and the people under his authority (Sithole 2000). The significance of kinship in traditional leadership can be discerned when looking at the group fissions that took place during *Mfecane* wars in the early part of the nineteenth century (Bryant 1929; Wright and Mason 1983; Argyle 1978). This period is characterized by a pattern in which some groups broke away from others – in the form of a new leader (and his followers), who was often a brother or son of the ruler of the main group. A leader’s relatives formed an important constituency of his people and his royal constituency. Leaders were also reputed to expand their following or “tribes” through large polygamous households, which linked the leader to other social polities or households within their own “tribes” through affines (Kuper 1993). There was always scope for further links through their children. *Ukukhbonza* (begging for patronage)<sup>3</sup> was also common during this period. It was not only done by smaller nuclear and extended household units, but it was also done by clans and small “tribes” with their own rulers. The *Mfecane* period was also characterized

by conquest of some “tribes” by others. However, history seems to suggest that, even at the hands of conquerors, “tribes” or political groups of this time did not lose their identity or their rulers. They were simply subjected under the authority of the conquering “tribe.” The use of such terms as “clans” and “tribes” has been rightly criticized; but for this period, due to lack of better words for polities, it seems to capture a description of polities that mixed political authority with relatedness or kinship.

It seems that traditional leadership was first and foremost based on the relationship between a leader and his people. This, as I argue elsewhere (Sithole 2000), is supported by the system of kinship particularly amongst the Nguni people. Identity among the people of Nguni origin was (and still is) traced through men who were seen as the heads of their households. Identity is carried from father to son and inheritance goes down through primogeniture. At the death of his father, the eldest son adopts, not just his father’s inheritance, but also his responsibilities and obligations to his subjects. Identity is now ascribed through the father’s surnames, which were not initially fixed at household level and were not ethnicized or “tribalized” at polity level. “Tribes” such as Zulu, Zwide, Mchunu, Mntungwa, and others derived their names from the names of their rulers, and during fissions, respective followers adopted names of their new founders (Bryant 1929). It was only later that reference to people of several groupings and their language was made to be Zulu, and this was a characteristic of both the *Mfecane* developments and colonial categorizations.

No particular period can be taken as the basis of standardization of elements that define traditional leadership through time and space. However, I would like to highlight here that history suggests that traditional leadership was *first about the relationship of the leader to his people and then about boundaries*.<sup>4</sup> This is not meant in terms of one stage after another so much as it is meant as an indication of the fundamental source of “traditionalism” in traditional leadership. The nineteenth century was characterized by a lot of instability in terms of boundaries, and, although land was crucial to people’s livelihoods, its use and tenure was certainly different for indigenous polities from what it transpired to be during the colonial period and the present. The Nguni had had a political system in which suitable locality of polities was a matter of both the productive geographic space and acceptable or tolerable social relations surrounding the polity. A

regional range of polity existence had been the extent of definition of land entitlements. However, all this is highly controversial, given views such as that of Holomisa, which is discussed below. The fixation of boundaries for specific groups came with colonial interaction, and it was something that happened with a high degree of colonial exploitation (Laband and Thompson 1989). Gradually both boundaries and identity were becoming fixated during the nineteenth century. This also marked the beginning of the end of the Nguni socialistic approach to politics, in which materials (land, in particular) were a welfare consideration in social continuity. It was the beginning of a “factorizing” (individuating, “unitizing”) Western approach to governance, albeit fraught with intense exploitation and brutality for another century. The deliberate and cunning acts of colonial administration, particularly through Theophilus Shepstone, Secretary for Native Affairs of the mid-nineteenth century, are well documented by John Lambert (1995). Since this was an important period of change for indigenous politics as well, it is difficult to see what would have happened if the local transformation was not arrested by colonialism.

### *The demarcation debate in the light of history*

Traditional leadership has survived a trying period of colonial abuse in which it was used as part of the system of indirect rule devised by the colonial powers. The boundaries of Zululand and Natal were colonially constituted and colonial powers of different origin kept shifting the boundaries according to the shifting of their own stakes in the conquest of the land from indigenous people (see the collection in Duminy and Guest 1989). “Chiefs” were used as the hands of the government in the exploitation of people. Hence today in KwaZulu-Natal they do not like the use of the term “chief,” preferring the Zulu term *inkosi* (plural: *amakhosi*) instead. The socio-political and economic processes that took place earlier in the twentieth century enforced the association of “traditional” and government-appointed “chiefs” with boundaries. Therefore, while the processes of apartheid-engineered relocation and labour migrancy allowed for an affinal distance between the ruler and the people, the association of governance with the boundaries grew.

Moreover, as colonial government officials imposed themselves as the superior authorities over traditional leaders and their subjects (see

the Natal Code of Native Law as published in *African Studies* of 1943), traditional leaders lost control of the military, economic, ceremonial, and political affairs of their people. This fact is a source of bitterness for some traditional leaders who still see themselves as the true governors in their communities and who argue that politicians are servants of the communities only mandated to perform specific tasks, and thus it is they who are inferior in political positioning. The basis of this assertion is not usually elucidated, but an almost sacred element of traditional leadership is discerned in it to which is added an association of property (most importantly land) to the communality of the unique polities that chiefdoms are. This is embedded in the following argument by Holomisa regarding the debatable interaction of local government, traditional leadership, and the people:

An erroneous point of departure [on the part of government] is the notion that if government resources and services are taken away from traditional leaders and are placed at the disposal of politicians then the people will abandon the former in favour of the latter. Besides anything else it is immoral for people to be made to choose between traditional leaders and service delivery – they deserve and are entitled to both.

Local government, like any other level of government, does not own land. In the urban areas land is owned either by the banks, through mortgage bonds, or by holders of the title deeds who have managed to pay off their bonds. In the rural areas tribal or communal land is owned by the tribe as a collective. Despite the fact that under apartheid laws, the state is the legal owner of tribal land, factually and morally the tribes own the land and, unless one is spoiling for a fight, no one can deal with it as he pleases.

Under *African tribal law* the custody of the land is entrusted in the traditional authority, that is, *the head of the tribe* and his counsellors. As trustee of the land the traditional authority is required to act at all times in the interests and according to the wishes of the owners of the land, the people. (*Mail and Guardian*, 11–17 Feb., 2000: 29; emphasis added).



This position may be clashing with my earlier contention based on my reading of history that kinship affinity, rather than fixed land, is the main basis for traditional authority/leadership, especially at the level of an *inkosi*. The clash is not necessarily evident though. Other than his reference to some “African tribal law,” it is not clear what Holomisa takes to be the primary basis of traditional authority. His reference to “the head of the tribe” is not accompanied by some concrete indispensability between the incumbent and the position. Hence he may only be assuming the obvious nature of kinship affinity between the people and the leader, which unfortunately is no longer very apparent in modern life. This traditional affinity has been gradually extinguished by the very fixation of boundaries on which people move and integrate regardless of their relationship to the leader. Traditionalism, however, defined as coupled with the right to leadership, is thus seriously called into question. On the other hand, there is a question whether a distinction between land ownership and governance must be maintained (Ntsebeza 2001, 320), in which case the owners of the land may choose the type of governance they want. The legal status of what Holomisa refers to as “the owners of the land, the people” needs some scrutiny via a policy and legislation analysis and an examination of the role of the Ingonyama Trust Board and *iSilo* (the king) in KwaZulu-Natal.

Holomisa speaks of the ownership of land by the people as if there was a definite legalizing moment in history for this ownership. Yet it seems to me that, while the historical legalities of state ownership of land could be seriously questioned, so could this be the case with the traditional authorities’ hold on land. The issue of the historical era of concretization of legitimacy over land (by both the state and traditional leadership) is a serious one. It is not only issues around what piece of land rightly belong to whom, but it is also issues around the type of ownership (e.g., the communal land ownership) that need elucidation. The issue of conflation of communal land with state land in various historical epochs (Ntsebeza 2001, 320) is also one that needs clarity. Questions were also raised about the scattered nature of some traditional boundaries in relation to the demarcation debate that was raging in 2000:

The scattered traditional land of Qadi consisting of six separate pieces of land, and of Embo/Nkasa and Isimahla in

KwaZulu-Natal are at the heart of the dispute over the demarcation process – a genuine demarcation issue that the affected traditional authorities are taking up with the Municipal Demarcations Boards.

However the scattered traditional land is the direct product of the drawing of provincial boundaries following the Union of South Africa and the process of land dispossession ushered by the Land Act of 1913. (*Mail and Guardian*, 28 Jan.–1 Feb. 2000)

This, coupled with the fact that through recent history “the various service workers [were] generally being accountable only to their regional directors within Kwazulu departments” (McIntosh 1990), complicates the issue of boundaries, service delivery, and political authority even further.

*Amakhosi* and other sympathetic politicians have complained through the media about the manner in which the state has patronized traditional leadership through legislation and policy and through the inappropriate and unfriendly means of communication and consultation adopted by the Municipal Demarcations Board before the 2000 local election. The chairperson of the board, Dr. Mike Sutcliffe, was accused of taking a “white” approach in the way he has done things. He defended himself by alerting people to the mix of people in the board itself, the board which, he reminded people, was not about him (*Daily News*, 7 Feb. 2000: 3). However, *amakhosi* and sympathizers continued to complain about not being consulted in a traditionally appropriate manner that could on some occasions possibly involve “official” gestures such as slaughtering an animal. “Sutcliffe’s consultation could have only included calling for submissions and setting up a cut-off date, and the *amakhosi* would not consider that a consultation” (*Daily News*, 7 Feb. 2000: 3). All these concerns were raised in the context of one pervading fear that the project of the demarcation of boundaries was all about trying to alienate traditional leadership and make it redundant as a political institution. Given the history of mutual tensions between the state and traditional leadership (colonially and post-colonially), the manner in which service delivery has been conducted (not necessarily to include traditional leadership) and the manner in which the traditional leaders have relinquished control of the economic affairs in the communities, it is not surprising that they would feel suspicious of

any ordering process that is led by the government. For most duties and services (judicial, economic, even ritual) that fall within the ambit of the traditional authority, there are alternative ways to them. This is not to say that people themselves do not opt to use services of their traditional leaders or feel it necessary to honour their patronage. On the part of the government, it is not clear to what extent allegations of attempts to sideline traditional leadership could be substantiated. The argument of the government and of the Municipal Demarcations Board before the 2000 local government election was that “Demarcation is about the determination of the jurisdiction of municipalities, not about redrawing of political borders over traditional land” (*Mail and Guardian*, 28 Jan.–3 Feb. 2000).

While most *amakhosi* recognize the confusion caused by the colonial process regarding boundaries and political authority, not all of them necessarily adopt a negative attitude towards the current initiatives of government. One of the *amakhosi*, for example, recognizes that:

... we inherited a situation where boundaries were drawn arbitrarily by the Whites during the Union government and not by the democratically elected government. They started making laws and removing people from one place to another and dividing them. The government continued even during the 1950s with its Group Areas Act making new boundaries so that they can be able to control us. So that’s why [me and my people], after careful analysis and discussion about the local government after 1994, decided that there is no problem now in being part of democratic structures because we are the ones who voted for this government. We had to offer support because the land was being planned afresh because previously it’s our enemies who had caused the problems in the rural areas. Apart from the issue of enemies we also felt that we should be part of the democratic structures so that we are clear how things are done and where we are going (*Inkosi A* interview: August 2000).

This *inkosi* believes that during the negotiations towards democracy in South Africa a strong commitment to a Western democratic type of government was embraced; and he also believes that a mix of this type of governance with African democracy is feasible. His way of dealing with the unjust history, which he recognizes as much as his other colleagues do, is accepting the current state-based system of governance in the context of democratic politics and dealing with the changed global context. Hence, he continues to argue that:

We need to be part of the global community so that we are not left behind. The boundaries of the past [undemocratic governments] destroyed our way of life and the philosophies which we held dearly. Some people only concentrate on the negative influence of the Western culture on our culture, but we should not forget that culture is dynamic and will always be affected by changes. Things have to change for life to go on. The world is changing, when we were born it was not like this and when we die, it will be a different world altogether. So change is inevitable.

The above reflects different attitudes towards change in governance by *amakhosi* who all hold some subjective views around governance, depending partly on their own social and educational backgrounds.<sup>5</sup> There are also practical issues on which divergent views are expressed by *amakhosi*. These are issues such as *amakhosi*'s representation on municipalities, their voting rights in the municipal councils, clarification of their duties, payment of rates or payment for services in rural areas, and the *amakhosi*'s own remuneration. However, it seems that these issues could perhaps be tackled efficiently if *amakhosi* were to forge a united voice, or at least be able to take working decisions, about their attitude towards government so that they could start dealing with practical issues in their own forums. *Amakhosi* do have such structures at the House of Traditional Leaders, which are currently under-used for these purposes.

## POSITIONS, DISCREPANCIES, AND CONTINUITIES IN THE DEMOCRATIC ERA IN KWAZULU-NATAL

Since the early 1990s, the government in South Africa has worked hard to rectify injustices of the past on paper and to institute structures to implement redress and equity. Equality is defined in terms of the Bill of Rights, which assumes individuality to be the main basis upon which equality should be assessed. It is questionable whether the customs and traditions that chiefs are supposedly guarding are amenable with this assumption. However, democracy for which a long fight has been won continues to be implemented with this assumption as one of its pillars. The equality of both spouses that is now propounded by the reformulated Customary Marriages Act, 120 of 1998, which came into effect in November 2000, is an example of the equality of individuals that may or may not clash with “custom.”<sup>6</sup> It will be interesting, for instance, to follow how such acts affect the giving out of sites for residence and farming to households by *amakhosi* and how the inheritance rights of widows are affected. Clearly, the issues of policy and legislation as they impact upon customary rights and practices are a major dimension of the issues around the practice of traditional governance.

During our research, *amakhosi* themselves spoke about discrepancies with regard to democratic law and customary social control. One of our respondents (an *inkosi*) lamented the manner in which it is hard to discipline people because “If you comment on some things which are not traditional you are told people are now free” (*Inkosi* B interview: August 2000). He then talks about how the traditional customs governing sex and love are no longer respected. He and one of his headmen then talked about how the government causes disputes even within families because of instituting equality in human rights. They argued that women and men would never be equal as even the Bible proclaims so.

Another *inkosi* (*Inkosi* C: August 2000) spoke about how virginity testing, for example, is seen as a traditional way of social control that may be very important in dealing with the problem of HIV/AIDS. However, the constitution creates a situation whereby touching another person’s private parts is an infringement on privacy. In the mood of criticizing the incorporation of traditional authority jurisdictions within the eThekweni

Municipality, he continues to talk about burial customs, weddings, and hunting activities that may be constrained by the municipal authorities in terms of how they are conducted.

The demarcation was definitely not welcomed by all. Some traditional leaders regarded the process as an imposition over them and resented the demarcation of boundaries for service delivery purposes over their own. They complained that they were not properly consulted about the process. They also complained that it would cause problems of competition and conflict as some ward boundaries cut across chiefdom boundaries, splitting chiefdoms into two. In some cases, this situation is complicated by the fact that some “chiefs” have unresolved issues about land that was taken from them during the apartheid era. There are dissatisfactions about the possibility or reality of some ward<sup>7</sup> (elected) councillors bringing more development to the side of the chiefdoms of their residence than to the other chiefdoms included in their ward boundaries.

In addition to the problems of confusion about boundaries and where people should expect to receive services, it seems that there is a problem of lack of proper rationalization of councillors’ protocols. When asked to comment on the relationship between elected councillors and traditional authorities, one of the *amakbosi* responded this way:

Sometimes the elected councillors do follow the *inkosi*’s instructions and respect traditional structures. They should consult with the *inkosi* or traditional authority structures. Some councillors, however, ignore the [traditional] protocol and cause confusion. It appears as though they did not read the Code of Conduct and Constitution. Some councillors compete with *izinduna* (headmen) and start giving out sites or open *inkosi*’s court and start adjudicating over disputes, instead of concentrating on issues of development. Some councillors do not know their powers and functions and they do things which create enmity. They are supposed to work with development committees and *amakbosi*, but some councillors dream of projects and just work on them without consulting the chief. (*Inkosi* B: August 2000)

Some of the problems experienced relate to lack of clarity about protocol and policy regarding the relationship between councillors and traditional authorities. This is one of the few things that the government of South Africa is taking its time to sort out in clear terms on paper, that is, in terms of policy and legislation. This slow pace on the part of government is somewhat understandable, given that the whole issue around these relationships reflects divergent values around the acquisition of public positions which, if one subscribes to only one of them, it is sometimes difficult to place the others. The KwaZulu-Natal local government has three forms of acquisition of public positions:

- Appointment – merit (this is the basis upon which the municipal and other government officials are appointed);
- Election – public preference (the councillors are elected through the voting system);
- Inheritance – ascription (the *amakhosi* gain positions through this “tradition”).

It is in the context of these ways of office acquisition that the challenge to define relationships between councillors, traditional leaders, and officials must be seen. There needs to be a candid confrontation with the issues involved such that each stakeholder can be aligned much more clearly with their functions and the lines of co-operation can be drawn. The issues at stake are around the relationship of each stakeholder to land, the relationship of each stakeholder to management and servicing of people, and the definition of the lines of accountability for each stakeholder.

Even though the relationship of traditional authorities to land is historically fuzzy, they are the key authorities in matters involving land in rural areas. Their indispensability in the issue of land is due to the sheer significance of traditional leadership structures in facilitating a communal living existence for communities that depend on flexible access to resources such as land for homes and agriculture and a tie to a social system that will not exclude them on the basis of economic incapacity. While in rural areas there are payments made (for a homestead site, or for the tribal policemen to ensure peace at one’s ceremony) and there are also rules stipulated (e.g., limit to exploitation of vegetation, a requirement for

a household to have its own toilet), the institutional mechanisms in place are not as impersonal and harsh as those of urban settings. Hence, even though problems are the same, they do not translate into the same consequences as quickly as in the urban settings. Thus we are yet to see the equivalent of street children or the homeless who sleep outside in the rural areas. The nature of authority practised by traditional leadership is different and befitting to the rural lifestyle.

The relationship between rural areas and urban areas is mediated by this quality of rural lifestyle as permitting a fall-back arena for those who need it. Even though this is largely a matter of preferred rural lifestyle, this status of things was partly reinforced by the apartheid set-up as well. Amongst the most dreaded issues during the demarcation process was the idea of a municipality. For *amakhosi* and rural people, it invoked paying rates and probably an increase and a more rigorous enforcement of rules around social life (slaughtering of animals, night ceremonial vigils and noise control, stock control, and so on). It is the kind of lifestyle of flexibility and rule enforcement with discretion that the institution of traditional leadership makes possible to preserve.

## CONCLUSION: TOWARDS A CIRCUMSTANTIALLY SPECIFIC INSTITUTION

James (2001) argues that rural land has to be seen not only in terms of being an asset with economic potential linked to it but also as an important aspect of identity. In her discussion, it is clear that livelihood strategies that have been pursued in the rural setting have depended on the small income derived by household members in towns; hence, the linkage between the urban and the rural. She proceeds to argue that, since the circular migration of men in particular between rural and urban areas creates social differentiation in rural life and creates a situation of dependence of rural socio-economic life on urban (wage) support, rural development may well benefit from an urban focus in development being maintained as well. The rural and the urban have a potential to “fade imperceptibly into one another” (James 2001: 107). While her argument is, on the whole, positively suggestive, James unproblematically merges the rural and the urban



without addressing the issue of whether the identity issues that relate to ownership of land in urban and in rural settings are the same and would permit easy merging.

This identity/economy dichotomy of rural life has to be carefully examined, especially for the sake of appropriate development conceptualization. It seems arguable that the urban has not fed equitable or fair shares of production returns back to the rural, and the South African government as a machinery to facilitate this has fallen short of impact in this regard.<sup>8</sup> The labour force that has been derived from the rural to supplement and facilitate the economic lifestyle in town is being exploited in terms of not receiving fair returns to their time and labour investment towards the urban and in not being catered with basic necessities even while based in urban areas for economic pursuit.<sup>9</sup> This is rooted in a history of well-planned segregationist and discriminatory strategic moves of the last two decades. The current trend in this exploitative pattern is to frustrate the rural areas directly by attempting to assimilate the current social system into the urban socio-economic system, not through releasing due development focus, but by impatiently annihilating the very structure that facilitates access to a social safety net – communal entitlement to (physical and social) space. The process is not deliberate but based on a mission to achieve a tidy democracy followed by a sound investment/sustenance balance in developing the rural areas. This is however a different ethos from the one seeing the rural area as “somewhere to lay my head” that James (2001, 107) has discovered amongst her research subjects, and the one of being suspicious of the municipalities by the KwaZulu-Natal rural people during the demarcation of boundaries.

The manner in which rural people become victims of a social system rather than of their ecosystem is apparent even when one takes the route of analyzing traditional leadership in terms of customs and civil society. Mahmood Mamdani, in his book *Citizen and Subject* (1996), raises a crucial issue with regard to what is often seen as “customary” law. The colonial encounter was mediated by some cultural pragmatics from both camps – the indigenous and the colonials. To the discredit of traditional leaders, it is not clear why some of these practices were seen as deserving the status of being customary *laws* of their communities. It is not clear why, for instance, the communality of land ownership is often seen to be a customary law issue, not a fact of some historical specificity. Given

that people's use of land was not recorded in any form of "deeds records" and there were no written wills, the point of reference and of verification of any use of assets would have been the *inkosi*. How has this historically translated into a freezing of communality of ownership? What are the (seemingly unchanging) attributes indicating this communality? Mamdani argues that "The genius of British rule in Africa ... was in seeking to civilize Africans as communities, not as individuals. More than anywhere else, there was in the African colonial experience a one-sided opposition between the individual and the group, civil society and community, rights and tradition" (22). In reviewing literature on early Nguni polities, one realizes not only their links to kinship but also their flexibility to incorporation of other groups and individuals. It would seem that people knew the right lines of inheritance going all the way up to political authority, in an embracing relationship to the smaller social units; but this does not necessarily mean that property (e.g., land) would not have been "individually" owned or traced to particular household units.

Traditional leadership carries serious relevance in this scheme of things. While the current problems of state are that traditional authorities benefit from this rigidification of circumstances into customs; people who are historical subjects of these kinship-based polities do not want to abide by the rationalizations of the modern state that will manage and "tax" their meagre economic gains. The communal title thus makes sense – communality becomes social insurance.

Mamdani (2000) argues that the situation of exploitation lies in citizens not being regarded as participating citizens, i.e., they have been ethnicized and in the process made to operate only as bounded cultural or tribal groups. Admittedly, this is a historical situation which needs to be understood in order to deal with why people are reluctant to account for the costs of living as individuals or individual households. However, to prioritize this argument is to argue in terms of a technician's approach in the application of democracy, the kind of democracy based on the individuality of human rights. While historical specificity of colonial planning and conspiratory tendencies at a political level is recognized as a necessary explanation for certain socio-historical outcomes, it fails to isolate specific circumstantial issues that make an institution such as traditional leadership *continue* to be relevant for some people. Mamdani's observed ethnicization is helped by the flimsy nature of local governance from a

local point of view. The welfarist attitude by local governance towards the people has diminished and in its place competition to acquire political power is more apparent. In fact, the problem is not even empirical indications that local government is less welfarist than traditional leadership; the problem is conceptual – traditional leaders are supposed to care for their people and their needs because that is the nature of the relationship between “leader and subject.” Citizenship, on the other hand, merely enshrines obligations on the part of “subjects.” Thus it is arguable which is felt to be more “despotic” than the other, to use Mamdani’s term. A comparison of corruption is quite different from that of despotism and what Mamdani documents for traditional leadership even for KwaZulu-Natal (Mamdani 1996, 58) may be the former.

The modern approach of articulation of democracy through representation and participation fails to take into account social circumstantial sensitivities which the alternative, often cited, but not well articulated approach of *ubuntu*<sup>10</sup> embodies. However this is a subject of a separate paper. Suffice it to say here that traditional leadership will remain a force to be reckoned with for as long as it provides a socio-economic cushion for the people, who continue to live in the imbalances of development attention directed towards the urban and the rural. People’s communal identities are the route to hang onto this cushion. The assumption that where people are dissatisfied with traditional leaders they will automatically find representative government the preferred option must be scrutinized. Even those who can afford time for deeper political analysis simply argue for one of the two popular options without thinking critically and innovatively about particular historical circumstances. Since the issues of legitimacy or the continued relevance of traditional leadership are sensitive due to the lack of defining moments in the history of the institution; it seems that administration and development of rural areas need a particular approach that allows for progress despite the sensitive issues. Such an approach would not alienate traditional leadership at this point in time in South Africa. The appropriate approach would perhaps:

- support traditional leaders with relevant tailor-made education and procedure/protocol formation,
- establish forums of dialogue and good relations between them and the elected councillors,

- prioritize issues of land management with respect to forming core focal areas for traditional authorities,<sup>11</sup>
- establish a good working relationship between these leaders and the various other departments whose work overlaps with roles of traditional leaders – even while the unresolved constitutional matters around inheritance of position and democratic election are pending, and
- attempt to establish a provincial system of accountability in the traditional leadership system and procedural means of accountability with various departments.

To some degree, this is what the latest legislation (the Traditional Leadership Governance Framework Act and its provincial counterparts) seeks to do, even though, like the rest of transformation in South Africa, theory has to stand the test of practice. Implementation has to be examined and monitored for its qualitative aspects.

A fuller examination of traditional leadership will also need to engage in a debate around whether leadership and governance are different concepts and whether leadership could be of a traditional kind. Thus, traditionality could be investigated in relation to the concept to which it is tied. What this paper has done is to tease out the secular, historical materialist elements of an institution that also claims a sacred cultural ontology that another paper will have to investigate. The argument in this paper has been that traditional leadership has to be viewed in conjunction with the context it serves, which is characterized by a need to promote access to land as a residential and production resource, and flexibility in acquisition of land and basic amenities for daily survival for a populace at a socially impressionable, yet economically frustrated, level in a capitalist society. Bureaucracy and documented individualist entitlement become the actual problems, not necessarily the state, unless its role is being identified as anti-poor. Traditional leadership and communality in rural areas promote access to land and social space as one of the basic human rights. The commercialization of most things, and especially land, creates a situation in which traditional leadership as an institution is seen as a personification of a challenge against capitalist despotism.

## EPILOGUE

Since the empirical research phase of this project, there have been some changes in the legislative arena of traditional leadership. Some of these changes are referred to in the text, but they will have to be examined in their own right. As a result of these changes, Houses of Traditional Leaders have been established at district, provincial, and national level, and new partnerships with all forms of governance are being forged. There seems to be a spirit of cautious but positive collaboration between the government and traditional leaders in establishing the new institutional form. Even before this happened, eThekweni municipality, through its Area-Based Management program (the Rural ABM unit), had worked on forums to enhance institutional linkages with traditional leaders. These attempts seem to have been effective in terms of implementing the legislation. The qualitative data in this paper is therefore important in terms of tracking the actual changes that must be discerned in work that examines the current context. It has also been good data to reflect on the conceptual issues of traditional leadership.



DR. MPIOLO PEARL SITHOLE,  
SOUTH AFRICA. (PHOTO:  
MPIOLO PEARL SITHOLE.)



INKOSI THEMBILISE VIRGINIA MAPHUMULO WITH INDUNAS. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



FOLWENI DEUSE URBAN INFORMAL SETTLEMENT IN SOBONKHONA MAKHANYA TA. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)

## NOTES

- 1 The research for this paper was afforded by funds from the Traditional Authorities Applied Research Network (TAARN) that was co-ordinated by Professor Don Ray of the University of Calgary in Canada and Professor Tim Quinlan of the University of KwaZulu-Natal (Durban campus) in South Africa. Gratitude is greatly owed to Shahid Vawda of the University of KwaZulu-Natal (Westville campus) in South Africa, who has been co-ordinator of this research in Durban, to Sibongiseni Mkhize of kwa-Muhle Museum in Durban, who conducted the bulk of the interviews, and to *amakbosi* of eThekweni municipality for participating in this research. A small grant from Dr. Noleen Turner's NRF funds of the School of Literature and Linguistics at the University of KwaZulu-Natal (Westville campus) afforded me some scope of comparison of this mainly eThekweni-based study with two Traditional Authority areas in the South Coast of KwaZulu-Natal. This paper was presented at the Anthropology Southern Africa (ASA) Conference, University of Cape Town – 24–27 August 2003.
- 2 By the time liberation came, it was not only land and power whose controversies had to be resolved; it was also that *the whole politics had changed*. However, the time and issues of transformation had already displaced the significance of starting from a clear recognition and legitimate internalization of this before all the necessary endorsements were made for democracy. It is the conscience about this fact that is referred to here.
- 3 *Ukukhbonza* was a practice whereby a household led by its head would approach another *inkosi* to seek patronage as part of his people.
- 4 From early writings such as those of historian explorers to more recent historical writings, one discerns this.
- 5 For example, factors such as age, whether or not they are regents or 'traditional' *amakbosi*, how well-educated they are, and whether they have alternative means of survival also could influence their views.
- 6 *Inkosi* Mpiyezintombi Mzimela has complained publicly about how this act impedes a man's right to decide on a polygamous household unit by requiring that a man consult his wife before marrying a second wife (*Asikhulume*, SABC1 television: 18 May 2003).
- 7 Municipal wards that indicate jurisdiction of councillors whose role it is to facilitate development are different from wards within chiefdoms (*izigodi*) over which headmen preside as an extension of traditional leadership from the main head, *inkosi*.
- 8 Serious but sporadic efforts include some development projects done by the municipalities in rural areas, and social responsibility programs towards vulnerable groups being required of the private sector to formulate. But these still lack serious considerations for the market, they lack ways of expanding economic

- nodes within rural areas and are very slow in basic infrastructural expansion. The whole ethos lacks a moral justification in serious infrastructural expenditure on what appears like an unproductive mass that will not pay back for what is brought to them, which is afforded through the productive urban centres.
- 9 The time spent in travelling to urban centres and the time people spend separated from their families (as an alternative to yielding the costs of accommodation of people's families) are not, as they should, incurred by the urban-based economic agents – not even tax derived from these agents is consciously used to deal with this dilemma.
  - 10 *Ubuntu* is an approach towards morality of social relations that suggests that rights need to be complemented by a proactive obligation to do good. It suggests that humanity embodies a conscious ability, entrenched into our rational capacity, to decide to be good.
  - 11 Traditional leaders are managing land anyway, in a manner that does not often tally with local government planning. The issue of homestead graves is an example of how 'tradition' and local government planning often clash in their land use management.

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## **20 Contesting the Political Meaning of Chieftaincies in the New South Africa**

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This chapter explores the politics of a succession dispute about the chiefship of the Batlhaping boo Phuduhucwana in Taung, North West province, South Africa. The chapter argues that succession disputes are not just about identifying the “real chief,” but rather are intrinsically linked to the political environment surrounding the chieftaincy. As a result, succession disputes are also about the meaning and role of an institution like “the chieftaincy” in a post-apartheid South Africa. Moreover, the Phuduhucwana succession dispute opened up an avenue for the Phuduhucwanas to define the proper status, role, and powers of their chieftaincy within the new local government framework and to set out clearly the kind of chieftaincy they would like to have in Taung.

## INTRODUCTION

The Batlhaping boo Phuduhucwana is a Tswana chieftaincy in one of the poorest and remote municipalities of Taung in the North West province. Despite this, the chieftaincy has experienced numerous restructuring aimed at fulfilling grand narratives coming from the South African government. Together with the other two Batlhaping chieftaincies, Batlhaping boo Phuduhucwana was part of Taung Native Reserves, which was set aside for resettlement by Tswana people (Breutz 1963; 1968). The reserve later became a district of the Bophutatswana homeland. Following a process that has been seen alternatively as an accommodation of ethnic identities, the subordination of chieftaincies in local government (Southall and Kropiwnicki 2001), or the half-hearted dismantling of chieftaincies (Mamdani 1996; Ntsebeza 2003), the Phuduhucwanas, together with the Batlhaping boo Mothibi and Mosega, became part of the Taung municipality. This process has raised many challenges that chieftaincies had to respond to, and also challenges about the chieftaincy. The primary challenge is finding a legitimate reason for a liberal democratic state to grant constitutional recognition to an institution that is based on cultural values, which are not always congruent with liberal values. The challenge is made even more problematic by different sources of legitimacy that the chieftaincy and the state appeal (Thornton 2003, 138–43; Ray 2003, 88–94). The legitimacy of the South African state is premised on its promotion of liberal values under the banner of “one law for one nation” (Comaroff and Comaroff 2004, 189). The legitimacy of chieftaincies is premised on the autonomy of culture – a culture that was once suppressed by the apartheid government and is now finding its freedom in the liberal constitution that seems to also deny its legitimacy. The challenge becomes even more serious when culture is equated with a development agenda that has not developed a coherent institutional representation and where the presence of state institutions is marked by uncertainty or absence and for many they exist as a point of imagination and longing (Pinto 2004, 337). The chieftaincy has been equated with empowerment of local people to make political and economic decisions that affect them on a daily basis without state interference.

In these remote and poorer parts of South Africa, “a better life for all” has come to a point where culture and the institutions it gives rise to cannot be left unexamined. In these remote areas, culture, chieftaincies, and municipalities are being examined and redefined to determine if they are propitious for development. As Comaroff and Comaroff (2004, 189) pointed out, it is in these areas that “there is more room for experimentation in coping with the implications of Culture for everyday life in the postcolony” (Comaroff and Comaroff 2004, 189). It is also here that plurality and fragmentation are transformed by an ongoing dialogue between different regimes of knowledge and discursive practices that seek to bring about their own model of local government. The approach of the South African government has involved the promotion of chieftaincies as cultural symbols that represent a pre-colonial past that can be deployed to justify the consensual parliamentary model that was adopted after 1994.

This approach was also an attempt to depoliticize and subordinate chieftaincies in national and local politics. The subordination of chieftaincies is not a straightforward process. Local-level dialogue about municipalization has affected this process and shaped it in such a way that it acquires a dimension with the potential to undermine government attempts to depoliticize chieftaincies. For example, Ward councillors in most of Taung use *kgotlas*, a local structure of chiefs and their headmen, as venues for their meetings. In these chiefship structures, headmen or chiefs reign supreme. It is also here that the autonomy of culture becomes absolute and the state is an “alien symbolic surplus” (De Boeck 1996, 86). By opening the *kgotla* to government elected officials, the chieftaincy is expanding its authority and gains access to state resources like electricity, water, and the provision of health care without losing its autonomy to the state. Moreover, the *kgotla* becomes a medium for mediating conflicting expectations for *a better life for all* in a context characterized by lack of material resources. In this process the role of the *kgotla* is to maintain a coherent developmental practice and to act as an “umbilical corridor” that filters state resources while shielding their subjects from state and market vicissitudes (Argenti 1998).

The succession dispute shows that government attempts to subordinate and remove the chieftaincy from local politics have not been altogether successful. Instead, the profile of chieftaincies, confronted with discourses about development, rural reforms, and liberal democracy, has acquired

a new meaning. This ability to acquire new meanings and to transform them is made possible by the political ambiguity of the chieftaincy in South Africa. Succession disputes within this contested terrain of local government, development, and rural reforms have provided the public, councillors, government officials, and traditional leaders with an avenue to change the meaning and standing of the chieftaincy within a democratic South Africa.

The purpose of this chapter is to present the succession dispute and its often-neglected impact on the politics of local government as a cultural performance amenable to providing a horizon for articulating aspirations in remote and poorer parts of South Africa. It is often assumed that letting members of the chiefship sort out their problems without interference from government or the municipality can separate the politics of the chieftaincy from municipal politics and administration. My postulate is that succession disputes can also affect and be indistinguishable from the general politics of local government and, because of the close link between local government and traditional authorities, succession disputes cannot be understood as if they take place only within a framework of traditional authorities. The political framework of succession disputes is a much larger field, which is encompassed within the rubric of development and local government.

The provincial government had assumed that it could play a fact-finding mission and assist in the resolution of any dispute by providing disputants with “facts” about the case. This fact-finding mission derived from the belief that succession disputes are always about establishing genealogical “facts” of disputants. The succession dispute of the Phuduhucwana chieftaincy shows that, far from being a neutral player, the state is often drawn into these conflicts. The kind of relationship the chieftaincy has with government can have a decisive influence in government’s interference and be as political as any other participant in the succession dispute. One should also bear in mind that local councillors and government officials are also members of the same broader cultural knowledge that produces and shapes the knowledge of traditional leaders and other members of the “traditional community.”

This was also the case when the government intervened in the succession dispute of the Ba Ga Nawa Chieftaincy, the Lehurutshe Chieftaincy in Moshana village, the Chieftaincy of Bakgatla Ba Ga Pilane (Kraai

2002, 6), the chieftaincy of Moshoeite in Lehurutshe, Barolong Boo Ratshidi, and the Batlhaping Boo Phuduhucwana. Some of these cases involved the arrest of royal men for convening an illegal gathering against the newly appointed chief, as in the case in Lehurutshe and Taung. With the exception of the Barolong Boo Ratshidi succession disputes (Kgotleng 2001), no proper study of these succession disputes was undertaken. Of all these cases, the Barolong Boo Ratshidi and the Batlhaping Boo Phuduhucwana were perhaps more dramatic because they remained unresolved for quite a long time. Secondly, within their own region, these two chieftaincies are much larger polities. The common thread in all of these cases was the provincial government's conspicuous involvement, which raised alarm, caught the attention of the local media, and led to court battles in these affected societies. Emerging from these court battles was not only an attempt to revoke or uphold government's decision but also to contest government's intervention in the first place.

Since the introduction of the Transitional Local Council in 1995, the state's structure of municipal government in Taung, the relationship between the Phuduhucwana chieftaincy under the chiefship of Samuel Mankuroane and Transitional Local Council has not been cordial. A number of municipal councillors saw Chief Samuel Mankuroane as an obstacle to "development" in Taung. In return, Chief Samuel Mankuroane saw councillors as usurpers of his role and authority. Both were on an ever-recurrent collision course. A number of councillors, especially executive councillors like Mrs. K. Koikoi from Ward Nine, were convinced that "from the very beginning Sam did not want a municipality in Taung. He told people that we would make them pay for their dogs and houses" (interview: 08 June 2002). Furthermore, his involvement with the Congress of Traditional Leaders of South Africa (Contralesa) and refusal to take his seat within the municipal council was read as a clear sign that he was against the municipality and any co-operation from him would not be forthcoming. There were several major incidents that contributed to the perception that Chief Samuel Mankuroane was an obstacle to the process of "development" and effective implementation of municipal governance. First, there was the incident involving the land and housing scheme. Conflict over this housing scheme revolved around whether the proper authority over the land scheduled for this scheme was consulted and permission was given. The chieftaincy claimed that the chief was the proper

authority because the land in question was occupied and used by the Phuduhucwanas for small-scale farming. Because of occupancy and the right of use, the land belonged to the chieftaincy. The then Transitional Local Council countered this claim by pointing out that the land set aside for this project was in actual fact state land made available to the Phuduhucwana by the government of Bophutatswana as part of its agricultural development scheme for the Taung district. Also, they claimed that with the collapse of the project, and the poor soil conditions for agricultural use, the land was no longer in use. As a result, they argued that the land reverted to government, in this case, the Transitional Local Council, with the authority to allocate the land for other uses without first consulting or gaining permission from the chieftaincy. The housing project went ahead and farmers using that land were allocated another farm bought from a nearby farmer by the government.

Secondly, in some instances, the clash of egos between councillors and traditional leaders was also a cause of conflicts. From my first visit to Taung (12–15 April 2002), it was accepted knowledge that the chief and the mayor were not on good terms. Furthermore, at the local government summit of June 2001, held in Mafikeng, the mayor of Taung referred to Taung and other rural areas as “feudal areas” (speech by Khonkhobe 2001). This was in reference to the existence of chieftaincies in rural areas and their continued control of land and influence over a large population group. By equating chiefly authority with feudal authority, Mr. Khonkhobe sought to demonstrate that chieftaincies were relics of the past and not compatible with a democratic order of elected officials. As a result, two of my informants, one of them a ward councillor and speaker of the municipal council, supported the conclusion that sometimes the cause of trouble between traditional leaders and councillors is a clash of individual egos. It is for this reason that conflicts such as the housing project should not be understood as arising from whether the houses should be built or not, but about whether the correct authority over that land had been consulted. The clash of egos is also a problem because it raises questions about who has authority to convene and chair a meeting, who should speak first and who should speak last. For example, one of the serious causes of tension involved Ward Eight councillor Mr. Mogokotleng’s decision to convene an urgent meeting without getting the go-ahead from the Manokwane sub-chief Francis Baisitse, and also not in *kgotla* as expected. Moreover

such a clash of egos gains additional importance because there is no single organizing principle or single political horizon (Norval 1996, 66) that constitute and shape individual and collective agency. There are two competing legitimacies (Ray, 2003). Pinto (2004, 351) notes that because “development practices are primarily contests of knowledge,” an event like a meeting could solicit different interpretations such as “X” is anti-sub-chief and therefore he is corrupt and used the ward councils for his personal benefit. An alternative interpretation would be constructed as follows: the sub-chief is against “X” and gave him no alternative but to go ahead with the meeting in order to carry out his electoral mandate.

These incidences indicate to the public who has the most important roles and who has control and authority in the village. To convene a meeting without a go-ahead from Sub-Chief Francis Baisitse was interpreted as usurping the role of a sub-chief and undermining him in the process. In this tussle, both would attempt to undermine each other’s role, position, and status in an effort to win over control and support of the public. One should also bear in mind that in South Africa, and in Africa in general, land and people constitute sources of authority for traditional authorities (Thornton 2003, 138–43). In all these cases, the chieftaincy and the municipality competed for authority over the control of rural people and land.

Comaroff and Roberts (1985, 246) insist that we must seek to account for “the *total* logic of dispute process and for its systematic contextualization” (their emphasis), in order to understand dispute processes. This principle should be broadened so that the involvement of the provincial or national government in these disputes is not reduced to an anomaly. That is, their involvement should be treated as part of this total logic. Comaroff’s (1974; 1978) earlier account of government’s involvement portrayed it as an outside power that had the effect of fixing the political process of the chieftaincy thus making the outcome of such processes predictable. His approach focused on the jurisprudence dimension of succession disputes instead of local socio-political forces that draw these two “levels” of governments and the public into these disputes. Furthermore, Comaroff’s concern was primarily with demonstrating the neutralization of agency the *BaTswanas* has experienced and continue to experience as a result of colonial rule and later apartheid rule, which introduced the Homeland system. Therefore, the fixing of Tswana laws and customs to disallow the manipulation of royal genealogy reduced Tswanas, in particular royal



men, to following (and reacting to) the script written for them by the colonial and postcolonial authorities (Ortner 2001, 71–81). Comaroff (1974) argues that the fixing of Tswana law was a transformation of a neat relation between achievement and ascription, whereby ascription was elevated over and above achievement. Notwithstanding the effects of the Bantu Authorities Act on Tswana law and succession, each new case of a succession dispute shows that, on the contrary, the fixing of Tswana laws was not absolute. In addition, government has not been altogether successful in capturing the political horizon (*la politique*) of succession disputes (Lacau 1996).

Moreover, a legal case to challenge government's involvement and its undue influence in the succession disputes, presented the role of government, not as an outside force or an anomaly, but as an ill-advised role player that had failed to consult with the Royal House and to take into account the "proper facts" of the dispute by taking sides with other disputants. All sides of the conflict have tacitly welcomed the role of the government in resolving the succession dispute because they also want government recognition if they are to be chiefs. Significantly though, the role of government has become far more than fixing succession laws: it has become integral to the dispute process and its role is equally contestable, negotiable, and open for manipulation.

## THE PHUDUHUCWANA DISPUTE

This following section is an outline of the succession dispute between Samuel Mankuroane and his nephew Tshepo Mankuroane. It begins by introducing *dramatis personae* of the dispute before giving a historical overview of how the succession dispute developed. Finally, following Appadurai's (2002) thesis about the capacity to aspire, I will postulate that the succession dispute was interwoven with the aspiration of the Batlhaping about their chieftaincy and local government.

Samuel Morwagaabuse Mankuroane, the main protagonist, became a regent of the Phuduhucwanas following the death of Chief Scotch Mankuroane, the father to Tshepo Mankuroane. However, Scotch's rule of the Phuduhucwana was gradually brought to an early end when Samuel

Mankuroane was invited by the Royal House to take over the daily administration of the chieftaincy. By the time of Chief Scotch's death, Samuel Mankuroane was effectively acting chief. Because Scotch's two sons, Goitsimodimo, the eldest, and his second son, Tshepo Mankuroane, were still too young to take over their father's position, Samuel Mankuroane was formally recognized by the Royal House as acting chief. However, it was a decision that embroiled the chieftaincy in a tussle with the Bophutatswana homeland government under the leadership of Chief Lucas Manyane Mangope. This tussle was finally resolved in 1988–89 when the Bophutatswana government accepted the decision of the Royal House.

Before June 2001, Chief Samuel Mankuroane ruled the Phuduhucwana without any hint, at least, from the local media (or social media, Firth1953) that his position as chief would be contested by one of his nephews. The government had shown support and willingness to work with Chief Samuel Mankuroane despite his legal standing as a regent chief. His association with liberation politics of South Africa, in particular against the Bophutatswana government of Chief Lucas Mangope, largely legitimized his position. However, towards the end of June it became public news that Tshepo Mankuroane, together with a faction of the Royal House had requested the North West provincial government, which replaced the government of Bophutatswana since 1994, to remove Samuel Mankuroane from office and recognize him, Tshepo Mankuroane, as chief of the Phuduhucwanas. Tshepo Mankuroane argued that he was now of the requisite age to become chief. Tshepo Mankuroane and his faction were influenced by the succession dispute of the Barolong Boo Ratshidi in Mafikeng, and, in particular, the conspicuous role of the provincial government. This observation itself is significant to understanding the role of government and the politics of its involvement.

In 2001 Tshepo Mankuroane and his supporters secured the government's support by successfully lobbying it to investigate the "genealogy and succession laws" of the Phuduhucwana. The North West provincial department of Traditional Affairs and Corporate Affairs proceeded by establishing a commission of inquiry, which was given the remit to settle the succession dispute between regent chief Samuel Morwagaabuse Mankuroane and Tshepo Frederick Mankuroane. The commission argued that to settle the succession dispute it was essential to determine who the "real heir" to the chiefship was. However, the report stated that the identity of

the “real heir” is not in “doubt” nor questioned by both sides of the Royal House (Thibedi 2002).

According to the commission’s report, what was being questioned was in actual fact the succession *process* itself. Instead of heeding this self-acknowledgment, the commission rather focused on affirming Tshepo Mankuroane as a “real heir” to the throne and, also, the law of succession in accordance with Tswana Law. As a result, the commission’s (Thibedi 2002) findings were that succession among the Batlhaping boo Phuduhucwana was based on a primogeniture system, which ruled that an eldest son of a chief will succeed to the throne. If not, due to ill health or premature death, the second eldest son shall succeed to the throne. Therefore, Goitsimodimo Mankuroane should succeed to the throne, but because of his illness, and poor mental health, he should not succeed to the throne. Instead of him, Tshepo Mankuroane, the second eldest son of Scotch Mankuroane should succeed to the throne as regent of the Phuduhucwana people and act on his behalf until his death. As a result, the commission recommended that Tshepo Mankuroane be appointed acting chief of the Batlhaping Boo Phuduhucwana. In other words, the commission recommended that a regent be removed from office only to be replaced by another regent.

This recommendation suggests that there are other factors at play than just a rendering of “facts” by government. After all, the aim of settling the dispute was to unite the people of Taung with the knowledge that the right person is chief and hopefully make the Batlhaping “a more prosperous tribe that the Batlhaping [boo Phuduhucwana] deserves to be” (Thibedi 2002, 2). The government could have retained Samuel Mankuroane as regent of the Phuduhucwana. Samuel Mankuroane became regent because of his skills and knowledge necessary to make the Phuduhucwana “a more prosperous tribe.” The commission conceded this fact, but why the commission found it fruitful for the Phuduhucwana to have another regent and remove a regent of the same government under the same leadership, put in office for only six years, remained a mystery. The resolution of this mystery sheds a great deal of light on the workings of chieftaincies in contemporary South Africa.

In order to understand the politics of succession dispute between Chief Samuel Mankuroane and Chief Tshepo Mankuroane, it is important that one should first start with an outline of events. It is from these

events that the role of all players can be understood. Oomen (2000, 71) emphasized local agency:

The framework provided by national law, the failure of alternative institutions and the insecurity at the policy level have only created a setting in which various local groups attempt to shape a traditional authority best suited for their interests.

The Phuduhucwana succession dispute provided various players in the dispute with a locus for shaping the chieftaincy and articulating their aspirations for the present and the future. That is, the succession dispute cannot be reduced to a legal framework. Moreover, local agency is a *habitus*, meaning: “The system of dispositions – a past which survive into the present and tends to perpetuate itself into the future by making itself present in practices structured according to its principles” (Bourdieu 1977, 82). It is about constituting a socio-political order, local economic development and the meaning of local government and an attempt to shape a chieftaincy in accordance with aspirations tied to these attempts (Oomen 1999). It is on these premises that people either supported Chief Samuel Mankuroane or Chief Tshepo Mankuroane, or perhaps shifted their support from Chief Samuel Mankuroane to Chief Tshepo Mankuroane.

## CHIEF SAMUEL MANKUROANE'S *LOCUS STANDI* AS CHIEF OF THE PHUDUHUCWANA

Samuel Mankuroane was first recognized as chief of the Phuduhucwana in 1987. In 2002, the North-West government finally terminated Samuel Mankuroane's term of office. Samuel Mankuroane's reign as chief of the Phuduhucwana seems to have encountered a series of political oppositions from governments and factions within the “Royal House” and members of the public. Because the succession dispute is a political process that involves the public gaining access to the “tribal office,” any succession dispute is a competition for power, which can never be possible without the participation of the public (Swartz 1968, 227). Their role in this process will be highlighted.

The succession of Kgosikeeche Scotch Mankuroane – father to Tshepo and Goitsimodimo Mankuroane was embroiled in a controversy that would resurface with the succession dispute of his son Tshepo Mankuroane. After the death of Thapama Rabodigelo in 1962, who was also a regent, instead of appointing Scotch Mankuroane to become a chief, Heavyfight Sematle Molale was appointed acting chief of the Phuduhucwana. Scotch Mankuroane was known to be an alcoholic, something that was of great concern to the royal members. As a result, his succession to office was delayed by the appointment of Heavyfight Molale who was recalled from the mines (Thibedi 2002). Heavyfight Molale handed over the chieftaincy to the chiefship of Scotch Mankuroane on 10 August 1966. Furthermore, even though Scotch Mankuroane was appointed and was recognized officially as chief, not regent, by the time of his death, he was no longer running the affairs and administration of the chieftaincy.

Years before the death of Scotch Mankuroane, the affairs of the chieftaincy were run by Samuel Morwagaabuse Mankuroane (Samuel Mankuroane), the third son of Rakuna Andries Mankuroane, Scotch Mankuroane's paternal cousin from a junior house within the Royal House (Thibedi 2002). All sides of the conflict do not dispute his role during this time. What is contested, however, is what his role constituted or meant. Did it mean that Samuel Mankuroane would now become a chief or a regent once Scotch died? These two positions are influenced by one's reading of Scotch's relationship with the woman who became his common law wife. Samuel Mankuroane was called to assist Scotch because of his educational qualification and administrative skills. Among many people, this calling has translated into a topic of much heated debate. Samuel Mankuroane's supporters claim that that calling was to make him a regent or a chief. Mr. Morake, a close ally of Samuel Mankuroane, who led a breakaway faction to establish a pro-Samuel Mankuroane *kgotla* as a protest against their sub-chief Samuel Saku's support for Tshepo Mankuroane's appointment as a chief of Phuduhucwana, stated that Samuel Mankuroane was introduced by Scotch as their future chief and never as a regent as government claims. Mr. Molale said that "Scotch called him to the tribal authority and told everybody that 'he shall be your chief'" without conditions that when one of his sons matures he will have to hand over to him (interview: June 27, 2002). Others (notably Mr. Solomon Morake, nephew to Samuel Saku, one of the leading supporters of Tshepo) argued

that Samuel Mankuroane was appointed as regent and that his position would be terminated by the decision of the Royal House. At the time of this research, there were at least two royal houses, one for Samuel Mankuroane and one for Tshepo Mankuroane.

A faction who opposed Samuel Mankuroane argued that, from the very beginning, Samuel Mankuroane was called to be only an assistant to Scotch. However, this did not mean that he was chosen to be a regent after Scotch's death. The other interpretation is that Samuel Mankuroane was called to act as a regent and it is Samuel Mankuroane himself who appointed himself as chief. Mr Van Rooyen, a spokesperson to Tshepo said:

They all deny making him chief by giving him the leopard skin, because they are afraid that people will ask them why did you make him wear the leopard skin even though the certificate says 'regent.' (interview: 11 June 2002)

On 9 February 1987, eight months before the death of Scotch Mankuroane, the Bantustan government of Bophutatswana recognized Samuel Mankuroane with effect as acting chief of the Phuduhucwana (Thibedi 2002, 15). His appointment was not without a struggle. The government of Bophutatswana under the leadership of President Lucas Mangope refused to grant recognition to Samuel Mankuroane on the grounds that it was against Tswana customs and law to do so (Thibedi 2002, 7). But after a few persistent protests, the Bophutatswana government relented and issued a certificate of recognition on 22 January 1988 (Thibedi 2002).

Opposition to Samuel Mankuroane's appointment did not only come from government. Some members of the Royal House were also against his appointment. Rumours began to circulate that some people and the Bantustan government of Bophutatswana were actually planning to assassinate him. As a result, he exiled himself to Johannesburg. This happened shortly after the death of Scotch in August 1987. He was only forty-nine years old and ruled for twenty-four years. In the absence of Samuel Mankuroane, the Bophutatswana government appointed Modisakoma Steven Molale as acting chief, and, subsequent to the 1988 commission of inquiry, the government appointed Kgotlaethata Mankuroane as a regent in 1989 (Thibedi 2002, 7–8).

Succession is not just a legal field; it is also a “contested political principal” (Moore 2001, 109). The political field under which the succession dispute takes place had an influence on the political process. In the period 1987–88, the succession dispute took the form of resistance against the state, that is, the government of Bophutatswana. Some of my informants told me that they supported Samuel Mankuroane because he was not going to “sell them” to the Bophutatswana government, that in fact he would “protect” them against it (interviews: 9 and 13 June 2002). This support continued even when he was in Johannesburg.

People in Manokwane recounted to me how they contributed financially to his accommodation in Johannesburg (interviews: 21–22 June 2002). They still recognized him as their chief, even though the government had given them another chief. Instrumental in the mobilization of support for Samuel Mankuroane and the collection of financial contributions was the sub-chief of Manokwane, Francis Baisitse. Francis Baisitse was known as an ANC activist and also a former supporter of the People’s Progressive Party (PPP) under the leadership of Rocky Malebana Metsing, a party that together with some factions of the Bophutatswana military attempted to overthrow the government in 1988. Sub-chief Baisitse is actually credited with introducing the ANC in Manokwane. Because of such people, support for Samuel Mankuroane did not wane.

In 1994, Bophutatswana, the last remaining Bantustan, ceased to exist. The Taung districts fell under the newly created provincial administration of North-West. For the people of Taung, particularly the Phuduhucwanas, the end of Bophutatswana meant the return of Samuel Mankuroane to take his rightful place in Phuduhucwana. The year 1994 was also the year in which people celebrated the achievement of resistance and the heroes of resistance were also honoured. Considering the *mêlée* under which Samuel Mankuroane left Taung, it was not surprising that he too was to be honoured for his role in the resistance.

If traditions, that is, chieftaincies, were to be accommodated in post-apartheid South Africa, a rationale for such an accommodation had to be found. Locally it was in the person of Samuel Mankuroane that such a rationale was found. In fact, chiefs could have been ignored or excluded, were it not for the instrumental role that the Congress of Traditional Leaders of South Africa (Contralesa) played in the 1980s and 1990s in drawing the ANC politically into a political alliance with traditional

authorities (Oomen and Van Kessel, 1997). Chief Samuel Mankuroane was an honourable chief who had made selfless sacrifices in promoting and defending the rights of the Phuduhucwanas and also protecting the integrity of their cherished traditional institution.

It is not surprising, then, that on 16 November 1994, the nascent provincial government of North-West celebrated “resistance” to apartheid by re-appointing Samuel Mankuroane as acting chief of Phuduhucwana. The re-appointment of Samuel Mankuroane was not just a celebration; it was also a “restoration” of the chieftaincy to its rightful place in South Africa. In order to “restore” the chieftaincy, the government obliged itself to redefine the chieftaincy after the colonial and Bantustan government had distorted it so that it could occupy its rightful place in a democratic South African government (Mokgoro 1994, 5).

It is this rightful place of the chieftaincy that would prove problematic not just for the provincial government but also for the national government. The appointment of Samuel Mankuroane as acting chief was also an attempt, by government, to redefine the chieftaincy. It was not resurgence or a revival of traditional authorities; it was rather a “renewed salience” which formed part of “the epic transition from apartheid to democracy” (Comaroff and Comaroff 1997) that romanticized the chieftaincy as a heritage and a symbol of African democracy. But the restoration of the chieftaincy would be far from simple because the ANC, like the National Party government in 1950 (Oomen and Van Kessel 1997), would embark on a profound restructuring of rural societies. The ANC government was to reshape local government in rural areas, bearing in mind that the Rural Development Framework (Department of Land Affairs, 1997), argued that there has never been a local government in rural areas and that the ANC envisaged a ceremonial role for traditional authorities.

Samuel Mankuroane’s recognition as acting chief coincided with the changing shape of local government and local politics. It is within the political horizon of local government that the chieftaincy became a contested terrain of meanings, aspirations, and expectations, which compounded on the role, status, and powers of the chieftaincy. Various people at national, provincial, and local levels sought to deploy the chieftaincy to achieve their own political objectives cast in terms of their own repertoire of meanings and expectations by defining its role, status, and powers.



Central to these meanings, aspirations, and expectations is a discourse of *rural development*. In 2000, during the municipal demarcation process, Samuel Mankuroane voiced his concerns about the status of chiefs within the demarcation process and rejected the inclusion of chieftaincies under municipal structures. Lack of clarity concerning the role of chieftaincies in local government meant that the relationship between the TLC, later municipality, provincial government, and the Phuduhucwana chieftaincy continued to sour. By 2002, Samuel Mankuroane had acquired a reputation for being anti-development, and against the TLC and later the municipality. Ward Nine Councillor Koikoi said that:

The problem is, from the very beginning, Samuel Mankuroane did not want the municipality. There was no progress without any development. (Interview: 8 June 2002)

On 6 June 2001, six years after Samuel Mankuroane was appointed acting chief by Premier Popo Molefe, a faction from the Royal House requested the provincial government to terminate Samuel Mankuroane's status as acting chief of the Phuduhucwana on the grounds that Scotch's two sons were now old enough to take over the chieftaincy. On 27 March 2002, Samuel Mankuroane's acting capacity as chief was terminated and Tshepo Mankuroane became acting chief. The day after Tshepo's recognition, Samuel Mankuroane convened a press conference and he made it clear that he was still acting chief and that the Royal House and the people had not yet removed him from office. He said that the government is meddling in the affairs of the Barolong Boo Ratshidi and the Phuduhucwana because they want to control them (interview: 12 April 2002). As a result of Samuel Mankuroane's refusal to vacate the office and hand over the keys, stamp, and tribal letterheads, Tshepo requested an interdict from the Supreme Court to force him to comply with the decision of the provincial government.

On 14 April 2002, the succession dispute gained another dimension when Monty Mahumapelo, a chief's secretary, was stabbed to death. The stabbing was the result of an argument he had at the bar. The following day, Samuel Mankuroane's faction spread rumours claiming that the argument was about the succession dispute and the killer was one of Tshepo's supporters. These rumours constituted an important social

discourse strategically deployed to discredit Tshepo Mankuroane's position and credentials to become a chief (Bhabha 2004, 286). The killer was arrested and the police reported that the argument had nothing to do with the succession dispute but was instead a fight over money or beer. However, the arrest and police report did not do much to change some of my informants' perception about the killing of Monty Mahumapelo as they were now convinced that the police were no longer impartial and were being used by the government.

On 30 March 2002, Samuel Mankuroane once again refused to comply with the instruction "to vacate the Tribal Office and to hand over the keys of the Tribal Office to Mr K Nomnga on or before the 1<sup>st</sup> day of May 2002" (Office of the Premier 2002). As a result, on 14 June 2002, Samuel Mankuroane was arrested and released on bail after spending a night in Pudimong jail, where he allegedly shared a cell with Monty Mahumapelo's killer. The arrest was probably not expected by many people, including some of my informants who are close to Samuel Mankuroane. The effect of the arrest was to render the Phuduhucwana authority non-functional for the whole week. People seeking assistance returned at the locked gates or were returned and sent to Regional Director Mr. K. Nomnga for assistance. People in the office could not help because the stamp crucial for the running of the chieftaincy and issuing permissions to ordinary people to receive services such as social grants was not available. Keys to the cupboards were also still in the possession of Samuel Mankuroane. Furthermore, Tshepo gained entry to the offices after "breaking and entering" and in this act he was duly "assisted" by the police.

The police came with Tshepo and they found us at the tribal office. Tshepo together with his mates started to break office doors. We told the police that it is you who are breaking into the offices. They replied, "no it is Tshepo in his capacity as chief." (interview: Headman Solomon Morake, 26 June 2002)

Moreover, the recognition of Tshepo as acting chief was rather an unceremonious affair lacking any form of public affirmation, reduced to bureaucratic paperwork, and enmeshed in a dispute, which was just gaining momentum. Furthermore, the decision to appoint him was made at the provincial branch offices of the Department of Public Works (government)

buildings that are considered to be “away from the community, not in the house of the *morafe*” (interview: Solomon Morake, 26 June 2002). For Samuel Mankuroane’s supporters, this is an irrefutable proof that the government had taken sides. They also question the motive of government to put in office a person not well known in the community. For example, the security guard at the “tribal office” did not know Tshepo. Even though my host’s (Bushie Mankuroane’s) house is not far from Tshepo’s home, they, and their children, had a vague memory of Tshepo and they could not even tell me how he looked except that he is young (interview: June 13, 2006). This was because, Tshepo spent most of his time outside Taung and in Mafikeng doing his legal studies or elsewhere with his mother’s relatives.

Samuel Mankuroane’s removal from office was accelerated by a number of political developments in Taung. The first one, as already mentioned, was the sour relationship that developed between him and the municipal administration of Taung. Secondly, a perception was shared by councillors and other members of the public that he was against the municipal government and therefore anti-development. Lastly, there is no doubt that Samuel Mankuroane’s support base was also dwindling. The cause of this was people’s concern that they have not seen any development since he took over. Tshepo’s spokesperson stated that Samuel Mankuroane was not progressive in terms of developing the people. Looking at the dilapidated state of the building, he further pointed out “they have been like this since we were born” (interview: Mr. Van Rooyen, 18 June 2002).

Because the succession dispute is a political contest, it allowed for all these factors or grievances against Samuel Mankuroane to be voiced in order to have an effect on the outcome of the process. Some ward councillors, soon after Tshepo’s request to become acting chief was made public, came out and expressed their desire to have a new chief because they believed Samuel Mankuroane was against them and, as a result, they were unable to carry out their duties. Another councillor told me that they supported Tshepo because he is young and interested in development; that is, he is co-operating with the Taung municipality. For example, Mrs. Koikoi said that Samuel Mankuroane’s refusal to co-operate with the municipality and wards disabled her from organizing an election for ward committee members. She has not been to *kgotla* to be introduced to the *morafe* as their councillor (interview: 8 June 2002). Councillors eager to see Samuel

Mankuroane replaced were crucial for gathering support for Tshepo and influencing the commission's decision.

A number of people who had previously supported Samuel Mankuroane said that, after six years without "development," they had decided that perhaps it was time for a change. They had ceased to support him for the reason that Samuel Mankuroane has failed to fulfil their aspiration and has also failed to allow for development: "there is no civilisation [development] in Manokwane" these words were said by a woman who lives in a two-roomed house and makes a living by selling home-made beer in the village of Manokwane, not very far from the chief's court (interview: Mmathata Diphetogo, 22 June 2002). A laid-off migrant worker who resided in Modimong also expressed a similar position:

Many people have said that our chieftaincy is the chieftaincy of *bogwera* [traditional male initiation ceremony] and that we are not concerned with development. When I look at things carefully, I realise too that it is true. We are not progressing. (interview: Kgosiekae Mothusi, 2 July 2002)

Another male interviewee from Manokwane said "it is *bogwera* that led to his removal from office" (interview: 16 June 2002). Samuel Mankuroane's chiefship in Taung had become synonymous with *bogwera*. As a result of his active involvement promoting *bogwera*, it is alleged that he has commercialized it for his own personal benefit. As a result of these allegations, the regional director, Mr. Nomnga ordered a financial audit to investigate these allegations. Considering the timing of the financial audit, it is difficult not to see the link between the report and the succession dispute. From both sides, there were allegations aimed at discrediting the other person's suitability to become a chief.

From these opinions, expressed by three different and unrelated persons, the important thing about the succession dispute was not the *facts* of the case but the demonstrated ability of Samuel Mankuroane to lead them towards development or to bring about the development of their villages. The *fact* that mattered to them was that, since Samuel Mankuroane took office, their chieftaincy has become synonymous with commercially viable traditions and lack of development – "our chieftaincy is the chieftaincy of *bogwera*."

There is a shared hope that Tshepo, as a young person with a law degree from the University of North-West, Mafikeng, would be able to lead them towards development. Furthermore, Tshepo's genealogical records were never mentioned as a precondition for their support. A member of the Royal House, Mr. Samuel Saku said:

The chieftaincy is not a property. *Even if a house is senior*, if the chief is not working properly, we as children of Molehabangwe [Royal House] we have the plans to remove him, because the chieftaincy is not his and it is not his property. (interview: 11 July 2002)

Saku's comments were revealing because of his family connections and vast political support. Saku was once known for his loyal support for Samuel Mankuroane. Because of Saku's persuasion, Mr. Morake claims that from 1994 he was chosen by the people to help at the "tribal authority." The chief had withdrawn from office because there were certain sub-chiefs who were against him. This chief was Samuel Mankuroane and Mr. Saku was fully supportive of him. Saku's sudden change of loyalty surprised Samuel Mankuroane and Solomon Morake. It suffices to say that Saku was no longer in agreement with Samuel Mankuroane. Saku believes that Samuel Mankuroane made "the chieftaincy his property" and commercialized the chieftaincy and its initiation traditions for his own personal benefit. Therefore, it became necessary for the Royal House to reclaim the chieftaincy and remove Samuel Mankuroane from office.

In all of these interviews, the genealogical record of Tshepo or Samuel Mankuroane was not once put forward as an explanation of their shift of loyalty. Tshepo's genealogy only served their purpose, that is, their plan to remove Samuel Mankuroane from office. The genealogical record served only as a mechanism for the removal of Samuel Mankuroane from office. The genealogy was not a reason for his removal. Such reasoning lies elsewhere. Howe (1978, 549) argues that the support for the Central American Cuna chief "derives from a complex of factors" such as "his conduct in and out of office, and his past success or failures as a leader." It is these factors that play a role in any succession dispute. Succession disputes should be regarded as an evaluation of a chief's performance in and out of office, instead of a simple recognition of one's genealogical seniority or junior; or

the transformation of one genealogical status. Among the Tswana, such a transformation of a chief's genealogical status allows for his removal from office, but it is not the *sine qua non* for his removal.

Appadurai (2002, 6) argues that the voice of the poor, which he regards as a cultural capacity to produce aspirations for the future and for transformation of conditions of poverty, has to take local cultural forms in order to have meaning and to capture the public space of debate. However, due to inadequate resources available to the poor, they have a fragile horizon of aspirations. The chieftaincy, as a resource, is equally available to the poor as it is to the rich. As a result, their horizon of aspirations is not necessarily fragile, because resources like chieftaincies seem to give it content or a conceptual apparatus (see Ferguson 1990). It is avenues like succession disputes that provided the Phuduhucwanas with a locus to exercise their agency and articulate their aspirations about the future of their chieftaincy, municipality, and society. As a result, a chief is essential in this process and "the recruitment of talented office holders is held to be a basic requirement for the achievement of the indigenous ideal of good government" (Comaroff 1978, 3). It appears that, because of the perception that Samuel Mankuroane opposed the municipalization of Taung, he was regarded as anti-developmental. In the words of one of my informants, Mr. Kgosiekae, he was concerned only with "traditions" (i.e., revenue-generating male initiation ceremonies) and fell short of the requirements to be a chief. Considering that the Phuduhucwana supported Samuel Mankuroane because he is talented and educated, there is also a perception that he failed them.

## CONCLUSION

The commission used writings of early Tswana anthropologists like Isaac Schapera and P.L. Breutz to support its decision to have Samuel Mankuroane removed. In fact, the commission cited these authors to lend academic support to its conclusion. Schapera's works among the Tswanas are well known and have been of great influence on the colonial government and the Republic of Botswana. His most important publication on Tswana law was *A Handbook of Tswana Law and Customs* (Schapera 1938). The

book has been essential for administrators and the Tswana themselves. It went a long way in informing their understanding of Tswana law to such an extent that “the book can also be found in many offices attached to many Tswana *kgotlas*” (Roberts 1985, 83). It is also found in the offices of commissioners given the task of implementing Tswana law at a time when it was being violated.

Schapera’s (1938, 37) approach was to put Tswana law on a par with western law “for the Tswana, like ourselves, have attained to a stage of legal development where certain rules of conduct can, in the last resort, be enforced by the material power of compulsion vested in the tribal courts.” Not only was Tswana law on a par with the West, it was almost identical to it since Tswana law was clearly codified and expressed in judicial action and court decisions. Moreover, Tswana law was distinct from Tswana customs. To make this distinction, Tswana courts were relied upon to make the necessary judicial definition defining the status of rules, observations, and customary practices as laws. Because the source of Tswana law was customary usages and observances of the people, the Tswana sometimes relied upon their courts to make certain customary practices and observation obligatory, that is, legal (Schapera 1938, 35). Furthermore, Schapera’s argument is that Tswana law followed a fixed pattern, making an outcome in almost any settlement of disputes predictable. This fixed logic applied also to succession to the throne, which was also predetermined by Tswana law. In this case, an heir to the office is always an eldest son of a chief by right of birth; a senior will automatically take office once his father dies.

Seniority is paramount in determining the next chief, a point emphasized by all informants in all succession disputes, including the Phuduhucwana. As a result, Schapera (1938) conceives of a “real heir” who might not become a chief because of “trickery and corruption” or he might have difficulty succeeding to his father’s position. This argument treats succession disputes as an anomaly, a violation of Tswana law concerning succession. However, Schapera does concede that there have been succession disputes among the Tswana. Instead of treating these succession disputes not as an anomaly, Schapera locates the source of these disputes in customary practice of *seantlo*, a Tswana levirate system that seeks to provide a childless chief who passed away with an heir.

Schapera’s treatment of Tswana law conceals quite a bit more about Tswana law than it actually reveals (Roberts 1985, 85). First, disputes

about succession to office are not an anomaly. It is an intrinsic feature of how Tswanas articulate their aspirations and desires about their lived-in world. In order to have their aspirations realized, the Tswana seek to have in office a candidate they think would best realize those aspirations. For this reason, succession disputes aim to put in office a candidate who is seen, by one faction, as a legitimate heir to the office. Of course, another faction will dispute the legitimacy of heirs introduced by another and introduce their own heir as most legitimate. This allows for competition for office, and it is through this competition that the person with the most support and good credentials becomes a chief (Comaroff 1978). Comaroff and Roberts (1985, 79) argue that *mekgwa le melao* of Setswana are neither fixed nor unchanging but “involved in a constant process of formation and transformation.” It is this “constant process of formation and transformation” that allows the Tswana to have a dialogue with the central government and themselves about their political institution. Their political institutions provide them with a venue to exercise their agency, and, through their agency, they are able to effect transformation of their political institutions. The legitimacy of the institution rests not only on its intended aims, such as to preserve the “traditions,” “customs” and “customary law”; it rests also on its ability to provide a locus for the articulation of various and conflicting interests or aspirations. The “traditions,” “customs,” “customary law,” or “identity” of the people is not a given. The chieftaincy allows for the “traditions,” “law,” “identity,” and a person’s *locus standi* to be transformed, including its role in local government. In South Africa’s remote areas where the presence of the state is removed from the realities of daily life, it is here, as John and Jean Comaroff (1997) argue, that experimentation with local government and development becomes possible. The succession dispute was one such avenue where the status of Tswana law, the role and status of chieftaincies, and what people and government expect from a chief, were articulated and negotiated.

The transformation of Samuel Mankuroane’s *locus standi* and the chieftaincy was one effect of this. The outcome was not an intended outcome of the “dominant group” traditional leaders or government. It was rather the unintended consequences of agencies seeking to define the role, status, and powers of the chieftaincy within a political horizon provided by competing concepts of a local government, the chiefship, and the state.



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# **21 Wechiau Hippo Sanctuary: Contributions of Ghana's Traditional Leaders to Partnership Success with the Calgary Zoo, Canada**

Brian Keating

## **I. AN EXAMPLE OF THE CHIEFTAINCY LEADERSHIP AND PARTNERSHIP**

The Wechiau Hippo Sanctuary is a classic example of the positive influence a locally intact traditional government can have. The partnership they forged with Ghana's Nature Conservation Research Centre (NCRC) and Canada's Calgary Zoo presents an enviable position for the Wechiau people that is presently being viewed as an example of a positive economic model. With ever-increasing human populations creating a situation of compromised remaining wilderness areas, cooperative beneficial conservation efforts that preserve both biodiversity and cultural integrity and at the same time spin out an economic base of possibilities are an excellent

solution. Traditional national park policies seldom take into consideration the local inhabitants who often live in a subsistence manner at the parks perimeter. Those who perceive no benefit to the parks preservation and protection may soon become a detriment to the very existence of the park in changing times. The incredible insights of the traditional chiefs of the Wechiau area are a tribute to their organizational power and to the field of modern conservation thought.

The fruitfulness of this partnership was made all the more evident by the visits to Calgary of the Ghanaian Wechiau chiefs in January 2003 and July 2006 and my own trips to Ghana in 2001 and 2003. This chapter is organized around the 2001–2003 trips. An appendix to provide more context has been added.

## II. THE FIRST VISIT TO THE HIPPO SANCTUARY IN WECHIAU, UPPER WEST REGION GHANA: BRIAN'S JOURNAL, 2001

At the conclusion of a July 2001 ZooFari safari expedition into the best of Botswana and Zimbabwe, my wife, Dee, and I ventured north for a return visit to Ghana, a country that we had worked in eight years earlier; hence the Calgary Zoo's connection to this part of Africa.

A full day's rugged journey north put us into the heart of Lobi country where the dominant architecture of the local people consists of a fascinating assortment of square, flat-roofed mud homes in the midst of their cultivated land. We were introduced to the chiefs of the region who sat us in the shade to observe our welcoming ceremony. The ceremony's high-energy dancing accompanied by some intense drumming set the tone for the next week of exploration.

Soon after we arrived, we were paddling downstream on the very muddy Black Volta River, swollen to within a metre of its maximum level. The quiet current carried us silently with two paddlers guiding the narrow craft through the reserve. Thick green tropical forest towered along the river's edge, sometimes nearly closing in the sky above. A loud snort and grunt alerted us to our first sighting of two small hippo pods within the first thirty minutes. We saw their typical heads peering at us from some distance and caught sight of a youngster among the three that we counted.

That night we slept in a tree platform erected for tourists, in the forest beside the Volta River. As the daytime sounds of birds diminished at sunset, the forest began its nocturnal serenade of frogs that continued throughout the night. During the night, fruit bats came and went in the canopy surrounding us, feeding on ripe figs, and, below, we occasionally heard the slosh of the hippo coming and going to their hippo meadows at the edge of the forest. The dawn chorus of birds was some of the best I have heard in any of the tropics, with the rich river forest providing an excellent habitat for a variety of bird life. Investing in projects like this, I believe, adds such depth and meaning to our work at the zoo.

### III. THE REMARKABLE VISIT OF THE WECHIAU CHIEFS TO CALGARY ZOO, 2003

From the moment the chiefs walked through the Canadian customs door at the Calgary International Airport, I knew it was the right decision to bring the Wechiau-Naa (a paramount chief), the Tokali-Naa and the Gorungu-Naa (each divisional chiefs) over for the official opening of the Calgary Zoo's new Destination Africa exhibits on 10 January 2003. They appeared to float through those doors, walking with such dignity and grace that only African royalty can do. From that point onward, the momentum continued to grow throughout their eleven-day visit, forever cementing a long-term relationship with the Calgary Zoo and their new Hippo Sanctuary in Northern Ghana, West Africa.

This relationship officially began in 1999 with the first of several grants from the Calgary Zoo Conservation Fund to the Nature Conservation Research Centre (NCRC), a non-government organization that raises funds and manages appropriate ecological projects in Ghana. Progressive zoos around the world have been steadily increasing their investments in conservation outreach projects as they move towards an evolving zoological park philosophy, that of conservation support for the worlds diminishing wild places. As part of a plan to solidify a long-term relationship between the NCRC, Wechiau Hippo Sanctuary and the Calgary Zoo, the Calgary Zoo invited the chiefs to Canada to officially open the "Destination Africa" exhibits, the largest exhibit development in the history of the

zoo with C\$36 million invested, featuring amongst others, a hippo exhibit complete with underwater viewing. A follow-up to their visit culminated eight months later in September 2003 and included the “enskinment” of the zoo’s former president and CEO, Alex Graham, as an honorary divisional chief of the twenty-two villages that surround the sanctuary, and the author’s “enskinment” as a chief of one of those villages.

The chief’s January 2003 visit was a unique opportunity to conduct public education and fundraising amongst Calgarians, thereby creating personal links between the people of Calgary and the people of the hippo sanctuary in northern Ghana public. The chiefs’ visit began with a private hour-long meeting with Calgary Mayor David Bronconnier that included a long-standing Calgary tradition of the “White Hatter” ceremony. The mayor himself gave the white cowboy hats to the chiefs. At the opening ceremony of the zoo’s Destination Africa a day later, the Tokali-Naa gave a particularly moving speech, followed by the Gorungu-Naa performing a remarkable ceremony uniting the spirits of the Wechiau Hippo Sanctuary and the spirits of the Calgary Zoo in front of some four hundred guests, and a variety of both print and television media. This traditional Ghanaian ceremony was conducted in English so all could understand. In the days that followed, the chiefs spoke to children at three Calgary schools. They attended a private wine and cheese gathering with sixty guests as well as a sold-out banquet of 260 people. The chiefs attended fund-raising functions held at six private homes in Calgary and Banff. The chiefs took part in evening dance celebrating Africa and the northern Ghana hippo sanctuary. The dance, organized by Calgary’s African community, took place at the zoo’s new “Safari Lodge Canada” banquet facility. Some 200 people attended. Another fund-raising and public education tactic was to have the chiefs take part in five souvenir poster signing sessions, thus allowing the public access to the chiefs at the Calgary Zoo’s hippo exhibit. In addition to the busy schedule that the chiefs followed, we arranged time to tour our mountain landscapes in Banff National Park. I will never forget the look on their faces when they dismounted the snowmobiles at the top of one of the ski ridges at Sunshine Village Ski Resort, followed by a high-speed quad chair lift to the top of a mountain. The sun was shining with warmth under a cobalt blue Rocky Mountain sky, and there was a panoramic view from the top that dreams are made from, complete with two Royal Canadian Mounted Police in their red uniforms. The chiefs

explained at the time that “there will be endless stories” upon their return home. And indeed, there will be endless stories in Calgary too, with the legacy they have left behind from their remarkable visit.

#### IV. GHANA’S WECHIAU HIPPO SANCTUARY CHIEFS CREATE TWO NEW “DEVELOPMENT CHIEFS” FROM THE CALGARY ZOO, 2003: BRIAN’S JOURNAL

September 19: We were up at 4 a.m. to get to Nairobi Airport in time for our 7:30 a.m. flight to Accra, Ghana. The five and a half hour flight across Africa travelled through three time zones from Nairobi, Kenya, arriving under cloudy skies in Accra, Ghana. The Accra Airport has had some serious improvements since our last visit some twenty-seven months ago. Customs reception and booths were now air-conditioned. An airport rep was there to greet us with a hand-made Calgary Zoo sign, and she escorted us through to meeting up with John Mason, the founding executive director of the Nature Conservation Research Centre (NCRC) just outside the main terminal.

We drove in two vehicles first to Alex and Heather Graham’s hotel, the Capital Court, located a two-minute walk from John and Martina Mason’s home and office. Soon we were having lunch with Martina, sharing stories with good energy.

After a wonderful reunion with the Tokali Naa of hugging, handshakes, and a volume of high-energy greetings, we first drove to the Ministry of Tourism, and met the deputy minister, Boniface Sadique. We drove together in a convoy to the “Castle,” or main government building complex, which two hundred years ago, was a slave-trade castle. The meeting with Ghana’s vice-president, His Excellency Ali Mahama, came off extremely well, with a dramatic entry into his office, complete with television cameras rolling, newspaper reporters, and radio. Speeches were given by Ghana’s vice-president and Alex, making for some good sound bites for the press. His office was nicely appointed, cool and quiet, a perfect quiet place for the media to gather, film, and record.



The next visit was with the minister of tourism, Jake Obsetisibi-Lamprey, which was a much more relaxed visit. Sometime after 6 p.m., the meetings finished, and we all headed to a Chinese restaurant to have dinner with the NCRC board of directors. We enjoyed some moving and meaningful speeches made by the Calgary Zoo's president (Alex), John Mason, and several members of the board.

September 20: We were up again at 4 a.m. to try for a 5 a.m. departure for our fourteen-hour drive to the northern part of Ghana. Sadly, one of our drivers was an hour late. While this gave us further chance to visit with Martina and to see her children, it didn't help our day's agenda.

We drove north to Kumasi and continued to Mole National Park, stopping only briefly along the way for breakfast and for gas and some snacks. Dinner was enjoyed pool-side at the Mole National Park, where we saw a number of Kob, Defassa waterbuck, bushbuck, and baboons. The landscape was rich and green with water everywhere. On the way in, much of the road was covered in mud, making for some very muddy driving. At times the windshield washers were hardly able to keep up with sheets of red mud that covered the truck.

We finally arrived into the village of Wechiau in the dark at about 9:00 p.m. There was a large, enthusiastic crowd outside the paramount chiefs palace waiting to welcome us. Amongst the crowd quickly emerged the friendly, smiling face of the Gorungu Naa, complete with a repeat of the kind of welcome we had had with the Tokali Naa two years earlier. There were many others with extended hands and greetings, and we were quickly shuffled inside the Wechiau Naa's palace to a waiting row of brand new split bamboo reclining chairs, obviously made for this occasion. The palace itself was completely repainted both inside and out, making an impressive first sight under the dim, low-wattage solar-powered lights.

The room was full of dignitaries whom we greeted according to custom with handshakes, although I suspect protocol was breached when the Wechiau Naa hugged each of us, giggling all the while. After the greetings and pouring of libations, the Gorungu Naa began the offerings first of water, then a "pito" beer, finishing with their own homemade cane spirit, "akpateshi." This final drink needed to be immediately swallowed to try to avoid the gag reflex. The beer was a traditional beer, very green and weak, brewed from millet. We each had a mug of this. John led our delegation with his usual finesse, introducing "according to custom"

the reason for our visit. He introduced all of us in succession, with each introduction interpreted by the Gorungu Naa for the Wechiau Naa and the others in the room. The occasional goat ran through the palace doors transecting the room to the courtyard, almost stepping on our feet as they beetled through. The Wechiau Naa took in the events with smiles and enthusiasm, sitting on his new wooden equivalent of a Lazy Boy chair.

Finally, less than forty-five minutes after we had arrived, John asked for permission to be excused so that we could rest up for the events to follow over the next two days. About twenty minutes drive down the dirt road, we came into the clearing where the mud huts of the “Mark Donahue” sanctuary lodge stood. We were shown to our rooms by the Tokali Naa, with him proudly showing us the new Wechiau T-shirts and other gifts lying on the third mud bed in each of our two rooms. There were new mosquito nets nicely hanging over our single beds, and the place was appropriately lit with the small oil lamps. Needless to say, after fourteen hours of rough travel, we were very pleased to get horizontal for a good night’s sleep.

September 21: A beautiful sunrise greeted us, illuminating a thick fog that hung heavily over the river valley. By the time we walked to the Black Volta River for our water safari, the fog had burned off, and the day was heating up. Our boats were emptied of the water they fill them with (to prevent wood-eating bugs from prematurely eating the boat), and soon we were off into the swollen river waters of the Volta. John said he had never seen the water this high. Indeed, an incredible amount of water has flowed over the river banks, flooding some way into the surrounding forest and further into the grassy hippo-grazing fields. The hippo hide, where we were to spend the night sleeping, was surrounded by water, rendering it a difficult place to get to and to sleep on, so the idea was floated and accepted to put off that idea until our next visit here. Apparently the blind had been rebuilt to accommodate four people for an overnight!

We soon paddled out of the flooded forest edge and were happily canoeing at speed down-river in the main channel. The rains having been so good this year have greened up the environment in a most impressive way. Many of the trees were obviously fruiting, with grey plantain eaters and bearded barbets being among the first birds we saw. Our boats had hardly any freeboard, but the boatmen handled them expertly, manoeuvring our homemade crafts in and out of the flooded forest with ease. At

one point, we attempted to get a glimpse of some monkeys in a thickly vegetated tree, passing under tangled branches in an attempt to see the hidden primates. We crossed the river to Burkina-Faso and headed up stream in the quiet waters amongst the riverine forest we found there. Some corn grew in the flooded water, frustrating the farmer, I'm sure. I can only imagine how incredibly beautiful the river would be at dawn, shrouded in the usual morning fog, canoeing in and around the quiet waters of the flooded forest. It would be a *National Geographic* moment for sure, with heron, kingfishers, and other river-edge birds at their dawn best. We did not see the hippos, as there simply was not enough time to head down to where there was a possibility of seeing them, but it didn't matter. The experience of the river was plenty powerful enough. A future multi-day trip here would be an outstanding experience.

We were off the river by 10 a.m., heading back to our camp via the homes of several Lobi people. We were introduced to the families of each dwelling and taken inside to see their incredibly effective steel forge utilizing animal-skin bellows on a creatively mud-built blast-furnace system. They make all their farm implements using this device, fashioned from any left-over steel items they can scrounge.

Pigs, chickens, and goats ran around this way and that; we climbed a log ladder onto the roof to peer into the granaries and watched some grain being pulverized into flour with an ancient grinding mill. Its engine was rhythmically pounding out blue smoke, and Alex took delight in explaining how the coarseness of the flour is controlled and how the engine is cooled by an assortment of 50-gallon drums full of water with piping connected. The best use of a Shell 50 gallon drum, however, was for the "still" used for making their "*akpateshi*" from sugar. The oil drum is an obviously effective tool for making the drink.

After lunch we headed back to Tokali for a mini-Durbar, a shadow of what we are to expect tomorrow. The Tokali Naa met us upon arrival and took us into his palace. We entered into a small room with an impressive doorway of thick mud columns, the room filled with members of the Wechiau Community Hippo Sanctuary (WCHS) board, ready and keen to share this part of the celebration with us. We sat in the same chairs that we sat in last night in the Wechiau Naa's palace and once again observed the tradition of greetings with handshakes, pouring of libations, and then drinks, first of water, followed by the *akpateshi*.

Once the formalities were out of the way, we proceeded to the shade of a very large tree, where we were treated to some superb dancing and drumming and xylophone playing. Some speeches were made, but they were kept short, with Alex being instructed to just allude to much more to be said at tomorrow's enskinment. It was wonderful how, the Tokali Naa pointed out that it was an animal, the hippo, that has brought about such a momentous and important occasion bringing together Canadians and Ghanaians.

After, we went back into the Tokali Naa's home and were fed a meal of *fufu* (a huge portion each!), with groundnut soup with boiled and fried goat. These were served by the Tokali Naa's beautiful wife, Misposana. We also met his three-year-old son, Issahaku. It was excellent, but I think most of the Calgary Zoo delegation, including me, had some difficulty eating it in the traditional way with our hands, not to mention the sheer volume of the starchy food. Much laughing, banter, and teasing of us all was followed by some warm words of future partnerships and continuance of our assistance with the Hippo Sanctuary.

Finally, more than a dozen yams and a goat ram were paraded into the cramped confines of the house, the goat being tied up right behind me. These items were soon presented to Alex, who expressed much gratitude. John later said that all these gifts will be accepted and arrangements will be made to take them to Bolgatanga, the site of another NCRC office where John will be able to sell or otherwise utilize them. It would be very wrong to "re-gift" them within the traditional area. Both Alex and I were presented with some fine Lobi "Jinn" carvings, an important icon in their traditional beliefs, and our wives received lovely bracelets.

Once again, John asked to be excused from the Tokali Naa's presence so his guests could enjoy an early evening to rest up for the festivities to follow. When we arrived back home, there was a high-energy party in full swing by the locals, dancing, playing the xylophone, and drumming. We enjoyed their dance for some time, illuminating the performers with our headlamps, which increased their desire to dance even more.

Later, after the band and dancers had left, we went to sleep by the sound of a light rain and some spectacular lightning in the area, complete with some serious-looking clouds looming.

September 22: I was awake from about 3:30 a.m., still feeling tired, but too excited about what was to come to fall back asleep. We arose to

a thick fog completely surrounding the camp and enjoyed a cold bucket shower in the outdoor stalls. Heather stopped into the adjacent stall, completely private but both of us could see each other's heads. I suggested this will be entertaining back in Calgary if the staff hear I had a shower with the zoo director's wife!

The fog quickly burned off, and by 8 a.m. we were heading into Wa to meet a number of northern dignitaries, first making a very short stop at a school in Wechiau to present a very short talk and some pens to some 500 kids! The children were outfitted in yellow uniforms and looked full of life and excitement. They virtually engulfed Alex, Heather, and Dee as we attempted our departure.

Wa, the largest town in the north, is about an hour from the Hippo Sanctuary on rough roads. There we paid courtesy calls to the regional minister, the Hon. William Ayambire, a good friend of the Tokali Naa; the district chief executive, the Hon. Sanuun Mogtali; and the Hon. G.B. Tangu. We enjoyed a filling lunch at the Catholic mission, after visiting some smock shops and the weavers of the strip-cloth that the gowns are made from. We drove back to the main office complex of the government, and to our surprise we ended up being escorted in a white vehicle procession of six cars full of officials with the head of the motorcade blazing with rotating yellow lights! Impressive!

We arrived in Wechiau an hour late at 3:30 p.m. to a crowd of about seven hundred people! As soon as we emerged from the vehicles, we were engulfed by well-wishers and important individuals and were ushered to our seats. Alex looked up at me as he settled into his seat and expressed being completely taken by surprise at the magnitude of the event! He immediately began looking over the short notes for his speech he would be asked to make after his enskinment, getting some help from John in working out which dignitaries to welcome first. I did my best to capture what I could on video but found it incredibly difficult to be a part of the ceremony and record it too! I moved around in the crowd filming under what was now the hottest time of the day! It has to have been at least 40°C.

Libations were performed according to custom, inviting the ancestors of Wechiau to observe and bless the gathering, the words heard by a very effective amplification system that only occasionally squealed. Then a blessing was read. We sat under a shade structure that sported an impressive

banner honouring the Calgary Zoo as a partner. Across the courtyard from where we sat, at least a dozen chiefs were seated, including the Wechiau Naa. A huge parasol was held over the Wechiau Naa, honouring him with shade.

Three microphones were set up, at least two TV cameras were there, and I saw at least one individual recording for radio and several photographers presumably for the print media. A variety of speeches were given, all focusing on the importance of partnerships and further possibilities. Some improved roads were promised by at least one of the politicians, with John noticing the Tokali Naa taking notes on their promises for later follow up. One of the amazing things to see was an official speech translator who madly took notes of the speeches made in English and then repeated the major highlights in the local language after the speaker was done. This process of course dragged out the already very long speech-making the Ghanaians are famous for!

Then came time for the “enskinment,” first of Alex, as then-president of the Calgary Zoo, followed by me. The drums began, and a select crowd of observers and participants crowded around Alex, leading him to a chair that was placed in the middle of the courtyard. The intensity of the experience was heightened with ululating women and drumming, making the event very exciting. Alex sat humbly with a grin as his shoes were removed, replaced by some striking hand-embroidered tall leather boots, and as he sat surrounded by attendants, he was robed with two very heavy but elaborately laced smocks.

Occasionally a woman would appear waving a light silk scarf. As she danced and sang praises, she would momentarily allow the scarf to fall and drape over Alex as he sat. I found out later that this is a sign of deep respect. The actual “skin” part of the enskinment consisted of a Kob skin (a type of antelope found in the area), which was lying on the ground in front of the chair where Alex sat. It was situated in such a way that his feet and stool were on the skin. In the south, the same ceremony would use a stool rather than a skin, hence the Asante concept of “enstoolment” when one is crowned a chief.

The entire event was over in about as long as it took for the five or so people appointed to dress him, making the actual “enskinment” event very short indeed. Later, John explained that a real chief would need to repeat a sworn statement, but this being the first honorary chieftaincy ever

done in this part of Ghana, or ever witnessed or even conducted by anyone of those present, they may have not known what they should really do or how elaborate the actual event should be. The energy in the enskinment, however, was overwhelming, with people clapping, music playing, and so much commotion. With the video I was able to focus on many happy smiling faces amongst the onlookers. All the time, Alex sat, taking in all the activity around him, his now cherry-red face covered in perspiration as his own sauna developed under his layers. A foot stool made of leather appeared, and he was led with much fanfare to his new position with the chiefs, in the shade, very near the Wechiau Naa.

I was next. I handed the video camera to my wife, Dee, and the process began. Like Alex, the Wechiau Naa was the one who adorned me with the second robe, chanting something as he made three symbolic attempts to place it over my head. My shoes were removed, too, my feet then fitted with some very nice boots. Another stool appeared, and I was then led to a seat beside Alex. The scene from my perspective was amazing, with activity bustling all around me as I was dressed. I saw Dee out there in the crowd, amongst so many people, attempting to film the event. It was all so powerful, so overwhelming, and so humbling. This is a position for life, and, as John later said, one is only able to exit it in the end by death!

After I sat, Alex was asked to present his acceptance speech as the newly enskinned and the very first sanctuary chief of the twenty-two villages surrounding the park. His eloquent and sincere style of speaking was very much appreciated by the audience, and during the interpretation of several comments of his, the crowd burst out in applause. He noted that Calgary South Rotary promised a well, which would be matched by the Calgary Zoo's donation for the same. Calgarian Colin Glassco also wished to drill another well, if all goes according to plan with the first wells drilled. The Calgary Zoo's Donna Sheppard would soon be arriving, with her first \$10,000 budget for assisting the development of the sanctuary. There was the hope of good news regarding the provincial funding from Alberta MLA Mark Hlady. He stated that what at that time was a proposed book on Ghana chieftaincy by Professor Don Ray would include a chapter on the Hippo Sanctuary. The video would be used for a million people a year to hear of the sanctuary at the hippo exhibit at the zoo. Finally, he encouraged the government of Ghana to support and respect the incredible dedication and visionary approach of the work

of the NCRC and its founding director, John Mason. His work is being taken very seriously by many other communities as a possible solution to their various conservation needs. The event finished with more gifts being presented to Alex and me, as well as to Heather and Dee. Following a photo session, lots of hand-shaking and congratulations, another goat, and many more yams made another appearance, this time presented to John in recognition of his work and assistance in creating the ultimate link to the Calgary Zoo.

We retired to the school yard where a large outdoor light illuminated a well-organized line-up of children's school desks, where we sat and received beer, soft drinks, and a hearty bowl of rice and chicken. As soon as we politely could, we asked permission of the Gorungu Naa to remove the heavy robes, as we were literally encased in our own sweat-lodge of unbearable heat! Alex said earlier to the Tokali Naa that he felt as if the chiefs had placed him in a furnace, and what kind of return hospitality is this after their nice visit to Calgary earlier this year? To which the Tokali Naa retorted that it was the least they could do, as we had subjected them to a deep freeze in Canada's winter!

Sometime around 9 p.m., we headed back to our compound and the mud lodges and enjoyed one last king-size beer with John in the covered kitchen area, rehashing the incredible events of the day.

My official title is Dompie Naa (named after the small village just south of Talawuna, pronounced "Dom pee yeh," bordering the Hippos Sanctuary). Alex's new title is for the entire sanctuary region, as a divisional chief or Naa, and his official title is Bajaa Naa, pronounced "Bud-ja." The chiefs explained that my job will be that of right-hand man, co-administrator of Alex's chieftaincy.

We turned in soon after the beer and a cold shower under the stars in the outdoor shower to get a good night's rest for the gruelling fourteen-hour drive back to Accra.

September 23: Even though we left very early, before dawn, it was still sometime near 9 p.m. when we at last pulled into Accra. We were very tired, but not half as exhausted as John Mason must have felt, or our driver for that matter. After a delightful dinner with Martina and John, recounting the events of the past few days to her, we enjoyed a deep sleep in our respective beds.



September 24: Up early to enjoy a breakfast with Anna Annor and the rest, then off through Accra's congested streets to the airport. Alex and Heather flew on to Calgary from Nairobi, where Dee and I wished them well and headed to our Nairobi hotel just outside the city for a night on our own before meeting up with our next Calgary Zoo tour group for our next adventure!

## V. CONCLUSION

Utilizing their unique legitimacy and credibility, the Wechiau traditional leaders were able to join in mobilizing their people to partner with Ghanaian and Canadian non-government organizations such as the Calgary Zoo as well as the Ghana government to create the successful community-based Wechiau Hippo Sanctuary.<sup>1</sup>

## VI. APPENDIX: BACKGROUND<sup>2</sup> TO THE CALGARY ZOO WECHIAU HIPPO SANCTUARY'S PARTNERSHIP SUCCESS

The remaining population of hippo *Hippopotamus amphibius* in Ghana can be found in the Black Volta River system of the Brong-Ahafo, Northern and Upper West regions. Hippos occur in two main groups within the river system: a protected population around the Bui National Park (which encloses a section of the Black Volta River) and the population within the Wechiau area. The Wechiau Community Hippo Sanctuary (WCHS) was formally established in 1999 in order to conserve these previously unprotected hippos.

The Wechiau Hippo Sanctuary is a community initiative by the chiefs and people of the Wechiau Traditional Area with technical assistance from the Nature Conservation Research Centre (NCRC) in Ghana and Ghana Tourist Board. The sanctuary is the first community-owned and managed large mammal sanctuary in Ghana. It was established to conserve the unique flora and fauna on a forty-kilometre-long stretch of the Black Volta River within the Wechiau area of the Upper West Region.

There are twenty-two villages along the fringe of the sanctuary, which are involved in this participatory community initiative.

This project aims among others, to bring benefit to the project communities by providing support for ecotourism development, while ensuring the conservation of natural resources within the sanctuary. The chiefs and people were motivated by the fact that a community-owned sanctuary would maintain their ownership and control of the land and allow direct benefit to their communities while ensuring the conservation of the unique natural resources along the section of the river proposed for the sanctuary.

Following the acceptance of the concept of a community-managed sanctuary, the paramount chief, the Wechiau Naa, and his people formally requested the assistance of NCRC to establish the hippo sanctuary. In a response to the chief's request, NCRC posted a sanctuary development advisor to Wechiau in December 1998 to begin working with the communities to set the foundation for the sanctuary. This collaborative effort of the project communities and NCRC received support from the Wa District Assembly (local government) and the Regional Administration, who assisted the communities in beginning the project.

Shortly after the advisor's arrival, a Tourism Development Committee (TDC) was established at Wechiau. It consisted primarily of members from the landowning tribe – the Wala people. NCRC recommended that all the ethnic groups in the area (including settler tribes with no right to any of the sanctuary land) should be included on the TDC, but the landowners ignored this advice at first.

In early 1999, the late *Na* Bayon Doguah II, the paramount chief of Wechiau, and his elders called all of the leaders of the settler villages around the sanctuary to a meeting. The chief informed them that following all the deliberations it had been decided that all human activities, other than fishing, were prohibited within two kilometres of the river along the length of the sanctuary area. This was followed by a series of educational activities geared towards creating awareness about the sanctuary and educating community members on the rules and regulations of the sanctuary. During the campaign, the settler communities on the fringe of the sanctuary were asked by the landlords (Wala) to submit a list of members from each community to form community conservation

groups. The current chief, Wechia Naa Imoru Gomah II, continues his commitment to the partnership.

In February 2000, NCRC conducted the first ethnographic study of the communities around the sanctuary. The objectives of this study were to document the history of the area, determine how to integrate the settler communities into the management board, and identify how communities could benefit from the sanctuary. Based on the suggestions from this work and comments from the Earthwatch teams, the landowners restructured the SMB in August 2000 to allow members from each of the Lobi communities (settler communities) to be represented on the board.

The WCHS has attracted the attention of international field research scientists since its establishment. In 1999, NCRC sought support from the Earthwatch Institute for a multidisciplinary team to begin an extended ecological survey to generate information for long-term planning of the sanctuary. In March 2000, preparations began towards the arrival of the first Earthwatch team. Two lodges (at Talawona and Tankara) were constructed and furnished for the Earthwatch Research teams. To date there have been eleven Earthwatch research expeditions (a total of twenty-two weeks of fieldwork) in the sanctuary. In mid-2002, NCRC and the SMB, using the data collected by the Earthwatch teams, completed a five-year management plan for the sanctuary that lays out a clear roadmap for the conservation and development of the sanctuary and communities. NCRC negotiated with Earthwatch Institute for an additional three years of expeditions, a total of twenty Earthwatch expeditions worked at Wechiau between 2000 and 2004. This included two hundred volunteer field researchers who travelled from all over the world to assist the research scientists.

The Black Volta River flows southwards entering Ghana from Burkina Faso at the extreme northwest corner of the country. The sanctuary covers a forty-kilometre stretch of the river in the Upper West Region. The river forms the western boundary of the sanctuary, which has a core area consisting of the river, islands in the river, and seventy square kilometres of riverine forest, hippo lawns, and woodland savanna on the eastern bank. The core area is the habitat of the keystone species of the sanctuary – the hippopotamus.

Adjacent to the core area are twenty-two villages – the biggest of which is Wechiau. Wechiau is forty kilometres southwest from Wa, the

regional capital of the Upper West Region, and is located at lat 9°48' N, long 2°38' W. The main Wechiau Township is twenty kilometres from the hippo wallows on the river; however, there are a number of compound settlements (isolated family compound houses) closer to the river. As of 2007, the original settlements have been reduced to seventeen as a result of a negotiated resettlement of five small communities that are located on the banks of the river.

The present project has two major objectives. The first objective is to improve management/protection of the core zone of the Wechiau Community Hippo Sanctuary. The second objective is to provide initial facilities for ecotourism development within the sanctuary.

In February 1990, a team from the Gbele Game Production Reserve of the Wildlife Division of the Forestry Commission of Ghana paid a series of visits to some of the area communities, including Talawona, Kpanfa, Tuole, and Dochere. The team conducted a reconnaissance survey of the hippos and investigated persistent complaints from fishermen and farmers about destruction of farms and fishing nets by hippos.

The reconnaissance was followed by two studies (also by a staff member of the Wildlife Division) on the conservation status of hippos in the Black Volta River system (Choribe 1990; 1997), which gave a bleak outlook of the conservation status of the Wechiau hippo population. Choribe's reports stated that the unprotected hippo groups were threatened as a result of conflicts with farmers and fishermen, habitat loss, and hunting. As a remedy, he recommended the establishment of a government-controlled reserve at Wechiau to protect the hippo population. However, key community leaders and landlords of the area did not support this proposal. Among those who opposed the idea of a government reserve on Wechiau land were the late chief Wechiau *Na* Bayon Doguah II, Tokali Naa Danyagriri Walamani, and the earthpriests of Wechiau and Tokali. They feared that a government-owned reserve would alienate them from their land. The apparent lack of support from the local communities defeated the idea of a government reserve at Wechiau.

In August 1997, the Executive Director of NCRC, Mr. John J. Mason, accompanied by Mr. David Kpele, then with the Wildlife Division, and Mr. William Ayambire, the Wa Regional Manager for Ghana Tourist Board, paid a visit to Wechiau. They conducted a fruitful dialogue with the chiefs and opinion leaders about conserving and developing

the ecotourism potential of the threatened hippo population within the Wechiau area. NCRC followed up by sending a second two-member team (Mr. Patrick Adjewodah and Mr. Mark Donahue) to Wechiau, which held a series of meetings and discussions with opinion leaders both at the community and district levels. The team suggested that the communities could benefit from ecotourism with hippos as the prime attraction, with related benefits such as improved roads and water facilities that would serve both tourists and villages. Direct benefit to local communities and the retention of ownership of the land by the original owners were crucial to getting the support of all the chiefs and landlords. The discussions and meetings between the NCRC, Ghana Tourist Board, the late paramount chief of Wechiau, *Na Bayon Doguah II*, and other chiefs and opinion leaders from Wechiau and Tokali produced an agreement to establish a community-managed hippo sanctuary at Wechiau and to develop ecotourism in and around the sanctuary area. Gurungu naa, Naa Bandanaa Chielinaa (a chief and a key opinion leader) played a key role in the discussions leading to the agreement to establish the sanctuary. He was among the first few to recognize the importance of the project and was optimistic about its success. Following the acceptance of the concept of a community-managed sanctuary, the paramount chief and his people formally requested the assistance of NCRC to establish the sanctuary. In a response to the chiefs' request, NCRC posted a sanctuary advisor (Peace Corps Ghana Volunteer Mr. Mark Donahue) to Wechiau in December 1998 to begin working with the communities to set the foundation for the sanctuary.

Since the inception of the WCHS project, the local communities (hereafter referred to as the "project communities") were fully involved in decision-making in keeping with the concept of community ownership and management of the project. NCRC's role (and the role of the other collaborators) from the early stages of the project was limited to technical and advisory support. In early 1999, the Wechiau community (through communal labour and with community funds) renovated an old local government building at Wechiau into a temporary visitor centre for tourists coming to see the hippos. In the same year, a Tourism Development Committee (TDC), consisting of opinion leaders and elders of the Wechiau and Tokali was established to run the project. The involvement of the landless tribes (Lobi, Dagati, etc.) living in the area was limited at

first. These tribes (particularly the Lobi) form many of the communities living close to the core conservation area. Because they are in a position to influence the failure or success of the project, NCRC recommended that all the ethnic groups in the area be included on the TDC. Lobi representatives were added to the management team in 2000.

The project received support from Peace Corps Ghana in early 1999 through the Small Projects Assistance (SPA) funding to build a four-room lodge at Tankara for tourists. The lodge was built using community labour and traditional local architecture. In February 1999, Calgary Zoological Society (CZS) in Canada, through their conservation fund, provided funds for a reconnaissance survey of the sanctuary area. The rapid assessment survey helped demarcate the initial sanctuary boundary and gathered socio-economic and ecological data needed for an initial development plan for the sanctuary. A technical team from NCRC, with the support of the project communities, successfully completed the fieldwork and submitted the Sanctuary Development Plan to the TDC in June 1999.

The Sanctuary Development Plan was endorsed and adopted by the TDC. As recommended in the development plan, the TDC was reconstituted into the Sanctuary Management Board (SMB), which took over management responsibility of the sanctuary. The management board had a broader membership than the TDC, as it included all the minority tribes, fishermen, and representatives of other interest groups. In a bold attempt to regulate activities detrimental to the survival of the hippos and other resources, the SMB and the traditional leadership established a set of rules and regulations for human use of the sanctuary area. Although hippos were effectively protected, these regulations were not fully enforced due to lack of the necessary skills and resources. A series of activities to educate community members on sanctuary regulations were limited in duration, and so the desired impacts were not achieved. In particular, the SMB has not succeeded in stopping destructive fires set by local people annually during the dry season, halting the hunting of mammals other than hippos, or preventing livestock grazing in the sanctuary. Although the harvesting of some plant resources (e.g., shea nuts) is permitted by the SMB, guidelines are needed to prevent over-exploitation of some resources (e.g., building poles).

These challenges have made it necessary to create a more comprehensive management plan, taking into account the successes and failures of

the 1999 development plan. The new management plan also takes advantage of information provided by detailed ecological surveys of the sanctuary that were sponsored by the Earthwatch Institute from 2000 through 2002. These surveys involved the local people as guides and camp managers.

The Wechiau model is now being replicated in six other locations in the country. These include sites that are focused on West African manatee, white-necked rockfowl, western sitatunga, savanna elephant, Geoffrey's pied colobus, and leopard.

The implementation of this management plan will promote sustainable use of the natural resources of the sanctuary area. The project will discourage over-exploitation of resources and will support alternative income-generating activities that are ecologically sustainable. The sanctuary management will encourage value-added processing of produce from the wild, such as shea nut, to enhance income of local families and alleviate poverty. The project will support improved agro-practices to improve income for local families and minimize the negative impact of farming on the environment.

Further development of the ecotourism potential of the sanctuary will enhance the combined benefit of conservation of sensitive ecological areas, with opportunities for local people to find alternate sources of income, and the socio-economic development of the sanctuary communities. Tourism brings employment and increased financial opportunities to an area. The SMB has employed hunters and fishermen from the sanctuary communities as guides and rangers. Because East Africa offers superior opportunities for wildlife viewing, the sanctuary management seeks to promote a combination of ecotourism and cultural tourism and thus offer a unique tourist opportunity.

The sanctuary initiative has been receiving positive attention in Ghana and internationally. In July 2000, the *Independent* newspaper in London, England, ranked the Earthwatch-sponsored research project as the third best conservation holiday in the world. In June and August 2000, the *Ottawa Citizen*, the *Calgary Herald*, and the *Calgary Sun* all featured the project and its link to the Calgary Zoo. In October 2000, the Ghana Tourist Board honoured the Wechiau SMB with the "National Tourism Award for Community Initiative in Developing Tourism," at a ceremony at State House in Accra. In 2002, Wechiau received the "Tourist Attraction of the

Year” for the Upper West Region and finished in third place in the national competition for the same category.

BBC TV, CBC, and GTV have all filmed short documentaries and news pieces at Wechiau, while the leading international guidebooks on Ghana (Briggs, 2007 and Ham *et al.* 2009) have provided information about the sanctuary in their new editions. During the summers of 2001 and 2005, students of the University of Calgary Biological Field School spent several weeks at Wechiau.

The sanctuary concept has not been widely applied in Ghana. Other countries have experienced successes and failures using this approach, and the planning team has carefully considered these lessons in developing this plan. This approach to natural resource management involves the local communities at the centre of the decision-making and management process and as the primary benefactors of the sanctuary’s resource base.

The central assumption in the community-based management approach is that community involvement and benefits will cause project communities to respect and protect the sanctuary and its natural resources. Successful community management of the sanctuary should result in reduced human/wildlife conflict and the development of local capacity for successful resource management. The hippo sanctuary is the first of its kind in Ghana and should be regarded as a pilot from which lessons can be drawn to support community conservation initiatives in Ghana. The Wechiau approach is also well in line with national policy, as most natural resources policies encourage community involvement in natural resource management in Ghana.

The management plan is the result of four years of concerted effort by NCRC, the SMB, and Earthwatch Research Teams of 2000 and 2001. It is an evolution from the original Sanctuary Development Plan prepared in 1999 with financial support from Calgary Zoological Society. The preparation of the document was largely as a result of the financial support of the Earthwatch Institute and the dedicated work of the research teams involved in eight periods of fieldwork, with each two weeks in duration. The preparation of the management plan involved extensive ecological field work totalling sixteen weeks with sixteen persons on each team, prolonged series of meetings involving the planning team, the SMB, and community



members, conducting a literature review of relevant documents, and the drafting of the management plan.

Earthwatch research teams led by Prof. A. Oteng-Yeboah, Prof. P. Beier and Dr. W. Oduro undertook the fieldwork that included flora and fauna surveys. The three principal investigators, their assistants, Earthwatch volunteers, and local community members collected most of the biological information and data in the management plan. Field methods used include formal and informal transects, observation, informal surveys, and key-informant interviews with fishers and hunters and community elders.

Finally, the finished management plan made use of a wide variety of secondary reports from previous research work in the sanctuary area. Of particular note are the reconnaissance survey of 1999, funded by the Calgary Zoological Society's Conservation Fund (NCRC 1999), Choribe's reports (Choribe 1990; 1997), and anthropological research conducted in 2000 (Assenheim 2000).



CALGARY SCHOOL TALK:  
BRIAN KEATING AND  
BRETT PRINDLE, 2004.  
(PHOTO: CALGARY ZOO.)



HIPPO NEWBORN AND HERD IN GHANA. (PHOTO: CALGARY ZOO.)



HIPPO IN WATER AT ZOO FIRST DAY.  
(PHOTO: CALGARY ZOO.)



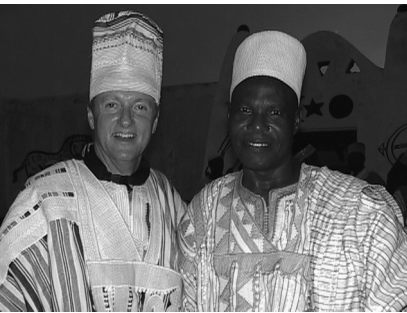
HIPPO MOTHER AND NEWBORN IN  
GHANA. (PHOTO: CALGARY ZOO.)



HIPPO NEWBORN AND HERD IN GHANA,  
CLOSE-UP. (PHOTO: CALGARY ZOO.)



HIPPO IN WATER AT ZOO FIRST DAY,  
CLOSE-UP. (PHOTO: CALGARY ZOO.)



BRIAN KEATING AND GORUNGU NAA.  
(PHOTO: CALGARY ZOO.)



HIPPO AND CHILD AT HIPPO POOL AT OPENING OF THE “DESTINATION AFRICA” EXHIBITS AT THE CALGARY ZOO. (PHOTO: CALGARY ZOO.)



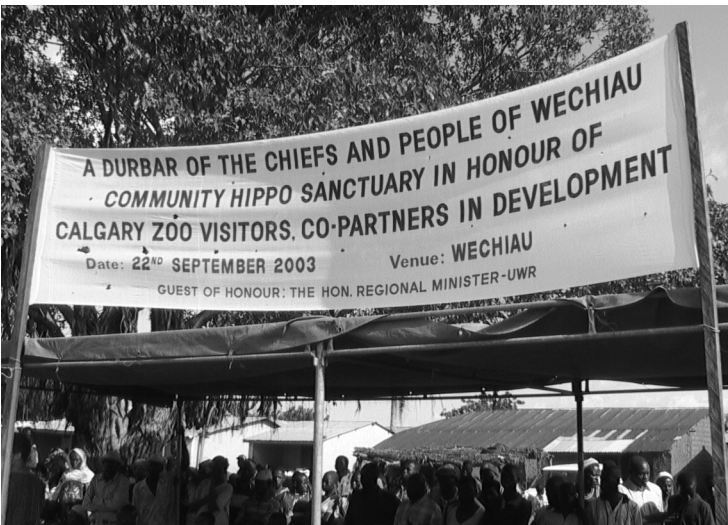
ALEX GRAHAM, FORMER PRESIDENT, CALGARY ZOO (2ND RIGHT); BRIAN KEATING, CALGARY ZOO (1ST RIGHT) AND MEMBERS OF GHANA'S WECHIAU HIPPO SANCTUARY PADDLING ON THE BLACK VOLTA LOOKING FOR THE HIPPOS. (PHOTO: CALGARY ZOO.)



INSTALLATION OF ALEX GRAHAM AND BRIAN KEATING AS HONORARY CHIEFS OF THE WECHIAU HIPPO SANCTUARY, GHANA. (PHOTO: CALGARY ZOO.)



NEWLY ENSKINNED CANADIAN DEVELOPMENT CHIEFS OF THE WECHIAU HIPPO SANCTUARY. THE CANADIANS ARE IN THE CENTRE, FROM LEFT TO RIGHT: ALEX GRAHAM, NEWLY CREATED BAJAA NAA, DIVISIONAL CHIEF FOR THE SANCTUARY; BRIAN KEATING, NEWLY CREATED DOMPIE NAA, VILLAGE CHIEF OF DOMPIE. (PHOTO: CALGARY ZOO.)



AN IMPRESSIVE BANNER HONoured THE CALGARY ZOO AS A PARTNER. (PHOTO: CALGARY ZOO.)

## NOTES

- 1 (Eds): This chapter shows how the division of legitimacy between traditional leadership and the post-colonial state can be brought together with civil society to create developmental successes.
- 2 The following section has been adapted in part from a Calgary Zoo Project Update and from the Wechiau Hippo Sanctuary Management Plan, both produced in 2002 by the NCRC under the direction of John Mason, the founding executive director.

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## **22 *Dikgosi* and the Politics of Land in Botswana**

Mpho G. Molomo

### INTRODUCTION

The land question, broadly defined, articulates an important dialectic between issues of democratic governance and economic empowerment. Since all forms of development can only be done on land, access to it cuts across a broad array of political and development issues. The dictates of economic development, economic diversification, and globalization have put government under increasing pressure to privatize land that was hitherto under communal control. The privatization of land, which hitherto was a public good, through the commercialization of the livestock industry and the development of game farming and tourism has increasingly resulted in the alienation of land from the poor segments of society. In a more profound way, access to it addresses issues of equality of opportunity, empowerment, and social justice. As a governance-related issue, it also addresses the national question, which relates to identity and belonging. As



expressed by Peters (1984), land is about meaning, resources, and power. Land defines power relations in a socio-political and economic sense.

This chapter seeks to analyze how *dikgosi* (chiefs) comprehend the opportunities and challenges of globalization? Broadly, it situates *dikgosi* in the broader development agenda and determines how they have intervened or failed to intervene on land matters to empower their people. Within the wider debate of democratization, it is imperative to discuss the role of *dikgosi* as facilitators of development, especially their role in land allocation. This nexus is important because Botswana is said to be a successful democratic experiment, in part due to its blending of traditional and modern political institutions. In this regard, it is important to determine how *dikgosi* have influenced or failed to influence land allocation. More substantively, it traces the origins of the Tribal Land Boards, which are statutory instruments that relieved *dikgosi* of their role in land allocation. More specifically, it seeks to comprehend the relationship between *dikgosi* and the land boards and, if such a relationship exists, to determine whether it is harmonious or conflict-ridden. Nevertheless, this chapter argues that, although *dikgosi* are statutorily relieved of their role to allocate land, they still have a symbolic association with it. Over the years, the problems relating to the land question have also been compounded by the self-allocation of land, especially in the peri-urban areas. Since these areas are under the jurisdiction of *dikgosi*, have they assisted the land boards in the resolution of the problem?

The land question has also been internationalized arising from the involvement of international capital through direct foreign investment in important investment portfolios in Africa. The internationalization of land is also amplified by the fact that land rights for *Basarwa* have been articulated more forcefully by international NGOs, like Survival International. In what Tevera and Moyo (2002, 13) refer to as the recolonization of Africa, concession for wildlife management areas are usually won by foreign-based safari companies. This chapter sets out to discuss these problems, first by laying out the contextual framework.

## THE CONTEXTUAL FRAMEWORK

The land question in Botswana cannot be discussed without locating it within its historical specificity. The history of Botswana is widely documented (Tlou and Campbell 1984; Morton and Ramsay 1987; Mgadla and Campbell 1989), and this chapter conceptualizes the role of *bogosi* in land allocation. During the pre-colonial period, *dikgosi* were absolute sovereigns who ruled their *merafe* (polities) as cultural, political and economic entities. They presided over the *Kgotla* (village assembly), which deliberated on public policy and made political decisions. Invariably, *dikgosi* were always the richest people on the land because they enjoyed tribute from their people, collected taxes, and also controlled *matimela* (stray cattle). They were also custodians of wealth generated through *masotla* (public works projects). In addition, *dikgosi* controlled land and were also responsible for its allocation. They were supported by *dikgosana* (sub-chiefs), who acted as land overseers and held the land in trust for their people. Under this traditional dispensation, land was never for sale but was owned collectively by the community who enjoyed its usufruct, which they passed on to their descendents.

Unlike other countries in the region,<sup>1</sup> the land question in Botswana has not taken the racial divide nor manifested itself in any violent form (Moyo 2001, 311). However, some land was designated for white settler commercial farming and accounted for only 6 per cent of the total land area, and this land comprises a good part of the freehold land in Botswana. At face value, it would appear that Botswana, with a land area of 582,000 square kilometres and a small population of 1.7 million, does not have land pressures. However, in reality Botswana also has severe land pressures in both urban and rural areas. For a country in which the majority of the people are in land-based production, the struggles over land are likely to continue for years to come and perhaps take an even more concerted form as more and more people are alienated from land.

## BOTSWANA'S LAND TENURE SYSTEM

Botswana's land tenure system as a social, political, and economic construct specifies the various land uses and also underpins the power relations in society. Botswana operates three types of land tenure and these are freehold, fixed term state grant, and tribal (communal) tenure. After the three Tswana *dikgosi* (Bathoen, Sebele and Khama) successfully negotiated for British protection in 1890; they ceded some of their land to the British, and this land came to be known as "crown land." This land only reverted back to the state after independence in 1966 and was called "State land."<sup>2</sup> State land awards consist of two forms of land tenure, namely: Fixed Period State Grant (FTSG)<sup>3</sup> and Certificate of Rights (COR).<sup>4</sup> The FTSG, on the one hand, is a tenure that was developed by the post-colonial state out of the realization that freehold permanently alienated land from the state. This tenure comprises about 23 per cent of the land area. It was developed in the late 1960s and was first applied to the development of the Selibe-Phikwe Township. COR, on the other hand, is a title to land that was developed in 1973 as an attempt to curb the mushrooming of urban squatter settlements. Under this title, low-income people are allocated land free of costly title deeds and land transfers. Initially it was a title that was confined to urban areas, but it has since been extended to the rural areas.

Freehold is a form of title to land that is not indigenous to Botswana; it was introduced during the colonial period. This title gives the owner indefinite usage of the land and permanently alienates land from the state. As pointed out by Ramsay, Morton and Mgadla (1996), arising from the gold rush,<sup>5</sup> the Tati attracted European explorers, and gold was discovered there in 1867. However, since gold deposits in the Tati were not extensive, when its mining declined, the Tati Company sub-divided the land and sold it to European farmers as freehold farms. After the British declared Bechuanaland a protectorate, they recognized the authority of the Tati Concession Company over the land. As a result, the Ikalanga-speaking people living in the area were alienated from the land, and those who remained were taxed by the company. In a similar manner, the land in the Tuli Block, Gaborone, and Lobatse Blocks was ceded to the British South Africa Company (BSA Co.) to build a railway line that would link

South Africa with Rhodesia. However, upon realizing that the land was not suitable for the railway, the BSA Co. sub-divided the land and sold it as freehold farms to Europeans. This move was not resisted by *dikgosi*, as they viewed these farms as a buffer zone that would shield them from the incursions of the Boers in the South Africa.

Although these forms of tenure (freehold and fixed term state grant) are important because they cater to the needs of a disproportionate numbers of rural and urban populations; they are not central to the discussion of this chapter, as they are outside the jurisdiction of *dikgosi*. Tribal land, which constitutes the primary focus of this chapter, comprises about 71 per cent of the national land area and was initially under the domain of *dikgosi*. During the colonial period, this land was known as “native reserves”; during the post-independence period, it became tribal territories. The Tribal Territories Act (Cap. 32:03) defines it as land belonging to particular *merafe* under the jurisdiction of *dikgosi*. However, other districts that were not accorded native reserves during the colonial period were created after independence from state land and some freehold land. These are Chobe, Ghanzi, Kgalagadi, and North East Districts. The Botswana Boundaries Act (Cap. 03:01) defines the boundaries of these tribal areas.

Historically, tribal land was used for residential, arable, and grazing purposes and was communally controlled by *merafe*. During both the pre-colonial and the colonial periods, communal land, as a social safety net of last resort, was an integral part of social policy and was under the control of *dikgosi*. Its allocation was vested under the authority of *dikgosi* and *dikgosana*. Emanating from their hold of land, *dikgosi* created a bond with the people and enjoyed political loyalty. As Schapera (1943) outlined, land was apportioned on the basis of wards and was passed on to descendants. It was also considered to be the heritage of all the people who collectively owned it, and no one could claim exclusive control over it. Only members of the community were eligible to be allocated this land. However, outsiders who had won the trust of the community could be allocated some land (Franklin 1995, 72). The dominant paradigm of land tenure, as articulated above, reflects a close understanding of the Bantu culture, and more specifically the Tswana culture.

It would, however, be incomplete to conclude a discussion of Botswana's land tenure system, as defined by authorities such as Schapera (1943) and Gluckman (1964), without making reference to land ownership and land

rights for *Basarwa*. The land question for *Basarwa* is complex because it is intimately tied to the national question.<sup>6</sup> Their plight is not just a result of feeling discriminated against due to being accorded a minority status but also being alienated from land. The question is how did this manifest itself? During the nineteenth century, Tswana *dikgosi* and *dikgosana* extracted surplus from *Basarwa* in the form of tribute (ivory, feathers, and skins) and they incorporated them into their own social formation as cattle herders and a servile class. They were often co-opted into hunting expeditions and often given inferior meat<sup>7</sup> and tobacco in return for their services. Those who were not assimilated into the Tswana culture were relegated to the more inaccessible and difficult ecological conditions of the Kalahari, sinking further into foraging, a condition that defines their absolute poverty. In that condition, they became a reservoir of cheap labour for the cattle farmers who did not and still do not bear the costs of their reproduction<sup>8</sup> (Wilmsen 1989, 11; Hitchcock 1980, 6; Rogers 1991, 15; Molomo 1999, 192). The subordination of *Basarwa* and other minority groups was promoted by the British policy of indirect rule, which assigned the administrative control of the so-called ethnic minorities to the Tswana *dikgosi*. As discussed in Wilmsen (1989, 284), “Batswana imposed ... native colonialism upon the indigenous peoples” and extracted surplus from them and also exploited their labour. This was not only a condition of the pre-colonial and colonial period; it is a feature that defines Botswana’s social and economic landscape in the post-colonial period.

Patterns of Bantu migration in Southern Africa reveal *Basarwa* as the oldest inhabitants of Botswana; hence, their claim to be the aboriginal people of the Kalahari (Sillery, 1974, 8). The plight of *Basarwa*, whose culture is on the verge of extinction, especially their relationship to land, is an issue that requires some careful consideration. Unlike the Tswana-speakers who evolved a pattern of *merafe* with centralized authority flowing from *dikgosi*, *Basarwa* are organized in a decentralized structure of family bands and clans. Although *Basarwa* raised some cattle, they are renowned for hunting and gathering. It is their hunting and gathering status that has defined their access to land or lack of it. Apparently, *Basarwa* are, without doubt, the most marginalized of the ethnic minorities in Botswana. They are often referred to as “remote area dwellers,” a designation they have acquired as a result of being spatially removed from the major villages and urban centres. In addition, they constitute an underclass that suffers

poverty and deprivation and are socially looked down upon. Their plight was exacerbated by their economic marginalization and the privatization of land through the TGLP farms, and this is further compounded by their relocation from the Central Kalahari Game Reserve (CKGR). Moreover, *Basarwa* remain unrepresented in *Ntlo ya Dikgosi*<sup>9</sup> (House of Chiefs) and Parliament.

The dominant position that Tswana-speaking Batswana acquired during the pre-colonial and colonial periods, especially in the African Advisory Council and the Legislative Council, afforded them the opportunity to write their history and culture into the independence constitution and subsequent laws. Botswana's land tenure, which reflects the dominant Tswana culture, is a product of this history, and is a reflection of a people's mode of existence. It is a tenure that ascribes land tenure to the Tswana-speakers and other ethnic groups but denies it to *Basarwa*. In other words, it attributes a history to the Tswana-speakers and other ethnic groups and denies it to *Basarwa*, and if at all it is recognized, it is looked down upon and must be assimilated into a "superior culture."

This chapter recognizes the diversity that exists in the cultures in Botswana. More importantly, it compares the *Basarwa*'s social relations to land to those of other Batswana. Perhaps the best way to comprehend *Basarwa* land tenure is, not so much to locate their physical presence on a piece of land, but to "examine the logic of social relations that governs their concept of material possession and its extensions without forcing these into a western model" or Tswana culture (Wilmsen 1989, 165). Wilmsen (1989, 186) that *Basarwa* attitudes to land focus on the bond between a person and the band, but the link between the person and the territory comes from the bond with the community, and that rights to land come from membership in the band. In short, land tenure is vested with band membership, and rights to appropriate the land or its fruits are socially negotiated and granted. Wilmsen (1989, 187), argues that among one of the *Basarwa* groups, people have rights to access land that is part of his '*lefatshe*' (ngo), i.e. 'place or territory,' and this land is inherited.

The characterization of *Basarwa* land tenure as nomadic is contested because, just as the Tswana pastoralists, they "moved up country to the seasonal waters, and each winter they fell back on their permanent water holes." Wilmsen's (1989, 160) analogy is instructive as he points out that:

[Basarwa] land tenure, far from being an ecological given, is a part of a social universe negotiated by [Basarwa] persons in their day to day relations with others, not only those acknowledged to be co-members of a particular group but those of other people who share the same geographical space. Land, and rights to its access and use, is a continually recurring factor in the negotiations.

Wilmsen (1989, 169) argues that wherever people reside, they identify primarily with their birth place. Such an association identifies and locates a person in an “appropriate social geography.”

The dominant cultural paradigm readily recognizes Tswana land tenure and attributes none to *Basarwa*. Indeed, the socio-economic existence of *Basarwa* is at variance with Tswana norms and practices. Unlike the Tswana-speaking and other non-Tswana-speaking groups, *Basarwa* never identified any permanent physical settlements or centralized political structures (Hitchcock 1978; Childers 1981; Schapera 1970). This therefore gave an appearance that *Basarwa* do not have any legal claim over land. However, to the contrary, Wilmsen (1989, 163) provides evidence that:

The [Basarwa] land tenure ... is part of that social universe negotiated by [Basarwa] peoples in their day-to-day relations with others, not only those acknowledged to be co-members of a particular group but those other people who share the same geographical space.

As a result, the relocation of *Basarwa* from the CKGR is seen as a blatant process of dispossession of land. Moreover, *Basarwa*, who are considered the first people of the Kalahari, claim aboriginal title to the land that they are removed from.

The Botswana government, which is at the centre of the controversy of the marginalization of *Basarwa* through their relocation from the CKGR, maintains that hunting and gathering is no longer a sustainable mode of livelihood, and, as such, on account of social justice, they must be brought into mainstream development. Mainstream development implies, among other things, assimilating into the Tswana culture and

engaging in economic activities prescribed by Batswana. As discussed above, *Basarwa*, also regarded as the remote area dwellers, are the poorest of the poor in Botswana. Their poverty is not, as it were, God-ordained but a product of a historical process of subjugation and marginalization. Before the borehole technology opened the hinterland for Tswana cattle herders, *Basarwa* in the Kalahari co-existed with nature and wildlife. Cattle posts pushed them further into the interior, and those who remained co-existed with cattle herders in an unequal manner as herdboys and essentially as an underclass. To be sure, *Basarwa* communities are dispersed throughout Botswana; most are found in the Kalahari, Central District, and in Ngamiland, and also in nearer areas in the Kweneng<sup>10</sup> and Kgatleng.<sup>11</sup>

Returning to the issue of the CKGR, the colonial administration in 1961, recognizing the plight of *Basarwa* and that of wildlife following the pressures of the encroaching cattle herders, created the reserve as a sanctuary for *Basarwa* to continue their traditional way of life unfettered by the dominant Tswana culture (Roger 1991, 15). At independence, the status of the game reserve remained the same. Section 14(3)(c) of the constitution provides *Basarwa* with some land use rights in the CKGR.<sup>12</sup> However, the National Parks and Game Reserve Act regulated their right to access and use of the game reserve. They are issued special hunting licences<sup>13</sup> that regulate the number and species of animals they could hunt in the reserve.

Furthermore, under the Remote Area Development Programme (RADP), *Basarwa* are provided with cattle, donkeys, and goats, ostensibly in an attempt to bring them into mainstream development. They are also provided with schools and clinics and some food rations. *Basarwa* communities, including those inside the CKGR, enjoyed these facilities. Problems started after government passed the National Parks Act No. 28 of 1992, which stipulated that domestic animals and people could not co-exist with wildlife. Then government began a process of relocating *Basarwa* from the reserve. Government maintained that the game reserve was designated for wildlife, and, as such, people must be relocated to human settlements where they would be supplied with services. Initially government tried to persuade them to relocate, but when some of them remained adamant, it cut their water supplies and other services. Those who relocated were settled in New Xadi and Kaundwane in the Ghanzi and Kweneng Districts, respectively. Residents of New Xadi also call the



place *Kjoesakeni* or *batla botshelo* (look for life) because it is a place where they have been given a new life in the form of rearing cattle, donkeys, and goats and enjoying other services.

Tourism has been identified as an alternative engine to Botswana's economic growth and is the second major foreign exchange earner after diamonds. The CKGR is the largest game reserve in the country, and it is bursting with great untapped tourist potential. It is speculated that perhaps with the relocation of *Basarwa*, government intends to keep the reserve as a wilderness and pristine environment uncorrupted by human habitation and later develop it into a major tourist destination. Speculations is also rife that, since diamonds are discovered at Gope, the government wants *Basarwa* out of the reserve in order to develop the mine without have to deal with problems of squatter settlements. However, government has refuted these allegations as baseless and malicious, intended to tarnish its good name as a successful model of democracy and development in sub-Saharan Africa. Nevertheless, government maintains that it is within its rights to develop the mine, if it so wishes, and that decision would have nothing to do with the relocation of *Basarwa* from the CKGR.

Emanating from the relocation of *Basarwa*, the relationship between democracy and development has been problematized. Key questions are: 1) should people be removed from land to give way to development? 2) do people follow developments or should developments follow them? Arising from these questions, the government's development strategy to empower *Basarwa* remains a curious phenomenon. Nevertheless, the rising expectation of the democracy dividend arising from the promise of the delivery of democratic institutions explains the frustration faced by *Basarwa* following their relocation from the CKGR. As a result, their relocation from the CKGR by a government that is committed to social justice and equality of opportunity is seen as inconsistent with democratic principles and fundamental human rights.

The decision by government to relocate *Basarwa* from the CKGR has been viewed with mixed reactions. On the one hand, one school of thought maintains that government is justified in its actions because the motive to relocate them is to empower them and bring them into mainstream development. Besides, this school of thought argues, even if they were moved to give way to the development of tourism or to mine diamonds at Gope, that would be in order as they are not the first people to

be relocated to give way to development.<sup>14</sup> People also wonder what is so special about *Basarwa* in that their relocation has provoked such an international outcry. On the other hand, another school of thought maintains that *Basarwa* need to be treated as a special case because they are the poorest of the poor and have historically been disadvantaged.

The relocation of the *Basarwa* has been hotly contested by both national and international NGOs. To advance their course, in 1992, *Basarwa* founded a civil society organization known as First People of the Kalahari (FPK)<sup>15</sup> or in the vernacular *Kweikani Kweni*. FPK was formed to articulate the interests of *Basarwa* who face relocation from the land they consider their ancestral home. Contrary to the assertion referred to above that New Xadi is *batla botshelo* (look for life), Roy Sesana of the FPK calls it *batla mabitla* (look for the graves).<sup>16</sup> He argues that New Xadi is a symbol of their oppression<sup>17</sup> and dispossession; it is the place where people suffer depression and abuse alcohol and other substances, and it is a place they are going to die in large numbers. Roy Sesana maintained that they were negotiating with government that, instead of relocating them from the reserve, they should be given community use zones<sup>18</sup> where they could practice ecotourism. He maintained that in Ghanzi they constituted the majority of the population; yet, the *kgosi*<sup>19</sup> (chief) is not a *Mosarwa* (i.e., one of the *Basarwa*). Furthermore, he lamented that they do not have a *Mosarwa* member of parliament; when it comes to elections, they are just mobilized without knowing for what they are voting. Moreover, he maintains that all other ethnic groups have districts but *Basarwa* have none. *Ditshwanelo* (Botswana Centre for Human Rights) is another national NGO that is opposed to the relocation of *Basarwa*. It maintains that since *Basarwa* are the “first people of the Kalahari,” government should recognize their aboriginal title to land. A British NGO, Survival International (SI), has put the Botswana government under the spotlight by articulating the plight of *Basarwa* at major international meetings. SI has labelled Botswana diamonds as “blood diamonds” because, as they argue, government uses diamond revenues to repress and dislocate other population groups, instead of developing and empowering them. A group of *Basarwa* under the auspices of the FPK, with the assistance of SI have taken the Botswana government to court, arguing that their decision to relocate them from the CKGR is unconstitutional.

On 12 April 2005, Parliament passed a constitutional amendment bill amending sections 77, 78, and 79 with a view to making them ethnically neutral. Although the amendment is widely seen as superficial (that is, not removing the institutionalized inequalities but merely expanding the size of *Ntlo ya Dikgosi*), it has introduced another amendment that is said to disadvantage *Basarwa*. Section 14 of the constitution that provided *Basarwa* with some land use rights in the CKGR has under the recent constitutional amendment been repealed, ostensibly to remove discrimination on the basis of ethnicity. However, *Basarwa* viewed the constitutional clause differently, suggesting that it was not designed to “discriminate against other [ethnic groups] but to protect *Basarwa* against discrimination.”<sup>20</sup> The FPK maintained that they intended to use section 14 of the constitution to show that they have a legitimate expectation that they should not be relocated from the CKGR. Nevertheless, government has reassured them that the application of the amendment would not be retroactive; hence, it will not affect their case that is with the courts.

## BOGOSI AND LAND

Tlou (1974) argues that *bogosi* was essentially the cornerstone of Botswana’s political organization. During the pre-colonial period, *dikgosi* controlled the “legislative, administrative and judicial powers” in their polities. They were absolute sovereigns, commander in chief of their *mephato* (age regiments), and could call upon them to enforce their laws as well as to declare war. Nevertheless, this did not mean that they ruled like despots; they ruled through a council of elders, and the *Kgotla* was a forum for deliberating public policy, usually through consensus. In addition, the *dikgosi* are the embodiment<sup>21</sup> and personification<sup>22</sup> of their *merafe*. They are affectionately referred to as *mmabatho* (mother of the people), as providers. The manner in which people owed them allegiance is reflected in the Tswana proverb that “*lefoko la kgosi le agelwa mosako*” (the word of the *kgosi* must be respected). Praise poems and *dikoma*<sup>23</sup> (traditional) songs were meant to legitimize rule by *dikgosi*. These songs and praise poems were meant to inculcate a sense of pride and belonging.

During the pre-colonial period, there was a close affinity between land and *bogosi*. *Dikgosi* were respected insofar as they could give his people a basis for their reproduction, and in a traditional setting it meant access to land for residence, ploughing, and grazing their livestock. *Dikgosi* held the land in trust for their *merafe*, which was considered a heritage of the people. It was the prerogative of *dikgosi* and his *dikgosana* to ensure that every household had land for their subsistence. During the first rains, it was the duty of the *dikgosi* to inaugurate<sup>24</sup> the ploughing season, and when the crops were ripe they declared *molomo*<sup>25</sup> (tasting the first fruits of harvest). In return and to show of allegiance, the people worked on *dikgosi* fields called *masotla*.<sup>26</sup> Cattle were also valued for their socio-economic status and were also used to draw political patronage. Through a system called *kgamelo* or *mafia*, royalty and wealthy tribesmen loaned cattle to the poorer members of the community, and this “enhanced the class ranking inherent in Tswana social structure, and strengthened the local elites by giving them direct economic and administrative control over the lower classes” (Wilmsen 1989, 99). As a further show of allegiance and support, people paid tribute<sup>27</sup> to the *kgosi*, in the form of trophies from lions and leopards. Immigrants also had to secure permission from the *dikgosi* to settle on their land, and undesirable elements could be banished<sup>28</sup> and their land and cattle appropriated.

During the nineteenth century present-day Botswana was in a state of flux in that it was characterized by the movement of people arising from the *mfecane*<sup>29</sup> and Anglo-Boer wars, which coincided with a process of state formation. This time, only five Tswana ethnic groups<sup>30</sup> had centralized political systems with jurisdiction over their tribal territories and were later joined three others.<sup>31</sup> *Dikgosi* from these ethnic groups were designated *dikgosi kgolo* (paramount chiefs), and their territories were demarcated as “native reserves” by the colonial government, and later came to be known as tribal lands after independence.

Historically, there has been a congruent relationship between *bogosi* and land. *Dikgosi* controlled and allocated land, but even though they were later relieved of their role to allocate land, there is a residual effect that still associates them with land. Moreover, the struggles for ethnic identity and autonomy, which are intimately bound up with *bogosi*, also play themselves out in the land question. This is so because the Tribal Territories Act subsumes certain ethnic groups under the territorial domain of other

ethnic groups. More fundamentally, during the pre-colonial period, nation-building was a process that involved conquest and assimilation of other ethnic groups and more centralized states became dominant. For instance, in the Central District, there are several ethnic groups such as Bakalanga, Bapedi, Babirwa, Batswapong, and Bakhurutse (among others) under the hegemonic control of the Ngwato *bogosi*. Similarly, in Ngamiland or the North West District, Batawana royalty presides over an area that is also populated by Wayei, Hambukushu, and other population groups. However, the nexus between land and ethnicity is problematic as *dikgosi* are mere ceremonial heads of tribal districts without executive powers.

As Proctor (1968, 59) states, one of the major problems faced by the architects of the new states of Africa has been to carve out a “satisfactory position for tribal authorities in a more integrated and democratic political system.” In addressing this problem, the independence constitution established Botswana as a unitary state, with Parliament serving as the only legislative authority. Perhaps as a balancing act, following from the African Advisory Council and in recognition of the fact that *dikgosi* wielded enormous social and political influence in their *merafê*, the House of Chiefs (*Ntlo ya Dikgosi*) was created, albeit serving only in an advisory capacity. Although the autonomy and independence of *dikgosi* was severely undermined by the new constitutional structure, they still had what could be referred to as residual influence in the people.

To consolidate its political power, the post-colonial state further curtailed the powers of *dikgosi* by passing the Chieftainship Act, the Tribal Land Act, the Local Government District Council Act and the *Matimela* Acts (Proctor 1968; Gillett 1973). While all these acts were significant in eroding the authority of *dikgosi*, the Tribal Land Act of 1968 needs special mention because it relieved *dikgosi* of the powers to allocate land and also created the Tribal Land Boards as statutory instruments responsible for land allocation. Nevertheless, despite the severe erosion they suffered in terms of their powers, *dikgosi* are still accorded a lot of respect and wield a lot of influence. Despite the tenuous relationship that exists between them and politicians, a judicious balance exists between the two institutions; they complement one another in matters of democratic governance. Moreover, respecting land matters, even though they are totally removed from its allocation, except for the role where *dikgosana* give consent when

people apply for land in their areas; as traditional heads of districts, *dikgosi* have symbolic control<sup>32</sup> of the “tribal” territories.

The Tribal Land Act placed the jurisdiction of tribal land under the Tribal Land boards within the decentralized structure of local authorities.<sup>33</sup> This act was a critical instrument for reinforcing institutional arrangements in a transition from rule by *dikgosi* to a republican form of government. The Tribal Land boards, which came into effect in 1970, were initially under the district councils, and it was only later that they operated as separate entities. These boards have a tribal designation<sup>34</sup> because their jurisdiction is specific to tribal territories. Initially, only tribesmen were eligible to be allocated tribal land. For non-tribesmen to be allocated land outside their tribal home, they required a letter from their *kgosi* ceding them to the new area and an exception from the minister of Local Government, Lands and Housing. However, this was seen to run against the spirit of equality of all citizens. With the amendment of the Tribal Land Act in 1993, section 20(1) of the act was repealed to ensure that a citizen of Botswana could be allocated land anywhere in the country.

Initially *dikgosi* were ex-officio members of the land boards, but it was subsequently determined that their membership led to a conflict of interest as they still wanted to assert the authority they lost and were removed from these boards. Their role in land allocation is limited, through *dikgosa-sana*,<sup>35</sup> as land overseers. Throughout the country, there are twelve land boards,<sup>36</sup> which are supported by thirty-nine subordinate land boards.<sup>37</sup> Each land board has ten members, half of whom are elected<sup>38</sup> at the *Kgotla*. The other half are nominated by the minister of Lands and Housing. The land tribunal hears appeals against the main land board while the main land board hears those of the subordinate land boards.

Despite their reduced mandate as their political roles were hived-off to district councils, their judicial role to the magistrates’ court, and their role as custodians of tribal land transferred to the land boards, Section 15 of the Chieftainship Act reserves *dikgosi* a broad mandate in development. The act empowers them to “promote the welfare of members of their tribe” and also to ensure that people are “informed about development projects.” *Dikgosi* are ex-officio members of village development committees (VDCs), and, as such, as part of the bottom-up planning process, they directly influence public policy. Contrary to popular assumption, the deliberations of *Ntlo ya Dikgosi* are not limited to matters of tradition

and custom; they raise developmental issues, and there is often significant overlap on issues they raise with what is articulated by both councillors and parliamentarians.

The Report of the Second Presidential Commission on the Local Government Structure in Botswana (Government of Botswana 2001, 77) argued that land boards were said to be generators of conflict in that their land use plans are not designed with the involvement of VDCs, *dikgosi* and district councils. Regarding the interface between the land boards and district councils, it was reported that the latter often allocate land outside the planning area and thereby making it difficult for the district council to supply such areas with infrastructure and services. In addition, the commission received representation that during the reign of *dikgosi*, land was allocated expeditiously, and there were few disputes. Moreover, the Report on the Review of Rural Development Policy (Botswana Institute for Development and Policy Analysis 2001, 151) noted that *dikgosi* are major players in rural development as traditional heads of villages. *Dikgosi* preside over the *Kgotla* and administer customary law, and as a result adjudicate disputes, some of which are over land. In addition, the centrality of *Dikgotla* (plural of *Kgotla*, the traditional local assembly) is underlined by the fact that they are effective forums for dialogue and debate on public policies, including land reform programs. The overall consensus that emerges from these reports is that, to improve their operational efficiency, the land boards should enhance their consultation with the VDCs, *dikgosi*, and district councils.

Although the *Kgotla* serves as a major forum for public consultation on various development programs, power and decision-making lies elsewhere and not with *dikgosi* who preside over them. *dikgosi* are merely facilitators in the administrative and governance processes. Furthermore, the pressure of development and globalization on tribal land is increasingly privatized and commercialized. Tribal Grazing Land Policy (TGLP), the Pandamatenga Commercial Arable Farming, the New Fencing Policy, the National Master Plan for Arable Agriculture and Dairy Development (NAMPAADD), and the tourism policy are but a few of the policies that affect tribal land.

## LAND AND DEVELOPMENT

It is widely accepted that land is a primary factor of production and hence development. This section of the chapter seeks to tease out some of the development programs undertaken in Botswana and assess how their conception and implementation relied on the good offices of *dikgosi*.

### *The Tribal Grazing Land Policy*

Land tenure is at the heart of a successful and co-ordinated rural development strategy; its implementation defines the opportunities and constraints that people face in development endeavours and democratic governance. TGLP developments take place on tribal land, which is communally controlled by the people and is variously regarded as a social safety net for the majority of the rural people. It is considered a social safety net because it is largely through people's interaction with land that rural communities can reproduce themselves and attain sustainable livelihoods. Although urbanization is a growing feature in Botswana, the majority of the population resides in the rural areas, and are thus likely to be empowered or disempowered through rural development programs.

The TGLP was launched in 1975 in an attempt to avoid "tragedy of the commons"<sup>39</sup> as well as to increase agricultural productivity. The policy was conceived based on the realization that cattle farming was not only a way of life for Botswana but also the mainstay of the rural economy. The basic assumption of the policy was that when people are given exclusive control over land they are motivated to preserve it and that would lead to better animal husbandry methods and optimum utilization of the rangeland. Moreover, it was envisaged that allocating farmers with large herds of cattle would lead them to relocate into the commercial ranches and thereby relieve the communal areas of overcrowding, leading to better management of the communal areas. With the implementation of the policy, beneficiaries, mostly individuals and syndicates, were awarded exclusive rights to land for fifty year leases. This policy conferred an individual title to land that was hitherto communally controlled. Needless to say, the policy was widely discussed at various *Kgotla* meetings with apprehensions expressed about its suitability and sustainability; and in some



cases it was rejected outright (Peters 1984). Nevertheless, it was adopted as government policy.

The TGLP has since been evaluated<sup>40</sup> and, while it has not realized its stated goals, there are indications that it has had some adverse effects. Its review revealed that it was premised on wrong assumptions. The stark reality that emerged from the evaluation is that the policy did not relieve the congestion in the communal areas but allowed some people to have dual land rights; that is, exclusive leaseholds and communal land rights. As stated in Molomo (1989, 70), the net effect of the TGLP ranches is that it has been nothing else but the rationalization of *de facto* control of land and conferring on it *de jure* status. This policy has succeeded in polarizing society between the landed and the landless.

### *The New Fencing Policy*

The New Fencing Policy was adopted in 1991 in part as an extension and improvement of the TGLP. Its aims are to improve agricultural productivity by ensuring that land is utilized in an optimal manner. The objectives of the new policy are to fence the remaining communal lands and award them individual titles. Following the dictates of the policy, various land boards<sup>41</sup> demarcated their communal areas for commercial ranches. Without doubt, the commercialization of the livestock sector through fencing off the remaining tribal land is likely to have far-reaching implications. On the one hand, arguably<sup>42</sup> it is likely to avert “tragedy of the commons” and lead to sustained economic growth. On the other hand, it is likely to have an adverse effect on sustainable rural livelihoods. The capital outlay needed for commercial farming is way beyond the reach of small peasants, and poor rural communities are bound to give way to individual land ownership<sup>43</sup> and development. This view is actually corroborated by the revised National Policy for Rural Development (Government of Botswana, Ministry of Finance and Development Planning 2002, 29), which asserts that the development of commercial livestock should introduce “use pays” for national resources so as to discourage marginal farmers and offer new opportunities for efficient farmers. The continuing drive to commercialize agriculture and privatize land leads to the shrinking of communal land. Based on the guidelines of the New Fencing Policy, the commercial farms would encompass all communal areas except for land within

a radius of twenty kilometres of villages and settlements. As a result, there is a noticeable shrinkage of communal land. Indications are that the New Fencing Policy would compound the adverse effects of the TGLP. The net effect of these policies is that privatization alienates land from rural communities and is also likely to widen the income differentials.

### *NAMPAADD*

The National Master Plan for Arable Agriculture and Dairy Development (NAMPAADD) is one of the pillars of the government's rural development strategy. It is to embark on sustainable development through diversified and competitive agriculture and conservation of natural resources to contribute to the achievement of food security, poverty alleviation, and socio-economic growth in partnership with people. Although the agricultural sector contributes only 2.6 per cent of the GDP, it is of vital importance to the economy because half of the rural population or 20 per cent of the country's population depends on agriculture for income and employment.

Although rainfed arable production has been severely constrained by unfavourable agro-climatic conditions that include endemic drought and high summer temperatures, government has through various programs tried to alleviate rural poverty and increase food security. The National Master Plan for Arable Agriculture and Dairy Development (NAMPAADD) articulates the vision and the constraints that face the arable sub-sector. NAMPAADD addresses the main areas in agricultural production, namely rainfed arable agriculture, irrigated agriculture, and dairy farming. Through NAMPAADD, it is envisaged that, with improvements in technology and management using existing resources, the goal towards self-sufficiency would be within reach (Government of Botswana. Ministry of Agriculture 2002, 1). **Nevertheless, while NAMPAADD articulates good intentions for attaining sustainable economic development, its prospects are doubtful if the land question, upon which its developments are premised, is not addressed. NAMPAADD has to address serious land issues.**

According to the Botswana Human Development Report (2005), it is feared that NAMPAADD will "squeeze poor people out of land ownership." For the program to be successful, there needs to be heavy investment

in machinery, implements, and farming inputs such as fertilizer, and the use of technology would mean less reliance on human labour, aggravating the unemployment problem. More fundamentally, NAMPAADD requires that farmers should have 150 hectares of land while the land boards only allocate farmers sixteen hectares. In order to participate in this venture, NAMPAADD encourages farmers to group themselves into cooperatives and encourages non-producing farmers to lease out their land to farming investors.<sup>44</sup> While in the short term this process would afford non-producing landowners some income, in the long term farmers face the danger of being swindled by unscrupulous investors or even voluntarily selling their land, resulting in landlessness. However, in a bid to ensure that tribal land is not alienated from Botswana, the government has imposed a moratorium on the transfer of tribal land<sup>45</sup> to non-citizens.

### *Tourism*

The land question is articulated within the broad neo-liberal framework, which is driven by the dictates of privatization. Although their effects are still to fully manifest themselves, the privatization of land, which hitherto was a public good, through the commercialization of the livestock industry and arable farming, the development of game farming, and tourism are likely to lead to the alienation of land from the poor segments of society. As a result, there is great need to rationalize Botswana's land use planning to ensure that as the country adapts to the new global economic order, the poor are not marginalized.

In its quest for economic diversification, the Botswana government has identified tourism as an alternative engine of growth and it is ranked the country's second foreign exchange earner. The development of tourism has put land, which hitherto was under communal control, under considerable pressure in that there are now competing land uses. In this regard, it is important to place *dikgosi* in the broader developmental agenda and to determine whether they are able to articulate the processes of globalization.

In what Tevera and Moyo (2000, 13) refer to as the recolonization of its land through market-based reforms, land and natural resources are allocated to private concerns in the form of concession safari companies, which largely satisfy a foreign clientele. Although the overall authority of the land resides with the land boards, they lack the capacity to carry out

effective environmental land audits to determine whether the concession companies manage it properly. Perhaps more disturbing is the fact that, even though the leases of the concession companies stipulate that the local communities should continue to enjoy their traditional rights in the area of harvesting thatching grass and reeds, there are reports that some safari companies chase them away.<sup>46</sup> Needless to say, most of these safari companies operate on tribal land. There is no way that *dikgosi* can intervene on behalf of their people, except by raising issues through the *Ntlo ya Dikgosi*.

The drive toward privatization, which puts land and natural resources in private hands, and the increasing role of international capital in the exploitation of these resources has placed the benefit of these resources beyond the reach of Botswana,<sup>47</sup> especially the rural poor. The tourist industry in Botswana is based on the economic philosophy that scarcity enhances value. As a result, its underlying axiom is that, in order to keep the wilderness in a pristine state, the industry must adopt the principle of high-cost low-density tourism.<sup>48</sup> However, as a way of giving Botswana a stake in the industry, government has thought up joint ventures between foreign safari companies and community trusts. Community-based natural resources management areas are wildlife management areas in which communities are organized in the form of trusts and enter into joint ventures with foreign safari companies. Joint ventures in Community Based Natural Resources Management (CBNRM) are projected as alternative strategies designed to empower communities in remote areas to participate in natural conservation and management of wildlife and other natural resource development (Twyman 1998).

Ecotourism is emerging as a new way in which natural resources could be harnessed to provide a sustainable rural livelihood without depleting the natural resources. It is variously suggested as a way that *Basarwa* could develop without alienating them from their culture.<sup>49</sup> It is suggested that, within the broad framework of wildlife management and conservation, *Basarwa* could build cultural villages, which, while conforming to “modern” standards of water-borne toilets, baths, and electric lights, could maintain their traditional thatch structure. Of essence in ecotourism is the fact that *Basarwa* could be able to harness their indigenous knowledge base and their intimate knowledge of the environment, share it with others, and pass it on to future generations. Guests could be treated to game tracking and could also be treated to a variety of traditional dances

and narrations of *Basarwa* culture and history. Moreover, they would diversify their sources of livelihood; they would not depend solely on hunting and gathering, low wages as farm labours and herdboys, and handouts from government.

Notwithstanding the prospects of ecotourism, the power relationships that exist between the safari companies and local trusts are asymmetrical and unequal,<sup>50</sup> and it does not make sense to talk about these CBNRM's as meaningful partnerships. Moreover, the technical committees that are set up by government to safeguard the interests of the trusts are comprised of civil servants, the majority of whom do not possess special negotiation skills to ensure that the communities get value for money. *Dikgosi* are never members of these technical teams, and there is no way in which they can influence decisions with a view to empowering their people. The power-sharing that is envisaged in the CBNRM's exists only in name. In reality, the concession companies have inordinate powers and tend to marginalize rural communities. This is illustrated, in part, by the fact that safari companies alone, without the input of communities, prepare management plans on the basis of which the concessions are awarded.

## SQUATTERS AND SELF-ALLOCATION OF LAND

The land question plays itself in a variety of ways through formal and legal acquisitions and illegal mechanisms. The illegal occupation of land or farm invasions<sup>51</sup> is not only a problem in Zimbabwe but is pervasive in the entire Southern African region. Whilst in Zimbabwe it manifested itself in the form of farm invasions, in Botswana it has taken the form of squatter settlements and self-allocation<sup>52</sup> of land. This problem has been acute in the peri-urban areas, especially Mogoditshane, which is in the outskirts of Gaborone, the capital city of Botswana. Mogoditshane falls under the Kweneng District, hence under the jurisdiction of the Kweneng Land Board. The inability of government departments to allocate serviced land has led to illegal squatting and self-allocation of land. Respecting land in the urban areas, especially Gaborone, government is not able to provide serviced land to keep up with its demand. In the case of

Mogoditshane, the Kweneng Land Board is said to lack the capacity to keep up with the demand for land.

Self-allocation of land is broader than we imagine. Due to the shortage of served land in the urban areas, people are tempted to speculate with tribal land in the peri-urban areas. First, it covers those who (due to their impatience with the delays in the land allocation process, the pressures of urban development, and the shortage of serviced land in the urban areas) would have illegally allocated themselves land. Second, it covers those who were allocated land by *dikgosi* and such land was not registered with the land boards. Third, it covers those who have been allocated land but would like either to transfer that land or change its use, and because the land boards do not cope with the volume of applications, people go ahead to effect developments without legal sanction.

Mogoditshane, together with other peri-urban areas, was the subject of a presidential commission in 1991, led by a former cabinet minister, Englishman Kgabo, with a view to studying and making recommendations to government on ways to solve the problem of self-allocation of land that was rampant in the country. Based on the report produced by the Kgabo Commission and the subsequent Government White Paper No. 1 of 1992, it became apparent that, in the absence of a coherent and an integrated rural development strategy, government will continuously be faced with the problem of rural-urban migration, which puts pressure on limited amenities in these areas.

The Botswana government has over the years grappled with the difficult problem of sale of land. While government policy prohibits the sale of undeveloped land, it allows for sale of developments on land. It is widely acknowledged that during the pre-colonial and colonial periods, land was able to change hands for a fee; such a transaction was known as *Maremo a selepe* (compensation for developments). This compensation was considered to be the sale of the right to use land rather than of land itself (Government Paper No. 2 of 1992, 16–17). Perhaps what has compounded the land question in recent years is the disproportionality of land values between tribal land, on the one hand, and state land and freehold land, on the other. There are perceptions that tribal land lends itself to low compensation rates because it is held in common with the community. It is argued that, since common law title to land ascribes it to individuals, land values appreciate because there is security of tenure. This issue has been

widely debated and there is sufficient consensus that, while there is a sense of community ownership of tribal land, land has a sense of permanence because as long as they use that land, it cannot be taken away from them. Nevertheless, individually held land may be expropriated, just as can be done with state land and freehold, where government wants to use it for development purposes. Therefore, in a nutshell, the security of tenure for tribal land is not inferior to other types of land-holding. Besides, one can pass on this to children (Government Policy No. 1 of 1992, 6).

Land speculation is rife in Botswana and manifests itself through differential values of land. In cases where the land boards expropriate land (especially field) for the growth of the village, the rate of compensation is often much lower than the market value of that land. Moreover, the compensation is often lower than the replacement cost of the developments. Moreover, private market values are much higher than the official rates. Furthermore, in cases where the land exchanged hands, it usually takes a long time before such a transaction could be effected. As a result of the fore-going problems, people were tempted to take the law into their own hands and self-allocate land.

The Kgabo Report tried to redress this problem by penalizing those who had self-allocated land. Government's ruling on the Mogiditshane self-allocations in the early 1990s was that all the illegally occupied land that was still undeveloped would revert to the land board. However, with respect to illegally acquired land that was already developed, the owners were allowed to regularize their occupation of such land by paying a penalty.<sup>53</sup> In government's thinking, the penalty was punitive enough to deter further self-allocation of land. However, it appears that this dispensation sent wrong signals that, if people self-allocated themselves land, they would be required to pay a fine and retain the land and property. Besides, land values in and around Gaborone are so high that the penalty was lower than the market value of similar land.

In clear contravention of the rule of law, Mogiditshane has once again been hit by a wave of self-allocation of land and mushrooming of squatter settlements. In an attempt to enforce the rule of law, government has adopted stern measures of demolishing houses that were built on land that was not properly allocated to them by the authorities. While the High Court of Botswana has temporarily halted the demolition of the squatters, pending its ruling at a later stage, it is clear that the land question is a

multifaceted issue that affect the basis of human existence. Nevertheless, as things stand, *dikgosi* have no role to play in this process, as their jurisdiction does not extend to allocation of land.

## CONCLUSION

The conclusions that emerge from this chapter are that the Botswana land tenure system is fraught with serious difficulties. The land tenure system that is put in place by the post-colonial state has not only relieved *dikgosi* of their traditional role of allocating land but has also institutionalized a framework that is informed by the dominant Tswana cultural land practices. Botswana's land tenure does not recognize the traditional land rights of *Basarwa* as hunters and gatherers. As a result, government has found it prudent to relocate *Basarwa* out the CKGR. The relocation of *Basarwa* from the CKGR and government's failure to come up with a constitution that would accommodate all national cultures reflects tendencies of a government that is not fully responsive to people's needs.

Within the wider framework of globalization, government would like to create a favourable environment for foreign investors, and, with tourism as an alternative engine of growth, it is plausible to imagine that *Basarwa* are relocated from the CKGR to make way for foreign investment. If this is the case, capitalist development would have triumphed over the right to livelihood and the survival of *Basarwa* culture. At face value, it would appear that what is being contested in the CKGR is the demand by government to have the natural resource be used for the public interest rather than be only enjoyed by *Basarwa*. But in reality, *Basarwa* are made to give way to capitalist development.

Privatization of land has taken many forms in Botswana, and for a country where the majority of the people come from land-based production (arable and livestock farming), it is likely to lead to inequalities and the widening gap between the rich and poor. Moreover, since globalization transcends national boundaries, land has been "commodified" and auctioned, so to speak, to the highest bidder. With communal land increasingly lost to privatization, invariably people with capital are bound to benefit from land reform programs. Furthermore, through concessions, be



they mineral or safari companies, Botswana is now facing neo-colonialism proper. The post-colonial state has political control while economic control lies elsewhere. In the process, *dikgosi* are further marginalized from playing any meaningful role in land allocation, let alone development.

## NOTES

- 1 Zimbabwe is a case in point.
- 2 State land comprises land for urban development, National Parks and Game Reserves, Forest Reserves and Wildlife Management Areas.
- 3 The FPSG is a title in which land is held under a lease in which it is passed from the owner (in this case, the government) to the lessee for a stipulated period of time. Some are fifteen years and the longest lease awarded in Botswana is ninety-nine years.
- 4 COR was developed to arrest the growth of squatter settlements such as Old Naledi and Botshabelo in Gaborone and Selibe Phikwe.
- 5 The discovery of gold in the Witwatersrand in 1886 was part of the overall crusade of gold exploration in the region.
- 6 Consideration of the national question for *Basarwa* is complex and requires a separate study. However, according to Roy Sesana, *Basarwa* are not homogeneous but comprise several dialects, which are mutually unintelligible. Some of these are: Manaro, Baqoo, Bakaukau, Batshila, Bag/anakwe, Babukakwe, Bazunxese, Bak/aneke, Bag/orokwe. Babolongwe are Bakgalagadi who live with *Basarwa*. (Interview with Roy Sesana on 7 August 2000 in Ghanzi.)
- 7 The intestines, head and neck, and hoofs.
- 8 Botswana does not have a minimum wage, and farm labourers are on the main paid starvation wages and sometimes are paid in kind in the form of food and clothing.
- 9 It is hoped that the constitutional amendment arising from the White Paper deriving from the Balopi Commission will address this anomaly.
- 10 In Kweneng District, among other areas, they are found in a small village called Kweneng.
- 11 In Kgatleng, they are found in Bodingwe, Kgomodiatshaba, Khurutshe, and Artesia
- 12 Before their relocation from the reserve, Basarwa settlements could be found at Molapo, Metsi a Manong, Mothomelo, Kikao, Kukamba, and Kgope (Gope). (Roy Sesana in an interview on 7 August 2000 in Ghanzi).
- 13 According to the Wildlife Conservation and National Parks Act No. 28 of 1989, Special Game Licence Section 30 provided that Basarwa could hunt the following animals:

- 4 springbok, 10 monitor lizards, unlimited numbers of jackel, 1 kudu, 10 silver fox, 2 gemsbok, 30 duiker, 30 steenbok, 50 wild cats, 50 bat-eared fox, 10 caracel, and 3 warthog. According to an interview with *Kgosi* Tuelo Sekalabue, at New Xadi on 15 August 2000, many of the animals entailed in their special hunting are animals they do not eat.
- 14 People cite incidents of Selibe Phikwe, Orapa, and Jwaneng, where people had to be relocated to give way to mining developments.
  - 15 This movement was founded by John Hardbatlle, born of a *Mosarwa* (singular of *Basarwa*) mother and a British father. After his death, Roy Sesana took over the leadership of the organization..
  - 16 Interview with Roy Sesana in Ghanzi on 7 August 2000.
  - 17 Roy Sesana asserts that part of their oppression is that the Tswana impregnate their children and the law never apprehends them.
  - 18 However, in an interview with Gilbert Mogapi, he maintained that New Xadi is a Community Wildlife Management Area and they are given a certain quota of animals and the community can decide how to use them. They can hunt for subsistence puposes.
  - 19 At the time the Ghanzi *Kgosi* was Silence Setima of the Bangologa ethnic group.
  - 20 For details, see Phia, 2005.
  - 21 *Kgosi* is often referred to as *mmabatho* (mother of the people); *motho was batho* (man of the people).
  - 22 Among Bakgatla, the *Kgosi* is referred to as *Mokgatla*, among Bagwato as *Mongatlo*, and so on.
  - 23 A Bakgatla *bogwera* (initiation) ceremony song, which says that “tlotlang kgosi e kgolo banna, e chababa digaketse” (men respect your paramount chief as other tribes are up in arms).
  - 24 Traditionally, it was said that *Kgosi e boloisa letsema* (the *kgosi* declares the plowing season).
  - 25 This was a system called *molomo*, where the *kgosi* was given the honour of biting the first harvest, and thereafter the people could harvest their crops.
  - 26 A system in which people came with their span of oxen ploughed the *Kgosi*'s field, attended to weeds, and harvested the crop. The proceeds went into the tribal granaries for the needy as during times of draught.
  - 27 Such gifts are often called *sebuba* (chest). Symbolically breast meat is said to be rich, and only befitting *Kgosi*.
  - 28 A case in point is that during the reign of a *Kgosi*, a group of Bakgatla who were converted to the Zionist Christian Church (ZCC) were banished, and they settled in Lentswe le Moriti in the Central District.
  - 29 These were wars that were fought as a result of incursions of Shaka Zulu and led to dispersions of the Bantu people throughout Southern Africa.
  - 30 These were Bakgatla, Bakwena, Bangwaketse, Bangwato, and Batawana.
  - 31 Balete, Batlokwa, and Barolong.

- 32 For instance, the Central District is often referred to as Khama's and the Kgatleng District as Linchwe's land.
- 33 Other structures of the local authorities are the District Commissioners Office, District Council, and Tribal Administration.
- 34 For instance, the Central District, which is under the jurisdiction of Bagwato, is called the Ngwato Land Board, and the others are Kgatleng Land Board, Kweneng Land Board, Ngwaketse Land Board, Rolong Land Board, Tawana Land Board, and Kgalagadi Land Board.
- 35 In applications for land, *dikgosana* are made to sign an acknowledgment that, to the best of their knowledge, such lands are open and could be utilized for purposes specified in the application. However, in real terms, that is just token consultation as *dikgosana* are never invited to the hearing that considers the application, and the outcomes of such meetings are never communicated to them.
- 36 Respecting applications for boreholes and common law grants, the subordinate land board is only empowered to hear applications and to make recommendations to the main land board.
- 37 The subordinate land board only has the jurisdiction to allocate land for residential purposes and fields for ploughing.
- 38 Initially it was on an open voting system, but now it is on a secret ballot system.
- 39 The underlying thesis of the tragedy of the commons is that, in a situation where resources are communally controlled, it is to no ones interest to regulate its utilization. Therefore, freedom in the commons brings ruin to all. For details, see Molomo (1989).
- 40 A number of underlying assumptions informed the development of the TGLP farms. First, there was the mistaken believe that, in the western sand veld, there were stretches of 'vacant land,' which could be utilized for commercial ranching. Second, there was an assumption that fencing land would lead to better farming methods and preservation of the pastures. The third assumption was that farmers with large numbers of cattle would move into the TGLP farms and thereby relieve the communal areas of overstocking and soil erosion.
- 41 Ngwato, Kgalagadi, Ghanzi, and Tawana Land Boards. Ngwaketse and Kweneng Land Boards are to follow.
- 42 Some of the first TGLP ranches allocated, such as the Nojane ranches, were badly over-grazed, and by and large many of the ranches are simply fenced cattle posts without better faming techniques.
- 43 There are already reports that some of the farms allocated in the Western Sandveld and 4B have already been sold at exorbitant prices, mostly to foreigners.
- 44 For details, see Motshwane (2005).
- 45 See Gabotlale (2005).
- 46 Interview with Moitshepi T. Molelwa Councillor, 9 August 2005, Gumare.

- 47 *Kgosi* Jacoba Pitoro Sedisa maintains that, even though concessions are open to all, they are invariably won by whites because procedures to acquire them are complicated and need lots of money. (Interview on 10 August 2000, Gumare.)
- 48 The assumption is that, if tourism were made accessible and affordable to all, it would be over-run and not attract the much-needed foreign exchange. Invariably, this type of tourism satisfies an export-led demand and the interests of the small local elite. As a result, tourism in Botswana is exclusive. While the laws of the land do not prohibit people from using tourist facilities, they are priced in such a way that an average Motswana cannot afford them.
- 49 Cases in point are projects such as the Gudigwa cultural village and other similar projects at Kwai and Mababe. I. Magole and L. Magole, "Preliminary Findings: Eco-tourism and Socio-Economic Development of Basarwa: The Case of Gwadigwa," seminar at University of Botswana Main Library, 20 April 2005.
- 50 Basarwa depend on the good will of the concession companies.
- 51 In 1990, the war veterans occupied white-owned farms in Zimbabwe.
- 52 Self-allocation of land in Botswana is not a new phenomenon; it first emerged in the 1960s with the development of Gaborone as the seat of government. Old Naledi as a squatter settlement emerged to address the land and housing needs of the urban poor who were not catered to by formal sector housing. With the development of Selebi-Phikwe, in the 1970s, Botshabelo also emerged arising for the same reasons as Gaborone. Self-allocation of land has also been a pervasive feature in Mogoditshane.
- 53 For every plot of the size 40 x 40 metres, the owner was charged a penalty of P5,000, and the levy increased proportionate to the further increase in the size of the plot (Government Paper No. 1 of 1992, 15).

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## 23 Conclusions

Donald I. Ray, Tim Quinlan, Keshav Sharma,  
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Traditional leaders are reinventing themselves and their offices in terms of how they promote development for their communities, how they deal with changing gender values, how they relate to changing governance expectations, and how they respond to the HIV/AIDS crisis. The extent of this reinvention varies widely between and within Ghana, Botswana, and South Africa.

The IDRC-funded research by the Traditional Authority Applied Research Network (TAARN) found that, in Ghana, Botswana, and South Africa, traditional leaders remain, for a variety of reasons, important to the design and implementation of development regardless of whether traditional leaders have statutory jurisdiction in these matters granted by the post-colonial state. Therefore, multisectoral development strategies usually need to include traditional leaders as one of the key sectors in order to increase the likelihood of success.

Traditional leaders can be more than “gate-openers” in the orthodox sense of having to be acknowledged by a development agency seeking to work in an area and the development agency having to obey local traditional



protocols in order to work without hindrance in an area. Traditional leaders often seek to be active collaborators in development interventions.

A major reason for the continuing involvement of traditional leaders in development in Ghana, Botswana, and South Africa was that traditional leaders continued to have access, outside the state, to their own sources of political legitimacy (i.e., credibility) in their communities. Many members of these communities now expect that their traditional leaders/chiefs could or should be active in addressing their development needs under certain conditions. There is evidence of growing expectations in many communities that the traditional leader should act as or become an agency of development.

A major basis for this “development legitimacy” of traditional leaders is that they can be perceived by themselves and their communities to have a political legitimacy that is rooted in the pre-colonial period, even if their offices and/or authority have been substantially modified by the colonial and post-colonial states. The extent to which this extends to “neo-traditional” offices invented by the colonial regime is beyond the scope of our research.

Here the point is that the chiefs’ constituencies – residents in their area usually proclaiming in some way an identity and affiliation with leaders on basis of ethnicity, family ties, and social networks – see themselves as both “followers” of traditional authorities and as citizens of the state. These residents do not necessarily regard the state as the only agency that should manage development; indeed, the constituencies often expect traditional leaders to also play this role.

The political legitimacy of traditional leaders is “differently-rooted” than that of the post-colonial state. In the case of South Africa, team members argued that the nature of a chief’s authority was quite different from that of the post-colonial state. Therefore, chiefs were seen to be part of a circumscribed “parallel state” but one that was subordinate to the post-colonial state. Chiefs were seen, thus, to be “governors,” i.e., leaders who have authority who were not in opposition to the state but who complemented it. In the case of Ghana, the recognition of traditional leaders’ “differently-rooted legitimacy” and the need to mobilize it for development is even more widespread. In the case of Botswana, this is also present but it is largely framed within the incorporation of traditional leaders into the state, in large measure as “administrative chiefs,” as the Botswana team

argued so persuasively. The creation of the Houses of Chiefs in Botswana, Ghana, and South Africa is also seen as recognition by the post-colonial state of the continuing, if re-defined, legitimacy of the traditional leaders.

The “differently-rooted legitimacy” of traditional leaders is based on the concept of “divided legitimacy” in which political legitimacy is seen to be divided between the post-colonial state and the traditional authorities or traditional leaders. Because chiefs serve their community by maintaining customs, traditions, and ceremonies, they are able to act as spokespersons for their community on issues of custom and even development by cooperating with agencies of the post-colonial state and non-governmental organizations.

Divided legitimacy is derived from their constituencies regarding themselves as both citizens of the state (with attendant rights as citizens) and as followers or subjects of traditional leaders (with expectations that traditional leaders can and should act as development agents and, perhaps, also as intermediaries between the distant “state” and the people).

In Ghana and South Africa where traditional leaders remain in large measure outside the immediate supervision of the state, traditional leaders may use their differently rooted legitimacy to advocate for their communities’ development not only with the state but also with organizations outside the control/boundaries of the state. Examples of such organizations can be drawn from civil society both locally and internationally, or foreign governments or local businesses or multinational corporations. The TAARN South African Team argued that, given the current global climate of neo-liberalism, there were new neo-liberal ideologically sanctioned opportunities by the post-1994/post-apartheid government by which traditional leaders could pursue development not only with the state but now with business. The South African Team called this the “privatization of politics” for traditional authority. In the case of Botswana, the state is the dominant major development partner of traditional leaders: hence the use of the term “administrative chiefs.” In Ghana, chiefs were found to be playing a significant role in mobilizing development resources for their communities.

While we wait for the discovery of the medical vaccine against HIV/AIDS, we can implement the social vaccine, i.e., find ways to prevent people from becoming HIV positive and so preventing AIDS in the first place. Traditional leaders or chiefs (in particular queenmothers) can be an

effective part of this social vaccine, as it has been termed by the Ghana AIDS Commission.

Moreover we found that chiefs controlled resources that were called upon by the post-colonial state to implement its policies. Ghana's AIDS policy explicitly recognized the need to incorporate traditional leaders and implement this recognition. Other examples can be found throughout the book.

In general, a major finding was the discovery of a three-stage best practice model for measuring the depth and effectiveness of involvement of traditional leaders in promoting development, especially in fighting HIV/AIDS from the social vaccine perspective: (1) gate-opening, (2) social marketing/public education, and (3) community-capacity building. This model reflects lessons from Ghana, South Africa, and Botswana. Not only does this best practice model have implications for the carrying out of research, but it also suggests a development strategy that builds on the legitimacy of African indigeneity. Development is too important to be left to concepts of the "post-colonial state" and "civil society," both of which are imports from outside the continent. (We note that African states existed in pre-colonial times.) Development and democratization need to be reconceptualized to include both the "external" impositions and "indigenous" or traditional institutions and knowledge. Moreover, our research found that the chiefs' resources were called upon to implement the post-colonial state's policies, be they in the fight against AIDS or education.

Specifically, the analysis of traditional leaders' involvement and effectiveness in the fight against HIV/AIDS in Ghana yielded a three-stage best practice model. In the first or "gate-opening" stage, chiefs and queen-mothers acted as "gate-openers" who lent their differently-rooted legitimacy for their communities to the programs of external agencies, including those of the state, but the traditional leaders did little else. In the second or "social marketing/public education" stage, the traditional leaders speak out on HIV/AIDS in order to aid in the public education of their communities: both legitimization of the program and the activity of persuading their community takes place. In the third or "community-capacity building" stage, traditional authorities are legitimizing and promoting the HIV/AIDS programs as well as building the capacity of their communities to better manage the HIV/AIDS crises as their communities

are impacted by HIV/AIDS. These latter activities of the traditional leaders can vary greatly, including, for example, everything from helping to design culturally appropriate social marketing/public education for their grassroots communities to establishing care strategies and programs for the AIDS orphans or mobilizing external resources for community needs. Independently of Ghanaian chiefs, traditional leaders in Botswana are also following this model to varying extents.

The “best practice” model actually questions the orthodox conception of traditional leaders as being only “gatekeepers” whom the post-colonial state wants neutered. The chiefs are indigenous “gate-openers” whose collaboration and participation in the design of interventions (be it for HIV or development) is a means to achieve the second and third stages of this model.

This three-stage best practice model for measuring the depth and effectiveness of involvement of traditional leaders can also be applied to all areas of development. When looking at development in an area, one can use the model to see what happened and, depending on how the results reveal the extent of involvement of traditional leaders, one can assess why a development intervention worked or did not. Use of the model is one strategy for designing development interventions in areas where there are traditional leaders, as the case of Ghana’s Wechiau Hippo Sanctuary, affiliated with the Calgary Zoo, demonstrates.

Our findings show the importance of incorporating gender into the analysis of the activities of traditional leadership in local governance and development if traditional leadership is to continue its developmental, equity, and democratization transformation. (Of course, the same is true for the state everywhere.) In South Africa and Botswana, there is a gradual progression to formally appointing and allowing women to be chiefs. However, there has been some ambivalence and ambiguity in South Africa as to whether women should be appointed/inaugurated as full and permanent traditional leadership office-holders. In South Africa’s KwaZulu-Natal province, women chiefs have been seen as being “regents” rather than as being regular office-holders. In Botswana, a critical boundary has been crossed, in comparison to South Africa, as women have been appointed according to custom to be paramount chiefs and a sub-chiefs. Also, the woman paramount chief, *Kgosi* Mosadi Sebeko, was elected president of Botswana’s House of Chiefs. In Ghana, the significance of

utilizing gender as a tool of analysis is evident in the work of the Manya Krobo Queenmothers Association, who are actively educating women in their region on various health issues (specifically HIV/AIDS) and developing community capacity to deal with the social and economic pressures of HIV/AIDS on the orphans and other community members. The queenmothers' activities are built on their historic authority in relation to family and women issues. However, the question of admitting queenmothers as members of Ghana's National and Regional Houses of Chiefs continued to be debated. Moreover, as the study on Akan queenmothers argues, there has been a long battle to undermine the authority of queenmothers because of their gender.

As the Botswana team argues, where traditional leaders are performing functions and holding offices within the administrative and judicial institutions of the post-colonial state, there is the need for that state to provide adequate training and support personnel resources to the chiefs so that they can be more effective in administering programs such as customary law as codified by the post-colonial state or aspects of local governance.

Traditional leaders are keen to understand and utilize state law to enable them to be development agents. In South Africa and Ghana, codification of customary laws continues to pose legal and constitutional issues as such efforts are usually regarded as a political tool of the state to redefine and circumscribe the status and role of traditional leaders. Traditional leaders often meet such codification with resistance; however, when codification is implemented as in Botswana, traditional leaders find ways to work with them as state laws rarely capture the essence of traditional leaders. Traditional leaders are continuously redefining and reinventing themselves.

While some political leaders and researchers of the post-colonial state believe that traditional authority and democracy are not compatible, many others believe that these principles are compatible in reality, given certain conditions as various forms of blended governance. More to the point, many people in Africa do believe that traditional authority is part of their indigenous heritage, and they want to see it integrated with democracy in a blended governance that incorporates Africa's "traditional" or heritage political processes, structures, and values into their own desired democratic,

post-colonial political cultures. In short, many ordinary Africans see traditional authority as being part of their heritage and hence part of their desired political culture of democracy. These beliefs of many citizens of Ghana, Botswana, and South Africa may be politically inconvenient for republicans in those states but our conclusion is that this matter reflects a considerable body of evidence in those countries. This is not to argue for unrestricted monarchies in which the traditional authority has unfettered power but rather for blended, constitutional forms of democratic governance. We are not arguing that the African examples should follow the development pattern of such Western and Asian constitutional democracies with monarchies as those of Canada, the United Kingdom, Bhutan, Thailand, the Netherlands, Norway, Denmark, or Sweden, but we cite these as examples of how the monarchical and democratic principles have been reconciled and implemented. The important point to recognize is that different African countries are in the process of choosing their own paths on this question. In this sense, our research confronts the “traditional-modern” dichotomy of political authority and provides insights into how authority at the local level is reconstructed and reinvented.

Overall, we found considerable evidence that many traditional leaders are very involved in promoting development in Ghana, and perhaps to lesser but still significant degrees in South Africa and Botswana. The model of the chief as agent of development with regard to education, health, and economic growth is very well-articulated in Ghana, where there are widespread popular expectations that traditional authorities should be active in promoting these aspects of development. Chiefs are widely recognized by “their people” as being, potentially, local leaders who could speak on behalf of their grassroots communities’ development wishes. Traditional leaders are expected by their communities to act as interveners with regard to those who control resources in local and central government, international and other aid agencies and others. This is not to argue that problems cannot arise with some chiefs who abuse their trust or who do nothing (as some of our studies occasionally found). However, unsubstantiated fear-mongering by some against all traditional leaders must be rebutted in light of what our studies found especially in Ghana, but also in South Africa, where the expectations of the people that chiefs should be agents of development are growing. In the case of Botswana, the thorough integration of chiefs into the administrative and judicial

apparatus of the post-colonial state has led to the creation of what might be termed the “administrative chief” who takes part in government development implementation. Overall, one way or another, our studies clearly show that the post-colonial states of Ghana, Botswana and South Africa cannot ignore traditional authorities, given their potential and actual contributions to development, without sacrificing some development capacity or some of the political culture of many of the state’s citizens.

These African states have set up several strategies for attempting to incorporate (and often control) traditional leaders (who have their own sources of legitimacy) into state structures and objectives. All three African states established Houses of Chiefs/Traditional Leaders as a strategy that is designed to define the terms and institutional processes for incorporating traditional authorities into the governance process for social policy decisions and implementation processes. This would channel the political legitimacy and influence and authority of the chiefs into an auxiliary, subordinate position that would encourage the traditional leaders to believe that the post-colonial state was responding to the wishes of the chiefs’ communities, inasmuch as the traditional leaders represent their local communities, which is often the case in Ghana, Botswana, and South Africa. (The individual case studies demonstrate the veracity and range of this claim.)

In the case of Ghana, traditional authorities are very frequently to be seen speaking out on behalf of their communities on health, education, and land, and sometimes acting as a social safety net of last resort, engaging in conflict management and economic development. Chiefs use the National and Regional Houses of Chiefs and the Traditional Councils of the local paramount chief, as well as the media and durbars (joint meetings of the local traditional leaders and representative of the post-colonial states) in order to publicly state their communities’ needs and thus try to make the post-colonial state more responsive, more effective, and more equitable in the allocation of scarce resources to those who feel that they have been marginalized. To a lesser extent, traditional leaders in South Africa and Botswana also use their offices to articulate the needs of their communities and themselves to those in the state and elsewhere that control policies and resources.

In this sense, traditional leaders in Ghana, South Africa, and Botswana can act as a check or balance to those who control the post-colonial

state on behalf of grassroots constituencies who often seem to be overlooked by such ruling coalitions of the post-colonial state as the Durban case illustrates. The problem is in part rooted in the problems that even multi-party electoral democracies have in being responsive to the ordinary voter between elections. This ongoing problem has been identified in many representative democracies, including Canada. Ironically, then, in certain cases, the non-elected indigenous “traditional” authorities can act as a small but balancing check on the post-colonial state in Africa, rather perhaps as the constitutional monarchy does in Canada. This point needs much greater examination. Of course, it is important to note that this is made possible because the citizens recognize the differently rooted legitimacies of both the state and the traditional leaders and on occasion have shown these governance preferences in anecdotal and polling formats in a number of the studies and elsewhere that reveal a desire for a political culture of blended governance, even in some cases as to which aspects of their lives should be dealt with by the post-colonial state and which should be governed by the traditional authorities.

Beyond the House of Chiefs system in Ghana, South Africa, and Botswana, other forms of traditional leadership participation in the post-colonial state itself vary considerably. In Botswana, chiefs are forbidden to run for elected office and can be removed from office by the state; yet they are integrated into the grassroots levels of local government and judicial administration. In Ghana, chiefs are forbidden to run for Parliament or to be leading members of political parties, but they cannot be removed from office by the president or Parliament (except by traditional impeachment or other mechanisms). They are appointed to many national, regional, and local oversight committees of the security, health, and education institutions but only in the most limited numbers to legislative local government structures. In South Africa, chiefs are free to run for, or be appointed to, Parliament, but the terms under which they can participate, on the basis of being chiefs as legislative or executive members of local government structures, have been greatly reduced and remain very much debated. In the restructuring of local government and municipal authority by the state, our research in Ghana, South Africa, and Botswana concluded that, although there was some consultation, there was little consideration of the concerns of traditional authorities by government. Chiefs are seeking to gain autonomous local governance authority, e.g., the Bafokeng Royal



Authority in South Africa. Our research suggests that if traditional leaders are able to demonstrate their attempts to improve the lives of local people or rather their ability to take on the task of development, they are able to gain popular support. Traditional authority remains an important forum for communication for many people in rural areas, whether this takes place through the *Kgotla* in Botswana or South Africa or through beating the gong-gong to assemble people in Ghana.

The general results found in South Africa, Botswana, and Ghana illustrated the continuing relevance of traditional leadership. Many citizens regard the institution of chieftaincy as legitimate. People do not make “either/or” choices over which form of authority – state or traditional – should prevail in promoting development. People expect chiefs as well as government officials to be development agents. The assertion that traditional authority has popular support does not indicate an exclusion of modern democratic government from the post-colonial state. Both have their own sources of legitimacy. True good governance and development will have to have both.

## GLOSSARY

- Abakosem** (Ghana): oral history, told by royal drummers (*akyerema*) on their “talking drums” (*fontomfrom, atumpan*) and recalled during royal funerals and festivals by the chief’s heralds (*abafo*).
- Abebuo** (Ghana): speaking in proverbs in Akan.
- Aboakyer** (Ghana): Deer-catching festival of the Effutu of Winneba.
- Abusua** (Ghana): Akan “matriclan” or “family lineage” whose ancestry is traced back to an original female ancestress by oral history.
- Abusuapanin** (Ghana): head of “matriclan.”
- Acephalous societies** (Ghana): such as the Tallensi of the Upper Region, which are ruled by heads of lineages who exercised mainly moral authority, and by tendanaas or “earth priests”; these differ from societies that have centralized political authority systems, such as the Akan, or the Gonja, the Dagomba, the Mamprusi, and the Nanumba people who select and elect “traditional authorities” or “chiefs”; note that the Ga-Adangme and Ewe people of south-eastern and eastern Ghana combine both types of authorities.
- Adae** (Ghana): monthly festival in commemoration of royal ancestors among the Akan.
- Adee** (Ghana): thing, in Akan.
- Adeshye kasa** (Ghana): “royal speech” as well as “regalia,” such as stools, swords, canes, umbrellas, cloths, jewellery, headgear used during ritual performances, are hinting at the importance of a constant “royal” control over hierarchy and structure; in particular, on the occasion of festivals.
- Afahye** (Ghana): festival; each region of Ghana celebrates yearly (sometimes monthly) festivals.
- Ahemfie** (Ghana): palace.
- Akoa** (pl. **nkoa**) (Ghana): social category of “subjects” into which past “slaves” were assimilated to the rest of the township.
- Akuraa** (pl. **nkuraa**) (Ghana): village.

- Akwambo** (Ghana): Path-clearing festival of the Fante, Gomua, and Agona
- Akwankwaa** (pl. **nkwankwa**) (Ghana): commoners, “young men” generally grouped in associations.
- Amakhosi** (South Africa): plural of *inkosi* in South Africa.
- Amansem** (Ghana): matters of the state.
- ANC** (South Africa): African National Congress.
- Anansesem** (Ghana): lit. “stories about Ananse, the Spider”; tale.
- Apoo**: festival of the Brong people of Wenchi, Nkoranza, and Tachiman.
- Asantehemmaa, Wenchihemmaa** (Ghana): “queenmother” of Asante, of Wenchi.
- Asantehene**: “King of Asante” remains the most powerful and influential “traditional authority” of the Republic of Ghana today as the Asante people once ruled over virtually the whole territory of contemporary Ghana (eighteenth and nineteenth centuries).
- Asem** (pl. **nsem**) (Ghana): matter.
- Atetefo** (Ghana): people of long, long ago; early ancestors who were gathering and hunting, moving from place to place, before “historical times” of permanent settlements and chiefdoms.
- Avudwene** (Ghana): songs performed during the Kundum festival.
- Aware** or **Awadee** (Ghana): marriage.
- Awaregya** (Ghana): divorce.
- Bafaladi** (Botswana): aliens or refugees.
- Barima** (Ghana): Akan noble title for a man.
- Basarwa** (Botswana): Botswana government’s imposed term on the First People.
- Batlhanka** (Botswana): commoners.
- Bogosi** (Botswana): chieftainship institution.
- Botlhanka** (Botswana): servitude.

**Chibuku** (Botswana): A locally brewed strong beer.

**CONTRALESA**: Congress of Traditional Leaders of South Africa.

**Damba** (Ghana): festival observed among the Dagomba, Mamprusi, Gonja, Nanumba, and Wala of the Upper Regions.

**Dikgosi** (Botswana): chiefs; plural of *kgosi*.

**Dikgosana**: Sub-chiefs (plural).

**Dwa** (pl. *nnwa*) (Ghana): stool.

**Dwantoa** (Ghana): dispute settlement (mediatory) by Queenmother; “pleading.”

**Efiesem** (Ghana): matters of the house.

**Homowo** (Ghana): Ga festival (“Hooting at hunger”).

**Induna** (South Africa): headman, usually reports or accountable to the chief, but in some communities headmen perform the roles and functions of chiefs where there are no chiefs or in areas where historically there have never been chiefs. In a normal traditional structure, the chief has *izinduna* (pl. of *induna*) serving under him, and they are responsible for trying minor cases or attending to the needs of their immediate communities. The *izinduna* refer serious matters to the chief. The *izinduna* are also responsible for land allocation within their respective parts of the chiefdom. They are the chief’s eyes and ears.

**IFP** (South Africa): Inkatha Freedom Party.

**Inkosi** (South Africa): word commonly used for a hereditary chief or traditional leader of one of the peoples of South Africa whose political office is rooted in the pre-colonial states and other polities. The same word applies to the king, although the king is usually referred to as *Ngonyama/Isilo* (lion).

**Izinduna** (South Africa): plural for *induna*, a traditional leader of a ward and part of the *inkosi*’s councillors in South Africa.

**Imizi** (South Africa): directly translated as “homesteads” of family members, but in pre-colonial times also the main unit of subsistence

production, usually bound together by ties of kinship (real and fictive) and marriage.

**kgosi** (Botswana): chief.

**Kgosigadi** (Botswana): female chief.

**Kgotla** (Botswana): traditional village assembly presided over by a chief.

**Kgosana** (Botswana): sub-chief.

**Kgosi Kgolo** (Botswana): paramount chief

**Kumasehene, Ejisuhene**, etc. (Ghana): “traditional ruler” of Kumase, of Ejisu, etc.

**Kundum** (Ghana): Nzema-Ahanta festival.

**Kuro** (pl. **akuro**, **Nkuro**) (Ghana): town.

**Ntlo ya DiKgosi** (Botswana): House of Chiefs.

**Mafisa** (Botswana): Social security mechanism in Botswana through which poor families were loaned cattle they could use for milk drought power and could occasionally be rewarded by a calf. This system had the effect of reinforcing patron-client relationships.

**Matimela** (Botswana): stray cattle

**Merafe** (Botswana): nations (plural).

**Meratshwana** (Botswana): minority nations (derogatory).

**Mfecane** (South Africa): Zulu wars of expansion.

**Mmomomme** (Botswana): war songs with pantomime, performed by women when their men were at war.

**Morafe** (Botswana): nation.

**Na** (Ghana): traditional leader of the Dagbon in the northern states, whose symbol of office was a skin and who was surrounded by military wings with heads in a system similar to that of the Akan.

**Nana** or **Nene** (Ghana): title, respectful word of address to a chief, to a queenmother, or to an elder in general.

**Nananom** (Ghana): “royal” ancestors remembered as the founders of the chiefdoms; also, assembly of chiefs, of elders.

- Nhyiamu** (Ghana): traditional council, which works hand in hand with the traditional ruler(s).
- Nkwankwaahene** (Ghana): head of the “young men.”
- Nnanso** (Ghana): settlement, place in the forest.
- Nwonkoro** (Ghana): songs of praise.
- Obaa** (pl. **mma**) (Ghana): Akan woman.
- Oberempon** (pl. **aberempon**) (Ghana): “big men,” in charge of affairs around the fifteenth century (clearance of forest with the help of imported “slaves,” exploitation of gold mines and exportation of gold); took over as so-called “owners of the land” and probably became the first chiefs.
- Odehye** (pl. **adehye**) (Ghana): social category for “free-born,” associated with the status of “nobility” and often translated as “royals”; generally claiming to be the first occupants of the land and of the “stools.”
- Odikro** (pl. **adikurofoo**) (Ghana): head of a town, lit. “the owner of the town.”
- Odwira** (Ghana): annual festival in Akwapem, Akim, and Akwamu.
- Ohemmaa** (pl. **ahemmaa**) (Ghana): traditional female ruler, erroneously perhaps but commonly called “queenmother” in English (she is not often the mother of the chief); one talks of “parallel dual leadership,” of the chief’s “female counterpart.”
- Ohene** (pl. **ahene**) (Ghana): “chief” or “traditional ruler” or “stool-holder.”
- Ohene dwa**, or **adehye dwa** (pl. **nnwa**) (Ghana): “royal stool,” thus chiefs and queenmothers are “enstooled,” or “destooled” amongst the Akan, the Ewes, and the Ga-Adangmes.
- Okomfoo** (pl. **akomfoo**) (Ghana): traditional healer, priest.
- (O)kuno** (pl. **(o)kunonom**) (Ghana): husband.
- Okyeame** (pl. **akyeame**) (Ghana): chief’s spokesman, speech intermediary.

- Oman** (pl. **aman**) (Ghana): “traditional area” or “state”; a first map of *aman* was drawn as early as 1629 by the Dutch Hans Prophet.
- Omanhene** (pl. **amanhene**) (Ghana): “head of an *oman* or state.”
- Onipa** (pl. **nnipa**) (Ghana): human being.
- Opanin** (pl. **mpanimfoo**) (Ghana): family elder, senior.
- Osomfo** (pl. **asomafo**) (Ghana): “functionaries” within the palace who were grouped inside “service groups” or *afékuo* with leaders such as the *Akyemehene* (head of spokesmen), the *Ankonwasoafobene* (head of stool carriers), the *Akyinyikyimfobene* (head of umbrella carriers). They are examples of the hereditary leaders of the palace service groups.
- Owura, wura** (pl. **awuranom**) (Ghana): lord and master; sometimes a term of address.
- Oyere** (pl. **oyerenom**) (Ghana): wife.
- Pasua** (Ghana): military wings; their heads remain important subordinate chiefs; for instance, there are the *Kyidombene* (head of rear guard), the *Nifahene* (head of right wing), the *Osafobene* (head of groups of men, assistants to war leaders), the *Osabene* (war leader) and the *Kontihene* (part or the rear guard at war; regent).
- RDP** (South Africa): Reconstruction and Development Programme. A central program of the first ANC government led by former president Nelson Mandela, 1994–1999.
- Regional council** (South Africa): a region consisting of towns and traditional authorities along regional lines within a province.
- Regional authority** (South Africa): a body consisting of traditional authorities within a regional council.
- Shabeen** (South Africa and Botswana): Traditional/semi-private place for drinking.
- Shikati** (Botswana): paramount chief in Seyeyi.

**Sika Dwa Kofi** (Ghana): “Golden Stool born on Friday,” stool of the Asantehene. While chiefs from southern Ghana occupy stools, chiefs from the North (Dagomba, Gonja, Mamprusi, Nanumba) use skins; thus, they are “enskinned.”

**Traditional authorities** (Ghana): Term often used interchangeably with “chief” to denote political leaders whose legitimacy (and hence authority) is derived from offices established in the pre-colonial era.

**Traditional authorities** (South Africa): Refers to areas controlled by traditional leaders. This is preferred over the phrase “tribal authorities.”

**Traditional leaders** (South Africa): a term used for *amakhosi* (chiefs). In South Africa, some regard this as a debatable term since some of the leaders were appointed during the colonial era. This is the term used for South Africa’s National House of Traditional Leaders and the six Provincial Houses of Traditional Leaders.

**Traditional courts** (South Africa): In the case of KwaZulu-Natal, this refers to formal buildings, although historically cattle enclosures or trees were used as spaces for traditional gatherings or trying cases. Recently, there has been a move to turn these courts into administrative centres, rather than mere tribal courts. The change is due to the fact that they are used for more than just trying court cases or traditional gatherings. There is a move away from using the term “tribal courts.”

**Ubukhosi** (South Africa): chieftainship or the institution of traditional leadership.

**Unicity/Metro** (South Africa): a metropolitan municipality involving more than one town in South Africa. Usually, it incorporates the main city, small adjacent towns, and rural communities under traditional leaders.

**Ukusisa** (Botswana): the act of giving tribute, such as cattle, usually from chief to follower as gifts and part of redistribution or for favours undertaken.





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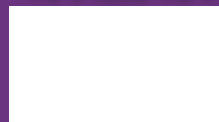
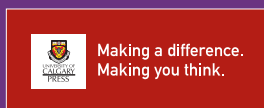
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