

RE-INVENTING AFRICAN CHIEFTAINCY IN THE AGE OF AIDS, GENDER AND DEVELOPMENT

VOLUME I - OVERVIEW



Members of the Manya Krobo Queen Mothers Association, Ghana. (Photo D.I. Ray)

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Navigating Guide: How to Most Effectively Read the Newly 2500 Pages of this Report

A report that is nearly 2000 pages long presents a major challenge to the reader: how to most effectively ‘navigate’ the report in order to get what the reader most wants from the report?

We would recommend the following strategy for the reader: start with Chapter 1 in Volume 1 which outlines what the project’s major objectives were, and in response to those, quick summaries of what we found. What we found is divided up into three categories: major findings, conclusions and policy recommendations. These are presented for each report author, country by country for Ghana, South Africa and Botswana. These are briefest summaries.

Chapter 2 presented a more detailed set of summaries. Chapters 3, 4 and 5 present the extended and full set of summaries for Ghana, South Africa and Botswana respectively. Chapter 6 deals briefly with one perspective on certain lessons on North-South-South-South research collaboration for development that emerged out of our IDRC-funded project.

Volume 2 contains the Ghana reports.

Volume 3 contains the South Africa reports.

Volume 4 contains the Botswana reports.

Given the information above as well as the Table of Contents, the reader can get a quick overview from Chapter 1 and then follow-up particular interests, such as gender or HIV/AIDS or the nature of traditional leadership through the other chapters and volumes as she/he wishes.

We hope this ‘navigation guide’ will be useful for you.

Executive Summary

Traditional leaders are re-inventing themselves and their offices in terms of how they promote development for their communities. The IDRC-funded research found that in Botswana, Ghana and South Africa, traditional leaders remain, for a variety of reasons, important to the design and implementation of development regardless of whether or not traditional leaders have statutory jurisdiction granted by the post-colonial state. Traditional leaders 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. The political legitimacy of traditional leaders is “differently-rooted” than that of the post-colonial state. The creation of the Botswana House of Chiefs 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. That 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)

Especially 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 organisations outside the control/boundaries of the state. The South African Team called this the “privatization of politics” for traditional authority. In the case of Botswana, the state is the major development partner of traditional leaders: hence the use of the term “administrative chiefs”.

A major finding of the project was the discovery of a three-stage best practice model for measuring the depth and effectiveness of involvement of traditional leaders in promoting development, including fighting HIV/AIDS from the social vaccine perspective: (1) gate-opening, (2) social marketing/public education, (3) community-capacity building. The ‘best practice’ model actually questions the orthodox conception of traditional leaders as ‘gatekeepers’. Use of the model is one pillar/foundation for designing development interventions in areas where there are traditional leaders.

In South Africa and Botswana there is a gradual progression to formally appointing and allowing women chiefs/ traditional leaders. Traditional leaders are keen to understand and utilise state law to enable them to be development agents. As our studies indicate traditional leaders are continuously redefining and reinventing themselves as development agents and gate-openers.

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GLOSSARY

Abakosem: 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: speaking in proverbs in Akan

Aboakyer: Deer catching festival of the Effutu of Winneba

Abusua: Akan “matriclan” or “family lineage” whose ancestry is traced back to an original female ancestress by oral history.

Abusuapanin: head of “matriclan”

Acephalous societies: 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 which 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: monthly festival in commemoration of royal ancestors among the Akan

Adee: thing in Akan

Adeshye kasa: “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: festival; each region of Ghana celebrates yearly, sometimes monthly festivals throughout the year

Ahemfie: palace

Akoa (pl. nkoa): social category of “subjects”, into which past “slaves” were assimilated to the rest of the township

Akuraa (pl. nkuraa): village

Akwambo: Path clearing festival of the Fante, Gomua and Agona

Akwankwaa (pl. nkwankwa): commoners, “young men” generally grouped in associations

Amakhosi: plural of inkosi in South Africa

Amanssem: matters of the state

ANC: African National Congress

Anansesem: lit. “stories about Ananse, the Spider”; tale

Apoo: festival of the Brong people of Wenchi, Nkoranza and Tachiman

Asantehemmaa, Wenchiemmaa - “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 (18th / 19th centuries)

Asem (pl. nsem): matter

Atetefo: 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: songs performed during the Kundum festival

Aware or Awadee: marriage

Awaregya: divorce

Bafaladi: aliens or refugees in Botswana

Barima: Akan man

Basarwa: Botswana term for the [San? Former Bushmen]

Batlhanka: commoners in Botswana

Bogosi: Chieftainship institution in Botswana

Botlhanka: servitude in Botswana

Chibuku: A locally brewed strong beer in Botswana

CONTRALESA: Congress of Traditional Leaders of South Africa

Damba: festival observed among the Dagomba, Mamprusi, Gonja, Nanumba and Wala of the Upper Regions

Dikgosi: chiefs in Botswana, plural of Kgosi

Dikgosana: Sub-chiefs (plural) in Botswana

Dwa (pl. nnwa): stool

Dwantoa: dispute settlement (mediatory) by Queenmother; “pleading”

Efiesem: matters of the house

Homowo: Ga festival (“Hooting at hunger”)

Induna: 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 has never been chiefs. In a normal traditional structure the chief has izinduna 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: Inkatha Freedom Party

Inkosi: 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: plural for induna, a traditional leader of a ward and part of the inkosi’s councillors in South Africa

Imizi: 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: Chief of Botswana

Kgosigadi: Female Chief of Botswana

Kgotla: Traditional village assembly presided over by a chief

Kgosana: Sub-chief of Botswana

Kgosi Kgolo: Paramount Chief of Botswana

Kumasehene, Ejisuhene, etc... “traditional ruler” of Kumase, of Ejisu, etc...

Kundum: Nzema-Ahanta festival

Kuro (pl. akuro, Nkuro): town

Ntlo ya DiKgosi: House of Chiefs in Botswana

Mafisa: 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: Stay cattle in Botswana

Merafe: Nations (plural) in Botswana

Meratshwana: minority nations (derogatory) in Botswana

Mfecane: Zulu wars of expansion

Mmomomme: war songs with pantomime, performed by women when their men were at war

Morafe: Nation in Botswana

Na: 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: title, respectful word of address to a chief, to a queenmother or to an elder in general.

Nananom: “royal” ancestors remembered as the founders of the chiefdoms; also, assembly of chiefs, of elders.

Nhyiamu: traditional council which works hand in hand with the traditional ruler(s).

Nkwankwaahene: head of the “young men”

Nnanso: settlement, place in the forest

Nwonkoro: songs of praise

Obaa (pl. mma): Akan woman

Oberempon (pl. aberempon): “big men”, in charge of affairs around the 15th cent. (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): 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): head of a town, lit. “the owner of the town”

Odwira: annual festival in Akwapem, Akim, Akwamu

Ohemmaa (pl. ahemmaa): 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 chiefs “female counterpart”.

Ohene (pl. ahene): “chief” or “traditional ruler” or “stool-holder”

Ohene dwa, or adehye dwa (pl. nnwa): “Royal Stool”, thus chiefs and queenmothers are “enstooled”, “destooled” amongst the Akan, the Ewes and the Ga-Adangmes.

Okomfoo (pl. akomfoo) traditional healer, priest

(O)kuno (pl. (o)kunonom): husband

Okyeame (pl. akyeame): chief’s spokesman, speech intermediary

Oman (pl. aman): “traditional area” or “state”; a first map of aman was drawn as early as 1629 by the Dutch Hans Prophet.

Omanhene (pl. amanhene): “head of an oman or state”

Onipa (pl. nnipa): human being

Opanin (pl. mpanimfoo): family elder, senior

Osomfo (pl. asomafo): “functionaries” within the palace who were grouped inside “service groups” or afekuo with leaders such as :

Akyemehene (head of spokesmen)

Ankonwasoafohene (head of stool-carriers)

Akyinyikyimfohene (head of umbrella carriers)

= examples of hereditary leaders of the palace service groups

Owura, wura (pl. awuranom): lord and master; sometimes term of address

Oyere (pl. oyerenom): wife

Pasua – military wings; their heads remain important sub-chiefs, for instance:

Kyidomhene – “head of rear guard”

Nifahene – “head of right wing”

Osafohene - “head of groups of men”, assistants to war leaders

Osahehene – war leader

Kontihene – part of the rear guard at war; regent.

RDP: Reconstruction and Development Programme. A central programme of the first ANC government led by former president Nelson Mandela, 1994-1999.

Regional council: a region consisting of towns and traditional authorities along regional lines within a province

Regional authority: a body consisting of traditional authorities within a regional council.

Shabeen: Traditional/semi-private place for drinking

Shikati: Paramount Chief in Seyeyi

Sika Dwa Kofi: “Golden Stool born on Friday”, stool of the Asantehene. Whilst chiefs from southern Ghana occupy stools, chiefs from the North (Dagomba, Gonja, Mamprusi, Nanumba) use “skins”, thus they are “enskinned”.

Traditional authorities: Refers to areas controlled by traditional leaders. This is preferred than the phrase “tribal authorities”

Traditional leaders: 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 House of Traditional Leaders.

Traditional courts: In the case of KwaZulu-Natal this refers to formal buildings although historically cattle enclosures or trees were used as spaces for traditional gathering or trying cases. Recently there has been a move to turn these courts into administrative centres rather than merely tribal courts. The change is due to the fact that they are used for more than just trying court cases or traditional gathering. They are used to being referred to as tribal courts although there is a move away from that terminology.

Ubukhosi: chieftainship or the institution of traditional leadership

Unicity/Metro: 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: 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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The opinions expressed in this report are the opinions of the authors; IDRC bears no responsibility for them.

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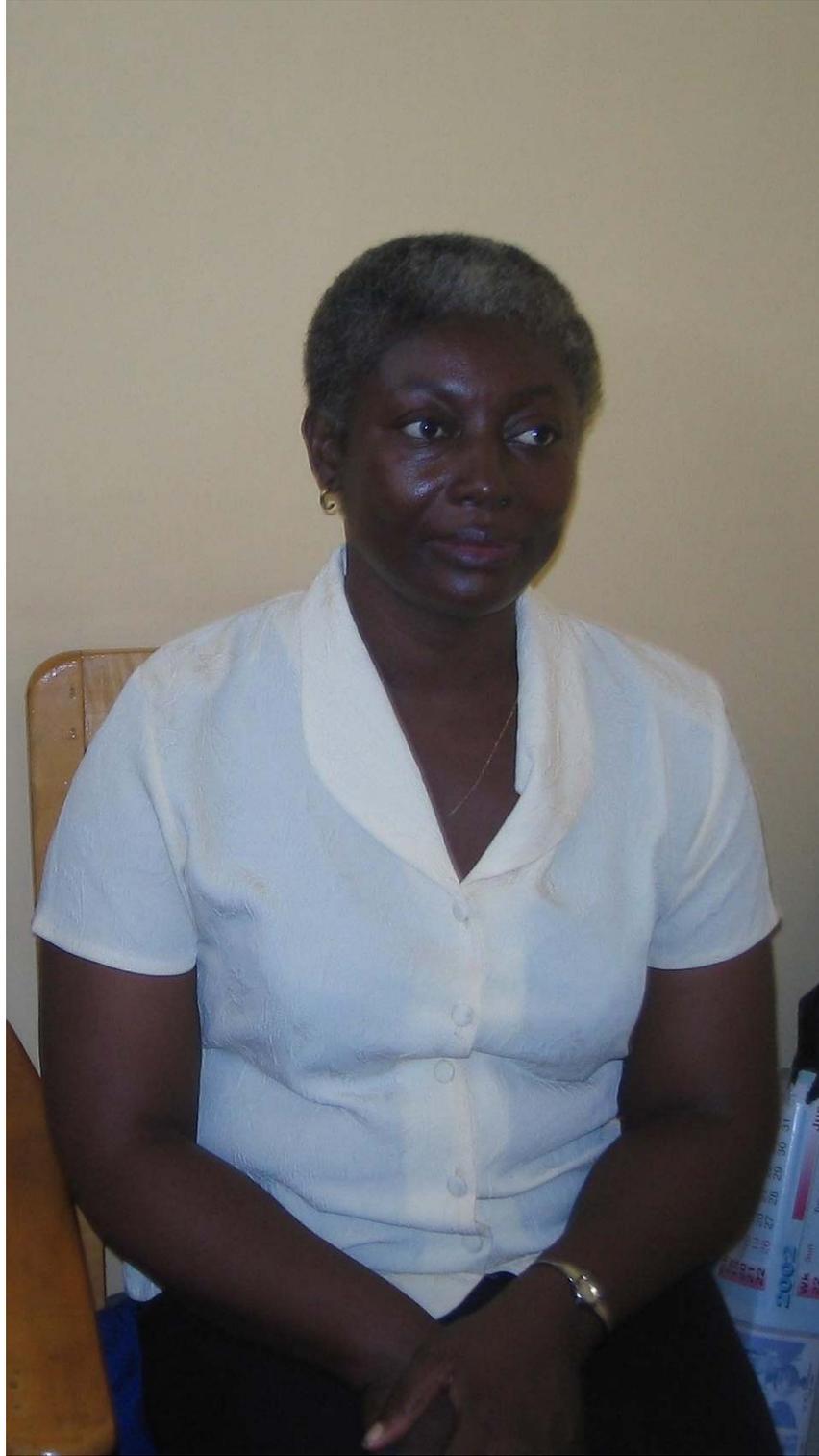
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Chapter 1 – Overview of Project Objectives, Major Findings, Conclusions and Policy Recommendations (D.I. Ray, T. Quinlan, K. Sharma and T.A.O. Clarke)

PART I. Project Objectives

The first general objective of this IDRC-funded project was to analyse the role and contribution of traditional leaders to such selected social development policies as health, education, land tenure and social safety nets in the three African countries of Ghana, Botswana and South Africa. With regard to Ghana, this objective was addressed in their studies by Donkoh, Owusu-Sarpong, Nyendu, Larbi, Kasanga, Ankra, Eizlini, Brown, Kreitzer and Dalrymple. With regard to Botswana, this objective was addressed by Sharma, Molomo and Lekorwe. With regard to South Africa, this objective was addressed in the studies by Quinlan, Mkhize, Vawda, Sithole, Thornton, Kgotleng, Nkuna, Ralushai, Lefenya, Southall, Ntsebeza, Scheepers, and De Sas Kropiwnicki.

As all four volumes deal with this objective in a myriad of ways, the only way to gain a complete understanding would be to read nearly all 2,500 pages organised into four volumes. Fortunately the major findings, conclusions and policy recommendations are highlighted in the second part of this chapter. Overall, the studies found considerable evidence that many traditional leaders are very involved in promoting development in Ghana, and to lesser 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 recognised by “their people” as being, potentially local leaders who could speak on behalf of their grassroots communities development wishes: in short 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 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.” Overall, one way or another, our studies clearly show that the post-colonial states of Botswana, Ghana and even South Africa cannot ignore their traditional authorities with the traditional authorities’ potential and actual contributions to development without sacrificing some development capacity and/or some of the political culture of many of the state’s citizens.

The second general objective was to recommend ways for enhancing the involvement of the traditional leaders into different levels of the state in the governance of social policy decisions and implementation processes as a way to promote responsiveness, effectiveness and equity in public policies. While nearly all of the studies addressed this objective to some degree, the following studies developed more focus to this objective: (a) Ghana – Ray, Ankra, Owusu-Sarpong and Nyendu; (b) Botswana – Sharma, Molomo and Lekorwe; (c) South Africa- Vawda, Mkhize, Sithole, Quinlan, Kgotleng, Ntsebeza, Southall and De Sas Kropiwnicki. 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 House of Chiefs/Traditional Leaders (see the studies of Sharma, Ankra and Ray) as one of these strategies which is designed to define the terms and institutional processes for incorporating traditional authorities into the governance process for social policy decisions and implementation processes in order to channel the political legitimacy, and influence and authority of the chiefs into an auxiliary, subordinate position that would encourage the traditional leaders into believing that the post-colonial state was responding to the wishes of the chiefs’ communities, in as much 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, land as well as a social safety net of last resort, conflict management and economic development. Chiefs use the National and Regional Houses of Chiefs as well as the Traditional Councils of the local paramount chief and the media and durbaRs (joint meetings of the local traditional leaders and representative of the post-colonial states) in order to publically state their communities’ needs and to so 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 marginalised.

In this sense, traditional leaders can act as a check or balance to those who control the post-colonial state on behalf of constituencies of the grassroots who often seem to be overlooked by such ruling coalitions. The problem is in part rooted in the problems that even multi-party electoral democracies have in being responsive to the ordinary voter in between elections. This on-going 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 balance 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 recognise 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 or in a number of the studies and elsewhere that reveal a desire for a political culture of blended governance with clean ideas, 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 (Sharma, Lekorwe and Molomo). In Ghana, chiefs are forbidden to run for Parliament or to be leading members of political parties, they cannot be removed from office by the President or Parliament (only by traditional impeachment or other mechanisms), they do continue to control or influence much of the customary land tenure (a point debated between Larbi, Kasanga and Dalrymple), they are appointed to many oversight committees of the security, health and education institutions (Ray) but only in the most limited numbers to legislative local government structures (Nyendu). In South Africa, chiefs are free to run for, or be appointed to, Parliament, but the terms under which they can participate, on the bases of being chiefs as executives or legislative members of local government structures have been greatly reduced and remain very much debated (Mkhize, Vawda, Sithole, De Sas Kropiwnicki and Southall, Thornton, Kgotleng, Ralushai, Lefenya, Ntsebeza, Scheepers, and Quinlan. Cecil Manona was unable to finish his report on this before he was struck down by illness.)

The project has six specific research objectives. Each is identified with corresponding studies that address them. The reader is referred to the appropriate studies and their summaries.

Specific Objective 1- Identifying and analysing the traditional values that affect social policy processes. For Ghana, see Owusu-Sarpong, Donkoh, and Ray; for South Africa, see Thornton, Kgotleng, Mkhize, Vawda and Sithole, Ralushai; for Botswana, see Sharma, Lekorwe, Molomo, especially those involving:

- (a) **health.** For Ghana, see Donkoh, Owusu-Sarpong, Ray, Brown; for Botswana, see Sharma, for South Africa, see Kgotleng, Thornton, Quinlan
- (b) **education.** For Ghana, see Owusu-Sarpong, Donkoh, Ray; for South Africa, see Kgotleng, Quinlan; for Botswana, see Sharma
- (c) **land tenure.** For Botswana, see Sharma, Molomo, Lekorwe; for South Africa, see Mkhize, Vawda and Sithole, Thornton, Ntsebeza, Kgotleng, Nkuna, De Sas Kropiwnicki and Southall, Lefenya, Scheepers, Ralushai
- (d) **gender.** For Ghana, see Owusu-Sarpong, Donkoh, Ray, Brown, Dalrymple; for Botswana, see Lekorwe, Sharma; for South Africa, see Quinlan, Mkhize, Vawda and Sithole
- (e) **conflict resolution.** For Ghana, see Ray, Owusu-Sarpong, Donkoh, Nyendu, Ankra; for Botswana, see Molomo, Sharma, Lekorwe; for South Africa, see Mkhize, Vawda, Sithole, Thornton, Kgotleng, Ralushai, Quinlan
- (f) **allocation and pooling of resources.** For Ghana, see Donkoh, Owusu-Sarpong, Ray, Brown, Nyendu, Dalrymple, Larbi, Kasanga; for Botswana, see Sharma, Molomo, Lekorwe; for South Africa, see Mkhize, Vawda, Sithole, Thornton,

Kgotleng, Ralushai, Ntsebeza, De Sas Kropiwnicki, Southall, Lefenya, Scheepers and Quinlan

- (g) **access to services.** For Ghana, see Owusu-Sarpong, Donkoh, Ray, Brown, Nyendu, Larbi, Kasanga, Dalrymple, Ankra; for South Africa, see Mkhize, Vawda, Sithole, Ralushai, Kgotleng, Lefenya, Scheepers, Nkuna, Ntsebeza, De Sas Kropiwnicki, Southall; for Botswana, see Sharma, Molomo, Lekorwe

Specific Objective 2 – Identify the autonomous traditional authority structures inside and outside the state structure in order to examine what role they play in the social policy process put into place by the state. For Ghana, see Owusu-Sarpong, Donkoh, Ray, Nyendu, Ankra, Brown; for South Africa, see Thornton, Kgotleng, Mkhize, Vawda, Sithole, De Sas Kropiwnicki, Southall, Ralushai, Quinlan, Ntsebeza, Lefenya, Scheepers; for Botswana, see Sharma, Molomo, Lekorwe

Specific Objective 3 – Identifying ways in which traditional values, traditional structures and community participation can be incorporated into social policy processes put into place by the state in order to enhance the responsiveness, effectiveness and equity of selected social policies. For Ghana, see Owusu-Sarpong, Donkoh, Ray, Nyendu, Ankra, Brown, Kasanga, Dalrymple, Larbi; for Botswana, see Sharma, Molomo, Lekorwe; for South Africa, see Thornton, Kgotleng, Mkhize, Vawda, Sithole, Kgotleng, De Sas Kropiwnicki, Southall, Ralushai, Quinlan

Specific Objective 4 – Conducting a comparative analysis among the selected countries of Ghana, Botswana and South Africa in order to identify the nature and the effect of the diverse contributions of traditional values and authority structures in social policy processes. The comparative analysis has taken place in several formats. First, when the representatives of the three country teams and the project's coordinator met at the project's initial seminar in Durban, each team was forced to begin to confront its assumptions as they were challenged by the members of the other teams. This process continued at each of the subsequent seminars as we sought to understand the major findings, conclusions and policy recommendations that emerged from our country research into an overall comparative analysis. The second process of comparative analysis took place within each team as team members compared their results with others in the team and the team strove to see what commonalities, differences and consensus might be possible. Thirdly some individual studies such as Ray and Eizlini and Quinlan contained comparative analysis. Fourthly, this chapter by Ray, Quinlan, Sharma and Clarke contains comparative analysis materials, especially in the section "Some Highlights on Traditional Leaders/ Traditional Authority/ Chiefs and Development." Finally, the comparative analysis can be seen in its early stages in the introductory chapter by Ray in the 2003 book, *Grassroots Governance*, and will be further developed in the book that will grow out of this report: the book manuscript is tentatively entitled "Re-inventing African Chieftaincy in the Age of AIDS, Gender and Development".

Specific Objective 5 – Developing research capacity and collaboration both within and between each of the three South partners and the one North partner.

This is discussed at greater length in Ray's "Research Collaboration and Its Impact in Ghana, Botswana, South Africa and Canada" chapter. A number of points are worth noting here. A functioning South-South-South-North genuine research collaboration was established by the project, one which continues to attract new participants from around the globe and thus expand the scope of the research collaboration. The research capacities of all participating countries expanded as the project, funded by IDRC, provided the resources and the opportunities to carry out the research, developing new research and communication skills. Under IDRC's guidance, the three research teams of the South came to benefit from electronic connectivity that transformed the research collaboration. A significant number of graduate students in the South and the North were able to develop their research skills and carry out significant research, thereby all considerably improved their career opportunities. The project contributed to gender equity in terms of skills development, research capacity, publishing opportunities and career advancement for female researchers, both faculty and graduate students, who were part of the IDRC-funded project. IDRC funding of our project made all these gains possible.

Specific Objective 6 – Making policy recommendations and disseminating the results of the project.

The major findings, conclusions and policy recommendations of each of the project's reports are listed country by country in another section of this chapter. Some highlights are listed in the "Some Highlights on Traditional Leaders/ Traditional Authority/ Chiefs and Development" section but the reader is urged to read the fuller versions found in the major findings, conclusions and policy recommendations section described above as the shorter section is by necessity incomplete. The reader is also urged to read Tim Quinlan's synthesis of the South African research. This South-developed synthesis serves as a model of research presentation for us all.

In terms of disseminating the results of the project, we adopted a number of strategies that were built into the design of the project. Using the internet connectivity, a number of articles about the project were published to Canadian and global audiences. These included, inter alia, in reverse chronological order:

- (1) "Learning Lessons from Traditional Leaders in Ghana", IDRC Reports, 2005-06-06, <http://web.idrc.ca>
- (2) "AIDS in Africa: Social Vaccine holds promise for AIDS crisis", On Campus, November 26, 2004, www.ucalgary.ca/oncampus
- (3) "U of C researcher taking grassroots approach to fighting HIV/AIDS", On Campus, November 2003
- (4) "Enhancing the Role of Traditional Leaders in African Governance", IDRC Reports, 2001-03-02
- (5) "Grants further research, internationalization efforts", University of Calgary Gazette, April 5, 1999

These were part of using the media to disseminate our policy ideas and findings to the policy practitioners in government, NGOs and traditional authority, other researchers, civil society organisations and the public both in the South and the North.

Books, book chapters, journals, journal articles, conference papers and reports are important components in our project's dissemination strategy to the policy communities, traditional authorities, civil society and the public. Our IDRC-funded project provided a major impetus to the 2003 book, edited by D.I. Ray and P.S. Reddy, entitled Grassroots Governance? Chiefs in Africa and the Afro-Caribbean (University of Calgary Press). Seven of the eleven chapters were among the first fruits of our IDRC-funded project (i.e. those by Ray, Owusu-Sarpong, Ray, Thornton, Quinlan, Ntsebeza and Sharma). A second book will emerge out of this report, as was designed in the original project dissemination strategy, and is tentatively entitled "Reinventing African Chieftaincy in the Age of AIDS, Gender and Development." Furthermore, after the book manuscript of Grassroots Governance had been accepted by the University of Calgary Press following internal and external refereeing, the Press asked Don Ray, the IDRC-funded project leader to create a new book series for the Press. The "Africa: Missing Voices" series is designed to publish books by South and North Africanist authors on African topics in order to help overcome the way in which the voices of Africa have gone missing. Another part of the project's dissemination strategy has been to establish the e-journal, Chieftain: Journal of Traditional Governance as well as creating publishing and hence career opportunities for those in the South and their North collaborators by using IDRC's electronic connectivity strategy. Other strategies for publishing the project's results include papers presented to conferences in Africa, North American and Europe, articles published in policy journals, chapters published in other books as well as the report itself.

Presentations have been made to policy practitioners in Ghana, Botswana, and South Africa as well as to the members of the Canadian International Development Agency (CIDA), Canada's Department of Foreign Affairs, the Association of Colleges and the Universities of Canada (AUCC), IDRC, the US Social Sciences Research Council, non-governmental organisations in Canada (including Rotary), and Ghana, the Canadian Association of African Studies, the U.S. African Studies Association, the University of Calgary, the University of KwaZulu-Natal (Durban, South Africa), the Kwame Nkrumah University of Science and Technology (Kumasi, Ghana), the University of Ghana (Accra) and Ghana's National house of Chiefs, the Ghana AIDS Commission, inter alia. We have briefed, inter alia, H.E. President John Kufuor of Ghana, the Ghanaian Minister of Education, the Ghanaian Minister of Health and the Ghanaian Minister of Local Government, the Asantehene (Otumfuo Osei Tutu, King of Asante, Ghana), the Okyenhene (Osagyefuo Amoatia Ofori Panin, King of Akyem Abuakwa, Ghana), Nene Seketie, the Konor of Manya Krobo (King of Mayna Krobo, Ghana), the 371 members of the Manya Krobo Queenmothers Association, two Presidents of Ghana's National House of Chiefs, three Presidents of Botswana's House of Chiefs (including Kgosi Mosadi Sebetto, Paramount Chief, Bamalete Tribal Administration – she is also the first woman to be a paramount chief in Botswana as well

as the first female President of the House of Chiefs Kgosi Tawana and Kgosi Seepapitso II, Paramount Chief, Kanye, Inkosi Pathekile Holomisa, President of the Congress of Traditional Leaders of South Africa (CONTRALESA), Paramount Chief and Member of Parliament of South Africa as well as other eminent traditional leaders in Botswana, South Africa and Ghana. Additionally, in 2001, the Ghana team organised a conference with representatives of Ghana's male and female traditional leadership to discuss and debate "the chief as an agent of development".

Other opportunities to disseminate the project's results have come in unexpected ways. The first Ghana team leader (Professor Albert Owusu-Sarpong) was made Ghana's Ambassador to France, thereby creating the potential for him to discuss our findings with the most senior levels of the Ghana government. The project leader (Professor Don Ray) was requested to head up the traditional leadership component of the local government reconstruction of an African country that cannot be named.

Another case illustrated the way in which the dissemination of our project's results has resulted in new South-North partnerships. In 2003 Professor D.I. Ray gave a talk on the efforts of the Manya Krobo Queenmothers Association (MKQMA) to fight HIV/AIDS in their community. The talk was part of a panel organised by a student group at the University of Calgary, the Global AIDS Awareness Group (GAAG). The students developed ties with the queenmothers and began to raise funds for the queenmother's projects to fight HIV/AIDS. When one of the students who had travelled to Ghana and been made an honorary queenmother gave a talk to a Calgary Alberta, Canada church, the church donated ten sewing machines to the queenmothers for use in their youth employment training project. GAAG was asked to find a way to transport these from Calgary, Canada to Odumase-Krobo, Ghana. Eventually the Calgary-Olympic Rotary Club came to the rescue. After hearing presentations by Professor Don Ray and the executives of GAAG, this Rotary Club decided to donate \$1,000 to pay for the transportation of the sewing machines to Ghana: Ms. Tacita Clarke of the University of Calgary project co-ordination centre had found a company that quoted this figure rather than the \$4,000 quoted by certain companies. The final details are now being worked out to ship the machines. This network of North-South research collaboration has been made possible only because IDRC had funded the original research ties. The TAARN-MKQMA-GAAG links have resulted further in that CIDA awarding two youth employment internships to TAARN and the International Centre of the University of Calgary. One intern will work as a researcher with the Ghana AIDS Commission, with whom TAARN has a working relationship because of the IDRC-funded research project. Another intern will work with the Manya Krobo Queenmothers Association's Community AIDS Prevention project.

This is how we fulfilled the objectives of our project with IDRC. Without IDRC's funding, support and guidance, none of this would have been made possible. All of us in the project will be eternally grateful to IDRC.

PART II. Some Highlights on Traditional Leaders/Traditional Authority/Chiefs and Development

The following are some of the highlights of the project's findings.

1. Traditional leaders are re-inventing themselves and their offices in terms of how they promote development for their communities. The extent of this re-invention varies widely between and within Ghana, Botswana, and South Africa.
2. The IDRC-funded research found that in Botswana, Ghana and South Africa, traditional leaders remain, for a variety of reasons, important to the design and implementation of development regardless of whether or not traditional leaders have statutory jurisdiction 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.

Here, we refer to the fact that traditional leaders are 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 obeying local protocols in order to work without hindrance in an area. Traditional leaders seek to be active collaborators in development interventions.

3. 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 or are or have been active in addressing their development needs under certain conditions.
4. Thus there is evidence of growing expectations in many communities that the traditional leader should act as or become an agency of development.
5. 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.

Here the point is that their constituencies – residents in an 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 and do not necessarily regard the state as the only agency that should manage development; indeed, the constituencies expect traditional leaders to also play this role.

6. 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 mobilise 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 Botswana House of Chiefs is also seen as recognition by the post-colonial state of the continuing, if re-defined, legitimacy of the traditional leaders.
7. 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.

Here too, that 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, may be, also as intermediaries between the distant “state” and the people)

8. Especially 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 organisations outside the control/boundaries of the state. Examples of such organisations can be drawn from civil society both locally and internationally, or foreign governments or local businesses or multinational corporations. The South African Team argued that given the current global climate of neo-liberalism, there were new neo-liberal ideologically-sanctioned opportunities (which the post-1994/post-apartheid government have adopted in general if not in this specific case) for traditional leaders to 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 major development partner of traditional leaders: hence the use of the term “administrative chiefs”.
9. 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 getting AIDS in the first place. Traditional leaders/or chiefs (in particular queenmothers) can be an effective part of the social vaccine.

10. A major finding of the project was the discovery of a three-stage best practice model for measuring the depth and effectiveness of involvement of traditional leaders in promoting development, including fighting HIV/AIDS from the social vaccine perspective: (1) gate-opening, (2) social marketing/public education, (3) community-capacity building. This model reflects lessons from Ghana, South Africa and Botswana.
11. 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 queenmothers acted as "gate-openers" who lent their differently-rooted legitimacy for their communities to the programmes 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 legitimisation of the programme as well as the activity of persuading their community takes place. In the third or "community-capacity building" stage, traditional authorities are legitimising and promoting the HIV/AIDS programmes 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 helping to design culturally-appropriate social marketing/public education to their grassroots communities to establishing care strategies and programmes for the AIDS orphans or mobilising external resources for community needs.

The 'best practice' model actually questions the orthodox conception of traditional leaders as 'gatekeepers'. They are 'gate-openers' whose collaboration and participation in design of interventions (be it for HIV or development) is a means to achieve the second and third stages.

12. 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 developing in an area, one can use the model to see where/what happened etc 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 pillar/foundation for designing development interventions in areas where there are traditional leaders.
13. Our findings show the importance of incorporating gender in the analysis and 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 chiefs/ traditional leaders. 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 are seen as being

'regents'. In Botswana a critical boundary has been crossed, in comparison to South Africa, as women have been appointed according to custom to be a Paramount Chief and a Sub-Chief. Also, the woman Paramount Chief, Kgosi Mosadi Sebotto, was elected President of Botswana's House of Chiefs. In Ghana the significance of utilising gender as a tool of analysis is evident in the work of the Many 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 pressures of HIV/AIDS on the orphans. 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 continues to be debated.

14. 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 need for that state to provide adequate training and support personnel resources to the chiefs so that they can be more effective in administering programmes such as customary law as codified by the post-colonial state or aspects of local governance.
15. Traditional leaders are keen to understand and utilise state law to enable them to be development agents. In South Africa and Ghana codification of customary laws tends 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. Such efforts of codification are often met with resistance by traditional leaders; however when codification is implemented, traditional leaders find ways to work with them as state laws rarely capture the essence of traditional leaders. As our studies indicate traditional leaders are continuously redefining and reinventing themselves as development agents and gate-openers.
16. 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 often 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 and democracy should exist together 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 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, 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 recognise is that different African countries are in the process of choosing their own paths on this question. The study has effectively confronted the ‘traditional-modern’ dichotomy of political authority and provided insights into how authority at local level is –reconstructed and reinvented.

PART III.

MAJOR FINDINGS, CONCLUSIONS AND POLICY RECOMMENDATIONS

A. GHANA

Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Fighting HIV/AIDS and Promoting Development: Will African Traditional Leaders Actually Do This?”

Major Findings

- Using both internet and manual searches, Ray and Eizlini conduct an analysis of newspaper articles in Ghana to examine how active chiefs are in implementing development (including fighting HIV/AIDS) in their traditional areas. Research on Ghana augments these searches
- The objective of the research is to determine to what extent the Ghanaian chieftaincy as a whole involved in development, or whether the examples provided are notable and considered outstanding as a result of their rareness
- The paper argues that 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 and the articles allow chiefs to voice their concerns about their communities and provides meaningful information to the populace on the activities of their chiefs
- 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 they are actually doing so in significant numbers
- The Ghana AIDS Commission recognises traditional leaders as being a key component of Ghana’s multisectoral strategy to fighting HIV/AIDS
- Professor Sakyi Amoa, Executive Director of the Ghana AIDS Commission, stated that traditional leaders are part of Ghana’s “social vaccine” against HIV/AIDS
- Many traditional leaders in Ghana have responded to the national strategy/AIDS crisis. 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 organisations to their (chiefs’) communities. Chiefs can be active or passive 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 they the traditional leaders have.
- Numbers of traditional leaders, such as the Manya Krobo Queen Mothers, the Asantehene and the Okyenhene have created or are creating or are contributing to projects that deal with the effects of HIV/AIDS on people in their communities
- 708 newspaper articles from 1987 to 1998 showed that traditional leaders were involved in promoting development for their people

Conclusions

Education

- Chiefs recognise not only the intrinsic value of education, but also the economic value in an educated public
- Chiefs acknowledge how economic issues for poorer families can restrict the education of their children, especially their girl children
- Statements by prominent traditional leaders on the significance of education, particularly for girls gives legitimacy to development efforts as the influence of such statements on other chiefs and rural citizens, where patriarchal gender values are persistent
- The expansion of endowment funds to all Ghanaians illustrate traditional leaders commitment to national development and not simply a restricted self-interested development
- educational concerns are nation wide and there is not a concentration of a particular issue in any particular regions

Economic Development

- Economic development illustrates the shared legitimacy within Ghana as development projects rely on the involvement of the state, chiefs and contractors
- In their comments on tourism Ghana traditional leaders indicate their knowledge about the Ghana economy and the need to contribute to the economic condition of the state
- It can be argued that due to their direct involvement in agriculture, many traditional leaders have a nuanced understanding of agricultural issues
- Overall the articles illustrate that Ghanaian traditional leaders are well informed on issues of economic development and are taking steps to increase the economic welfare of their areas and the country

Traditional Leaders Fighting HIV/AIDS

- 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 (although more work needs to be done to confirm this with greater precision)
- Traditional leaders are involved in three levels of the fight against HIV/AIDS: (a)creating access/gate-keeping for service delivery, (b)social marketing, (c)building community capacity and competence to deal with the effects of HIV/AIDS on the community's people
- Traditional leaders can be effective in fighting HIV/AIDS because they have a unique source of credibility that derived from their legitimacy rooted in the pre-colonial period

Policy Recommendations

- Because of the unique, pre-colonial roots of legitimacy of traditional leaders, strategies to promote development, including fighting HIV/AIDS, should incorporate

traditional leaders where they retain their uniquely rooted legitimacy/credibility in order to further development and the fight against HIV/AIDS

Dr. Wilhelmina Donkoh. “The Developmental and HIV/AIDS-fighting Roles of Traditional Rulers: Agency of Festivals”

Major Findings

- Donkoh analyses the tradition of festivals in Ghana and the means by which traditional rulers are using these celebrations 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 organisations are able to not only provide materials, funds and donations of festivals, but as is the case of Ghana Breweries Limited – the company has made cash donations towards development projects
- though the festivals have pre-colonial religious roots, their connotations have become occasions of planning development projects as government officials were invited and attended to encourage a dialogue between local communities and central government, consequently several development projects have been completed in the area- a dam and a hospital, a health care clinic and a day care for infants are all results of the two festivals
- traditional leaders in the area, including the Paramount Chief of Nkransa and the Queenmother, acknowledged that there was a sense that there was an outbreak of HIV/AIDS in the area and that the festival was an effective agency for publicising and deploying prevention

Conclusions

- “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”
- other sectors of civil society are using festivals as a means of providing leisure opportunities and to promote their causes
- Donkoh’s observations and commentary on festivals in Ghana illustrate how traditional leaders are being innovative in their quest to provide agency to developmental projects and to educate their people on modern problems

Policy Recommendations

- “... 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.”

Dr. Donald I. Ray and Ms. Sherri A. Brown. “Building HIV/AIDS Competence in Ghana – Traditional Leadership and Shared Legitimacy in Ghana: A Grassroots Community Intervention Best Practices Model”

Major Findings

- Ray and Brown provide an analysis of the ability of traditional leaders in Africa (Ghana primarily, includes Botswana and South Africa) to build community awareness and action in the fight against HIV/AIDS
- Their focus is the building of HIV/AIDS competence, which is understood as the notion that communities can become empowered to create and implement successful AIDS programs for prevention and support
- 40 million people worldwide living with HIV/AIDS
- 5 million people newly infected with HIV in 2003
- 3 million deaths due to AIDS in 2003
- Sub-Saharan Africa has the greatest number of people living with HIV/AIDS in the world
- Ghana developed a HIV/AIDS Strategic Framework for 2001-2005 with input from the National population Council, National Development Planning Commission, the Ministry of Health, the former Ministry of Employment and Social Welfare, the private sector and NGOS
- Conceived as holistic and multisectoral/disciplinary response to the epidemic the framework focuses on five priorities which include preventing transmission, supporting those infected and affected and research
- The framework is administratively decentralised with specific responsibilities for officials at the national, regional and district levels, the District Assemblies which facilitate grassroots participation are agencies which traditional authorities can assist as they can and do serve on the councils
- The framework “recognised traditional authorities as a key sector for programme targeting and implementation ...[they are] thus expected to receive and transmit policy strategies within their communities ... [their participation is regarded as] integral to the implementation and realization of their policy strategies and objectives”
- In Ghana traditional leaders are active and growing participants in social marketing campaigns to strategically prevent the spread of HIV/AIDS and to support those affected by the disease
- The King of Akyem Abuakwa, Okyenhene Osayefuo Amotia Ofori Panin’s traditional Council launched an HIV/AIDS research centre in 2002, he even got tested publicly as a means of dispelling myths about the cause and effects of the disease

Conclusions

- 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 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
- Chiefs are calling on their colleagues to be more active
- The Manya Krobo Queenmothers Association (MKQMA), of the Manya Krobo Traditional Area is a prime example of traditional authority actively working in the community to build HIV/AIDS competency – they recognised the increase of AIDS orphans in their communities and have developed strategies for providing food, clothing and subsistence for the orphans; have educated themselves and continue to educate women traditional leaders on the disease and to how they can be active in creating positive community responses to the disease; including HIV/AIDS education in the young women’s rite of passage Dipo ceremonies; and solicited the assistance of regional, national and international organisations to facilitate further competence and acquisition of necessary resources

Policy Recommendations

- Ray and Brown argue that the community influence afforded African chiefs possess as a result of historical legitimacy and credibility inherent in the pre-colonial institution of chieftaincy means that traditional leaders can play significant roles in the development and implementation of HIV/AIDS policies and programs
- African chiefs 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”

Ms. Sherri Brown. “Building AIDS Competence in Semi-Urban and Rural Communities in Ghana – Traditional Leaders’ Roles and Involvement”

Major Findings

- Brown focuses on how Queenmothers, particularly those of the Manya Krobo Queenmothers Association (MKQMA) are actively assisting in the building of AIDS competence, which is understood as the notion that communities can become empowered to create and implement successful AIDS programs for prevention and support
- MKQMA have recognised 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

Conclusions

- In building competency Queenmothers have actively engaged in social marketing campaigns aimed at educating the public; identified harmful social and customary practices; created income schemes for affected women; provided support for those living with and affected by HIV/AIDS and; actively solicited resources from external agencies and programmes

Dr. Wilhelmina Donkoh. “Traditional Rulers as Partners in Education and Health Delivery”

Major Findings

- Donkoh notes the changing role of chiefs and the various historical backgrounds among different groups, which undoubtedly affects the manner in which chiefs functions
- Donkoh notes that the history of partnerships between traditional leaders and development agents is not a recent history- the Okyenhene (King of Akyim Abuakwa) established a State College and Scholarship in the 1920s and; the Asantehene (King of Asante) and the Asanteman Council established school and educational schemes in the 1930s
- Donkoh notes the individual contributions to development by the Asantehene
- Otumfuo Osei Tutu Ababio (Asantehene) began his commitment to socio-economic development upon his ascension to the Golden Stool in 1999
- He identified education and health as the two fundamental areas requiring development
- The Otumfuo Education Fund (OEF) was created with the support of the Asanteman, the fund was created to advance the education of peoples of the region and the country and to create initiatives for teachers and educational workers
- There has been several issues with the management of funds by the Board of Trustees, namely a lack of adequate funding by the Asante community and by those in the Diaspora
- Although it is difficult to fully assess the impact of the OEF, Donkoh notes that in 1999 it guaranteed university education for 600 Ghanaians; it continues to provide facilities for schools within and outside the Asante region; provided labs, libraries and computers for 6 rural secondary schools, equipment such as computers, photocopiers and desks were distributed to schools in the Ashanti and Brong Ahafo regions and the rehabilitation of the Ashanti Regional Library

Conclusions

- The 1992 Constitution of the Fourth republic gave chiefs statutory and non-statutory functions and it is the non-statutory functions which facilitates their development project initiatives

- Donkoh argues that “traditional rulers perceive their role today as being primarily initiators of development or catalysts of development processes”
- Donkoh argues that as their positions within society have changed with time traditional leaders have adapted and reinvented their roles, thus bring development into their area of jurisdiction and subsequently enhancing the material welfare of their people

Policy Recommendations

- Donkoh maintains that chiefs are a fundamental element in the delivery of social programs and as the fulcrum of Ghanaian culture

Dr. Wilhelmina Donkoh. “Report on the TAARN Conference on the Role of Ghanaian Rulers as Development Officers”

Major Findings

- Traditional rulers did not appreciate the term development officers, they preferred agents of development or partners in development as it related to areas of land administration and customary law practices
- Constitutionally traditional rulers are barred from active partisan politics as it interferes with their role as moral custodians of their communities
- Traditional leaders regard themselves as the primary initiators of development as they feel they are most able to mobilise their communities and to ensure the necessary peace for enabling development
- Traditional leaders regard themselves as a unifying body which is able to control conflicts between communities and groups
- They also regard their role as a service in so far as they manage communal resources such as land, water bodies and forest resources
- Although all regional houses were encouraged to send female representatives, none of the three northern regions sent a female and the Upper East region send a woman who was not a traditional leader, but who the regional house felt was a “modern opinion leader.”
- The predominately Akan regions sent female representatives, as all ten regional houses were invited to send at least one female traditional leader
- None of the three northern regions sent one and they argued that this was acceptable because they did not have queenmothers. It was pointed out that female traditional leaders do exist in the northern regions although they are not designated queenmothers
- Professor Albert Owusu-Sarpong noted that traditional rulers, in keeping with their 1992 constitutional functions appoint representatives to various government statutory bodies and as such their organisations are seen as “adjuncts to the central government, and traditional rulers as joint custodians of state”
- a major cause of chieftaincy disputes is land and a process has to be developed to streamline the acquisition of land

Conclusions

- Traditional rulers have been instrumental in providing water, health and educational facilities and are critical to promoting communal welfare over individual parochial interests
- When people wanted improvement in their lives “it had always taken the chief, the custodian of tradition, culture and custom of the people, to move them”; it was also expressed that history and design has conferred on the chief the authority to move his people into progressive actions that lead to development

Policy Recommendations

- Traditional rulers need to be empowered to enable them to play their role as agents of development
- Traditional rulers regard their primary role as being initiators of development/ catalysts for the developmental process
- They see themselves unifiers as they are able to moderate during times of conflict and initiate conflict management resolutions
- “traditional rulers perceive their role as rendering a service to their people by managing communal resources such as land, water bodies and forest resources”
- a major cause of chieftaincy disputes is land and a process has to be developed to streamline the acquisition of land
- *“the modern chief is so much engulfed in the search for better development of himself, his community and the entire nation to the extent that he now needs to know all the intricacies in the scientific management of the state”*
- chiefs are an effective link between the grassroots and central government and that as such they should be more actively involved in the entire development planning stage

Professor Christiane Owusu-Sarpong. “The Predicament of the Akan ‘Queenmother’ (Ohemmaa)”

Major Findings

- Owusu-Sarpong’s analysis of the Akan institution of Queenmothers, uses tales of Akan folklore to illustrate how the institution has evolved over time and how social constructs, particularly in the colonial era, conditioned and redefined the significance of the institution
- Owusu-Sarpong notes that pre-colonial female leadership was an important institution, however it became suppressed and endangered under the British policy of Indirect Rule – Queenmothers were active leaders in rebellions against government-sponsored or unpopular chiefs
- The Ordinance of 1902, designed by the colonial administrators, arguably viewed queenmothers as a threat and thus did not recognise their courts in the document aimed at creating structures that could adjudicate native custom

- In 1905 when the government recognised the Kumasi Council of Chiefs and restored some power to chiefs, queenmothers were not members
- The 1924 Native Jurisdiction Ordinance did not recognise Queenmothers as chiefs nor did it recognise their courts
- Even in the Ashanti Confederacy Council Ordinance of 1935 the role of the queenmother in the selection and election of a chief was downplayed and twisted to suit British Indirect Rule
- “predicament of the Akan Queenmother [can be viewed] as the embodiment of the eternally suppressed voices of women in power in Africa and in the world at large”
- Owusu-Sarpong notes that Asante gender relations is somewhat unique in an environment which although it supports male supremacy is marked by strong females who are not easily control by their husbands

Conclusions

- while the role of the queenmother has been suppressed and disregarded by male leaders who sought power under colonial rule, the significance of the queenmother was remembered and revered by community members
- the lack of attention to female leaders in the pre-colonial period may be due to a constant attempt to suppress the truth of the actual power and authority of Akan female rulers
- Herein lies the significance of the queenmother traditionally – she had the closest access to the public and therefore was able to gather the public opinions of the community

Policy Recommendations

- many continue to argue that the queenmother was an important political and judicial figure whose council was sought as she was regarded “the trusted moral authority of her community [and] the democratic guarantor of the male ruler’s demeanour”
- Despite efforts to suppress the institution, it is noted that the historical significance of the institution of queenmother cannot be ignored – in Asante Law and Constitution, the Ohemmaa of a state has her own ntam, and her own court and spokespeople – she has her own stool and thus is a bonafided traditional leader – equitable (if not equal) to that of a male leader

Professor Christiane Owusu-Sarpong. “Setting the Ghanaian Context of Rural Local Government: Traditional Authority Values” (Chapter 2 in Grassroots Governance)

Major Findings

- Christiane Owusu-Sarpong introduces us to those traditional political values about traditional governance that may well set the context in the minds of many Ghanaians

for part of their expectations towards the rural local governments of the post-colonial state.

Conclusions

- Owusu-Sarpong thus weaves cultural and governmental factors, using such concepts as divided legitimacy and sovereignty, political and legal pluralism, and her concept of “resurgent heritage,” into a fresh approach to rural local governance. She argues that if the rural local government structures of the Ghanaian post-colonial state want to reflect the true range of values of their citizens, then such structures need to recognize the reality that some of the attitudes.
- Owusu-Sarpong argues that “a profound awareness of the importance of the revival of ‘indigenous’ African values is now widespread amongst the peoples of Africa.” Africans need to embrace their “resurgent heritage” in order to free themselves from the colonial and neo-colonial structures that have been imposed on them. To ignore African values may be to fall prey to a type of false independence and economic strategies that do not really enhance human development and welfare.

Policy Recommendations

- Owusu-Sarpong thus weaves cultural and governmental factors, using such concepts as divided legitimacy and sovereignty, political and legal pluralism, and her concept of “resurgent heritage,” into a fresh approach to rural local governance. She argues that if the rural local government structures of the Ghanaian post-colonial state want to reflect the true range of values of their citizens, then such structures need to recognize the reality that some of the attitudes that their citizens bring to the practice of democracy is rooted in the pre-colonial period, and that the offices of traditional leaders are the survivors from that period, even if they are much changed.
- For such true development to occur, African countries such as Ghana need to respect the “legal and political pluralism” that marks the co-existence of traditional authority and the rural local government structures of the post-colonial state. Chiefs in Ghana are influential with their subjects in terms of their abilities to mobilize their people for development, to articulate their sense of public morality, and to influence and shape public opinion. Traditional leaders are thus needed by the state to be involved in rural local government.

Mr. Morgan Nyendu. “Traditional Authorities And The District Assemblies’ System: A Case Study of The South Tongu District Assembly (STDA) Since 1988”

Major Findings

- This chapter seeks to examine the degree of participation of traditional leaders in the South Tongu District Assembly, in view of the provision in the 1992 Constitution which requires a role for them in the current decentralization policy.

- An examination of the membership of the South Tongu District Assembly since the commencement of the current decentralization policy shows that not only were traditional leaders not consulted in the appointment of the Government Appointees 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 impact on the work of the District Assembly.
- prominent traditional leaders in the South Tongu District are rarely made part of the Government Appointees, the reason being that they could turn against the government at any time especially when they refuse to be used to rubberstamp government positions.

Barima* Kusi Ankra. “National House of Chiefs” (* - denotes traditional authority title)

Major Findings

- Provisions for the creation of a National House of Chiefs were initiated by the 1960 Constitution of the Republic of Ghana, Article 49 and despite changes in administration in the country, the Constitution continues to guarantee the institution of chieftaincy, including customary laws and councils as important tools of governance
- Chieftaincy disputes are over chieftaincy matters affecting parties from two regions, disputes are heard by the Judicial Committees, however decisions can be appealed to the Supreme Court – note that land disputes do not fall within the jurisdiction of the National House of Chiefs
- In dealing with crisis management, the House utilises four strategies: refer to local paramount chief; investigate to find source of conflict; appeal to parties involved to settle civil or ethnic disturbances – often by mobilising local and national support (e.g. in the case of natural disasters) and appeal to the National Government
- As a result of the 31st December Revolution [Rawlings, 1982 – 1993] there is a lack of cooperation and respect between the National House and the Queenmothers, thus Queenmothers are not members of the National House
- The relationship between the National House of Chiefs and the National Government is somewhat tenuous due to the history between the two institutions, efforts by various governments to control the House and the obvious tensions created by the House been financially dependent on the national government gives rise to accusations of doing what the national government wants
- However, it must be noted that the House is able to act as a consultant for various government departments and the chiefs do voice approval or disapproval for the economic strategies of the state, also the House is capable of being a neutral force that can assist in disturbances against the state by citizens

Dr. Donald I. Ray. “Ghana: Traditional Leadership and Rural Local Governance”
(Chapter 4 in Grassroots Governance)

Major Findings

- Donald I. Ray uses the concepts of the pre-colonial, colonial, and post-colonial states, divided sovereignty, and divided legitimacy to argue that traditional leaders have long been recognized by the colonial and post-colonial states as being important to the processes of rural local government in what is now Ghana.
- While the actual powers granted to chiefs for the exercise of local government by the colonial state and the post-colonial state have varied considerably, chiefs continue to be seen by the state as being junior partners, but partners nevertheless. This may well be because chiefs draw upon different roots of legitimacy, such as pre-colonial religion and history to which the post-colonial state does not have direct access.
- The Houses of Chiefs system contributes to rural local governance in Ghana.

Policy Recommendations

- Traditional leaders have their own sources of legitimacy/credibility that could be added to that of the post-colonial states in order to promote development and rural local governance. Where applicable, African states need to explore this development strategy option.

Mr. Brian Keating. “Wechiau Hippo Sanctuary: A Partnership Success”

Major Findings

- The Wechiau Hippo Sanctuary is the first of its kind in Ghana and is regarded as a guide of community conservation initiatives in the country
- The sanctuary was established in 1999 as a means of conserving the unprotected hippos in the Northern, Upper West 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 22 villages in the vicinity of the sanctuary are involved in the initiative
- Recognising that the hippos were threatened by conflicts with local fishermen and farmers and at risk of being hunted or losing their habitat a government reserve was proposed to key community leaders and landlords
- Most leaders and landlords, including the Chiefs and the earthpriests opposed the initial proposal as they feared the loss of land

- In 1997 the topic of a reserve was once again initiated by the government, but this time dialogue was on how the communities could actively support the conservation of the hippo population and also benefit from ecotourism
- The chiefs and community leaders, upon recognising that land ownership would not be changed, gave their support to the idea
- In 1999 the Wechiau community and their chiefs, using communal labour and funds, renovated an old local government building into a temporary visitor's centre and later that year a Tourism Development Committee (TDC) was established which consisted of members of all peoples in the area (including landless peoples)
- In 1999 a formal link to the Calgary Zoological Society was established when the Zoo's Conservation Fund provided funds for a reconnaissance survey of the sanctuary area
- In 1999 the TDC was made into the Sanctuary Management Board (SMB), which is responsible for the management of the sanctuary, the management board, along with traditional leaders established the rules and regulations for human use of the sanctuary
- The SMB has conducted educational activities to educate community members on the regulations of the sanctuary and of harmful practices (e.g. fires, livestock grazing etc.) which harm the hippos
- The sanctuary management is engaging community members in developing value-added processes such as the production of shea nut to increase household incomes and alleviate poverty
- The sanctuary has also been a source of employment for farmers and fishermen who now act as rangers and guides in the sanctuary

Policy Recommendations

- Traditional leaders were key to this community-based environmental development project. Their success in this case needs further investigation in order to understand what worked locally and also in terms of their role in mobilising international funding from the Calgary Zoo.

Ms. Kimberley Schoon. "From Calgary to Krobo and Back Again: Becoming Manye Pi Yo Gu, the Honorary Queen Mother or How IDRC Research Funding Encourages Grassroots Links between Calgary, Canada and Odumase-Krobo Ghana. (A Note)"

Major Findings

- In May 2003 Ms. Schoon travelled to Ghana to conduct research on the Manya Krobo Queen Mothers Association (MKQMA), an organisation she had learned of from lectures and discussions with Dr. Don I. Ray and through her membership in Global AIDS Awareness Group (GAAG) at the University of Calgary. Dr. Ray's research funding from IDRC played a key role in making this possible.

- The purpose of her travel was to conduct an undergraduate project and to facilitate a partnership between the MKQMA and GAAG
- Schoon's inquiry was intended to examine female traditional leaders understanding of HIV/AIDS as a social issue, whether gender played a role in the social context of HIV/AIDS and also to evaluate the success of the MQKMA's activities
- Acting on GAAG's behalf Schoon purchased crafts that GAAG would market and sell in Calgary and elsewhere and agreed to research GAAG's potential ability to assist in providing aid for AIDS orphans in the Manya Krobo area
- For her work in assisting development, Ms. Schoon was installed as an honorary queen mother and was presented with beads and cloth (specifically that which is worn by the queen mothers while on AIDS duty). She was given the title 'Pi Yo Gu' which translates to 'special woman' or 'ideal woman'
- Upon her return to Calgary in July 2003 Ms. Schoon began to fulfil her promises to the MKQMA, she gave public talks in regards to the activities of the MKQMA and forwarded all honorariums received to the queen mothers
- Currently GAAG is raising funds to deliver 10 sewing machines, donated by St. Pauls' Anglican Church, for the MKQMA to assist in their community programs
- GAAG is also seeking to provide financial assistance for the over 600 AIDS orphans in the Manya Krobo cultural area

Conclusions

- Schoon acknowledges that her experiences with the MKQMA is a result of the research Dr. Don Ray, of the Traditional Authority Applied Research Network (TAARN), is conducting due to funding from the International Development Research Centre (IDRC)

Hon. Prof. Kasim Kasanga, Minister for Lands and Forestry. "Integrating Land Issues Into Poverty Reduction Strategies and the Broader Development Agenda: The Case of Ghana"

Conclusions

- Kasanga argues that customary land tenure best reflects the wishes of Ghanaians. Reforms are needed, including: divesting customary lands improperly taken by the state or no longer needed by the state.

Policy Recommendations

- Kasanga argues that customary land tenure best reflects the wishes of Ghanaians. Reforms are needed, including: divesting customary lands improperly taken by the state or no longer needed by the state.
- Traditional leaders need to be involved in the administration of customary lands.

Dr. W. Odame Larbi. ‘Chieftaincy, Land Rights and Security of Tenure in Ghana’

Major Findings

- He argues that the continuing conflicts within the institution of chieftaincy are of significance because it affects the security of land rights and access to land in Ghana
- Larbi’s argument is that chieftaincy must be decoupled from land ownership in order to fully realise the profit potential (implicitly, economic) of “secure” land rights and tenure, i.e. under private ownership of land even at the cost of dispossession of communities
- An integral problem to that of communal lands in Ghana has been the lack of clearly defined boundaries as no accurate surveys have been established and no agreements about boundaries has been made
- “Larbi argues that about 70% of chieftaincy disputes and destoolment cases have unaccounted proceeds from land sales as a key issue”, thus the recognising that the value of land is an important issue in modern Ghana, as communities must handle the proceeds of land sales, which can be contentious, particularly as the land is to be used for the benefit of the whole community: the living, the dead and the unborn
- Larbi argues that all the disputes over land rights creates an environment which does not encourage private investment in land and thus economic productivity is lost

Conclusions

- He notes that the 1992 Constitution, in Article 267(5) essentially states that all occupiers of stool lands are effectively tenants of the landlord chief

Policy Recommendations

- Decouple land ownership from chieftaincy – giving proprietary rights to the users of the land
- Create a system to record customary land rights and register them
- Repeal Article 267(5) so that (communal) land rights can be broken and land made subject to private market forces

Ms. Meghan Dalrymple. “Gender, Land Tenure and Traditional Authority in Rural Asante, Ghana”

Major Findings

- Interviews with women and men in Kokofu, rural Asante, Ghana showed that often gender plays a role in how secure access to land is under customary land tenure.
- Men are more likely to have control over land than women who often have to rely on being granted temporary access to land to use for their own subsistence

Conclusions

- While women, especially poorer women, have more tenuous control over land under customary land tenure, there are mechanisms that can often be involved in order to allow these farming women in rural Asante to get access to land that they can farm in order to earn a living.

Policy Recommendations

- Various past governments and World Bank proposals to privatise land under customary tenure would likely drastically worsen women's access to and control of land as these customary mechanisms would be replaced by a profit-driven market system of land ownership that would exclude these women
- It is not clear if those advocating the privatization of land tenure in Ghana have taken this into account. Accordingly, the privatization of customary land tenure, which traditional authorities play a significant role, should be rejected until the marginalisation of women under the proposed new system is properly studied.

Dr. Donald I. Ray and Ms. Gaelle Eizlini. "Traditional Leaders Promoting Rural Development and Fighting HIV/AIDS: Inherent Contradiction or Actual Possibility (earlier draft of IV.1)"

This is a revised expansion of the earlier paper, listed below as "Chieftaincy, Sovereignty, Legitimacy and Development: A Pilot Newspaper Analysis of the Role of Chiefs in Three Aspects of Development"

Dr. Donald I. Ray and Ms. Gaelle Eizlini. "Chieftaincy, Sovereignty, Legitimacy and Development: A Pilot Newspaper Analysis of the Role of Chiefs in Three Aspects of Development"

Major Findings

- Ray and Eizlini conduct an analysis of newspaper articles in Ghana to examine how active chiefs are in implementing development in their traditional areas
- The objective of the research is to determine to what extent the Ghanaian chieftaincy as a whole involved in development, or whether the examples provided are notable and considered outstanding as a result of their rareness
- Chiefs are especially active in educational infrastructure, including the giving of land on which to build schools and the creation of educational endowments: chiefs are even urging each other to made their funds available to all Ghanaian students, not just those within their regions
- chiefs personally contribute large sums of money towards education, either to buy supplies, for endowments or in providing infrastructure, however, they also solicit their communities to be contributors

- Ray and Eizlini argue that “successions are political affirmations of the legitimacy of traditional office holders and hence a measure of their continuing political legitimacy and their potential ability to promote development”
- Economic development has various aspects to it, for the purpose of their study Ray and Eizlini looked at Infrastructure, Agriculture and Tourism, particularly as all generally relate to land, which in Ghana is largely customary tenure, control and managed by traditional leaders

Conclusions

- 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 they are actually doing so in significant numbers

Education

- chiefs recognise not only the intrinsic value of education, but also the economic value in an educated public
- Chiefs acknowledge how economic issues for poorer families can restrict the education of their children, mainly their girl children
- Statements by prominent traditional leaders on the significance of education, particularly for girls gives legitimacy to development efforts as the influence of such statements on other chiefs and rural citizens, where traditional gender values are persistent
- The expansion of endowment funds to all Ghanaians illustrate traditional leaders commitment to national development and not simply a restricted self-interested development
- educational concerns by chiefs are nation wide and there is not a concentration of a particular issue in any particular regions

Succession

- Ray and Eizlini argue that the abdication is illustrative of development because it was an effort to avert open conflict and destoolment
- The acknowledgement of civilian professions by newly installed chiefs and queenmothers indicate a growing significance in educational levels, which has positive consequences for education in their area
- The conferring of honorary titles on foreign development workers and dignitaries indicates a growing acknowledgement that chieftaincy roles are increasingly connected to a chief’s ability to implement development
- The enstoolment of a woman chief, a rarity in modern Ghana and the increasing cries for the inclusion of queenmothers in national politics, though inclusion in the House of Chiefs or the creation of such an institution for queenmothers, indicates changes in gender values regarding chieftaincy

Economic Development

- Economic development illustrates the shared legitimacy within Ghana as development projects rely on the involvement of the state, chiefs and contractors

- In their comments on tourism Ghanaian traditional leaders indicate their knowledge about the Ghana economy and the need to contribute to the economic condition of the state
- It can be argued that due to their direct involvement in agriculture, many traditional leaders have a nuanced understanding of agricultural issues
- Overall the articles illustrate that many Ghanaian traditional leaders are well informed on issues of economic development and are taking steps to increase the economic welfare of their areas and the country

Policy Recommendations

- As the involvement of traditional leaders in Ghana is widespread in many sectors of development, they should be encouraged to participate in development policy strategies and programs, given certain conditions

Ms. Linda Kreitzer. “Queenmothers and Social Workers: A Potential Collaboration between Traditional Authority and Social Work in Ghana.”

Major Findings

- Kingship (chieftaincy) is an institution that has played a major role in many Ghanaian ethnic groups as the governor of customary law.
- Important to traditional authority is the Queen Mother.
- Today they have many roles in their communities including being diplomats and mediators as well as overseeing the welfare of women and children in the community.

Conclusions

- The development of communities and the social welfare of women and children are of concern to social workers as well as to Queen Mothers. In 2002, a group of social work researchers met for ten months to look at the indigenisation of social work curriculum in Ghana with a Queen Mother as part of this group. This article describes the important dialogue between social workers and the Queen Mother concerning their roles in the community with potential future collaboration with each other that would enhance community development.

Policy Recommendations

- Queenmothers could play a more explicit auxiliary role in implementing social work policies

Dr. Donald I. Ray. “Chiefs in Their Millennium Sandals: Traditional Authority in Ghana Relevance, Challenges and Prospects”

See chapter in W.J. Tetty, K.P. Pupilampu and B.J. Berman (eds). Critical Perspectives on Politics and Socio-Economic Development in Ghana. Leiden: Brill. Pp.241-271

B. SOUTH AFRICA

Tim Quinlan – Report of the South African Component of the Traditional Authorities Applied Research Network (TAARN) Project

Conclusions

- The general results found in South Africa include:
 - A rejection of the notion of a polarity between the traditional versus the modern
 - Illustrate that traditional authority is overlapping as it is locally, continentally and international defined
 - There are three (3) political agendas by elected officials: get rid of chiefs; incorporate them into local government; or develop a working relationship that does not have the same form of authority as elected representatives
 - The institution of chieftaincy is regarded as legitimate by many citizens
 - People do not make choices over which form of authority – state or traditional, should prevail
 - People expect chiefs to be development agents as well as government officials
 - The assertion that traditional authority is supported does not indicate an exclusion of modern democratic government
 - Chiefs have not espoused all democratic principles e.g. gender equality, however, this is related to the traditionalist position of the patriarchal roots of family and place
 - The South African workshop concluded that chiefs rule today as ‘governors’: in that chiefly authority is ‘the conjoining of a population and a territory under an overall authority; chiefs are guiding authorities; and they act as paternal figures
 - Chiefs are seeking to gain autonomous local governance authority e.g. the Bafokeng Royal Authority, and the research suggests that if they are able to demonstrate the attempt 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

- In the restructuring of local government and municipal authority the research concluded that although there was some consultation, there was little consideration of the concerns of traditional authorities by government
- Chiefs did not undermine the basis of their authority by participating in the demarcation process because contrary to the chiefs’ belief that they have an autonomous authority, the research indicates that such autonomy is fiction, autonomy can only be created in an instance where chiefs are financially independent and able to assist in development and market-based strategies
- Chiefs have found it difficult to work with government officials in restructuring local government because although municipal plans and systems are in place they lack the means of implementation and there is still ambiguity and uncertainty about how chiefs are to engage in the process
- The social foundations of traditional authority can be traced to the cultural heritage of the right of people to land and the chiefs’ authority over the allocation of such land, however, the historical notion of chieftaincy as a extension of family and community notes that authority derives from the role of the chief as:

- Source of social security for the unemployed etc
 - Inclusive nature of the chieftaincy irrespective of soci-economic criteria
 - Alternative notions of citizenship
- land is still the key resource for chieftain existence in South Africa and chiefs play a vital role in promoting secular education
 - generally claims of autonomous authority from the state by chiefs are unsubstantiated
 - chiefs' involvement in municipal governance is instrumental to entrenching the principles of democracy, however, nothing conclusive can be stated from the research conducted

Policy Recommendations

- The research indicates that there is not a simple recommendation that can be made to account for the political, historical and cultural dynamics that reflect the interaction between the state and traditional authorities
- People expect chiefs to be development agents as well as government officials
- The roots of authority are defined by the populace and therefore any attempts by the state to define the terms of traditional authority undermines the very nature of the institution
- The South African workshop concluded that chiefs rule today as 'governors': in that chiefly authority is 'the conjoining of a population and a territory under an overall authority; chiefs are guiding authorities; and they act as paternal figures
- In answering the question of whether the institution of chieftaincy can be part of a democratic republic, the SA team framed the question in regards to the chiefs' role as a governor and thus concluded that although there are autocratic forms of chieftaincy there are also those who govern through consultation and there need not be a conflict between democratic governance and traditional authorities (43-45)

Mr. Sibongiseni Mkhize, Dr. Shahid Vawda, Dr. Pearl Sithole. "Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni (Durban) Metropolitan Region"

Major Findings

- This study represents a combination of the work of three researchers on the nature and form of chiefs' authority in, and adjacent to, the metropolitan area of Durban. The framework for the study is the recent political process of restructuring local government in South Africa, notably the rationalisation of municipal structures and boundaries. That process has culminated in the incorporation of 'tribal authority' areas into municipal areas. The study focuses on the politics of engagement between the councillors and officials of the Durban 'Unicity', and chiefs, some of whom had their areas of jurisdiction incorporated into the city and others who did not. The 'tribal authorities' in this case are those of the broader 'Zulu kingdom' that covers most of the province of KwaZulu-Natal and includes 40% of all traditional authorities in South Africa. This 'traditional' institution currently consists of the King, 277 chiefs

(*amakosi*), 8 deputy *amakosi*, 10,000 headmen (*iziduna*) who have jurisdiction in 23 regional authorities and 4 community authorities.¹

- After the 2000 local government elections, the Durban Metropolitan region was expanded to include a large rural and semi-rural hinterland and became known as the Durban Unicity (renamed eThekweni Unicity in 2002)². The inclusion was justified on the grounds of functional integration, density of population and the need for service delivery.
- This process led to the incorporation of 16 tribal authority areas, most of which have been wholly incorporated, but some have become split with portions remaining outside the municipal boundaries. In addition, the boundaries of 18 new wards created to accommodate the expanded city cut across some tribal authority areas.
- These areas are generally on the periphery of the Unicity, having been part of the rural hinterland in the past and have now become ‘peri-urban’ locations. Most of the settlements on the periphery are 30km away from the centre of Durban, and 8km from a transport node and 12km from the nearest commercial centre.
- In short, the settlements are a result of migration and poverty.
- In sum, the tribal authorities govern the marginal and marginalized section of the city’s population, yet retain an historical and local identity as areas governed by indigenous political norms and values.

History and continuity of chiefs’ authority:

- Most of the chiefs interviewed were able to cite their lineage descendents to the 19th century, some to the early decades
- In the past, chiefs were leaders on the basis of an elaborate system of household production and exchange, surplus extraction, and use of legitimate force. Chiefs were assisted by councillors (*iziduna*) drawn from the households and villages throughout the chiefdom, who participated in one way or another in the allocation of land, held court and adjudicated over various matters of law and custom. The chiefs also were the locus for extracting and holding surplus produce; for redistributing cattle, seed, food and drink during times of need, and for enactment of public rituals and festivals.
- Generally, the chiefs continue to allocate land to those who accept their authority. Today, they provide access to land, as they did for much of the latter part of the last century, for the ever increasing number of people who have sought a foothold to the city of Durban and who could not afford to formally buy or rent land/accommodation.
- Land allocation and management is central to the present day authority and legitimacy of the chiefs, but the study recorded that the issue of development (provision of services and infrastructure) is a priority concern amongst chiefs in view of the restructuring of local government and spatial expansion of the city government.

¹ In 1882 there were 173 chiefs who were recognised by the colonial government. Of these only 99 were hereditary, 46 appointed and 28 were headmen with authority to administer splintered segments of chiefdoms.

² Official translations of ‘eThekweni’ cite that it means lagoon or bay in reference to Durban bay. A less well known meaning is ‘one testicled beast or man’ in reference to the round shape of Durban bay and the appendage construed by the land spit known as the ‘Bluff’.

It is also a concern amongst the residents and, generally, chiefs increase their legitimacy by being seen to be attracting infrastructural investments to their areas.

The study also showed:

- considerable variation in people's expectations of chiefs' interest and involvement in development issues;
- Chiefs were not unanimous in taking on a role as a development brokers;
- land management and development compete as priorities for chiefs
- Chiefs reckoned on continuing to uphold their understanding of authority. Notably, that understanding included maintaining pre-existing regional tribal authority structures for interacting with chiefs of areas beyond the Unicity boundaries.
- In sum, the study indicated that chiefs were engaging with the new structure of local government in 2001, though this had not been the case amongst some chiefs prior to finalisation of the new demarcations in 2000.

The study highlights conditions that are and will be a source of tension between the Tribal Authorities and the Unicity officials. These are:

- Legal ambiguities: the terms of the Municipal Structures Act and the White Paper on Local Government allow chiefs to continue to manage land allocations and to act as judicial officers in matters of custom and tradition within their areas of jurisdiction. However their rights as land authorities are not well-defined
- The Unicity authorities' legal control over development issues and the lack of any formally designated decision-making functions with regard to development for chiefs in local government legislation
- The developmental strategies of the Unicity authorities and the political imperatives of the elected councillors emphasise provision of services (water, electricity, sewerage, refuse removal) and roads and housing, but with the proviso that the costs can be recovered through payments by residents. However, this is problematic in view of:
 - inability of vast majority of residents in the tribal authority areas to pay for services set against the political imperative of the national government to reduce poverty;
 - exclusion of parts of some tribal authority areas from the Unicity, thereby marginalizing sections of the relevant chiefs' constituencies;
- the situation creates a basis for substantial political and material divisions between chiefs and Unicity authorities and between residents in the tribal authority areas and those elsewhere in the metropole;
 - chiefs become the authorities and guardians of the poor;
 - internal divisions within the Unicity are constructed on the basis of social differentiation of the population;
 - chiefs become wary of the Unicity's development initiatives (indeed they already are) and emphasise a role as gatekeepers for projects;
 - internal tensions between chiefs over 'traditional' territorial boundaries can flare up again (even if they have been dormant for many years) as chiefs pursue opportunities to secure development initiatives;

- residents in areas excluded from the Unicity may attempt to migrate into the included areas, thereby generating a larger impoverished population in need of services as well as exacerbating land shortage and threatening the power of the chiefs.

Conclusions

- The study emphasised the various ways in which boundaries are being drawn around populations and authorities, spatially, geo-politically and on the basis of socio-economic class.
- The different and competing conceptions are a key to understanding contemporary relations between ‘traditional’ and ‘modern’ authorities. Specifically the study asserted that ‘an important issue in the creation of boundaries is to ask who controls the boundaries, for what purpose and what happens within the boundaries.’
- The general conclusion is that the current situation in Durban is fraught with potential for conflict. However, greater involvement of chiefs and participation of their ‘subjects’ will become a political and economic necessity for the Unicity government.

Policy Recommendations

- ‘Traditional authorities’ are and can continue to exist and play a significant political and economic role in metropolitan government;
- The scope for elected municipal governments to ignore or exclude ‘traditional authorities’ is limited, if communal land tenure systems are retained within municipal boundaries;
- Chiefs in municipal areas are the authorities of the ‘poor’ and, through that position acquire political power to be gatekeepers for development projects;
- Municipal governments are promoting policies of participatory democracy and devolution of authority to local government levels (in practice endorsed by the area-based management strategy of the Unicity), in line with national policy and legislation, such that ‘traditional authorities’ and their ‘subjects’ have a political platform to be legitimate participant citizens in the governance of municipalities. And yet, they retain the de facto right to an alternative political identity.

Professor Robert Thornton. “‘Traditional Authority’ and Governance in the Emjindini Royal Swazi Chieftdom, Barberton, Mpumalanga: An Empirical Study”

Major Findings

- Robert Thornton conducted a survey of 1200 residents in the Emjindini Royal Swazi Chieftdom to understand people’s attitudes towards chieftaincy in the post-apartheid period.
- Thornton was able to illustrate that chieftaincy is far from dead in South Africa.
- In the South African context, which has a history of multiple loyalties and identities, “cultural identities are overlapping and multiplex.”

- The survey was conducted in the rural and municipal areas, which are jointly called Umjindi, this area includes the townships of Barberton and Emjindini, and the surrounding lands.
- The area is a mixture of languages and even tribes, with intermarriages and the presence of Mozambican refugees, it is also interesting as the Swazi are related to the royal family of Swaziland and pledge allegiance to the King of Swaziland (and have even indicated that it is their constitutional right to be governed by him).
- People have not noted an improvement in their economical situation since 1994 and ANC rule and indeed most people felt that their housing, schooling, electricity and job situations had deteriorated
- Although people's expectations for the ANC were high and they have been disappointed with the results, it has not resulted in reduced party support, nearly 84% of respondents were ANC supporters
- In Umjindini support for the chiefship is higher than support for the municipality and contrary to popular belief that support for the institution of chieftaincy is higher in rural areas, in this study support was higher (85%) in the townships than in the rural area (43%)
- In Emjindini, where municipal government was a new phenomenon, there were lower levels of approval for performance (31%), while the majority either had no opinion or declined to answer (61%)
- Against the generally negative attitude towards the municipality, there is a much higher rating of chiefship as an institution (43% in favour of chieftaincy)
- Men tend to support chiefships more than women (57% of men, compared to 47% of women), but men and women responded identically to questions of gender discrimination indicating that if discrimination is evident it is generally accepted by both sexes (however the majority of men and women felt that the chief does not discriminate) (they equality agreed at 65% for each sex that chiefs do not discriminate against women)

Conclusions

- People, understanding democracy to mean of the people, felt that chiefs were better able to provide democratic government
- People also looked to the political parties, and not government, to provide critical services, which suggests that the ANC's efforts to centralise and monopolise government control of provincial and municipal administration has indeed eroded any sense of a federal/governmental system

Ms. Zosa Olenka De Sas Kropiwnicki. "Traditional Leaders in Post-1996 South Africa, with particular reference to the Eastern Cape"

Major Findings

- In recounting the history of chiefs in South Africa in the Eastern Cape, Kropiwnicki notes that the Apartheid-era homeland administrations controlled by chiefs and the

Apartheid/Colonial regime were responsible for land allocation, road maintenance, water supplies, land rehabilitation, disease prevention, pass controls, working permits, the dispersal of unlawful assemblies, and the maintenance of law and order

- She also notes their mandate to make recommendations in connection with schools, old age pension, disability grants and licenses
- She notes that in the 1960s and 1980s chiefs faced resistance due to increasing poverty, state intrusions and chiefly abuses at all levels
- Resistance and opposition to chiefly rule culminated in situations such as Thembuland in 1960, when one chief and eleven of his associates were killed, it was during this period that the notion of the ‘good’ vs. ‘bad’ chief was created: the good chief served his people, and the bad chief served the apartheid Nationalist Party government
- It was also during this time that the ANC sought alliances with the chiefs in an attempt to unify against the Nationalist Party (NP) government.
- However, the majority of the ANC and its agencies saw chiefs as agents of apartheid
- Although the ANC and its agents were critical of chiefs they did not get deeply involved in struggles, within rural areas, against chiefs
- Kropiwnicki supports the argument that due to its largely urban backing, the ANC had to shift its strategy towards chiefs in the 1980s and onward to create inroads into rural communities
- Kropiwnicki states that the four factors which resulted in the vague and ambiguous strategy that the ANC has utilised since the late 1980s, in regards to chiefs, are: respect for the institution by notables such as Mandela; fear of Inkatha’s ability to undermine attempts to unite against the NP; the need cement rural votes and the creation of CONTRALESA (Congress of Traditional Leaders of South Africa)
- In trying to appease segments of the ANC who were confused over the reversal of strategy and the incorporation of elements perceived as Apartheid agents, the ANC sought to illustrate that many chiefs had broken away from the apartheid system often joining CONTRALESA and had thus regained the respect of the people and ever now instrumental to the forces of change within the country
- In the Eastern Cape conflict between the ANC erupted over a provincial ministers attempts to abolish the headmen system; also the effort to establish houses of traditional Leaders created conflict

Conclusions

- The ANC’s strategy toward chieftaincy during the 1990s and onwards was one of ambiguity, namely that while chiefs were “recognized” as significant agents in the transition, their formal role and status was delayed e.g. the 1993 interim constitution which defined traditional leaders, but did not define the precise role of chiefs
- Kropiwnicki suggests that “cultural theorists” fail to recognise the role that chiefs can play in modernisation and furthering democracy. They dismissed the institution as an ‘irritant appendage’
- 60% of blacks believed that traditional leaders should serve in local government
- 70% of South African adults regarded them as important players in community affairs

- the centralising strategy of the ANC has several implications: it increased the ability to manipulate chiefs: however, the inefficiency and inadequacies of local government increases the legitimacy of chiefs
- Kropiwnicki's argues that chiefs in South Africa have always had to act in accordance with the agendas of the colonial and post-colonial states in order to maintain their ability to govern and assist their people. While not dismissing that there were abuses against the people, by chiefs, in the apartheid era of homeland authorities, she argues that the chieftaincy is not homogeneous and all cannot be evaluated by the actions of some.

Policy Recommendations

- If democracy is a government of the people, by the people, for the people, then traditional leaders cannot be subordinated without the republic suffering negatively
- Chiefs need to adapt and develop skills and act on opportunities to increase their legitimacy and power to be agents of development
- Chiefs need to be inclusive of all segments of society, regardless of race, gender, culture and in doing that dispel the belief that they are sexist, racist and undemocratic
- Chiefs need to develop a degree of organisational autonomy and overcome internal divisions
- Chiefs need to increase their financial autonomy, thus removing the stigma of being civil servants and government stooges
- When the state does not act in the best interest of the community, the populace turn to chiefs to assist them, chiefs need to harness this authority and play a larger role in civil society
- She notes the continued support of chiefs, regardless of the incentives for such support, and argues that by virtue of their continued authority, given them by the people who constitute the democratic constituency, chiefs must be regarded as partners in building democracy and in modernising society, rather than as subordinates to be manipulated and used as it befits the state

Professor Victor Ralushai. "The Role of Traditional Leaders in Local Government and Development in Venda"

Major Findings

- This study revealed the fluid nature of political allegiances and conflicts between chiefs, elected councillors and civic groups in Venda. Venda is an area within Limpopo Province (the former Northern province) that retains a particular ethno-geographical identity. It was a 'homeland' for Venda people during the apartheid era, but residents also included people who proclaimed Tsonga, Pedi and Shangaan heritages. It obtained 'independence', partly at the instigation of Venda traditional leaders who saw an opportunity to revive historical (colonial and pre-colonial era) political dominance of Venda over other groups in the region. The study identified the

‘homeland’ heritage as a significant political factor that has, ironically, served Venda chiefs to re-establish their legitimacy as authorities in post-apartheid South Africa.

- The study focused on relationships between Venda chiefs, including indigenous and headmen, and elected local government councils and councillors since 1994
- there still are tensions between chiefs and municipal councils, but compromises have been achieved for the moment
- the era of Venda’s ‘independence’ during the apartheid era, provided political resources that helped to revive the popular legitimacy of chiefs as authorities generally and, in particular, as agents for development projects. The basis of the argument is that ‘independence’ led to a period of unparalleled improvement in the infrastructure and services for the populace.³ Schools, clinics and technical colleges were built as were modern offices for ‘tribal authorities’. Agricultural projects flourished and the road and transport systems were improved. Notably, chiefs were active agents in promoting such development (including challenging local norms by encouraging school attendance for girls). That era of development, it is argued, has been used by chiefs to compare their role with that of municipal councils in the post-apartheid era. Notably, the contrast is unfavourable for the councils, for the populace has witnessed the incapacity of municipal councils to sustain, let alone continue to improve infrastructure and services in many localities
- further contrast to the municipal authorities, chiefs in Venda have begun to act independently to attract investment into their areas of jurisdiction, including consulting directly with international donor agencies. The scale and number of these independent projects may be limited, but they support the agenda of chiefs to secure their status in local government and, more broadly, in the new republic
- The apparent success of ‘traditional’ authority in Venda to secure a central role in local government is marked by internal tensions

Conclusions

- During the mid post-apartheid 1990s, when municipal local government consisted largely of ‘Transitional Local Councils’ (TLC), there were marked tensions between the chiefs and the TLCs.
- The TLCs initially enjoyed the support of the populace against the chiefs with regard to the broad political process of establishing a democratic local government and land allocation.
- However, allegiances shifted to the point that chiefs and formerly antagonistic civic organisations worked together, and partly against the TLCs with regard to:
 - ensuring equitable land allocations;
 - Promoting representative elected municipal councils.
- the rhetorical division of authority into ‘traditional’ and ‘modern’, for political purposes reifies the form and content of divisions (and conflict and tensions) on the ground;

³ The scale of ‘investment’ by the South African government can be attributed in part to the location of Venda – close to international borders with Zimbabwe and Mozambique – thus making it politically and militarily significant for the government.

- The study suggests that political contestation in localities over the status and role of ‘traditional authorities’ is fluid and changeable. Notably, the contest is not bound by ideological differences in the past; given that the study showed that ‘apartheid’ has been a resource for chiefs to re-establish legitimacy and participation in local government in post-apartheid South Africa;
- The instrumental politics of establishing and conducting democracy in local government cannot accommodate individual and local group interests in securing land. The moment that interest is threatened, individuals and groups (including democratic civic organisations) turn (successfully) to ‘traditional’ authority for the defence of their interest;
- Municipal authorities cannot make inroads into land allocation (a foundation of chiefly authority), but chiefs are making inroads into ‘development’ (a foundation of municipal authority).
- There is a resurgence of ‘traditional authority’, but at the same time, there are internal tensions in that process. The study intimated possible conflict that may appear as ethnic conflict (Venda vis a vis Shangaan, Tsonga, Pedi), but which are rooted as much in the politics of re-establishing and creating a structure of chiefly authority. Nonetheless, one cannot ignore the possibility that any expression of ethnic divisions encapsulates popular fears of loss of access to land as a result of the restructuring of ‘traditional’ authority.

Policy Recommendations

- The weakness of municipal authorities could be somewhat overcome if traditional authorities could be mobilised as auxiliaries

Dr. Lungisile Ntsebeza. “Structures and Struggles of Local Government in South Africa: the Case of Traditional Authorities in the Eastern Cape

Major Findings

- This study focused on the history of political authority in one locality of the Eastern Cape province from colonial times through to the present
- The study examined the disputed status and role of chiefship in Xhalanga
- unlike other areas of eastern Cape where headmen were drawn from families with a chiefly heritage and where chiefs influenced their appointment; in Xhalanga, colonial magistrates appointed headmen, some of who had a chiefly heritage while others did not
- the study recorded that antagonisms against chiefs and headmen were at a peak in the late 1980s and early 1990s when the ANC political strategy was to demonise chiefs as agents of apartheid and there were active campaigns against the latter
- Later the ANC strategy changed to one of political reconciliation, and it included portrayals of ‘traditional authorities’ as allies in the struggle against apartheid and as forms of authority with a future in the new republic.

- Sections of the population continued to call for the removal of ‘traditional authorities’ in favour of elected authority structures based on local Residents Associations. In other areas (the study cites the locality of Emnxe) activists called for elected headmen.

Conclusions

- The imposition of the headman system by colonial authorities recognized the administrative component of indigenous political authority, but ignored the socio-cultural framework that defined the full nature of that authority;
- ‘Headmanship’ in South Africa is, perhaps, more of a combination of European and indigenous concepts of authority than ‘chiefship.’
- The changing form, status and role of ‘traditional authorities’- in relation to changing local and broader circumstances in which that authority is practiced - strains the credibility of ‘traditional’/‘modern’ framework for describing and explaining the continued existence of chiefs.

Policy Recommendations

- The reference in the study to an appeal for ‘elected headmen’ intimates local level support for the structure of this ‘traditional’ form of authority, but change to the content to suit contemporary political understanding of democracy.

Professor Theo Scheepers and Ms. Olivia Lefenya. “The Role of Traditional Leaders in Local Economic Development”

Major Findings

- Scheepers and Lefenya start by noting that the concept of Local Economic Development (LED) is a relatively new concept, one closely related to the implementation in 2000 of new municipalities by the national government.
- The goals and objectives of this type of development is defined in the Local Government Municipal Systems Act of 2000 which seeks to address issues of “poverty eradication, unemployment, access to housing, basic water services and sanitation, black economic empowerment, small business development and involvement in the main stream of the economy of the country.”
- Scheepers and Lefenya argue that prior to the end of apartheid in 1994, such concerns were administered by traditional leaders, functioning under apartheid era legislation and customary laws. Their contention is that recent and current legislation up to 2002 does not clarify what role traditional leaders can/should play in economic development vis-à-vis municipal administrations.
- Traditional leaders have typically assisted in rural employment by employing community members to farm communal land etc, however recent developments have made farming areas municipal land and thus controlled by municipalities.

- Other findings include the lack of inclusion of traditional leaders in the decision making process and the resultant ambiguity leaders face when wanting to make suggestions to implement ideas.

Conclusions

- The general problem that Scheepers and Lefenya note is that “there is no policy or legal guidance as to the role the traditional leader has to play in the local economic process or how he or she is to act when local government fails to deliver... development is retarded because leaders of the communities can not fulfill a monitoring role and can not ensure compliance with policy and law.”

Policy Recommendations

- Scheepers and Lenfenya recommend that as traditional leaders continue to play a significant role in society, they must be incorporated into development plans.
- They also note that the question is not one of legality or policies, but rather that traditional leaders are part of a religious based system of customary rules and values and must be treated as part of the national fabric, rather than simply a part of the nation-state.
- They assert that if one recognises that “social value in traditional communities is that of the integrated nature of traditional leadership [which] regards the leader as the development leader, the custodian of traditional values, the religious leader and the mediator or judge [and] the allocator of land” then one cannot ignore the need to involve traditional leaders in the formal government structures. Thus, he argues that traditional authority cannot be treated by the national government as an area of debate and formal policy – it is not an object of analyses, by virtue of its imbedded social nature, traditional authority should not be administered by national government as they would administer transport of health policy.

Mr. Joseph Nkuna. “The Integration of Mozambican Refugees in Lusaka Village, Mpumulanga”

Major Findings

- Nkuna’s article is an insightful enquiry into the assimilation of Mozambican refugees into traditional Tsonga society
- Lusaka is a village in Tzaneen in Limpopo province (formerly Northern Province) of South Africa and is under the chieftaincy of Samuel Muhlava of the Nkuna people
- One way in which chieftaincy has assisted refugees in being accepted is that it is inferred that they accept the ethnic continuity between the South African and the Mozambican communities.
- “Through the idiom of kinship some of the chiefs and individuals in Gazakulu embraced the Mozambicans and tolerated their settlement in places that fell under their control (55)”

- Nkuna notes that prior to 1994 when the Gazakulu homeland was re-incorporated into South Africa, traditional organisations existed and played a fundamental role in maintaining cultural customs etc, but since the incorporation, they have lacked the financial base to continue such activities. It can then be suggested that other than offering land to refugees, traditional leaders have been unable to assist these communities in assimilation due to lack of resources, not lack of will

Mr. Kereng Kgotleng. “Chieftaincy and Local Government in Mafikeng, North-West Province”

Major Findings

- Kgotleng argues traditional leaders have power that is based on the shared beliefs and experiences, which create the knowledge of a community, of which a chief is part. And thus, while the government would like to make chieftaincy a ceremonial instrument, the public would like to see chieftaincy play a more active role in local governance and local judicial processes and to focus more on development
- Kgotleng notes the significance of headmen in governance of rural areas, and suggests that they create a balance of power which keeps chiefs from arbitrary and totalitarian rule (13)
- 200 questionnaires distributed in 4 wards, 185 were answered – target was male and female adults over the age of eighteen
- Support for the chief, although there was ambiguity over who the chief was, was high (55% women, 38% of men)
- Results indicate that those with the highest education are the strongest supporters of chieftaincy (34)
- people believe that even if they do not support a chief they can participate in kgotla (35)
- About 70% of women and 58% of men feel that chieftaincy does not discriminate against women
- 58.8% said they do not know about ‘local government and only 32.1% said they did – Kgotleng attributes this and the general neutrality towards local municipalities as a consequence of the newness
- it is because of this uncertainty about the capacity and ability of municipalities to perform and lead to development that most people support chieftaincy – it is still the best known and accessible tool for people (39)
- support for chieftaincy is not a rejection of municipal government, or an argument that municipalities should be subordinate to traditional authorities, rather that the contest for rural government and development continues and is not clearly defined by law
- Such ambiguities over who governs what is critical in the areas of housing and water management
- the buildings of the tribal authority are deplorable, however, they are instrumental in providing key services such as certifying letters for pensioners, keeping records, arranging customary courts on a daily basis

Conclusions

- He acknowledges that while the institution of chieftaincy is not often regarded as adhering to ‘traditional’ Western liberal democratic principles, such exclusions should be reconsidered
- As representatives of the people, as the protectors of group rights and cultural identity, chiefs are instrumental agents to the political development of South Africa
- Kgotleng notes the ambiguity over the chieftaincy role in local governance as there are only notions of recognition in post-apartheid legislation, but no definition of powers and status, thus rural societies are seen as people without local government because chiefs are not considered service providers or suitable for local government
- It is concluded that people lack knowledge about municipalities and what their roles are in local governance, however, the use of traditional forms of governance, i.e. the use of kgotlas by councillors confuses residents and can be viewed as an attempt to rob traditional authorities of their legitimacy by the elected officials
- In this region the overlapping roles of chiefs and the municipality creates conflict, not necessarily aimed at excluding the other, but conflicting nevertheless and complicated further by the different rationales between the legitimacy of each institution, as the case of the removal of Samuel Mankuroane illustrates (Chapter 4)
- “Most people in Taung want the municipality to provide basic services such a water, schools and electricity, ...but their comments indicate that they expect the chieftaincy to authorise and create such opportunities for such development to occur
- The government has actively trained councillors and mayors through workshops to better educate them about development delivery, at the exclusion of chiefs and headmen, thus creating the argument that chiefs do not have the required training to govern and facilitate development because modern development requires training
- A key point made by Kgotleng is that tradition is not the rationale used to support chieftaincy, but that support is based on a political vision as it accommodates multiple ideas of governance, economic development and transformation, it articulates the aspirations of a community and rather than trying to change the community (as municipalities are perceived to want to do), chiefs are attempting to transform communities, in keeping with traditional values

Policy Recommendations

- Kgotleng argues that there is room for inclusion of the chieftaincy within the changing South African definition of democracy
- He acknowledges that while the institution of chieftaincy is not often regarded as adhering to ‘traditional’ Western liberal democratic principles, such exclusions should be reconsidered
- The government’s contention that local economic development can proceed without the chieftaincy ignores that political processes are not isolated from socio-economic processes in the context of local governance and thus people will use their political agency to meet their socio-economic and political goals

Sibongiseni Mkhize, formerly Local History Museums, eThekweni Municipality, South Africa TAARN Team. “Gearing up for Constructive Engagement’: Traditional Authorities and the Predicament of 2000 local government elections in the Durban region”

(As this is a stylistic revision of Mkhize’s section of “Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni(Durban) Metropolitan Region” that was jointed authored with Vawda and Sithole, the major findings, conclusions and policy recommendations remain the same. Consequently they are not repeated here.)

Dr. Shahid Vawda, School of Governance, University of KwaZulu-Natal and South Africa TAARN Team. “Goverance Policy and Democracy: Reconstituting Traditional Authorities in the eThekweni Municipality (Durban) 1994-2003

(As this is a stylistic revision of Vawda’s section of “Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni(Durban) Metropolitan Region” that was jointed authored with Mkhize and Sithole, the major findings, conclusions and policy recommendations remain the same. Consequently they are not repeated here.)

K.O. Lefenya. “Traditional Authorities Applied Research Network, Second Report”

Major Findings

- In the past traditional leaders had programmes to help develop their own tribes, e.g. collected contributions to build schools, crèches, and clinics
- Local municipal schemes are attempting to develop electricity, telecommunications and transport systems, but focus on providing those services to townships, rather than making availability municipal-wide, which would include rural areas adjacent to towns
- Chiefs want to be active in generating economic activities to alleviate poverty
- In the Bafokeng tribe, the traditional leader has introduced computer literacy to the children of his village
- Royal Bafokeng nation has its own independent school
- Royal Bafokeng built a 1st world class sports centre and not only provided a recreational space and ability to continue revenues, but also created numerous job opportunities for residents
- Lefenya notes that various government departments have acknowledged the need for traditional leaders to play a role in facilitating development and how critical they are to ensuring that cultural and communal values are respected in development planning.

- Overall, Lefenya especially contributes to the understanding of the traditional authorities' perspectives on their role in a system of governance

Conclusions

- Chieftaincy is an integral part of black leadership in Africa
- “through all the changes in the country’s composition and demarcation, there was one institution of government which existed and still continues today ... the institution of traditional leadership”
- In reviewing the history of chieftaincy Lefenya makes a good argument for chieftaincy as a democratic institution, noting the collective nature of tribal authorities, even under the Black Authorities Act of 1951
- Lefenya argues that a traditional leader, while the highest authority in the territory, did not act autonomously, but “in collaboration with a tribal council that represented the people”
- The purpose of Lefenya’s piece is to link traditional authority to rural governance, particularly in light of the disadvantaged economic condition of South Africa’s rural communities
- Such a study is significant in light of the fact that three-fourths of South Africans live in rural areas where unemployment, inequitable literacy, education, health and housing facilities are a reality
- By reviewing the role that traditional leaders can play in economic development, through review of various government legislation, Lefenya argues that there is significant room to accommodate traditional authority in local governance
- Chiefs and traditional leaders feel that for development to be meaningful and efficient traditional authorities must be consulted, and involved in projects

Roger Southall and Zosa De Sas Kropiwnicki. “Containing the Chiefs: The ANC and the Traditional Leaders in the Eastern Cape”

Major Findings

- Southall and Kropiwnicki provide an insightful and meaningful critique of ANC policy in the post-apartheid administration of governance, in relation to traditional leadership.
- Chiefs, however, are not sitting back and accepting the constraints placed on their livelihood by the ANC government. In 1999 many rallied around the United Democratic Movement (UDM) to pose a challenge to the ANC electoral bid. Southall and Kropiwnicki note that although the UDM did not win, they significantly threatened the confidence of the ANC and caused real losses in electoral support
- traditional authority governance has been historically dictated by the colonial and post-colonial states rather than as a consultation between the two agencies of governance
- As traditional authorities, in the Eastern Cape, became agents of the apartheid state, and thus paid officers, there was no longer a mandate to govern from below. This

reality was the source of numerous clashes between chiefs and resident associations, which began to form in opposition to apartheid and with the support of the ANC.

Conclusions

- They argue that rather than providing a meaningful system of “cooperative governance” as the ANC’s vision states, the national government has sought to contain the institution of chieftaincy by placing it within the confines of provincial and national systems of governance.
- By removing traditional leaders’ right to govern in rural areas, and by circumscribing their ability to gather funds and to distribute resources the ANC has robbed traditional leaders not only of their means of support, but of their legitimacy.
- The article focuses on the creation, activities and consequences of the Congress of Traditional Leaders of South Africa (CONTRALESA) which was adopted by the ANC to win over chieftain support in the 1980s. However, Southall and Kropiwnicki note that rather than being a means of consulting with chiefs and of incorporating chiefs into the decision making process, CONTRALESA has been the means by which the ANC has appeased chiefs’ demands for involvement without actually allowing any genuine means of governance
- The general argument by the two authors is that upon acquisition of power in the Eastern Cape the ANC has marginalised chiefs, by ignoring their demands, offering piecemeal changes (to the Provincial House of Traditional Leaders for example) and by contrast in facilitating greater involvement of civics such as SANCO
- In relation to the national government’s Final Constitution and other acts such as the Municipal Structures Act of 1998, chiefs have openly challenged the constitutionality of provisions as they relate to traditional authority. Recognising that many of the concessions made by the national government insult the inherited position of chiefs and in general, their inadequacy in dealing with chiefs’ concerns, traditional leaders have opted to refrain from interacting with the ANC’s systems of governance until their concerns are adequately addressed
- This strategy of non-involvement has not served the institution of chieftaincy well; rather it is increasingly a means of marginalisation by the ANC. However, Southall and Kropiwnicki note that if chiefs are to recover their legitimacy it is not by playing by the rules of the ANC and seeing chiefs incorporated into mixed government or cooperative governance, but rather by accepting their formal exclusion from power and regaining legitimacy from below, as occurred after the creation of the settler state of the Union of South Africa in 1910

Policy Recommendations

- Leaving the incorporation of chiefs into provincial administration and local planning up to the provinces situations, such as the Eastern Cape, where the Eastern Cape government chose to adopt one of the models of reform, which made no provision for participation in rural governance by the chiefs, is a dangerous plan.

Lungisile Ntsebeza. “Neither Citizens nor Subjects: The Case of Rural South Africa”

Major Findings

- Ntsebeza argues that the ANC’s policy of recognising traditional authority, especially in its current ambiguous form, confuses the rights of rural residents and while not making them subjects of traditional leaders, robs them of their democratic rights as South Africans
- The cooperation between traditional leaders and the ANC resulted in the creation of CONTRALESA, which has been a source of conflict between the two groups. It is through this organisation that traditional leaders have organised to resist and challenge current government action that aims to control and contain their role in governance
- The ANC, informed by the co-existence theory has tried to create a policy guideline which makes provisions for traditional leadership, but as Ntsebeza notes, “the guidelines clearly limit the powers of “chiefs” by subjecting them to the provisions of the constitution and other laws and reduce their participation to advice”
- Ntsebeza notes the significant pressure IFP placed on the ANC and NP to recognise the Zulu King and to protect the institution of the Kwazulu kingdom, thus “traditional authorities in South Africa gained recognition in the Interim Constitution out of political expediency”

Conclusions

- In relation to South Africa Ntsebeza claims that the ANC’s pro-traditional authority stance from the 1980s onwards has been a strategy to generate a rural constituency. His argument is that because the “ANC did not have a stronghold in rural areas it drove it to seemingly desperate measures.” He notes that many among the leadership, including Mbeki, strongly dislike the inclusion of traditional leaders in the political process
- According to Ntsebeza, the desperateness of the situation required that the ANC recruit traditional leaders into the liberation movement and required ambiguous concessions guaranteeing traditional authority recognition in the new South Africa
- As a result, the ANC has treated traditional authorities as an interest group and placed only advisory and ceremonial powers in their hands. Consequently, CONTRALESA has repeatedly rejected ANC actions and even launched legal claims against the ANC for what they perceive to be unconstitutional legislation and actions
- An area in which the ANC had not been able to completely diminish traditional authority is in land rights, however, there is a distinction to be made between ownership and governance of land issues in rural areas
- The 1997 Constitution wanted to place rights to the holders of land rights, not in the institutions of tribal/local authorities. However, ambiguities in the Constitution and legislation made it easy for traditional leaders to challenge the readings of the laws and policies

- Ntsebeza notes that the precise role of traditional authorities in post-1994 South Africa remains unclear, but that very ambiguity is creating dialogue and cohesion between traditional authorities that were previously antagonistic
- Ntsebeza argues that the position of traditional authorities is further likely to be strengthened by what is perceived to be a failure of the post-1994 ANC-led government to deliver in rural areas
- As the majority of rural administration legislation remains unchanged, traditional authorities continue to be the prime distributors of land in the former reserve (Bantustan) area, thus contributing to their continued legitimacy over rural affairs

Kereng Daniel Kgotleng. “Contesting the Political Meaning of Chieftaincies in the New South Africa”

Major Findings

- The thrust of the paper is that succession disputes are not essentially about declaring the rightful chief, but in reality reflect the political environment surrounding the chieftaincy
- Kgotleng critiques the succession dispute which occurred in Taung, North West Province, South Africa, in the chieftaincy of the Tswana (Batlhaping boo Phuduhucwana)
- although there is an effort to subordinate the chieftaincy within the municipality by councillors, at the same time elements of the chieftaincy institution are central to the governance of the municipality, as is exemplified by the use of kgotlas (a local structure of chiefs and their headmen used as the venue for their meetings)
- The provincial government, proclaiming the restoration of pre-colonial government and the recognising the significance of chieftaincy to South Africa, appointed Samuel Mankuroane Chief of Phuduhwana for his activism during the 80s and 90s
- The ANC had co-opted traditional authority, primarily through CONTRELESA as a means of gaining rural support, and felt chiefs would be critical to their development efforts, it was in this effort that the relationship between Samuel Mankuroane and government deteriorated - Mankuroane was regarded as an obstacle to development by municipal councillors and Mankuroane viewed councillors as usurpers of his role and authority
- An active member of CONTRELESA he refused to take a seat within the municipal council and therefore was regarded as being against the municipality
- Conflicts between the two factions occurred over land and housing - (who did the land belong to? The chieftaincy believed the land belonged to them and felt that the municipality did not take the proper measures to receive the authority of the chieftaincy to utilise the land); clash of egos; and the perceived threat to traditional governance by municipalities

Conclusions

- The essence of Kgotleng’s argument is that by opening themselves up to the government, traditional authorities and their concerns can no longer be understood or explained as through they exist only within a framework of traditional leadership
- In regards to succession disputes, the “provincial government has assumed that it can play a fact-finding mission and assist in the resolution of any dispute by providing the ‘facts’ of the case”
- From that point of view chieftaincy is connected to genealogy, which is not necessarily the case and thus the government, rather than being a neutral participant in the dispute settlement, is often acting in its own political interest
- Kgotleng further argues that succession is a political issue, “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,” thus the process of succession was not in dispute, it was not even really in question – the issue placed before the Commission was not to reveal if Samuel Mankuroane had rightfully acquired the chieftaincy, but whether he was the most capable of doing the job of a modern chief
- Thus while the Tswana law has prescribed succession to the eldest son of a chief, its custom notes that in some cases the most suitable successor may not be the ascribed heir (for example due to poor character, age, corruption etc)
- Kgotleng illustrates how political motivation, on the part of those outside the chieftaincy institution are seeking to define the role, status and powers of the chieftaincy by providing competing concepts of local government, the chieftainship and the state

Dr. Pearl Sithole. “The Secular Basis of Traditional Leadership in KwaZulu-Natal, South Africa”

(As this is a stylistic revision of Sithole’s section of “Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni(Durban) Metropolitan Region” that was jointed authored with Mkhize and Vawda, the major findings, conclusions and policy recommendations remain the same. Consequently they are not repeated here.)

C. BOTSWANA

Professor K.C. Sharma, Professor M.G. Molomo and Dr. M. Lekorwe. Botswana Report

Major Findings

- People in the rural areas have considerable respect for their traditional leaders
- Chiefs serve their people by maintaining customs and traditions and arranging tribal ceremonies
- Chiefs continue to serve as spokesmen for their tribes
- One of the most significant roles traditional leaders played is in the administration of customary courts – they are easily accessible, cheap, fast and comprehensible
- The significance of customary courts must be understood in the context of traditional leaders who have no legal training and understanding of the penal code and laws of Botswana, from which their authority is entrenched
- The conditions of service, of tribal administrations and customary courts, remain low due to low staff morale and calibre
- The House of Chiefs, while giving chiefs recognition, has not greatly impacted the public policies controlled by the government
- The House needs to focus more on issues of culture, chieftaincy and tribal matters, rather than those ‘*better*’ attended to by the National Assembly
- Research indicated the significance of Kgotla – a traditional forum for communication between the government and the people
- Kgotla is instrumental in dealing with communal conflicts, both political and non-political, however, its role needs to be strengthened
- Although Botswana women are granted equal rights by the constitution, customs and practices in the country which are rooted in a patriarchal system inhibit their ability to enjoy such rights
- The people in the rural areas have considerable respect for their traditional leaders.
- The chiefs could use this respect more effectively for facilitating the work of central and local government organisations, particularly in educating, guiding, informing and advising the people in their areas on matters contributing to tribal welfare and development (including fighting HIV/AIDS).
- The chiefs serve their community by maintaining the best customs and traditions, arranging tribal ceremonies, serving as spokespersons of their tribes on issues of customary nature and encouraging rural development by cooperating with other governmental and non-governmental organizations.
- Botswana is one of the worst hit countries by the HIV-Aids epidemic. Efforts are needed on several fronts by governmental and non-governmental agencies, civil society, donor agencies and the international community to fight this scourge effectively. All these actors are giving their contribution with regard to prevention, education, treatment, research, checking of further spread, etc. and yet the efforts are not adequate. We need to do more on all fronts.
- Traditional leaders have a critical role to play in the fight against HIV Aids in Botswana as they continue to have respect and influence among their tribes.

- Chiefs can serve as a significant channel of information and advice to their people with regard to the causes, impact and magnitude of this epidemic, how it can be prevented, how the victims can be treated and cared, how the behaviour needs to be changed, how the children, orphans, pregnant mothers need to handle themselves, etc. There is a need to conduct research as to whether the Chiefs are indeed playing an active role in these respects? What kind of role they could play?
- Kgotla as a traditional forum for communication continues to play a significant role and its role in the fight against HIV-Aids can be significant. There is a need to examine the actual role played by this forum in this context.
- Some Chiefs have set good examples before their people by going for Voluntary Testing for HIV. Are the Chiefs setting such good examples? Is their behaviour, pronouncements, leadership exemplary?
- Female Chiefs like Kgosi Masadi have been active in educating the youth, the young mothers, etc and have been visiting primary schools to talk to the youth about teenage pregnancies, alcohol abuse, and HIV Aids. What kind of role these and other Chiefs playing?
- It is being observed in some quarters that the Chiefs need more information/education with regard to various aspects of AIDS to be able to impart correct information and advice to their people and they need to be associated with the critical governmental and non-governmental organisational structures fighting HIV. How correct is this observation and what needs to be done in this regard?
- The House of Chiefs in Botswana could play a role. What has been its role so far? What could it do in the fight against the epidemic?
- These are some of the critical dimensions that need further research to examine the role that traditional leaders are playing and the role that they could play in the fight against the epidemic.

Policy Recommendations

- Chiefs needs to be better educated so that they can understand the laws of Botswana and the penal code
- Such education will enhance their understanding of their legal and traditional authority and the relationship between customary law and common law and procedures
- Training needs to be extended to the agents of traditional authority, such as Customary Court Chairmen, Tribal Secretaries, Court Clerks, and local police forces
- Although the House of Chiefs has limited authority, its advisory role can be strengthened if members were better informed of their potential role and were better familiarized with the socio-political institutions and their environment
- 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

- Strengthening the contribution of traditional leaders in the operation of the Kgotla
- Strengthening their equipment as members of the House of Chiefs
- Chiefs need to get themselves more involved in the fight against HIV/AIDS. More chiefs need to be involved in “gate-keeping”, social marketing and building their communities’ capacities to deal with HIV/AIDS.
- Government and agencies need to systematically incorporate chiefs in significant ways into their strategies to deal with HIV/AIDS if government and the agencies are to be able to utilise the considerable credibility that chiefs continue to have amongst Botswana’s citizens nearly forty years after the end of colonialism and the attainment of democratic government.
- Therefore, government and agencies need to design and implement strategies to better manage HIV/AIDS by incorporating chiefs as one sector of multisectoral strategies.
- Government and agencies need to significantly incorporate chiefs into multisectoral strategies for dealing with other social problems, such as how to lower the high costs of funerals (which are also a by-product of HIV/AIDS), if the traditional political culture (which is part of Botswana’s overall political culture) is to be mobilised for these strategies.

Chapter.

Chapter 1 - Professor Keshav C. Sharma. Customary Courts in Botswana

Major Findings

- 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 in so far as 80 to 90 per cent of civil and criminal cases in the country are handled by these courts.
- 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

Conclusions

- 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 in so far as 80 to 90 per cent of civil and criminal cases in the country are handled by these courts.
- The quality of justice imparted by these courts, however, leaves much to be desired.
- 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 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 overstretched and overburdened due to the small number of judges and its small administrative machinery placed at a low level of hierarchy.
- The conditions of service of tribal administration and customary court staff have continued to remain neglected.
- 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 sped up.

Policy Recommendations

Some of the traditional leaders like Village Headmen, Sub-Chiefs, Chief's Representatives, and even Chiefs are not well 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 relationship between customary law and common law or procedures. The administrative staff of the customary courts such as Court Clerks does 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, unattractive service conditions and facilities. Strengthening of customary courts requires among other things, training of Customary Courts Chairmen, Tribal Secretaries, Court Clerks, and Local Police Force. These training programmes 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; the other of sub-chiefs and chief's representatives; and the third of village headmen. The subject matter of such workshops should also be distinct with varying content and coverage for different groups.

Chapter 2 - Professor Keshav C. Sharma. "Role of the House of Chiefs (Ntlo Ya Dikgosi) In Botswana"

Major Findings

- 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.
- This House needs to focus its interest on matters related to culture, chieftainship, and tribal matters instead of trivial matters or those that can be better attended to by the National Assembly.

- The members of the House could take more active interest inside and outside the House on matters related to spread, prevention, cure and impact of HIV/AIDS epidemic.
- An active interest of the members of this House and their pronouncements with regard to some undesirable customs (such as exorbitant funeral expense) and harmful social behaviour (such as excessive drinking and alcoholism) is a matter of some satisfaction.
- One of the significant developments in the history of the operation of the House of Chiefs has been the membership of female chiefs beginning in 1999.
- Some sections of the population have felt that the composition of the House in 2002 did not accord equal treatment to all the tribes of the country and tended to be discriminatory. The President of Botswana appointed a twenty-one member commission (known as Balopi Commission), which reported in December 2003. Following the report of that commission, the government decided to introduce changes in the composition of the House of Chiefs as discussed.

Conclusions

- 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 this 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.
- This House needs to focus its interest on matters related to culture, chieftainship, and tribal matters instead of trivial matters or those that can be better attended to by the National Assembly.
- The members of the House could take more active interest inside and outside the House on matters related to spread, prevention, cure and impact of HIV-AIDS epidemic. An active interest of the members of this House and their pronouncements with regard to some undesirable customs (such as exorbitant funeral expense) and harmful social behaviour (such as excessive drinking and alcoholism) is a matter of some satisfaction.
- 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 Kgosigadi Rebecca Banica from Chobe in 1999, and inclusion of Kgosigadi Mosadi as ex officio member after becoming paramount chief of Balete in 2000.
- Some sections of the population have felt that the composition of the House in 2002 did not accord equal treatment to all the tribes of the country and tended to be

discriminatory. The President of Botswana appointed a twenty-one member commission (known as Balopi Commission), which reported in December 2003. Following the report of that commission, the government decided to introduce changes in the composition of the House of Chiefs as discussed.

- The public discussion during and after the adoption of the Balopi Commission and the White Paper in the National Assembly revealed the nature and intensity of ethnic politics, details of which are discussed under the section “Traditional Leadership and Ethnic Politics”. The changed composition of the House might not make it tribally neutral altogether; nevertheless, it is a significant improvement over the past.

Policy Recommendations

Besides, its authority given by the constitution, the contribution and effectiveness of the House of Chiefs will depend to a significant extent upon the equipment, calibre, knowledge, interest, and leadership qualities of its members. Although the contribution of the House of Chiefs remains limited due to its limited authority and powers given by the constitution, its advisory role could be performed more effectively if the members were better informed about their possible role, and have better understanding of the socio-political institutions and the environment within which they operate. Seminars and workshops for strengthening their equipment should attempt to develop a better understanding of constitutional provisions; relations with the National Assembly; need for change in the composition and functions of the House; new possibilities recommended by the Balopi Commission; understanding of the Constitution of Botswana and the laws having a bearing on the functions of the House, understanding of Botswana’s development policy and development management, and understanding of Botswana’s public administration.

Chapter 3 - Dr. Mogopodi Lekorwe. “The Kgotla and Traditional Leadership in Botswana”

Major Findings

- The traditional institution of the Kgotla is still regarded as an important institution particularly as a two-way channel of communication between the government and the people.
- Potential conflicts can be dealt with through the institution of the Kgotla where people are freely able to 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. To increase the involvement of people in their participation, the planning process has to be decentralised right down to the village level. This decentralisation can be facilitated by the traditional institution of Kgotla. The Kgotla should be provided with infrastructure to deal with today’s demands. Its role should be strengthened. The Kgotla should be receptive to new ideas, where young people, irrespective of their gender, are mobilised and encouraged to participate in its activities.

Conclusions

- The traditional institution of the Kgotla is still regarded as an important 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 localise any ethnic feelings. Potential conflicts can be dealt with through the institution of the Kgotla where people are freely able to 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. To increase the involvement of people in their participation, the planning process has to be decentralised right down to the village level. This decentralisation can be facilitated by the traditional institution of Kgotla. The Kgotla should be provided with infrastructure to deal with today's demands. Its role should be strengthened. The Kgotla should be receptive to new ideas, where young people, irrespective of their gender, are mobilised and encouraged to participate in its activities.

Policy Recommendations

Although the Kgotla continues to serve as a traditional forum for consultation between the government and the community, and it is a significant forum for consultation in decentralized district development planning, the nature of actual equipment, dynamism, and leadership qualities of the traditional leaders have a bearing on the effectiveness of this forum. Some traditional leaders with limited understanding of their country's changed socio-political environment and new challenges faced by the traditional institutions are not in a position to adapt and become an active instrument for change and develop. Their role in educating or articulating public opinion or in mobilizing public interest and support remains limited in many cases. The active interest and concrete actions of traditional leaders vary. Only some have played a dynamic role in curbing the spread of HIV Aids, or in influencing tribal behaviour with regard to continuing customs or practices (such as mounting expenses incurred in funerals) which need to be changed. The Kgotla and the traditional leaders could become more active if they could come together for some seminars/workshops, which could discuss topics related to their role.

Chapter 4 - Dr. Mogopodi Lekorwe. "Gender and Traditional Leadership in Botswana"

Major Findings

- 1) 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 marginalised in society and also excluded from traditional leadership roles.
- 2) The biggest challenge to gender equality is the deeply rooted culture which 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 of such indications of positive change in Botswana is the installation of a woman Paramount chief, Kgosi Mosadi Seboko of the Bamalete tribe in 2001.
 - 3) The Women's Affairs Department has executed its mandate well in certain areas although its capacity is limited and needs to be developed, including exploring the possibilities with traditional leaders (especially the House of Chiefs).

Conclusions

- 1) 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 legal status of unmarried women, property rights of women, inheritance rights and marriage related laws have not been fair to women. The women are also subjected to violence, which is not only physical but also emotional and economic in nature. Women have been marginalised in society and also excluded from traditional leadership roles.
- 2) As the world conferences have operated as strong pressure groups, Botswana also began to organise and put pressure on government to review all legislation, which 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 which 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 of such indications of positive change in Botswana is the installation of a woman Paramount chief, Kgosi Mosadi Seboko of the Bamalete tribe in 2001.
- 3) 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, including exploring the possibilities with traditional leaders (especially the House of Chiefs).

Policy Recommendations

The traditional leadership continues to have a place in Botswana and needs to be strengthened. Recognition of training needs and adoption of some of the training strategies, such as these discussed above, could strengthen the traditional leaders and result in advance towards the realization of long-term vision for Botswana.

Chapter 5 - Professor Mpho Molomo. “Dikgosi and the Politics of Land in Botswana

Major Findings

- 1) 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 institutionalised a framework that is informed by the dominant Tswana cultural land practices.
- 2) Botswana's land tenure does not recognise the traditional land rights of *Basarwa* as hunters and gatherers. This is one factor that facilitates the government policy of relocating *Basarwa* out of the Central Kgalagadi Game Reserve.

Conclusions

- 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 institutionalised a framework that is informed by the dominant Tswana cultural land practices.
- Botswana's land tenure does not recognise the traditional land rights of *Basarwa* as hunters and gatherers. This is one factor that facilitates the government policy of relocating *Basarwa* out of the Central Kgalagadi Game Reserve.

Policy Recommendations

Chapter 6 – Professor Mpho Molomo. “Widening the Democracy Debate: Bogosi and Ethnicity in Botswana”

Major Findings

- 1) Much as Batswana are being socialised into 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.
- 2) The Balopi Commission on the House of Chiefs was perhaps the best ever effort that was made to address the ethnic question in Botswana.
- 3) Prior to this debate ethnicity was considered to be a sensitive matter not to be openly debated. However, its discussion during the Balopi Commission gave people to reflect on it, and how best to reconstruct the nation-state in Botswana by retaining its cultural heritage and diversity.

Conclusions

- Much as Batswana are being socialised into 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.
- The Balopi Commission on the House of Chiefs was perhaps the best ever effort that was made to address the ethnic question in Botswana. Its major achievement is that it gave Batswana the space to air the grievances concerning the problem. Prior to this debate ethnicity was considered to be a sensitive matter not to be openly debated. However, its discussion during the Balopi Commission gave people to reflect on it, and how best to reconstruct the nation-state in Botswana by retaining its cultural heritage and diversity.

Chapter 2

**OVERVIEW OF THE SUMMARIES OF THE TAARN REPORT TO
IDRC ON THE “TRADITIONAL LEADERS AND LOCAL
GOVERNANCE IN SOCIAL POLICY IN WEST AND SOUTHERN
AFRICA” PROJECT**

(Dr. D.I. Ray and Ms. T.A.O. Clarke)

PART I INTRODUCTION

PART II GHANA

PART III SOUTH AFRICA

PARTIV BOTSWANA

PART I – INTRODUCTION

This document is an overview of the summaries of the different contributions to the IDRC/TAARN Research report that we have compiled to date. The document is meant to be a quick overview. This document is not meant to replace the actual country team summaries.

PART II: GHANA

A. GHANA SUMMARIES LIST

1. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Fighting HIV/AIDS and Promoting Development: Will African Traditional Leaders Actually Do This?”
2. Dr. Wilhelmina Donkoh. “The Developmental and HIV/AIDS-fighting Roles of Traditional Rulers: Agency of Festivals”
3. Dr. Donald I. Ray and Ms. Sherri A. Brown. “Building HIV/AIDS Competence in Ghana – Traditional Leadership and Shared Legitimacy in Ghana: A Grassroots Community Intervention Best Practices Model”
4. Ms. Sherri Brown. “Building AIDS Competence in Semi-Urban and Rural Communities in Ghana – Traditional Leaders’ Roles and Involvement”
5. Dr. Wilhelmina Donkoh. “Traditional Rulers as Partners in Education and Health Delivery”
6. Dr. Wilhelmina Donkoh. “Report on the TAARN Conference on the Role of Ghanaian Rulers as Development Officers”
7. Professor Christiane Owusu-Sarpong. “The Predicament of the Akan ‘Queenmother’ (Ohemmaa)”
8. Professor Christiane Owusu-Sarpong. “Setting the Ghanaian Context of Rural Local Government: Traditional Authority Values” (Chapter 2 in Grassroots Governance)
9. Mr. Morgan Nyendu. “Traditional Authorities And The District Assemblies’ System: A Case Study of The South Tongu District Assembly (STDA) Since 1988”
10. Barima* Kusi Ankra. “National House of Chiefs” (* - denotes traditional authority title)
11. Dr. Donald I. Ray. “Ghana: Traditional Leadership and Rural Local Governance” (Chapter 4 in Grassroots Governance)
12. Mr. Brian Keating. “Wechiau Hippo Sanctuary: A Partnership Success”
13. Ms. Kimberley Schoon. “From Calgary to Krobo and Back Again: Becoming Manye Pi Yo Gu, the Honorary Queen Mother or How IDRC Research Funding Encourages Grassroots Links between Calgary, Canada and Odumase-Krobo Ghana. (A Note)”
14. Hon. Prof. Kasim Kasanga, Minister for Lands and Forestry. “Integrating Land Issues Into Poverty Reduction Strategies and the Broader Development Agenda: The Case of Ghana”
15. Dr. W. Odame Larbi. “Chieftaincy, Land Rights and Security of Tenure in Ghana”
16. Ms. Meghan Dalrymple. “Gender, Land Tenure and Traditional Authority in Rural Asante, Ghana”
17. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Traditional Leaders Promoting Rural Development and Fighting HIV/AIDS: Inherent Contradiction or Actual Possibility (earlier draft of IV.1)”
18. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Chieftaincy, Sovereignty, Legitimacy and Development: A Pilot Newspaper Analysis of the Role of Chiefs in Three

Aspects of Development” (earlier draft of IV.1 and IV.2 with more on the methodology)

19. Ms. Linda Kreitzer. “Queenmothers and Social Workers: A Potential Collaboration between Traditional Authority and Social Work in Ghana.”
20. Dr. Donald I. Ray. “Chiefs in Their Millennium Sandals: Traditional Authority in Ghana – Relevance, Challenges and Prospects.”

PART II. B – GHANA SUMMARIES

II. 1. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Fighting HIV/AIDS and Promoting Development: Will African Traditional Leaders Actually Do This?”

- Using both internet and manual searches, Ray and Eizlini conduct an analysis of newspaper articles in Ghana to examine how active chiefs are in implementing development (including fighting HIV/AIDS) in their traditional areas. Research on Ghana Augments these searches
- The objective of the research is to determine to what extent the Ghanaian chieftaincy as a whole involved in development, or whether the examples provided are notable and considered outstanding as a result of their rareness
- The paper argues that 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 and the articles allow chiefs to voice their concerns about their communities and provides meaningful information to the populace on the activities of their chiefs
- 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 they are actually doing so in significant numbers

Key Points

Education

- 56 articles mentioned chiefs and the promotion of education
- 33 articles mentioned traditional leaders and the funding of education: 19 dealt with funding of infrastructure; and 14 with funding of poorer students and funding of school supplies was also mentioned in the articles
- 16 articles involved traditional leaders stressing the significance of education for those who are socially marginalised, particularly girls and the poor
- 4 articles dealt specifically with the education of girls and involved a paramount chief stressing the significance of educating girls and maintaining their education; and the support for girls entering non-traditional fields such as science and engineering
- As authorities on family life and the rearing of children, queenmothers are lending their legitimacy to mobilise the education of girls and of Ghanaian children in general
- Chiefs are especially active in educational infrastructure, including the giving of land on which to build schools and the creation of educational endowments: chiefs are even urging each other to made their funds available to all Ghanaian students, not just those within their regions
- 5 articles deal with chiefs and their concerns over education policy and curriculum development
- chiefs personally contribute large sums of money towards education, either to buy supplies, for endowments or in providing infrastructure, however, they also solicit their communities to be contributors

Economic Development

- Economic development has various aspects to it, for the purpose of their study Ray and Eizlini looked at Infrastructure, Agriculture and Tourism, particularly as all generally relate to land, which in Ghana is largely customary tenure, control and managed by traditional leaders
- 2 articles dealt with chiefs who were approached about the establishment of industries in their area and where the chiefs were seen to be demanding too much (higher sums of money for access to land) for personal, rather than communal good – in response there is an article where an Ashanti Omanhene warns chiefs against such practices as they endanger development overall
- 12 articles deal with infrastructure: 3 water, 3 city/land planning, 3 roads and 3 electrification
- There are regionally differences on what issues of infrastructure are most prominent e.g. in Greater Accra most articles deal with city planning
- There were 9 articles dealing with tourism
- The articles included praise of national government efforts to increase internal tourism, traditional leaders travelling abroad to promote cultural tourism and government presentations to traditional leaders in the hopes of gaining approval of tourism attractions
- In the Ashanti Region, the Hwidiemhene appealed for government support in making the Hwidiem Falls a tourist attraction so as to create employment opportunities for jobless youth
- 11 articles mention traditional leaders and agriculture: 6 cocoa, 4 other crops, 3 farming practices and education of farmers
- Articles expressed traditional leaders concerns about developing new crops, assisting farmers in making smart production choices, the need to encourage local industries and the abandonment of traditional practices that hinder productivity
- In 2 articles chiefs speak directly to the health of farmers as a result of the use of fertilizers and pesticides – one was in regards to educating farmers on the use of such products and the other was a call for a district hospital to treat farmers

Traditional Leaders Fighting HIV/AIDS

- The Ghana AIDS Commission recognises traditional leaders as being a key component of Ghana’s multisectoral strategy to fighting HIV/AIDS
- Professor Sakyi Amoa, Executive Director of the Ghana AIDS Commission, stated that traditional leaders are part of Ghana’s “social vaccine” against HIV/AIDS
- Many traditional leaders in Ghana have responded to the national strategy/AIDS crisis. 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 organisations to their (chiefs’) communities. Chiefs can be active or passive 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 they the traditional leaders have.

- Numbers of traditional leaders, such as the Manya Krobo Queen Mothers, the Asantehene and the Okyenhene have created or are creating or are contributing to projects that deal with the effects of HIV/AIDS on people in their communities

Further Evidence (“Blue Sheets” Analysis) of the Involvement of Traditional Leaders in Development

- Used a manual search of Ghanaian newspaper, including “The Pioneer” that was not covered by the internet search
- 708 newspaper articles from 1987 to 1998 showed that traditional leaders were involved in promoting development for their people

Conclusions

Education

- It is argued that chiefs recognise not only the intrinsic value of education, but also the economic value in an educated public
- Chiefs acknowledge how economic issues for poorer families can restrict the education of their children, especially their girl children
- Statements by prominent traditional leaders on the significance of education, particularly for girls gives legitimacy to development efforts as the influence of such statements on other chiefs and rural citizens, where patriarchal gender values are persistent
- The expansion of endowment funds to all Ghanaians illustrate traditional leaders commitment to national development and not simply a restricted self-interested development
- educational concerns are nation wide and there is not a concentration of a particular issue in any particular regions

Economic Development

- Economic development illustrates the shared legitimacy within Ghana as development projects rely on the involvement of the state, chiefs and contractors
- In their comments on tourism Ghana traditional leaders indicate their knowledge about the Ghana economy and the need to contribute to the economic condition of the state
- It can be argued that due to their direct involvement in agriculture, many traditional leaders have a nuanced understanding of agricultural issues
- Overall the articles illustrate that Ghanaian traditional leaders are well informed on issues of economic development and are taking steps to increase the economic welfare of their areas and the country

Traditional Leaders Fighting HIV/AIDS

- 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 (although more work needs to be done to confirm this with greater precision)
- Traditional leaders are involved in three levels of the fight against HIV/AIDS: (a)creating access/gate-keeping for service delivery, (b)social marketing, (c)building

community capacity and competence to deal with the effects of HIV/AIDS on the community's people

- Traditional leaders can be effective in fighting HIV/AIDS because they have a unique source of credibility that derived from their legitimacy rooted in the pre-colonial period

Recommendation

- Because of the unique, pre-colonial roots of legitimacy of traditional leaders, strategies to promote development, including fighting HIV/AIDS, should incorporate traditional leaders where they retain their uniquely rooted legitimacy/credibility in order to further development and the fight against HIV/AIDS

II. 2. Dr. Wilhelmina Donkoh. "The Developmental and HIV/AIDS-fighting Roles of Traditional Rulers: Agency of Festivals in Ghana"

- Donkoh analyses the tradition of festivals in Ghana and the means by which traditional rulers are using these celebrations to further development projects and goals
- She initially develops the historical background on the institution of chieftaincy and of festivals, noting that during colonial rule many festivals ceased to be celebrated as leaders were in exile and their presence was necessary for the celebrations to occur, or as was the case during independence, celebrations were discouraged as they perceived to pose a threat to nationalism
- However, some festivals did continue during colonialism, e.g Odiwara in Akuapem towns and Kakobe of the Nandom
- Although there is a vast number of traditional festivals that have been observed for many years and which date back to the pre-colonial era, there are many new festivals that are being invented or added to traditional celebrations
- Donkoh argues that many festivals are being revived to act as agencies for asserting identities as well as a means of addressing local concerns
- She argues that "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."
- Her focus is on the Asante and the Asante festivals
- Speaking generally of festivals she says that they are periodic celebrations involving all or sections of the community and traditionally are an attempt to renew the community and in remembrance of the ancestors
- Festivals are usually celebrated during the harvest season (as it typical the world over) and is a form of societal purification as the old year ends and the new year is ushered in.
- Various community members are championing new festivals, e.g. One Kwabena Osei Frempong who argued that the lack of festivals in the Kwawu State, to remember significant events in history of the Kwawu people was distressing. He suggested that the Okwawus revisit, recognise and adopt and celebrate the cessation from the Asante

Kingdom in 1888 and use the occasion as an opportunity to reflect, take stock, reunite families *and to plan local development projects*

- Festivals, both ancient and more modern ones, are being changed by the addition of other community entities, such as breweries in celebrations. Community organisations are able to not only provide materials, funds and donations of festivals, but as is the case of Ghana Breweries Limited – the company has made cash donations towards development projects
- Donkoh notes that other sectors of civil society are using festivals as a means of providing leisure opportunities and to promote their causes e.g. Festival of Art and Culture and KIDFEST both organised by the National Commission on Culture
- In the 1990s there was a revival of festivals, encouraged by officials such as K. Suglo, District Chief Executive of the Nadowli District who convinced the communities of Takpo and Sankana to celebrate Takpo Wiela and Sankana Kalibe as they were a means of unifying the communities (communities and been feuding and collective celebrations had ceased) and of attracting economic development as community members returned for the celebration and would bring valuable money to assist in the development of the area
- Donkoh notes that though the festivals have pre-colonial religious roots, their connotations have become occasions of planning development projects as government officials were invited and attended to encourage a dialogue between local communities and central government, consequently several development projects have been completed in the area- a dam and a hospital, a health care clinic and a day care for infants are all results of the two festivals
- Donkoh’s empirical research is on the Munifie Kese celebration of the Nkoransa people which she attended in 2001 at the request of the Nkoransahene (paramount chief)
- The Munifie Kese is a commemoration of the day that the first Nkoransahene sat down and drank some water to celebrate after a great battle
- “the festival marks the occasion of the ritual consumption of the new yam ... and is centred on balened stools established for dead leaders “
- The Nkoransa Traditional Area is rich both agriculturally, but also in natural wonders and historical sites such as the Amawi caves and the Kunso slave markets, while seeking to fully realise the tourism potential of the area, there is concern that opening up the community will expose the people of the traditional area to issues such as HIV/AIDS
- “Thus, the traditional leadership decided to showcase the economic potential of the Traditional Area, 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 festival was used as an avenue to solicit the sponsorship of various organisations, such as Planned Parenthood Association of Ghana, the Ghana Breweries Ltd as who provided resources and condoms and cash and drinks respectively
- In interviews with various traditional leaders in the area, including the Paramount Chief of Nkransa and the Queenmother, acknowledged that there was a sense that

there was an outbreak of HIV/AIDS in the area and that the festival was an effective agency for publicising and deploying prevention

- The festival period was considered to be an opportune time for propagating vital news and information and it was an opportunity to have the attention not only of a captive audience, but also the target youth sector
- On November 10th, 2001 the Grand Dunbar was celebrated and the theme of the entire celebration was “AIDS is real – our youth must be careful!”
- The occasion was used to equip youth with HIV/AIDS prevention skills, counselling techniques, behavioural change and group communication drama as well as speeches
- As most of the leaders of the area were in attendance, they were active attendants at workshops and Donkoh notes that “after attending a series of workshops, seminars and conference [the leadership] had become more aware of the need to create awareness about the HIV/AIDS menace, as part of a prevention campaign”
- The festival was also used as an opportunity to highlight the economic potential of the traditional area and to acknowledge that external assistance was needed for agricultural progression, thus it was an occasion to draw attention to the need for storage facilities and marketing arrangements to ensure food security and stable prices for farmers
- Donkoh’s observations and commentary on festivals in Ghana illustrate how traditional leaders are being innovative in their quest to provide agency to developmental projects and to educate their people on modern problems

II. 3. Dr. Donald I. Ray and Ms. Sherri A. Brown. “Building HIV/AIDS Competence in Ghana – Traditional Leadership and Shared Legitimacy in Ghana: A Grassroots Community Intervention Best Practices Model”

- Ray and Brown provide an analysis of the ability of traditional leaders in Africa (Ghana primarily, includes Botswana and South Africa) to build community awareness and action in the fight against HIV/AIDS
- Their focus is the building of HIV/AIDS competence, which is understood as the notion that communities can become empowered to create and implement successful AIDS programs for prevention and support
- 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
- Ray and Brown argue that the community influence afforded African chiefs possess as a result of historical legitimacy and credibility inherent in the pre-colonial institution of chieftaincy means that traditional leaders can play significant roles in the development and implementation of HIV/AIDS policies and programs
- African chiefs 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”

HIV/AIDS Statistics

- 40 million people worldwide living with HIV/AIDS
- 5 million people newly infected with HIV in 2003
- 3 million deaths due to AIDS in 2003

In Africa

- Sub-Saharan Africa has the highest prevalence rates of HIV/AIDS at 7.5-8.5%
- Sub-Saharan Africa has the greatest number of people living with HIV/AIDS in the world
- The Southern African region, in Sub-Saharan Africa, including Botswana, Lesotho, Namibia, South Africa, Zimbabwe, Zambia and Swaziland have the highest rates of HIV prevalence in the world
- African women are more likely to be infected than men and is highest among young women aged 15-24
- West Africa has lower prevalence rates than other regions in Africa
- Ghana's prevalence rate (adult) was 3.0% in 2002, both HIV-1 and HIV-2 exist in Ghana
- Botswana had a prevalence rate (adult) of 38.8% in 2002
- South Africa had a prevalence rate of 25% between 2000-2002
- The impact of HIV/AIDS in Africa has long term effects, as increasingly young proportions of the population are dying; and as a consequence of dying parents, there is an increase of orphaned children creating greater need for foster homes; homeless children and gang families

Traditional Leaders and the Fight against HIV/AIDS

Ghana

- Ghana developed a HIV/AIDS Strategic Framework for 2001-2005 with input from the National population Council, National Development Planning Commission, the Ministry of Health, the former Ministry of Employment and Social Welfare, the private sector and NGOS
- Conceived as holistic and multisectoral/disciplinary response to the epidemic the framework focuses on five priorities which include preventing transmission, supporting those infected and affected and research
- The framework is administratively decentralised with specific responsibilities for officials at the national, regional and district levels, the District Assemblies which facilitate grassroots participation are agencies which traditional authorities can assist as they can and do serve on the councils
- The framework "recognised traditional authorities as a key sector for programme targeting and implementation ...[they are] thus expected to receive and transmit policy strategies within their communities ... [their participation is regarded as] integral to the implementation and realization of their policy strategies and objectives"
- In Ghana traditional leaders are active and growing participants in social marketing campaigns to strategically prevent the spread of HIV/AIDS and to support those affected by the disease

Botswana

- Botswana is unique as it is one of the few African countries engaged in second generation planning, with their National Strategic framework covering 2003-2009 which identifies five priority action areas
- The framework was largely created by the Ministry of State (Office of the President) and although it formally states to integrate traditional authorities, Ray and Brown note that in Botswana traditional leaders play a more limited role than in Ghana
- The framework regards traditional leaders as key stakeholders, and they are also the audience the national government seeks to educate on HIV/AIDS

South Africa

- While the national policy framers in South Africa have not included traditional leaders formally, traditional leaders are becoming increasingly active locally in the provinces and through NGOS
- Nelson Mandela Foundation is actively involved in educating traditional leaders so that they can assist in HIV/AIDS education, prevention and anti-stigmatization activities
- In Kwa-Zulu Natal, the province with the highest prevalence rate, traditional leaders are developing task forces with the objective of educating traditional leaders on HIV/AIDS prevention, treatment and support

Findings

- 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 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
- Paramount Chief Daasebre Dr. Oti Boateng (of New Juaben Traditional Area) donated a 7-million-cedi computer in June 2003 to support the New Juaben Traditional Council’s efforts against HIV/AIDS, which include roundtables for chiefs, queenmothers and headmasters
- Chiefs are calling on their colleagues to be more active, as Dormaahene Osagyefo Agyemang Badu did in advising chiefs to educate their youths on the disease
- The King of Akyem Abuakwa, Okyenhene Osayefuo Amotia Ofori Panin’s traditional Council launched an HIV/AIDS research centre in 2002, he even got tested publicly as a means of dispelling myths about the cause and effects of the disease
- Nan Bi-Kusi Appiah II, Omanhene of the Manso-Nkwanta Traditional Area appealed to parents to invest in educating their children about sex and disease, particularly girls to prevent them from engaging in early sex
- The Manya Krobo Queenmothers Association (MKQMA), of the Manya Krobo Traditional Area is a prime example of traditional authority actively working in the community to build HIV/AIDS competency – they recognised the increase of AIDS orphans in their communities and have developed strategies for providing food,

clothing and subsistence for the orphans; have educated themselves and continue to educate women traditional leaders on the disease and to how they can be active in creating positive community responses to the disease; including HIV/AIDS education in the young women's rite of passage Dipo ceremonies; and solicited the assistance of regional, national and international organisations to facilitate further competence and acquisition of necessary resources

- The initial response of MKQMA was education, but as they became educated themselves moved into the realm of social marketing by creating a coordinated set of programmes across their communities aimed at female children and women, they changed the Dipo ceremonies to ensure that in the traditional shaving of girl's hair there would no longer be the use of a single razor and they are also attempting to raise the age of 'maturity' for girls to prevent early sexual activity via marriage
- The commitment by the organisation to social marketing is evident in the adopting of special clothing, blue batik cloth, when they are conducting AIDS duties; active soliciting of external agencies, such as the USAID to develop various resources (a flip-chart with HIV/AIDS information to assist in community discussions); creation of "Smart Ladies Association"; forming of a choir to deliver HIV/AIDS social marketing message through song and even the creation of jobs for young women affected by the disease (bead workshop which makes bracelets and necklaces which are sold through various networks, including GAAG in Calgary Alberta Canada.)
- Kgotla meetings in Botswana create opportunities for chiefs and headmen to advocate and education on HIV/AIDS issues
- In 2002 traditional leaders in South Africa signed the 'leadership charter' which commits them to fighting the stigma and discrimination of affected peoples in their communities

II. 4. Ms. Sherri Brown. "Building AIDS Competence in Semi-Urban and Rural Communities in Ghana – Traditional Leaders' Roles and Involvement"

- Brown's research considered of semi-structured interviews conducted with individual queenmothers and small groups in 6 divisions of the Manya Krobo; with individuals from NGOS and community-based organisations and collection of primary documents and materials
- In Ghana the average prevalence rate for HIV is 3.4%, with 335,000 adults living with HIV/AIDS
- In the Manya Krobo district the National Surveillance 2003 estimates that 9.2% prevalence rate
- In Ghana there is generally a positive public view of traditional authority, as traditional leaders are understood as the embodiment of culture and identity as community spokespeople, agents of development and managers of communal conflict
- The institution of Queenmothers is most familiar to those in the Eastern, Ashanti and Brong Ahafo regions of Ghana and have various duties within different groups,

however, in general they are overseers of family and children welfare, advisors to male chiefs on family and female issues and complement male chiefs in governance of the community

- Brown focuses on how Queenmothers, particularly those of the Manya Krobo Queenmothers Association (MKQMA) are actively assisting in the building of AIDS competence, which is understood as the notion that communities can become empowered to create and implement successful AIDS programs for prevention and support

Manya Krobo Queenmothers Association

- In building competency Queenmothers have actively engaged in social marketing campaigns aimed at educating the public; identified harmful social and customary practices; created income schemes for affected women; provided support for those living with and affected by HIV/AIDS and; actively solicited resources from external agencies and programmes

Activities

- Activities of the MKQMA include community meetings, home visits, HIV/AIDS education incorporation into community events, training of health providers in HIV prevention
- As a means of addressing social and customary practices which contribute to increased risk of HIV/AIDS transmission, the MKQMA have reformed practices in the traditional Dipo initiation of young girls to not use a single razor in the shaving of the girl's hair, they are actively discussing traditional gender roles, spousal abuse and rape with women who are at a higher risk for contracting HIV/AIDS
- They have recognised 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
- As of this year the MKQMA is responsible for the feeding of over 500 AIDS orphans in their Traditional Area and are increasingly establishing partnerships with various regional, national and international organisations to mobilise resources to support their community work

Results

- Increased usage of condom's among youth
- Increases in VCT
- Increasing de-stigmatization of HIV/AIDS
- Prevalence of partnerships through the globe

II. 5. Dr. Wilhelmina Donkoh. "Traditional Rulers as Partners in Education and Health Delivery"

- Donkoh maintains that chiefs are a fundamental element in the delivery of social programs and as the fulcrum of Ghanaian culture
- Donkoh notes the changing role of chiefs and the various historical backgrounds among different groups, which undoubtedly affects the manner in which chiefs functions
- She notes that in the pre-colonial era traditional rulers were influential in both spiritual and temporal matters
- The colonial era circumscribed the role of chiefs and their influence over their people, this continued in the early independence era when chiefs were subjected to government control (between 1960 and 1966)
- The 1992 Constitution of the Fourth republic gave chiefs statutory and non-statutory functions and it is the non-statutory functions which facilitates their development project initiatives
- Non-statutory functions include arbitration of disputes, mobilization of people, organisation of festivals and links between the local community and other institutions
- Donkoh argues that “traditional rulers perceive their role today as being primarily initiators of development or catalysts of development processes”
- Donkoh notes that the history of partnerships between traditional leaders and development agents is not a recent history- the Okyenhene (King of Akyim Abuakwa) established a State College and Scholarship in the 1920s and; the Asantehene (King of Asante) and the Asanteman Council established school and educational schemes in the 1930s
- Donkoh notes that the schemes were supported by community levees towards the schemes
- She further notes that traditional leaders were instrumental in the spread of Christian education in the country as they not only collaborated with missions and central government, often they were contributors of the land and organised labour to build the schools
- Donkoh notes the individual contributions to development by the Asantehene
- Otumfuo Osei Tutu Ababio (Asantehene) began his commitment to socio-economic development upon his ascension to the Golden Stool in 1999
- He identified education and health as the two fundamental areas requiring development
- Identifying pervasive poverty as the major hindrance to educational achievements in the Ashanti region Otumfuo pledged support for gifted, but needy students
- The Otumfuo Education Fund (OEF) was created with the support of the Asanteman, the fund was created to advance the education of peoples of the region and the country and to create initiatives for teachers and educational workers
- It was also intended to build, restore and rehabilitate school buildings and facilities, supply equipment and provide educational materials and aids
- There has been several issues with the management of funds by the Board of Trustees, namely a lack of adequate funding by the Asante community and by those in the Diaspora
- Although it is difficult to fully assess the impact of the OEF, Donkoh notes that in 1999 it guaranteed university education for 600 Ghanaians; it continues to provide

facilities for schools within and outside the Asante region; provided labs, libraries and computers for 6 rural secondary schools, equipment such as computers, photocopiers and desks were distributed to schools in the Ashanti and Brong Ahafo regions and the rehabilitation of the Ashanti Regional Library

- The OEF has been financially supported by numerous organisations, including the Anloga Carpenters Association, Ohio State university, The Volta River Authority, and Kumase Polytechnic
- Issues limiting the fund included failure to honour contribution pledges, a lack of accountability and transparency from the Board of Trustees and the use of funds for patronage
- The other initiative that the Asantehene established was the Otumfuo Health Fund, which was created to deal with the HIV/AIDS problem and the falling standards of health care in general in Asante
- “The promotion of human development and improvement of the health status of the people of Asanteman and Ghana And to fight the menace of prevalent but preventable diseases and mortality exacerbation by endemic poverty and deteriorating facilities”
- According to Donkoh, the Asantehene was instrumental in mobilising other traditional leaders in a campaign against HIV/AIDS
- The Health Fund was a consequence of deteriorating health standards resulting from the 1987 revised medical care system which was free but which changed to a cash and carry system
- Most people were unable to cover the cost of the necessary medical procedures and medicines and thus self medication and traditional medicine became the only source of care, as even government packages were unable to alleviate the financial burden of those most in need
- The Asantehene used his influence and support base to fund raise money for the Health scheme through foundations, NGO cooption, links to external donors and governments and through mobilisation of local communities
- Donkoh notes that a revenues generated from the sale of stool lands were also used to create funds for the OHF which was able to fund training for male and female medical personnel from the Asante paramountcies and the training of all Asante traditional rulers on awareness of disease occurrence and outbreak
- The OHF works with other Central Government Agencies, namely Ghana Health Services personnel (they are members of the OHF Working Committee), Regional and District Directors of Health are required to give reports to the Asantehene
- The OHF has required that all development projects have an element of health education
- In 1999, when reports were made of the above stats, the Asantehene mobilised people to educate the public and essentially he made HIV/AIDS a development issue
- In 2003 the Asanteman renamed their HIV/AIDS Control project the Serwaa Ampem AIDS Foundation for Children to deal with the fact that HIV/AIDS was spreading fastest within the Ashanti region (30% of nation wide cases)
- Donkoh notes that “the scheme followed the traditional and historic pattern whereby the Asantehene had mobilised his people to fight any force that threatened their survival as a people”

- The Serwaa Ampem AIDS Foundation for Children is to support kids affected by or infected with HIV/AIDS
- It provides for the health and educational needs of identified children and includes providing anti-retroviral drugs
- The scheme does not use the term “orphans” as it is felt this stigmatises the children and instead of institutionalising them tries to create support within the traditional kinship systems
- The OHF has raised over 300 million cedis as of 2004, it has promoted early childhood health records and immunization, despite not being officially launched as an official program
- Failure to launch and publicise the organisation rests with disorganisation between members of the Board
- Donkoh argues that as their positions within society have changed with time traditional leaders have adapted and reinvented their roles, thus bring development into their area of jurisdiction and subsequently enhancing the material welfare of their people

II. 6. Dr. Wilhelmina Donkoh. “Report on the TAARN Conference on the Role of Ghanaian Rulers as Development Officers”

- Report is on the June 2001 Conference held in Ghana which brought together the representatives of the ten Regional Houses of Chiefs, each House was asked to send three traditional rulers, a paramount, a divisional and a female leaders
- The objective of the conference was to examine the evolving role of traditional leaders in Ghana from the perspective of traditional rulers themselves
- **Observations of the organisers:**
 - Traditional rulers did not appreciate the term development officers, they preferred agents of development or partners in development as it related to areas of land administration and customary law practices
 - All rulers agreed that chieftaincy is an ancient institution and the fulcrum of Ghanaian culture
 - Rulers acknowledged that there are essentially three eras of traditional rule – the pre-colonial, the colonial and the post-independence periods
 - In the post-independence period the 1992 Constitution had given traditional rulers in Ghana statutory and non-statutory functions
 - Constitutionally traditional rulers are barred from active partisan politics as it interferes with their role as moral custodians of their communities
 - Traditional leaders regard themselves as the primary initiators of development as they feel they are most able to mobilise their communities and to ensure the necessary peace for enabling development
 - Traditional leaders regard themselves as a unifying body which is able to control conflicts between communities and groups

- They also regard their role as a service in so far as they manage communal resources such as land, water bodies and forest resources
 - Although all regional houses were encouraged to send female representatives, none of the three northern regions sent a female and the Upper East region sent a woman who was not a traditional leader, but who the regional house felt was a “modern opinion leader.”
 - Traditional rulers have been instrumental in providing water, health and educational facilities and are critical to promoting communal welfare over individual parochial interests
- **Recommendations of the Organisers:**
 - Traditional rulers need to be empowered to enable them to play their role as agents of development
- Statutory Functions include the collection, refinement and codification of customary laws, the adjudication of chieftaincy disputes, succession disputes and appointments to various government statutory bodies
 - Non-statutory functions are derived from their positions as moral/natural leaders of their communities and includes dispute settlements through arbitration, mobilisation of the people for development projects/purposes and the organisation of festivals
- **Role of Traditional Rulers Today**
 - Traditional rulers regard their primary role as being initiators of development/ catalysts for the developmental process
 - They see themselves unifiers as they are able to moderate during times of conflict and initiate conflict management resolutions
 - “traditional rulers perceive their role as rendering a service to their people by managing communal resources such as land, water bodies and forest resources”
- **Gender**
 - Although the organisers intentionally tried to not utilise terms such as chief and queenmother in their correspondence and the selection of the theme there was a gender imbalance
 - The predominately Akan regions sent female representatives, as all ten regional houses were invited to send at least one female traditional leader
 - None of the three northern regions sent one and they argued that this was acceptable because they did not have queenmothers. It was pointed out that female traditional leaders do exist in the northern regions although they are not designated queenmothers

Opening remarks

- Professor Albert Owusu-Sarpong noted that traditional rulers, in keeping with their 1992 constitutional functions appoint representatives to various government statutory

bodies and as such their organisations are seen as “adjuncts to the central government, and traditional rulers as joint custodians of state”

- Professor J.S.K. Ayim observed that service by chiefs was no longer military, ritual or political in nature, but that the leadership provided by chiefs has assumed a moral and social role “which is translatable into mobilising their communities for developmental purposes
- Daasebre Osei Bonsu II the Asante Maponhene and Vice-President of the Ashanti House of Chiefs commented that chieftaincy would continue to be the centre of Ghanaian culture as it is the embodiment of the spirit of the people and their ancestors and as it remains the most cherished traditional structure in Ghana’s socio-political environment

Regional Reports

- **Upper West Region:** the institution has problems, especially those related to succession of skins and stools; chiefs should be regarded as development partners not officers as chiefs are considered “fathers”; regionally chiefs have assisted in the diminished occurrence of animal theft, the building of a health centre with Saudi funding, mechanism to decrease guinea worm outbreaks, the construction of modern markers, a five-acre cassava project, plans to establish a rural bank and Konrad-Adenauer Foundation (KAF) seminars and Junior Secondary Schools (JSS) being built through EU funding.
- **Upper East region:** chiefs are symbols of peace and they preserve the culture of their people and assist in dispute settlements; regionally they have mobilised their people to build health posts, nurses quarters and to train Traditional Birth Attendants (TBAs); they have also acted as journalists in their highlighting or problems, such as HIV/AIDS and female genital mutilation for their citizens; they are actively involved in developing community based schools which is in keeping with national government policy to reduce the number of students going away to boarding schools; community initiatives include the encouragement of the education of females, attracting teachers to the region, educational seminars and workshops on fire prevention (bush fires) and electrification programs to create economic possibilities for rural youth to diminish migration
- **Northern Region (2 presentations):**
 - The Yun-Yoorana Yamiya Tooka II acknowledged that upon his enskinment in 1988 his primary concern was to preserve and bring peace to the Yun-yoo traditional area, he effectively organised the Committees for the Defence of the Revolution, assemblymen and chiefs into a conflict resolution unit to establish consensus for when hostilities arose; chiefs and the people were organised and motivated to participate in the rehabilitation of the Yun-yoo-Navrongo road, even making financial contributions with assistance from the District Assembly which furthered economic development as the road was a link to important markets; the community financially contributed to the re-roofing of the local council office which was used to store community food during rainy season and for the rehabilitation of the police building; education is a regional priority, which is communicated to the community at festivals and has resulted in an increase in school registration, a medical clinic has been

developed and two women's groups have been organised to obtain loans from the Agricultural Development Bank

- The Divisional ruler commented that the paramount has always ensured that sub-chiefs in the region have respect and the confidence of the citizenry and are effective moral leaders, regionally chiefs are committed to championing sustainable peace and to this end have organised and attended conflict resolution workshops to deal with ethnic conflicts – committees are encouraging inter-marriages among the various ethnic groups; established a youth association to assist with ethnic tolerance and to ensure that economic and social activities can proceed without mistrust, fear and misunderstanding; regionally chiefs are dedicated to furthering educational delivery to girl-children and to removing the outmoded cultural practices which militated against the enrolment and retention of girl-children in school; “plans are far advanced to establish Peace and Reconciliation Committees in all the Traditional Areas within the Region in order to ensure that peace prevails and education management at the grassroots levels [are] effective
- **Volta Region:** traditionally it was felt that the chief is a prime mobiliser as he/she has the full control of the administrative machinery of their traditional areas and are regarded as sovereigns; after WWII chiefs ceased to be as powerful due to the actions of the central government's attempts to control the institution and their failure to recognise the significant role of chiefs; development projects and progress has been adversely affected by chieftaincy disputes, religious conflicts and land disputes which are fragmenting the community and hindering mobilisation of the people; resources need to be made available to chiefs so that they can mobilise local people and chiefs should be consulted in all stages of a development project
- **Western Region:** Electrification is a key regional goal and the communities are contributing the labour to erect the electricity poles while central government provides the wires, transformers and other inputs; a community secondary school was started ten years ago and since additions to the block and staff quarters have occurred, other community initiatives include a proposed water project, a health clinic and road construction; President of the Western Regional House of Chiefs has personally appeared on Ghana television for advertisements on HIV/AIDS and chairs various functions for awareness; organising environmental awareness to address the negative impact of mining activities on the regional environment and to organising tree planting projects; “it is my intention to develop the tourist industry in my area by exploiting the rich history, fauna, flora and the geography for the benefit of my people”
- **Greater Accra Region (I):** traditionally the King was the Chief Magistrate and Military Leader and was selected by his fellow tribesmen, recent innovations undermine traditional principles and politics; ‘chiefs have now been relegated to the background and all their powers have been eroded;’ many constitutional requirements, such as the appointment of Assembly members are often ignored; main role is now mobilising of subjects for self-help projects such as in education, boreholes and electricity poles and educating the people about diseases via the radio as few people have TVs in the region; a major cause of chieftaincy disputes is land and a process has to be developed to streamline the acquisition of land and to increase

chieftaincy effectiveness by increasing number of paramounts; the responsibilities of chiefs includes “overseeing proper environmental management, prevention of teenage pregnancies, creation of AIDS awareness and curbing lawlessness”

- **Greater Accra Region (II):** the Ga Mashie area has undertaken several development projects, including the paving of alleys and the Ga Mashie Centre for Education and Environmental Development (GACEED) to support and improve the quality of education in the traditional area; in addition the Ga Mashie Computerisation Project and Information Technology Development program was undertaken by the GACEED to offer computer training, particularly of primary and JSS students and to launch a website for the Ga State, funding for this project was through the Sempe Palace and a US consortium; through the help of an NGO (Action Network for Integrated Development) a kenkey [food] processing and packaging factory has been established; other community initiative includes a role model program to highlight the historical and current contributions of community citizens to act as role models for the younger generation and Friend of the Poor, an NGO to promote health and economic concerns.
- **Central Region:** When people wanted improvement in their lives “it had always taken the chief, the custodian of tradition, culture and custom of the people, to move them”; it was also expressed that history and design has conferred on the chief the authority to move his people into progressive actions that lead to development, mobilisation had been to : increase agricultural output, to boost exports, decentralise government, develop alternative schemes for financing social services, provision of low cost housing, rural amenities development and the reduction of rural-to-urban migration; chiefs are active in public education on issues related to education, health, agriculture, and industries, utilising festivals and durbars as opportunities to educate their people; in the region road development has occurred along with electrification due to the active solicitation of the national government committees by the Omanhene (Paramount Chief) and his chiefs; the YMCA is supporting and developing various economic schemes in the area, along with vocation training to improve the income generating activities of women; Omanhene established an NGO to ensure environmental conservation and to promote tourism; *“the modern chief is so much engulfed in the search for better development of himself, his community and the entire nation to the extent that he now needs to know all the intricacies in the scientific management of the state”*
- **Eastern Region (I):** expressed the opinion that the chieftaincy is a check on the powers of parliament; feels that chiefs are the most effective link between the grassroots and central government and that as such they should be more actively involved in the entire development planning stage; acknowledges the documented efforts to improve and increase development by chiefs, as evidenced through newspaper articles and photos; Traditional Council is working effectively with the District Assembly as they meet in joint meetings to discuss development projects; youth group has formed National Union of Yilo Youth Association (NUYYA) to assist in conflict resolution, they have built a community centre which contains a library, conference hall and dance hall; the Konor and Traditional Council have been active in development by launching an education fund, installing a mortuary and assisting with development of the hospital’s capabilities, creation of a Teak Plantation

which created jobs, construction of a dam which enabled the development of fisheries and the development of tourist sites (Boti Falls, Krobo Hill); Queenmothers have organised the Yilo Krobo to make beads to create employment for young girls and women; additionally, land was released for the building of a police station and there has been a drive to create woman's vocation institute

- **Eastern Region (II):** Manya Krobo Traditional Areas development has been retarded by stool disputes since the 1990s; most notable community efforts include those against HIV/AIDS as initiated by Manye Nartekie and the Manya Krobo Queenmothers, with assistance from the District Health Management Team and USAID which had provided technical support and funding
- **Eastern Region (III):** Queenmother Nana Kesewa reflects that the needs of women were clear to her when she was installed and she immediately brought together her chief and queenmothers to initiate the development of an NGO; "Progressive Women's Movement" was created and it mobilised women and girls for programs to address the socio-economic, moral and psychological and health issues faced by women; after four years of operation the NGO continues to spread across the region and future plans include the establishment of a vocational institute to teach skills to marginalised females and to engage in commercial farming to improve the incoming generating capabilities of the region's women; the movement is funded by the members themselves and through community contributions
- **Brong Ahafo Region I:** Development has three objectives: to increase life-sustaining goods proliferation, increased incomes and increasing economic and social choices; the traditional leaders have been instrumental in the development of social services as the elders and subjects were instrumental in constructing and funding a hospital, establishing a health insurance scheme, continually constructing and developing schools and police stations; concerns include the lack of cash available to chiefs to act effectively, the inadequate allowances given to traditional rulers and harassment by chieftaincy litigation contractors
- **Brong Ahafo Region II:** In addition to constructing structures such as a police station, a District Education Office, a rural bank and a hospital, the traditional leaders also built a market, library and a post-office; the Community Health Insurance Scheme was developed, as were economic ventures for women and awareness of HIV/AIDS; issues with local governance are related to the ambiguous relationship between traditional rulers and the District Assemblies which had clearly defined roles in regards to development, but in that area the role and resources available to traditional leaders is not clearly defined constitutionally
- **Ashanti Region(I):** World Vision has assisted in the development of pipe borne water development, a Day Care Centre has been developed, as was a community school and community members have made personal commitments to fund the development of these services, in collaboration with the District Assembly the Juansa community annual fund raised to fund the development of the local JSS; the community was active in providing the materials to build a police station; electricity was also a joint endeavour between the Juansa community and the District Assembly; through the assistance of the Swiss Red Cross a health post has been constructed that will be able to serve Juansaman and other villages and towns; the Queenmothers of the Asante Akim North District have been active in developing a programme which meets every

40 days to provide information workshops by prominent personalities and organisations, workshops topics have included the law, education of children, primary health care, customary practices and market tactics and foodstuff information by market 'queens'

- **Ashanti Region II:** The primary objective as a traditional leader is the settlement of disputes; by lobbying the government and by mobilising community members to make contributions the electrification of Asanso was possible; although the area had pipe borne water since the colonial period, the water has not been operating and the Catholic Church assisted in a project to provide a bore hole, the Bekwai project for a water and sanitation project was possible though the provision of land by the traditional leader and the use of palace space to store materials, in return the project provided employment for many community members, the project was funded by the European Union (EU) and matching community contributions, the EU also contributed funds for the renovation of the primary and JSS school buildings; it is recommended that the Unit Committees be redeveloped to address the problems of lack of responsibility assignment, disunity among members and lack of participation in work by committee members who see themselves as supervisors rather than labourers

II. 7. Professor Christiane Owusu-Sarpong. "The Predicament of the Akan 'Queenmother' (Ohemmaa)"

- Owusu-Sarpong's analysis of the Akan institution of Queenmothers, uses tales of Akan folklore to illustrate how the institution has evolved over time and how social constructs, particularly in the colonial era, conditioned and redefined the significance of the institution
- Relying on Rattray's writings, as a point of departure, Owusu-Sarpong notes that pre-colonial female leadership was an important institution, however it became suppressed and endangered under the British policy of Indirect Rule – Queenmothers were active leaders in rebellions against government-sponsored or unpopular chiefs e.g. Agogo 1917: Ohemaa Adjua Jiawah called for the destoolment of Kwabena Tandoh as she did not endorse his nomination (along with other charges), in response the Chief Commissioner deposed the Queenmother and wrote her off as "relentless, revengeful and [of] vicious disposition"
- The Ordinance of 1902, designed by the colonial administrators, arguably viewed queenmothers as a threat and thus did not recognise their courts in the document aimed at creating structures that could adjudicate native custom
- In 1905 when the government recognised the Kumasi Council of Chiefs and restored some power to chiefs, queenmothers were not members
- The 1924 Native Jurisdiction Ordinance did not recognise Queenmothers as chiefs nor did it recognise their courts
- Even in the Ashanti Confederacy Council Ordinance of 1935 the role of the queenmother in the selection and election of a chief was downplayed and twisted to suit British Indirect Rule

- Owusu-Sarpong questions whether the “predicament of the Akan Queenmother [can be viewed] as the embodiment of the eternally suppressed voices of women in power in Africa and in the world at large” as those who informed Rattray’s work acknowledged that the seniority of the woman’s stool was not a courtesy, but had real significance
- Owusu-Sarpong notes that in Akan, the use of public speech to protest against the decision makers and their rules is restricted, however social tension can be ‘released’ during anti-structure rituals during festivals such as the Brong Apoo and the Nzema-Ahanta Kundum whereby performers (male) can sing songs as a means of discourse on leadership, sovereignty, power, freedom and accountability
- As women were more restricted in public rhetoric (due to menstruation etc) they did not participate in proceedings at the palace and instead sang dirges or nnwonkoro or used textiles to express their sentiments
- “the anodyne act of story-telling represents a more subtle and a more complex instrument at the disposal of any adult member of the Akan community, any time he or she wishes to make a point”
- She recounts two tales of the Akan Queenmother – “Kwaku Ananse and the Queenmother Crocodile” and “How divorce came into the world”
- Her analysis of the two tales suggests that in the first tale, recounted by a male member of the community, the Queenmother is relegated to a mythical position, suggesting that her socio-political existence is not as “real” as that of the male leader
- In the second tale, told by a woman, the emphasis is on that of the beautiful woman, who although a leader has been castaway from society due to her illness, in the end she is again disregarded by her community as she has disgraced a man and is now a divorcee
- Referring to Fortes, Owusu-Sarpong notes that Asante gender relations is somewhat unique in an environment which although it supports male supremacy is marked by strong females who are not easily control by their husbands
- The argument suggests that the second story is a tale with historical relevance which illustrates the social decay of society which came about due to the rebellion of women, from early colonial days, there is also significance found in the male leaderships willingness to abandon her, while the villagers seek to have her take her stool
- The suggestion is that while the role of the queenmother has been suppressed and disregarded by male leaders who sought power under colonial rule, the significance of the queenmother was remembered and revered by community members
- Notes Arhin’s argument that in under traditional Akan systems all political heads had their female counterparts e.g. Omanhene or Ohemaa who looked after women’s affairs and who was also a councillor in her political unit
- Thus, the translation of Ohemmaa to Queenmother is not quite accurate
- In speaking of the dual leadership in Asante, Ahrin and Stoeltje emphasize the parallel relation in gender leadership, however, their implication is not one of equality or sameness, but of complementary roles – the queenmother was responsible for the upbringing of girls and administered the rites for adulthood and marriage, and

exercised great influence on matters related to women, including their communal and spiritual activities, in this way complementary to the male leader's control over matters of the state, the queenmother controlled domestic matters

- Although there have been periods of powerful and dominant Asante women leaders eg. Yaa Asantewaa or Akyaa (daughter of Okoawia Osei Kwadwo), scholars repeatedly argue that this is more a response to exceptional circumstances than the norm
- Owusu-Sarpong rejects this notion and ventures that the lack of attention to female leaders in the pre-colonial period may be due to a constant attempt to suppress the truth of the actual power and authority of Akan female rulers
- The significance of the queenmother was noted and expressed to scholars in earlier research and many continue to argue that the queenmother was an important political and judicial figure whose council was sought as she was regarded “the trusted moral authority of her community [and] the democratic guarantor of the male ruler's demeanour”
- Herein lies the significance of the queenmother traditionally – she had the closest access to the public and therefore was able to gather the public opinions of the community
- Despite efforts to suppress the institution, it is noted that the historical significance of the institution of queenmother cannot be ignored – in Asante Law and Constitution, the Ohemmaa of a state has her own *ntam*, and her own court and spokespeople – she has her own stool and thus is a bonafided traditional leader – equitable (if not equal) to that of a male leader

II. 8. Professor Christiane Owusu-Sarpong. “Setting the Ghanaian Context of Rural Local Government: Traditional Authority Values” (Chapter 2 in Grassroots Governance)

Christiane Owusu-Sarpong introduces us to those traditional political values about traditional governance that may well set the context in the minds of many Ghanaians for part of their expectations towards the rural local governments of the post-colonial state. She identifies these values by cultural analyses of oral and written texts to establish what exists on the ground as the articulated political culture expectations for traditional leaders. Such values provide the context for “the institutionalized *local government* structure and the perennial *traditional authority* structure.” Owusu-Sarpong thus weaves cultural and governmental factors, using such concepts as divided legitimacy and sovereignty, political and legal pluralism, and her concept of “resurgent heritage,” into a fresh approach to rural local governance. She argues that if the rural local government structures of the Ghanaian post-colonial state want to reflect the true range of values of their citizens, then such structures need to recognize the reality that some of the attitudes that their citizens bring to the practice of democracy is rooted in the pre-colonial period, and that the offices of traditional leaders are the survivors from that period, even if they are much changed. Owusu-Sarpong argues that “a profound awareness of the importance of the revival of ‘indigenous’ African values is now widespread amongst the peoples of

Africa.” Africans need to embrace their “resurgent heritage” in order to free themselves from the colonial and neo-colonial structures that have been imposed on them. To ignore African values may be to fall prey to a type of false independence and economic strategies that do not really enhance human development and welfare. For such true development to occur, African countries such as Ghana need to respect the “legal and political pluralism” that marks the co-existence of traditional authority and the rural local government structures of the post-colonial state. Chiefs in Ghana are influential with their subjects in terms of their abilities to mobilize their people for development, to articulate their sense of public morality, and to influence and shape public opinion. Traditional leaders are thus needed by the state to be involved in rural local government.

II. 9. Mr. Morgan Nyendu. “Traditional Authorities And The District Assemblies’ System: A Case Study of The South Tongu District Assembly (STDA) Since 1988”

ABSTRACT:

This chapter seeks to examine the degree of participation of traditional leaders in the South Tongu District Assembly, in view of the provision in the 1992 Constitution which requires a role for them in the current decentralization policy. Although some of the decentralization policies in Ghana in the past had often reserved one-third of the membership of the District Councils for traditional leaders, the 1992 Constitution deviated from this practice. However, the 1992 Constitution, which provides the legal framework for the current decentralization program, specifically requires that the government appoint the one-third membership reserved for Government Appointees in consultation with traditional leaders and organized economic groupings. Moreover, traditional leaders could themselves be appointed as part of the one-third Government Appointees. An examination of the membership of the South Tongu District Assembly since the commencement of the current decentralization policy shows that not only were traditional leaders not consulted in the appointment of the Government Appointees 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. Interviews conducted with both traditional leaders and some members of the South Tongu District Assembly and from my seven-year personal experience as a Government Appointee in the South Tongu District Assembly have shown that in most cases, the nominations for the appointment of the one-third Government Appointees were only done by the District Secretaries/District Chief Executives together with one or two confidants without any consultations with the traditional leaders and the organized economic groupings as specified in the 1992 Constitution. Moreover, 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 impact on the work of the District Assembly. Rather, many were appointed because they were friends to the District Chief Executives or were favorites/supporters of the ruling government. As a result, those traditional leaders who by their professions could have contributed more meaningfully to the success of the

decentralization policy are left out of the District Assembly. Besides this, research has shown that prominent traditional leaders in the South Tongu District are rarely made part of the Government Appointees, the reason being that they could turn against the government at any time especially when they refuse to be used to rubberstamp government positions. The case study has brought up two main issues. First, as with the decentralization policies in the past, the current one simply ensures re-centralization of authority in the national government. Second, and more important, there is a discrepancy between the formulated policy is intended to be implemented and the actual process of implementation which occurs. Rather than implementing changes, to encouraged decentralization, governments tend to make changes as they see fit, regardless of what steps have been identified to improve the process.

II. 10. Barima* Kusi Ankra. “National House of Chiefs” (* - denotes traditional authority title)

- Barima Kusi Ankra analyses the institution of the House of Chiefs in Ghana
- Provisions for the creation of a National House of Chiefs were initiated by the 1960 Constitution of the Republic of Ghana, Article 49 and despite changes in administration in the country, the Constitution continues to guarantee the institution of chieftaincy, including customary laws and councils as important tools of governance
- The Chieftaincy Act 81 of 1961 established the regional Houses of Chiefs
- It was the Chieftaincy Act of 1971 that established the National House of Chiefs and gave judicial and other functions to the national and regional houses
- The Act specifies that the House of Chiefs shall be composed of five chiefs from each of the regional Houses, they are elected to serve a three year term in office
- The House operates through 5 main committees: the Standing Committee, the Research Committee, the Finance and Staff Committee, Stool/Skins Committee and the Privileges Committee
- The Standing Committee is basically the executive of the House, it consists of the President, Vice-president, the Presidents/Representatives of each of the regional Houses and the Chairs of each of the committees
- The Research Committee is responsible for researching customary laws and traditions of the various groups in an attempt to create a unified system of customary law
- Finance and Staff Committee is appropriately named as it is responsible for the supervision of staff and finance matters and controls expenditures
- The Stool/Skins Committee is tasked with advising the government on legislative proposals which affect stool/skin lands and on the use of stool/skin lands
- The Chieftaincy Secretariat is the official liaison between the House and the National Government
- The House has judicial, decision-making, dispute resolution, resource management and crisis management functions
- Decision making is by consensus or by majority voting if consensus fails

- Chieftaincy disputes are over chieftaincy matters affecting parties from two regions, disputes are heard by the Judicial Committees, however decisions can be appealed to the Supreme Court – note that land disputes do not fall within the jurisdiction of the National House of Chiefs
- In dealing with crisis management, the House utilises four strategies: refer to local paramount chief; investigate to find source of conflict; appeal to parties involved to settle civil or ethnic disturbances – often by mobilising local and national support (e.g. in the case of natural disasters) and appeal to the National Government
- The majority of the chiefs are paramount chiefs, which is understandable in light of their perceived higher status, evidenced by the higher wages for paramount chiefs over divisional or sub-divisional chiefs
- The presidency of the House was previously dominated by the Asantehene
- The institution of Chieftaincy is composed of the National House of Chiefs, the Regional Houses of Chiefs and Traditional Councils, although they are autonomous units, there is a presumed supervising and superior role from the top down, for example decisions by one level can be appealed to the next unit above
- The Traditional Councils have exclusive jurisdiction to hear and determine matters of chieftaincy within their area, as long as a paramount chief is not a party, they are also authorised to modify and change customary practices and laws if they are deemed outmoded (done through a process where each unit is consulted and the national government passes into law)
- The Barima notes that compliance to the rules and obligations of the chieftaincy and of the House is enforced by the Standing orders of the House and by general appeal to the inherent dignity of those possessing the posts of chiefs
- Members can be destooled for 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
- The National House of Chiefs has good working relations with most other institutions of governance in the country
- The Regional House of Chiefs advises the National House on many issues and is responsible for carrying out the directives of the National House of Chiefs
- As a result of the 31st December Revolution [Rawlings, 1982 – 1993] there is a lack of cooperation and respect between the National House and the Queenmothers, thus Queenmothers are not members of the National House
- The relationship between the National House of Chiefs and the National Government is somewhat tenuous due to the history between the two institutions, efforts by various governments to control the House and the obvious tensions created by the House been financially dependent on the national government gives rise to accusations of doing what the national government wants
- However, it must be noted that the House is able to act as a consultant for various government departments and the chiefs do voice approval or disapproval for the economic strategies of the state, also the House is capable of being a neutral force that can assist in disturbances against the state by citizens

II. 11. Dr. Donald I. Ray. “Ghana: Traditional Leadership and Rural Local Governance” (Chapter 4 in Grassroots Governance)

Donald I. Ray uses the concepts of the pre-colonial, colonial, and post-colonial states, divided sovereignty, and divided legitimacy to argue that traditional leaders have long been recognized by the colonial and post-colonial states as being important to the processes of rural local government in what is now Ghana.

While the actual powers granted to chiefs for the exercise of local government by the colonial state and the post-colonial state have varied considerably, chiefs continue to be seen by the state as being junior partners, but partners nevertheless.

This may well be because chiefs draw upon different roots of legitimacy, such as pre-colonial religion and history to which the post-colonial state does not have direct access.

The Houses of Chiefs system contributes to rural local governance in Ghana.

Traditional leaders have their own sources of legitimacy/credibility that could be added to that of the post-colonial states in order to promote development and rural local governance. Where applicable, African states need to explore this development strategy option.

II. 12. Mr. Brian Keating. “Wechiau Hippo Sanctuary: A Partnership Success”

- The Wechiau Hippo Sanctuary is the first of its kind in Ghana and is regarded as a guide of community conservation initiatives in the country
- The sanctuary was established in 1999 as a means of conserving the unprotected hippos in the Northern, Upper West 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 22 villages in the vicinity of the sanctuary are involved in the initiative
- The concept of a reserve was first discussed in 1990 after a team from the Forestry Commission of Ghana realised that there was a need to preserve the hippos and after hearing complaints of farm destruction and complaints from local farmers and fishermen
- Recognising that the hippos were threatened by conflicts with local fishermen and farmers and at risk of being hunted or losing their habitat a government reserve was proposed to key community leaders and landlords
- Most leaders and landlords, including the Chiefs (Wechiau Na Bayon Doguah II, Tokali Naa Danyagriri Walamani) and the earthpriests opposed the initial proposal as they feared the loss of land

- In 1997 the topic of a reserve was once again initiated by the government, but this time dialogue was on how the communities could actively support the conservation of the hippo population and also benefit from ecotourism
- The chiefs and community leaders, upon recognising that land ownership would not be changed, gave their support to the idea
- The Paramount Chief requested the assistance of the NCRC in developing the sanctuary
- In 1999 the Wechiau community and their chiefs, using communal labour and funds, renovated an old local government building into a temporary visitor's centre and later that year a Tourism Development Committee (TDC) was established which consisted of members of all peoples in the area (including landless peoples)
- In 1999 a formal link to the Calgary Zoological Society was established when the Zoo's Conservation Fund provided funds for a reconnaissance survey of the sanctuary area
- In 1999 the TDC was made into the Sanctuary Management Board (SMB), which is responsible for the management of the sanctuary, the management board, along with traditional leaders established the rules and regulations for human use of the sanctuary
- The SMB has conducted educational activities to educate community members on the regulations of the sanctuary and of harmful practices (e.g. fires, livestock grazing etc.) which harm the hippos
- The sanctuary management is engaging community members in developing value-added processes such as the production of shea nut to increase household incomes and alleviate poverty
- The sanctuary has also been a source of employment for farmers and fishermen who now act as rangers and guides in the sanctuary
- Traditional leaders were key to this community-based environmental development project. Their success in this case needs further investigation in order to understand what worked locally and also in terms of their role in mobilising international funding from the Calgary Zoo.

II. 13. Ms. Kimberley Schoon. "From Calgary to Krobo and Back Again: Becoming Manye Pi Yo Gu, the Honorary Queen Mother or How IDRC Research Funding Encourages Grassroots Links between Calgary, Canada and Odumase-Krobo Ghana. (A Note)"

- In May 2003 Ms. Schoon travelled to Ghana to conduct research on the Manya Krobo Queen Mothers Association (MKQMA), an organisation she had learned of from lectures and discussions with Dr. Don I. Ray and through her membership in Global AIDS Awareness Group (GAAG) at the University of Calgary. Dr. Ray's research funding from IDRC played a key role in making this possible.
- The purpose of her travel was to conduct an undergraduate project and to facilitate a partnership between the MKQMA and GAAG

- Schoon's inquiry was intended to examine female traditional leaders understanding of HIV/AIDS as a social issue, whether gender played a role in the social context of HIV/AIDS and also to evaluate the success of the MQKMA's activities
- While in Ghana Schoon met with the MKQMA on two occasions, on the first occasion she presented her objectives (research and partnership), which were accepted by the group and on the second occasion she conducted interview with various queenmothers
- In her interactions with the queenmothers Schoon was able to recognise that there were barriers to their activities, and felt that the partnership with GAAG Calgary could assist, particularly with economic limitations
- Acting on GAAG's behalf Schoon purchased crafts that GAAG would market and sell in Calgary and elsewhere and agreed to research GAAG's potential ability to assist in providing aid for AIDS orphans in the Manya Krobo area
- For her work in assisting development, Ms. Schoon was installed as an honorary queen mother and was presented with beads and cloth (specifically that which is worn by the queen mothers while on AIDS duty). She was given the title 'Pi Yo Gu' which translates to 'special woman' or 'ideal woman'
- Upon her return to Calgary in July 2003 Ms. Schoon began to fulfil her promises to the MKQMA, she gave public talks in regards to the activities of the MKQMA and forwarded all honorariums received to the queen mothers
- Her completed academic project on female traditional authority and development was published in several newspapers and which ultimately assisted in spreading the goals and aims of the Manya Krobo Queen Mothers
- Through her work with GAAG, Ms. Schoon has helped raise funds through the sale of MKQMA's crafts and the soliciting for donations and funds
- Currently GAAG is raising funds to deliver 10 sewing machines, donated by St. Pauls' Anglican Church, for the MKQMA to assist in their community programs
- GAAG is also seeking to provide financial assistance for the over 600 AIDS orphans in the Manya Krobo cultural area
- Schoon acknowledges that her experiences with the MKQMA is a result of the research Dr. Don Ray, of the Traditional Authority Applied Research Network (TAARN), is conducting due to funding from the International Development Research Centre (IDRC)

II. 14. Hon. Prof. Kasim Kasanga, Minister for Lands and Forestry. "Integrating Land Issues Into Poverty Reduction Strategies and the Broader Development Agenda: The Case of Ghana"

Kasanga argues that customary land tenure best reflects the wishes of Ghanaians. Reforms are needed, including: divesting customary lands improperly taken by the state or no longer needed by the state.

Traditional leaders need to be involved in the administration of customary lands.

II. 15. Dr. W. Odame Larbi. ‘Chieftaincy, Land Rights and Security of Tenure in Ghana’

- Larbi argues that the institution of chieftaincy is firmly entrenched in the Constitution of Ghana and no other institution of the state can undo chieftaincy
- Larbi argues that the significance of chieftaincy and traditional communities lies in the issue of land tenure, indeed he argues that “it is impossible to conceive of the chieftaincy institution as capable of existence without control over land”
- Thus he argues that the continuing conflicts within the institution of chieftaincy are of significance because it affects the security of land rights and access to land in Ghana
- Larbi’s argument is that chieftaincy must be decoupled from communal land ownership in order to fully realise the profit potential (implicitly, economic) of “secure” land rights and tenure, i.e. under private ownership of land even at the cost of dispossession of communities
- Larbi’s arguably market-driven approach to land tenure does not ignore that traditionally land has a religious significance as it is viewed as belonging to the entire community – those living, dead and unborn and that it should not be sold outside the community for a profit
- Larbi’s contention is that this religious aspect of land rights and chieftaincy’s claim to uphold them are “crumbling in the face of a monetised economy”
- Within the two types of traditional communities: centralised states and decentralised states, the centralised states form 70% of the total traditional state system
- centralised states are those with paramount chiefs, is the integration of various social communities (each with their own chief or headsmen)
- Any alienation of land is done by the paramount chief who is the political sovereign of the entire state, which he often does with the assistance and advice of this council of elders
- The council manages and administers land, which they do for the communal benefit, a concept which is not codified in law, but which is understood by custom
- The collective interest in land is derived from the origin of the mode of acquisition, which generally was on a communal basis e.g. conquest, purchase, or gift
- An integral problem to that of communal lands in Ghana has been the lack of clearly defined boundaries as no accurate surveys have been established and no agreements about boundaries has been made
- While the chief is a trustee of the land, he is also a fiduciary and beneficiary, however community members have usufructuary rights to the land – however this interest cannot be transferred from a subject to a stranger, unless there is the consent of the management committee
- While land is being used by community members it is essentially out of the control of the stool, in that it is no longer property of the stool, yet the stool continues to exercise jurisdiction over the land
- For strangers to occupy stool land they must be granted that right by the stool, rights are usually granted on the utility of the stranger to the stool – what services can be provided in exchange

- A main problem is that land rights to strangers are usually granted orally and therefore there is no “evidence” should dispute later arise
- Decentralised states are independent landowning communities where communal land ownership is among a clan, family or village and where there may or may not be a chief, but a head does exist who manages the land, with elders much like fiduciary stools
- Larbi argues that these communities illustrate that it is possible to have an institution of chieftaincy whose power is devoid of land control as decentralised states often belong to stools, but the chiefs occupying the stools do not exercise any proprietary control over the land (this is known to occur in the Volta, Upper East, Upper West, part of Eastern, Greater Accra, Central and Western regions of Ghana)
- Larbi argues that the colonial experience is to blame for creating paramountcies where none existed and in so doing, creating the image that the chief held ownership of the land throughout the colony, this created confusion and conflict over land ownership particularly in urban areas
- Conflicts over traditional land ownership is further complicated in the modern state as the chiefs, the property owners can determine who has access to the land, while the state determines the permissible use of the land
- It was the expansion of the cocoa export market in the 19th century which changed the traditional relationship between subjects and heads in land owning communities, prior there was no economic value in the exchange of land, in that it had no measurable economic value, however as economic value can be acquired from the sale of communal land or use of it, there is increased conflict
- “Larbi argues that about 70% of chieftaincy disputes and destoolment cases have unaccounted proceeds from land sales as a key issue”, thus the recognising that the value of land is an important issue in modern Ghana, as communities must handle the proceeds of land sales, which can be contentious, particularly as the land is to be used for the benefit of the whole community: the living, the dead and the unborn
- In urban areas the issue of land tenure and the granting of land is further complicated by the lack of identifiably “substantive” chiefs as many style themselves as chiefs, regents or acting chiefs and grant land
- Within a urban area there is also the tendency for centralised and decentralised states to coexist resulting in both chiefs and heads of families granting land, thus creating insecurity and uncertainty about tenure
- Uncertainty is often compounded by government action which might seek to enstool a particular chief and in the same instance nullify the chieftaincy of the incumbent, incoming chiefs are apt to seek the resale of land creating uncertainty for developers who purchased the land from the destooled chief
- Larbi argues that all the disputes over land rights creates an environment which does not encourage private investment in land and thus economic productivity is lost
- He notes that the 1992 Constitution, in Article 267(5) essentially states that all occupiers of stool lands are effectively tenants of the landlord chief

Recommendations

- Decouple land ownership from chieftaincy – giving proprietary rights to the users of the land

- Create a system to record customary land rights and register them
- Repeal Article 267(5) so that communal land rights can be broken and land made subject to private market forces

II. 16. Ms. Meghan Dalrymple. “Gender, Land Tenure and Traditional Authority in Rural Asante, Ghana”

- Interviews with women and men in Kokofu, rural Asante, Ghana showed that often gender plays a role in how secure access to land is under customary land tenure.
- Men are more likely to have control over land than women who often have to rely on being granted temporary access to land to use for their own subsistence
- While women, especially poorer women, have more tenuous control over land under customary land tenure, there are mechanisms that can often be involved in order to allow these farming women in rural Asante to get access to land that they can farm in order to earn a living.
- However, various past governments and World Bank proposals to privatise land under customary tenure would likely drastically worsen women’s access to and control of land as these customary mechanisms would be replaced by a profit-driven market system of land ownership that would exclude these women
- It is not clear if those advocating the privatization of land tenure in Ghana have taken this into account. Accordingly, the privatization of customary land tenure, which traditional authorities play a significant role, should be rejected until the marginalisation of women under the proposed new system is properly studied.

II. 17. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Traditional Leaders Promoting Rural Development and Fighting HIV/AIDS: Inherent Contradiction or Actual Possibility (earlier draft of IV.1)”

This is a revised expansion of the earlier paper, listed below.

II. 18. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Chieftaincy, Sovereignty, Legitimacy and Development: A Pilot Newspaper Analysis of the Role of Chiefs in Three Aspects of Development”

- Ray and Eizlini conduct an analysis of newspaper articles in Ghana to examine how active chiefs are in implementing development in their traditional areas
- The objective of the research is to determine to what extent the Ghanaian chieftaincy as a whole involved in development, or whether the examples provided are notable and considered outstanding as a result of their rareness

- The paper argues that 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 and the articles allow chiefs to voice their concerns about their communities and provides meaningful information to the populace on the activities of their chiefs
- 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 they are actually doing so in significant numbers
- Their empirical data consists of 1068 newspaper articles collected from 1995 to October of 2003, articles were collected from the Daily Graphic, the Accra Mail, Ghana News Agency, Ghana review International (GRI) and the Ghanaweb website, Ghanaweb was used the most to provide greater consistency in gathering and in search results – at individual newspaper websites the archival material was quite limited
- Ray and Eizlini admit that there are problems associated with their methodology, notably that: what is reported in the news paper is essentially what the power holders wish to propagate; internet searches of newspaper archives proved difficult due to limited archival material, poorly archived material and inconsistencies with utilising keywords for chieftaincy which produced mixed results in regards to quality and quantity; false positives also occurred when searches under ‘traditional chief’ produced ‘district chief executives’ and chief executive officer’ and; as a result it proved difficult to produce an adequate code for categorizing article content and the present code is only preliminary
- The articles were divided into four main categories: Chiefs, Queenmothers, HIV/AIDS and Disputes and were subdivided under Chiefs and economic development, chiefs and social policy/social development and Chiefs and traditional political practices/role – ceremonial roles
- This paper looks at the specific subdivisions of “succession” from the Chiefs and Traditional Practices category, “education” from the Chiefs and Social Policy/Social Development category and the “infrastructure, Tourism and Agriculture” from the Chiefs and Economic Development category

Key Points

Education

- 56 articles mentioned chiefs and the promotion of education
- 33 articles mentioned traditional leaders and the funding of education: 19 dealt with funding of infrastructure; and 14 with funding of poorer students and funding of school supplies was also mentioned in the articles
- 16 articles involved traditional leaders stressing the significance of education for those who are socially marginalised, particularly girls and the poor
- 4 articles dealt specifically with the education of girls and involved a paramount chief stressing the significance of educating girls and maintaining their education; and the support for girls entering non-traditional fields such as science and engineering
- As authorities on family life and the rearing of children, queenmothers are lending their legitimacy to mobilise the education of girls and of Ghanaian children in general

- Chiefs are especially active in educational infrastructure, including the giving of land on which to build schools and the creation of educational endowments: chiefs are even urging each other to made their funds available to all Ghanaian students, not just those within their regions
- 5 articles deal with chiefs and their concerns over education policy and curriculum development
- chiefs personally contribute large sums of money towards education, either to buy supplies, for endowments or in providing infrastructure, however, they also solicit their communities to be contributors

Succession

- Ray and Eizlini argue that “successions are political affirmations of the legitimacy of traditional office holders and hence a measure of their continuing political legitimacy and their potential ability to promote development”
- The focus is on enstoolment and the installation of chiefs and queenmothers in Ghana, for which 4 articles were found
- One article recorded an abdication of a chief who felt that his community was made more peaceful by his abdication as the queenmothers objection to his tenure was creating communal conflict
- In general it was noted that while 41 articles dealt with chiefs, 17 were on queenmothers
- 7 articles noted that new chiefs and queenmothers were civilian professionals
- 10 articles dealt with the conferring of honorary titles to foreigners who had worked on development projects
- 1 article recorded the enstoolment of a woman as Chief, not queenmother (mpohor-Wassa district)
- 2 articles noted the urging for greater national recognition/representation of queenmothers, in one case by a former regional minister and in another case the advocator was a queenmother

Economic Development

- Economic development has various aspects to it, for the purpose of their study Ray and Eizlini looked at Infrastructure, Agriculture and Tourism, particularly as all generally relate to land, which in Ghana is largely customary tenure, control and managed by traditional leaders
- 2 articles dealt with chiefs who were approached about the establishment of industries in their area and where the chiefs were seen to be demanding too much (higher sums of money for access to land) for personal, rather than communal good – in response there is an article where an Ashanti Omanhene warns chiefs against such practices as they endanger development overall
- 14 articles deal with infrastructure: 3 water, 3 city/land planning, 3 roads and 3 electrification
- there are regionally differences on what issues of infrastructure are most prominent e.g. in Greater Accra most articles deal with city planning
- There were 9 articles dealing with tourism

- The articles included praise of national government efforts to increase internal tourism, traditional leaders travelling abroad to promote cultural tourism and government presentations to traditional leaders in the hopes of gaining approval of tourism attractions
- The Ashanti Hwidiemhene appealed for government support in making the Hwidiem Falls a tourist attraction so as to create employment opportunities for jobless youth
- 11 articles mention traditional leaders and agriculture: 6 cocoa, 4 other crops, 3 farming practices and education of farmers
- Articles expressed traditional leaders concerns about developing new crops, assisting farmers in making smart production choices, the need to encourage local industries and the abandonment of traditional practices that hinder productivity
- In 2 articles chiefs speak directly to the health of farmers as a result of the use of fertilizers and pesticides – one was in regards to educating farmers on the use of such products and the other was a call for a district hospital to treat farmers

Conclusions

Education

- It is argued that chiefs recognise not only the intrinsic value of education, but also the economic value in an educated public
- Chiefs acknowledge how economic issues for poorer families can restrict the education of their children, mainly their girl children
- Statements by prominent traditional leaders on the significance of education, particularly for girls gives legitimacy to development efforts as the influence of such statements on other chiefs and rural citizens, where traditional gender values are persistent
- The expansion of endowment funds to all Ghanaians illustrate traditional leaders commitment to national development and not simply a restricted self-interested development
- educational concerns by chiefs are nation wide and there is not a concentration of a particular issue in any particular regions

Succession

- Ray and Eizlini argue that the abdication is illustrative of development because it was an effort to avert open conflict and destoolment
- The acknowledgement of civilian professions by newly installed chiefs and queenmothers indicate a growing significance in educational levels, which has positive consequences for education in their area
- The conferring of honorary titles on foreign development workers and dignitaries indicates a growing acknowledgement that chieftaincy roles are increasingly connected to a chief's ability to implement development
- The enstoolment of a woman chief, a rarity in modern Ghana and the increasing cries for the inclusion of queenmothers in national politics, though inclusion in the House of Chiefs or the creation of such an institution for queenmothers, indicates changes in gender values regarding chieftaincy

Economic Development

- Economic development illustrates the shared legitimacy within Ghana as development projects rely on the involvement of the state, chiefs and contractors
- In their comments on tourism Ghanaian traditional leaders indicate their knowledge about the Ghana economy and the need to contribute to the economic condition of the state
- It can be argued that due to their direct involvement in agriculture, many traditional leaders have a nuanced understanding of agricultural issues
- Overall the articles illustrate that many Ghanaian traditional leaders are well informed on issues of economic development and are taking steps to increase the economic welfare of their areas and the country

II. 19. Ms. Linda Kreitzer. “Queenmothers and Social Workers: A Potential Collaboration between Traditional Authority and Social Work in Ghana.”

Kingship (chieftaincy) is an institution that has existed since ancient times in Africa (Kludze, 2000). It is an institution that has played a major role in many Ghanaian ethnic groups as the governor of customary law.

Important to traditional authority is the Queen Mother. She is the biological mother or close relation to the chief and offers advice and counsel to him. Today they have many roles in their communities including being diplomats and mediators as well as overseeing the welfare of women and children in the community. Western style social work has been present in West Africa since the 1940's encouraged by the United Nations and the Association of Social Work Educators in Africa. Social workers have been trained in Ghana since 1946 and work in government and non-government agencies.

The development of communities and the social welfare of women and children are of concern to social workers as well as to Queen Mothers. In 2002, a group of social work researchers met for ten months to look at the indigenisation of social work curriculum in Ghana with a Queen Mother as part of this group. This article describes the important dialogue between social workers and the Queen Mother concerning their roles in the community with potential future collaboration with each other that would enhance community development.

Queenmothers could play a more explicit auxiliary role in implementing social work policies.

II. 20. Dr. Donald I. Ray. “Chiefs in Their Millennium Sandals: Traditional Authority in Ghana_ Relevance, Challenges and Prospects”

See chapter in W.J. Tetty, K.P. Puplampu and B.J. Berman (eds). Critical Perspectives on Politics and Socio-Economic Development in Ghana. Leiden: Brill. Pp.241-271

PART III – SOUTH AFRICA

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PART III. B - SOUTH AFRICA SUMMARIES

III. 1. Summary of Tim Quinlan's Report of the South African Component of the Traditional Authorities Applied Research Network (TAARN) Project

- Tim Quinlan's extensive summary it highlights the general findings of the various case studies and provides detailed summaries of the various contributions by individual scholars
- The general results found in South Africa include:
 - A rejection of the notion of a polarity between the traditional versus the modern
 - The research indicates that there is not a simple recommendation that can be made to account for the political, historical and cultural dynamics that reflect the interaction between the state and traditional authorities
 - Illustrate that traditional authority is overlapping as it is locally, continentally and international defined
 - There are three (3) political agendas by elected officials: get rid of chiefs; incorporate them into local government; or develop a working relationship that does not have the same form of authority as elected representatives
 - The institution of chieftaincy is regarded as legitimate by many citizens
 - People do not make choices over which form of authority – state or traditional, should prevail
 - People expect chiefs to be development agents as well as government officials
 - The assertion that traditional authority is supported does not indicate an exclusion of modern democratic government
 - Chiefs have not espoused all democratic principles e.g. gender equality, however, this is related to the traditionalist position of the patriarchal roots of family and place
 - The roots of authority are defined by the populace and therefore any attempts by the state to define the terms of traditional authority undermines the very nature of the institution
 - The South African workshop concluded that chiefs rule today as 'governors': in that chiefly authority is 'the conjoining of a population and a territory under an overall authority; chiefs are guiding authorities; and they act as paternal figures
 - Chiefs are seeking to gain autonomous local governance authority e.g. the Bafokeng Royal Authority, and the research suggests that if they are able to demonstrate the attempt 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

Extrapolations from the Research

- In the restructuring of local government and municipal authority the research concluded that although there was some consultation, there was little consideration of the concerns of traditional authorities by government

- Chiefs did not undermine the basis of their authority by participating in the demarcation process because contrary to the chiefs' belief that they have an autonomous authority, the research indicates that such autonomy is fiction, autonomy can only be created in an instance where chiefs are financially independent and able to assist in development and market-based strategies
- Chiefs have found it difficult to work with government officials in restructuring local government because although municipal plans and systems are in place they lack the means of implementation and there is still ambiguity and uncertainty about how chiefs are to engage in the process
- The social foundations of traditional authority can be traced to the cultural heritage of the right of people to land and the chiefs' authority over the allocation of such land, however, the historical notion of chieftaincy as an extension of family and community notes that authority derives from the role of the chief as:
 - Source of social security for the unemployed etc
 - Inclusive nature of the chieftaincy irrespective of socio-economic criteria
 - Alternative notions of citizenship
- In answering the question of whether the institution of chieftaincy can be part of a democratic republic, the SA team framed the question in regards to the chiefs' role as a governor and thus concluded that although there are autocratic forms of chieftaincy there are also those who govern through consultation and there need not be a conflict between democratic governance and traditional authorities (43-45)

Fulfillment of TAARN Objectives

- Was able to respond to the first 2 conclusively, but not completely to the third
- Objective one: land is still the key resource for chieftain existence in South Africa and chiefs play a vital role in promoting secular education
- Objective two: generally claims of autonomous authority from the state by chiefs are unsubstantiated

Objective three: chiefs' involvement in municipal governance is instrumental to entrenching the principles of democracy, however, nothing conclusive can be stated from the research conducted

Additional Research Submitted 2003-2003 (Summarised by Dr. D.I. Ray and T.A.O. Clarke)

III. 2. (a) Mr. Sibongiseni Mkhize, Dr. Shahid Vawda, Dr. Pearl Sithole. "Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni (Durban) Metropolitan Region"

- This study represents a combination of the work of three researchers on the nature and form of chiefs' authority in, and adjacent to, the metropolitan area of Durban. The framework for the study is the recent political process of restructuring local government in South Africa, notably the rationalisation of municipal structures and boundaries. That process has culminated in the incorporation of 'tribal authority'

areas into municipal areas. The study focuses on the politics of engagement between the councillors and officials of the Durban ‘Unicity’, and chiefs, some of whom had their areas of jurisdiction incorporated into the city and others who did not. The ‘tribal authorities’ in this case are those of the broader ‘Zulu kingdom’ that covers most of the province of KwaZulu-Natal and includes 40% of all traditional authorities in South Africa. This ‘traditional’ institution currently consists of the King, 277 chiefs (*amakosi*), 8 deputy *amakosi*, 10,000 headmen (*iziduna*) who have jurisdiction in 23 regional authorities and 4 community authorities.⁴

- After the 2000 local government elections, the Durban Metropolitan region was expanded to include a large rural and semi-rural hinterland and became known as the Durban Unicity (renamed eThekweni Unicity in 2002)⁵. The inclusion was justified on the grounds of functional integration, density of population and the need for service delivery.
- This process led to the incorporation of 16 tribal authority areas, most of which have been wholly incorporated, but some have become split with portions remaining outside the municipal boundaries. In addition, the boundaries of 18 new wards created to accommodate the expanded city cut across some tribal authority areas.
- These areas are generally on the periphery of the Unicity, having been part of the rural hinterland in the past and have now become ‘peri-urban’ locations. Most of the settlements on the periphery are 30km away from the centre of Durban, and 8km from a transport node and 12km from the nearest commercial centre.
- In short, the settlements are a result of migration and poverty.
- In sum, the tribal authorities govern the marginal and marginalized section of the city’s population, yet retain an historical and local identity as areas governed by indigenous political norms and values.

History and continuity of chiefs’ authority:

- Most of the chiefs interviewed were able to cite their lineage descendents to the 19th century, some to the early decades
- In the past, chiefs were leaders on the basis of an elaborate system of household production and exchange, surplus extraction, and use of legitimate force. Chiefs were assisted by councillors (*iziduna*) drawn from the households and villages throughout the chiefdom, who participated in one way or another in the allocation of land, held court and adjudicated over various matters of law and custom. The chiefs also were the locus for extracting and holding surplus produce; for redistributing cattle, seed, food and drink during times of need, and for enactment of public rituals and festivals.
- Generally, the chiefs continue to allocate land to those who accept their authority. Today, they provide access to land, as they did for much of the latter part of the last century, for the ever increasing number of people who have sought a foothold to the city of Durban and who could not afford to formally buy or rent land/accommodation.

⁴ In 1882 there were 173 chiefs who were recognised by the colonial government. Of these only 99 were hereditary, 46 appointed and 28 were headmen with authority to administer splintered segments of chiefdoms.

⁵ Official translations of ‘eThekweni’ cite that it means lagoon or bay in reference to Durban bay. A less well known meaning is ‘one testicled beast or man’ in reference to the round shape of Durban bay and the appendage construed by the land spit known as the ‘Bluff’.

- Land allocation and management is central to the present day authority and legitimacy of the chiefs, but the study recorded that the issue of development (provision of services and infrastructure) is a priority concern amongst chiefs in view of the restructuring of local government and spatial expansion of the city government. It is also a concern amongst the residents and, generally, chiefs increase their legitimacy by being seen to be attracting infrastructural investments to their areas.

The study also showed:

- considerable variation in people's expectations of chiefs' interest and involvement in development issues;
- Chiefs were not unanimous in taking on a role as a development brokers;
- land management and development compete as priorities for chiefs
- Chiefs reckoned on continuing to uphold their understanding of authority. Notably, that understanding included maintaining pre-existing regional tribal authority structures for interacting with chiefs of areas beyond the Unicity boundaries.
- In sum, the study indicated that chiefs were engaging with the new structure of local government in 2001, though this had not been the case amongst some chiefs prior to finalisation of the new demarcations in 2000.

The study highlights conditions that are and will be a source of tension between the Tribal Authorities and the Unicity officials. These are:

- Legal ambiguities: the terms of the Municipal Structures Act and the White Paper on Local Government allow chiefs to continue to manage land allocations and to act as judicial officers in matters of custom and tradition within their areas of jurisdiction. However their rights as land authorities are not well-defined
- The Unicity authorities' legal control over development issues and the lack of any formally designated decision-making functions with regard to development for chiefs in local government legislation
- The developmental strategies of the Unicity authorities and the political imperatives of the elected councillors emphasise provision of services (water, electricity, sewerage, refuse removal) and roads and housing, but with the proviso that the costs can be recovered through payments by residents. However, this is problematic in view of:
 - inability of vast majority of residents in the tribal authority areas to pay for services set against the political imperative of the national government to reduce poverty;
 - exclusion of parts of some tribal authority areas from the Unicity, thereby marginalizing sections of the relevant chiefs' constituencies;
- the situation creates a basis for substantial political and material divisions between chiefs and Unicity authorities and between residents in the tribal authority areas and those elsewhere in the metropole;
 - chiefs become the authorities and guardians of the poor;
 - internal divisions within the Unicity are constructed on the basis of social differentiation of the population;

- chiefs become wary of the Unicity development initiatives (indeed they already are) and emphasise a role as gatekeepers for projects;
 - internal tensions between chiefs over ‘traditional’ territorial boundaries can flare up again (even if they have been dormant for many years) as chiefs pursue opportunities to secure development initiatives;
 - residents in areas excluded from the Unicity may attempt to migrate into the included areas, thereby generating a larger impoverished population in need of services as well as exacerbating land shortage and threatening the power of the chiefs.
- The study emphasised the various ways in which boundaries are being drawn around populations and authorities, spatially, geo-politically and on the basis of socio-economic class.
 - The different and competing conceptions are a key to understanding contemporary relations between ‘traditional’ and ‘modern’ authorities. Specifically the study asserted that ‘an important issue in the creation of boundaries is to ask who controls the boundaries, for what purpose and what happens within the boundaries.’
 - The general conclusion is that the current situation in Durban is fraught with potential for conflict. However, greater involvement of chiefs and participation of their ‘subjects’ will become a political and economic necessity for the Unicity government.
 - ‘Traditional authorities’ are and can continue to exist and play a significant political and economic role in metropolitan government;
 - The scope for elected municipal governments to ignore or exclude ‘traditional authorities’ is limited, if communal land tenure systems are retained within municipal boundaries;
 - Chiefs in municipal areas are the authorities of the ‘poor’ and, through that position acquire political power to be gatekeepers for development projects;
 - Municipal governments are promoting policies of participatory democracy and devolution of authority to local government levels (in practice endorsed by the area-based management strategy of the Unicity), in line with national policy and legislation, such that ‘traditional authorities’ and their ‘subjects’ have a political platform to be legitimate participant citizens in the governance of municipalities. And yet, they retain the de facto right to an alternative political identity.

III. 2. (b) Professor Robert Thornton. “‘Traditional Authority’ and Governance in the Emjindini Royal Swazi Chieftom, Barberton, Mpumalanga: An Empirical Study”

- Robert Thornton conducted a survey of 1200 residents in the Emjindini Royal Swazi Chieftom to understand people’s attitudes towards chieftaincy in the post-apartheid period.
- Using Barbara Oomen’s original questionnaire, albeit with modifications for the specific situation, Thornton was able to illustrate that chieftaincy is far from dead in South Africa. In addition to answering questions of attitudes towards chieftaincy,

governance and democracy, Thornton presents a valuable analysis of the concepts of identity and culture in the South African context.

- He notes that in the South African context, which has a history of multiple loyalties and identities, “cultural identities are overlapping and multiplex.”
- The survey was conducted in the rural and municipal areas, which are jointly called Umjindi, this area includes the townships of Barberton and Emjindini, and the surrounding lands.
- The survey in this area is significant as it has a host of characteristics that enable insight into the complex South African social terrain. The area is a mixture of languages and even tribes, with intermarriages and the presence of Mozambican refugees, it is also interesting as the Swazi are related to the royal family of Swaziland and pledge allegiance to the King of Swaziland (and have even indicated that it is their constitutional right to be governed by him).
- Thornton’s survey gathered interesting social and economic data that was used in analysis of answers to questions of governance and politics.

The most important findings are in relation to the political context. Significant findings include:

- People have not noted an improvement in their economical situation since 1994 and ANC rule and indeed most people felt that their housing, schooling, electricity and job situations had deteriorated
- Although people’s expectations for the ANC were high and they have been disappointed with the results, it has not resulted in reduced party support, nearly 84% of respondents were ANC supporters
- 4.2% had no party affiliation, 1.5% IFP, 2.4% DA, 2.4% UDM, 2.4% PAC
- All DA members had a standard 6 education, while 47% of ANC members had no education at all

- There seems to be no political division based on ethnicity or language identification
- In Umjindini support for the chiefship is higher than support for the municipality and contrary to popular belief that support for the institution of chieftaincy is higher in rural areas, in this study support was higher (85%) in the townships than in the rural area (43%)
- In Emjindini, where municipal government was a new phenomenon, there were lower levels of approval for performance (31%), while the majority either had no opinion or declined to answer (61%)
- Thornton infers that the presence of neutrality or unwillingness to speak in favour or against chiefships or municipality performance can be regarded as a negative perception, with pragmatic undertones
- Against the generally negative attitude towards the municipality, there is a much higher rating of chiefship as an institution (43% in favour of chieftaincy)
- And although people may not express an opinion about the institution of chieftaincy, they will about a specific chief
- Chief Kenneth Dlamini, despite not having accomplished any development for his area, was regarded favourably with over 50% of his ‘constituency’ supporting him

- Men tend to support chiefships more than women (57% of men, compared to 47% of women), but men and women responded identically to questions of gender discrimination indicating that if discrimination is evident it is generally accepted by both sexes (however the majority of men and women felt that the chief does not discriminate) (they equally agreed at 65% for each sex that chiefs do not discriminate against women)
- People, understanding democracy to mean of the people, felt that chiefs were better able to provide democratic government
- People also looked to the political parties, and not government, to provide critical services, which suggests that the ANC's efforts to centralise and monopolise government control of provincial and municipal administration has indeed eroded any sense of a federal/governmental system

Thornton did not find correlations between income, education and sex and support for a chief, causing him to note that rather than suggesting a random skew, it presents the notion that there is an unknown political factor e.g. tradition or personal loyalty which should be considered in the South African context.

III. 2. (c) Ms. Zosa Olenka De Sas Kropiwnicki. "Traditional Leaders in Post-1996 South Africa, with particular reference to the Eastern Cape"

- Much of the document focuses on describing the history of the institution of traditional authority within South Africa from the 1900s to 1994
- Kropiwnicki places the current issue of the role of traditional leaders vis-à-vis the new democratic republic taking shape in South Africa within the discourse of modernity and various models of democracy (e.g. mixed government)
- While the main focus is the Eastern Cape there is significant attention paid to traditional authority in Africa in general
- The most significant contributions can be found in the latter chapters which focus on the ANC strategies in regards to chieftaincy, the ways in which traditional authority can/should be incorporated into governance and her recommendations for traditional authorities
- In recounting the history of chiefs in South Africa in the Eastern Cape, Kropiwnicki notes that the Apartheid era homeland administrations controlled by chiefs and the Apartheid/Colonial regime were responsible for land allocation, road maintenance, water supplies, land rehabilitation, disease prevention, pass controls, working permits, the dispersal of unlawful assemblies, and the maintenance of law and order
- She also notes their mandate to make recommendations in connection with schools, old age pension, disability grants and licenses
- She notes that in the 1960s and 1980s chiefs faced resistance due to increasing poverty, state intrusions and chiefly abuses at all levels
- Resistance and opposition to chiefly rule culminated in situations such as Thembuland in 1960, when one chief and eleven of his associates were killed, it was during this period that the notion of the 'good' vs. 'bad' chief was created: the good

chief served his people, and the bad chief served the apartheid Nationalist Party government

- It was also during this time that the ANC sought alliances with the chiefs in an attempt to unify against the Nationalist Party (NP) government. The strategist was Chief Albert Luthuli, President of the ANC branch in Natal
- In building an alliance the ANC had to distinguish between those chiefs that were bad, i.e. working with the NP, and those that were good, i.e. willing to support the liberation movement
- However, the majority of the ANC and its agencies saw chiefs as agents of apartheid
- Other components of the ANC, such as the SACP were also influential in building anti-chieftaincy rhetoric within the party, as they viewed chiefs as “BAD officials with black skin – working for boy’s wages”
- Kropiwnicki notes that although the ANC and its agents were critical of chiefs they did not get deeply involved in struggles, within rural areas, against chiefs
- The good vs. bad debate was the centrepiece of conflict between the Transkei National Independence Party (TNIP) and Ciskei National Independence Party (CNIP) governments in Thembuland and Mpondoland in the Transkei and the Ciskei, in the Transkei chiefs attempted to maintain some legitimacy by organising behind the Transkei Traditional Leaders Association
- As noted by other scholars, Kropiwnicki supports the argument that due to its largely urban backing, the ANC had to shift its strategy towards chiefs in the 1980s and onward to create inroads into rural communities
- In developing its strategy for a democratic transition the ANC had to re-conceptualize its traditional authority position, and although chiefs were still largely regarded as apartheid agents, the pragmatic necessity of incorporating them in the transition demanded a new policy
- Kropiwnicki states that the four factors which resulted in the vague and ambiguous strategy that the ANC has utilised since the late 1980s, in regards to chiefs, are: respect for the institution by notables such as Mandela; fear of Inkatha’s ability to undermine attempts to unite against the NP; the need cement rural votes and the creation of CONTRALESA (Congress of Traditional Leaders of South Africa)
- “according to some commentators approximately 80% of chiefs in the Transkei declared themselves in favour of CONTRALESA and the ANC (157)”
- In trying to appease segments of the ANC who were confused over the reversal of strategy and the incorporation of elements perceived as Apartheid agents, the ANC sought to illustrate that many chiefs had broken away from the apartheid system often joining CONTRALESA and had thus regained the respect of the people and ever now instrumental to the forces of change within the country
- Kropiwnicki, like some other South African scholars, notes the numerous ways in which the ANC manipulated the expectations of chiefs in an attempt to keep their alliance throughout the negotiations for transition
- Generally, the conclusion is that the ANC’s strategy toward chiefs during the 1990s and onwards was one of ambiguity, namely that while chiefs were “recognized” as significant agents in the transition, their formal role and status was delayed e.g. the 1993 interim constitution which defined traditional leaders, but did not define the precise role of chiefs

- The final constitution reflected the ambivalence among the ANC ranks about the future role of traditional leaders, the increasing independence of CONTRALESA and the need to draft a constitution that the majority of parties would find consensus on (161)
- The ambivalence of the ANC nationally resulted in the increased subordination of chiefs at the provincial level. The Amendment of the Local Government Transition Act of 1995 gave provincial government the option to reduce the presence of chiefs in local councils
- Kropiwnicki notes that the ANC adopted a pragmatic strategy of paying lip service to the chiefs when it was important to do so, and ignoring them when it did not
- In the Eastern Cape conflict between the ANC erupted over a provincial ministers attempts to abolish the headmen system; also the effort to establish houses of traditional Leaders created conflict

Finding/Suggestions that need to be considered:

- Kropiwnicki suggests that “cultural theorists” fail to recognise the role that chiefs can play in modernisation and furthering democracy. They dismissed the institution as an ‘irritant appendage’
- If democracy is a government of the people, by the people, for the people, then traditional leader cannot be subordinated without the republic suffering negatively
- **1996 Market Research South Africa survey**
 - 60% of blacks believed that traditional leaders should serve in local government
 - 70% of South African adults regarded them as important players in community affairs
- the centralising strategy of the ANC has several implications: it increased the ability to manipulate chiefs: however, the inefficiency and inadequacies of local government increases the legitimacy of chiefs
- in the Eastern Cape chiefs are weak, divided and dependent on the state for finances and in many areas they do not enjoy popular legitimacy, thus they are limited in their ability to counter state attempts to exclude them from local governance

Kropiwnicki’s Recommendations to Chiefs

- Chiefs need to adapt and develop skills and act on opportunities to increase their legitimacy and power to be agents of development
- Chiefs need to be inclusive of all segments of society, regardless of race, gender, culture and in doing that dispel the belief that they are sexist, racist and undemocratic
- Chiefs need to develop a degree of organisational autonomy and overcome internal divisions
- Chiefs need to increase their financial autonomy, thus removing the stigma of being civil servants and government stooges
- She notes that when the state does not act in the best interest of the community, the populace turn to chiefs to assist them, chiefs need to harness this authority and play a larger role in civil society

Generally speaking Kropiwnicki's work describes the changes that have occurred in the relationship between South African governments and traditional authorities. She argues that chiefs in South Africa have always had to act in accordance with the agendas of the colonial and post-colonial states in order to maintain their ability to govern and assist their people. While not dismissing that there were abuses against the people, by chiefs, in the apartheid era of homeland authorities, she argues that the chieftaincy is not homogeneous and all cannot be evaluated by the actions of some. Furthermore, she notes the continued support of chiefs, regardless of the incentives for such support, and argues that by virtue of their continued authority, given them by the people who constitute the democratic constituency, chiefs must be regarded as partners in building democracy and in modernising society, rather than as subordinates to be manipulated and used as it befits the state.

III. 2. (d) Professor Victor Ralushai. "The Role of Traditional Leaders in Local Government and Development in Venda"

- This study revealed the fluid nature of political allegiances and conflicts between chiefs, elected councillors and civic groups in Venda. Venda is an area within Limpopo Province (the former Northern province) that retains a particular ethno-geographical identity. It was a 'homeland' for Venda people during the apartheid era, but residents also included people who proclaimed Tsonga, Pedi and Shangaan heritages. It obtained 'independence', partly at the instigation of Venda traditional leaders who saw an opportunity to revive historical (colonial and pre-colonial era) political dominance of Venda over other groups in the region. The study identified the 'homeland' heritage as a significant political factor that has, ironically, served Venda chiefs to re-establish their legitimacy as authorities in post-apartheid South Africa.
- The study focused on relationships between Venda chiefs, including indigenous and headmen, and elected local government councils and councillors since 1994
- there still are tensions between chiefs and municipal councils, but compromises have been achieved for the moment
- the era of Venda's 'independence' during the apartheid era, provided political resources that helped to revive the popular legitimacy of chiefs as authorities generally and, in particular, as agents for development projects. The basis of the argument is that 'independence' led to a period of unparalleled improvement in the infrastructure and services for the populace.⁶ Schools, clinics and technical colleges were built as were modern offices for 'tribal authorities'. Agricultural projects flourished and the road and transport systems were improved. Notably, chiefs were active agents in promoting such development (including challenging local norms by encouraging school attendance for girls). That era of development, it is argued, has been used by chiefs to compare their role with that of municipal councils in the post-

⁶ The scale of 'investment' by the South African government can be attributed in part to the location of Venda – close to international borders with Zimbabwe and Mozambique – thus making it politically and militarily significant for the government.

apartheid era. Notably, the contrast is unfavourable for the councils, for the populace has witnessed the incapacity of municipal councils to sustain, let alone continue to improve infrastructure and services in many localities

- further contrast to the municipal authorities, chiefs in Venda have begun to act independently to attract investment into their areas of jurisdiction, including consulting directly with international donor agencies. The scale and number of these independent projects may be limited, but they support the agenda of chiefs to secure their status in local government and, more broadly, in the new republic
- The apparent success of 'traditional' authority in Venda to secure a central role in local government is marked by internal tensions
- During the mid post-apartheid 1990s, when municipal local government consisted largely of 'Transitional Local Councils' (TLC), there were marked tensions between the chiefs and the TLCs.
- The TLCs initially enjoyed the support of the populace against the chiefs with regard to the broad political process of establishing a democratic local government and land allocation.
- However, allegiances shifted to the point that chiefs and formerly antagonistic civic organisations worked together, and partly against the TLCs with regard to:
 - ensuring equitable land allocations;
 - Promoting representative elected municipal councils.
- the rhetorical division of authority into 'traditional' and 'modern', for political purposes reifies the form and content of divisions (and conflict and tensions) on the ground;
- The study suggests that political contestation in localities over the status and role of 'traditional authorities' is fluid and changeable. Notably, the contest is not bound by ideological differences in the past; given that the study showed that 'apartheid' has been a resource for chiefs to re-establish legitimacy and participation in local government in post-apartheid South Africa;
- The instrumental politics of establishing and conducting democracy in local government cannot accommodate individual and local group interests in securing land. The moment that interest is threatened, individuals and groups (including democratic civic organisations) turn (successfully) to 'traditional' authority for the defence of their interest;
- Municipal authorities cannot make inroads into land allocation (a foundation of chiefly authority), but chiefs are making inroads into 'development' (a foundation of municipal authority).
- There is a resurgence of 'traditional authority', but at the same time, there are internal tensions in that process. The study intimated possible conflict that may appear as ethnic conflict (Venda vis a vis Shangaan, Tsonga, Pedi), but which are rooted as much in the politics of re-establishing and creating a structure of chiefly authority. Nonetheless, one cannot ignore the possibility that any expression of ethnic divisions encapsulates popular fears of loss of access to land as a result of the restructuring of 'traditional' authority.
- The weakness of municipal authorities could be somewhat overcome if traditional authorities could be mobilised as auxiliaries

III. 2. (e) Dr. Lungisile Ntsebeza. “Structures and Struggles of Local Government in South Africa: the Case of Traditional Authorities in the Eastern Cape

- This study focused on the history of political authority in one locality of the Eastern Cape province from colonial times through to the present
- The study examined the disputed status and role of chiefship in Xhalanga
- unlike other areas of eastern Cape where headmen were drawn from families with a chiefly heritage and where chiefs influenced their appointment; in Xhalanga, colonial magistrates appointed headmen, some of who had a chiefly heritage while others did not
- the study recorded that antagonisms against chiefs and headmen were at a peak in the late 1980s and early 1990s when the ANC political strategy was to demonise chiefs as agents of apartheid and there were active campaigns against the latter
- Later the ANC strategy changed to one of political reconciliation, and it included portrayals of ‘traditional authorities’ as allies in the struggle against apartheid and as forms of authority with a future in the new republic.
- Sections of the population continued to call for the removal of ‘traditional authorities’ in favour of elected authority structures based on local Residents Associations. In other areas (the study cites the locality of Emnxe) activists called for elected headmen.
- The imposition of the headman system by colonial authorities recognized the administrative component of indigenous political authority, but ignored the socio-cultural framework that defined the full nature of that authority;
- ‘Headmanship’ in South Africa is, perhaps, more of a combination of European and indigenous concepts of authority than ‘chiefship.’
- The changing form, status and role of ‘traditional authorities’- in relation to changing local and broader circumstances in which that authority is practiced - strains the credibility of ‘traditional’/‘modern’ framework for describing and explaining the continued existence of chiefs.
- The reference in the study to an appeal for ‘elected headmen’ intimates local level support for the structure of this ‘traditional’ form of authority, but change to the content to suit contemporary political understanding of democracy.

III. 2. (f) Professor Theo Scheepers and Ms. Olivia Lefenya. “The Role of Traditional Leaders in Local Economic Development”

- Scheepers and Lefenya start by noting that the concept of Local Economic Development (LED) is a relatively new concept, one closely related to the implementation in 2000 of new municipalities by the national government.
- The goals and objectives of this type of development is defined in the Local Government Municipal Systems Act of 2000 which seeks to address issues of “poverty eradication, unemployment, access to housing, basic water services and

- sanitation, black economic empowerment, small business development and involvement in the main stream of the economy of the country.”
- Scheepers and Lefenya argue that prior to the end of apartheid in 1994 such concerns were administered by traditional leaders, functioning under apartheid era legislation and customary laws. Their contention is that recent and current legislation up to 2002 does not clarify what role traditional leaders can/should play in economic development vis-à-vis municipal administrations.
 - Their research focused on the perception and understanding of traditional leaders in relation to the new legislation(s). They note that while traditional leaders continue to be committed to improving the lives of their people, they are now unsure of what their role is in local economic development.
 - Traditional leaders have typically assisted in rural employment by employing community members to farm communal land etc, however recent developments have made farming areas municipal land and thus controlled by municipalities.
 - These changes have not only restricted the ability of leaders to aid their community, but further aggravates unemployment in the rural areas as municipalities favour large scale operations which focus on machinery rather than labour.
 - Other findings include the lack of inclusion of traditional leaders in the decision making process and the resultant ambiguity leaders face when wanting to make suggestions to implement ideas.
 - The general problem that Scheepers and Lefenya note is that “there is no policy or legal guidance as to the role the traditional leader has to play in the local economic process or how he or she is to act when local government fails to deliver... development is retarded because leaders of the communities can not fulfill a monitoring role and can not ensure compliance with policy and law.”
- Scheepers and Lenfenya recommend that as traditional leaders continue to play a significant role in society, they must be incorporated into development plans.
 - They also note that the question is not one of legality or policies, but rather that traditional leaders are part of a religious based system of customary rules and values and must be treated as part of the national fabric, rather than simply a part of the nation-state.
 - They advocate the increased involvement of African intellectuals in the designing of policies and strategies to integrate traditional authority.
 - In reviewing how their study related to TAARN’s stated objectives they noted the significance of values in South African society, particularly in rural communities.
 - They assert that if one recognises that “social value in traditional communities is that of the integrated nature of traditional leadership [which] regards the leader as the development leader, the custodian of traditional values, the religious leader and the mediator or judge [and] the allocator of land” then one cannot ignore the need to involve traditional leaders in the formal government structures. Thus, they argue that traditional authority cannot be treated by the national government as an area of debate and formal policy – it is not an object of analyses, by virtue of its imbedded social nature, traditional authority should not be administered by national government as they would administer transport or health policy.

- Scheepers and Lefenya offer critical analysis of the institution of traditional authority, even noting some of the problems with the system, including the lack of gender equality and inefficiency when a single leader is expected to make final decisions.
- Overall, it is an analytical piece on the interconnection between traditional authority, public expectation and government legislation on traditional authority.

III. 2. (g) Mr. Joseph Nkuna. “The Integration of Mozambican Refugees in Lusaka Village, Mpumalanga”

- Nkuna’s article analyses the assimilation of Mozambican refugees into traditional Tsonga society
- The case study of Lusaka Village and the two main periods of migration of Mozambican refugees, between 1840 and 1904 and from 1985 to 1990, illustrate how despite common language and culture, communal cleavages are not diminished
- Lusaka is a village in Tzaneen in Limpopo province (formerly Northern Province) of South Africa and is under the chieftaincy of Samuel Muhlava of the Nkuna people
- The ethnographic study focuses on the experiences of 21 refugee families in the Traditional Authority space known as Dan C. Four refugee families were interviewed extensively to receive more insightful commentary on assimilation
- Nkuna looks at traditional life and relationships, rather than the ways of traditional authority administration or assistance in developing communal ties
- Nkuna found that 0% of male heads of households were employed as headmen, which might indicate the lack of interaction between refugees and traditional leaders, who often are responsible for creating employment opportunities in the villages along the lines of farming and heading
- One way in which chieftaincy has assisted refugees in being accepted is that it is inferred that they accept the ethnic continuity between the South African and the Mozambican communities. E.g. “Maluleke and Chauke are our people” Chief Mhinga, referring to the Mozambican refugees from Chicualcuala district in Mozambique (48)
- Nkuna notes that during the first and second waves refugees settled in areas under the authority of local chiefs and residents and chiefs supported their plight (51/52)
- “Through the idiom of kinship some of the chiefs and individuals in Gazakulu embraced the Mozambicans and tolerated their settlement in places that fell under their control (55)”
- Nkuna notes that prior to 1994 when the Gazakulu homeland was re-incorporated into South Africa, traditional organisations existed and played a fundamental role in maintaining cultural customs etc, but since the incorporation, they have lacked the financial base to continue such activities. It can then be suggested that other than offering land to refugees, traditional leaders have been unable to assist these communities in assimilation due to lack of resources, not lack of will

- Nkuna’s focus is on communal responds to refugees and the relationships between residents and refugees, rather than the relationship between traditional authority and refugees who subsequently feel under their jurisdiction

III. 2. (h) Mr. Kereng Kgotleng. “Chieftaincy and Local Government in Mafikeng, North-West Province”

- Kgotleng argues that there is room for inclusion of the chieftaincy within the changing South African definition of democracy
- He acknowledges that while the institution of chieftaincy is not often regarded as adhering to ‘traditional’ Western Liberal democratic principles, such exclusions should be reconsidered
- As representatives of the people, as the protectors of group rights and cultural identity, chiefs are instrumental agents to the political development of South Africa
- He notes the evolution of chiefs within South Africa during apartheid, under the Bantu Authorities Act of 1951 and since 1994, and thus he notes that the institution has been manipulated by various governments to aid in homeland administration or in winning local government support, but also that chiefs have shifted their allegiances to maintain their hegemony over the countryside.
- Kgotleng argues traditional leaders have power that is based on the shared beliefs and experiences, which create the knowledge of a community, of which a chief is part. And thus, while the government would like to make chieftaincy a ceremonial instrument, the public would like to see chieftaincy play a more active role in local governance and local judicial processes and to focus more on development
- Kgotleng notes the historical changes in alliance of South African traditional leaders, from the first free and democratic elections in 1994 - since then chiefs have aligned themselves with the ANC, which ultimately lead to the decreased significance of traditional authority to the ANC as they realised they could generate rural votes without chieftaincy assistance
- Democratisation threatens chieftaincy because it raises questions of legitimacy, accountability, rights and freedoms and in South Africa, the process of democratisation has meant the relinquishing of tribal authority, e.g. in the dismantling of tribal police forces
- “The position and status of chieftaincies in the newly independent African states is preserved and shaped by the economic and political interests the chieftaincy can serve, promote and protect (12)”
- Kgotleng notes the significance of headmen in governance of rural areas, and suggests that they create a balance of power which keeps chiefs from arbitrary and totalitarian rule (13)
- In discussing the interchange between traditional authorities, local governance and democratic local governance, Kgotleng quotes Mamdani in saying “the democratisation of traditional authorities is a starting point for development, because failing to do so could lead to rural ethnic politics contaminating urban civil politics (14)”

- Kgotleng spent a month living with the Batlhaping Boo Phuduhucwana in Taung, attending public gathering and meetings, and conducting interviews
- Used Oomen's questionnaire, adapted for situation
- Kgotleng interviewed 20 ward councillors for the Taung municipality and 13 headmen for the chieftaincy, in wards covered Batlhaping Boo Phuduhucwana Chieftaincy, Batlhaping Bag a Maldi and Ba Ga Mothibi chieftaincies

Major findings from Ethnographic Fieldwork with Manokwane and Modimong:

- 200 questionnaires distributed in 4 wards, 185 were answered – target was male and female adults over the age of eighteen
- Most respondents were female (57%) , 37% were unemployed and 43% survived on other occupants income and 28% on pensioners
- Support for the chief, although there was ambiguity over who the chief was, was high (55% women, 38% of men)
- Results indicate that those with the highest education are the strongest supporters of chieftaincy (34)
- The support of a chief is not affected by a perceived sense of participation in kgotlas⁷, meaning that people believe that even if they do not support a chief they can participate in kgotla (35)
- Ward councillors have adopted kgotlas as their forum, reinforcing the legitimacy of the traditional political structure
- About 70% of women and 58% of men feel that chieftaincy does not discriminate against women
- Questioned about local government (what it means and does) 58.8% said they do not know about 'local government and only 32.1% said they did – Kgotleng attributes this and the general neutrality towards local municipalities as a consequence of the newness
- He argues that it is because of this uncertainty about the capacity and ability of municipalities to perform and lead to development that most people support chieftaincy – it is still the best known and accessible tool for people (39)
- Kgotleng argues that support for chieftaincy is not a rejection of municipal government, or an argument that municipalities should be subordinate to traditional authorities, rather that the contest for rural government and development continues and is not clearly defined by law
- Such ambiguities over who governs what is critical in the areas of housing and water management: housing is one of the top five priorities for the Taung municipality, but most of the houses in the rural area are built by unregistered builders who do not follow the outlines laid down by the government

⁷ Kgotlas are traditional authority forums for debating and discussing communal matters

- The government's conclusion was that the poor housing was a result of poor organisation in the rural areas due to inadequate governance by chiefs, thus giving government a reason to 'create' local government in rural areas
- Kgotleng notes that the buildings of the tribal authority are deplorable, however, they are instrumental in providing key services such as certifying letters for pensioners, keeping records, arranging customary courts on a daily basis
- Thirteen war sub-chiefs and their headmen assist the chieftaincy in allocating land and solving disputes
- The significance of the chieftaincy services was noted when traditional leader Samuel Mankuroane was ordered to remove himself from the chieftaincy office and his refusal to hand over his keys made the chieftaincy non-functional for a week, people noted the inconvenience this created
- Kgotleng notes the ambiguity over the chieftaincy role in local governance as there are only notions of recognition in post-apartheid legislation, but no definition of powers and status, thus rural societies are seen as people without local government because chiefs are not considered service providers or suitable for local government
- It is concluded that people lack knowledge about municipalities and what their roles are in local governance, however, the use of traditional forms of governance, i.e. the use of kgotlas by councillors confuses residents and can be viewed as an attempt to rob traditional authorities of their legitimacy by the elected officials
- In this region the overlapping roles of chiefs and the municipality creates conflict, not necessarily aimed at excluding the other, but conflicting nevertheless and complicated further by the different rationales between the legitimacy of each institution, as the case of the removal of Samuel Mankuroane illustrates (Chapter 4)
- "Most people in Taung want the municipality to provide basic services such a water, schools and electricity, ...but their comments indicate that they expect the chieftaincy to authorise and create such opportunities for such development to occur
- Chief Tshepo Mankuroane described the role of the chieftaincy in development as the authorisation for development to occur (52)
- People are unhappy about the progress the municipality has made since 2000 – in that they feel little progress has been made
- The government has actively trained councillors and mayors through workshops to better educate them about development delivery, at the exclusion of chiefs and headmen, thus creating the argument that chiefs do not have the required training to govern and facilitate development because modern development requires training
- The government's contention that local economic development can proceed without the chieftaincy ignores that political processes are not isolated from socio-economic processes in the context of local governance and thus people will use their political agency to meet their soci-economic and political goals
- In this case people used their agency to remove or seek the reinstatement of the chief, but in either case it illustrates how people's perception of how their world works will influence how they try to MAKE things operate

- Kgotleng also studied traditional authority in the villages of Manokwane, Modimong and Chief's Court to note how the kgotla, the embodiment of an open social body, can accommodate the various agencies and facilitate coordination of each group, without threatening the legitimacy of the chieftaincy or the municipality
- A key point made by Kgotleng is that tradition is not the rationale used to support chieftaincy, but that support is based on a political vision as it accommodates multiple ideas of governance, economic development and transformation, it articulates the aspirations of a community and rather than trying to change the community (as municipalities are perceived to want to do), chiefs are attempting to transform communities, in keeping with traditional values

South African Reports Completed since T.Quinlan's Report Completed

III. 3. (a) Sibongiseni Mkhize, formerly Local History Museums, eThekweni Municipality, South Africa TAARN Team. "Gearing up for Constructive Engagement': Traditional Authorities and the Predicament of 2000 local government elections in the Durban region"

See T. Quinlan's summary of the Mkhize, Vawda and Sithole report.

III. 3. (b) . Shahid Vawda, School of Governance, University of KwaZulu-Natal and South Africa TAARN Team. "Governance Policy and Democracy: Reconstituting Traditional Authorities in the eThekweni Municipality (Durban) 1994-2003"

See T. Quinlan's summary of the Mkhize, Vawda and Sithole report.

III. 3. (c) K.O. Lefenya. "Traditional Authorities Applied Research Network, Second Report"

General research findings:

- Chief Kgosi Samuel Mankuorane felt Local Economic Development was of great importance to his area because Taung has untapped natural resources that can be exploited
- In the past traditional leaders had programmes to help develop their own tribes, e.g. collected contributions to build schools, crèches, and clinics
- Local municipal schemes are attempting to develop electricity, telecommunications and transport systems, but focus on providing those services to townships, rather than making availability municipal-wide, which would include rural areas adjacent to towns
- Chiefs want to be active in generating economic activities to alleviate poverty

- In the Bafokeng tribe, the traditional leader has introduced computer literacy to the children of his village
- Royal Bafokeng nation has its own independent school which was established by the late Kgosi Lebone Molotlegi II in 1998
- Royal Bafokeng built a 1st world class sports centre and not only provided a recreational space and ability to continue revenues, but also created numerous job opportunities for residents

Summary

- Lefenya's report is an overview of the research findings in South Africa in relation to TAARN's stated objectives
- There is a general overview of the institution of chieftaincy, which notes that the institution has developed over many hundreds of years and is an integral part of black leadership in Africa
- Lefenya notes, "through all the changes in the country's composition and demarcation, there was one institution of government which existed and still continues today ... the institution of traditional leadership"
- In reviewing the history of chieftaincy Lefenya makes a good argument for chieftaincy as a democratic institution, noting the collective nature of tribal authorities, even under the Black Authorities Act of 1951
- Lefenya argues that a traditional leader, while the highest authority in the territory, did not act autonomously, but "in collaboration with a tribal council that represented the people"
- The purpose of Lefenya's piece is to link traditional authority to rural governance, particularly in light of the disadvantaged economic condition of South Africa's rural communities
- Such a study is significant in light of the fact that three-fourths of South Africans live in rural areas where unemployment, inequitable literacy, education, health and housing facilities are a reality
- By reviewing the role that traditional leaders can play in economic development, through review of various government legislation, Lefenya argues that there is significant room to accommodate traditional authority in local governance
- The source of information for Lefenya's study was direct interviews with traditional leaders, in the Northern and North West Provinces, to record their own perceptions of what their role in local economic development
- Lefenya interviewed Chief Kgosi Samuel Mankuroane of Batlhaping bag a Phudhucoana, Chief Madoda Zibi Amahlubi of the Amalubi Tribe, Prince Simon Maila of the Ba-Ga Sekhukhuni and research into the Royal Bafokeng Administration
- The consensus is that the chiefs and traditional leaders feel that for development to be meaningful and efficient traditional authorities must be consulted, and involved in projects
- The last case study, of the Royal Bafokeng Administration, which has made remarkable improvements in their people's lives without national government involvement, illustrates how instrumental traditional authority is to economic and social development

- Lefenya notes that various government departments have acknowledged the need for traditional leaders to play a role in facilitating development and how critical they are to ensuring that cultural and communal values are respected in development planning.
- The conclusion of the study is that the 2001 White Paper presented by the government would clarify how traditional leadership would be incorporated into the new municipalities.
- Lefenya expresses confidence in the national government's intentions to clarify a meaningful role for traditional authority; however, recent works by other scholars note the government's ambiguity in outlining the specific role of traditional leaders. Indeed, many note that the government far from facilitating traditional authority involvement is attempting to subordinate or obliterate traditional administration of local governance.
- Overall, Lefenya especially contributes to the understanding of the traditional authorities' perspectives on their role in a system of governance

III. 3. (d) Roger Southall and Zosa De Sas Kropiwnicki. "Containing the Chiefs: The ANC and the Traditional Leaders in the Eastern Cape"

- Southall and Kropiwnicki provide an insightful and meaningful critique of ANC policy in the post-apartheid administration of governance, in relation to traditional leadership.
- They argue that rather than providing a meaningful system of "cooperative governance" as the ANC's vision states, the national government has sought to contain the institution of chieftaincy by placing it within the confines of provincial and national systems of governance.
- By removing traditional leaders' right to govern in rural areas, and by circumscribing their ability to gather funds and to distribute resources the ANC has robbed traditional leaders not only of their means of support, but of their legitimacy.
- Southall and Kropiwnicki argue that what is occurring is no different from what occurred in the past. The history of the institution suggests that its survival and existence has always been resilient in light of attempts to replace or control it.
- That said traditional authority governance has been historically dictated by the colonial and post-colonial state, rather than as a consultation between the two agencies of governance. The authors provide a detailed history of early chieftaincy in the Eastern Cape, noting several laws which changed the scope and mode of traditional governance (Glen Grey Act of 1894 and Native Reserves in 1913) and which eroded the natural legitimacy of the institution.
- As traditional authorities, in the Eastern Cape, became agents of the apartheid state, and thus paid officers, there was no longer a mandate to govern from below. This reality was the source of numerous clashes between chiefs and resident associations, which began to form in opposition to apartheid and with the support of the ANC.
- Such conflict between rural citizens and chiefs continues to this day as chiefs have yet to overcome the abuses their institution inflicted on their subjects under apartheid and as they compete with civic associations for national government support.

- The article focuses on the creation, activities and consequences of the Congress of Traditional Leaders of South Africa (CONTRALESAs) which was adopted by the ANC to win over chieftain support in the 1980s. However, Southall and Kropiwnicki note that rather than being a means of consulting with chiefs and of incorporating chiefs into the decision making process, CONTRALESAs has been the means by which the ANC has appeased chiefs' demands for involvement without actually allowing any genuine means of governance.
- The general argument by the two authors is that upon acquisition of power in the Eastern Cape the ANC has marginalised chiefs, by ignoring their demands, offering piecemeal changes (to the Provincial House of Traditional Leaders for example) and by contrast in facilitating greater involvement of civics such as SANCO.
- Leaving the incorporation of chiefs into provincial administration and local planning up to the provinces situations, such as the Eastern Cape, where the Eastern Cape government chose to adopt one of the models of reform, which made no provision for participation in rural governance by the chiefs, is a dangerous plan.
- ANC attempts to absolve itself of the responsibility for respecting chieftains' rights to govern. Southall and Kropiwnicki review the House of Traditional Leaders (HTL) and the problems this institution has created for chiefs, both in the official provisions for legislative power and in airing many of the social grievances associated with traditional leadership (verifying claims to authority and cultural clashes between chiefs).
- Chiefs, however, are not sitting back and accepting the constraints placed on their livelihood by the ANC government. In 1999 many rallied around the United Democratic Movement (UDM) to pose a challenge to the ANC electoral bid. Southall and Kropiwnicki note that although the UDM did not win, they significantly threatened the confidence of the ANC and caused real losses in electoral support.
- In relation to the national government's Final Constitution and other acts such as the Municipal Structures Act of 1998, chiefs have openly challenged the constitutionality of provisions as they relate to traditional authority. Recognising that many of the concessions made by the national government insult the inherited position of chiefs and in general, their inadequacy in dealing with chiefs' concerns, traditional leaders have opted to refrain from interacting with the ANC's systems of governance until their concerns are adequately addressed.
- This strategy of non-involvement has not served the institution of chieftaincy well; rather it is increasingly a means of marginalisation by the ANC. However, Southall and Kropiwnicki note that if chiefs are to recover their legitimacy it is not by playing by the rules of the ANC and seeing chiefs incorporated into mixed government or cooperative governance, but rather by accepting their formal exclusion from power and regaining legitimacy from below, as occurred after the creation of the settler state of the Union of South Africa in 1910

III. 3. (e) Lungisile Ntsebeza. "Neither Citizens nor Subjects: The Case of Rural South Africa"

- Ntsebeza analyses the rights of rural South Africans under government legislation that supports both democratic representation and traditional authority. Ntsebeza argues that the ANC's policy of recognising traditional authority, especially in its current ambiguous form, confuses the rights of rural residents and while not making them subjects of traditional leaders, robs them of their democratic rights as South Africans
- Ntsebeza presents an overview of literature on the subject of traditional authority and the role they can play within a democratic state. He states that there are generally two broad streams of thought – that which supports common citizenship and that which argues for co-existence
- He notes Mamdani's argument for common citizenship, which stems from the notion that traditional authority is a construction of the colonial state and thus not indigenous and that nationalist governments, rather than dismantling the despotism of the colonial era, reproduce this malaise if it does not “de-tribalize” the state
- His exploration of those who argue for co-existence is much lengthier, with quotations from Sklar, Skalnik, Ray and van Rouveroy van Nieuwaal. All four advocate a form of mixed government within African states, which would recognise and incorporate the institution of chieftaincy into systems of governance
- While noting the varied arguments for the inclusion of traditional authority in political life, Ntsebeza uses the critiques offered by Bank and Southall to strengthen his claim that traditional authority does not respect the democratic rights of South African citizens to choose their representatives. He argues that in the South African case in particular and in Africa in general, traditional authorities have been collaborators with the apartheid regime and repressive colonial states and therefore lack any legitimate claim to governance
- In relation to South Africa Ntsebeza claims that the ANC's pro-traditional authority stance from the 1980s onwards has been a strategy to generate a rural constituency. His argument is that because the “ANC did not have a stronghold in rural areas it drove it to seemingly desperate measures.” He notes that many among the leadership, including Mbeki, strongly dislike the inclusion of traditional leaders in the political process
- According to Ntsebeza, the desperateness of the situation required that the ANC recruit traditional leaders into the liberation movement and required ambiguous concessions guaranteeing traditional authority recognition in the new South Africa
- Ntsebeza briefly outlines the history of the relationship between traditional authorities and the ANC, paying special attention to the IFP and CONTRALESA.
- The cooperation between traditional leaders and the ANC resulted in the creation of CONTRALESA, which has been a source of conflict between the two groups. It is through this organisation that traditional leaders have organised to resist and challenge current government action that aims to control and contain their role in governance

- The ANC, informed by the co-existence theory has tried to create a policy guideline which makes provisions for traditional leadership, but as Ntsebeza notes, “the guidelines clearly limit the powers of “chiefs” by subjecting them to the provisions of the constitution and other laws and reduce their participation to advice”
- As a result, the ANC has treated traditional authorities as an interest group and placed only advisory and ceremonial powers in their hands. Consequently, CONTRALESA has repeatedly rejected ANC actions and even launched legal claims against the ANC for what they perceive to be unconstitutional legislation and actions
- Traditional authorities responses to ANC efforts have not been homogenous, nowhere is resistance to ANC manipulation more evident than in KwaZulu-Natal.
- Relations between the ANC and Buthelezi have been adversarial since 1979 and Buthelezi never bothered to join CONTRALESA. Inkatha choose to transform itself from a cultural movement to a political party in order to guarantee influence over the interim government. Ntsebeza notes the significant pressure IFP placed on the ANC and NP to recognise the Zulu King and to protect the institution of the Kwazulu kingdom, thus “traditional authorities in South Africa gained recognition in the Interim Constitution out of political expediency”
- An area in which the ANC had not been able to completely diminish traditional authority is in land rights, however, there is a distinction to be made between ownership and governance of land issues in rural areas
- The 1997 Constitution wanted to place rights to the holders of land rights, not in the institutions of tribal/local authorities. However, ambiguities in the Constitution and legislation made it easy for traditional leaders to challenge the readings of the laws and policies
- Ntsebeza notes that the precise role of traditional authorities in post-1994 South Africa remains unclear, but that very ambiguity is creating dialogue and cohesion between traditional authorities that were previously antagonistic
- A case study of the Tshezi area, in the Eastern Cape, illustrates how traditional authority frustrations over the ambiguity of ANC policy are translating into direct actions to delay rural development programmes and democracy initiatives (18)
- Ntsebeza argues that the position of traditional authorities is further likely to be strengthened by what is perceived to be a failure of the post-1994 ANC-led government to deliver in rural areas
- As the majority of rural administration legislation remains unchanged, traditional authorities continue to be the prime distributors of land in the former reserve (Bantustan) area, thus contributing to their continued legitimacy over rural affairs

III. 3. (f) Kereng Daniel Kgotleng. “Contesting the Political Meaning of Chieftaincies in the New South Africa”

- The thrust of the paper is that succession disputes are not essentially about declaring the rightful chief, but in reality reflect the political environment surrounding the chieftaincy
- Kgotleng critiques the succession dispute which occurred in Taung, North West Province, South Africa, in the chieftaincy of the Tswana (Batlhaping boo Phuduhucwana)
- The chieftaincies of Batlhaping boo Phuduhucwana were initially part of the Taung Native Reserves, then a district of the Bophutatswana homeland and in is now part of the Taung municipality
- As Kgotleng has mentioned before, although there is an effort to subordinate the chieftaincy within the municipality by councillors, at the same time elements of the chieftaincy institution are central to the governance of the municipality, as is exemplified by the use of kgotlas (a local structure of chiefs and their headmen used as the venue for their meetings)
- The essence of Kgotleng's argument is that by opening themselves up to the government, traditional authorities and their concerns can no longer be understood or explained as through they exist only within a framework of traditional leadership
- In regards to succession disputes, the "provincial government has assumed that it can play a fact-finding mission and assist in the resolution of any dispute by providing the 'facts' of the case"
- From that point of view chieftaincy is connected to genealogy, which is not necessarily the case and thus the government, rather than being a neutral participant in the dispute settlement, is often acting in its own political interest
- In the Taung case the subject was Chief Samuel Mankuroane who was recognised as chief of the Phuduhucwana in 1987 when the government of Bophutatswana recognised Samuel Mankuroane as the acting chief, just six month's prior to the standing chief's death
- Samuel has been poised for this position due to the actions of Chief Scotch Mankuroane who asked Samuel to be his assistant in dealing with chieftaincy administration due to the Chief's apparent drinking problem
- Many argue that this calling to action was only as an assistant, not as a regent and therefore Samuel did not have a claim to chieftaincy
- Opponents to Samuel Mankuroane supported his nephew Tshepo Mankuroane, the son of Scotch Mankuroane
- The succession issue was problematic from 1987 when Samuel was appointed regent and the dispute took the form of resistance against the state, Samuel, in exile due to death threats was supported by many as it was felt that he would not "sell-out" to the Bophutatswana government
- Despite Samuel Mankuroane's appointment as regent, many in Manokwane regarded him as their chief and even contributed financially to his exile efforts
- When the Bantustan of Bophutatswana ceased to exist in 1994, Samuel Mankuroane returned to Phuduhucwana to reclaim his post
- The provincial government, proclaiming the restoration of pre-colonial government and the recognising the significance of chieftaincy to South Africa, appointed Samuel Mankuroane Chief of Phuduhucwana for his activism during the 80s and 90s

- The ANC had co-opted traditional authority, primarily through CONTRELESA as a means of gaining rural support, and felt chiefs would be critical to their development efforts, it was in this effort that the relationship between Samuel Mankuroane and government deteriorated - Mankuroane was regarded as an obstacle to development by municipal councillors and Mankuroane viewed councillors as usurpers of his role and authority
- An active member of CONTRELESA he refused to take a seat within the municipal council and therefore was regarded as being against the municipality
- Conflicts between the two factions occurred over land and housing - (who did the land belong to? The chieftaincy believed the land belonged to them and felt that the municipality did not take the proper measures to receive the authority of the chieftaincy to utilise the land); clash of egos; and the perceived threat to traditional governance by municipalities
- In June 2001 a faction of the Royal House asked the provincial government to terminate Samuel's status, on the grounds that Scotch's sons were now old enough to govern, in March of 2002 Samuel's tenure was revoked and Tshepo Mankuroane was made acting chief, Samuel did not accept this decision and refused to vacate the office, hand over keys and the stamp and tribal letterheads, Tshepo's faction was assisted by the police in breaking into the offices in order to gain access to the chieftaincy
- As mentioned before there were several charges against Samuel Mankuroane, notably the lack of development that had occurred in the municipality during his tenure, however Kgotleng argues that although the people saw this as an issue, it was pushed into the succession dispute by the municipal councillors who had a vested interest in having Samuel removed
- Kgotleng further argues that succession is a political issue, "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," thus the process of succession was not in dispute, it was not even really in question – the issue placed before the Commission was not to reveal if Samuel Mankuroane had rightfully acquired the chieftaincy, but whether he was the most capable of doing the job of a modern chief
- Thus while the Tswana law has prescribed succession to the eldest son of a chief, its custom notes that in some cases the most suitable successor may not be the ascribed heir (for example due to poor character, age, corruption etc)
- Kgotleng illustrates how political motivation, on the part of those outside the chieftaincy institution are seeking to define the role, status and powers of the chieftaincy by providing competing concepts of local government, the chieftainship and the state

III. 3. (g) Dr. Mpilo Pearl Sithole. "The Secular Basis of Traditional Leadership in KwaZulu-Natal, South Africa"

See T. Quinlan's summary of the Mkhize, Vawda and Sithole report.

PART IV – BOTSWANA

A – Summary of Professor Keshav C. Sharma’s Summary of the Botswana Report written by Professor K.C. Sharma, Professor M.G. Molomo and Dr. M. Lekorwe

- The study’s focus was on 6 dimensions related to the role of traditional leaders in Botswana: role in administration of justices; role of the House of Chiefs; role of the Kgotla (traditional village assembly); gender and traditional authority; traditional leaders and land and traditional leaders and politics
- Methodology included interviews with traditional leaders, members of the house of chiefs, policy makers and members of the community
- Analysis included an historical account of the evolving role of traditional leaders in Botswana and subsequent evaluation of the six aforementioned dimensions

Research findings:

- People in the rural areas have considerable respect for their traditional leaders
- Chiefs serve their people by maintaining customs and traditions and arranging tribal ceremonies
- Chiefs continue to serve as spokesmen for their tribes
- One of the most significant roles traditional leaders played is in the administration of customary courts – they are easily accessible, cheap, fast and comprehensible
- The significance of customary courts must be understood in the context of traditional leaders who have no legal training and understanding of the penal code and laws of Botswana, from which their authority is entrenched
- The conditions of service, of tribal administrations and customary courts, remain low due to low staff morale and calibre
- The House of Chiefs, while giving chiefs recognition, has not greatly affected the public policies controlled by the government
- The House needs to focus more on issues of culture, chieftaincy and tribal matters, rather than those ‘*better*’ attended to by the National Assembly
- Research indicated the significance of Kgotla – a traditional forum for communication between the government and the people
- Kgotla is instrumental in dealing with communal conflicts, both political and non-political, however, its role needs to be strengthened
- Although Botswana women are granted equal rights by the constitution, customs and practices in the country which are rooted in a patriarchal system inhibit their ability to enjoy such rights

Recommendations

- Chiefs need to be better educated so that they can understand the laws of Botswana and the penal code

- Such education will enhance their understanding of their legal and traditional authority and the relationship between customary law and common law and procedures
- Training needs to be extended to the agents of traditional authority, such as Customary Court Chairmen, Tribal Secretaries, Court Clerks, and local police forces
- Although the House of Chiefs has limited authority, its advisory role can be strengthened if members were better informed of their potential role and were better familiarized with the socio-political institutions and their environment

IV. B - Revised Chapters

- | | |
|-----------|---|
| Chapter 1 | Professor Keshav C. Sharma. “Role of Traditional Leaders in the Administration of Customary Courts in Botswana” |
| Chapter 2 | Professor Keshav C. Sharma. “Role of the House of Chiefs (NTLO Ya DiKgosi) In Botswana” |
| Chapter 3 | Professor Mpho Molomo. “Widening the Debate: Bogosi and Ethnicity in Botswana” |
| Chapter 4 | Professor Mpho Molomo. “Dikgosi and the Politics of Land in Botswana |
| Chapter 5 | Dr. Mogopodi Lekorwe. “The Kgotla and Traditional Leadership in Botswana” |
| Chapter 6 | Dr. Mogopodi Lekorwe. “Gender and Traditional Leadership in Botswana” |

Chapter 3

GHANA: COUNTRY STUDY SUMMARIES

(Professor Don I. Ray and Ms. T.A.O. Clarke)

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- C. Dr. Donald I. Ray and Ms. Sherri A. Brown. “Building HIV/AIDS Competence in Ghana – Traditional Leadership and Shared Legitimacy in Ghana: A Grassroots Community Intervention Best Practices Model”
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- H. Professor Christiane Owusu-Sarpong. “Setting the Ghanaian Context of Rural Local Government: Traditional Authority Values” (Chapter 2 in Grassroots Governance)
- I. Mr. Morgan Nyendu. “Traditional Authorities And The District Assemblies’ System: A Case Study of The South Tongu District Assembly (STDA) Since 1988”
- J. Barima* Kusi Ankra. “National House of Chiefs” (* - denotes traditional authority title)
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- L. Mr. Brian Keating. “Wechiau Hippo Sanctuary: A Partnership Success”
- M. Ms. Kimberley Schoon. “From Calgary to Krobo and Back Again: Becoming Manye Pi Yo Gu, the Honorary Queen Mother or How IDRC Research Funding Encourages Grassroots Links between Calgary, Canada and Odumase-Krobo Ghana. (A Note)”
- N. Hon. Prof. Kasim Kasanga, Minister for Lands and Forestry. “Integrating Land Issues Into Poverty Reduction Strategies and the Broader Development Agenda: The Case of Ghana”
- O. Dr. W. Odame Larbi. “Chieftaincy, Land Rights and Security of Tenure in Ghana”
- P. Ms. Meghan Dalrymple. “Gender, Land Tenure and Traditional Authority in Rural Asante, Ghana”

- Q. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Traditional Leaders Promoting Rural Development and Fighting HIV/AIDS: Inherent Contradiction or Actual Possibility (earlier draft of IV.1)
- R. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Chieftaincy, Sovereignty, Legitimacy and Development: A Pilot Newspaper Analysis of the Role of Chiefs in Three Aspects of Development” (earlier draft of IV.1 and IV.2 with more on the methodology)
- S. Ms. Linda Kreitzer. “Queenmothers and Social Workers: A Potential Collaboration between Traditional Authority and Social Work in Ghana.”
- T. Dr. Donald I. Ray. “Chiefs in Their Millennium Sandals: Traditional Authority in Ghana – Relevance, Challenges and Prospects.”

III. CONCLUSIONS

- Economic Development
- Social Development
- Traditional Leaders Fighting HIV/AIDS

I. INTRODUCTION

This chapter represents a summary of the reports submitted by the Ghana team. In such circumstances it is not possible to do justice to the complexities of the arguments of such excellent research. We urge the reader to go to Volume2: Ghana Country Study to read the full report of each of the authors of the Ghana team.

II. SUMMARY REPORTS OF GHANA COUNTRY STUDIES

II. A. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Fighting HIV/AIDS and Promoting Development: Will African Traditional Leaders Actually Do This?”

- Using both internet and manual searches, Ray and Eizlini conduct an analysis of newspaper articles in Ghana to examine how active chiefs are in implementing development (including fighting HIV/AIDS) in their traditional areas. Research on Ghana Augments these searches
- The objective of the research is to determine to what extent the Ghanaian chieftaincy as a whole involved in development, or whether the examples provided are notable and considered outstanding as a result of their rareness
- The paper argues that 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 and the articles allow chiefs to voice their concerns about their communities and provides meaningful information to the populace on the activities of their chiefs
- 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 they are actually doing so in significant numbers

Key Points

Education

- 56 articles mentioned chiefs and the promotion of education
- 33 articles mentioned traditional leaders and the funding of education: 19 dealt with funding of infrastructure; and 14 with funding of poorer students and funding of school supplies was also mentioned in the articles
- 16 articles involved traditional leaders stressing the significance of education for those who are socially marginalised, particularly girls and the poor
- 4 articles dealt specifically with the education of girls and involved a paramount chief stressing the significance of educating girls and maintaining their education; and the support for girls entering non-traditional fields such as science and engineering
- As authorities on family life and the rearing of children, queenmothers are lending their legitimacy to mobilise the education of girls and of Ghanaian children in general
- Chiefs are especially active in educational infrastructure, including the giving of land on which to build schools and the creation of educational endowments: chiefs are even urging each other to made their funds available to all Ghanaian students, not just those within their regions

- 5 articles deal with chiefs and their concerns over education policy and curriculum development
- chiefs personally contribute large sums of money towards education, either to buy supplies, for endowments or in providing infrastructure, however, they also solicit their communities to be contributors

Economic Development

- Economic development has various aspects to it, for the purpose of their study Ray and Eizlini looked at Infrastructure, Agriculture and Tourism, particularly as all generally relate to land, which in Ghana is largely customary tenure, control and managed by traditional leaders
- 2 articles dealt with chiefs who were approached about the establishment of industries in their area and where the chiefs were seen to be demanding too much (higher sums of money for access to land) for personal, rather than communal good – in response there is an article where an Ashanti Omanhene warns chiefs against such practices as they endanger development overall
- 12 articles deal with infrastructure: 3 water, 3 city/land planning, 3 roads and 3 electrification
- There are regionally differences on what issues of infrastructure are most prominent e.g. in Greater Accra most articles deal with city planning
- There were 9 articles dealing with tourism
- The articles included praise of national government efforts to increase internal tourism, traditional leaders travelling abroad to promote cultural tourism and government presentations to traditional leaders in the hopes of gaining approval of tourism attractions
- In the Ashanti Region, the Hwidiemhene appealed for government support in making the Hwidiem Falls a tourist attraction so as to create employment opportunities for jobless youth
- 11 articles mention traditional leaders and agriculture: 6 cocoa, 4 other crops, 3 farming practices and education of farmers
- Articles expressed traditional leaders concerns about developing new crops, assisting farmers in making smart production choices, the need to encourage local industries and the abandonment of traditional practices that hinder productivity
- In 2 articles chiefs speak directly to the health of farmers as a result of the use of fertilizers and pesticides – one was in regards to educating farmers on the use of such products and the other was a call for a district hospital to treat farmers

Traditional Leaders Fighting HIV/AIDS

- The Ghana AIDS Commission recognises traditional leaders as being a key component of Ghana's multisectoral strategy to fighting HIV/AIDS
- Professor Sakyi Amoa, Executive Director of the Ghana AIDS Commission, stated that traditional leaders are part of Ghana's "social vaccine" against HIV/AIDS
- Many traditional leaders in Ghana have responded to the national strategy/AIDS crisis. 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 organisations to their (chiefs') communities. Chiefs can be active or passive 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 they the traditional leaders have.
- Numbers of traditional leaders, such as the Manya Krobo Queen Mothers, the Asantehene and the Okyenhene have created or are creating or are contributing to projects that deal with the effects of HIV/AIDS on people in their communities

Further Evidence (“Blue Sheets” Analysis) of the Involvement of Traditional Leaders in Development

- Used a manual search of Ghanaian newspaper, including “The Pioneer” that was not covered by the internet search
- 708 newspaper articles from 1987 to 1998 showed that traditional leaders were involved in promoting development for their people

Conclusions

Education

- It is argued that chiefs recognise not only the intrinsic value of education, but also the economic value in an educated public
- Chiefs acknowledge how economic issues for poorer families can restrict the education of their children, especially their girl children
- Statements by prominent traditional leaders on the significance of education, particularly for girls gives legitimacy to development efforts as the influence of such statements on other chiefs and rural citizens, where patriarchal gender values are persistent
- The expansion of endowment funds to all Ghanaians illustrate traditional leaders commitment to national development and not simply a restricted self-interested development
- educational concerns are nation wide and there is not a concentration of a particular issue in any particular regions

Economic Development

- Economic development illustrates the shared legitimacy within Ghana as development projects rely on the involvement of the state, chiefs and contractors
- In their comments on tourism Ghana traditional leaders indicate their knowledge about the Ghana economy and the need to contribute to the economic condition of the state
- It can be argued that due to their direct involvement in agriculture, many traditional leaders have a nuanced understanding of agricultural issues
- Overall the articles illustrate that Ghanaian traditional leaders are well informed on issues of economic development and are taking steps to increase the economic welfare of their areas and the country

Traditional Leaders Fighting HIV/AIDS

- 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 (although more work needs to be done to confirm this with greater precision)
- Traditional leaders are involved in three levels of the fight against HIV/AIDS: (a)creating access/gate-keeping for service delivery, (b)social marketing, (c)building community capacity and competence to deal with the effects of HIV/AIDS on the community's people
- Traditional leaders can be effective in fighting HIV/AIDS because they have a unique source of credibility that derived from their legitimacy rooted in the pre-colonial period

Recommendation

- Because of the unique, pre-colonial roots of legitimacy of traditional leaders, strategies to promote development, including fighting HIV/AIDS, should incorporate traditional leaders where they retain their uniquely rooted legitimacy/credibility in order to further development and the fight against HIV/AIDS

II. B. Dr. Wilhelmina Donkoh. "The Developmental and HIV/AIDS-fighting Roles of Traditional Rulers: Agency of Festivals in Ghana"

- Donkoh analyses the tradition of festivals in Ghana and the means by which traditional rulers are using these celebrations to further development projects and goals
- She initially develops the historical background on the institution of chieftaincy and of festivals, noting that during colonial rule many festivals ceased to be celebrated as leaders were in exile and their presence was necessary for the celebrations to occur, or as was the case during independence, celebrations were discouraged as they perceived to pose a threat to nationalism
- However, some festivals did continue during colonialism, e.g Odiwara in Akuapem towns and Kakobe of the Nandom
- Although there is a vast number of traditional festivals that have been observed for many years and which date back to the pre-colonial era, there are many new festivals that are being invented or added to traditional celebrations
- Donkoh argues that many festivals are being revived to act as agencies for asserting identities as well as a means of addressing local concerns
- She argues that "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."
- Her focus is on the Asante and the Asante festivals
- Speaking generally of festivals she says that they are periodic celebrations involving all or sections of the community and traditionally are an attempt to renew the community and in remembrance of the ancestors

- Festivals are usually celebrated during the harvest season (as it typical the world over) and is a form of societal purification as the old year ends and the new year is ushered in.
- Various community members are championing new festivals, e.g. One Kwabena Osei Frempong who argued that the lack of festivals in the Kwawu State, to remember significant events in history of the Kwawu people was distressing. He suggested that the Okwawus revisit, recognise and adopt and celebrate the cessation from the Asante Kingdom in 1888 and use the occasion as an opportunity to reflect, take stock, reunite families *and to plan local development projects*
- Festivals, both ancient and more modern ones, are being changed by the addition of other community entities, such as breweries in celebrations. Community organisations are able to not only provide materials, funds and donations of festivals, but as is the case of Ghana Breweries Limited – the company has made cash donations towards development projects
- Donkoh notes that other sectors of civil society are using festivals as a means of providing leisure opportunities and to promote their causes e.g. Festival of Art and Culture and KIDFEST both organised by the National Commission on Culture
- In the 1990s there was a revival of festivals, encouraged by officials such as K. Suglo, District Chief Executive of the Nadowli District who convinced the communities of Takpo and Sankana to celebrate Takpo Wiela and Sankana Kalibe as they were a means of unifying the communities (communities and been feuding and collective celebrations had ceased) and of attracting economic development as community members returned for the celebration and would bring valuable money to assist in the development of the area
- Donkoh notes that though the festivals have pre-colonial religious roots, their connotations have become occasions of planning development projects as government officials were invited and attended to encourage a dialogue between local communities and central government, consequently several development projects have been completed in the area- a dam and a hospital, a health care clinic and a day care for infants are all results of the two festivals
- Donkoh’s empirical research is on the Munifie Kese celebration of the Nkoransa people which she attended in 2001 at the request of the Nkoransahene (paramount chief)
- The Munifie Kese is a commemoration of the day that the first Nkoransahene sat down and drank some water to celebrate after a great battle
- “the festival marks the occasion of the ritual consumption of the new yam ... and is centred on balened stools established for dead leaders “
- The Nkoransa Traditional Area is rich both agriculturally, but also in natural wonders and historical sites such as the Amawi caves and the Kunso slave markets, while seeking to fully realise the tourism potential of the area, there is concern that opening up the community will expose the people of the traditional area to issues such as HIV/AIDS
- “Thus, the traditional leadership decided to showcase the economic potential of the Traditional Area, 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 festival was used as an avenue to solicit the sponsorship of various organisations, such as Planned Parenthood Association of Ghana, the Ghana Breweries Ltd as who provided resources and condoms and cash and drinks respectively
- In interviews with various traditional leaders in the area, including the Paramount Chief of Nkransa and the Queenmother, acknowledged that there was a sense that there was an outbreak of HIV/AIDS in the area and that the festival was an effective agency for publicising and deploying prevention
- The festival period was considered to be an opportune time for propagating vital news and information and it was an opportunity to have the attention not only of a captive audience, but also the target youth sector
- On November 10th, 2001 the Grand Dunbar was celebrated and the theme of the entire celebration was “AIDS is real – our youth must be careful!”
- The occasion was used to equip youth with HIV/AIDS prevention skills, counselling techniques, behavioural change and group communication drama as well as speeches
- As most of the leaders of the area were in attendance, they were active attendants at workshops and Donkoh notes that “after attending a series of workshops, seminars and conference [the leadership] had become more aware of the need to create awareness about the HIV/AIDS menace, as part of a prevention campaign”
- The festival was also used as an opportunity to highlight the economic potential of the traditional area and to acknowledge that external assistance was needed for agricultural progression, thus it was an occasion to draw attention to the need for storage facilities and marketing arrangements to ensure food security and stable prices for farmers
- Donkoh’s observations and commentary on festivals in Ghana illustrate how traditional leaders are being innovative in their quest to provide agency to developmental projects and to educate their people on modern problems

II. C. Dr. Donald I. Ray and Ms. Sherri A. Brown. “Building HIV/AIDS Competence in Ghana – Traditional Leadership and Shared Legitimacy in Ghana: A Grassroots Community Intervention Best Practices Model”

- Ray and Brown provide an analysis of the ability of traditional leaders in Africa (Ghana primarily, includes Botswana and South Africa) to build community awareness and action in the fight against HIV/AIDS
- Their focus is the building of HIV/AIDS competence, which is understood as the notion that communities can become empowered to create and implement successful AIDS programs for prevention and support
- 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
- Ray and Brown argue that the community influence afforded African chiefs possess as a result of historical legitimacy and credibility inherent in the pre-colonial

institution of chieftaincy means that traditional leaders can play significant roles in the development and implementation of HIV/AIDS policies and programs

- African chiefs 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”

HIV/AIDS Statistics

- 40 million people worldwide living with HIV/AIDS
- 5 million people newly infected with HIV in 2003
- 3 million deaths due to AIDS in 2003

In Africa

- Sub-Saharan Africa has the highest prevalence rates of HIV/AIDS at 7.5-8.5%
- Sub-Saharan Africa has the greatest number of people living with HIV/AIDS in the world
- The Southern African region, in Sub-Saharan Africa, including Botswana, Lesotho, Namibia, South Africa, Zimbabwe, Zambia and Swaziland have the highest rates of HIV prevalence in the world
- African women are more likely to be infected than men and is highest among young women aged 15-24
- West Africa has lower prevalence rates than other regions in Africa
- Ghana’s prevalence rate (adult) was 3.0% in 2002, both HIV-1 and HIV-2 exist in Ghana
- Botswana had a prevalence rate (adult) of 38.8% in 2002
- South Africa had a prevalence rate of 25% between 2000-2002
- The impact of HIV/AIDS in Africa has long term effects, as increasingly young proportions of the population are dying; and as a consequence of dying parents, there is an increase of orphaned children creating greater need for foster homes; homeless children and gang families

Traditional Leaders and the Fight against HIV/AIDS

Ghana

- Ghana developed a HIV/AIDS Strategic Framework for 2001-2005 with input from the National population Council, National Development Planning Commission, the Ministry of Health, the former Ministry of Employment and Social Welfare, the private sector and NGOS
- Conceived as holistic and multisectoral/disciplinary response to the epidemic the framework focuses on five priorities which include preventing transmission, supporting those infected and affected and research
- The framework is administratively decentralised with specific responsibilities for officials at the national, regional and district levels, the District Assemblies which facilitate grassroots participation are agencies which traditional authorities can assist as they can and do serve on the councils
- The framework “recognised traditional authorities as a key sector for programme targeting and implementation ...[they are] thus expected to receive and transmit

policy strategies within their communities ... [their participation is regarded as] integral to the implementation and realization of their policy strategies and objectives”

- In Ghana traditional leaders are active and growing participants in social marketing campaigns to strategically prevent the spread of HIV/AIDS and to support those affected by the disease

Botswana

- Botswana is unique as it is one of the few African countries engaged in second generation planning, with their National Strategic framework covering 2003-2009 which identifies five priority action areas
- The framework was largely created by the Ministry of State (Office of the President) and although it formally states to integrate traditional authorities, Ray and Brown note that in Botswana traditional leaders play a more limited role than in Ghana
- The framework regards traditional leaders as key stakeholders, and they are also the audience the national government seeks to educate on HIV/AIDS

South Africa

- While the national policy framers in South Africa have not included traditional leaders formally, traditional leaders are becoming increasingly active locally in the provinces and through NGOS
- Nelson Mandela Foundation is actively involved in educating traditional leaders so that they can assist in HIV/AIDS education, prevention and anti-stigmatization activities
- In Kwa-Zulu Natal, the province with the highest prevalence rate, traditional leaders are developing task forces with the objective of educating traditional leaders on HIV/AIDS prevention, treatment and support

Findings

- 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 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
- Paramount Chief Daasebre Dr. Oti Boateng (of New Juaben Traditional Area) donated a 7-million-cedi computer in June 2003 to support the New Juaben Traditional Council’s efforts against HIV/AIDS, which include roundtables for chiefs, queenmothers and headmasters
- Chiefs are calling on their colleagues to be more active, as Dormaahene Osagyefo Agyemang Badu did in advising chiefs to educate their youths on the disease
- The King of Akyem Abuakwa, Okyenhene Osayefuo Amotia Ofori Panin’s traditional Council launched an HIV/AIDS research centre in 2002, he even got tested publicly as a means of dispelling myths about the cause and effects of the disease

- Nan Bi-Kusi Appiah II, Omanhene of the Manso-Nkwanta Traditional Area appealed to parents to invest in educating their children about sex and disease, particularly girls to prevent them from engaging in early sex
- The Manya Krobo Queenmothers Association (MKQMA), of the Manya Krobo Traditional Area is a prime example of traditional authority actively working in the community to build HIV/AIDS competency – they recognised the increase of AIDS orphans in their communities and have developed strategies for providing food, clothing and subsistence for the orphans; have educated themselves and continue to educate women traditional leaders on the disease and to how they can be active in creating positive community responses to the disease; including HIV/AIDS education in the young women’s rite of passage Dipo ceremonies; and solicited the assistance of regional, national and international organisations to facilitate further competence and acquisition of necessary resources
- The initial response of MKQMA was education, but as they became educated themselves moved into the realm of social marketing by creating a coordinated set of programmes across their communities aimed at female children and women, they changed the Dipo ceremonies to ensure that in the traditional shaving of girl’s hair there would no longer be the use of a single razor and they are also attempting to raise the age of ‘maturity’ for girls to prevent early sexual activity via marriage
- The commitment by the organisation to social marketing is evident in the adopting of special clothing, blue batik cloth, when they are conducting AIDS duties; active soliciting of external agencies, such as the USAID to develop various resources (a flip-chart with HIV/AIDS information to assist in community discussions); creation of “Smart Ladies Association”; forming of a choir to deliver HIV/AIDS social marketing message through song and even the creation of jobs for young women affected by the disease (bead workshop which makes bracelets and necklaces which are sold through various networks, including GAAG in Calgary Alberta Canada.)
- Kgotla meetings in Botswana create opportunities for chiefs and headmen to advocate and education on HIV/AIDS issues
- In 2002 traditional leaders in South Africa signed the ‘leadership charter’ which commits them to fighting the stigma and discrimination of affected peoples in their communities

II. D. Ms. Sherri Brown. “Building AIDS Competence in Semi-Urban and Rural Communities in Ghana – Traditional Leaders’ Roles and Involvement”

- Brown’s research considered of semi-structured interviews conducted with individual queenmothers and small groups in 6 divisions of the Manya Krobo; with individuals from NGOS and community-based organisations and collection of primary documents and materials
- In Ghana the average prevalence rate for HIV is 3.4%, with 335,000 adults living with HIV/AIDS

- In the Manya Krobo district the National Surveillance 2003 estimates that 9.2% prevalence rate
- In Ghana there is generally a positive public view of traditional authority, as traditional leaders are understood as the embodiment of culture and identity as community spokespeople, agents of development and managers of communal conflict
- The institution of Queenmothers is most familiar to those in the Eastern, Ashanti and Brong Ahafo regions of Ghana and have various duties within different groups, however, in general they are overseers of family and children welfare, advisors to male chiefs on family and female issues and complement male chiefs in governance of the community
- Brown focuses on how Queenmothers, particularly those of the Manya Krobo Queenmothers Association (MKQMA) are actively assisting in the building of AIDS competence, which is understood as the notion that communities can become empowered to create and implement successful AIDS programs for prevention and support

Manya Krobo Queenmothers Association

- In building competency Queenmothers have actively engaged in social marketing campaigns aimed at educating the public; identified harmful social and customary practices; created income schemes for affected women; provided support for those living with and affected by HIV/AIDS and; actively solicited resources from external agencies and programmes

Activities

- Activities of the MKQMA include community meetings, home visits, HIV/AIDS education incorporation into community events, training of health providers in HIV prevention
- As a means of addressing social and customary practices which contribute to increased risk of HIV/AIDS transmission, the MKQMA have reformed practices in the traditional Dipo initiation of young girls to not use a single razor in the shaving of the girl's hair, they are actively discussing traditional gender roles, spousal abuse and rape with women who are at a higher risk for contracting HIV/AIDS
- They have recognised 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
- As of this year the MKQMA is responsible for the feeding of over 500 AIDS orphans in their Traditional Area and are increasingly establishing partnerships with various regional, national and international organisations to mobilise resources to support their community work

Results

- Increased usage of condom's among youth
- Increases in VCT
- Increasing de-stigmatization of HIV/AIDS
- Prevalence of partnerships through the globe

II. E. Dr. Wilhelmina Donkoh. “Traditional Rulers as Partners in Education and Health Delivery”

- Donkoh maintains that chiefs are a fundamental element in the delivery of social programs and as the fulcrum of Ghanaian culture
- Donkoh notes the changing role of chiefs and the various historical backgrounds among different groups, which undoubtedly affects the manner in which chiefs function
- She notes that in the pre-colonial era traditional rulers were influential in both spiritual and temporal matters
- The colonial era circumscribed the role of chiefs and their influence over their people, this continued in the early independence era when chiefs were subjected to government control (between 1946 and 1966)
- The 1992 Constitution of the Fourth republic gave chiefs statutory and non-statutory functions and it is the non-statutory functions which facilitates their development project initiatives
- Non-statutory functions include arbitration of disputes, mobilization of people, organisation of festivals and links between the local community and other institutions
- Donkoh argues that “traditional rulers perceive their role today as being primarily initiators of development or catalysts of development processes”
- Donkoh notes that the history of partnerships between traditional leaders and development agents is not a recent history- the Okyenhene (King of Akyim Abuakwa) established a State College and Scholarship in the 1920s and; the Asantehene (King of Asante) and the Asanteman Council established school and educational schemes in the 1930s
- Donkoh notes that the schemes were supported by community levees towards the schemes
- She further notes that traditional leaders were instrumental in the spread of Christian education in the country as they not only collaborated with missions and central government, often they were contributors of the land and organised labour to build the schools
- Donkoh notes the individual contributions to development by the Asantehene
- Otumfuo Osei Tutu Ababio (Asantehene) began his commitment to socio-economic development upon his ascension to the Golden Stool in 1999
- He identified education and health as the two fundamental areas requiring development
- Identifying pervasive poverty as the major hindrance to educational achievements in the Ashanti region Otumfuo pledged support for gifted, but needy students
- The Otumfuo Education Fund (OEF) was created with the support of the Asanteman, the fund was created to advance the education of peoples of the region and the country and to create initiatives for teachers and educational workers

- It was also intended to build, restore and rehabilitate school buildings and facilities, supply equipment and provide educational materials and aids
- There has been several issues with the management of funds by the Board of Trustees, namely a lack of adequate funding by the Asante community and by those in the Diaspora
- Although it is difficult to fully assess the impact of the OEF, Donkoh notes that in 1999 it guaranteed university education for 600 Ghanaians; it continues to provide facilities for schools within and outside the Asante region; provided labs, libraries and computers for 6 rural secondary schools, equipment such as computers, photocopiers and desks were distributed to schools in the Ashanti and Brong Ahafo regions and the rehabilitation of the Ashanti Regional Library
- The OEF has been financially supported by numerous organisations, including the Anloga Carpenters Association, Ohio State university, The Volta River Authority, and Kumase Polytechnic
- Issues limiting the fund included failure to honour contribution pledges, a lack of accountability and transparency from the Board of Trustees and the use of funds for patronage
- The other initiative that the Asantehene established was the Otumfuo Health Fund, which was created to deal with the HIV/AIDS problem and the falling standards of health care in general in Asante
- “The promotion of human development and improvement of the health status of the people of Asanteman and Ghana And to fight the menace of prevalent but preventable diseases and mortality exacerbation by endemic poverty and deteriorating facilities”
- According to Donkoh, the Asantehene was instrumental in mobilising other traditional leaders in a campaign against HIV/AIDS
- The Health Fund was a consequence of deteriorating health standards resulting from the 1987 revised medical care system which was free but which changed to a cash and carry system
- Most people were unable to cover the cost of the necessary medical procedures and medicines and thus self medication and traditional medicine became the only source of care, as even government packages were unable to alleviate the financial burden of those most in need
- The Asantehene used his influence and support base to fund raise money for the Health scheme through foundations, NGO cooption, links to external donors and governments and through mobilisation of local communities
- Donkoh notes that a revenues generated from the sale of stool lands were also used to create funds for the OHF which was able to fund training for male and female medical personnel from the Asante paramountcies and the training of all Asante traditional rulers on awareness of disease occurrence and outbreak
- The OHF works with other Central Government Agencies, namely Ghana Health Services personnel (they are members of the OHF Working Committee), Regional and District Directors of Health are required to give reports to the Asantehene
- The OHF has required that all development projects have an element of health education

- In 1999, when reports were made of the above stats, the Asantehene mobilised people to educate the public and essentially he made HIV/AIDS a development issue
- In 2003 the Asanteman renamed their HIV/AIDS Control project the Serwaa Ampem AIDS Foundation for Children to deal with the fact that HIV/AIDS was spreading fastest within the Ashanti region (30% of nation wide cases)
- Donkoh notes that “the scheme followed the traditional and historic pattern whereby the Asantehene had mobilised his people to fight any force that threatened their survival as a people”
- The Serwaa Ampem AIDS Foundation for Children is to support kids affected by or infected with HIV/AIDS
- It provides for the health and educational needs of identified children and includes providing anti-retroviral drugs
- The scheme does not use the term “orphans” as it is felt this stigmatises the children and instead of institutionalising them tries to create support within the traditional kinship systems
- The OHF has raised over 300 million cedis as of 2004, it has promoted early childhood health records and immunization, despite not being officially launched as an official program
- Failure to launch and publicise the organisation rests with disorganisation between members of the Board
- Donkoh argues that as their positions within society have changed with time traditional leaders have adapted and reinvented their roles, thus bring development into their area of jurisdiction and subsequently enhancing the material welfare of their people

II. F. Dr. Wilhelmina Donkoh. “Report on the TAARN Conference on the Role of Ghanaian Rulers as Development Officers”

- Report is on the June 2001 Conference held in Ghana which brought together the representatives of the ten Regional Houses of Chiefs, each House was asked to send three traditional rulers, a paramount, a divisional and a female leaders
- The objective of the conference was to examine the evolving role of traditional leaders in Ghana from the perspective of traditional rulers themselves
- **Observations of the organisers:**
 - Traditional rulers did not appreciate the term development officers, they preferred agents of development or partners in development as it related to areas of land administration and customary law practices
 - All rulers agreed that chieftaincy is an ancient institution and the fulcrum of Ghanaian culture
 - Rulers acknowledged that there are essentially three eras of traditional rule – the pre-colonial, the colonial and the post-independence periods
 - In the post-independence period the 1992 Constitution had given traditional rulers in Ghana statutory and non-statutory functions

- Constitutionally traditional rulers are barred from active partisan politics as it interferes with their role as moral custodians of their communities
 - Traditional leaders regard themselves as the primary initiators of development as they feel they are most able to mobilise their communities and to ensure the necessary peace for enabling development
 - Traditional leaders regard themselves as a unifying body which is able to control conflicts between communities and groups
 - They also regard their role as a service in so far as they manage communal resources such as land, water bodies and forest resources
 - Although all regional houses were encouraged to send female representatives, none of the three northern regions sent a female and the Upper East region sent a woman who was not a traditional leader, but who the regional house felt was a “modern opinion leader.”
 - Traditional rulers have been instrumental in providing water, health and educational facilities and are critical to promoting communal welfare over individual parochial interests
- **Recommendations of the Organisers:**
 - Traditional rulers need to be empowered to enable them to play their role as agents of development
- Statutory Functions include the collection, refinement and codification of customary laws, the adjudication of chieftaincy disputes, succession disputes and appointments to various government statutory bodies
 - Non-statutory functions are derived from their positions as moral/natural leaders of their communities and includes dispute settlements through arbitration, mobilisation of the people for development projects/purposes and the organisation of festivals
- **Role of Traditional Rulers Today**
 - Traditional rulers regard their primary role as being initiators of development/catalysts for the developmental process
 - They see themselves as unifiers as they are able to moderate during times of conflict and initiate conflict management resolutions
 - “traditional rulers perceive their role as rendering a service to their people by managing communal resources such as land, water bodies and forest resources”
- **Gender**
 - Although the organisers intentionally tried to not utilise terms such as chief and queenmother in their correspondence and the selection of the theme there was a gender imbalance
 - The predominately Akan regions sent female representatives, as all ten regional houses were invited to send at least one female traditional leader
 - None of the three northern regions sent one and they argued that this was acceptable because they did not have queenmothers. It was pointed out that

female traditional leaders do exist in the northern regions although they are not designated queenmothers

Opening remarks

- Professor Albert Owusu-Sarpong noted that traditional rulers, in keeping with their 1992 constitutional functions appoint representatives to various government statutory bodies and as such their organisations are seen as “adjuncts to the central government, and traditional rulers as joint custodians of state”
- Professor J.S.K. Ayim observed that service by chiefs was no longer military, ritual or political in nature, but that the leadership provided by chiefs has assumed a moral and social role “which is translatable into mobilising their communities for developmental purposes
- Daasebre Osei Bonsu II the Asante Maponhene and Vice-President of the Ashanti House of Chiefs commented that chieftaincy would continue to be the centre of Ghanaian culture as it is the embodiment of the spirit of the people and their ancestors and as it remains the most cherished traditional structure in Ghana’s socio-political environment

Regional Reports

- **Upper West Region:** the institution has problems, especially those related to succession of skins and stools; chiefs should be regarded as development partners not officers as chiefs are considered “fathers”; regionally chiefs have assisted in the diminished occurrence of animal theft, the building of a health centre with Saudi funding, mechanism to decrease guinea worm outbreaks, the construction of modern markers, a five-acre cassava project, plans to establish a rural bank and Konrad-Adenauer Foundation (KAF) seminars and Junior Secondary Schools (JSS) being built through EU funding.
- **Upper East region:** chiefs are symbols of peace and they preserve the culture of their people and assist in dispute settlements; regionally they have mobilised their people to build health posts, nurses quarters and to train Traditional Birth Attendants (TBAs); they have also acted as journalists in their highlighting or problems, such as HIV/AIDS and female genital mutilation for their citizens; they are actively involved in developing community based schools which is in keeping with national government policy to reduce the number of students going away to boarding schools; community initiatives include the encouragement of the education of females, attracting teachers to the region, educational seminars and workshops on fire prevention (bush fires) and electrification programs to create economic possibilities for rural youth to diminish migration
- **Northern Region (2 presentations):**
 - The Yun-Yoorana Yamiya Tooka II acknowledged that upon his enskinment in 1988 his primary concern was to preserve and bring peace to the Yun-yoo traditional area, he effectively organised the Committees for the Defence of the Revolution, assemblymen and chiefs into a conflict resolution unit to establish consensus for when hostilities arose; chiefs and the people were organised and motivated to participate in the rehabilitation of the Yun-yoo-Navrongo road, even making financial contributions with assistance from the

District Assembly which furthered economic development as the road was a link to important markets; the community financially contributed to the re-roofing of the local council office which was used to store community food during rainy season and for the rehabilitation of the police building; education is a regional priority, which is communicated to the community at festivals and has resulted in an increase in school registration, a medical clinic has been developed and two women's groups have been organised to obtain loans from the Agricultural Development Bank

- The Divisional ruler commented that the paramount has always ensured that sub-chiefs in the region have respect and the confidence of the citizenry and are effective moral leaders, regionally chiefs are committed to championing sustainable peace and to this end have organised and attended conflict resolution workshops to deal with ethnic conflicts – committees are encouraging inter-marriages among the various ethnic groups; established a youth association to assist with ethnic tolerance and to ensure that economic and social activities can proceed without mistrust, fear and misunderstanding; regionally chiefs are dedicated to furthering educational delivery to girl-children and to removing the outmoded cultural practices which militated against the enrolment and retention of girl-children in school; “plans are far advanced to establish Peace and Reconciliation Committees in all the Traditional Areas within the Region in order to ensure that peace prevails and education management at the grassroots levels [are] effective
- **Volta Region:** traditionally it was felt that the chief is a prime mobiliser as he/she has the full control of the administrative machinery of their traditional areas and are regarded as sovereigns; after WWII chiefs ceased to be as powerful due to the actions of the central government's attempts to control the institution and their failure to recognise the significant role of chiefs; development projects and progress has been adversely affected by chieftaincy disputes, religious conflicts and land disputes which are fragmenting the community and hindering mobilisation of the people; resources need to be made available to chiefs so that they can mobilise local people and chiefs should be consulted in all stages of a development project
- **Western Region:** Electrification is a key regional goal and the communities are contributing the labour to erect the electricity poles while central government provides the wires, transformers and other inputs; a community secondary school was started ten years ago and since additions to the block and staff quarters have occurred, other community initiatives include a proposed water project, a health clinic and road construction; President of the Western Regional House of Chiefs has personally appeared on Ghana television for advertisements on HIV/AIDS and chairs various functions for awareness; organising environmental awareness to address the negative impact of mining activities on the regional environment and to organising tree planting projects; “it is my intention to develop the tourist industry in my area by exploiting the rich history, fauna, flora and the geography for the benefit of my people”
- **Greater Accra Region (I):** traditionally the King was the Chief Magistrate and Military Leader and was selected by his fellow tribesmen, recent innovations undermine traditional principles and politics; ‘chiefs have now been relegated to the

background and all their powers have been eroded;” many constitutional requirements, such as the appointment of Assembly members are often ignored; main role is now mobilising of subjects for self-help projects such as in education, boreholes and electricity poles and educating the people about diseases via the radio as few people have TVs in the region; a major cause of chieftaincy disputes is land and a process has to be developed to streamline the acquisition of land and to increase chieftaincy effectiveness by increasing number of paramounts; the responsibilities of chiefs includes “overseeing proper environmental management, prevention of teenage pregnancies, creation of AIDS awareness and curbing lawlessness”

- **Greater Accra Region (II):** the Ga Mashie area has undertaken several development projects, including the paving of alleys and the Ga Mashie Centre for Education and Environmental Development (GACEED) to support and improve the quality of education in the traditional area; in addition the Ga Mashie Computerisation Project and Information Technology Development program was undertaken by the GACEED to offer computer training, particularly of primary and JSS students and to launch a website for the Ga State, funding for this project was through the Sempe Palace and a US consortium; through the help of an NGO (Action Network for Integrated Development) a kenkey [food] processing and packaging factory has been established; other community initiative includes a role model program to highlight the historical and current contributions of community citizens to act as role models for the younger generation and Friend of the Poor, an NGO to promote health and economic concerns.
- **Central Region:** When people wanted improvement in their lives “it had always taken the chief, the custodian of tradition, culture and custom of the people, to move them”; it was also expressed that history and design has conferred on the chief the authority to move his people into progressive actions that lead to development, mobilisation had been to : increase agricultural output, to boost exports, decentralise government, develop alternative schemes for financing social services, provision of low cost housing, rural amenities development and the reduction of rural-to-urban migration; chiefs are active in public education on issues related to education, health, agriculture, and industries, utilising festivals and durbars as opportunities to educate their people; in the region road development has occurred along with electrification due to the active solicitation of the national government committees by the Omanhene (Paramount Chief) and his chiefs; the YMCA is supporting and developing various economic schemes in the area, along with vocation training to improve the income generating activities of women; Omanhene established an NGO to ensure environmental conservation and to promote tourism; *“the modern chief is so much engulfed in the search for better development of himself, his community and the entire nation to the extent that he now needs to know all the intricacies in the scientific management of the state”*
- **Eastern Region (I):** expressed the opinion that the chieftaincy is a check on the powers of parliament; feels that chiefs are the most effective link between the grassroots and central government and that as such they should be more actively involved in the entire development planning stage; acknowledges the documented efforts to improve and increase development by chiefs, as evidenced through newspaper articles and photos; Traditional Council is working effectively with the

District Assembly as they meet in joint meetings to discuss development projects; youth group has formed National Union of Yilo Youth Association (NUYYA) to assist in conflict resolution, they have built a community centre which contains a library, conference hall and dance hall; the Konor and Traditional Council have been active in development by launching an education fund, installing a mortuary and assisting with development of the hospital's capabilities, creation of a Teak Plantation which created jobs, construction of a dam which enabled the development of fisheries and the development of tourist sites (Boti Falls, Krobo Hill); Queenmothers have organised the Yilo Krobo to make beads to create employment for young girls and women; additionally, land was released for the building of a police station and there has been a drive to create woman's vocation institute

- **Eastern Region (II):** Manya Krobo Traditional Areas development has been retarded by stool disputes since the 1990s; most notable community efforts include those against HIV/AIDS as initiated by Manye Nartekie and the Manya Krobo Queenmothers, with assistance from the District Health Management Team and USAID which had provided technical support and funding
- **Eastern Region (III):** Queenmother Nana Kesewa reflects that the needs of women were clear to her when she was installed and she immediately brought together her chief and queenmothers to initiate the development of an NGO; "Progressive Women's Movement" was created and it mobilised women and girls for programs to address the socio-economic, moral and psychological and health issues faced by women; after four years of operation the NGO continues to spread across the region and future plans include the establishment of a vocational institute to teach skills to marginalised females and to engage in commercial farming to improve the incoming generating capabilities of the region's women; the movement is funded by the members themselves and through community contributions
- **Brong Ahafo Region I:** Development has three objectives: to increase life-sustaining goods proliferation, increased incomes and increasing economic and social choices; the traditional leaders have been instrumental in the development of social services as the elders and subjects were instrumental in constructing and funding a hospital, establishing a health insurance scheme, continually constructing and developing schools and police stations; concerns include the lack of cash available to chiefs to act effectively, the inadequate allowances given to traditional rulers and harassment by chieftaincy litigation contractors
- **Brong Ahafo Region II:** In addition to constructing structures such as a police station, a District Education Office, a rural bank and a hospital, the traditional leaders also built a market, library and a post-office; the Community Health Insurance Scheme was developed, as were economic ventures for women and awareness of HIV/AIDS; issues with local governance are related to the ambiguous relationship between traditional rulers and the District Assemblies which had clearly defined roles in regards to development, but in that area the role and resources available to traditional leaders is not clearly defined constitutionally
- **Ashanti Region(I):** World Vision has assisted in the development of pipe borne water development, a Day Care Centre has been developed, as was a community school and community members have made personal commitments to fund the development of these services, in collaboration with the District Assembly the Juansa community

annual fund raised to fund the development of the local JSS; the community was active in providing the materials to build a police station; electricity was also a joint endeavour between the Juansa community and the District Assembly; through the assistance of the Swiss Red Cross a health post has been constructed that will be able to serve Juansaman and other villages and towns; the Queenmothers of the Asante Akim North District have been active in developing a programme which meets every 40 days to provide information workshops by prominent personalities and organisations, workshops topics have included the law, education of children, primary health care, customary practices and market tactics and foodstuff information by market ‘queens’

- **Ashanti Region II:** The primary objective as a traditional leader is the settlement of disputes; by lobbying the government and by mobilising community members to make contributions the electrification of Asanso was possible; although the area had pipe borne water since the colonial period, the water has not been operating and the Catholic Church assisted in a project to provide a bore hole, the Bekwai project for a water and sanitation project was possible though the provision of land by the traditional leader and the use of palace space to store materials, in return the project provided employment for many community members, the project was funded by the European Union (EU) and matching community contributions, the EU also contributed funds for the renovation of the primary and JSS school buildings; it is recommended that the Unit Committees be redeveloped to address the problems of lack of responsibility assignment, disunity among members and lack of participation in work by committee members who see themselves as supervisors rather than labourers

II. G. Professor Christiane Owusu-Sarpong. “The Predicament of the Akan ‘Queenmother’ (Ohemmaa)”

- Owusu-Sarpong’s analysis of the Akan institution of Queenmothers, uses tales of Akan folklore to illustrate how the institution has evolved over time and how social constructs, particularly in the colonial era, conditioned and redefined the significance of the institution
- Relying on Rattray’s writings, as a point of departure, Owusu-Sarpong notes that pre-colonial female leadership was an important institution, however it became suppressed and endangered under the British policy of Indirect Rule – Queenmothers were active leaders in rebellions against government-sponsored or unpopular chiefs e.g. Agogo 1917: Ohemaa Adjuah Jiawah called for the destoolment of Kwabena Tandoh as she did not endorse his nomination (along with other charges), in response the Chief Commissioner deposed the Queenmother and wrote her off as “relentless, revengeful and [of] vicious disposition”
- The Ordinance of 1902, designed by the colonial administrators, arguably viewed queenmothers as a threat and thus did not recognise their courts in the document aimed at creating structures that could adjudicate native custom

- In 1905 when the government recognised the Kumasi Council of Chiefs and restored some power to chiefs, queenmothers were not members
- The 1924 Native Jurisdiction Ordinance did not recognise Queenmothers as chiefs nor did it recognise their courts
- Even in the Ashanti Confederacy Council Ordinance of 1935 the role of the queenmother in the selection and election of a chief was downplayed and twisted to suit British Indirect Rule
- Owusu-Sarpong questions whether the “predicament of the Akan Queenmother [can be viewed] as the embodiment of the eternally suppressed voices of women in power in Africa and in the world at large” as those who informed Rattray’s work acknowledged that the seniority of the woman’s stool was not a courtesy, but had real significance
- Owusu-Sarpong notes that in Akan, the use of public speech to protest against the decision makers and their rules is restricted, however social tension can be ‘released’ during anti-structure rituals during festivals such as the Brong Apoo and the Nzema-Ahanta Kundum whereby performers (male) can sing songs as a means of discourse on leadership, sovereignty, power, freedom and accountability
- As women were more restricted in public rhetoric (due to menstruation etc) they did not participate in proceedings at the palace and instead sang dirges or nnwonkoro or used textiles to express their sentiments
- “the anodyne act of story-telling represents a more subtle and a more complex instrument at the disposal of any adult member of the Akan community, any time he or she wishes to make a point”
- She recounts two tales of the Akan Queenmother – “Kwaku Ananse and the Queenmother Crocodile” and “How divorce came into the world”
- Her analysis of the two tales suggests that in the first tale, recounted by a male member of the community, the Queenmother is relegated to a mythical position, suggesting that her socio-political existence is not as “real” as that of the male leader
- In the second tale, told by a woman, the emphasis is on that of the beautiful woman, who although a leader has been castaway from society due to her illness, in the end she is again disregarded by her community as she has disgraced a man and is now a divorcee
- Referring to Fortes, Owusu-Sarpong notes that Asante gender relations is somewhat unique in an environment which although it supports male supremacy is marked by strong females who are not easily control by their husbands
- The argument suggests that the second story is a tale with historical relevance which illustrates the social decay of society which came about due to the rebellion of women, from early colonial days, there is also significance found in the male leaderships willingness to abandon her, while the villagers seek to have her take her stool
- The suggestion is that while the role of the queenmother has been suppressed and disregarded by male leaders who sought power under colonial rule, the significance of the queenmother was remembered and revered by community members

- Notes Arhin’s argument that in under traditional Akan systems all political heads had their female counterparts e.g. Omanhene or Ohemaa who looked after women’s affairs and who was also a councillor in her political unit
- Thus, the translation of Ohemmaa to Queenmother is not quite accurate
- In speaking of the dual leadership in Asante, Ahrin and Stoeltje emphasize the parallel relation in gender leadership, however, their implication is not one of equality or sameness, but of complementary roles – the queenmother was responsible for the upbringing of girls and administered the rites for adulthood and marriage, and exercised great influence on matters related to women, including their communal and spiritual activities, in this way complementary to the male leader’s control over matters of the state, the queenmother controlled domestic matters
- Although there have been periods of powerful and dominant Asante women leaders eg. Yaa Asantewaa or Akyaa (daughter of Okoawia Osei Kwadwo), scholars repeatedly argue that this is more a response to exceptional circumstances than the norm
- Owusu-Sarpong rejects this notion and ventures that the lack of attention to female leaders in the pre-colonial period may be due to a constant attempt to suppress the truth of the actual power and authority of Akan female rulers
- The significance of the queenmother was noted and expressed to scholars in earlier research and many continue to argue that the queenmother was an important political and judicial figure whose council was sought as she was regarded “the trusted moral authority of her community [and] the democratic guarantor of the male ruler’s demeanour”
- Herein lies the significance of the queenmother traditionally – she had the closest access to the public and therefore was able to gather the public opinions of the community
- Despite efforts to suppress the institution, it is noted that the historical significance of the institution of queenmother cannot be ignored – in Asante Law and Constitution, the Ohemmaa of a state has her own ntam, and her own court and spokespeople – she has her own stool and thus is a bonafided traditional leader – equitable (if not equal) to that of a male leader

II. H. Professor Christiane Owusu-Sarpong. “Setting the Ghanaian Context of Rural Local Government: Traditional Authority Values” (Chapter 2 in Grassroots Governance)

Christiane Owusu-Sarpong introduces us to those traditional political values about traditional governance that may well set the context in the minds of many Ghanaians for part of their expectations towards the rural local governments of the post-colonial state. She identifies these values by cultural analyses of oral and written texts to establish what exists on the ground as the articulated political culture expectations for traditional leaders. Such values provide the context for “the institutionalized *local government* structure and the perennial *traditional authority* structure.” Owusu-Sarpong thus weaves

cultural and governmental factors, using such concepts as divided legitimacy and sovereignty, political and legal pluralism, and her concept of “resurgent heritage,” into a fresh approach to rural local governance. She argues that if the rural local government structures of the Ghanaian post-colonial state want to reflect the true range of values of their citizens, then such structures need to recognize the reality that some of the attitudes that their citizens bring to the practice of democracy is rooted in the pre-colonial period, and that the offices of traditional leaders are the survivors from that period, even if they are much changed. Owusu-Sarpong argues that “a profound awareness of the importance of the revival of ‘indigenous’ African values is now widespread amongst the peoples of Africa.” Africans need to embrace their “resurgent heritage” in order to free themselves from the colonial and neo-colonial structures that have been imposed on them. To ignore African values may be to fall prey to a type of false independence and economic strategies that do not really enhance human development and welfare. For such true development to occur, African countries such as Ghana need to respect the “legal and political pluralism” that marks the co-existence of traditional authority and the rural local government structures of the post-colonial state. Chiefs in Ghana are influential with their subjects in terms of their abilities to mobilize their people for development, to articulate their sense of public morality, and to influence and shape public opinion. Traditional leaders are thus needed by the state to be involved in rural local government.

II. I. Mr. Morgan Nyendu. “Traditional Authorities And The District Assemblies’ System: A Case Study of The South Tongu District Assembly (STDA) Since 1988”

ABSTRACT:

This chapter seeks to examine the degree of participation of traditional leaders in the South Tongu District Assembly, in view of the provision in the 1992 Constitution which requires a role for them in the current decentralization policy. Although some of the decentralization policies in Ghana in the past had often reserved one-third of the membership of the District Councils for traditional leaders, the 1992 Constitution deviated from this practice. However, the 1992 Constitution, which provides the legal framework for the current decentralization program, specifically requires that the government appoint the one-third membership reserved for Government Appointees in consultation with traditional leaders and organized economic groupings. Moreover, traditional leaders could themselves be appointed as part of the one-third Government Appointees. An examination of the membership of the South Tongu District Assembly since the commencement of the current decentralization policy shows that not only were traditional leaders not consulted in the appointment of the Government Appointees 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. Interviews conducted with both traditional leaders and some members of the South Tongu District Assembly and from my seven-year personal experience as a Government Appointee in the South Tongu District Assembly have shown that in most cases, the nominations for the appointment of the one-third Government Appointees were only done by the District Secretaries/District Chief

Executives together with one or two confidants without any consultations with the traditional leaders and the organized economic groupings as specified in the 1992 Constitution. Moreover, 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 impact on the work of the District Assembly. Rather, many were appointed because they were friends to the District Chief Executives or were favorites/supporters of the ruling government. As a result, those traditional leaders who by their professions could have contributed more meaningfully to the success of the decentralization policy are left out of the District Assembly. Besides this, research has shown that prominent traditional leaders in the South Tongu District are rarely made part of the Government Appointees, the reason being that they could turn against the government at any time especially when they refuse to be used to rubberstamp government positions. The case study has brought up two main issues. First, as with the decentralization policies in the past, the current one simply ensures re-centralization of authority in the national government. Second, and more important, there is a discrepancy between the formulated policy is intended to be implemented and the actual process of implementation which occurs. Rather than implementing changes, to encouraged decentralization, governments tend to make changes as they see fit, regardless of what steps have been identified to improve the process.

II. J. Barima* Kusi Ankra. “National House of Chiefs” (* - denotes traditional authority title)

- Barima Kusi Ankra analyses the institution of the House of Chiefs in Ghana
- Provisions for the creation of a National House of Chiefs were initiated by the 1960 Constitution of the Republic of Ghana, Article 49 and despite changes in administration in the country, the Constitution continues to guarantee the institution of chieftaincy, including customary laws and councils as important tools of governance
- The Chieftaincy Act 81 of 1961 established the regional Houses of Chiefs
- It was the Chieftaincy Act of 1971 that established the National House of Chiefs and gave judicial and other functions to the national and regional houses
- The Act specifies that the House of Chiefs shall be composed of five chiefs from each of the regional Houses, they are elected to serve a three year term in office
- The House operates through 5 main committees: the Standing Committee, the Research Committee, the Finance and Staff Committee, Stool/Skins Committee and the Privileges Committee
- The Standing Committee is basically the executive of the House, it consists of the President, Vice-president, the Presidents/Representatives of each of the regional Houses and the Chairs of each of the committees
- The Research Committee is responsible for researching customary laws and traditions of the various groups in an attempt to create a unified system of customary law

- Finance and Staff Committee is appropriately named as it is responsible for the supervision of staff and finance matters and controls expenditures
- The Stool/Skins Committee is tasked with advising the government on legislative proposals which affect stool/skin lands and on the use of stool/skin lands
- The Chieftaincy Secretariat is the official liaison between the House and the National Government
- The House has judicial, decision-making, dispute resolution, resource management and crisis management functions
- Decision making is by consensus or by majority voting if consensus fails
- Chieftaincy disputes are over chieftaincy matters affecting parties from two regions, disputes are heard by the Judicial Committees, however decisions can be appealed to the Supreme Court – note that land disputes do not fall within the jurisdiction of the National House of Chiefs
- In dealing with crisis management, the House utilises four strategies: refer to local paramount chief; investigate to find source of conflict; appeal to parties involved to settle civil or ethnic disturbances – often by mobilising local and national support (e.g. in the case of natural disasters) and appeal to the National Government
- The majority of the chiefs are paramount chiefs, which is understandable in light of their perceived higher status, evidenced by the higher wages for paramount chiefs over divisional or sub-divisional chiefs
- The presidency of the House was previously dominated by the Asantehene
- The institution of Chieftaincy is composed of the National House of Chiefs, the Regional Houses of Chiefs and Traditional Councils, although they are autonomous units, there is a presumed supervising and superior role from the top down, for example decisions by one level can be appealed to the next unit above
- The Traditional Councils have exclusive jurisdiction to hear and determine matters of chieftaincy within their area, as long as a paramount chief is not a party, they are also authorised to modify and change customary practices and laws if they are deemed outmoded (done through a process where each unit is consulted and the national government passes into law)
- The Barima notes that compliance to the rules and obligations of the chieftaincy and of the House is enforced by the Standing orders of the House and by general appeal to the inherent dignity of those possessing the posts of chiefs
- Members can be destooled for 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
- The National House of Chiefs has good working relations with most other institutions of governance in the country
- The Regional House of Chiefs advises the National House on many issues and is responsible for carrying out the directives of the National House of Chiefs
- As a result of the 31st December Revolution [Rawlings, 1982 – 1993] there is a lack of cooperation and respect between the National House and the Queenmothers, thus Queenmothers are not members of the National House
- The relationship between the National House of Chiefs and the National Government is somewhat tenuous due to the history between the two institutions, efforts by

various governments to control the House and the obvious tensions created by the House been financially dependent on the national government gives rise to accusations of doing what the national government wants

- However, it must be noted that the House is able to act as a consultant for various government departments and the chiefs do voice approval or disapproval for the economic strategies of the state, also the House is capable of being a neutral force that can assist in disturbances against the state by citizens

II. K. Dr. Donald I. Ray. “Ghana: Traditional Leadership and Rural Local Governance” (Chapter 4 in Grassroots Governance)

Donald I. Ray uses the concepts of the pre-colonial, colonial, and post-colonial states, divided sovereignty, and divided legitimacy to argue that traditional leaders have long been recognized by the colonial and post-colonial states as being important to the processes of rural local government in what is now Ghana.

While the actual powers granted to chiefs for the exercise of local government by the colonial state and the post-colonial state have varied considerably, chiefs continue to be seen by the state as being junior partners, but partners nevertheless.

This may well be because chiefs draw upon different roots of legitimacy, such as pre-colonial religion and history to which the post-colonial state does not have direct access.

The Houses of Chiefs system contributes to rural local governance in Ghana.

Traditional leaders have their own sources of legitimacy/credibility that could be added to that of the post-colonial states in order to promote development and rural local governance. Where applicable, African states need to explore this development strategy option.

II. L. Mr. Brian Keating. “Wechiau Hippo Sanctuary: A Partnership Success”

- The Wechiau Hippo Sanctuary is the first of its kind in Ghana and is regarded as a guide of community conservation initiatives in the country
- The sanctuary was established in 1999 as a means of conserving the unprotected hippos in the Northern, Upper West 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 22 villages in the vicinity of the sanctuary are involved in the initiative

- The concept of a reserve was first discussed in 1990 after a team from the Forestry Commission of Ghana realised that there was a need to preserve the hippos and after hearing complaints of farm destruction and complaints from local farmers and fishermen
- Recognising that the hippos were threatened by conflicts with local fishermen and farmers and at risk of being hunted or losing their habitat a government reserve was proposed to key community leaders and landlords
- Most leaders and landlords, including the Chiefs (Wechiau Na Bayon Doguah II, Tokali Naa Danyagriri Walamani) and the earthpriests opposed the initial proposal as they feared the loss of land
- In 1997 the topic of a reserve was once again initiated by the government, but this time dialogue was on how the communities could actively support the conservation of the hippo population and also benefit from ecotourism
- The chiefs and community leaders, upon recognising that land ownership would not be changed, gave their support to the idea
- The Paramount Chief requested the assistance of the NCRC in developing the sanctuary
- In 1999 the Wechiau community and their chiefs, using communal labour and funds, renovated an old local government building into a temporary visitor's centre and later that year a Tourism Development Committee (TDC) was established which consisted of members of all peoples in the area (including landless peoples)
- In 1999 a formal link to the Calgary Zoological Society was established when the Zoo's Conservation Fund provided funds for a reconnaissance survey of the sanctuary area
- In 1999 the TDC was made into the Sanctuary Management Board (SMB), which is responsible for the management of the sanctuary, the management board, along with traditional leaders established the rules and regulations for human use of the sanctuary
- The SMB has conducted educational activities to educate community members on the regulations of the sanctuary and of harmful practices (e.g. fires, livestock grazing etc.) which harm the hippos
- The sanctuary management is engaging community members in developing value-added processes such as the production of shea nut to increase household incomes and alleviate poverty
- The sanctuary has also been a source of employment for farmers and fishermen who now act as rangers and guides in the sanctuary
- Traditional leaders were key to this community-based environmental development project. Their success in this case needs further investigation in order to understand what worked locally and also in terms of their role in mobilising international funding from the Calgary Zoo.

II. M. Ms. Kimberley Schoon. "From Calgary to Krobo and Back Again: Becoming Manye Pi Yo Gu, the Honorary Queen Mother or How IDRC Research Funding Encourages Grassroots Links between Calgary, Canada and Odumase-Krobo Ghana. (A Note)"

- In May 2003 Ms. Schoon travelled to Ghana to conduct research on the Manya Krobo Queen Mothers Association (MKQMA), an organisation she had learned of from lectures and discussions with Dr. Don I. Ray and through her membership in Global AIDS Awareness Group (GAAG) at the University of Calgary. Dr. Ray's research funding from IDRC played a key role in making this possible.
- The purpose of her travel was to conduct an undergraduate project and to facilitate a partnership between the MKQMA and GAAG
- Schoon's inquiry was intended to examine female traditional leaders understanding of HIV/AIDS as a social issue, whether gender played a role in the social context of HIV/AIDS and also to evaluate the success of the MQKMA's activities
- While in Ghana Schoon met with the MKQMA on two occasions, on the first occasion she presented her objectives (research and partnership), which were accepted by the group and on the second occasion she conducted interview with various queenmothers
- In her interactions with the queenmothers Schoon was able to recognise that there were barriers to their activities, and felt that the partnership with GAAG Calgary could assist, particularly with economic limitations
- Acting on GAAG's behalf Schoon purchased crafts that GAAG would market and sell in Calgary and elsewhere and agreed to research GAAG's potential ability to assist in providing aid for AIDS orphans in the Manya Krobo area
- For her work in assisting development, Ms. Schoon was installed as an honorary queen mother and was presented with beads and cloth (specifically that which is worn by the queen mothers while on AIDS duty). She was given the title 'Pi Yo Gu' which translates to 'special woman' or 'ideal woman'
- Upon her return to Calgary in July 2003 Ms. Schoon began to fulfil her promises to the MKQMA, she gave public talks in regards to the activities of the MKQMA and forwarded all honorariums received to the queen mothers
- Her completed academic project on female traditional authority and development was published in several newspapers and which ultimately assisted in spreading the goals and aims of the Manya Krobo Queen Mothers
- Through her work with GAAG, Ms. Schoon has helped raise funds through the sale of MKQMA's crafts and the soliciting for donations and funds
- Currently GAAG is raising funds to deliver 10 sewing machines, donated by St. Pauls' Anglican Church, for the MKQMA to assist in their community programs
- GAAG is also seeking to provide financial assistance for the over 600 AIDS orphans in the Manya Krobo cultural area
- Schoon acknowledges that her experiences with the MKQMA is a result of the research Dr. Don Ray, of the Traditional Authority Applied Research Network (TAARN), is conducting due to funding from the International Development Research Centre (IDRC)

II. N. Hon. Prof. Kasim Kasanga, Minister for Lands and Forestry. “Integrating Land Issues Into Poverty Reduction Strategies and the Broader Development Agenda: The Case of Ghana”

Kasanga argues that customary land tenure best reflects the wishes of Ghanaians. Reforms are needed, including: divesting customary lands improperly taken by the state or no longer needed by the state.

Traditional leaders need to be involved in the administration of customary lands.

II. O. Dr. W. Odame Larbi. ‘Chieftaincy, Land Rights and Security of Tenure in Ghana’

- Larbi argues that the institution of chieftaincy is firmly entrenched in the Constitution of Ghana and no other institution of the state can undo chieftaincy
- Larbi argues that the significance of chieftaincy and traditional communities lies in the issue of land tenure, indeed he argues that “it is impossible to conceive of the chieftaincy institution as capable of existence without control over land”
- Thus he argues that the continuing conflicts within the institution of chieftaincy are of significance because it affects the security of land rights and access to land in Ghana
- Larbi’s argument is that chieftaincy must be decoupled from communal land ownership in order to fully realise the profit potential (implicitly, economic) of “secure” land rights and tenure, i.e. under private ownership of land even at the cost of dispossession of communities
- Larbi’s arguably market-driven approach to land tenure does not ignore that traditionally land has a religious significance as it is viewed as belonging to the entire community – those living, dead and unborn and that it should not be sold outside the community for a profit
- Larbi’s contention is that this religious aspect of land rights and chieftaincy’s claim to uphold them are “crumbling in the face of a monetised economy”
- Within the two types of traditional communities: centralised states and decentralised states, the centralised states form 70% of the total traditional state system
- centralised states are those with paramount chiefs, is the integration of various social communities (each with their own chief or headmen)
- Any alienation of land is done by the paramount chief who is the political sovereign of the entire state, which he often does with the assistance and advice of this council of elders
- The council manages and administers land, which they do for the communal benefit, a concept which is not codified in law, but which is understood by custom
- The collective interest in land is derived from the origin of the mode of acquisition, which generally was on a communal basis e.g. conquest, purchase, or gift
- An integral problem to that of communal lands in Ghana has been the lack of clearly defined boundaries as no accurate surveys have been established and no agreements about boundaries has been made
- While the chief is a trustee of the land, he is also a fiduciary and beneficiary, however community members have usufructuary rights to the land – however this interest

cannot be transferred from a subject to a stranger, unless there is the consent of the management committee

- While land is being used by community members it is essentially out of the control of the stool, in that it is no longer property of the stool, yet the stool continues to exercise jurisdiction over the land
- For strangers to occupy stool land they must be granted that right by the stool, rights are usually granted on the utility of the stranger to the stool – what services can be provided in exchange
- A main problem is that land rights to strangers are usually granted orally and therefore there is no “evidence” should dispute later arise
- Decentralised states are independent landowning communities where communal land ownership is among a clan, family or village and where there may or may not be a chief, but a head does exist who manages the land, with elders much like fiduciary stools
- Larbi argues that these communities illustrate that it is possible to have an institution of chieftaincy whose power is devoid of land control as decentralised states often belong to stools, but the chiefs occupying the stools do not exercise any proprietary control over the land (this is known to occur in the Volta, Upper East, Upper West, part of Eastern, Greater Accra, Central and Western regions of Ghana)
- Larbi argues that the colonial experience is to blame for creating paramountcies where none existed and in so doing, creating the image that the chief held ownership of the land throughout the colony, this created confusion and conflict over land ownership particularly in urban areas
- Conflicts over traditional land ownership is further complicated in the modern state as the chiefs, the property owners can determine who has access to the land, while the state determines the permissible use of the land
- It was the expansion of the cocoa export market in the 19th century which changed the traditional relationship between subjects and heads in land owning communities, prior there was no economic value in the exchange of land, in that it had no measurable economic value, however as economic value can be acquired from the sale of communal land or use of it, there is increased conflict
- “Larbi argues that about 70% of chieftaincy disputes and destoolment cases have unaccounted proceeds from land sales as a key issue”, thus the recognising that the value of land is an important issue in modern Ghana, as communities must handle the proceeds of land sales, which can be contentious, particularly as the land is to be used for the benefit of the whole community: the living, the dead and the unborn
- In urban areas the issue of land tenure and the granting of land is further complicated by the lack of identifiably “substantive” chiefs as many style themselves as chiefs, regents or acting chiefs and grant land
- Within a urban area there is also the tendency for centralised and decentralised states to coexist resulting in both chiefs and heads of families granting land, thus creating insecurity and uncertainty about tenure
- Uncertainty is often compounded by government action which might seek to enstool a particular chief and in the same instance nullify the chieftaincy of the incumbent, incoming chiefs are apt to seek the resale of land creating uncertainty for developers who purchased the land from the destooled chief

- Larbi argues that all the disputes over land rights creates an environment which does not encourage private investment in land and thus economic productivity is lost
- He notes that the 1992 Constitution, in Article 267(5) essentially states that all occupiers of stool lands are effectively tenants of the landlord chief

Recommendations

- Decouple land ownership from chieftaincy – giving proprietary rights to the users of the land
- Create a system to record customary land rights and register them
- Repeal Article 267(5) so that communal land rights can be broken and land made subject to private market forces

II. P. Ms. Meghan Dalrymple. “Gender, Land Tenure and Traditional Authority in Rural Asante, Ghana”

- Interviews with women and men in Kokofu, rural Asante, Ghana showed that often gender plays a role in how secure access to land is under customary land tenure.
- Men are more likely to have control over land than women who often have to rely on being granted temporary access to land to use for their own subsistence
- While women, especially poorer women, have more tenuous control over land under customary land tenure, there are mechanisms that can often be involved in order to allow these farming women in rural Asante to get access to land that they can farm in order to earn a living.
- However, various past governments and World Bank proposals to privatise land under customary tenure would likely drastically worsen women’s access to and control of land as these customary mechanisms would be replaced by a profit-driven market system of land ownership that would exclude these women
- It is not clear if those advocating the privatization of land tenure in Ghana have taken this into account. Accordingly, the privatization of customary land tenure, which traditional authorities play a significant role, should be rejected until the marginalisation of women under the proposed new system is properly studied.

II. Q. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Traditional Leaders Promoting Rural Development and Fighting HIV/AIDS: Inherent Contradiction or Actual Possibility (earlier draft of IV.1)

This is a revised expansion of the earlier paper, listed as IV. 4

II. R. Dr. Donald I. Ray and Ms. Gaelle Eizlini. “Chieftaincy, Sovereignty, Legitimacy and Development: A Pilot Newspaper Analysis of the Role of Chiefs in Three Aspects of Development”

- Ray and Eizlini conduct an analysis of newspaper articles in Ghana to examine how active chiefs are in implementing development in their traditional areas
- The objective of the research is to determine to what extent the Ghanaian chieftaincy as a whole involved in development, or whether the examples provided are notable and considered outstanding as a result of their rareness
- The paper argues that 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 and the articles allow chiefs to voice their concerns about their communities and provides meaningful information to the populace on the activities of their chiefs
- 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 they are actually doing so in significant numbers
- Their empirical data consists of 1068 newspaper articles collected from 1995 to October of 2003, articles were collected from the Daily Graphic, the Accra Mail, Ghana News Agency, Ghana review International (GRI) and the Ghanaweb website, Ghanaweb was used the most to provide greater consistency in gathering and in search results – at individual newspaper websites the archival material was quite limited
- Ray and Eizlini admit that there are problems associated with their methodology, notably that: what is reported in the news paper is essentially what the power holders wish to propagate; internet searches of newspaper archives proved difficult due to limited archival material, poorly archived material and inconsistencies with utilising keywords for chieftaincy which produced mixed results in regards to quality and quantity; false positives also occurred when searches under ‘traditional chief’ produced ‘district chief executives’ and chief executive officer’ and; as a result it proved difficult to produce an adequate code for categorizing article content and the present code is only preliminary
- The articles were divided into four main categories: Chiefs, Queenmothers, HIV/AIDS and Disputes and were subdivided under Chiefs and economic development, chiefs and social policy/social development and Chiefs and traditional political practices/role – ceremonial roles
- This paper looks at the specific subdivisions of “succession” from the Chiefs and Traditional Practices category, “education” from the Chiefs and Social Policy/Social Development category and the “infrastructure, Tourism and Agriculture” from the Chiefs and Economic Development category

Key Points

Education

- 56 articles mentioned chiefs and the promotion of education

- 33 articles mentioned traditional leaders and the funding of education: 19 dealt with funding of infrastructure; and 14 with funding of poorer students and funding of school supplies was also mentioned in the articles
- 16 articles involved traditional leaders stressing the significance of education for those who are socially marginalised, particularly girls and the poor
- 4 articles dealt specifically with the education of girls and involved a paramount chief stressing the significance of educating girls and maintaining their education; and the support for girls entering non-traditional fields such as science and engineering
- As authorities on family life and the rearing of children, queenmothers are lending their legitimacy to mobilise the education of girls and of Ghanaian children in general
- Chiefs are especially active in educational infrastructure, including the giving of land on which to build schools and the creation of educational endowments: chiefs are even urging each other to made their funds available to all Ghanaian students, not just those within their regions
- 5 articles deal with chiefs and their concerns over education policy and curriculum development
- chiefs personally contribute large sums of money towards education, either to buy supplies, for endowments or in providing infrastructure, however, they also solicit their communities to be contributors

Succession

- Ray and Eizlini argue that “successions are political affirmations of the legitimacy of traditional office holders and hence a measure of their continuing political legitimacy and their potential ability to promote development”
- The focus is on enstoolment and the installation of chiefs and queenmothers in Ghana, for which 4 articles were found
- One article recorded an abdication of a chief who felt that his community was made more peaceful by his abdication as the queenmothers objection to his tenure was creating communal conflict
- In general it was noted that while 41 articles dealt with chiefs, 17 were on queenmothers
- 7 articles noted that new chiefs and queenmothers were civilian professionals
- 10 articles dealt with the conferring of honorary titles to foreigners who had worked on development projects
- 1 article recorded the enstoolment of a woman as Chief, not queenmother (mpohor-Wassa district)
- 2 articles noted the urging for greater national recognition/representation of queenmothers, in one case by a former regional minister and in another case the advocator was a queenmother

Economic Development

- Economic development has various aspects to it, for the purpose of their study Ray and Eizlini looked at Infrastructure, Agriculture and Tourism, particularly as all generally relate to land, which in Ghana is largely customary tenure, control and managed by traditional leaders

- 2 articles dealt with chiefs who were approached about the establishment of industries in their area and where the chiefs were seen to be demanding too much (higher sums of money for access to land) for personal, rather than communal good – in response there is an article where an Ashanti Omanhene warns chiefs against such practices as they endanger development overall
- 14 articles deal with infrastructure: 3 water, 3 city/land planning, 3 roads and 3 electrification
- there are regionally differences on what issues of infrastructure are most prominent e.g. in Greater Accra most articles deal with city planning
- There were 9 articles dealing with tourism
- The articles included praise of national government efforts to increase internal tourism, traditional leaders travelling abroad to promote cultural tourism and government presentations to traditional leaders in the hopes of gaining approval of tourism attractions
- The Ashanti Hwidiemhene appealed for government support in making the Hwidiem Falls a tourist attraction so as to create employment opportunities for jobless youth
- 11 articles mention traditional leaders and agriculture: 6 cocoa, 4 other crops, 3 farming practices and education of farmers
- Articles expressed traditional leaders concerns about developing new crops, assisting farmers in making smart production choices, the need to encourage local industries and the abandonment of traditional practices that hinder productivity
- In 2 articles chiefs speak directly to the health of farmers as a result of the use of fertilizers and pesticides – one was in regards to educating farmers on the use of such products and the other was a call for a district hospital to treat farmers

Conclusions

Education

- It is argued that chiefs recognise not only the intrinsic value of education, but also the economic value in an educated public
- Chiefs acknowledge how economic issues for poorer families can restrict the education of their children, mainly their girl children
- Statements by prominent traditional leaders on the significance of education, particularly for girls gives legitimacy to development efforts as the influence of such statements on other chiefs and rural citizens, where traditional gender values are persistent
- The expansion of endowment funds to all Ghanaians illustrate traditional leaders commitment to national development and not simply a restricted self-interested development
- educational concerns by chiefs are nation wide and there is not a concentration of a particular issue in any particular regions

Succession

- Ray and Eizlini argue that the abdication is illustrative of development because it was an effort to avert open conflict and destoolment

- The acknowledgement of civilian professions by newly installed chiefs and queenmothers indicate a growing significance in educational levels, which has positive consequences for education in their area
- The conferring of honorary titles on foreign development workers and dignitaries indicates a growing acknowledgement that chieftaincy roles are increasingly connected to a chief's ability to implement development
- The enstoolment of a woman chief, a rarity in modern Ghana and the increasing cries for the inclusion of queenmothers in national politics, though inclusion in the House of Chiefs or the creation of such an institution for queenmothers, indicates changes in gender values regarding chieftaincy

Economic Development

- Economic development illustrates the shared legitimacy within Ghana as development projects rely on the involvement of the state, chiefs and contractors
- In their comments on tourism Ghanaian traditional leaders indicate their knowledge about the Ghana economy and the need to contribute to the economic condition of the state
- It can be argued that due to their direct involvement in agriculture, many traditional leaders have a nuanced understanding of agricultural issues
- Overall the articles illustrate that many Ghanaian traditional leaders are well informed on issues of economic development and are taking steps to increase the economic welfare of their areas and the country

II. S. Ms. Linda Kreitzer. "Queenmothers and Social Workers: A Potential Collaboration between Traditional Authority and Social Work in Ghana."

Kingship (chieftaincy) is an institution that has existed since ancient times in Africa (Kludze, 2000). It is an institution that has played a major role in many Ghanaian ethnic groups as the governor of customary law.

Important to traditional authority is the Queen Mother. She is the biological mother or close relation to the chief and offers advice and counsel to him. Today they have many roles in their communities including being diplomats and mediators as well as overseeing the welfare of women and children in the community. Western style social work has been present in West Africa since the 1940's encouraged by the United Nations and the Association of Social Work Educators in Africa. Social workers have been trained in Ghana since 1946 and work in government and non-government agencies.

The development of communities and the social welfare of women and children are of concern to social workers as well as to Queen Mothers. In 2002, a group of social work researchers met for ten months to look at the indigenisation of social work curriculum in Ghana with a Queen Mother as part of this group. This article describes the important dialogue between social workers and the Queen Mother concerning their roles in the

community with potential future collaboration with each other that would enhance community development.

Queenmothers could play a more explicit auxiliary role in implementing social work policies.

II. T. Dr. Donald I. Ray. “Chiefs in Their Millennium Sandals: Traditional Authority in Ghana Relevance, Challenges and Prospects”

III. CONCLUSIONS

Traditional leadership is a factor that has been significantly overlooked in the evaluations of rural local government and governance in much of contemporary Sub-Saharan Africa. Their contributions to the development of the post-colonial state has largely been disregarded and attributed to the actions of unique individuals, rather than as a norm within the institution. Our preliminary inquiry over the course of this project illustrates the extent to which chiefs are indeed active agents of development, and increasingly social marketers and builders of community competence in dealing with various social, economic and health issues, including HIV/AIDS.

Our research suggests that traditional leaders are effective and prominent agents of development due to their ability to influence and direct their communities. This ability to mobilise their communities is contingent on their perceived legitimacy. Traditional leaders/chiefs can claim special legitimacy in the eyes of their people because these institutions can be seen to embody their people's history, culture, laws and values, religion, and even remnants of pre-colonial sovereignty. 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 that the imposition of colonialism brings. 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. Thus, in Ghana you find that the public regards itself both as citizens of the post-colonial state and subjects of traditional authority.

It has been argued that traditional rulers perceive their role today as being primarily initiators of development or catalysts of development processes, however the history of partnerships between traditional leaders and development agents is not a recent history - the Okyenhene (King of Akyim Abuakwa) established a State College and Scholarship in the 1920s and; the Asantehene (King of Asante) and the Asanteman Council established school and educational schemes in the 1930s. In contemporary Ghana, the need for traditional leaders to be agents of development is not so much a case of maintaining viability (as many have argued), as it is a case of continuity and necessity. Traditional leaders have historically managed the communal welfare of their areas and that expectation is arguably not diminished. The ability of traditional leaders to be effective agents of development further strengthens their claims to legitimacy as it illustrates their ability to perform the goals and stated tasks of the post-colonial state.

Key Conclusions from research:

Economic Development

Economic development illustrates the shared legitimacy within Ghana as development projects rely on the involvement of the state, chiefs and contractors. National government officials acknowledge the need for the cooperation of chiefs to make economic development, particularly in rural areas possible. The inclusion and coordination of traditional leaders is necessary not only to provide the necessary infrastructure (land) for such developments, but also to solicit community support and involvement in projects. What is important to note, is the extent to which Ghanaian traditional leaders are well informed on issues of economic development and are taking steps to increase the economic welfare of their areas and the country. As farmers they are able to advise national government on agricultural issues and they are able to advocate for improved agricultural practices and assistance for farmers. In the area of tourism, chiefs are able to identify landmarks within their local area that can be utilised to generate income for youth. Increasingly chiefs are using traditional customs, such as festivals, as an opportunity to highlight the economic potential of the traditional area and to acknowledge what external assistance is needed for agricultural progression, and also to communicate and create strategies for economic activities.

Social Development

One of the key areas in which chieftaincy has contributed to social development is in education, both childhood and adult education. It is argued that chiefs recognise not only the intrinsic value of education, but also the economic value in an educated public. Education is being regarded as an economic issue, as chiefs acknowledge that reduced education crimples economic advancement for their communities and restricted

opportunities for children. Chiefs have been active creators and contributors to educational endowments, even prior to Ghanaian independence. Many now argue for the expansion of endowment funds to all Ghanaians, regardless of communal affiliation, illustrating traditional leaders' commitment to national development and not simply a restricted self-interested development. Also, statements by prominent traditional leaders on the significance of education, particularly for girls, facilitates development as it influences the traditional gender values not only of rural citizens, but also other chiefs.

Traditional Leaders Fighting HIV/AIDS

An area of social development, which warrants the attention, and assistance of traditional leaders is in the fight against HIV/AIDS. Traditional leaders are fighting HIV/AIDS in Ghana. The Ghanaian National Strategy Framework on HIV/AIDS "recognised traditional authorities as a key sector for programme targeting and implementation ...[they are] thus expected to receive and transmit policy strategies within their communities ... [their participation is regarded as] integral to the implementation and realization of their policy strategies and objectives."

The involvement of traditional leaders in fighting HIV/AIDS is significant in terms of national strategy recognition, numbers and geographic spread (although more work needs to be done to confirm this with greater precision). Traditional leaders are involved in three levels of the fight against HIV/AIDS: (a) creating access/gate-keeping for service deliveries, (b) social marketing, (c) building community competence to deal with the effects of HIV/AIDS on the community's people. Donkoh's observations and commentary on festivals in Ghana illustrate how traditional leaders are being innovative in their quest to provide agency to developmental projects and to educate their people on modern problems, such as HIV/AIDS. In Ghana, traditional leaders are active and growing participants in social marketing campaigns to strategically prevent the spread of HIV/AIDS and to support those affected by the disease.

CHAPTER 4

SOUTH AFRICA: COUNTRY STUDY SUMMARIES

(Professor T. Quinlan)

***I. REPORT OF THE SOUTH AFRICAN COMPONENT
OF
THE TRADITIONAL AUTHORITIES APPLIED RESEARCH NETWORK (TAARN)
PROJECT***

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Objective 2: The role of autonomous traditional authority structures, inside and outside the state structure, in the social policy process put in place by the state;

Objective 3: Ways in which traditional values, traditional structures and community participation can be incorporated into social policy processes put in place by the state in order to enhance the responsiveness, effectiveness and equity of selected social policies

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SECTION 1: THE TAARN-SA PROJECT

Introduction

The South African component of the Traditional Authorities Applied Research Network (TAARN -SA) consisted of 11 case studies (and two database studies). The decision to conduct a number of case studies was taken in view of the variety in the structure, role and practice of 'traditional authority' in the country, and considerable fluidity in the relationship between traditional authorities and the national, provincial and local government. The rationale was to allow the different studies to address particular issues, in a number of different locations in South Africa, but in ways that would illustrate themes and political concerns that are germane across the country and, at the same time, achieve the broader aims of TAARN. Factors that also contributed to this decision were the impossibility of providing a comprehensive geographical coverage for financial reasons, and the opportunity to improve the capacity of young researchers by enabling them to conduct studies from which they could obtain post-graduate qualifications. Consequently, TAARN-SA was initially organized around 6 principal researchers and it included a number of post-graduate student researchers at each centre. The design of the TAARN-SA research at the start of the TAARN programme is set out in Appendix 1.

The outcome was the set of studies discussed in Section 2. In the case of the KwaZulu-Natal research three studies of the four were combined into one research report. This South Africa report summarises the results of the studies and draws out key points. Thereafter, the report presents extrapolations from the results of the studies in order to highlight key findings of the work as a whole. The final section, links the results and key points to the objectives of TAARN. This constitutes the main body of the report. TAARN-SA also included a constitutional database sub-project – an outline of the legal developments with regard to 'traditional authority' in South Africa. The results of that work are presented in Appendix 2. The TAARN-SA project also sought to establish a database of unpublished research in South Africa on 'traditional authority'. This was not successful due to lack of assistance from most libraries, but the project did succeed in compiling a database of newspaper reports over two years (Appendix 3). Since the writing of this part of the report, a number of further individual research reports have been received. While it has not been possible to incorporate them into this TAARN-SA analysis, they are included in the overview analysis of the project at the beginning of the project report. Copies of individual research reports are presented in the main body of the overall project report.

General Results

The focus of the South African research was on the interactions between elected government officials and chiefs, between the bureaucracy of the state and local-level institutions of authority and between these authorities and their subjects. The result in the case of the South African studies is twofold. On the one hand, the research rejects the polarity of 'traditional' versus 'modern' authority and various sub-sets (e.g. autocratic versus democratic authority) as a conceptual framework for understanding the issue of governance and the practice of government. On the other hand, the research fully

acknowledged the reality of this polarity as the political framework within which authority was and continues to be defined and contested amongst South Africans.

The research showed that the tradition/traditional-modern/democratic framework is not a sound basis for constructive collaboration between elected officials and chiefs. It constrains the political effort in South Africa to create a nation-state that endorses the international ideals and agendas for the 21st century. Accordingly, the conclusion is that TAARN's contribution to policy initiatives should be to change the terms of the political debate. That may be TAARN-SA's recommendation as an applied research project, but substantiating it is more complex than showing the intellectual paucity of the framework. The research showed the tensions between elected officials and chiefs arising from this framework and hence, the negative effect of the latter on the broader effort to define structures of governance. However, it also has to recognize that:

- the framework serves political agendas for different parties, different reasons and in various circumstances;
- the interactions between officials and chiefs and between citizens and authorities are changing form and content of political authority.

In other words, the research revealed political, historical and cultural dynamics that defy any simplistic, instrumental intervention or policy recommendation. Instead the results of the research have to be considered in terms of what form and content of authority is emerging.

The emphasis was very much on how the form and content of 'traditional authority' is changing. The limitation of this focus is that the form and content of 'democratic' government authority was not considered in detail. The research revealed intermittently that the political contests over 'traditional authority' has broader reference points; namely, the meaning of 'democracy' and 'development'. These are contested issues elsewhere in the world and, notably in Europe and North America, of considerable popular concern in the face of governments' efforts to re-define the meaning of democracy, citizenship, representation and participation. They resonate in South Africa in the political quest for 'African' answers to local problems and international agenda. In sum, the research provided a localized illustration of what forms of authority are emerging in this context of overlapping local, continental and international agenda to promote democracy in Africa.

TAARN-SA research focused primarily on interactions between the state and 'traditional authorities' during the last decade. The pertinent factors here were the transition of the country from a state of Apartheid, the first general elections of the new state in 1994 and the re-formulation of national, provincial and local government structures and areas of jurisdiction. The re-formulation of government included the policy of co-operative governance between different levels of government, in keeping with a democratic agenda and, in 2001, re-structuring of local government structures including re-drawing of administrative boundaries. Throughout this time the place and role of 'traditional authorities' has been contested.

Three political agendas have informed elected officials' consideration of 'traditional' authorities:

- 1) Get rid of chiefs;
- 2) Incorporate them into local government structures;
- 3) Find a working relationship with chiefs, accepting that they represent a different form of authority to that of elected representatives supported by bureaucracies

There has been no consistent movement from one agenda to the other. They have been, and continue to be, played out in different sequences at different levels of government. The research revealed that these agendas are really no different to those of officials in the colonial era. Then, as now, government officials tried different strategies and failed to come up with a definitive solution.

The institution of chiefship is still regarded by many citizens as a legitimate form of authority amongst the populations they govern. Nonetheless, this finding must be understood in context. The studies revealed variations in level of support over time and in different places. A criterion for support is a chief's ability and record of providing land and 'bringing development' to a locality. In the case 'bringing development,' the criterion is the perception of the chief's involvement in getting the state bureaucracy to put in place infrastructure and services such as roads, schools, and clinics. However, the lack of 'development' is not necessarily a reason on its own for variation in support for chiefs. Failure of the state to provide infrastructure and services is cause for support for chiefs, for the state is recognized generally as also being responsible for 'development'. Providing infrastructure and services is no guarantee, however, for diminishment in popular support for chiefs. The reason here is that infrastructure and services are usually provided on the basis of cost recovery from the recipients. Residents in many localities cannot afford to pay for those services. Consequently, the state is perceived to have failed to improve the welfare of the residents. In contrast, chiefs who provide land for the poor, even if that is only a residential site, garner a constituency at the expense of elected politicians and officials.

The studies also revealed that people accepted both forms of authority even though political discourse is frequently couched in terms of a polarity between them. Support simply varied with perception of the success of chiefs and elected politicians to provide material resources. However, the studies also often touched on a deeper rationale: authority, irrespective of form, is responsible for maintaining and improving the welfare of people. As indicated above, both forms of authority are seen to be responsible for 'development' in localities. A common material factor throughout the South African research was poverty. The continual, often desperate quest for security precluded people from making categorical choices about the forms, functions and roles of authority.

In summary, the TAARN-SA studies showed that:

- the form and content of local government authority is contested;
- reformulation of local government has not resolved the contestation;
- chiefs remain a popularly legitimate form of authority;
- people do not make categorical choices about which form of authority should prevail.

These findings are seemingly at odds with the political discourse within government circles, between chiefs and elected politicians and officials and between these authorities and their 'subjects.' However, despite the rhetoric and variations in the support of chiefs, people did not encourage absolute prescription of roles and functions. For instance, people expected chiefs to be 'development agents' as much as government officials. The suggestion is, therefore, in a general context of poverty, and history of very uneven experience of delivery of infrastructure and services, that the populace readily subscribed to both forms of authority because both were potentially capable of improving their circumstances.

Following this argument, one can account for the ever-changing, inconsistent perspectives and positions of chiefs vis a vis elected politicians and state bureaucrats (including issues like incorporation into city jurisdictions, reformulation of communal land tenure into 'common property associations'). The current perspective of a chief does not preclude adopting a diametrically opposite view in the future. Changes in perspective indicate re-assessment of the potential to improve local circumstances. The insinuation here is that, for chief and subject alike, 'traditional values,' 'democracy' or any other precept within the 'tradition-modern' framework, are the resources available for engaging with their particular circumstances.

This can suggest that there is no substantive basis to the perspectives and positions of chiefs and, indeed, of their 'subjects.' In short, they respond only to circumstance. This is not our intention. However, as stated, the key action is that of engagement not simply of response. The point here is that there is a foundation to the responses, and that foundation is not simply the juxtaposition of different forms of authority. I refer here to a recurring assessment in the South African studies; namely, chiefs often asserted that many of the precepts of 'modern democratic government' are not alien to those of 'traditional authority.' Indeed, the 'traditional authorities have employed them (e.g. elected 'development committees'). Furthermore, chiefs argued that 'traditional authority' can readily accommodate prescriptions in the current elaboration of democratic governance in South Africa, such as participatory democracy, consideration of 'interested and affected parties' and 'partnerships' (let alone the national Executive's attempts to manipulate 'representative democracy' in order to centralise power even as it seems to devolve authority!). The fact that these claims have been substantiated indicates a foundation to chiefship that is deeper than what is espoused in the political debate.

Uncovering this foundation begins by acknowledging:

- a) the position expressed tacitly in chiefs' resistance to prescription of their roles and functions and,
- b) chiefs' assertions that they can be 'development agents' and that 'traditional authority' espouses many of the principles of democratic governance albeit differently to how elected politicians and officials espouse them.

Prescription restricts scope for intervention and, in a context of poverty and social change let alone rapid political transformation, this limits ability to adapt and respond to new circumstances and even to shape them. Put differently, chiefs have argued implicitly that any authority must be able to incorporate changes in society. In short, it must be outward-

looking; thus, their assertions that ‘traditional authority’ espouses many of the principles of democratic governance. It must be noted here that the focus is on the logic within actions, and not on observed actions. Equally, the focus is not on the political rhetoric or on evident contradictions in the positions of the protagonists. For instance, chiefs did not espouse all democratic principles of governance. Some, such as gender equality, were generally rejected. However, these contradictions can be accounted for in the explanation as is indicated shortly.

The ‘traditionalist’ position constructs authority as an expression of family and place. On the one hand, a chief is the personification of society as a family; the latter being culturally described in patriarchal terms. With minor variations across South Africa, the family grows under the authority of the father and through male offspring who, upon marriage, establish their own domestic units around those of the father. Ability to provide sources of living (land and livestock) attracts other men and wives. The growth of a homestead into a hamlet and then a village or even dispersed settlement is remembered by reference to the founding ‘father’ who acquires the status of leader. An elaboration of that logic is the evolution of royal dynasties and lineages to define and describe the accretion of familial groupings and settlements into larger political entities. On the other hand, an individual lays claim to membership of a group, indeed, of society through identification with his or her own paternal origins and home place. Family and home are the basis for identification with a location that itself can be named after the clan name of a male ancestor who lived there and/or to the resident chief’s name.

This model describes the roots of authority (within a patriarchal frame of reference), the scope of which depends on familial expansion and the capacity of a leader to sustain access to, and use of resources (historically, land and livestock). Notably, demarcation of, and limits to authority are based on people, not external features of the environment be they political, social, economic or physical. These features have become criteria for defining authority, of course, but in the first instance, the populace defines the authority. The significance of this model is that it specifies the basis on which chiefs and their subjects can engage with their circumstances, irrespective of the particular nature of the latter at any one time, and changes over time. Consequently, any attempt to prescribe roles and functions of chiefs attacks the very premises of chieftship. Chiefs’ resistance today to these attempts may be described as defence of ‘tradition,’ but the term is a caricature of what is being defended. ‘Place’ and ‘family’ too, abbreviate yet encapsulate defence of the foundations of social existence, upon which individuals can acquire the means to survive and hence, confront circumstance. In practice, of course, the model discriminates in locating individuals to ‘place’ and family.’ The patriarchal frame of reference inevitably inspires rejection of gender equality.

Discussion at a TAARN-SA workshop to review work in progress, in 2001, grappled with two issues in particular. One issue was the difficulty of describing how chiefs ruled today. The conclusion was that they were ‘governors.’ This term, though imprecise, does capture the orientation of chiefly authority:

- the conjoining of a population and a territory under an overall authority;

- chiefs as a guiding authority, exercising discretionary authority and being involved in many activities, defining policy and seeking to influence the content of political and economic development;
- chiefs as paternal figures.

The term is useful precisely because of its historical associations. There is a pejorative association with the colonial era, but it resonates in the South African context in a variety of ways. As territory became linked to authority during the early colonial period, chiefs were markers of where different groups had settled and the scope of influence of different authorities. Where groups settled was, of course, dictated by the intrusions of European settlers, ensuing military conflicts and political subordination to imperial powers. Colonial authorities re-cast African polities into subjugate populations, and imposed simplistic conceptions such as ‘tribe,’ but they were correct in understanding chiefs as ‘governors.’ In sum, the colonial authorities built upon indigenous conceptions of authority as they elaborated and re-shaped the forms for their own purposes. For instance, it was a concept that underlay the creation of local government in the form of districts under the general authority of magistrates. The magistrate of an area had considerable scope to govern as he thought fit with regard to local affairs.

A second issue that reverberates through the TAARN-SA research is the apparent quest of chiefs for autonomy as local government authorities. The notion of the ‘parallel state’ has been used to capture both that imperative and its realisation in some forms in recent years. The extreme example is the Bafokeng ‘Royal/tribal authority’ which, on the basis of royalties received from platinum mining on ‘tribal’ land, has been able to establish an administration that is far better resourced than the state’s local government structures. That political process – ‘partnerships’ with the private sector is occurring elsewhere on a smaller scale. Approving mining rights and creation of ‘eco-tourism’ ventures are two known means. By obtaining a source of income for the Tribal Authority,⁸ independent of the national or provincial government, chiefs acquire an economic basis on which to rule and be seen as rulers.

An interesting issue here is that the amount of improvement to local people’s lives does not seem to be a critical factor for gaining popular support. Rather, it was the ability of chiefs to be seen to take on the responsibility of government to provide ‘development.’ Furthermore, in many rural areas whatever the chiefs did in this vein was, and still is, as much, even more than what the elected local government has done. More to the point, chiefs are clearly exploring the opportunities that are presented by the government’s own ethos of encouraging ‘state-private sector partnerships.’ In addition, they have also begun to explore opportunities afforded by the proliferation of donor-funded NGOs and CBOs. In other words, chiefs are realising that NGOs are not only a channel through which they can access development funds and projects but also that these organisations are usually prepared to accord them respect and involve them in projects with less prejudice than government agencies.

⁸ The report occasionally uses the term Tribal Authority in reference to the formal designation of the hierarchy of chiefs and their administration of an area.

SECTION 2: RESULTS OF THE TAARN-SA STUDIES

1. Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni (Durban) Metropolitan Region. (Mr. Sibongiseni Mkhize, Director of the Voortrekker Museum, Pietermaritzburg; Dr. Shahid Vawda, Senior Lecturer, School of Governance, University of Durban-Westville⁹; and Dr. Pearl Sithole, Lecturer, School of Social Science and Development, University of Durban-Westville)

Introduction

This study represents a combination of the work of three researchers on the nature and form of chiefs' authority in, and adjacent to, the metropolitan area of Durban. The framework for the study is the recent political process of restructuring local government in South Africa, notably the rationalisation of municipal structures and boundaries. That process has culminated in the incorporation of 'tribal authority' areas into municipal areas. The study focuses on the politics of engagement between the councillors and officials of the Durban 'Unicity', and chiefs, some of whom had their areas of jurisdiction incorporated into the city and others who did not. The 'tribal authorities' in this case are those of the broader 'Zulu kingdom' that covers most of the province of KwaZulu-Natal and includes 40% of all traditional authorities in South Africa. This 'traditional' institution currently consists of the King, 277 chiefs (*amakosi*), 8 deputy *amakosi*, 10,000 headmen (*iziduna*) who have jurisdiction in 23 regional authorities and 4 community authorities.¹⁰

After the 2000 local government elections, the Durban Metropolitan region was expanded to include a large rural and semi-rural hinterland and became known as the Durban Unicity (renamed eThekweni Unicity in 2002)¹¹. The inclusion was justified on the grounds of functional integration, density of population and the need for service delivery. For example, one of Durban's main reservoir dams and its environs was incorporated in view of demands for improving water management and distribution in the city. This process led to the incorporation of 16 tribal authority areas, most of which have been wholly incorporated, but some have become split with portions remaining outside the municipal boundaries. In addition, the boundaries of 18 new wards created to accommodate the expanded city cut across some tribal authority areas. Some wards now cover several tribal areas. Some large tribal authority areas cover a few wards. In some localities a single councillor and several chiefs co-exist as authorities. In other localities one chief and several councillors co-exist as authorities.

⁹ The University of Durban-Westville has been merged into the new University of KwaZulu-Natal

¹⁰ In 1882 there were 173 chiefs who were recognised by the colonial government. Of these only 99 were hereditary, 46 appointed and 28 were headmen with authority to administer splintered segments of chiefdoms.

¹¹ Official translations of 'eThekweni' cite that it means lagoon or bay in reference to Durban bay. A less well known meaning is 'one testicled beast or man' in reference to the round shape of Durban bay and the appendage construed by the land spit known as the 'Bluff'.

This political restructuring of local government has created a new political terrain for chiefs, elected politicians, government officials and citizens. The study examined the nature of this terrain and how different authorities are dealing with the perceived threats and opportunities created by the changed circumstances. The study identified the socio-economic conditions in the tribal authority areas as a critical factor for understanding the current and emerging political interactions between 'traditional' and modern' authorities. Accordingly, these conditions are outlined below.

These areas are generally on the periphery of the Unicity, having been part of the rural hinterland in the past and have now become 'peri-urban' locations. Most of the settlements on the periphery are 30km away from the centre of Durban, and 8km from a transport node and 12km from the nearest commercial centre.

Results

Socio-economic characteristics of Tribal Authority Areas

Settlements in these areas are heavily populated by people who generally have migrated to the city in search of employment, affordable residence and, in some instances, access to some arable or horticultural land on which to supplement incomes. The majority survive through a variety of informal work in the locality and elsewhere in the metropole. In short, the settlements are a result of migration and poverty. These general socio-economic conditions are reflected statistically below:

- Average household size is larger than other areas in the metropole (5.4 persons: 4.1);
- Population is young (47% are less than 10 years old; 9.8% are 50 or older);
- 1 out of 6 people is employed versus 2 of 6 elsewhere in the metropole;
- 21.8% households have no formal income or access to resources versus 11.9% elsewhere in the metropole;
- 25% of households earn more than R18,000 per year (R1,500 per month) as opposed to 52.5% of households elsewhere in the metropole.
- 20-25% of households have access to running water compared to 66% of households elsewhere in the metropole (1996 figures).

In sum, the tribal authorities govern the marginal and marginalized section of the city's population, yet retain an historical and local identity as areas governed by indigenous political norms and values. These general characteristics are reflected in the findings of the study.

History and continuity of chiefs authority:

Most of the chiefs interviewed were able to cite their lineage descendents to the 19th century, some to the early decades when their ancestors fled from the authority of Shaka (the legendary Zulu King);

In the past, chiefs were leaders on the basis of an elaborate system of household production and exchange, surplus extraction, and use of legitimate force. Chiefs were assisted by councillors (*iziduna*) drawn from the households and villages throughout the

chiefdom, who participated in one way or another in the allocation of land, held court and adjudicated over various matters of law and custom. The chiefs also were the locus for extracting and holding surplus produce; for redistributing cattle, seed, food and drink during times of need, and for enactment of public rituals and festivals.

Generally, the chiefs continue to allocate land to those who accept their authority. Today, they provide access to land, as they did for much of the latter part of the last century, for the ever increasing number of people who have sought a foothold to the city of Durban and who could not afford to formally buy or rent land/accommodation. The land is allocated, in principle, in return for allegiance to the authority of the chief, but in practice, for many years, involves some cash payment as well as cash transactions for rental of accommodation amongst the residents.

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 provides under the circumstances an effective way to sustain their multiple livelihoods and welfare networks developed within their communities.

Land allocation and management is central to the present day authority and legitimacy of the chiefs, but the study recorded that the issue of development (provision of services and infrastructure) is a priority concern amongst chiefs in view of the restructuring of local government and spatial expansion of the city government. It is also a concern amongst the residents and, generally, chiefs increase their legitimacy by being seen to be attracting infrastructural investments to their areas. However, the study also showed:

- considerable variation in people's expectations of chiefs' interest and involvement in development issues;
- Chiefs were not unanimous in taking on a role as a development brokers;
- land management and development compete as priorities for chiefs (the study noted that for some chiefs south of Durban, issues of development had given way in one year to concerns about land shortage in the light of boundary changes imposed by the expansion of the city).
- Chiefs reckoned on continuing to uphold their understanding of authority. Notably, that understanding included maintaining pre-existing regional tribal authority structures for interacting with chiefs of areas beyond the Unicity boundaries. These regional authority structures have long been part of the spatial and hierachical ordering of the Zulu chiefship in the 20th century - shaped partly by the Inkatha Freedom Party through its influence on the structuring of chiefship and partly by previous provincial government demarcations of local government in the form of Regional Councils.

In sum, the study indicated that chiefs were engaging with the new structure of local government in 2001, though this had not been the case amongst some chiefs prior to finalisation of the new demarcations in 2000.

Conditions for conflict between ‘traditional’ and ‘modern’ authorities

The study highlights conditions that are and will be a source of tension between the Tribal Authorities and the Unicity officials. These are:

- Legal ambiguities:
 - The terms of the Municipal Structures Act and the White Paper on Local Government allow chiefs to continue to manage land allocations and to act as judicial officers in matters of custom and tradition within their areas of jurisdiction. However their rights as land authorities are not well-defined in view of:
 - lack of legal definition of who owns the land - the state or the Ingonyama Trust (a legal entity fabricated in 1994 to ensure that ‘tribal’ land remained under the overall control of the King). In addition, residents’ rights to use the land establish *de facto* individual permanent tenure and their rights as individuals are supported by the Constitution;
 - The eThekweni Unicity authorities need to control land use through planning regulations in order to provide infrastructure and services systematically and, importantly, to set and receive payments for these developments.
- The Unicity authorities’ legal control over development issues and the lack of any formally designated decision-making functions with regard to development for chiefs in local government legislation (and in current white paper on traditional authority). This is problematic in view of:
 - chiefs’ realisation that ‘development’ is an important political criterion to the retention of their authority and legitimacy with their ‘subjects’;
 - the existence of local development committees in many settlements under the auspices of the relevant chief.
- The developmental strategies of the Unicity authorities and the political imperatives of the elected councillors emphasise provision of services (water, electricity, sewerage, refuse removal) and roads and housing, but with the proviso that the costs can be recovered through payments by residents. However, this is problematic in view of:
 - inability of vast majority of residents in the tribal authority areas to pay for services set against the political imperative of the national government to reduce poverty;
 - exclusion of parts of some tribal authority areas from the Unicity, thereby marginalizing sections of the relevant chiefs’ constituencies;

The study argued that the situation creates a basis for substantial political and material divisions between chiefs and Unicity authorities and between residents in the tribal authority areas and those elsewhere in the metropole;

- chiefs become the authorities and guardians of the poor;
- internal divisions within the Unicity are constructed on the basis of social differentiation of the population;
- chiefs become wary of the Unicities development initiatives (indeed they already are) and emphasise a role as gatekeepers for projects;

- internal tensions between chiefs over ‘traditional’ territorial boundaries can flare up again (even if they have been dormant for many years) as chiefs pursue opportunities to secure development initiatives;
- residents in areas excluded from the Unicity may attempt to migrate into the included areas, thereby generating a larger impoverished population in need of services as well as exacerbating land shortage and threatening the power of the chiefs.

Conclusions of the study

- The study emphasised the various ways in which boundaries are being drawn around populations and authorities, spatially, geo-politically and on the basis of socio-economic class.
- The different and competing conceptions are a key to understanding contemporary relations between ‘traditional’ and ‘modern’ authorities. Specifically the study asserted that ‘an important issue in the creation of boundaries is to ask who controls the boundaries, for what purpose and what happens within the boundaries.’
- The general conclusion is that the current situation in Durban is fraught with potential for conflict. However, greater involvement of chiefs and participation of their ‘subjects’ will become a political and economic necessity for the Unicity government.

Key Points

- 1) *‘Traditional authorities’ are and can continue to exist and play a significant political and economic role in metropolitan government;*
- 2) *The scope for elected municipal governments to ignore or exclude ‘traditional authorities’ is limited, if communal land tenure systems are retained within municipal boundaries;*
- 3) *Chiefs in municipal areas are the authorities of the ‘poor’ and, through that position acquire political power to be gatekeepers for development projects;*
- 4) *Municipal governments are promoting policies of participatory democracy and devolution of authority to local government levels (in practice endorsed by the area-based management strategy of the Unicity), in line with national policy and legislation, such that ‘traditional authorities’ and their ‘subjects’ have a political platform to be legitimate participant citizens in the governance of municipalities. And yet, they retain the de facto right to an alternative political identity.*

2. ‘Traditional Authority’ and Governance in the Emjindini Royal Swazi Chiefdom, Barberton, Mpumalanga: An empirical study. (Professor Robert Thornton, Department of Social Anthropology, School of Social Science, University of the Witwatersrand)

Introduction

Research was conducted in the vicinity of the town of Barbeton, Mpumalanga Province, the location of the Emjindini Chiefdom. The current Tribal Authority lies to the south west of Barberton town. It is close enough to the town (4 kms) to be roughly contiguous

with the sprawling township that lies outside of the formerly 'white' town of Barberton. The boundaries of the municipality's and of the chief's authority have been a source of conflict. The Emjindini chief argued that the township was part of his area of jurisdiction. The Barberton municipality regarded the township and the Tribal Authority area as being under its authority.

The chiefship consists of the chief, twelve councillors (four of whom are women), five 'headmen' (*indunas*) and two 'tribal police.' The South African government pays only the chief. The current chief is Kenneth Dlamini, who governs the predominantly Seswati-speaking residents and they identify themselves culturally as Swazi people. Notably, the chief in particular and many residents assert that they are South African citizens and also subjects of the monarch of Swaziland.

The research focused on two areas of interest:

- relationships between the chief and his 'subjects';
- the politics of identity of the chief and residents.

The former focus was based in part on a 1200 questionnaire survey of local opinions on the chiefship, municipal government, and national government. This survey was supported by intensive field research including interviews with the chief and other residents.

Questionnaire survey results

- A resurgence of support for the institution of chiefship in the locality since the end of Apartheid;
- Generally speaking, support for the chief was not correlated to factors of sex, age, language, income, employment status, religious or political-party affiliation;
- Support for the institution of chiefship was higher than support for the municipal authority;
- There was general support for the chief himself;
- Overall, residents supported both the chiefship and the municipality, irrespective of the fact that there has been little material improvement in their lives in recent years and very few development initiatives by the chief and the municipality;
- 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.

Specific results of the survey were:

- Forty-three percent¹² of the respondents in Emjindini Tribal Authority claimed that they 'supported the chief'.
- 52% claimed that they supported the institution of chiefship¹³.

¹² N=260; with 8 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' in a total of 260 people who expressed an opinion. 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

- 85% of respondents resident in Barberton townships declared support for the chief.¹⁴
- 31% of all respondents in Emjindini and the townships expressed an opinion that the municipal government was ‘good’ or ‘very good,’ while 61% were either neutral (21%) or did not express an opinion at all (40%).¹⁵
- Support for the institution of chiefship was highest (85%)¹⁶ in the townships, and lower (43%)¹⁷ in the Emjinidini area.
- Significant numbers rated 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 rated both institutions positively, while only six (4%) thought both institutions were ‘bad’ or ‘very bad.’
- No one in the township, unlike 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.’
- Approximately 57% regarded the chiefship as either bad, very bad, or were neutral.
- 43% were generally in favour of the chiefship, against only 33% who were generally negative.
- Men tended (high level of statistical significance) to support the chiefship more than women do.¹⁸ This finding was expected: the chief is male and the chiefship is generally held to be a male-centred, even chauvinistic or ‘patriarchal’¹⁹ institution. Nevertheless, there were only slightly fewer women who did not support the chief than those who did. This difference is statistically significant, but the fact that female opinion was 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.

General research results

‘Development’:

Residents expected the chief to provide many political goods and services including ‘democratic government’ and ‘development.’ However, neither chief nor municipality has succeeded in providing significant improvement of services in the post-apartheid

to express one. If this is taken into account, then 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 2 cases (3%) showing ‘don’t know’ or where data is missing.

¹⁵ N=335.

¹⁶ 3% (2 persons) of the township sample declined to answer this questions (N=75).

¹⁷ 3% (10 persons) of the Emjindini respondents declined to answer this question. (N=260)

¹⁸ $\chi^2 = 3.045$, $p = 0.081$. Fisher’s Exact test yields $p = 0.094$ (2-tailed).

¹⁹ ‘Patriarchal’ is often used in South African feminist and gender studies to mean any thing that is male-centred, or that which privileges males. In South African academic discourse, it rarely means ‘rule by senior males’ or ‘authority of fathers’, in line with the etymology of the word.

period to date. In 2000, the Emjindini Chiefdom and the old municipality were incorporated into a new municipality called Umjindi.

Political attitudes of residents :

There were indications (though not statistically significant) of greater support of the chiefship from the relatively wealthier, the better educated and those who lived in the township under direct municipal authority, than amongst those who lived in the area under the Tribal Authority. This finding contradicts widespread notions, especially prevalent in the South African government, that the chiefship is a dying political institution.

Residents in the age group who were most affected by the struggle rhetoric against the chiefs (as agents of apartheid) and actual conflict with the chiefs, in the 1980s and early 1990s, were (in 2001) more likely to support the chief than those who had no direct personal experience with the struggle against Apartheid. This result contradicts strongly held beliefs within the ANC leadership that support for chiefship is weakest among those who were most likely to have participated in the struggle against Apartheid.

Ethnicity and citizenship

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.

Swazi chiefs in South Africa, like Kenneth Dlamini, consider themselves to be part of a trans-national royal family that includes members in Swaziland and South Africa. Chief Kenneth Dlamini of Emjindini participates in royal rituals such as the annual *incwala* ('First Fruits') and the Reed Dance. He affirms his status in Swaziland with attire (antelope-skin loincloths, and other items of traditional Swazi warrior's dress, cow-hide shield, spear and stick) and joining his Swazi regiment to ritually renew the kingship.

However, neither Kenneth Dlamini nor other South African Swazi ('*Ngwane*') residents in the Barberton area who acknowledge that Mswati III is their king, deny that they are also South African citizens. The Emjindini chief is also a South African chief paid by the South African government. He is also a member of the House of Traditional Leaders of Mpumalanga Province, South Africa. The significance of this trans-national affiliation is that there is no basis in South African law or previous custom for it, and yet for the chief and many Barberton area residents it is accepted as an integral part of their identity. This phenomenon is not restricted to the study area. Tsonga chiefs in South Africa, for example, have also recruited Mozambican refugees and migrants to their own constituencies in South Africa. Chief Cedric Mhinga of Malamulele district in the Northern Province also visited the Coutada 16 district of Mozambique in 2001 and told the Tsonga speaking people there that he was their chief and that he would bring development to their villages.²⁰

²⁰ Personal communication: Conrad Steenkamp 8/2/2002. Steenkamp worked intensively with the Makuleke of Malamulele district for five years between 1996-2001.

Conclusions of the study

The evidence from the Barberton area chiefs and residents contest with the government the boundaries of the political community as well as the content and form of authority within the political community. The core is not national sovereignty and political-jural power, but identity or what is more broadly called 'culture' in South Africa. As an advisor to King Mswati noted to Prof. Thornton, 'Culture is our politics!' This perspective was seen as a key for understanding the nature of traditional authority in South Africa. In sum, traditional authority cannot be analysed in orthodox political terms of rules, regulation and government, but must include analysis of how people seek to be recognised and recognise themselves. This is the politics of identity, but introduced as the concept of Recognition.

The chiefship might better be considered as an institution of civil society rather than as a governmental institution. This conclusion is based on the finding of general support for chiefship in the study area, irrespective of various socio-economic categorisations of the population, and that the support rested partly on historically rooted practices of resistance to the state, but also on an assertion of local African political and cultural ideals. For instance, the majority of informants for the questionnaire survey who also 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 seemed to represent a strong and possibly growing belief that people must return to 'tradition' and to African identities.

With regard to 'development' the study indicated considerable political naivety amongst the population about who should provide leadership and how delivery of services could and should be achieved.

With regard to the politics of identity, the study highlighted the necessary caveat in considerations of ethnicity:

'The Swazi people of Umjindi, like virtually all South Africans, are 'mixed', having absorbed large numbers of people from other language groups who still assert a different or 'multi-cultural' 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'.

In other words, ethnic identity in the study area, as elsewhere in South Africa, is overlapping and multiplex because it encapsulates how people have defined and responded to particular yet changing historical and current circumstances.

The study confronted these complex dynamics by suggesting that people in the study area do not seek to do the implausible; that is, to place themselves outside of the geo-political processes that shape their world. Rather, they seek the possible; that is, a combination of seemingly different ways of ordering their social and physical space. The study used the notion of cultural permeability to describe this effort. Cultural permeability describes the

way residents in the study area see no contradiction in seeing themselves as both South African and 'Swazi'; and hence, to endorse the political constructs of both nation and 'tribe'. The result may appear on occasion as a confrontation between 'traditional' and 'modern' government, but "...for the residents of Emjindini, their loyalties are not divided so much as strategically deployed."

Key Points

1) Statutory and national political recognition of 'traditional authority' is only one facet of the relationship between governments and citizens in Africa. That relationship is dependent on, indeed, can be subordinate to citizens' premises for recognising themselves as political subjects and how they demand to be recognised. The irony is that the study suggests that national governments struggle more than their citizens with the question of how to constitute political authority in particular settings.

2) Chiefship and Swazi identity in the study area are still a significant means for residents to locate themselves within a physical space and the broader geo-political processes that have defined that space. This connection of people and landscape is not revealed by, nor a function of, any one or specific set of socio-economic criteria that define an individual or a group (i.e age, sex, wealth, social status, etc.). These criteria refer primarily to social interactions within a landscape, not to the way they are combined and used to incorporate the landscape. Put differently, these criteria reveal only elements of the connection between people and landscape, not the imagination that is necessary to combine them in a meaningful way(s). Chiefship and ethnic identity are the imagination that incorporates the natural resources for human and social life (encapsulated in the criterion on 'land'). This is significant for other imaginative constructs that refer also to geo-political processes, like citizenship, political rights and democracy, do not make a specific connection to 'land'. Indeed, they refer primarily to an alternative ordering of social interactions and, in practice alienate people from land.

3. Traditional Leaders in Post-1996 South Africa, with particular reference to the Eastern Cape. (MA Dissertation: Ms. Zosa Olenka De Sas Kropiwnicki, Department of Political Science, Rhodes University)

Introduction

This study focused on the general and recent political contestation over the place and of role of traditional leaders in the new republic of South Africa. Its time frame was the last eleven years, divided generally between the period of transition from apartheid to democracy between 1990 and 1994 and the period of consolidation of the ANC government's tenure from 1994 to 2001. The study's geo-political focus was the eastern Cape.

Results

- The ambivalence of the ANC to the institution of chiefship;

- The emphasis of the ANC throughout this period on consolidating its political position, such that its focus on resolving immediate political pressures has inspired changing views on, and actions with regard to ‘traditional leaders’.
- The ANC and popular resistance movement regarded traditional leaders as a significant political factor, but attempted different strategies with regard to them.
- There were three strategies in succession:
 - demonise chiefs as agents of apartheid;
 - draw chiefs into the ambit of the popular struggle against apartheid;
 - delay in defining the role and status of chiefs in the new republic.

- The strategy to demonise chiefs was based on recollection of apartheid legislation and policies (e.g. Bantu Authorities Act and Separate Development policy). Apartheid had entrusted chiefs to be local government authorities that supported the political construct of ethnic nationalism. Chiefs personified culturally discrete political entities (e.g. Xhosa, Zulu and other ‘tribes’) that were located within ‘homelands’.
- There was a deeper historical basis to the ANC’s demonisation strategy in the form of government interventions in the colonial era that had sought to ensure that chiefs served its agenda.²¹
- This strategy was not successful. First, attempts to discredit chiefs through activism by the South African Communist Party and youth did not destroy local support in many places for the institution of chiefship (even if there was popular resentment against particular chiefs). Secondly, some senior leaders within the ANC (e.g. Mandela, Luthuli) valued chiefship as an African institution and part of their heritage. Thirdly, the national political arena included Buthelezi and the Inkatha Freedom Party (IFP) based in KwaZulu/Natal, who were a substantive political competitor to the ANC and who had a seemingly solid political foundation based on elaboration of chiefship and Zulu ethnic identity.
- The demonisation strategy gave way to one of identifying chiefs as part of the popular struggle against apartheid and as an African institution with a place in the new republic. In addition to highlighting individual chiefs who had resisted colonial governments and the apartheid state, this strategy included establishment of CONTRALESA – a forum of ‘traditional leaders’ that could represent chiefs at the national level negotiations towards the new republic. This strategy helped to consolidate the representation of South Africa’s disenfranchised yet overwhelming majority of people at the constitutional negotiations. This strategy was successful in resolving a political problem of the moment for the ANC: a fault line within the body of disenfranchised citizens that could weaken its position in the negotiations. It also enabled chiefs to be recognised as a legitimate form of authority within proposals for a new constitution, yet one that was subordinate to the pressing demand for a constitution that emphasised ‘modern’ principles of democratic republican governance.

²¹ Ntsebeza’s study provides a detailed account of why and how popular opinion of chiefs in a locality in the eastern Cape varied over time. The studies of Ralushia, Mkhize, Sithole and Vawda also highlight historical changes in support for chiefs.

- This re-alignment of chiefs led to a modification of the ANC's strategy during the period of formulating an interim constitution that would serve the creation of a new republic and general elections in 1994.
- The new strategy by default was formal recognition, but delay consideration of the future role and status of them in the new republic. The interim constitution stated that existing legislation should govern the role and status of chiefs for a period of five years, but also that they should be formally represented through the creation of 'Houses of Traditional Leaders' in each province and a national 'Council of Traditional Leaders'.
- The position of chiefs within the state continued to be a problematic constitutional and political challenge during the 1994 general elections, after the formation of a Government of National Unity, in the writing of a final constitution in 1996, during the 1999 general elections and during 2000 and 2001 when the national government moved to rationalise and recreate municipal government structures and boundaries. The ANC acknowledged chiefship to be a significant political factor on the grounds that:
 - Chiefs could possibly sway popular sentiment during voting;
 - Opposition political parties could use any attempt by the ANC to ignore chiefs to their own advantage (e.g. suggest that the ANC did not respect 'African' heritage);
 - Formal support of 'traditional' leaders could antagonise party supporters who were ideologically committed to a thorough form of 'modern' democratic government.

Developments included appointing the chairman of CONTRALESA as a member of parliament and paying relatively large salaries to chiefs. For instance, in 1994, the eastern Cape's 138 chiefs, including 5 paramount chiefs, and 832 headmen were paid a total of 17 million Rands. There were conflicts in the efforts to establish regional Houses of Traditional Leaders. For instance, in the Eastern Cape, in 1995, a provincial minister sought to abolish the existence of headmen. This led CONTRALESA to institute legal proceedings using Apartheid era legislation (the Transkei Traditional Authorities Act of 1965) as a basis. The ambivalent attitude of ANC politicians was reflected also in the Amendment of Local Government Transition Act of 1995, which gave provincial governments the option of minimising the presence of chiefs in, and making them ex officio members of the local councils. In the Eastern Cape, chiefs boycotted public hearings on the establishment of a House of Traditional Leaders, but the provincial government proceeded to establish it and nominate a complement of 20 chiefs. Prior to the 1999 general elections, the ANC and the United Democratic Movement, led by a chief and former president of the Transkei 'homeland', vied for the support of chiefs. ANC solutions included giving an unscheduled pay rises to chiefs and a R5million wage package for the region's headmen. During 2002 chiefs and CONTRALESA successfully delayed the implementation of the Municipal Structures Amendment bill (MSA). Local elections in 2001 for the new local government councils occurred amidst considerable tensions between the national government and chiefs and without a ratified MSA Act. However, the elections proceeded with the support of chiefs and, thereafter, the national government delayed consideration of the concerns of chiefs about the MSA.

Conclusions of the Study

The ANC has manipulated the institution of chiefship and chiefs in pursuit of a broader agenda to centralise political power within the party. The ambivalence of the ANC to chiefs has resulted in gradual centralisation of political power around the party and creation of a 'divided and dependent chieftaincy'. The policy commitment to 'co-operative governance' has not been fully endorsed with regard to chiefs and headmen. However, chiefs continue to be a significant political factor even though their popular legitimacy is limited in many localities, because local government structures are generally weak. This means that in rural areas particularly, development agencies depend on chiefs to facilitate implementation of projects. Notably, this dependence challenges the political assumption of the government that extension of democratic structures of governance will promote extension of development initiatives.

Key Points

- 1) *The constitutional negotiations formally recognised chiefs as a form of authority within the political structure of the state and not simply a component of civil society.*
- 2) *Despite this recognition, 'traditional authority' was not formally placed within local, regional or national structures of government.*
- 3) *Any assessment of the politics of authority (the formal representation, place and role of 'traditional leaders' in government) needs to also consider the politics of development (the role of chiefs in relation to elected government officials in provision of services and infrastructure to the populace). The point here is that the political contests over the definition and formal existence of 'traditional authority' are not necessarily as significant for generating popular confidence in the new democratic republic as the economic role of chiefs in determining the form and content of infrastructure and services in many parts of South Africa.*

4. The Role of Traditional Leaders in Local Government and Development in

Venda, Limpopo Province. (Professor Victor Ralushai, Sibiya, Limpopo Province, formerly Northern Province)

Introduction

This study revealed the fluid nature of political allegiances and conflicts between chiefs, elected councillors and civic groups in Venda. Venda is an area within Limpopo Province (the former Northern province) that retains a particular ethno-geographical identity. It was a 'homeland' for Venda people during the apartheid era, but residents also included people who proclaimed Tsonga, Pedi and Shangaan heritages. It obtained 'independence', partly at the instigation of Venda traditional leaders who saw an opportunity to revive historical (colonial and pre-colonial era) political dominance of Venda over other groups in the region. The study identified the 'homeland' heritage as a significant political factor that has, ironically, served Venda chiefs to re-establish their legitimacy as authorities in post-apartheid South Africa.

The study focused on relationships between Venda chiefs, including indigenous and headmen, and elected local government councils and councillors since 1994.

Results

- During the post-apartheid mid 1990s, when municipal local government consisted largely of ‘Transitional Local Councils’ (TLC), there were marked tensions between the chiefs and the TLCs.
- The TLCs initially enjoyed the support of the populace against the chiefs with regard to the broad political process of establishing a democratic local government and land allocation.
- However, allegiances shifted to the point that chiefs and formerly antagonistic civic organisations worked together, and partly against the TLCs with regard to:
 - a) ensuring equitable land allocations;
 - b) promoting representative elected municipal councils.

The study argued that there still are tensions between chiefs and municipal councils, but compromises have been achieved for the moment. With regard to land allocations, the study recorded how groups and organisations such as youth and civic bodies, as well as many residents that were antagonistic to chiefs in the early to mid 1990s, eventually were allied with the latter over the issue of land allocation to residents. This alliance stemmed from perceptions that the TLCs, including representatives elected by the populace, were granting residential stands to ‘outsiders’ (i.e. immigrants) at the cost of residents who were born and bred in the area. This conflict was intertwined with the contest between chiefs and municipal officials over the scope of their authority respectively with regard to land allocation in localities within municipal boundaries. The outcome has been a compromise whereby a land allocation by the municipality has to be approved formally by the relevant chief. Such approval includes not only written permission, but also payment of a ‘fee’ (currently R1500 average) to the chief. ‘Traditional leaders’ and civic organisations also found common ground, ironically, in promoting democratic local government. Specifically, the author noted that they worked together to remove perceived racist ‘white’ elements and legacies in the municipal councils.

Intriguingly, the author has argued that the era of Venda’s ‘independence’ during the apartheid era, provided political resources that helped to revive the popular legitimacy of chiefs as authorities generally and, in particular, as agents for development projects. The basis of the argument is that ‘independence’ led to a period of unparalleled improvement in the infrastructure and services for the populace.²² Schools, clinics and technical colleges were built as were modern offices for ‘tribal authorities’. Agricultural projects flourished and the road and transport systems were improved. Notably, chiefs were active agents in promoting such development (including challenging local norms by encouraging school attendance for girls). That era of development, it is argued, has been used by chiefs to compare their role with that of municipal councils in the post-apartheid era. Notably, the contrast is unfavourable for the councils, for the populace has witnessed

²² The scale of ‘investment’ by the South African government can be attributed in part to the location of Venda – close to international borders with Zimbabwe and Mozambique – thus making it politically and militarily significant for the government.

the incapacity of municipal councils to sustain, let alone continue to improve infrastructure and services in many localities.

The study argued also that the 'homeland' era enabled the Venda government and senior chiefs to re-establish (even partly create) a more coherent dynastic structure of 'traditional' authority which, together with the facilities provided to chiefs and their involvement in development work, has affirmed their role as development agents. Consequently, in further contrast to the municipal authorities, chiefs in Venda have begun to act independently to attract investment into their areas of jurisdiction, including consulting directly with international donor agencies. The scale and number of these independent projects may be limited, but they support the agenda of chiefs to secure their status in local government and, more broadly, in the new republic.

The apparent success of 'traditional' authority in Venda to secure a central role in local government is marked by internal tensions. The study indicated that while there is a re-establishment of the heritage of 'traditional' authority, in terms of royal dynasties, there is also novelty in the creation of an expanded hierarchy through chiefs' appointment of 'headmen'. Chiefs' personal agendas to expand areas of jurisdiction at the cost of other (purportedly subordinate) chiefs, has led to legal disputes. In addition, there is an undercurrent of ethnic politics, in the sense of Venda chiefs using the circumstances to achieve a status of political dominance *vis- a- vis* Tsonga, Shangaan and Pedi chiefs.

Key Points

- 1) *the rhetorical division of authority into 'traditional' and 'modern', for political purposes reifies the form and content of divisions (and conflict and tensions) on the ground;*
- 2) *The study suggests that political contestation in localities over the status and role of 'traditional authorities' is fluid and changeable. Notably, the contest is not bound by ideological differences in the past; given that the study showed that 'apartheid' has been a resource for chiefs to re-establish legitimacy and participation in local government in post-apartheid South Africa;*
- 3) *The instrumental politics of establishing and conducting democracy in local government cannot accommodate individual and local group interests in securing land. The moment that interest is threatened, individuals and groups (including democratic civic organisations) turn (successfully) to 'traditional' authority for the defence of their interest;*
- 4) *Municipal authorities cannot make inroads into land allocation (a foundation of chiefly authority), but chiefs are making inroads into 'development' (a foundation of municipal authority).*

The study suggests that there is a resurgence of 'traditional authority', but at the same time, there are internal tensions in that process. The study intimated possible conflict that may appear as ethnic conflict (Venda vis a vis Shangaan, Tsonga, Pedi), but which are rooted as much in the politics of re-establishing and creating a structure of chiefly authority. Nonetheless, one cannot ignore the possibility that any expression of ethnic

divisions encapsulates popular fears of loss of access to land as a result of the restructuring of 'traditional' authority.

5. Structures and Struggles of Local Government in South Africa: The Case of Traditional Authorities in the Eastern Cape (PhD. Thesis: Dr. Lungisile Ntsebeza, Department of Sociology, University of Cape Town)

Introduction

This study focused on the history of political authority in one locality of the Eastern Cape province from colonial times through to the present day. The study used the locality of Xhalanga to illustrate contests over different forms of authority and the transformation of those forms over time. Notably, the study examined the disputed status and role of chiefship in Xhalanga, set against political efforts and processes towards political democracy, thereby providing a case study of popular resistance to chieftainship and of the variable legitimacy of 'traditional authority' in South Africa.

Results

The study showed that the relationship between chiefs and their 'subjects' has never been static. The status and role of chiefs has changed and, in Xhalanga, the institution of chiefship has never enjoyed substantive popular legitimacy. These dynamics are due to:

Tenuous existence of chiefship in the area:

- A chiefship was imposed by colonial officials upon the resident population in 1865 in the form of a headman system conceived on the basis of these officials' understanding of African political structures;
- Magistrates undermined the authority of chiefs in favour of establishing their own authority; (unlike other areas of eastern Cape where headmen were drawn from families with a chiefly heritage and where chiefs influenced their appointment; in Xhalanga, colonial magistrates appointed headmen, some of who had a chiefly heritage while others did not);
- The chiefship was eventually abolished in the late 19th century by the colonial government; the chiefship was revived by a chief from another area in the 1940s as part of a personal political agenda to become a Paramount Chief;
- The chiefship was subsequently entrenched through Apartheid era legislation, notably the Bantu Authorities Act of 1953.
- The chiefship was a focus for popular disdain in the 1980s, having been identified as 'an apartheid institution,' and a local target in campaigns to force the pace of political transformation in the early 1990s.

Heterogeneous population:

- The population of Xhalanga during early colonial period consisted of immigrant Africans from various clans, some of whom had chiefs and others such as the amaMfengu as well as a 'coloured' population, who did not.
- The population became socially differentiated in various ways, but notably following missionary activity (including expansion of education facilities) which

compounded material divisions between subsistence farmers and small scale commercial farmers to create socio-religious divisions.

- Internal tensions within the population (broadly between those that endorsed the modernisation of society –even if they also rejected colonial rule – and those that endorsed an indigenous cultural heritage);

Heritage of popular resistance to the state

- The eastern Cape has been a site of resistance to the state, first against colonial invasion and rule and later against the apartheid regime;
- The ANC and the PAC have enjoyed considerable popular support in the eastern Cape, and resistance campaigns in this region often reflected these parties political agenda of the time;
- The heterogeneity of the population and marked internal social differentiation meant that there was always a significant section challenging particular facets of colonial and apartheid rule;
- The ANC and the PAC mobilised people against the state in the 1980s and
- Notably, in the 1980s and earlier, women appeared as visible actors in civic resistance campaigns against the state and the chiefship (the study argued that one NGO operating in Xhalanga was particularly influential in equipping women with political skills to become overtly and actively involved in campaigns).

Contemporary conflicts over traditional authorities

The dynamic nature of the relationship between chiefs and their ‘subjects’ has often been dramatically portrayed in the eastern Cape in the form of overt and occasionally violent conflicts about the status and role of traditional authorities. The study revealed two important features of this conflict:

- 1) popular actions against chiefs and headmen often reflected the agenda of the ANC at the time.
- 2) The force of popular actions against chiefs and headmen varied as a result of factors such as degree of local civic organisation and local agenda with regard to chiefs and headmen.

For instance, the study recorded that antagonisms against chiefs and headmen were at a peak in the late 1980s and early 1990s when the ANC political strategy was to demonise chiefs as agents of apartheid and there were active campaigns against the latter. The formation of the South African National Civics Organisation (SANCO) in 1992 helped promote these campaigns. However, in some areas of the eastern Cape where SANCO branches were not established, chiefs and headmen were not threatened substantively. Later the ANC strategy changed to one of political reconciliation, and it included portrayals of ‘traditional authorities’ as allies in the struggle against apartheid and as forms of authority with a future in the new republic. However, that message was not always accepted, particularly amongst the youth. Sections of the population continued to call for the removal of ‘traditional authorities’ in favour of elected authority structures based on local Residents Associations. In other areas (the study cites the locality of Emnxe) activists called for elected headmen.

Conclusions of the study

- In the colonial era, the headman system was primarily an administrative adjunct to government by magistrates;
- The institution of chiefship in the eastern Cape survives not because of its resilience and popular legitimacy, but through collaboration of chiefs and headmen with the state. In particular, the institution exists today due, in part, to the ANC's national political strategy of reconciliation.
- The variation in form and status of 'traditional authority' in the eastern Cape indicated that local and regional conditions were important factors in determining the current form, status and role of chiefs.
- Chiefs and headmen are an outdated form of authority that should not have a significant political status in the new republic.

Key Points

- 1) *The imposition of the headman system by colonial authorities recognized the administrative component of indigenous political authority, but ignored the socio-cultural framework that defined the full nature of that authority;*
- 2) *'Headmanship' in South Africa is, perhaps, more of a combination of European and indigenous concepts of authority than 'chiefship.'*
- 3) *The changing form, status and role of 'traditional authorities'- in relation to changing local and broader circumstances in which that authority is practiced - strains the credibility of 'traditional'/'modern' framework for describing and explaining the continued existence of chiefs.*

The reference in the study to an appeal for 'elected headmen' intimates local level support for the structure of this 'traditional' form of authority, but change to the content to suit contemporary political understanding of democracy.

6. The Role of Traditional Leaders in Local Economic Development. (Professor Theo Scheepers, School of Law, Monash University, Pretoria; and Ms. Olivia Lefenya, School of Law, University of Potchefstroom)

Introduction

This study focused on the role of chiefs in promoting the policy of Local Economic Development (LED) through research in the North West province. LED refers to local-level economic initiatives addressing locally defined priorities and driven largely by the participants themselves, but supported as needed by a larger agency. It is a concept that has gained currency in South Africa as a logical component of the municipalities' and district councils' Integrated Development Plans (IDP). These plans themselves stem from broader national government policies to promote a development role for local government. Accordingly, LED is cited in Local Government Municipal Systems Act, 32 of 2000 though the logic can be traced to the Constitution (section 152) that provides a mandate for local socio-economic problems and challenges to be addressed by metro, district and local municipalities.

Results

- The study found that LED is not formally designated as a responsibility of ‘traditional authorities’ in the post –1994 and emerging legislation (e.g. Municipal Structures Act and the White Paper on Local Government; White paper on Traditional Authority). However, a function of ‘traditional authorities’ in much of the relevant legislation of pre-1994 was to assist with development of infrastructure and establishment of facilities in rural areas.
- From a legal perspective, the responsibility for ‘development’ is shifting to municipal authorities, but no specific provision has been made for the repeal of the laws designating these functions to traditional leaders. Furthermore, there is no specification in current and emerging legislation of procedures by which ‘traditional authorities’ and municipal authorities are supposed to interact.
- Few chiefs were consulted during the local and district councils processes to formulate their IDPs. This finding was set against knowledge of previous, longstanding involvement of chiefs and headmen in negotiating with provincial and national government departments for the building of schools, community halls and clinics.
- Chiefs are generally responsible for the welfare of their ‘subjects’ and, specifically, to be intimately involved in local economic life, activities and initiatives. Notably, even though chiefs occupy a position in local society that is more comprehensive than that of local political, business or religious leaders, there had clearly been little thinking within government of the necessity of involving ‘traditional authorities’ in any LED project.

In sum, there was a wide gap between the formulation of LED and substantiation of its principles through involvement of ‘traditional authorities’. Accordingly, the study questioned whether LED initiatives could occur where there are ‘traditional authorities’.

Conclusions of the study

‘Traditional authorities’ remain by default the principal authorities for local economic development initiatives (particularly in areas where there is limited municipal authority capacity and presence). This is not to suggest that they necessarily play an effective role, but that their presence has to be recognised by government agencies.

Key Points

- 1) *‘Traditional authorities’ remain by default the principal authorities for local economic development initiatives (particularly in areas where there is limited municipal authority presence);*
- 2) *The need for government agencies to accommodate ‘traditional authorities’, but not simply as a competing ‘executive authority over a population. Rather, traditional authorities’ need to be acknowledged as potentially constructive development agents for municipal authorities.*

7. The Integration of Mozambican Refugees in Lusaka Village, Limpopo Province. (Honours Dissertation: Mr. Joseph Nkuna, Department of Social Anthropology, University of Witwatersrand).

Introduction

This study was conducted in a settlement in the Limpopo province that was formerly known as the Northern Province.²³ The settlement and its environs used to be part of the apartheid era 'homeland' of Gazankulu (for Tsonga-speaking people). The study focused on the livelihoods of refugees from the post-independence war in Mozambique. These refugees included Mozambican Tsonga-speakers as well as many who were from different ethnic backgrounds. The research site of Lusaka village was established in 1990 and is an extension of the pre-existing Dan village. Specifically, the study examined the process of socio-cultural integration of Mozambican refugees into the local society.

Results

The study showed that Mozambican refugees came to the locality partly because it was a relatively safe haven. During the 1980s, the South African government allowed Mozambican refugees to reside in the Gazankulu and KaNgwane 'homelands' and the governments of these 'homelands' accepted their presence. The Gazankulu government, in particular, appears to have readily accommodated the refugees partly because of a shared Tsonga cultural heritage between the local population and the neighbouring population in Mozambique. However, initially the refugees were on the margins of society generally. Police harassment and the threat of deportation, if they were found elsewhere in South Africa (notably the metropolises of Johannesburg and Pretoria), effectively confined them to the Gazankulu region. Refugee status, cultural differences, and reliance on informal work, meant that they were not able to acquire landholdings or residential sites and, generally, constituted, an under-class in the local population. Nonetheless, their integration into local society gained pace in the 1990s:

- In 1990, refugees in the Dan village locality were incorporated into a local, ANC-led resistance campaign against apartheid state and the Gazankulu government. One of the means of organising the local population and of demonstrating civil disobedience was to offer residential sites (illegally) on vacant land to any person who joined the ANC. Mozambican refugees were given a rare opportunity towards integration into the local society; materially, to obtain land and politically, to become *de facto* South Africans.
- An area of land next to Dan village was the location for proffered sites and, Lusaka was born through a large influx of Mozambican residents.
- Lusaka village was a new settlement, but it was subsequently categorised as part of Dan village by the local Tribal Authority and the residents were formally under the jurisdiction of chief Samuel Muhlava.

²³ The name of the province was changed in 2002 as part of general political policy of local and provincial governments to re-establish or, as needed, create indigenous names for places. Ironically, the name Limpopo is a colonial era corruption of 'Lembombo'.

- In the intervening period, some Mozambican residents have acquired South African citizenship (not always legally), but they remain largely on the periphery of broader South African society because:
 - they still hold the lowest-paid jobs, and rates of unemployment amongst them are higher than amongst the South African residents;
 - they are still harassed and deported by police and officials if they venture elsewhere in South Africa.²⁴
- For the majority of Mozambican residents in Lusaka village, the last decade has been primarily a matter of establishing and integrating themselves into the local society (e.g. through inter-marriage; attendance of children at local schools; participation in local rituals and festivals).
- The active participation of Mozambican residents in local rituals is shown in:
 - general encouragement of boys to attend male initiation rituals;
 - reviving a local girl's initiation ritual;
 - participating in local dance festivals and rituals.
- The dance rituals were revived in the 1980s by the Gazankulu government and took the form of public competitions at a local stadium between individuals and clan-based teams. The study indicates that chiefs represent clans and that they supported the revival of the ritual (all Tribal Authorities had representatives in the Gazankulu legislative assembly). Following the demise of Gazankulu, these festivals collapsed, but were continued on a smaller scale. Patriarchs and elder clansmen now organise parties for an intra-clan dance.
- Mozambican residents attend, often as participants in these intra-clan dances, and are fully accepted at the functions as a result, it appears, of intermarriages and friendships.

Conclusions of the study

- The Mozambican residents in Lusaka have become integrated into local society.
- They are not really refugees anymore, but their official status and rights of residence as South African citizens are ambiguous from the perspective of the post-1994 South African state.
- They are acquiring a 'Tsonga' identity in the locality.

Key Points

- 1) *The marginal status of the Mozambican residents as South African citizens stands in juxtaposition to their rapid integration into South African society as it exists in eastern parts of the Limpopo province;*
- 2) *National level politics have played a significant, albeit unintended role in promoting local level integration of Mozambican refugees in the Dan settlement and its environs:*

²⁴ Xenophobia, particularly of Africans in the informal sector, is a significant social problem in the cities of South Africa. Police and Home Affairs officials regularly organise campaigns to arrest and deport illegal immigrants.

- *the apartheid era government's restriction of refugees to the Gazankulu and Ka Ngwane 'homelands' provide de facto rights of residence in South Africa, thereby providing the refugees with a basis on which to build livelihoods;*
 - *the restriction of the refugees to these areas in a political context of ethnic nationalism defined the socio-political boundaries within which they could re-build their lives; in short, to become 'Tsonga' was an evident route to integration;*
 - *The political turmoil of the early 1990s provided an opportunity for the Mozambican refugees to shed their underclass/refugee status in the local society, by enabling them to become identified with the majority of South Africans in the pursuit of a new democratic dispensation and to acquire a landholding;*
 - *The continuation of official harassment of (poor) Mozambican residents in South Africa sustains the previous political boundaries for their integration, notably, to emphasise their local identification as part of a 'Tsonga' population;*
 - *The form and content of their integration into local society has included both formal designation as 'subjects' of chiefs and affiliation to families and clans that are foundations for legitimacy of chiefship as a form of authority.*
 - *The revival of a dance ritual by the Gazankulu government clearly resonated with the local population in view of its continuation without state support and continues to affirm the cultural and political status of chiefs.*
- 3) *The ways in which Mozambican refugees were integrated into the population in the Limpopo province provides a foundation for them to be a significant constituency for local 'traditional authorities'.*

Point (3) above has been affirmed through more recent research by J.Nkuna in the same locality for his Master's degree. That research focused on the political interactions between the Tribal Authorities and municipal authorities since 1994. The results to date are outlined below:

- a) The post-1994 period in the research area has witnessed conflict between the Tribal Authorities and the municipal authorities over:
 - role and status of 'traditional authorities';
 - authority of the municipality to govern land use, notably residential site allocations, in areas under the jurisdiction of chiefs;
 - the rights and status of the Mozambican residents.

- b) Attempts by the local municipal council to control settlement in Dan and Lusaka villages and generally, to politically marginalise the chief have not succeeded as a result of:
 - the chief gaining the support of the Mozambican residents to defend their presence in the face of perceived threats to their security from the municipality;
 - the chief acquiring significant income from royalties derived from a mining concession on Tribal Authority land;

The result is that the chief and his Tribal Authority have been able to offer the promise of developing infrastructure and providing services in the area under their jurisdiction, independently of the municipality.

Key Points

- 1) *The poor and marginalized populations are potentially important constituencies for 'traditional authorities';*
- 2) *The legitimacy of the 'traditional authorities' has been affirmed in the research area partly as a result of national government responses to the presence of Mozambican refugees and partly through the activities of the refugees themselves (to assimilate by adopting a Tsonga ethnic identity);*
- 3) *The fortuitous development of a mining concession has enabled local 'traditional authorities' to present themselves as an authority able to promote development of the locality. This case is similar to others in South Africa, such as that of the 'Bafokeng' Tribal Authority in North-West Province and others who, through 'partnerships' – that is direct capital intensive ventures by companies (e.g. in eco-tourism lodges and reserves) – with the business sector have acquired a financial basis to compete with the local municipal authorities.²⁵*

8. Chieftaincy and Local Government in Mafikeng, North-West Province. (Honours Dissertation: Kereng Kgotleng, Department of Social Anthropology, University of Witwatersrand)

Introduction

This study examined the political relationship between elected politicians and 'traditional authorities' in Mafikeng in the period immediately after the municipal elections of December 2001. Mafikeng is a small city in North-West province, close to Botswana, that lay within the apartheid era 'homeland' of Bophuthutswana. That 'homeland' was designated for 'Tswana' people in view of the preponderance of Sestwana –speaking population in the region. These municipal elections followed the national government's demarcation of new municipal boundaries and promotion of pertinent legislation (Local Government Municipal Systems Act and Municipal Structures Act), and ongoing dispute between the government and 'traditional authorities' over the restructuring of local government.

The restructuring of local government led to the creation of wards in and around Mafikeng. The result was that the municipality extended beyond the relatively small urban area to include a large rural area. In the rural areas, the wards were a novel creation that cut across the boundaries of tribal authority areas.

²⁵ Eco-tourism partnerships identified by the researchers include projects in the Barberton area, Kruger National Park, Taung area, at Mahumani (hot water springs) and Mudjadji in the Limpopo province, at Moletene Dam (Modikoe) in North-West province; and Sodwana bay in KwaZulu-Natal. This is not an exhaustive list; it simply illustrates a process.

Results

Indication of national government policy of reconciliation:

In the period immediately after the elections there was a summit in Mafikeng for all elected councilors. Participants raised the issue of the relationship between the elected local government and 'traditional authorities'. The study noted that there were overt statements for co-operation and engagement with the 'traditional authorities' in the area in order to draw them in as "stakeholders" in local government.

Continued suspicion of chiefs against local government structures:

The study focused on the Barolong Boo Ratshidi chiefship whose chief and headmen (as well as other chiefs in the area) voiced a range of doubts about their incorporation into a ward system of local government.

- They accepted the principle but were suspicious about the terms for co-operation and engagement between themselves and elected politicians. Their doubts included concern that the national government had not consulted chiefs about the restructuring of local government;
- They perceived that the intent of the ANC/national government was to subordinate chiefs to local government authorities;
- Most chiefs in the area rejected the idea that they should participate in ward council meetings on the grounds that they did not view these councils as higher authorities than the chiefship. Accordingly, they suggested that headmen were the appropriate authorities to participate in the councils.

Political manoeuvring

- Debate amongst the Barolong Boo Ratshidi authorities included the consideration of changing the boundaries of the areas under the jurisdiction of headmen to coincide with those of the wards. That debate appears to have been partly a function of tensions within the Tribal Authority that included attempts at the time to remove some headmen from office.
- One chief had responded to the overtures of the new local government by inviting the relevant ward councilors in his area of jurisdiction to join his council.
- There was a general suspicion of the terms for representation of traditional authorities' on the ward councils (they could constitute a maximum of 20% of council membership). However, some chiefs were considering becoming members in view of the remuneration offered for such participation.
- With regard to the views of elected councillors, the study noted that some ward councilors were arguing that chiefs and headmen (and their own councils) should serve as rural branch offices for the Mafikeng municipality.

Fears amongst residents in Tribal Authority areas

Principal fears recorded were:

- Residents would lose their residential rights; the specific fears were that the municipality would demand payment of rates for land holdings and that these rates would be more than the annual R10 paid by households to the Tribal Authority. The perceived implication was that chiefs would have to encourage rate payments and, as a result, defaulters would be evicted. The study indicated that residents were not opposed to the payment of rates in return for services but that the payments should go to the chiefs.
- Ward councils served political party interests only. The specific concern was that the councils would not address community issues and that meetings were largely 'ANC meetings'. This was juxtaposed against support for 'traditional authorities' as the local government because this system was not governed by political party divisions.

Key Points

- 1) *Ward boundaries in South Africa's new local government structure ignored those of the traditional authorities, thereby affirming differences between the two forms of authority and establishing a foundation for further contestation;*
- 2) *The suspicions voiced by chiefs and headmen about being subordinate partners in any programme of 'engagement and co-operation' with municipal authorities intimate political positioning to be a parallel form of authority.*
- 3) *Residents' fears that rate payments highlight a significant material reason for popular support of 'traditional authorities', irrespective of any cultural or social identification with this form of authority.*

SECTION 3: EXTRAPOLATIONS FROM THE RESEARCH

Introduction

During 2001 members of the TAARN-SA team met twice to discuss work-in-progress. By late November 2001, most of the research work had been completed and provisional results were presented at a workshop. This section summarises extrapolations from research results of the different studies, based on discussions at the workshops and on the text in the previous section.

Re-structuring of local government and re-drawing of municipal authority areas

The KwaZulu-Natal study focused specifically on this issue in relation to ‘traditional authorities’. The other TAARN-SA studies addressed the issue to varying degrees, indeed, they had to do so because the restructuring process was a significant part of the context at the time the research was being conducted. The results of the research enabled the TAARN-SA team to answer 4 questions about the process.

To what extent were Traditional Authorities (TA) involved in discussions with government officials on boundary demarcations, and in decision-making?

The general conclusion was that, there was some ‘consultation’, but little consideration of the concerns of ‘traditional authorities’ and no evidence of their being involved in decision-making on the final structure and drawing of the boundaries. This conclusion was based on evidence that:

- Officials often came to meetings to persuade rather than discuss the matter. Notably, in October 2001, at a meeting between senior national officials and senior representatives of chiefs, the former were unprepared to discuss let alone engage with the latter’s presentation of a detailed memorandum of responses to government decisions on municipal boundaries;
- The majority of chiefs were opposed to integration into municipal authority areas. The research considered the possibility that ANC-aligned chiefs who were political activists generally supported the process while those who had supported and benefited from the ‘homeland’/ system rejected it. However, there was not any evidence to suggest that previous political affiliation was a significant factor, even though there were instances where chiefs had clearly considered the party threats and opportunities of retaining or changing party affiliation. The researchers in KwaZulu-Natal noted that some chiefs joined the Democratic Alliance in belief that this political party would be a better option for getting ‘delivery’ of development in their areas.
- Chiefs often asserted that there was no proper consultation. However, many chiefs adopted the position of refusing to participate in the demarcation process. Some chiefs asserted that they would have participated if they had been involved at the beginning of the process and had been able to work through the meaning of ‘demarcation’ and its implications.

The political strategy of non-participation and complaints about lack of consultation appear to have been primarily a smokescreen to cover fundamental antagonism to the re-

structuring of local government. However, here we need to distinguish between the process and the intended product. Chiefs were certainly antagonistic to the process because there were no systematic procedures for consultation between officials and chiefs. Nonetheless, the research showed that chiefs were not fundamentally opposed (and united against) the aim of re-configuring municipal authorities. On the one hand, they were concerned primarily about the possible loss of land under their jurisdiction and of authority over land allocation. On the other hand, many acknowledged the need for the development of infrastructure and services, and perceived themselves as development agents.

The seemingly *ad hoc* nature of the process for chiefs, notably in the way new municipal boundaries cut across many Tribal Authority boundaries, raises the question of how decisions were actually made.²⁶ Technical criteria for improving municipal management dictated some decisions; for instance, the incorporation of Inanda dam – an important city reservoir – in the boundaries of the new Durban Unicity. However, none of the research examined the internal operations of government demarcation boards and thus, no firm conclusions can be reached. The outcome in many municipalities suggests that decision-making was *ad hoc*, or at least influenced by a wide range of political as well as technical factors in practice, irrespective of any prior formulation of planning principles.

Did chiefs undermine their authority by participating in the demarcation process and definition of ‘traditional authority’ policy process?

Chiefs were wary of participating in the re-structuring of local government on various grounds; materially, in the threat to their jurisdiction over land allocation; politically, the way in which officials ignored or refused to accept the legitimacy of their status as important authorities; ideologically, in government disregard for the way they represent an African political heritage and particular values and concepts of identity, authority and society.

These grounds suggest that the foundations of chiefs’ status and role in society was undermined by government officials and national legislation. The terms of the debate were, in effect, to assert that:

- chiefs are bearers of a common conception of authority which is appropriately defined as ‘traditional’;
- but chiefs were drawn into a political process in which government officials, not them, decided what is ‘traditional authority’;
- the result being that chiefs would end up with no substantive status let alone authority.

The underlying point was that chiefs tended to assert the position that they were autonomous authorities. The research has shown, however, that this claim to autonomy is

²⁶ There were some cases where Tribal Authority boundaries were respected in the drawing of municipal boundaries. For instance, the Maghabeni township located 30kms south of Durban had long been part of the Durban municipality but surrounded by a Tribal Authority area. The metropole’s new boundaries were drawn to accommodate the Tribal Authority area.

potentially misleading. It supports the rhetoric of a 'traditional/modern' duality. In practice, however, it is a contradictory position which chiefs themselves do not really uphold, indeed, cannot uphold. Chiefs, by virtue of being locally acknowledged authorities, actually have a solid political basis on which to engage with the demands of official and citizen alike for the development of infrastructure and services in the new republic:

- The developmental agenda of the national government supports the existence of chiefs, precisely because the areas under their jurisdiction have been identified by the national, provincial and municipal governments as being in critical need of development.
- Chiefs' constituencies consist largely of the impoverished majority of the national population. The import of this is:
 - Chiefs have been the principal means for the poor to acquire basic resources (landholdings and residential sites – the latter being more often the case today and particularly in urban areas);
 - The developmental strategy of municipalities - to require payment for delivery of services - accentuates the value of chiefs as a provider of basic resources;
 - The perceived threat in some areas that inability to pay for services could result in eviction provides further cause for the poor to support chiefs as defenders of their right to land or of their foothold (residential sites) in cities.
- The developmental agenda of the national government has created opportunities for businesses to forge partnerships with 'traditional authorities'. The import of this is:
 - Some Tribal Authorities have acquired substantive sources of income, independent of the government, with which to fulfil their role as development agents;
 - The precedent has been set for other Tribal Authorities to pursue similar partnerships;
 - These partnerships enable chiefs to define 'traditional authority' more on their own terms.

In sum, chiefs did not undermine the basis on which they participated in the restructuring of local government, because that basis - supposed autonomy -was fiction rapidly overtaken by the reality of circumstance. Nonetheless, it remains a useful rhetorical device in the face of the capacity of some Tribal Authorities (and potential for others) to be development agents independent of municipal authorities through partnerships with the private sector. There is no autonomy, however; these Tribal Authorities have simply replaced statutory criteria for authority with that of market-based criteria.

This overstates the proposition. It is perhaps more correct to suggest that the developmental agenda of the government and strategies of municipalities cannot be

contained by national political considerations alone or by the fictive ‘traditional’/modern authority’ framework for political negotiation. Consciously or not, chiefs are grasping the broader logic and foundation for the developmental agenda; that is,

- Development is driven by capital investment,
- The market-place is a source of capital,
- Municipality authorities’ conception of market-based regulation of the delivery of infrastructure and services is not the only option.

Why have chiefs found it difficult to work with government officials in the restructuring of local government?

The text above has illustrated the complex tensions between chiefs and government officials. It has indicated the opportunities that the re-structuring process created for chiefs to pursue alternative agenda to those of government officials, but it has not drawn out reasons that drove them in that direction. The re-structuring of local government created form but has yet to define thoroughly the content for the new structures to achieve the intended aims. In particular:

- Chiefs and residents in many localities did not know what was going on in 2000 and 2001 when the issue of restructuring was being publicly formulated. In turn, they did not know how to engage with the issues under consideration;
- Chiefs’ suspicions of government officials’ intentions were exacerbated by perceptions that the development imperative would lead to popular disaffection with the Tribal Authorities. The issue here was that, on the one hand, chiefs were compelled to consider being development agents and responsible for investment projects or lack of them in their areas of jurisdiction. On the other hand, they were not being given any power to deliver projects; the legislation was vague about their authority and powers.
- The lack of clarity about key policy agenda such as ‘co-operative governance’, and about public participation and consultation added to the confusion. Notably, the devolution of responsibilities to local government was also still in process and not well understood by the municipalities themselves. The process was represented on the ground largely in the effort of municipalities to formulate comprehensive Integrated Development Plans (IDP) that included precepts of Local Economic Development (LED) and Sustainable development (and related principles such as Integrated Environmental Management [IEM] and Local Agenda 21).²⁷

In sum, there was no clarity about how:

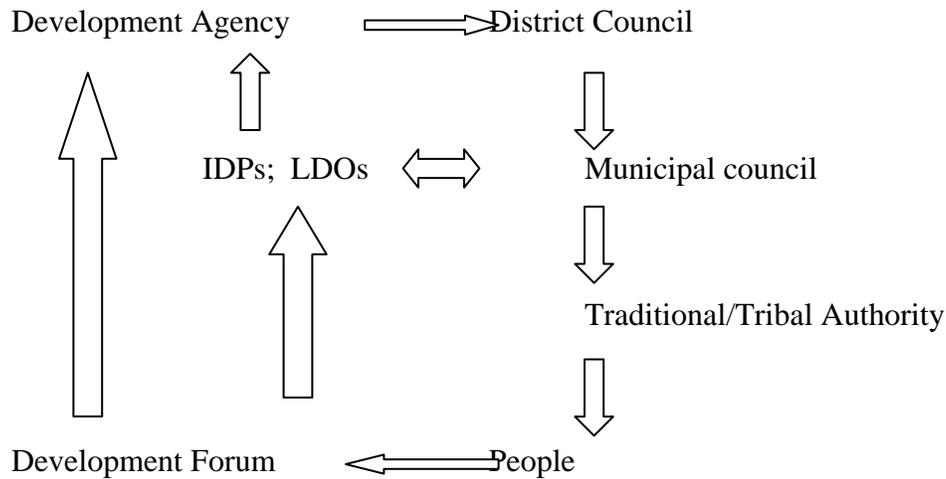
- a) ‘Traditional’ and ‘modern’ forms of authority should co-exist;
- b) Municipalities were to do ‘development’ in practice.

Subsequently, as the research has shown, many municipalities have lacked the capacity to implement development plans. Municipal plans and systems are generally in place, but

²⁷ The national department of Environmental Affairs and Tourism supported a nation-wide education programme for municipal authorities in 2000 and 2001 with the aim in inculcating understanding of the inherent demands in formulating IDPs and adopting a policy of sustainable development.

the means to implement them, particularly in relation to the Tribal Authorities, are not. In principle, the line of communication between a development agency (including national government departments) and a Tribal Authority is as the diagram below illustrates. The notable exception is the direct line between 'Development Forum and Development Agency, for reasons which are discussed shortly.

Figure 1: Formal and informal lines of communication for implementing development projects in municipalities



The formal expectation is that a development agency, be it a government department (e.g. public works) approaches, or is approached by, the district or metropolitan council with a proposal. Subsequent to preparation of a project plan, the matter is filtered down to the recipient population. The proposal and residents' ideas for projects are considered by a local development forum (many localities have 'Development Committees' consisting of local residents). Comments and suggested modifications of project proposals are then supposed to be assessed by the municipality according to how they fit in with the existing IDP and Local Development Objectives (LDO) before being revised into final form and sent to the development agency for approval.

In practice, the Tribal Authorities and local development committees constitute a pre-existing structure for initiating and implementing development projects. In some cases, the chief or Tribal Authority representative is usually the chairman or at least a member of the committee. This is not generally significant, however, for even if the chief is not represented on a committee, neither party can function effectively with regard to projects unless they co-operate. Furthermore, development NGOs that work in rural areas and provide support for residents' often provide the necessary management skills to facilitate constructive interaction between Tribal Authorities and residents. Consequently, Tribal Authorities and the local development forum have the potential and, if an NGO is present, the capacity to approach a development agency directly. Furthermore, in view of

incapacity of many municipalities and the potential difficulties of obtaining national government funding, the targeted development agency can be an international donor organisation, foreign government or private company.

These findings indicate that 'traditional authorities' can provide an alternative structure for development investments in their areas of jurisdiction. They are in a position to side-step municipal authorities with regard to development. This is not to say that the 'traditional authorities' are autonomous forms of authority; indeed, it is potentially misleading to suggest that they provide an alternative structure for implementation of development projects. Rather, the rulebook on how to do development at local government level has not yet been completed. Coupled with the financial limitations of many municipalities, the result is that 'traditional authorities' have had to find their own solutions, indeed, have been able to identify routes to being development agents that affirm their status locally as a viable form of authority. However, it must be emphasised, there is actually very little that is autonomous or alternative in the activities of 'traditional authorities'.

Firstly, the local government management of development through IDPs is driving municipalities toward co-operating with 'traditional authorities'. The IDP system requires municipalities to measure their performance in service delivery, and those measurements incorporate legally backed imperatives to ensure 'community' evaluation and participation in the planning and implementation of projects. In addition, the environmentalist agenda in IDPs as well as principles of Local Agenda 21, emphasise consideration of local priorities, interests and opportunities. They also encourage respect for local cultural institutions. These are significant considerations, particularly for municipalities that also approach international donor agencies for project funding, because many of those agencies stipulate adherence to these principles. Therefore, the implementation of IDPs at local government level will have to involve chiefs.

Secondly, government departments, like municipalities, do not act uniformly. For instance, the Department of Water Affairs and Forestry along with the Water Research Commission, has actively adopted what may be summarised as a community interactive approach to development. Formal stipulations for involvement of 'stakeholders' have been elaborated in planning documents to promote extensive and intensive consultation with populations, in order to devise and implement projects that improve water management in South Africa. The result is an inclusive approach to water management that affirms the status of 'traditional authorities' as important local authorities. Furthermore, the emphasis on community participation, often through creation of water management civic bodies and not necessarily through existing civic organisations, endorses the chiefs as authorities in these 'communities'.

Summary

The text has illustrated the tensions that lie within the political interactions between chiefs and municipal authorities. The 'traditional/modern authority' polarity in political discourse encapsulates these tensions. In particular, the apparent and proclaimed autonomy of 'traditional authorities' cannot be substantiated. Chiefs have pursued

alternative strategies, particularly for local-level development, to those that are proposed and put in place by the national government. However, formal and apparent opposition of Tribal Authorities to municipal authorities conceals a logic within the development imperative that must draw them together economically. We refer here to the way in which development is framed by particular principles of democracy (e.g. community participation) and underwritten by market-based criteria (e.g. local government scope to pursue local development priorities) that, together, lead them towards co-operation and mutual inter-dependence.

The projected economic resolution does not necessarily mean that political tensions will disappear. The actions and context of chiefs described and assessed in the research illustrate how the boundaries for the exercise of formal political authority have changed rapidly - in the space of a decade. Notably, the formal strategic attempt by the national government to marginalise 'traditional authorities' has helped to spark responses that:

- a) reveal the opportunities as much as the threats facing chiefs;
- b) illustrate the new terrain on which both chiefs and municipal politicians and officials will contest their authority.

The responses have been summarised by the TAARN-SA team into two overlapping categories as is discussed below.

The Privatisation of Politics

This term refers to how some Tribal Authorities have invested their energies in establishing relationships with companies, foreign governments and international donor organisations and NGOs, independently of national, provincial and local government departments. The thrust of this agenda is to seek capital in order to redress imbalances of power between themselves and municipal authorities and the national government and, to do so beyond the public domain (be that this be elected councils or government department initiated development projects).

The creation of a parallel state

This term refers to how some Tribal Authorities (the Bafokeng case is the prime example) have acquired capital resources that vastly overshadow those available to their neighbouring municipality and, consequently, they can establish a substantial administration and terms for local governance independently of the municipal authorities.²⁸

The concepts should not be read literally, even though there are actual cases where Tribal Authorities have achieved or may be capable of achieving one or other status or both in reality. They serve primarily to highlight the opportunities that now present themselves to Tribal Authorities and the emerging context for local government in much of South Africa. This is an important consideration for any policy or negotiating forum seeking to

²⁸ An anecdotal illustration: one member of the Bafokeng dynasty was reportedly charged with corruption for allegedly acquiring a helicopter at a discounted price from a company involved in business dealings with the Bafokeng administration. In contrast, the ANC chief whip is still suspended from office for allegedly obtaining a 4x4 vehicle (a high status value, but technically unproven model) at a discounted price from a company involved in the national government's arms purchase programme.

re-define the role of ‘traditional authorities’ and the formal relationship between them and the government. It is important for two principal reasons:

1) The concepts illustrate the effects of large-scale economic forces; for instance, the dismantling of formal barriers between political authority and entrepreneurship. This enables chiefs to form partnerships with businesses, international NGOs and donor organisations (the latter being entrepreneurs of the ‘development industry’ that is itself shaped by the agenda of the world’s powerful nation-states). The ‘privatisation of politics’ and the ‘parallel state’ illustrate, in a word, the phenomenon of Globalisation. South African policy-makers, therefore, need to bear in mind that these agenda and forces are likely to be more decisive than locally devised political solutions based on the simplistic framework of a division between ‘traditional’ and ‘modern’ authorities.

2) This understanding of the context is incomplete irrespective of its general significance for the practice of local government in South Africa. It is incomplete because the focus is on factors external to chiefs and municipal officials, and on the responses of ‘traditional authorities’ to them. It does not reveal the foundations for the responses. Hidden from view are the factors within the structure and practice of ‘traditional’ authority that enable chiefs to accommodate ‘modern’ political and economic agenda and still retain constituencies of ‘subjects’. The point here is that the context for the exercise of authority certainly includes stimuli to which there are responses, but this does not define the nature of authority. A missing ingredient in the understanding is the imagination that constructed the form and content of ‘traditional’ authority upon which responses to external factors are based and to which outcomes are referred.²⁹ This is an aspect of the context which is critical for understanding why and how chiefs can even consider side-stepping municipal authorities and proclaiming (disingenuously) to be autonomous authorities, let alone why Tribal Authorities are still a central part of local government in South Africa. The following section discusses this issue.

The social foundations of ‘traditional authority’

The research has shown that the Tribal Authorities and municipal authorities are being drawn in the same direction, economically, as a result of the development ethos of government and society in South Africa. A political stumbling block is the form of governance that should prevail. The municipal authorities are bound by legislation to pursue contemporary principles of democratic governance and to promote creation of a nation of citizens. The Tribal Authorities expound cultural heritage to affirm the right of people to land. It is a heritage that, if substantiated and maintained according to locally acknowledge social values, secures them status as authorities over ‘subjects’.

²⁹ The theoretical position, in brief, is rejection of a Pavlovian model of political interaction in favour of an approach that acknowledges the power of human cognition in shaping social inter-relationships. This approach focuses on how people construct the world around them in particular and peculiar ways even as they are influenced by objectively discernable forces. The TAARN-SA project, it could be correctly argued, reveals the social imagination that constructs the Tribal Authorities, but not that of municipal authorities. This is a bias. Correction is to be found intermittently in the different studies; notably, in references to how municipal officials have identified problems in engaging with their ‘traditional’ counterparts and sought a working resolution to the problems.

Access to land is the material foundation on which chiefs' authority rests, but how the 'right' to land is affirmed is also an important part of that foundation. This right is based on elaboration of family ties. Land is a resource by virtue of the presence of people who occupy and use it. Land and people are linked by the imagination that the 'family' is the integrative unit: land enables families to be established and to grow; the family gives the land an identity as a place where particular people live. In most of South Africa, the family is defined in relation to an ancestor patriarch. The name and authority of that (and each succeeding) patriarch gives descendants rights of access to the land he occupied and, more broadly, to other resources (including more land) by virtue of bearing a name that identifies them as being part of the broader community in a locality.

This linking of land, people, place and family is expounded in the institution of chiefship. The chief is the patriarch of the community of families. In principle, the extent of his authority is defined in terms of both kinship and territory. Socially, the chief's authority extends as far as the network of ties forged through inter-marriage and the reach of his patronage amongst other families and immigrants, including subordinate patriarchs that control particular areas of land. Spatially, the chief's authority extends as far as the land occupied by those to whom he has granted patronage, beginning with land allocation.

In reality, the social and spatial boundaries as well as the internal hierarchy of chiefs' authority have been defined for many years throughout South Africa. This is not to say that the territorial and social structures have become fixed or that they were entirely a product of chiefs and their 'subjects' themselves. Territorial boundaries have generally been demarcated for many years, but there were, and still are, disputes over boundaries and distinctions in authority. The general hierarchy of chiefs has been elaborated, in some instances created and, often in the last 200 years, manipulated and revised on the basis of indigenous precepts as well as colonial and republican government interventions. In many areas today there are deep hierarchies beginning with village leaders, extending to village and area headmen through to different categories of chief up to paramount chiefs and kings.³⁰

Territorial boundaries may now be a first point of reference for the external viewer. However, social boundaries and internal networks of authority continue to be significant, re-fashioned to suit the times and, occasionally, regardless of territorial boundaries. Notably, the research has shown that:

³⁰ Translations of the different categories of authority rarely capture the full meaning and local understanding of each office bearer, but do convey the influence of different agencies in their making. Common translations in English such as 'ward chief' emphasise the territorial component of authority. 'Headman' is primarily a legacy of colonial government manipulation and subjugation of the institution of chiefship generally. 'Paramount chief' conveys indigenous distinctions, but it also incorporates apartheid-era planners' construction of ethnic nationalism. Indigenous hierarchies were acknowledged, but portrayed so as to present the country's president as the highest chief. This process of elaboration continues, in local re-constructions of 'royalty' and 'paramountcy' and in the government's creation of national and provincial 'Houses of Traditional Leaders'.

- Chiefs, by being able to allocate land (specifically residential sites) provide a haven for the poor and marginalized sections of the population.
- Chiefs have accrued constituencies of immigrants in addition to longstanding residents.
- The immigrants do not necessarily have any pre-existing social affinity (through family or ethnic heritage, name, marriage, language), but through land allocation they get the basic foundation for family and livelihood, for incorporation into the social life of the settlement and hence, a social identity that is founded on a chief's patronage, encapsulated in the chiefship's heritage, and sustained through acceptance of this institution's authority.
- A Chief's heritage is the foundation for articulating a group identity. Those that have a long history are able to espouse an ethnic identity for the population as a whole.
- Immigrants, irrespective of their diverse origins, become socially and culturally integrated into the local population over time, thereby sustaining the ethnic identity of the population as a whole.
- The social basis of ethnic identity and its political articulation through the familial links of a hierarchy of chiefs, overrides externally imposed territorial division of the population. International borders do not prevent 'traditional authorities' from articulating a model of society different to the nation-state.
- The trans-national nature of ethnic identity is an important means for the impoverished and refugees from neighbouring countries to find a haven in South Africa.

These findings illustrate the social foundations of chiefs' authority. Notably these foundations remain significant for a large proportion of South Africa's population because:

- They provide an alternative route to social security for those who were not in a position to participate in, or benefit directly from, the formal means (e.g. secure wage employment; property ownership; pensions) endorsed by the state prior to 1994, and who are unable to do so since 1994. The current government's housing, poverty alleviation and service delivery policies support this route because the basis for housing subsidies and services is tenure of land however obtained, while chiefs are often the channels for access to work projects in a locality.
- They do not exclude people on the basis of formal socio-economic criteria; those who are in formal employment, even relatively wealthy, can invest incomes for their long-term social security at a lower cost than formal means.
- They provide an alternative route to 'citizenship':
 - in the case of impoverished South Africans, by giving them a platform on which to obtain benefits from the state;
 - in the case of immigrants from neighbouring countries, through trans-national ethnic affiliation or through social and cultural integration over time into a locality.

In sum, 'traditional authorities' are a vital form of authority for rich and poor alike in a country where there is substantial economic insecurity. The critical complementary factor

in this context is that the ‘traditional authorities’ evoke an ethic of inclusiveness. We refer here to the manner in which ‘traditional authorities’:

- Generally regard a person in relation to a broader social community;
- Enable the individual to become a person with an identity forged through making the link between land, people, family and place;³¹
- Act in counterpoint to the state’s mechanisms that
 - in the past, deliberately excluded the majority of people from being members of the South African polity;
 - today, tend to exclude many by default (through endorsement of formal means of membership that are inaccessible for the economically marginalized and current incapacity to render adequate services throughout South Africa).³²

This structuring of authority gives chiefs considerable scope to govern as they see fit, because their power lies in:

- Control of access to a resource that is still perceived to be a fundamental resource;³³
- Being patriarchs who personify social norms of family life and whose existence supports the authority of every other family patriarch.

Not surprisingly, chiefs are often regarded as autocratic and outdated authorities particularly when compared to democratically elected authorities. However, this criticism obscures more substantive sources of tension between Tribal Authorities and municipal authorities.

The most obvious source of tension is that chiefs have more scope than municipal councillors to adapt their actions to circumstance. Councillors are:

- Bound by the logic of representative democracy (election-dictated periods in which to initiate development; threat of removal from office at elections; legal codes on political behaviour and ways of governing a population);
- Work with very limited treasury funds (due to a low tax base because the majority of their constituencies are poor, being reliant on provincial and national government funding, and not controlling use of much of the land in their areas of jurisdiction).

In contrast:

- Chiefs are not bound by the same legal prescriptions;

³¹ This inclusiveness and the reasons for which it accounts, we suggest, for the concept of *ubuntu* (humanity/humane).

³² Access to the state’s benefits (e.g. child care grants, pensions) presume in the first instance a legal identity beginning with birth registration and later, for example, application for an identity document and marriage certificates. However, facilities to acquire a legal identity are concentrated in cities and towns and, in a number of provinces, the service delivery is notoriously slow and cumbersome.

³³ The continual reliance of access to a land as a form of security is largely a function of a history of land dispossession coupled with labour policies and legislation that prevented the majority of South Africa’s population from acquiring forms of social security that were the norm for the country’s minority and for populations in other industrialised countries.

- Popular support is not essential for the relationship between chief and subject is founded not on whether he actually works to improve the welfare of his ‘subjects’ but on affirming the latter’s rights to the means (land) to improve their welfare and providing an alternative route to the state’s mechanisms for an individual to acquire an identity;
- Chiefs control use of much of the land which not only is the material resource that the majority of people seek, but also can be significant tax base that extracts from the wealth generated by ‘outsiders’ rather than their own constituencies.

At root, the research revealed that chiefs had foundations for authority that were as firm as those for elected municipal councillors in, and this must be emphasised, a political context that is being shaped largely by (a revised) ethos of Development. The emphasis on the context and the qualification of ‘revised’ are necessary due to the substantive political re-formulation of the paradigm of Development that shaped much of the first half of the 20th century; is currently cast in the term, Sustainable Development, and is framed by a host of political criteria that affirm rather than diminish ‘traditional’ authorities. The research highlighted this process in use of the concepts ‘the privatisation of politics’ and ‘the parallel state’. Other aspects of the process were revealed in the studies. For instance, the political criterion to incorporate ‘stakeholders’ in development planning, were shown by individual studies to be potentially a means by which municipal authorities could reduce the status of chiefs to be on a par with other civic organisations. However, chiefs are able to manipulate and invoke, as powerfully, the underlying principle of participatory democracy that is emphasised in the current ethos of development (and endorsed in government policy and legislation). They can do so on the grounds that ‘development’ cannot happen in many areas without their participation. Furthermore, the principle requires respect for indigenous and/or local cultural and political heritages, and this is overtly emphasised in much current international donor organisation prescriptions.

Conclusion: Chiefs as Governors

These findings led to the conclusion that the principal tension between the ‘traditional’ and ‘modern’ authorities today, lies in chiefs’ efforts to expand their capacity to govern at a time when the national government is trying to curtail that capacity. The descriptive term, ‘governor’, summarises chiefs’ agenda and reasons for the government’s antagonism to them. Chiefs want to be governors within the new structure of local government, but that is not a role that the national government has dared to contemplate.

A governor’s authority is rarely prescribed in detail; by definition, the term signifies discretionary authority. However, proposed legislation since 1994 has attempted to distinguish different functions for chiefs; for instance, ‘traditional functions’ and ‘development functions’. The research has also shown that the government has made ad hoc attempts to cast ‘traditional authorities’ as civil servants with line function within departments and ministries; for instance, in paying chiefs and headmen salaries, creating the Houses of Traditional Leaders (HTL) and designating particular departments to be responsible for ‘traditional affairs’. However, these interventions appear to have been

designed primarily to serve immediate political ends (e.g. paying and raising salaries of chiefs and headmen shortly before general elections; creating HTL to deflect resistance from chiefs). More to the point, they have not succeeded in capturing ‘traditional authorities’. There has been a wide range of socio-economic factors that have enabled chiefs to exercise discretionary authority in their (and municipal authorities) areas of jurisdiction. Furthermore, the indications are that they will be able to do so for the foreseeable future.³⁴

In view of the above, a question central to the rationale for the TAARN programme is, does the role of governor preclude chiefs from being a central feature of local government in a democratic republic?

The TAARN-SA research suggests that chiefs can exercise this authority and play a central role in local government. In the first instance, their de facto centrality can hardly be questioned in the light of the evidence. The question then is whether the role of governorship should be legally sanctioned? Again, the TAARN-SA research suggests that the answer is yes, for two principal reasons:

1) The logical reason for saying no - the apparent contradiction between the institution of governorship and principles of democracy - exists primarily if debate rests on a mechanistic understanding of democratic politics and simplistic contrast with other forms of government. The political debate in South Africa is cast, unfortunately, on this basis through conceptual polarisation of ‘traditional’ and ‘modern’ authority. This framework leads, as the TAARN-SA research has shown, to equally simplistic, indeed, false polarities such as ‘citizen’ or ‘subject’, ‘autocratic’ or ‘democratic’ and even ‘outdated’ or ‘contemporary’. If the framework is faulty, then its premises need to be questioned. The research has shown that the meaning of democracy has been at the core of the debate about the role of chiefs, though often obscured by the glare of attention on ‘traditional authorities’.

Ironically, a route out of the logical impasse lies in the South African government’s general policies for democratic government. In line with the Constitution (internationally acknowledged as setting a benchmark for democracy in the 21st century), legislation and policy invokes principles such as co-operative governance, integrated development and participatory as well as representative democracy. Furthermore, the government is ostensibly committed to finding ‘African’ solutions; that is, in less polemical terms, mechanisms that resonate with African experience as much as international codes for democracy.

2) The South African government has misconceived the concept of governorship. In

³⁴ It can be argued that if the government were to aggrandise the status of chiefs and draw them more thoroughly into national spheres of government (not in any central position, but complete with generous financial and ritual trappings) then chiefs would be displaced from the wellspring of their authority, the populace struggling to exist in localities; hence, the opportunity would be created for civic and municipal organisations to replace chiefs as legitimate authorities.

trying to define the authority of chiefs along the lines of ‘traditional’ and ‘development’ functions, the government presumes in the first instance, that chiefs practice a particular and definitive form of governance (that is not in keeping with contemporary principles of democracy) and, secondly, that they should adopt a new form if they wish to be authorities in the new republic.

Underlying these presumptions are a host of misrepresentations of chiefs authority; for instance, chiefship is an autocratic institution or, put differently, chiefs govern like ‘commanders’ because they have the power to directly determine decisions and outcomes. The misrepresentation lies in the perception that characteristics of chiefs’ authority in the past (and supposedly common to all chiefs) have been retained intact to the present day. This a-historical and mythical construction of ‘traditional authority’ leads to a thorough misunderstanding of how chiefs govern today.

The TAARN-SA research has shown that chiefs exercise discretionary authority as adjudicators and brokers of events and developments in their areas of jurisdiction. There are autocratic elements in the exercise of that authority, notably in the patriarchal constructions of family, society and authority. However, they also govern through consultation; internally, according to longstanding and revived codes of behaviour set within a hierarchy of authority; and, externally, with a wide range of agencies on the basis of different codes and regulations. Socio-economic and political realities faced by much of the population endorse chiefs’ articulation of ‘tradition’ as a means for an inclusive sense of citizenship. The revised developmental ethos, nationally and internationally, directs chiefs to explore appropriate applications of the principle of co-operative governance. In sum, chiefs must exercise discretionary authority in order to combine the demands now placed upon them.

Describing chiefs as governors is an apt conclusion. The term indicates how chiefs exercise authority today. Perhaps its greatest value is its dissonance in relation to the existing terms of debate about chiefs. Through considering what the term means in practice, today, in South Africa, chiefs and government officials alike can extract themselves from the stultifying ‘traditional’ versus ‘modern’ mindset. They may even find an ‘African’ form of democratic local government.

SECTION 4: TAARN-SA RESULTS IN RELATION TO TAARN's PURPOSE

Introduction

The purpose of the TAARN programme was:

‘to conduct research that will indicate ways to enhance the capacity of traditional leaders to create, in partnership with the state, social policies which are sensitive to local values and conditions.’

The programme accordingly set itself a number of key issues and questions as well as subsidiary objectives, in order to achieve this aim (see Appendix 1). This section discusses the results of the TAARN-SA research in relation to those objectives, issues and questions. The purpose is to provide a summary for use in compiling the full TAARN report that also includes the results of research conducted in Botswana and Ghana. That report is a precursor to another report that sets out policy recommendations for chiefs and government officials. However, the ‘recommendations’ report will be written only after a review of the preceding work by the principal researchers. This range of work was set out in the objectives of the TAARN programme. Accordingly, some of the objectives cannot be discussed in detail here because they are beyond the scope of the TAARN-SA report.

Notably, the TAARN-SA report can only inform consideration of TAARN's two general objectives:

- a) To analyse the role and contribution of traditional leadership in three African countries (Botswana, Ghana and South Africa) to selected social policy reform processes in education, health and land tenure;
- b) To recommend ways for enhancing the involvement of the traditional leaders at different levels of the state in the governance of social policy decisions and implementation processes as a way to promote responsiveness, effectiveness and equity in public policies.

With regard to the first objective, the South African research provided material for considering policy reform in the fields of education and land tenure, and for development (delivery of infrastructure and services) generally. None of the research projects specifically covered the issue of health. Social policy reform in health in South Africa is emerging as a critical issue as a result of the HIV/AIDS epidemic in the country. However, the contribution of chiefs to policies and the related interactions between chiefs and government officials could not be studied because the proposed reforms to, and implementation of health policies and strategies are still in a nascent stage. The omission of a specific focus on health is a limitation of the South African research. This has been partly offset by an exploratory study begun late in 2001 to outline formal interventions of ‘traditional leaders’ with regard to HIV/AIDS. This study is in response to the formation of a national HIV/AIDS task forum of ‘traditional leaders’ in May 2002, a provincial (KwaZulu-Natal) forum established in October, and other provincial for a that have been proposed but not yet established. The results of this study will be available in late January 2003 and, therefore, will contribute to the recommendations document of TAARN. The second objective, as indicated above, is currently beyond the remit of the TAARN-SA report.

The TAARN proposal also includes a number of specific objectives:

- 1) To identify and analyse the traditional values that affect social policy processes in the areas of land tenure, health and education, including those related to gender and conflict resolution, allocation and pooling of resources, and access to services;
- 2) To identify the autonomous traditional authority structures inside and outside the state structure in order to examine what role they play in the social policy process put in place by the state;
- 3) To identify ways in which traditional values, traditional structures and community participation can be incorporated into social policy processes put in place by the state in order to enhance the responsiveness, effectiveness and equity of selected social policies;
- 4) To conduct a comparative analysis among the selected countries in order to identify the nature and the effect of the diverse contributions of traditional values and authority structures in social policy processes;
- 5) To make policy recommendations and disseminate the results of the project.

As suggested above, this report can consider the objectives 1) and 2) and, in part, 3), but not 4) and 5). Here, it should be noted that the objectives covered a broad area for research and hence, individual researchers had to choose particular foci from the TAARN general proposal in order to conduct manageable studies. As is noted in Appendix 2, the South African research was set guidelines prior to the commencement of research. These guidelines acknowledged the political significance of the government's efforts to transform local government, the questions this raised about the role of 'traditional authorities' in the new dispensation, and the 'land question' (efforts to re-distribute, and to return land that was appropriated by the colonial and apartheid era regimes). Subsequently, the guidelines provided to the researchers were to focus on:

- The historical and present governance structures regulating the relationship between the state and traditional authorities with respect to the future of the communal lands;
- The contribution to social conflict of pressures to privatise the communal lands;
- The prospect for traditional leaders at the local level to become actors whose legitimacy is recognised by their communities and/or the state in the process of defining and implementing social policy in the areas of health and education;
- Female traditional leadership structures to determine their role and the relationship between genders in the contexts in which traditional authority operates, particularly with regard to the 'construction' and practices of masculinity, as well as their roles in articulating women's needs and concerns, in enhancing women's role with regard to social policy processes.

Accordingly, the discussion below on the specific objectives is set within that frame of reference. The results of the research provided an important additional frame of reference outlined in the sub-section below.

The concept of ‘tradition’

While accepting that ‘tradition’ can be used loosely to define a focus, the research revealed it was problematic for analysing chiefs’ authority and values encapsulated in the structure and practice of this authority. Principal findings include:

- The structure of chiefship has been formed in part by government interventions during the colonial and apartheid eras. The office of ‘headman’ is, perhaps, more of a combination of European and indigenous concepts of authority than ‘chiefship’.
- People’s attempts to change the institution of chiefship include ideas like having ‘elected headmen’, thereby indicating adherence to the symbols of this ‘traditional’ form of authority, amidst desire to change the content.
- Local-level conflict over the status and role of ‘traditional authorities’ is fluid and changeable. Notably, the conflicts are not necessarily driven by ideological differences in the past, for chiefs have been able in many areas to re-establish legitimacy and participation in local government in post-apartheid South Africa.
- *Statutory recognition of ‘traditional authority’ is only one facet of the relationship between governments and citizens in Africa. That relationship is influenced by citizens’ understanding of themselves as political subjects and how they demand to be recognised. National governments struggle more than their citizens with the question of how to constitute political authority in particular settings.*
- The instrumental politics of establishing and conducting democracy in local government cannot accommodate individual and local group interests in securing land. The moment that interest is threatened, individuals and groups (including democratic civic organisations) turn (successfully) to ‘traditional’ authority for defence of their interest.
- There are internal tensions in resurgences of ‘traditional authority’. Conflict may appear to be based on ethnic differences, but are likely to be rooted in the politics of re-establishing structures of chiefly authority and in popular fears of loss of access to land as a result of the restructuring of ‘traditional’ authority.
- Municipal governments are bound by legislation to promote policies of participatory democracy and devolution of authority to local government levels (in practice endorsed by area-based management strategies) such that ‘traditional authorities’ and their ‘subjects’ have a political platform to be legitimate participant citizens in the governance of municipalities and yet retain a *de facto* right to an alternative political identity.
- Chiefs in municipal areas are the authorities of the ‘poor’ and, through that position; acquire political power to be gatekeepers for development projects;
- The poor and marginalized populations are important constituencies for ‘traditional authorities’ even though that section of the population is a priority for government intervention;
- While municipal authorities cannot make inroads into land allocation (a foundation of chiefly authority) in many localities, chiefs are making inroads into ‘development’ (a foundation of municipal authority).

- ‘Traditional authorities’ remain by default the principal authorities for local economic development initiatives (particularly in areas where there is limited municipal authority capacity);

In sum, the changing form, status and role of chiefship in relation to changing local and broader circumstances, strains the credibility of the ‘traditional’/‘modern’ framework for describing and explaining the continued existence of chiefs.

Objective 1: Traditional values that affect social policy processes in the areas of land tenure, health and education, including those related to gender and conflict resolution, allocation and pooling of resources, and access to services;

a) Land tenure:

Land is still the key material resource that supports the existence of chiefs in urban and rural South Africa. The authority of chiefs to allocate land coupled with popular need for it:

Affirms the values encapsulated in the institution of chiefship, primarily that of inclusiveness in counterpoint to a history of government interventions that tend to exclude or, at least, severely restrict membership of society. In the colonial and apartheid eras, these interventions were largely politically and ideologically motivated. Today, the interventions restrict by imposing economic barriers that the poor in particular cannot overcome.

Enables chiefs and people to sustain a model of family and society that draws on ethnic heritage and yet also provides an alternative route to citizenship of the nation-state.

The social values around land with regard to:

Gender: retain a patriarchal conception of family and society;

Conflict resolution: define the chiefship as the responsible agency for adjudication of conflict within defined legal descriptions long established by the state;

Allocation and pooling of resources: sustain usufruct rights of tenure and access to resources and define the chief in the role of a ‘governor’ of the use, allocation and distribution of resources;

Access to services: define the chiefship as a development agent with remit to negotiate directly with agencies other than municipal authorities.

b) Education

The research indicated that chiefs, in their role as development agents, have played and can play a vital role in promoting secular education. There was some evidence that chiefs were important in reviving some rituals as a means to instil moral values in children.

The social values around education do not discriminate against girls and women³⁵

³⁵ Anecdotal evidence suggests, in the context of the HIV/AIDS epidemic, that girls may be the first to be withdrawn from schools to provide care for those who are sick (the burden of care still falling on women), but also that orphan boys sent to live with relatives can be the children that are used as labour (e.g.

Objective 2: The role of autonomous traditional authority structures, inside and outside the state structure, in the social policy process put in place by the state;

The research revealed that 'autonomy' is a problematic concept for analysis of the relationship between 'traditional authorities' and the state. 'Traditional authorities' have been subjugated under governments since colonial times. During the apartheid era, it was a political device of the government to secure allegiance of chiefs to the policy of Separate Development (the 'homeland' system). More recently, it has led the government to thoroughly misunderstand the nature of chiefly authority, partly through chiefs using it as a political device to gain participation in the process of creating a new republic and in disputes with the government over the restructuring of local government. This is not to deny that many chiefs may believe (erroneously) that they are 'autonomous' authorities.

The research has highlighted political and economic developments that give the impression of chiefs being autonomous. These developments have been summarised as:

- *The Privatisation of Politics'*
In reference to how some Tribal Authorities have invested their energies in establishing relationships with companies, foreign governments and international donor organisations and NGOs, independently of national, provincial and local government departments.
- *The creation of a parallel state*
In reference to how some Tribal Authorities have acquired capital resources that vastly overshadow those available to their neighbouring municipality and, consequently, can establish administrations and terms for local governance independently of the municipal authorities.
- *The role of chiefs as 'Governors'*
In reference to the way chiefs exercise discretionary authority in order to combine the demands now placed upon them.

The initiatives in reality and this study's summation of them can be easily misread. However, they reflect a complex set of forces that are directing chiefs and government officials in the same direction economically and, ultimately, to political co-operation:

- The effects of globalisation, notably:
 - the dismantling of formal barriers between political authority and entrepreneurship that enables chiefs (as it does municipal authorities) to form partnerships with businesses, NGOs, and donor agencies;
 - a revised ethos of Development that includes a host of internationally sanctioned criteria that affirm 'traditional' authorities as well as municipal authorities responsibilities to be development agents;
 - a sophisticated constitutional and policy framework for democratic governance which can accommodate chiefship, but has yet to be fully

livestock tending) and not sent to school. The role of chiefs in abetting or acting against these practices is not known.

invoked in place of the simplistic conception of democracy that underlies the ‘traditional’ versus ‘modern’ authority construct.

- The articulation of the social foundations of chiefs’ authority, in a general context of substantial economic insecurity for the majority of the population, such that:
 - land acquired via chiefs is a key means for individuals to establish an identity as persons, thereby giving them a platform to become citizens of the nation-state and hence, gain access to the benefits of citizenship;
 - land can be acquired via chiefs at less cost than formal means endorsed by the state.
 - Chiefs must exercise discretionary authority as brokers of events and developments.

Objective 3: Ways in which traditional values, traditional structures and community participation can be incorporated into social policy processes put in place by the state in order to enhance the responsiveness, effectiveness and equity of selected social policies

The discussion above has indicated that involvement of chiefs in local government is essential in many municipalities, in order to substantiate the principles of democracy contained in the government’s constitutional and policy framework. Detailed discussion is beyond the scope of this report. The report has revealed, nonetheless, a key premise any consideration of this objective. This is replacement of the current terms of political debate (the division of ‘traditional’ and ‘modern’ authority’) with dissonant terms that enable an understanding of the meaning of democracy and development in the 21st century in Africa.

Key Issues

The TAARN programme identified for key issues that required research. These are outlined and discussed below.

The Privatisation of Land Tenure

‘Communal land tenure has been, and continues to be, a ‘social safety net of last resort’, and central to the authority of traditional leaders. This is the case in the three countries under study, amongst others in Africa. However, communal land tenure is threatened by the increasing demands of, and for, commercial agriculture as well as environmental degradation.’

The research revealed that land is central to the legitimacy and authority of chiefs. The research did not cover the agricultural significance of communal land tenure, the threats of commercial agricultural and environmental degradation to communal land use farming. However, it highlighted a significant development in communal land use. The demand is for residential sites in a country where agriculture is not a viable option for the majority of the population, but some form of landholding is essential in order to gain access to the resources and benefits of being a citizen in a developing state. Land, as the

South African research suggests, is being defined as a critical resource in ways other than as a basis for food production.³⁶

Traditional Leaders as Mobilising Actors

‘Traditional leaders are important reference points for local-level interpretations of government policies and regulations. However, the capability of traditional leaders to mobilise social development is not clear, because of a lack of knowledge of their role as value communicators and as decision-makers with regard to the intersection of local values and government public policy.’

This is the issue that the South African research has addressed most thoroughly. The analysis has indicated the depth and extent of chiefs’ capability to mobilise development.

Gender and Traditional Authority

‘Supposedly ‘gender blind’ policies in health, education, and social services often result in women being ignored, or disadvantaged at best, compared to men. Accordingly there is a need to examine how women articulate their concerns through traditional leadership mechanisms, the constraints, and importantly, the role of women in positions of traditional leadership. Research on women traditional leaders is particularly important, for the literature is largely silent on this matter even though the appointment of women is accepted in principle, and seems to be occurring more frequently in practice’.

The South African research revealed that patriarchy rules. There are women who are appointed and proclaimed as chiefs, but in the vast majority of cases, they are actually regents in place until there is an appropriate male heir. There was some evidence that chiefs have support from women as much as men, but little beyond that.

Social Conflicts and the Protection of the Social Safety Nets

‘Disputes over traditional authority, including the right to be a traditional leader can result in violent conflict, and breakdown of the rural social order. This has certainly been the case in parts of Ghana, and could occur more frequently in South Africa as policies to devolve government authority are implemented. Botswana is a useful case study for comparative purposes, for it appears not to have experienced this type of problem.’

The research showed that there have been succession disputes and, frequently, conflict over the institution of chiefship. The general conclusion of the research, however, is that conflict arises when people perceive that their rights to land and the potential of them getting a residential site are threatened by ‘outsiders’, be they immigrants or municipal authorities’ attempts to provide services on the basis of payment. Individual chiefs who do not defend those rights can be targets, but not the institution of

³⁶ The government is attempting to redistribute land, but the policy is to grant land to Common Property Associations that can then obtain government support to establish commercial farming ventures. Specifically, the government does not grant land on the basis of ethnic or tribal claims. However, none of the research sites included areas granted under this dispensation.

chiefship for that is the institution that the majority must rely upon, in order to provide and safeguard their 'social safety net'.

APPENDIX 1:

TRADITIONAL AUTHORITY APPLIED RESEARCH NETWORK- SOUTH AFRICA (TAARN-SA) STUDY DESIGN

Introduction

The TAARN is an interdisciplinary, applied research programme that involves primary research in Ghana, South Africa and Botswana, and secondary research on other African countries subject to the previous experience of the researchers.

Research Topic

The research will seek to achieve the objectives of the TAARN programme as set out in the proposal to the IDRC, and it will pay equal attention to the methodological principles and evaluation criteria that are set out in that proposal. In sum, the research will focus on what are the potential and actual contributions of traditional leaders to the livelihoods of people, in the context of ambivalent treatment of these leaders by colonial and post-colonial governments.

This focus is pertinent today in view of current social policy reforms in many African countries, which emphasise devolution of government to local levels. Change in the way African states are governed is being promoted by forces such as fiscal constraints imposed by structural adjustment and foreign aid conditions, and internal demands for democratic participation. In sum, policies that endorse privatisation and decentralisation have shifted many functions previously considered to be the responsibility of the state on to local communities. Traditional leaders are located at the nexus of the locality and the state, and thus they have a unique opportunity to provide leadership in these processes by entering into partnerships with various levels of government. However, social policy reforms are often being implemented without adequate attention paid to local level decision-making processes in which traditional leaders play a central role. Furthermore, the institutions that have been established to integrate traditional leaders into national systems of governance have not usually been based on analysis of the actual and potential contribution of traditional leaders. The common result is that traditional leaders have been, and continue to be drawn into social policy reform in ways that are at best ill-defined and at worst, ill-conceived. Accordingly, the tensions that characterise the relationship between the state and traditional leadership need to be assessed, and coherent solutions need to be developed. This is the problem that the TAARN programme as a whole will address.

One possible solution is to identify ways in which both the state and traditional leaders can collaborate more closely, in order to produce more effective social policies. Such collaboration entails careful consideration of some key issues that will affect the authority of traditional leaders as well as the functioning of the state. Key issues include (see IDRC proposal for full details):

- a) The Privatisation of Land Tenure

Communal land tenure has been, and continues to be, a ‘social safety net of last resort’, and central to the authority of traditional leaders. This is the case in the three countries under study, amongst others in Africa. However, communal land tenure is threatened by the increasing demands of, and for, commercial agriculture as well as environmental degradation.

b) Traditional Leaders as Mobilising Actors

Traditional leaders are important reference points for local-level interpretations of government policies and regulations. However, the capability of traditional leaders to mobilise social development is not clear, because of a lack of knowledge of their role as value communicators and as decision-makers with regard to the intersection of local values and government public policy.

c) Gender and Traditional Authority

Supposedly ‘gender blind’ policies in health, education, and social services often result in women being ignored, or disadvantaged at best, compared to men. Accordingly there is a need to examine how women articulate their concerns through traditional leadership mechanisms, the constraints, and importantly, the role of women in positions of traditional leadership. Research on women traditional leaders is particularly important, for the literature is largely silent on this matter even though the appointment of women is accepted in principle, and seems to be occurring more frequently in practice.

d) Social Conflicts and the Protection of the Social Safety Nets

Disputes over traditional authority, including the right to be a traditional leader can result in violent conflict, and breakdown of the rural social order. This has certainly been the case in parts of Ghana, and could occur more frequently in South Africa as policies to devolve government authority are implemented. Botswana is a useful case study for comparative purposes, for it appears not to have experienced this type of problem.

Principal Questions

In the light of the above, six questions have been selected to guide this project:

- 1) What are the ways in which traditional leaders and the state can interact in order to facilitate the continuing access to and the sustainability of land as a social safety net of last resort?
- 2) What comparisons can be made between the three countries under study in order to better understand the particular dynamics related to the protection of the social safety nets?
- 3) What mechanisms can be created or enhanced to prevent traditional disputes from leading to violence and thus breaking down the social safety net?
- 4) How can traditional leaders take on the role as value communicators and decision makers with regard to the intersection of traditional values and government public policy, specifically social policy and what lessons can be learned from past experiences?
- 5) What role do traditional leaders have in the revision of the concepts “tradition” and “the traditional” as these relate to social, economic and political changes?

- 6) How do women get their concerns articulated through traditional leadership and what mechanisms could be implemented to improve this process?

With these questions in mind, the purpose of the TAARN programme is to conduct research that will indicate ways to enhance the capacity of traditional leaders to create, in partnership with the state, social policies which are sensitive to local values and conditions.

Objectives

The general objectives of this project are:

- a) to analyse the role and contribution of traditional leadership in three African countries (Botswana, Ghana and South Africa) to selected social policy reform processes in education, health and land tenure,
- b) to recommend ways for enhancing the involvement of the traditional leaders at different levels of the state in the governance of social policy decisions and implementation processes as a way to promote responsiveness, effectiveness and equity in public policies.

The specific objectives of this project are:

- a) To identify and analyse the traditional values that affect social policy processes in the areas of land tenure, health and education, including those related to gender and conflict resolution, allocation and pooling of resources, and access to services;
- b) To identify the autonomous traditional authority structures inside and outside the state structure in order to examine what role they play in the social policy process put in place by the state;
- c) To identify ways in which traditional values, traditional structures and community participation can be incorporated into social policy processes put in place by the state in order to enhance the responsiveness, effectiveness and equity of selected social policies;
- d) To conduct a comparative analysis among the selected countries in order to identify the nature and the effect of the diverse contributions of traditional values and authority structures in social policy processes;
- e) To make policy recommendations and disseminate the results of the project.

The South African Component

Since the end of apartheid, traditional leader-state relationships have been re-organised through the creation of a state-wide Council of Traditional Leaders and Provincial Houses of Traditional Leaders in a number of the new provinces amidst efforts by the government to transform local government. An unresolved question is, what role(s) will traditional authority have at the local level? Furthermore, the 'land question' (efforts to re-distribute, and to return land that was appropriated by the colonial and apartheid era regimes) has been a major political and economic issue in the country since 1994. Accordingly, this case study will focus on the following issues:

- 1) The historical and present governance structures regulating the relationship between the state and traditional authorities with respect to the future of the communal lands.
- 2) The contribution to social conflict of pressures to privatise the communal lands.
- 3) The prospect for traditional leaders at the local level to become actors whose legitimacy is recognised by their communities and/or the state in the process of defining and implementing social policy in the areas of health and education;
- 4) Female traditional leadership structures to determine their role and the relationship between genders in the contexts in which traditional authority operates, particularly with regard to the 'construction' and practices of masculinity, as well as their roles in articulating women's needs and concerns, in enhancing women's role with regard to social policy processes.

Methodology

The following general methodological principles apply for the programme as a whole:

- 1) Interdisciplinary Research - The research teams will be composed of researchers of different disciplinary backgrounds with expertise in a variety of areas
- 2) Participatory Research - All the stakeholders (i.e. researchers, traditional leaders, state policy makers / implementers, community members) will be meaningfully involved in the research process at the appropriate strategic moments. The participatory approach has already been initiated. The 1994 Ghana conference; the 1997 Commonwealth Local Government Forum in Botswana, and the National Traditional Leaders Conference in 1998, in Johannesburg were forums at which the proposal for TAARN was communicated to, and discussed with other researchers, government officials and traditional leaders.
- 3) Gender Awareness and Inclusiveness - Researchers will incorporate gender into their research and will promote career opportunities for women as researchers in the area of traditional authority and social policy research.
- 4) Applied Research - Knowledge and results derived from the research will not only be of interest to the academic community but will also be applied to practical solutions.
- 5) Capacity-Building - The project will build capacity in information technology skills as well as in participatory, interdisciplinary, applied and gender research approaches. The project will also promote opportunities for women as researchers in the area of traditional authority and social policy research.

Methodological guidelines

The study of chiefship or 'traditional authority' in contemporary South Africa must be on the practices and processes as these are currently observed. While the historical and legal frameworks are essential, we generally lack knowledge of how chiefship is actually practised in contemporary South Africa. Efforts must be devoted to documentation and description of actual practices today, and of processes of change and accommodation that exist in the current fluid context of South African political systems. This is especially true for local government where constitutional guidelines have not been tested, and where the legal frameworks and practices are still being revised. Accordingly, the following points should be kept in mind.

1. Participatory research (PR) methods are to be used wherever possible. This includes participant observation methods, use of focus groups, and involvement of local community members and members of relevant and appropriate NGOs, CBOs, chief's councils and local governments.
2. Use of simple distributed questionnaires is discouraged, especially at first, and should only be used in the final stages of the project when the parameters of the system are well enough known to allow construction of meaningful and focus questions.
3. Before the use of focus group methods, however, participant observation must be conducted in order to establish the principal conflicts and cleavages within the community. Focus groups can then be selected that will reflect the structure of the community and allow bridging of differences where possible. Focus groups should be selected both within factions/groupings and across factions/groupings to allow for adequate sampling of opinion and assessment of differences.
4. Within focus-group or other PR methodology that involve groups (observation of council meetings, committee meetings, etc.) be aware of 'strategic absences', that is, absence of individuals that may indicate dissent or other 'strategic' objectives (such as not wanting to be associated with a particular decision). People who are absent may want to talk or to tell their side of some story but may not wish to do so in the presence of others, or within the focus group forum. Focus groups are often limited in their effectiveness in highly divided communities. Since many South Africa communities are highly divided around many dimensions of difference, these limitation have to be taken into account.
5. Research questions often have to be carefully phrased in order to ensure the support of government officials, members of the community, or members of the traditional authority council and their associates. The objectives of the research must be clearly stated (that is, that it is for development of policy on relationship between traditional authorities and local government).
6. It is often best to start discussion with the least controversial aspects of local practice. This may mean that discussions should start with the collection of historical data first (where this is less controversial) in order to build up a relationship of trust and perceptions of common interest. Such an approach will lay the foundations for discussion of more controversial matters later on in the research.
7. Polite persistence is often necessary where officials, chiefs, councils or members of the community are busy or possibly reluctant to participate in the research. Where apparent resistance is met with, the aims and goals of the research should be made available to them, and repeated follow up of efforts to contact them pursued.
8. Be sure to be self aware in the conduct of research. Be aware of the fact that South African chiefship is currently in a process of transition and transformation with the rest of South African political and cultural life, and that this must frame the conduct of research itself. The focus of this research should be on the context and process as much as the legal and constitutional framework of the functions and practices of chiefship. Documentation and descriptions of actual practices, concepts and functions as these are observed at the local level is a primary aim.
9. Endorsement of aims of the research should be sought from local government officials and from relevant provincial authorities wherever possible. This will ensure

access to planning documents, ‘White Papers’, and other current government guidelines and thoughts on local government and traditional authority.

10. Archival data should be collected where possible and available. Archival data is often of very variable reliability and sources must be carefully noted and checked. The nature and motives of the source of such documentation condition all common sources for data on local traditional authorities such as labour recruitment files, Homeland government records, government ethnological department records, etc. This must be kept in mind in order to evaluate and properly use such archival sources.
11. Gender: Attention must be given to the dimension of gender in the functions and practices of traditional authority. This must not be construed as simply a focus on women or the role of women in systems of traditional authority (although this cannot be neglected). Attention must be given to the way in which Traditional authority is related to the ‘construction’ and practices of masculinity, and to the relationship between genders in the contexts in which it operates. This must include, for example, attention to how family violence is dealt with in chief’s courts, how initiation schools are managed and conducted in relation to the chief, how and to what extent the roles and practices of traditional authorities contribute to concepts and practices of masculinity (and femininity).
12. Collection of documentation: Project co-ordinators should collect information on Honours, MA and PhD dissertations in their areas with a bearing on traditional authority and chiefship. Efforts should be made to track the work of overseas research students who have worked on or are currently working on this topic. Wherever possible, the project should obtain copies of these dissertation, papers, or research reports from South African and overseas researchers.

The South African Studies

The South African component of TAARN recognises that there is enormous variety in the structure, role and practice of traditional authority in the country, and considerable fluidity in the relationship between traditional authorities and the national, provincial and local government. Furthermore, the South African component recognises that comprehensive geographical coverage is not possible for financial reasons. Accordingly, the intention is to conduct a number of studies which address particular issues, in a number of different locations in South Africa, but which also illustrate themes and political concerns that are germane across the country.

General South Africa Study

A general study is also envisaged. This study will outline the constitutional and political process since 1994, to define structures and forms of government authority, including traditional leaders. It will focus on:

- a) the establishment of forums for traditional leaders, including a national and provincial houses of chiefs;
- b) the ambivalence of the national government to traditional authority;
- c) the ambiguities in the constitutional and political process.

This study was to be conducted by Prof. T. Quinlan, at the former University of Durban Westville, now part of the University of KwaZulu-Natal in Durban.

Database project

The South African researchers are concerned about the difficulties of addressing the variety of structures of traditional authority and, in particular, the contemporary dynamics of the relationship between traditional leaders, the government, civic organisations and citizens. Nonetheless, they also recognise the opportunity afforded by TAARN to begin to draw together a burgeoning body of research in this field that has been/is being conducted by local and foreign researchers. Accordingly, the intention is to ask the coordinators of the different sub-projects to begin tracing Honours, Master's, and Phd dissertations in this field, of both local students and those who have since returned to universities elsewhere in the world. Furthermore, the intention is to obtain some input into TAARN from these individuals, where possible, by means such as publicisation of the TAARN web site.

2nd National workshop

A workshop will be held towards the end of 2001 for :

- a) submission of final reports from the research centres;
- b) discussion of the preparation of draft report of the TAARN-SA projects as a whole.

3rd national workshop

A workshop to be held in 2002, to discuss draft report of TAARN-SA

Value and impacts of the research

The programme is based on research that analyses the role and contribution of traditional leadership to social policy reform in South Africa specifically, and in Africa generally. The research orientation is to produce results which enable the TAARN programme as a whole, 'to recommend ways of enhancing the involvement of traditional leaders at different levels of the state in the governance of social policy decisions and implementation processes as a way to promote responsiveness, effectiveness and equity in public policies' (IDRC proposal, page:9)

The TAARN programme is designed to encourage national and pan-African attention on the role and status of traditional authority, and to provide new knowledge on this important institution in Africa. Accordingly, a range of products are expected; notably, establishment via TAARN of a data base and network of communication on the subject (including an internet website –work on establishing a connection at the south African end will begin in January 2000); publications ranging from handbooks outlining practical issues to academic articles and books that consolidate the new knowledge; and, enhanced capacity for research and inter-country collaboration within each participating country (see IDRC proposal, pages:17-20).

TAARN-SA will contribute to this range of products initially by producing at least 16 research reports (approx. 8 master's-level theses, six centre-based research reports; 1 constitutional process report, 1 data base report) . This work will provide the basis for a final country case study report to be compiled, and together, they are expected to enable the TAARN programme as a whole to provide appropriate recommendations to governments and to traditional authority institutions in and beyond the countries involved in the project. In addition, the collaborative orientation of TAARN within South Africa and across several African countries will provide a platform for further publications as well as the capacity for further research.

APPENDIX 2:

CONSTITUTIONAL, AND LEGAL DEVELOPMENTS WITH REGARD TO 'TRADITIONAL' AUTHORITIES

(derived largely from the work of S.Mkhize, S.Vawda and P.Sithole)

The role of traditional leaders in the constitution

According to Chapter 12 of the Constitution (1996) there is provision for recognition of customary law, the status and role of the institution of traditional leadership in South Africa, subject to all the other provisions of the Constitution. Provision is also made in the Constitution for the establishment of National and Provincial Houses of Traditional Leaders in order to deal with matters relating to traditional leadership.

The Constitution formally recognised chiefs as traditional leaders. However, the Constitution emphasised the necessary subordination of tradition and customary law to the Constitutional provisions and legislation enacted through it. No customary law that violated a constitutional provision could be held to be valid. The relevant clauses read:

- The institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution.
- A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs.
- The courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law.

The Constitution set out a definition of traditional authority, though in general relatively vague terms:

(1) National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities.

(2) To deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law it was proposed national or provincial legislation may provide for the establishment of houses of traditional leaders; and/or a council of traditional leaders.

Despite the recognition afforded to traditional leadership in terms of Chapter 12 of the Constitution the exact functions and the role that the institution should play in the current democratic context is unclear. To address this problem, government launched the White Paper Process on Traditional Leadership, through which all questions regarding the role, status and future of traditional leadership will be dealt with in a comprehensive manner.

The White Paper Process

The process has been divided into three phases as outlined below.

Phase I

Production of status quo report (SQR) on traditional leadership wherein a national audit on traditional leadership was conducted. The following data was collected:

- Pieces of legislation by which traditional leadership institutions are established
- Statistical data relating to the total number of traditional leaders in South Africa, including those that were deposed by successive apartheid and homeland regimes
- Relationship between traditional leadership and various levels of government
- Remuneration, relationship with community etc.

Phase 2

The launch of the Discussion document which culminated with the production of a White Paper. The discussion document outlines the issues that were identified in the SQR that need to be considered in policy. These issues include:

- Whether it is possible to hold an institution which has no elective base accountable to the people?
- Whether the institution should be transformed such that it can be in line with the principles of equality as enshrined in the Constitution and the Bill of Rights
- How the institution can enhance rural governance and development, nation building and unity that exists in harmony with constitutional democracy.

Phase 3

This will focus on the legislation and implementation of the Act on Traditional Leadership as approved by government.

Current Position: The Constitution, Legislative Assembly, House of Traditional Leaders and Local Government

The preamble of the constitution declares, among other things, that South Africa belongs to all those who live in it, united in their diversity, and that the freely elected representatives of the people of South Africa have adopted the constitution as supreme law. It also states that South Africa is one sovereign democratic state, that provinces are created in terms of the constitution are part of one state, which operates on democratic principles as a single entity. Unlike previous constitutions, all laws including the law making body, the legislature, and all government bodies are subordinate to the Constitution. Any law and actions of government may become invalid if inconsistent with the Constitution. Thus in section 2 of the Constitution reference is made to the obligation imposed by the Constitution, which have to be fulfilled. This implies that:

- all spheres of government and all organs of the state must act in a particular manner to provide **co-operative government and intergovernmental relations** as required in Section 41(1) of the Constitution;
- an act of parliament must establish or provide for structures and institutions to promote and facilitate intergovernmental relations.

Section 41(2), implies that parliament has to pass an act for this purpose to fulfill the particular Constitutional requirement. The proposed act should assist in clarifying the roles and functions and power of each sphere. It should be borne in mind that relations change as constitutions and role players change. Therefore levels of the organisational structure of constitutions as well as

political office bearers e.g. cabinet ministers, members of parliament, executive committees, **Amakhosi** or executive mayors, have to act within the constitutional requirements as well as with the spirit of co-operative action to foster friendly relations and to avoid legal proceedings against one another.

What then is the role of traditional leaders within the framework of the Constitution? Here we have to recognize that the constitutionally provided institutions in which traditional leaders participate and influence policy and legislation are mainly the National Council of Provinces (NCOP), the provincial legislature, and the House of Traditional Leaders.

The *National Assembly* is the major legislative institution for public consideration of issues, and to pass legislation. However the National Assembly can initiate debate on issues and pass legislation without reference to other bodies. It has been suggested above that traditional leaders can participate and influence policy and law making. However they **cannot** do so directly, but have to use either, or both, the National Council of Provinces and the Houses of Traditional Leaders to raise particular problems or issues that concern them, and as defined in Chapter 12, and in terms of Schedule 4 of the Constitution.

The *National Council of Provinces* (NCOP) whose major role is to represent the provinces to ensure that provincial interests are taken into account in the national sphere of government. The NCOP can be used to initiate or prepare legislation falling within a functional area listed in Schedule 4 or other legislation referred to in section 76 (3). Traditional Leaders can participate in policy making via the House of Traditional Leaders, through the National Council of Provinces and then placed on the agenda of parliament.

The National Council of Provinces (NCOP)

The NCOP is the body in the Constitution that brings national, provincial, and local government into a single structure. The body was conceived of as a vehicle for the achievement of the objectives of participatory democracy and co-operative governance. The NCOP is a house in parliament whose fundamental responsibility is to debate and pass legislation, which involves provinces in national issues, and represent provincial interests at national government level. It is also an official institution where local government concerns can be represented at the national level. The body has greater powers over legislation that directly affect the provinces, or what the Constitution classifies as Section 76 legislation. Section 76 legislation covers legislation concerning a matter listed in Schedule 4 of the Constitution for which the national and provincial governments share responsibility. One of these matters is Traditional Authorities.

What is important to note is that on provincial (Section 76) matters, each provincial delegation of the NCOP, led by the provincial premier, or his nominee, votes as a single unit on the instruction or mandate of the provincial legislature. However, most matters require support of five delegations to be settled.

It should also be noted that the Constitution entrenches three levels of government, viz. national, provincial and local, and obliges each of these levels to promote 'co-operative governance' (section 40.1). The different spheres of governance are said to be interdependent, distinctive and inter-related, but should not encroach on each levels functional and institutional role. Each local

authority will occupy a geographically demarcated area. However each level has a role to play, with a particular emphasis on the developmental role at local government levels. Traditional authorities also operate at these three levels: at the national level through the National House of Traditional Leaders, at the provincial level through the Provincial House of Traditional Leaders. The third level of representation is not made clear in the Constitution, but is given clear expression in the Municipal Structures Act, and in the White Paper on Local Government. It thus seems incumbent on traditional leaders to become familiar with this constitutional and legislative arrangement. They need to define the boundaries and establish clear relationships with the different spheres of government. What is clear to us is traditional leaders have to obtain some access to the institutions created via this legislative framework at both provincial and national levels.

These three spheres of government are also interrelated. This clearly indicates or provides that each sphere of government has to identify the powers and functions entrusted to it, determine to what extent it relates to functions and what co-operative effort is required to ensure that the services delivered to communities, individuals and societies will meet their needs.

The important requirement in Section 41 of the Constitution is that each sphere of government has to exercise its powers and perform its functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere Section 41 (g). Thus the traditional institutions operating in the three spheres of government should clearly identify their respective areas of operation, define the boundaries within which they operate and establish clear relationships with one or more of the other spheres of government in accordance with the areas of responsibility.

Provincial Legislative Powers

The provincial legislature may pass legislation with regard to functional areas listed in Schedule 4 and 5 of the Constitution of 1996 as well as other matters outside those functional areas especially assigned to the province by national legislation or a matter for which provision is made in the Constitution [Section 104(1)(b)].

The provincial legislature has exclusive legislative powers in matters listed in Schedule 5 of Constitution. Among various matters these include planning, provincial cultural affairs, and **various local government affairs**.

In terms of Schedule 4, the provincial legislature has concurrent legislative powers with Parliament on matters such as of indigenous forests, agriculture, **cultural affairs, indigenous law and customary law** (subject to chapter 12) nature conservation, language policy, tourism, trade, **traditional leadership** (subject to chapter 12) urban and rural development among other aspects of governance and services provided by municipalities.

The House of Traditional Leaders

The Constitution mandates the establishment of Houses of Traditional Leaders by means of either provincial or national legislation. The National House of Traditional Leaders (NHTL) was established on the basis of the National Council of Traditional Leaders Act of 1998. This 'House'

consists of 18 members (3 nominees from each of the six provincial houses). The NHTL has the formal role of advising the national government on matters affecting traditional leadership, traditional communities and customary law. However, the national government is not required to consult the House for advice on any legislation and policy documents submitted to Parliament. Unlike elected parliamentarians, the chairperson and all members of the NHTL are involved part-time in the business of the House. The National House has requested to become a full-time body, and to play a more significant role in policy formulation and in legislative debates. This is being considered by the national Department of Provincial and Local Government, which is responsible for the administration of traditional affairs at the national level. It is possible that the chairperson of the National House of Traditional Leaders will be appointed on a full time basis.

Six provincial houses have been established. Current membership of these Houses are:
Eastern Cape 20;
Free State 15;
KwaZulu-Natal 76;
Mpumalanga 21;
Limpopo (former Northern Province) 36;
North West Province 24.

The Provincial Houses of Traditional Leaders (PHTL) fall under the administration of the relevant provincial departments. In KwaZulu-Natal this is the Department of Traditional Affairs and Local Government. Generally, the PHTL deal with the succession and appointment of chiefs and headmen and customary practices. In principle, issues of wider concern to 'traditional authorities' can be raised through the HTL and Council Provinces, and then enter into the debates of the National Legislative Assembly.

The KwaZulu-Natal House of Traditional Leaders consists of 76 members, and the executive committee of 5 members. The House consists of three representatives from each of the regional authorities, Inkosi of the Amangwane and Amazizi tribal authorities, one person nominated by the Ingonyama (the King), the traditional prime minister to the Ingonyama or his representative and not more than two other representatives from the total number of tribes in the Province proclaimed under any other law.

According to the KwaZulu Natal Act on the House of Traditional Leaders, the House may make proposals to the provincial government and Cabinet on any draft Bill or executive action dealing with Traditional Authorities, indigenous and customary law, or the status, powers, function and organisation of tribal and traditional authorities, indigenous land tenure, Zulu tradition and customary law dealing with inheritance, marriage and family, tribal courts and taxation levied by traditional authorities. It has been found however, that Bills that have an impact on Traditional Leaders are not always properly discussed due to either lack of time and/or lack of expertise.

The role of traditional leaders in relation to the Bill of Rights

Not much has been looked at in terms of the Bill of Rights and the institution of traditional leaders. It is intended that a White Paper, based on the discussion document, will include a legal framework to regulate traditional leadership regarding the Bill of Rights and the institution of traditional leaders.

Municipalities, Traditional Authorities and rural governance

The constitution provides for the role of traditional leadership at national and provincial level. It is vague on the institutional expression at each level. However there is a space created for a relationship between local government and traditional leadership institutions based around the developmental duties of local government. Local government is regarded as the cornerstone of modern democratic systems in South Africa. Local government consists of municipalities in terms of Section 151(1) which vests the legislative and executive authority of a municipality in a council, which has the power to pass by-laws regarding matters it has the right to administer. The municipalities have the right to govern on their own initiatives local government affairs but this right to govern is subject to national and provincial legislation in terms of Section 151(3) of the Constitution.

The relationship between traditional leaders and elected local government is based on the developmental duties of local government in terms of Section 153 of the Constitution. The discussion Paper on Traditional Leadership and Institutions proposes that elected local government forms partnership with traditional leadership in developing traditional authority. This partnership will be constituted in such a manner that traditional leaders will be represented and have an equal role [but not a legislative one] to play on matters affecting them and the needs of their communities.

The thrust of legislation under the constitution has been to establish democratically elected local government with 'developmental functions' and democracy in decision-making, and to reduce the role of 'traditional authorities' in local government.

For instance:

- The Transitional Local Government Act of 1995 reduced the status of chiefs in local government to that of an interest group, and without any voting powers.
- A Communal Property Association Act (CPA) was promulgated in 1996. The Act aims to establish accountable landholding entities, Communal Property Associations (CPAs) through which members of disadvantaged and poor communities may collectively acquire, hold, and manage property in terms of a written constitution.
- In 1997, the White Paper on Land Policy drew a crucial distinction between "ownership" and "governance" in land issues in rural areas which had previously been blurred during the colonial and apartheid eras (the state was both legal owner and administrator of land).

Further legislation is pending, but an indication of the proposed role for chiefs can be gauged from the 1998 White Paper on Local Government on what their current and proposed roles should be. Section D, 4, entitled 'Institutional Analysis' in the White paper makes the point that the national constitution requires that elected local government must be established, which may provide for a role for traditional authorities. It outlines the functions of traditional leaders, among others, as:

- acting as head of the traditional authority, and as such exercising limited legislative power and certain executive and administrative powers;
- presiding over customary law courts and maintaining law and order;
- consulting with traditional communities through imbizo/lekgotla;
- assisting members of the community in their dealings with the state;

- advising government on traditional affairs through the houses of traditional leaders;
- protecting cultural values and instilling a sense of community in their areas;
- being symbols of unity in the community;
- being custodians and protectors of the community's customs and general welfare.

In addition, the White Paper on Local Government also indicates the role of traditional leaders in the development of their local areas and communities as including:

- 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 communities participate in decisions on the development and contributes to development costs;
- considering and making recommendations to authorities on trading licences in their areas in accordance with the law.
- That there are traditional authorities which have a stake in rich mineral deposits. Through these resources they contribute to development.

These developments have enabled departments to define their strategies. By the beginning of 1998, for example, the Department of Land Affairs had decided that:

- Rights should vest in the people who are holders of the land rights and not in institutions such as tribal or local authorities. Where the rights to be confirmed exist on a group basis, the rights holders must have a choice about the system of land administration that will be used to manage their land rights on a day-to-day basis.
- In situations of group-held land rights, the basic human rights of all members must be protected, including the right to democratic decision-making processes and equality. Government must have access to members of group-held systems in order to ascertain their views and wishes in respect of proposed development projects and other matters pertaining to their land rights.
- Systems of land administration, which are popular and functional, should continue to operate.

APPENDIX 3:

PRESS REPORT DATABASE

Available in Volume III – South Africa Studies, page 75 – 80.

II. Additional Research Submitted 2003-2005 (Summarised by D.I. Ray and T.A.O.

Clarke)

II. (a) Mr. Sibongiseni Mkhize, Dr. Shahid Vawda, Dr. Pearl Sithole. “Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni (Durban) Metropolitan Region”

- This study represents a combination of the work of three researchers on the nature and form of chiefs’ authority in, and adjacent to, the metropolitan area of Durban. The framework for the study is the recent political process of restructuring local government in South Africa, notably the rationalisation of municipal structures and boundaries. That process has culminated in the incorporation of ‘tribal authority’ areas into municipal areas. The study focuses on the politics of engagement between the councillors and officials of the Durban ‘Unicity’, and chiefs, some of whom had their areas of jurisdiction incorporated into the city and others who did not. The ‘tribal authorities’ in this case are those of the broader ‘Zulu kingdom’ that covers most of the province of KwaZulu-Natal and includes 40% of all traditional authorities in South Africa. This ‘traditional’ institution currently consists of the King, 277 chiefs (*amakosi*), 8 deputy *amakosi*, 10,000 headmen (*iziduna*) who have jurisdiction in 23 regional authorities and 4 community authorities.³⁷
- After the 2000 local government elections, the Durban Metropolitan region was expanded to include a large rural and semi-rural hinterland and became known as the Durban Unicity (renamed eThekweni Unicity in 2002)³⁸. The inclusion was justified on the grounds of functional integration, density of population and the need for service delivery.
- This process led to the incorporation of 16 tribal authority areas, most of which have been wholly incorporated, but some have become split with portions remaining outside the municipal boundaries. In addition, the boundaries of 18 new wards created to accommodate the expanded city cut across some tribal authority areas.

³⁷ In 1882 there were 173 chiefs who were recognised by the colonial government. Of these only 99 were hereditary, 46 appointed and 28 were headmen with authority to administer splintered segments of chiefdoms.

³⁸ Official translations of ‘eThekweni’ cite that it means lagoon or bay in reference to Durban bay. A less well known meaning is ‘one testicled beast or man’ in reference to the round shape of Durban bay and the appendage construed by the land spit known as the ‘Bluff’.

- These areas are generally on the periphery of the Unicity, having been part of the rural hinterland in the past and have now become ‘peri-urban’ locations. Most of the settlements on the periphery are 30km away from the centre of Durban, and 8km from a transport node and 12km from the nearest commercial centre.
- In short, the settlements are a result of migration and poverty.
- In sum, the tribal authorities govern the marginal and marginalized section of the city’s population, yet retain an historical and local identity as areas governed by indigenous political norms and values.

History and continuity of chiefs’ authority:

- Most of the chiefs interviewed were able to cite their lineage descendents to the 19th century, some to the early decades
- In the past, chiefs were leaders on the basis of an elaborate system of household production and exchange, surplus extraction, and use of legitimate force. Chiefs were assisted by councillors (*iziduna*) drawn from the households and villages throughout the chieftom, who participated in one way or another in the allocation of land, held court and adjudicated over various matters of law and custom. The chiefs also were the locus for extracting and holding surplus produce; for redistributing cattle, seed, food and drink during times of need, and for enactment of public rituals and festivals.
- Generally, the chiefs continue to allocate land to those who accept their authority. Today, they provide access to land, as they did for much of the latter part of the last century, for the ever increasing number of people who have sought a foothold to the city of Durban and who could not afford to formally buy or rent land/accommodation.
- Land allocation and management is central to the present day authority and legitimacy of the chiefs, but the study recorded that the issue of development (provision of services and infrastructure) is a priority concern amongst chiefs in view of the restructuring of local government and spatial expansion of the city government. It is also a concern amongst the residents and, generally, chiefs increase their legitimacy by being seen to be attracting infrastructural investments to their areas.

The study also showed:

- considerable variation in people’s expectations of chiefs’ interest and involvement in development issues;
- Chiefs were not unanimous in taking on a role as a development brokers;
- land management and development compete as priorities for chiefs
- Chiefs reckoned on continuing to uphold their understanding of authority. Notably, that understanding included maintaining pre-existing regional tribal authority structures for interacting with chiefs of areas beyond the Unicity boundaries.
- In sum, the study indicated that chiefs were engaging with the new structure of local government in 2001, though this had not been the case amongst some chiefs prior to finalisation of the new demarcations in 2000.

The study highlights conditions that are and will be a source of tension between the Tribal Authorities and the Unicity officials. These are:

- Legal ambiguities: the terms of the Municipal Structures Act and the White Paper on Local Government allow chiefs to continue to manage land allocations and to act as judicial officers in matters of custom and tradition within their areas of jurisdiction. However their rights as land authorities are not well-defined
- The Unicity authorities' legal control over development issues and the lack of any formally designated decision-making functions with regard to development for chiefs in local government legislation
- The developmental strategies of the Unicity authorities and the political imperatives of the elected councillors emphasise provision of services (water, electricity, sewerage, refuse removal) and roads and housing, but with the proviso that the costs can be recovered through payments by residents. However, this is problematic in view of:
 - inability of vast majority of residents in the tribal authority areas to pay for services set against the political imperative of the national government to reduce poverty;
 - exclusion of parts of some tribal authority areas from the Unicity, thereby marginalizing sections of the relevant chiefs' constituencies;
- the situation creates a basis for substantial political and material divisions between chiefs and Unicity authorities and between residents in the tribal authority areas and those elsewhere in the metropole;
 - chiefs become the authorities and guardians of the poor;
 - internal divisions within the Unicity are constructed on the basis of social differentiation of the population;
 - chiefs become wary of the Unicity's development initiatives (indeed they already are) and emphasise a role as gatekeepers for projects;
 - internal tensions between chiefs over 'traditional' territorial boundaries can flare up again (even if they have been dormant for many years) as chiefs pursue opportunities to secure development initiatives;
 - residents in areas excluded from the Unicity may attempt to migrate into the included areas, thereby generating a larger impoverished population in need of services as well as exacerbating land shortage and threatening the power of the chiefs.
- The study emphasised the various ways in which boundaries are being drawn around populations and authorities, spatially, geo-politically and on the basis of socio-economic class.
- The different and competing conceptions are a key to understanding contemporary relations between 'traditional' and 'modern' authorities. Specifically the study asserted that 'an important issue in the creation of boundaries is to ask who controls the boundaries, for what purpose and what happens within the boundaries.'
- The general conclusion is that the current situation in Durban is fraught with potential for conflict. However, greater involvement of chiefs and participation of their 'subjects' will become a political and economic necessity for the Unicity government.
- 'Traditional authorities' are and can continue to exist and play a significant political and economic role in metropolitan government;

- The scope for elected municipal governments to ignore or exclude ‘traditional authorities’ is limited, if communal land tenure systems are retained within municipal boundaries;
- Chiefs in municipal areas are the authorities of the ‘poor’ and, through that position acquire political power to be gatekeepers for development projects;
- Municipal governments are promoting policies of participatory democracy and devolution of authority to local government levels (in practice endorsed by the area-based management strategy of the Unicity), in line with national policy and legislation, such that ‘traditional authorities’ and their ‘subjects’ have a political platform to be legitimate participant citizens in the governance of municipalities. And yet, they retain the de facto right to an alternative political identity.

II. (b) Professor Robert Thornton. “‘Traditional Authority’ and Governance in the Emjindini Royal Swazi Chieftdom, Barberton, Mpumalanga: An Empirical Study”

- Robert Thornton conducted a survey of 1200 residents in the Emjindini Royal Swazi Chieftdom to understand people’s attitudes towards chieftaincy in the post-apartheid period.
- Using Barbara Oomen’s original questionnaire, albeit with modifications for the specific situation, Thornton was able to illustrate that chieftaincy is far from dead in South Africa. In addition to answering questions of attitudes towards chieftaincy, governance and democracy, Thornton presents a valuable analysis of the concepts of identity and culture in the South African context.
- He notes that in the South African context, which has a history of multiple loyalties and identities, “cultural identities are overlapping and multiplex.”
- The survey was conducted in the rural and municipal areas, which are jointly called Umjindi, this area includes the townships of Barberton and Emjindini, and the surrounding lands.
- The survey in this area is significant as it has a host of characteristics that enable insight into the complex South African social terrain. The area is a mixture of languages and even tribes, with intermarriages and the presence of Mozambican refugees, it is also interesting as the Swazi are related to the royal family of Swaziland and pledge allegiance to the King of Swaziland (and have even indicated that it is their constitutional right to be governed by him).
- Thornton’s survey gathered interesting social and economic data that was used in analysis of answers to questions of governance and politics.

The most important findings are in relation to the political context. Significant findings include:

- People have not noted an improvement in their economical situation since 1994 and ANC rule and indeed most people felt that their housing, schooling, electricity and job situations had deteriorated

- Although people's expectations for the ANC were high and they have been disappointed with the results, it has not resulted in reduced party support, nearly 84% of respondents were ANC supporters
- 4.2% had no party affiliation, 1.5% IFP, 2.4% DA, 2.4% UDM, 2.4% PAC
- All DA members had a standard 6 education, while 47% of ANC members had no education at all
- There seems to be no political division based on ethnicity or language identification
- In Umjindini support for the chiefship is higher than support for the municipality and contrary to popular belief that support for the institution of chieftaincy is higher in rural areas, in this study support was higher (85%) in the townships than in the rural area (43%)
- In Emjindini, where municipal government was a new phenomenon, there were lower levels of approval for performance (31%), while the majority either had no opinion or declined to answer (61%)
- Thornton infers that the presence of neutrality or unwillingness to speak in favour or against chiefships or municipality performance can be regarded as a negative perception, with pragmatic undertones
- Against the generally negative attitude towards the municipality, there is a much higher rating of chiefship as an institution (43% in favour of chieftaincy)
- And although people may not express an opinion about the institution of chieftaincy, they will about a specific chief
- Chief Kenneth Dlamini, despite not having accomplished any development for his area, was regarded favourably with over 50% of his 'constituency' supporting him
- Men tend to support chiefships more than women (57% of men, compared to 47% of women), but men and women responded identically to questions of gender discrimination indicating that if discrimination is evident it is generally accepted by both sexes (however the majority of men and women felt that the chief does not discriminate) (they equally agreed at 65% for each sex that chiefs do not discriminate against women)
- People, understanding democracy to mean of the people, felt that chiefs were better able to provide democratic government
- People also looked to the political parties, and not government, to provide critical services, which suggests that the ANC's efforts to centralise and monopolise government control of provincial and municipal administration has indeed eroded any sense of a federal/governmental system

Thornton did not find correlations between income, education and sex and support for a chief, causing him to note that rather than suggesting a random skew, it presents the notion that there is an unknown political factor e.g. tradition or personal loyalty which should be considered in the South African context.

II. (c) Ms. Zosa Olenka De Sas Kropiwnicki. “Traditional Leaders in Post-1996 South Africa, with particular reference to the Eastern Cape”

- Much of the document focuses on describing the history of the institution of traditional authority within South Africa from the 1900s to 1994
- Kropiwnicki places the current issue of the role of traditional leaders vis-à-vis the new democratic republic taking shape in South Africa within the discourse of modernity and various models of democracy (e.g. mixed government)
- While the main focus is the Eastern Cape there is significant attention paid to traditional authority in Africa in general
- The most significant contributions can be found in the latter chapters which focus on the ANC strategies in regards to chieftaincy, the ways in which traditional authority can/should be incorporated into governance and her recommendations for traditional authorities
- In recounting the history of chiefs in South Africa in the Eastern Cape, Kropiwnicki notes that the Apartheid era homeland administrations controlled by chiefs and the Apartheid/Colonial regime were responsible for land allocation, road maintenance, water supplies, land rehabilitation, disease prevention, pass controls, working permits, the dispersal of unlawful assemblies, and the maintenance of law and order
- She also notes their mandate to make recommendations in connection with schools, old age pension, disability grants and licenses
- She notes that in the 1960s and 1980s chiefs faced resistance due to increasing poverty, state intrusions and chiefly abuses at all levels
- Resistance and opposition to chiefly rule culminated in situations such as Thembuland in 1960, when one chief and eleven of his associates were killed, it was during this period that the notion of the ‘good’ vs. ‘bad’ chief was created: the good chief served his people, and the bad chief served the apartheid Nationalist Party government
- It was also during this time that the ANC sought alliances with the chiefs in an attempt to unify against the Nationalist Party (NP) government. The strategist was Chief Albert Luthuli, President of the ANC branch in Natal
- In building an alliance the ANC had to distinguish between those chiefs that were bad, i.e. working with the NP, and those that were good, i.e. willing to support the liberation movement
- However, the majority of the ANC and its agencies saw chiefs as agents of apartheid
- Other components of the ANC, such as the SACP were also influential in building anti-chieftaincy rhetoric within the party, as they viewed chiefs as “BAD officials with black skin – working for boy’s wages”
- Kropiwnicki notes that although the ANC and its agents were critical of chiefs they did not get deeply involved in struggles, within rural areas, against chiefs
- The good vs. bad debate was the centrepiece of conflict between the Transkei National Independence Party (TNIP) and Ciskei National Independence Party (CNIP) governments in Thembuland and Mpondoland in the Transkei and the Ciskei, in the Transkei chiefs attempted to maintain some legitimacy by organising behind the Transkei Traditional Leaders Association

- As noted by other scholars, Kropiwnicki supports the argument that due to its largely urban backing, the ANC had to shift its strategy towards chiefs in the 1980s and onward to create inroads into rural communities
- In developing its strategy for a democratic transition the ANC had to re-conceptualize its traditional authority position, and although chiefs were still largely regarded as apartheid agents, the pragmatic necessity of incorporating them in the transition demanded a new policy
- Kropiwnicki states that the four factors which resulted in the vague and ambiguous strategy that the ANC has utilised since the late 1980s, in regards to chiefs, are: respect for the institution by notables such as Mandela; fear of Inkatha's ability to undermine attempts to unite against the NP; the need cement rural votes and the creation of CONTRALESA (Congress of Traditional Leaders of South Africa)
- "according to some commentators approximately 80% of chiefs in the Transkei declared themselves in favour of CONTRALESA and the ANC (157)"
- In trying to appease segments of the ANC who were confused over the reversal of strategy and the incorporation of elements perceived as Apartheid agents, the ANC sought to illustrate that many chiefs had broken away from the apartheid system often joining CONTRALESA and had thus regained the respect of the people and ever now instrumental to the forces of change within the country
- Kropiwnicki, like some other South African scholars, notes the numerous ways in which the ANC manipulated the expectations of chiefs in an attempt to keep their alliance throughout the negotiations for transition
- Generally, the conclusion is that the ANC's strategy toward chiefs during the 1990s and onwards was one of ambiguity, namely that while chiefs were "recognized" as significant agents in the transition, their formal role and status was delayed e.g. the 1993 interim constitution which defined traditional leaders, but did not define the precise role of chiefs
- The final constitution reflected the ambivalence among the ANC ranks about the future role of traditional leaders, the increasing independence of CONTRALESA and the need to draft a constitution that the majority of parties would find consensus on (161)
- The ambivalence of the ANC nationally resulted in the increased subordination of chiefs at the provincial level. The Amendment of the Local Government Transition Act of 1995 gave provincial government the option to reduce the presence of chiefs in local councils
- Kropiwnicki notes that the ANC adopted a pragmatic strategy of paying lip service to the chiefs when it was important to do so, and ignoring them when it did not
- In the Eastern Cape conflict between the ANC erupted over a provincial ministers attempts to abolish the headmen system; also the effort to establish houses of traditional Leaders created conflict

Finding/Suggestions that need to be considered:

- Kropiwnicki suggests that "cultural theorists" fail to recognise the role that chiefs can play in modernisation and furthering democracy. They dismissed the institution as an 'irritant appendage'

- If democracy is a government of the people, by the people, for the people, then traditional leader cannot be subordinated without the republic suffering negatively
- **1996 Market Research South Africa survey**
 - 60% of blacks believed that traditional leaders should serve in local government
 - 70% of South African adults regarded them as important players in community affairs
- the centralising strategy of the ANC has several implications: it increased the ability to manipulate chiefs: however, the inefficiency and inadequacies of local government increases the legitimacy of chiefs
- in the Eastern Cape chiefs are weak, divided and dependent on the state for finances and in many areas they do not enjoy popular legitimacy, thus they are limited in their ability to counter state attempts to exclude them from local governance

Kropiwnicki's Recommendations to Chiefs

- Chiefs need to adapt and develop skills and act on opportunities to increase their legitimacy and power to be agents of development
- Chiefs need to be inclusive of all segments of society, regardless of race, gender, culture and in doing that dispel the belief that they are sexist, racist and undemocratic
- Chiefs need to develop a degree of organisational autonomy and overcome internal divisions
- Chiefs need to increase their financial autonomy, thus removing the stigma of being civil servants and government stooges
- She notes that when the state does not act in the best interest of the community, the populace turn to chiefs to assist them, chiefs need to harness this authority and play a larger role in civil society

Generally speaking Kropiwnicki's work describes the changes that have occurred in the relationship between South African governments and traditional authorities. She argues that chiefs in South Africa have always had to act in accordance with the agendas of the colonial and post-colonial states in order to maintain their ability to govern and assist their people. While not dismissing that there were abuses against the people, by chiefs, in the apartheid era of homeland authorities, she argues that the chieftaincy is not homogeneous and all cannot be evaluated by the actions of some. Furthermore, she notes the continued support of chiefs, regardless of the incentives for such support, and argues that by virtue of their continued authority, given them by the people who constitute the democratic constituency, chiefs must be regarded as partners in building democracy and in modernising society, rather than as subordinates to be manipulated and used as it befits the state.

II. (d) Professor Victor Ralushai. "The Role of Traditional Leaders in Local Government and Development in Venda"

- This study revealed the fluid nature of political allegiances and conflicts between chiefs, elected councillors and civic groups in Venda. Venda is an area within Limpopo Province (the former Northern province) that retains a particular ethno-geographical identity. It was a ‘homeland’ for Venda people during the apartheid era, but residents also included people who proclaimed Tsonga, Pedi and Shangaan heritages. It obtained ‘independence’, partly at the instigation of Venda traditional leaders who saw an opportunity to revive historical (colonial and pre-colonial era) political dominance of Venda over other groups in the region. The study identified the ‘homeland’ heritage as a significant political factor that has, ironically, served Venda chiefs to re-establish their legitimacy as authorities in post-apartheid South Africa.
- The study focused on relationships between Venda chiefs, including indigenous and headmen, and elected local government councils and councillors since 1994
- there still are tensions between chiefs and municipal councils, but compromises have been achieved for the moment
- the era of Venda’s ‘independence’ during the apartheid era, provided political resources that helped to revive the popular legitimacy of chiefs as authorities generally and, in particular, as agents for development projects. The basis of the argument is that ‘independence’ led to a period of unparalleled improvement in the infrastructure and services for the populace.³⁹ Schools, clinics and technical colleges were built as were modern offices for ‘tribal authorities’. Agricultural projects flourished and the road and transport systems were improved. Notably, chiefs were active agents in promoting such development (including challenging local norms by encouraging school attendance for girls). That era of development, it is argued, has been used by chiefs to compare their role with that of municipal councils in the post-apartheid era. Notably, the contrast is unfavourable for the councils, for the populace has witnessed the incapacity of municipal councils to sustain, let alone continue to improve infrastructure and services in many localities
- further contrast to the municipal authorities, chiefs in Venda have begun to act independently to attract investment into their areas of jurisdiction, including consulting directly with international donor agencies. The scale and number of these independent projects may be limited, but they support the agenda of chiefs to secure their status in local government and, more broadly, in the new republic
- The apparent success of ‘traditional’ authority in Venda to secure a central role in local government is marked by internal tensions
- During the mid post-apartheid 1990s, when municipal local government consisted largely of ‘Transitional Local Councils’ (TLC), there were marked tensions between the chiefs and the TLCs.
- The TLCs initially enjoyed the support of the populace against the chiefs with regard to the broad political process of establishing a democratic local government and land allocation.
- However, allegiances shifted to the point that chiefs and formerly antagonistic civic organisations worked together, and partly against the TLCs with regard to:

³⁹ The scale of ‘investment’ by the South African government can be attributed in part to the location of Venda – close to international borders with Zimbabwe and Mozambique – thus making it politically and militarily significant for the government.

- ensuring equitable land allocations;
- Promoting representative elected municipal councils.
- the rhetorical division of authority into ‘traditional’ and ‘modern’, for political purposes reifies the form and content of divisions (and conflict and tensions) on the ground;
- The study suggests that political contestation in localities over the status and role of ‘traditional authorities’ is fluid and changeable. Notably, the contest is not bound by ideological differences in the past; given that the study showed that ‘apartheid’ has been a resource for chiefs to re-establish legitimacy and participation in local government in post-apartheid South Africa;
- The instrumental politics of establishing and conducting democracy in local government cannot accommodate individual and local group interests in securing land. The moment that interest is threatened, individuals and groups (including democratic civic organisations) turn (successfully) to ‘traditional’ authority for the defence of their interest;
- Municipal authorities cannot make inroads into land allocation (a foundation of chiefly authority), but chiefs are making inroads into ‘development’ (a foundation of municipal authority).
- There is a resurgence of ‘traditional authority’, but at the same time, there are internal tensions in that process. The study intimated possible conflict that may appear as ethnic conflict (Venda vis a vis Shangaan, Tsonga, Pedi), but which are rooted as much in the politics of re-establishing and creating a structure of chiefly authority. Nonetheless, one cannot ignore the possibility that any expression of ethnic divisions encapsulates popular fears of loss of access to land as a result of the restructuring of ‘traditional’ authority.
- The weakness of municipal authorities could be somewhat overcome if traditional authorities could be mobilised as auxiliaries

II. (e) Dr. Lungisile Ntsebeza. “Structures and Struggles of Local Government in South Africa: the Case of Traditional Authorities in the Eastern Cape

- This study focused on the history of political authority in one locality of the Eastern Cape province from colonial times through to the present
- The study examined the disputed status and role of chiefship in Xhalanga
- unlike other areas of eastern Cape where headmen were drawn from families with a chiefly heritage and where chiefs influenced their appointment; in Xhalanga, colonial magistrates appointed headmen, some of who had a chiefly heritage while others did not
- the study recorded that antagonisms against chiefs and headmen were at a peak in the late 1980s and early 1990s when the ANC political strategy was to demonise chiefs as agents of apartheid and there were active campaigns against the latter
- Later the ANC strategy changed to one of political reconciliation, and it included portrayals of ‘traditional authorities’ as allies in the struggle against apartheid and as forms of authority with a future in the new republic.

- Sections of the population continued to call for the removal of ‘traditional authorities’ in favour of elected authority structures based on local Residents Associations. In other areas (the study cites the locality of Emnxe) activists called for elected headmen.
- The imposition of the headman system by colonial authorities recognized the administrative component of indigenous political authority, but ignored the socio-cultural framework that defined the full nature of that authority;
- ‘Headmanship’ in South Africa is, perhaps, more of a combination of European and indigenous concepts of authority than ‘chiefship.’
- The changing form, status and role of ‘traditional authorities’- in relation to changing local and broader circumstances in which that authority is practiced - strains the credibility of ‘traditional’/‘modern’ framework for describing and explaining the continued existence of chiefs.
- The reference in the study to an appeal for ‘elected headmen’ intimates local level support for the structure of this ‘traditional’ form of authority, but change to the content to suit contemporary political understanding of democracy.

II. (f) Professor Theo Scheepers and Ms. Olivia Lefenya. “The Role of Traditional Leaders in Local Economic Development”

- Scheepers and Lefenya start by noting that the concept of Local Economic Development (LED) is a relatively new concept, one closely related to the implementation in 2000 of new municipalities by the national government.
- The goals and objectives of this type of development is defined in the Local Government Municipal Systems Act of 2000 which seeks to address issues of “poverty eradication, unemployment, access to housing, basic water services and sanitation, black economic empowerment, small business development and involvement in the main stream of the economy of the country.”
- Scheepers and Lefenya argue that prior to the end of apartheid in 1994 such concerns were administered by traditional leaders, functioning under apartheid era legislation and customary laws. Their contention is that recent and current legislation up to 2002 does not clarify what role traditional leaders can/should play in economic development vis-à-vis municipal administrations.
- Their research focused on the perception and understanding of traditional leaders in relation to the new legislation(s). They note that while traditional leaders continue to be committed to improving the lives of their people, they are now unsure of what their role is in local economic development.
- Traditional leaders have typically assisted in rural employment by employing community members to farm communal land etc, however recent developments have made farming areas municipal land and thus controlled by municipalities.
- These changes have not only restricted the ability of leaders to aid their community, but further aggravates unemployment in the rural areas as municipalities favour large scale operations which focus on machinery rather than labour.

- Other findings include the lack of inclusion of traditional leaders in the decision making process and the resultant ambiguity leaders face when wanting to make suggestions to implement ideas.
- The general problem that Scheepers and Lefenya note is that “there is no policy or legal guidance as to the role the traditional leader has to play in the local economic process or how he or she is to act when local government fails to deliver... development is retarded because leaders of the communities can not fulfill a monitoring role and can not ensure compliance with policy and law.”
- Scheepers and Lefenya recommend that as traditional leaders continue to play a significant role in society, they must be incorporated into development plans.
- They also note that the question is not one of legality or policies, but rather that traditional leaders are part of a religious based system of customary rules and values and must be treated as part of the national fabric, rather than simply a part of the nation-state.
- They advocate the increased involvement of African intellectuals in the designing of policies and strategies to integrate traditional authority.
- In reviewing how their study related to TAARN’s stated objectives they noted the significance of values in South African society, particularly in rural communities.
- They assert that if one recognises that “social value in traditional communities is that of the integrated nature of traditional leadership [which] regards the leader as the development leader, the custodian of traditional values, the religious leader and the mediator or judge [and] the allocator of land” then one cannot ignore the need to involve traditional leaders in the formal government structures. Thus, they argue that traditional authority cannot be treated by the national government as an area of debate and formal policy – it is not an object of analyses, by virtue of its imbedded social nature, traditional authority should not be administered by national government as they would administer transport or health policy.
- Scheepers and Lefenya offer critical analysis of the institution of traditional authority, even noting some of the problems with the system, including the lack of gender equality and inefficiency when a single leader is expected to make final decisions.
- Overall, it is an analytical piece on the interconnection between traditional authority, public expectation and government legislation on traditional authority. It does not address concrete prescriptions for improving traditional authority involvement in local economic development.

II. (g) Mr. Joseph Nkuna. “The Integration of Mozambican Refugees in Lusaka Village, Mpumulanga”

- Nkuna’s article is an insightful enquiry into the assimilation of Mozambican refugees into traditional Tsonga society
- The case study of Lusaka Village and the two main periods of migration of Mozambican refugees, between 1840 and 1904 and from 1985 to 1990, illustrate

- how despite common language and culture, communal cleavages are not diminished
- Lusaka is a village in Tzaneen in Limpopo province (formerly Northern Province) of South Africa and is under the chieftaincy of Samuel Muhlava of the Nkuna people
 - The ethnographic study focuses on the experiences of 21 refugee families in the Traditional Authority space known as Dan C. Four refugee families were interviewed extensively to receive more insightful commentary on assimilation
 - Mkuna looks at traditional life and relationships, rather than the ways of traditional authority administration or assistance in developing communal ties
 - Nkuna found that 0% of male heads of households were employed as headmen, which might indicate the lack of interaction between refugees and traditional leaders, who often are responsible for creating employment opportunities in the villages along the lines of farming and heading
 - One way in which chieftaincy has assisted refugees in being accepted is that it is inferred that they accept the ethnic continuity between the South African and the Mozambican communities. E.g. “Maluleke and Chauke are our people” Chief Mhinga, referring to the Mozambican refugees from Chicualcuala district in Mozambique (48)
 - Nkuna notes that during the first and second waves refugees settled in areas under the authority of local chiefs and residents and chiefs supported their plight (51/52)
 - “Through the idiom of kinship some of the chiefs and individuals in Gazakulu embraced the Mozambicans and tolerated their settlement in places that fell under their control (55)”
 - Nkuna notes that prior to 1994 when the Gazakulu homeland was re-incorporated into South Africa, traditional organisations existed and played a fundamental role in maintaining cultural customs etc, but since the incorporation, they have lacked the financial base to continue such activities. It can then be suggested that other than offering land to refugees, traditional leaders have been unable to assist these communities in assimilation due to lack of resources, not lack of will
 - Nkuna’s focus is on communal responds to refugees and the relationships between residents and refugees, rather than the relationship between traditional authority and refugees who subsequently feel under their jurisdiction

II. (h) Mr. Kereng Kgotleng. “Chieftaincy and Local Government in Mafikeng, North-West Province”

- Kgotleng argues that there is room for inclusion of the chieftaincy within the changing South African definition of democracy
- He acknowledges that while the institution of chieftaincy is not often regarded as adhering to ‘traditional’ Western Liberal democratic principles, such exclusions should be reconsidered
- As representatives of the people, as the protectors of group rights and cultural identity, chiefs are instrumental agents to the political development of South Africa

- He notes the evolution of chiefs within South Africa during apartheid, under the Bantu Authorities Act of 1951 and since 1994, and thus he notes that the institution has been manipulated by various governments to aid in homeland administration or in winning local government support, but also that chiefs have shifted their allegiances to maintain their hegemony over the countryside.
- Kgotleng argues traditional leaders have power that is based on the shared beliefs and experiences, which create the knowledge of a community, of which a chief is part. And thus, while the government would like to make chieftaincy a ceremonial instrument, the public would like to see chieftaincy play a more active role in local governance and local judicial processes and to focus more on development
- Kgotleng notes the historical changes in alliance of South African traditional leaders, from the first free and democratic elections in 1994 - since then chiefs have aligned themselves with the ANC, which ultimately lead to the decreased significance of traditional authority to the ANC as they realised they could generate rural votes without chieftaincy assistance
- Democratisation threatens chieftaincy because it raises questions of legitimacy, accountability, rights and freedoms and in South Africa, the process of democratisation has meant the relinquishing of tribal authority, e.g. in the dismantling of tribal police forces
- “The position and status of chieftaincies in the newly independent African states is preserved and shaped by the economic and political interests the chieftaincy can serve, promote and protect (12)”
- Kgotleng notes the significance of headmen in governance of rural areas, and suggests that they create a balance of power which keeps chiefs from arbitrary and totalitarian rule (13)
- In discussing the interchange between traditional authorities, local governance and democratic local governance, Kgotleng quotes Mamdani in saying “the democratisation of traditional authorities is a starting point for development, because failing to do so could lead to rural ethnic politics contaminating urban civil politics (14)”
- Kgotleng spent a month living with the Batlhaping Boo Phuduhucwana in Taung, attending public gathering and meetings, and conducting interviews
- Used Oomen’s questionnaire, adapted for situation
- Kgotleng interviewed 20 ward councillors for the Taung municipality and 13 headmen for the chieftaincy, in wards covered Batlhaping Boo Phuduhucwana Chieftaincy, Batlhaping Bag a Maldi and Ba Ga Mothibi chieftaincies

Major findings from Ethnographic Fieldwork with Manokwane and Modimong:

- 200 questionnaires distributed in 4 wards, 185 were answered – target was male and female adults over the age of eighteen
- Most respondents were female (57%) , 37% were unemployed and 43% survived on other occupants income and 28% on pensioners
- Support for the chief, although there was ambiguity over who the chief was, was high (55% women, 38% of men)

- Results indicate that those with the highest education are the strongest supporters of chieftaincy (34)
 - The support of a chief is not affected by a perceived sense of participation in kgotlas⁴⁰, meaning that people believe that even if they do not support a chief they can participate in kgotla (35)
 - Ward councillors have adopted kgotlas as their forum, reinforcing the legitimacy of the traditional political structure
 - About 70% of women and 58% of men feel that chieftaincy does not discriminate against women
 - Questioned about local government (what it means and does) 58.8% said they do not know about 'local government and only 32.1% said they did – Kgotleng attributes this and the general neutrality towards local municipalities as a consequence of the newness
 - He argues that it is because of this uncertainty about the capacity and ability of municipalities to perform and lead to development that most people support chieftaincy – it is still the best known and accessible tool for people (39)
-
- Kgotleng argues that support for chieftaincy is not a rejection of municipal government, or an argument that municipalities should be subordinate to traditional authorities, rather that the contest for rural government and development continues and is not clearly defined by law
 - Such ambiguities over who governs what is critical in the areas of housing and water management: housing is one of the top five priorities for the Taung municipality, but most of the houses in the rural area are built by unregistered builders who do not follow the outlines laid down by the government
 - The government's conclusion was that the poor housing was a result of poor organisation in the rural areas due to inadequate governance by chiefs, thus giving government a reason to 'create' local government in rural areas
 - Kgotleng notes that the buildings of the tribal authority are deplorable, however, they are instrumental in providing key services such as certifying letters for pensioners, keeping records, arranging customary courts on a daily basis
 - Thirteen war sub-chiefs and their headmen assist the chieftaincy in allocating land and solving disputes
 - The significance of the chieftaincy services was noted when traditional leader Samuel Mankuroane was ordered to remove himself from the chieftaincy office and his refusal to hand over his keys made the chieftaincy non-functional for a week, people noted the inconvenience this created
 - Kgotleng notes the ambiguity over the chieftaincy role in local governance as there are only notions of recognition in post-apartheid legislation, but no definition of powers and status, thus rural societies are seen as people without local government because chiefs are not considered service providers or suitable for local government

⁴⁰ Kgotlas are traditional authority forums for debating and discussing communal matters

- It is concluded that people lack knowledge about municipalities and what their roles are in local governance, however, the use of traditional forms of governance, i.e. the use of kgotlas by councillors confuses residents and can be viewed as an attempt to rob traditional authorities of their legitimacy by the elected officials
- In this region the overlapping roles of chiefs and the municipality creates conflict, not necessarily aimed at excluding the other, but conflicting nevertheless and complicated further by the different rationales between the legitimacy of each institution, as the case of the removal of Samuel Mankuroane illustrates (Chapter 4)
- “Most people in Taung want the municipality to provide basic services such a water, schools and electricity, ...but their comments indicate that they expect the chieftaincy to authorise and create such opportunities for such development to occur
- Chief Tshepo Mankuroane described the role of the chieftaincy in development as the authorisation for development to occur (52)
- People are unhappy about the progress the municipality has made since 2000 – in that they feel little progress has been made
- The government has actively trained councillors and mayors through workshops to better educate them about development delivery, at the exclusion of chiefs and headmen, thus creating the argument that chiefs do not have the required training to govern and facilitate development because modern development requires training
- The government’s contention that local economic development can proceed without the chieftaincy ignores that political processes are not isolated from socio-economic processes in the context of local governance and thus people will use their political agency to meet their soci-economic and political goals
- In this case people used their agency to remove or seek the reinstatement of the chief, but in either case it illustrates how people’s perception of how their world works will influence how they try to MAKE things operate
- Kgotleng also studied traditional authority in the villages of Manokwane, Modimong and Chief’s Court to note how the kgotla, the embodiment of an open social body, can accommodate the various agencies and facilitate coordination of each group, without threatening the legitimacy of the chieftaincy or the municipality
- A key point made by Kgotleng is that tradition is not the rationale used to support chieftaincy, but that support is based on a political vision as it accommodates multiple ideas of governance, economic development and transformation, it articulates the aspirations of a community and rather than trying to change the community (as municipalities are perceived to want to do), chiefs are attempting to transform communities, in keeping with traditional values

II. (i) Sibongiseni Mkhize, formerly Local History Museums, eThekweni Municipality, South Africa TAARN Team. “Gearing up for Constructive

Engagement’: Traditional Authorities and the Predicament of 2000 local government elections in the Durban region”

(As this is a stylistic revision of Mkhize’s section of “Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni(Durban) Metropolitan Region” that was jointed authored with Vawda and Sithole, the major findings, conclusions and policy recommendations remain the same. Consequently they are not repeated here.)

II. (j) Shahid Vawda, School of Governance, University of KwaZulu-Natal and South Africa TAARN Team. “Gearing up for Constructive Engagement’: Traditional Authorities and the Predicament of 2000 local government elections in the Durban region”

(As this is a stylistic revision of Vawda’s section of “Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni(Durban) Metropolitan Region” that was jointed authored with Mkhize and Sithole, the major findings, conclusions and policy recommendations remain the same. Consequently they are not repeated here.)

II. (k) K.O. Lefenya. “Traditional Authorities Applied Research Network, Second Report”

General research findings:

- Chief Kgosi Samuel Mankuorane felt Local Economic Development was of great importance to his area because Taung has untapped natural resources that can be exploited
- In the past traditional leaders had programmes to help develop their own tribes, e.g. collected contributions to build schools, crèches, and clinics
- Local municipal schemes are attempting to develop electricity, telecommunications and transport systems, but focus on providing those services to townships, rather than making availability municipal-wide, which would include rural areas adjacent to towns
- Chiefs want to be active in generating economic activities to alleviate poverty
- In the Bafokeng tribe, the traditional leader has introduced computer literacy to the children of his village
- Royal Bafokeng nation has its own independent school which was established by the late Kgosi Lebone Molotlegi II in 1998
- Royal Bafokeng built a 1st world class sports centre and not only provided a recreational space and ability to continue revenues, but also created numerous job opportunities for residents

Summary

- Lefenya’s report is an overview of the research findings in South Africa in relation to TAARN’s stated objectives

- There is a general overview of the institution of chieftaincy, which notes that the institution has developed over many hundreds of years and is an integral part of black leadership in Africa
- Lefenya notes, “through all the changes in the country’s composition and demarcation, there was one institution of government which existed and still continues today ... the institution of traditional leadership”
- In reviewing the history of chieftaincy Lefenya makes a good argument for chieftaincy as a democratic institution, noting the collective nature of tribal authorities, even under the Black Authorities Act of 1951
- Lefenya argues that a traditional leader, while the highest authority in the territory, did not act autonomously, but “in collaboration with a tribal council that represented the people”
- The purpose of Lefenya’s piece is to link traditional authority to rural governance, particularly in light of the disadvantaged economic condition of South Africa’s rural communities
- Such a study is significant in light of the fact that three-fourths of South Africans live in rural areas where unemployment, inequitable literacy, education, health and housing facilities are a reality
- By reviewing the role that traditional leaders can play in economic development, through review of various government legislation, Lefenya argues that there is significant room to accommodate traditional authority in local governance
- The source of information for Lefenya’s study was direct interviews with traditional leaders, in the Northern and North West Provinces, to record their own perceptions of what their role in local economic development
- Lefenya interviewed Chief Kgosi Samuel Mankuroane of Batlhaping bag a Phudhucoana, Chief Madoda Zibi Amahlubi of the Amalubi Tribe, Prince Simon Maila of the Ba-Ga Sekhukhuni and research into the Royal Bafokeng Administration
- The consensus is that the chiefs and traditional leaders feel that for development to be meaningful and efficient traditional authorities must be consulted, and involved in projects
- The last case study, of the Royal Bafokeng Administration, which has made remarkable improvements in their people’s lives without national government involvement, illustrates how instrumental traditional authority is to economic and social development
- Lefenya notes that various government departments have acknowledged the need for traditional leaders to play a role in facilitating development and how critical they are to ensuring that cultural and communal values are respected in development planning.
- The conclusion of the study is that the 2001 White Paper presented by the government would clarify how traditional leadership would be incorporated into the new municipalities.
- Lefenya expresses confidence in the national government’s intentions to clarify a meaningful role for traditional authority; however, recent works by other scholars note the government’s ambiguity in outlining the specific role of traditional leaders. Indeed, many note that the government far from facilitating traditional authority

involvement is attempting to subordinate or obliterate traditional administration of local governance.

- Overall, Lefenya especially contributes to the understanding of the traditional authorities' perspectives on their role in a system of governance

II. (I) Roger Southall and Zosa De Sas Kropiwnicki. "Containing the Chiefs: The ANC and the Traditional Leaders in the Eastern Cape"

- Southall and Kropiwnicki provide an insightful and meaningful critique of ANC policy in the post-apartheid administration of governance, in relation to traditional leadership.
- They argue that rather than providing a meaningful system of "cooperative governance" as the ANC's vision states, the national government has sought to contain the institution of chieftaincy by placing it within the confines of provincial and national systems of governance.
- By removing traditional leaders' right to govern in rural areas, and by circumscribing their ability to gather funds and to distribute resources the ANC has robbed traditional leaders not only of their means of support, but of their legitimacy.
- Southall and Kropiwnicki argue that what is occurring is no different from what occurred in the past. The history of the institution suggests that its survival and existence has always been resilient in light of attempts to replace or control it.
- That said traditional authority governance has been historically dictated by the colonial and post-colonial state, rather than as a consultation between the two agencies of governance. The authors provide a detailed history of early chieftaincy in the Eastern Cape, noting several laws which changed the scope and mode of traditional governance (Glen Grey Act of 1894 and Native Reserves in 1913) and which eroded the natural legitimacy of the institution.
- As traditional authorities, in the Eastern Cape, became agents of the apartheid state, and thus paid officers, there was no longer a mandate to govern from below. This reality was the source of numerous clashes between chiefs and resident associations, which began to form in opposition to apartheid and with the support of the ANC.
- Such conflict between rural citizens and chiefs continues to this day as chiefs have yet to overcome the abuses their institution inflicted on their subjects under apartheid and as they compete with civic associations for national government support.
- The article focuses on the creation, activities and consequences of the Congress of Traditional Leaders of South Africa (CONTRALESA) which was adopted by the ANC to win over chieftain support in the 1980s. However, Southall and Kropiwnicki note that rather than being a means of consulting with chiefs and of incorporating chiefs into the decision making process, CONTRALESA has been the means by which the ANC has appeased chiefs' demands for involvement without actually allowing any genuine means of governance.
- The general argument by the two authors is that upon acquisition of power in the Eastern Cape the ANC has marginalised chiefs, by ignoring their demands, offering

piecemeal changes (to the Provincial House of Traditional Leaders for example) and by contrast in facilitating greater involvement of civics such as SANCO.

- Leaving the incorporation of chiefs into provincial administration and local planning up to the provinces situations, such as the Eastern Cape, where the Eastern Cape government chose to adopt one of the models of reform, which made no provision for participation in rural governance by the chiefs, is a dangerous plan.
- ANC attempts to absolve itself of the responsibility for respecting chieftains' rights to govern. Southall and Kropiwnicki review the House of Traditional Leaders (HTL) and the problems this institution has created for chiefs, both in the official provisions for legislative power and in airing many of the social grievances associated with traditional leadership (verifying claims to authority and cultural clashes between chiefs).
- Chiefs, however, are not sitting back and accepting the constraints placed on their livelihood by the ANC government. In 1999 many rallied around the United Democratic Movement (UDM) to pose a challenge to the ANC electoral bid. Southall and Kropiwnicki note that although the UDM did not win, they significantly threatened the confidence of the ANC and caused real losses in electoral support.
- In relation to the national government's Final Constitution and other acts such as the Municipal Structures Act of 1998, chiefs have openly challenged the constitutionality of provisions as they relate to traditional authority. Recognising that many of the concessions made by the national government insult the inherited position of chiefs and in general, their inadequacy in dealing with chiefs' concerns, traditional leaders have opted to refrain from interacting with the ANC's systems of governance until their concerns are adequately addressed.
- This strategy of non-involvement has not served the institution of chieftaincy well; rather it is increasingly a means of marginalisation by the ANC. However, Southall and Kropiwnicki note that if chiefs are to recover their legitimacy it is not by playing by the rules of the ANC and seeing chiefs incorporated into mixed government or cooperative governance, but rather by accepting their formal exclusion from power and regaining legitimacy from below, as occurred after the creation of the settler state of the Union of South Africa in 1910

II. (m) Lungisile Ntsebeza. "Neither Citizens nor Subjects: The Case of Rural South Africa"

- Ntsebeza analyses the rights of rural South Africans under government legislation that supports both democratic representation and traditional authority. Ntsebeza argues that the ANC's policy of recognising traditional authority, especially in its current ambiguous form, confuses the rights of rural residents and while not making them subjects of traditional leaders, robs them of their democratic rights as South Africans
- Ntsebeza presents an overview of literature on the subject of traditional authority and the role they can play within a democratic state. He states that there are generally two broad streams of thought – that which supports common citizenship and that which argues for co-existence

- He notes Mamdani's argument for common citizenship, which stems from the notion that traditional authority is a construction of the colonial state and thus not indigenous and that nationalist governments, rather than dismantling the despotism of the colonial era, reproduce this malaise if it does not "de-tribalize" the state
- His exploration of those who argue for co-existence is much lengthier, with quotations from Sklar, Skalnik, Ray and van Rouveroy van Nieuwaal. All four advocate a form of mixed government within African states, which would recognise and incorporate the institution of chieftaincy into systems of governance
- While noting the varied arguments for the inclusion of traditional authority in political life, Ntsebeza uses the critiques offered by Bank and Southall to strengthen his claim that traditional authority does not respect the democratic rights of South African citizens to choose their representatives. He argues that in the South African case in particular and in Africa in general, traditional authorities have been collaborators with the apartheid regime and repressive colonial states and therefore lack any legitimate claim to governance
- In relation to South Africa Ntsebeza claims that the ANC's pro-traditional authority stance from the 1980s onwards has been a strategy to generate a rural constituency. His argument is that because the "ANC did not have a stronghold in rural areas it drove it to seemingly desperate measures." He notes that many among the leadership, including Mbeki, strongly dislike the inclusion of traditional leaders in the political process
- According to Ntsebeza, the desperateness of the situation required that the ANC recruit traditional leaders into the liberation movement and required ambiguous concessions guaranteeing traditional authority recognition in the new South Africa
- Ntsebeza briefly outlines the history of the relationship between traditional authorities and the ANC, paying special attention to the IFP and CONTRALESA.
- The cooperation between traditional leaders and the ANC resulted in the creation of CONTRALESA, which has been a source of conflict between the two groups. It is through this organisation that traditional leaders have organised to resist and challenge current government action that aims to control and contain their role in governance
- The ANC, informed by the co-existence theory has tried to create a policy guideline which makes provisions for traditional leadership, but as Ntsebeza notes, "the guidelines clearly limit the powers of "chiefs" by subjecting them to the provisions of the constitution and other laws and reduce their participation to advice"
- As a result, the ANC has treated traditional authorities as an interest group and placed only advisory and ceremonial powers in their hands. Consequently, CONTRALESA has repeatedly rejected ANC actions and even launched legal claims against the ANC for what they perceive to be unconstitutional legislation and actions

- Traditional authorities responses to ANC efforts have not been homogenous, nowhere is resistance to ANC manipulation more evident than in KwaZulu-Natal.
- Relations between the ANC and Buthelezi have been adversarial since 1979 and Buthelezi never bothered to join CONTRALESA. Inkatha choose to transform itself from a cultural movement to a political party in order to guarantee influence over the interim government. Ntsebeza notes the significant pressure IFP placed on the ANC and NP to recognise the Zulu King and to protect the institution of the Kwazulu kingdom, thus “traditional authorities in South Africa gained recognition in the Interim Constitution out of political expediency”
- An area in which the ANC had not been able to completely diminish traditional authority is in land rights, however, there is a distinction to be made between ownership and governance of land issues in rural areas
- The 1997 Constitution wanted to place rights to the holders of land rights, not in the institutions of tribal/local authorities. However, ambiguities in the Constitution and legislation made it easy for traditional leaders to challenge the readings of the laws and policies
- Ntsebeza notes that the precise role of traditional authorities in post-1994 South Africa remains unclear, but that very ambiguity is creating dialogue and cohesion between traditional authorities that were previously antagonistic
- A case study of the Tshezi area, in the Eastern Cape, illustrates how traditional authority frustrations over the ambiguity of ANC policy are translating into direct actions to delay rural development programmes and democracy initiatives (18)
- Ntsebeza argues that the position of traditional authorities is further likely to be strengthened by what is perceived to be a failure of the post-1994 ANC-led government to deliver in rural areas
- As the majority of rural administration legislation remains unchanged, traditional authorities continue to be the prime distributors of land in the former reserve (Bantustan) area, thus contributing to their continued legitimacy over rural affairs

II. (n) Kereng Daniel Kgotleng. “Contesting the Political Meaning of Chieftaincies in the New South Africa”

- The thrust of the paper is that succession disputes are not essentially about declaring the rightful chief, but in reality reflect the political environment surrounding the chieftaincy
- Kgotleng critiques the succession dispute which occurred in Taung, North West Province, South Africa, in the chieftaincy of the Tswana (Batlhaping boo Phuduhucwana)
- The chieftaincies of Batlhaping boo Phuduhucwana were initially part of the Taung Native Reserves, then a district of the Bophutatswana homeland and in is now part of the Taung municipality
- As Kgotleng has mentioned before, although there is an effort to subordinate the chieftaincy within the municipality by councillors, at the same time elements of the chieftaincy institution are central to the governance of the municipality, as is

exemplified by the use of kgotlas (a local structure of chiefs and their headmen used as the venue for their meetings)

- The essence of Kgotleng's argument is that by opening themselves up to the government, traditional authorities and their concerns can no longer be understood or explained as through they exist only within a framework of traditional leadership
- In regards to succession disputes, the "provincial government has assumed that it can play a fact-finding mission and assist in the resolution of any dispute by providing the 'facts' of the case"
- From that point of view chieftaincy is connected to genealogy, which is not necessarily the case and thus the government, rather than being a neutral participant in the dispute settlement, is often acting in its own political interest

- In the Taung case the subject was Chief Samuel Mankuroane who was recognised as chief of the Phuduhucwana in 1987 when the government of Bophutatswana recognised Samuel Mankuroane as the acting chief, just six month's prior to the standing chief's death
- Samuel has been poised for this position due to the actions of Chief Scotch Mankuroane who asked Samuel to be his assistant in dealing with chieftaincy administration due to the Chief's apparent drinking problem
- Many argue that this calling to action was only as an assistant, not as a regent and therefore Samuel did not have a claim to chieftaincy
- Opponents to Samuel Mankuroane supported his nephew Tshepo Mankuroane, the son of Scotch Mankuroane
- The succession issue was problematic from 1987 when Samuel was appointed regent and the dispute took the form of resistance against the state, Samuel, in exile due to death threats was supported by many as it was felt that he would not "sell-out" to the Bophutatswana government
- Despite Samuel Mankuroane's appointment as regent, many in Manokwane regarded him as their chief and even contributed financially to his exile efforts
- When the Bantustan of Bophutatswana ceased to exist in 1994, Samuel Mankuroane returned to Phuduhucwana to reclaim his post
- The provincial government, proclaiming the restoration of pre-colonial government and the recognising the significance of chieftaincy to South Africa, appointed Samuel Mankuroane Chief of Phuduhuwana for his activism during the 80s and 90s
- The ANC had co-opted traditional authority, primarily through CONTRELESA as a means of gaining rural support, and felt chiefs would be critical to their development efforts, it was in this effort that the relationship between Samuel Mankuroane and government deteriorated - Mankuroane was regarded as an obstacle to development by municipal councillors and Mankuroane viewed councillors as usurpers of his role and authority
- An active member of CONTRELESA he refused to take a seat within the municipal council and therefore was regarded as being against the municipality
- Conflicts between the two factions occurred over land and housing - (who did the land belong to? The chieftaincy believed the land belonged to them and felt that the municipality did not take the proper measures to receive the authority of the

chieftaincy to utilise the land); clash of egos; and the perceived threat to traditional governance by municipalities

- In June 2001 a faction of the Royal House asked the provincial government to terminate Samuel's status, on the grounds that Scotch's sons were now old enough to govern, in March of 2002 Samuel's tenure was revoked and Tshepo Mankuroane was made acting chief, Samuel did not accept this decision and refused to vacate the office, hand over keys and the stamp and tribal letterheads, Tshepo's faction was assisted by the police in breaking into the offices in order to gain access to the chieftaincy
- As mentioned before there were several charges against Samuel Mankuroane, notably the lack of development that had occurred in the municipality during his tenure, however Kgotleng argues that although the people saw this as an issue, it was pushed into the succession dispute by the municipal councillors who had a vested interest in having Samuel removed
- Kgotleng further argues that succession is a political issue, "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," thus the process of succession was not in dispute, it was not even really in question – the issue placed before the Commission was not to reveal if Samuel Mankuroane had rightfully acquired the chieftaincy, but whether he was the most capable of doing the job of a modern chief
- Thus while the Tswana law has prescribed succession to the eldest son of a chief, its custom notes that in some cases the most suitable successor may not be the ascribed heir (for example due to poor character, age, corruption etc)
- Kgotleng illustrates how political motivation, on the part of those outside the chieftaincy institution are seeking to define the role, status and powers of the chieftaincy by providing competing concepts of local government, the chieftainship and the state

II. (0) Dr. Mpilo Pearl Sithole. "The Secular Basis of Traditional Leadership in KwaZulu-Natal, South Africa"

(As this is a stylistic revision of Sithole's section of "Governance, Democracy and the Subject of the Traditional Authorities in the eThekweni(Durban) Metropolitan Region" that was jointly authored with Mkhize and Vawda, the major findings, conclusions and policy recommendations remain the same. Consequently they are not repeated here.)

Chapter 5

BOTSWANA: COUNTRY STUDY SUMMARIES

(Professor Keshav Sharma)

I. Introduction

II. Results

III. Conclusions

IV. Key Points

V. Recommendations

A. Training

**B. HIV/AIDS – Note on the Role of Traditional Leaders in the
Fight Against HIV/AIDS in Botswana: Need for Further
Research**

**C. Recommendations on Traditional Leaders and Strategies to
Fight HIV/AIDS and Social Problems**

I. INTRODUCTION

Realising the significance of the role of traditional leaders, this research focussed on six major dimensions related to their role in Botswana: (1) Role of Traditional Leaders in the Administration of Justice; (2) Role of the House of Chiefs; (3) Role of the Kgotla; (4) Gender and Traditional Authority; (5) Traditional Leaders and Land; and (6) Traditional Leaders and Politics.

The objective of this research was to analyse the role and contribution of traditional leadership in Botswana with a view to understand the ways for enhancing their involvement at different levels in the governance of the country.

Following the extensive literature review, the methodology for research included interviews with selected traditional leaders, members of the House of Chiefs, policy makers and members of the community. Traditional leaders of four major tribes- Bangwaketse, Bangwato, Bakgatla and Bakwena (out of eight identified by the Constitution) received specific attention so also the traditional leaders of four minority tribes - Bayeyi, Basarwa, Bakalanga, and Bakgalagadi (selected for their uniqueness and reasons such as their assertion of nationalism against the domination of some other major tribes, differences in land tenure, etc.).

The analysis started with an extensive discussion of the context of research pertaining to the past and present role of the traditional leaders in Botswana. This included the role of traditional leaders during pre-colonial and colonial periods, changing role during the post-independence period, the relationship of traditional leaders with the central and local government institutions and NGOs such as Village Development Committees.

Chapter 1 – Customary Courts in Botswana (Professor K. Sharma)

Examination of the role of Customary Courts included their significance, authority and jurisdiction; conflict between customary law and common law; role of central government machinery in their administration, machinery for the review of cases tried by Customary Courts; role of Customary Court of Appeal; role of administrative machinery of tribal administration and customary courts in the districts and role of local police in the administration of customary courts.

Chapter 2 – House of Chiefs in Botswana (Professor K. Sharma)

Analysis of the role of the House of Chiefs included reasons for its creation and its mandate; its composition, powers and functions; administrative machinery serving the House; assessment of its role; measures for strengthening the House; and proposed reorganisation of the House following the Presidential (Balopi) Commission.

Chapter 3 – Role of the Kgotla (Traditional Village Assembly) In Botswana (Dr. M. Lektorwe)

The significance of Kgotla (traditional village assembly chaired by the kgosi/chief) was examined by looking at past and present role as a traditional institution. Special attention

was given to its role in the development process and as a traditional forum for communication between the government and the people in the formulation and implementation of public policies. The role of women, youth and underprivileged sections of the community in Kgotla was also examined.

Chapter 4 – Gender and Traditional Leadership in Botswana (Dr. M. Lekorwe)

Women in African societies have often been victims of gender bias and have been ignored, overlooked, or disadvantaged to varying degrees compared to men when it comes to not only the benefits of social policies but overall participation in system of governance at different levels in the country. Realising this, the research focussed on the following questions: What are the traditional values that affect adversely the legal, economic and social status and rights of women? To what extent traditional leadership has enabled or inhibited gender equality? What has been the attitude of traditional authority towards domestic violence, gender violence, prevailing customs (such as circumcision, etc.) and traditions that can be considered oppressive for women? Have the women held traditional leadership positions?

Chapter 5 – Land and Traditional Leadership in Botswana (Professor M.G. Molomo)

Another dimension addressed by this research is related to traditional leaders and land. Communal land tenure as a social safety net has been increasingly threatened by public policies, which require use of land for commercial purposes, tourism, etc. This is resulting in efforts on the part of the government to relocate tribes (such as Basarwa who have traditionally been nomadic) from Central Kalahari. The creation of Land Boards, which took away from traditional leaders their exclusive authority for allocation of tribal land for agricultural, residential and commercial purposes to the community, introduced a new dimension to the changing role of traditional leaders with regard to land matters. The research discussed the changing role of traditional leaders in this context.

Chapter 6 – Role of Traditional Leader in Botswana Politics (Professor M.G. Molomo)

As ethnic diversity has been problematic in many African countries, this research probed in to the nature and extent of friction or disharmony, if any, generated by such diversity. This research sought to address the questions as to how the different ethnic groups can retain their own cultural heritage without developing a feeling of being dominated by some other ethnic groups? Do the traditional leaders who have influence in their ethnic communities play a role in this regard? Are the traditional leaders instruments of division? Can they be a factor in national unity and stability? What should be the role of traditional leaders in politics? What measures can be considered for promoting a healthy relationship between traditional leaders and politicians?

II. RESULTS

Examination of the role of traditional leadership in contemporary Botswana reveals a number of strengths, which not only justify its continuation but further strengthening to

make it more effective. The people in the rural areas have considerable respect for their traditional leaders. The Chiefs could use this respect more effectively for facilitating the work of central and local government organisations, particularly in educating, guiding, informing and advising the people in their areas on matters contributing to tribal welfare and development. The chiefs serve their community by maintaining the best customs and traditions, arranging tribal ceremonies, serving as spokespersons of their tribes on issues of customary nature and encouraging rural development by cooperating with other governmental and non-governmental organizations.

Chapter 1 – Customary Courts in Botswana (Professor K. Sharma)

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 in so far as 80 to 90 per cent of civil and criminal cases in the country are handled by these courts. 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 (authority to give mandatory sentence of imprisonment up to five years upwards) and therefore adequate legal knowledge and training of traditional leaders have assumed increased significance.

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 process of review takes 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 chairpersons need better understanding of 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 such a large jurisdiction as the entire country. The Customary Court of Appeal is overstretched and overburdened due to the small number of judges and its small administrative machinery which is placed at a low level of the judicial 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 Appeal 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 a separate administrative machinery for review of cases have become imperative. 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 (also for the President of Urban Courts).

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. 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.

Chapter 2 – House of Chiefs in Botswana (Professor K. Sharma)

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 this 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 trivial matters or those that can be better attended to by the National Assembly. The members of the House could take more active interest inside and outside the House on matters related to spread, prevention, cure and impact of HIV-AIDS epidemic. An active interest of the members of this House and their pronouncements with regard to some undesirable customs (such as exorbitant funeral expense) and harmful social behaviour (such as excessive drinking and alcoholism) is a matter of some satisfaction.

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 Kgosigadi⁴¹ Rebecca Banica from Chobe in 1999, and inclusion of Kgosigadi Mosadi as ex officio member after becoming paramount chief of Balete in 2000. These female members have not only changed the gender of the House but some of their contributions and issues raised by them (such as Kgosigadi Banika's motion in 2000 to introduce corporal punishment for women in customary courts) have aroused considerable public discussion.

⁴¹ Traditional leader term for a female chief but the term "kgosi" used in the past for male chiefs is now being used frequently for traditional leaders of either gender.

Besides various measures that have been discussed from time to time for strengthening the House of Chiefs, one of the most serious concerns and discomfort has been its composition and membership. Some sections of the population have felt that the composition of the House in 2002 did not accord equal treatment to all the tribes of the country and tended to be discriminatory. The President of Botswana appointed a twenty-one member commission (known as Balopi Commission), which reported in December 2003. Following the report of that commission, the government decided to introduce changes in the composition of the House of Chiefs as discussed above. The name 'kgosi' was to be used in place of 'chief' and nomenclature of the House of Chiefs was changed to "Ntlo ya Dikgosi". The public discussion during and after the adoption of the Balopi Commission and the White Paper in the National Assembly revealed the nature and intensity of ethnic politics, details of which are discussed under the section "Traditional Leadership and Ethnic Politics". The changed composition of the House might not make it tribally neutral altogether; nevertheless, it is a significant improvement over the past.

Chapter 3 – Role of the Kgotla (Traditional Village Assembly) In Botswana (Dr. M. Lekorwe)

The traditional institution of the Kgotla is still regarded as an important institution particularly as a two-way channel of communication between the government and the people. The government uses this forum for consultation with the people. Members of the community give their contribution to the process of rural development in various ways through this forum. Though at times traditional leaders can resist change, they can also be used as a force for change. 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 localise any ethnic feelings. Potential conflicts can be dealt with through the institution of the Kgotla where people are freely able to 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. To increase the involvement of people in their participation, the planning process has to be decentralised right down to the village level. This decentralisation can be facilitated by the traditional institution of Kgotla. The Kgotla should be provided with infrastructure to deal with today's demands. Its role should be strengthened. The Kgotla should be receptive to new ideas, where young people, irrespective of their gender, are mobilised and encouraged to participate in its activities.

Chapter 4 – Gender and Traditional Leadership in Botswana (Dr. M. Lekorwe)

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 legal status of unmarried women, property rights of women, inheritance rights and marriage related laws have not been fair to women. The women are also subjected to violence, which is not only physical but also emotional and economic in nature. Women have been marginalised in society and also excluded from traditional leadership roles.

However, following the 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 organise and put pressure on government to review all legislation, which 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 which 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 of such indications 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.

Botswana government has taken positive steps regarding women's issues. A number of policies, programmes 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, including exploring possibilities with traditional leaders (especially the House of Chiefs).

Chapter 5 – Land and Traditional Leadership in Botswana (Professor M.G. Molomo)

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 institutionalised a framework that is informed by the dominant Tswana cultural land practices. Botswana's land tenure does not recognise the traditional land rights of *Basarwa* as hunters and gatherers. This is one factor that facilitates the government policy of relocating *Basarwa* out of the Central Kgalagadi Game Reserve.

Chapter 6 – Role of Traditional Leader in Botswana Politics (Professor M.G. Molomo)

Much as Botswana are being socialised into 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. The Balopi Commission on the House of Chiefs was perhaps the best ever effort that was made to address the ethnic question in Botswana. Its major achievement is that it gave Botswana the space to air the grievances concerning the problem. Prior to this debate ethnicity was considered to be a sensitive matter not to be openly debated. However, its discussion during the Balopi Commission gave people to reflect on it, and how best to reconstruct the nation-state in Botswana by retaining its cultural heritage and diversity.

III. CONCLUSIONS

Chapter 1 – Customary Courts in Botswana (Professor K. Sharma)

- 1) One of the most significant roles of the traditional leaders in Botswana is in the administration of customary courts.
- 2) These customary courts are popular with the people in rural areas, as they are easily accessible, cheap, fast, and comprehensible.
- 3) Customary courts remain significant in so far as 80 to 90 per cent of civil and criminal cases in the country are handled by these courts.
- 4) The quality of justice imparted by these courts, however, leaves much to be desired.
- 5) 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.
- 6) The Customary Court of Appeal has a significant role to play but it is extremely short staffed to cover such a large jurisdiction as the country. The Customary Court of Appeal is overstretched and overburdened due to the small number of judges and its small administrative machinery placed at a low level of hierarchy.
- 7) The conditions of service of tribal administration and customary court staff have continued to remain neglected.
- 8) 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 sped up.

Chapter 2 – House of Chiefs in Botswana (Professor K. Sharma)

- 1) 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.
- 2) The role performed by this 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.
- 3) 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.
- 4) This House needs to focus its interest on matters related to culture, chieftainship, and tribal matters instead of trivial matters or those that can be better attended to by the National Assembly.
- 5) The members of the House could take more active interest inside and outside the House on matters related to spread, prevention, cure and impact of HIV-AIDS epidemic. An active interest of the members of this House and their pronouncements with regard to some undesirable customs (such as exorbitant

funeral expense) and harmful social behaviour (such as excessive drinking and alcoholism) is a matter of some satisfaction.

- 6) 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 Kgosisigadi Rebecca Banica from Chobe in 1999, and inclusion of Kgosisigadi Mosadi as ex officio member after becoming paramount chief of Balete in 2000. Kgosisigadi or Kgosi Mosadi is now the President of the Botswana House of Chiefs or Ntlo Ya Dikgosi
- 7) Some sections of the population have felt that the composition of the House in 2002 did not accord equal treatment to all the tribes of the country and tended to be discriminatory. The President of Botswana appointed a twenty-one member commission (known as Balopi Commission), which reported in December 2003. Following the report of that commission, the government decided to introduce changes in the composition of the House of Chiefs as discussed.
- 8) The public discussion during and after the adoption of the Balopi Commission and the White Paper in the National Assembly revealed the nature and intensity of ethnic politics, details of which are discussed under the section “Traditional Leadership and Ethnic Politics”. The changed composition of the House might not make it tribally neutral altogether; nevertheless, it is a significant improvement over the past.

Chapter 3 – Role of the Kgotla (Traditional Village Assembly) In Botswana (Dr. M. Lekorwe)

- 1) The traditional institution of the Kgotla (traditional village assembly chaired by the chief or kgosi) is still regarded as an important institution particularly as a two-way channel of communication between the government and the people.
- 2) 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 localise any ethnic feelings. Potential conflicts can be dealt with through the institution of the Kgotla where people are freely able to express their views without fear.
- 3) 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. To increase the involvement of people in their participation, the planning process has to be decentralised right down to the village level. This decentralisation can be facilitated by the traditional institution of Kgotla. The Kgotla should be provided with infrastructure to deal with today’s demands. Its role should be strengthened. The Kgotla should be receptive to new ideas, where young people, irrespective of their gender, are mobilised and encouraged to participate in its activities.

Chapter 4 – Gender and Traditional Leadership in Botswana (Dr. M. Lekorwe)

- 4) Although the political structures put in place at the time of independence conferred equality to all citizens, Batswana 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 legal status of unmarried women, property rights of women, inheritance rights and marriage related laws have not been fair to women. The women are also subjected to violence, which is not only physical but also emotional and economic in nature. Women have been marginalised in society and also excluded from traditional leadership roles.
- 5) As the world conferences have operated as strong pressure groups, Botswana also began to organise and put pressure on government to review all legislation, which 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 which 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 of such indications of positive change in Botswana is the installation of a woman Paramount chief, Kgosi Mosadi Seboko of the Bamalete tribe in 2001.
- 6) 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, including exploring the possibilities with traditional leaders (especially the House of Chiefs).

Chapter 5 – Land and Traditional Leadership in Botswana (Professor M.G. Molomo)

- 1) 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 institutionalised a framework that is informed by the dominant Tswana cultural land practices.
- 2) Botswana's land tenure does not recognise the traditional land rights of *Basarwa* as hunters and gatherers. This is one factor that facilitates the government policy of relocating *Basarwa* out of the Central Kgalagadi Game Reserve.

Chapter 6 – Role of Traditional Leader in Botswana Politics (Professor M.G. Molomo)

- 1) Much as Batswana are being socialised into the Westminster parliamentary system, their perceptions are still rooted in the traditional institutions.
- 2) 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.
- 3) The Balopi Commission on the House of Chiefs was perhaps the best ever effort that was made to address the ethnic question in Botswana. Its major achievement is that it gave Batswana the space to air the grievances concerning the problem. Prior to this debate ethnicity was considered to be a sensitive matter not to be openly debated. However, its discussion during the Balopi Commission gave

people to reflect on it, and how best to reconstruct the nation-state in Botswana by retaining its cultural heritage and diversity.

VI. KEY POINTS

Overall

- 1) The people in the rural areas have considerable respect for their traditional leaders.
- 2) The chiefs could use this respect more effectively for facilitating the work of central and local government organisations, particularly in educating, guiding, informing and advising the people in their areas on matters contributing to tribal welfare and development (including fighting HIV/AIDS).
- 3) The chiefs serve their community by maintaining the best customs and traditions, arranging tribal ceremonies, serving as spokespersons of their tribes on issues of customary nature and encouraging rural development by cooperating with other governmental and non-governmental organizations.

Chapter 1 – Customary Courts in Botswana (Professor K. Sharma)

- 1) 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.
- 2) Customary courts remain significant in so far as 80 to 90 per cent of civil and criminal cases in the country are handled by these courts.
- 3) 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

Chapter 2 – House of Chiefs in Botswana (Professor K. Sharma)

- 1) The establishment of the House of Chiefs by the Constitution of Botswana was a significant recognition and mark of respect for traditional leaders.
- 2) This House has served as a forum at the national level where the traditional leaders articulate their views on matters of their interest.
- 3) This House needs to focus its interest on matters related to culture, chieftainship, and tribal matters instead of trivial matters or those that can be better attended to by the National Assembly.
- 4) The members of the House could take more active interest inside and outside the House on matters related to spread, prevention, cure and impact of HIV/AIDS epidemic.
- 5) An active interest of the members of this House and their pronouncements with regard to some undesirable customs (such as exorbitant funeral expense) and

- harmful social behaviour (such as excessive drinking and alcoholism) is a matter of some satisfaction.
- 6) One of the significant developments in the history of the operation of the House of Chiefs has been the membership of female chiefs beginning in 1999.
 - 7) Some sections of the population have felt that the composition of the House in 2002 did not accord equal treatment to all the tribes of the country and tended to be discriminatory. The President of Botswana appointed a twenty-one member commission (known as Balopi Commission), which reported in December 2003. Following the report of that commission, the government decided to introduce changes in the composition of the House of Chiefs as discussed.

Chapter 3 – Role of the Kgotla (Traditional Village Assembly) In Botswana (Dr. M. Lekorwe)

- 1) The traditional institution of the Kgotla (traditional village assembly chaired by the chief or kgosi) is still regarded as an important institution particularly as a two-way channel of communication between the government and the people.
- 2) Potential conflicts can be dealt with through the institution of the Kgotla where people are freely able to express their views without fear.
- 3) 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. To increase the involvement of people in their participation, the planning process has to be decentralised right down to the village level. This decentralisation can be facilitated by the traditional institution of Kgotla. The Kgotla should be provided with infrastructure to deal with today's demands. Its role should be strengthened. The Kgotla should be receptive to new ideas, where young people, irrespective of their gender, are mobilised and encouraged to participate in its activities.

Chapter 4 – Gender and Traditional Leadership in Botswana (Dr. M. Lekorwe)

- 4) 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 marginalised in society and also excluded from traditional leadership roles.
- 5) The biggest challenge to gender equality is the deeply rooted culture which 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 of such indications of positive change in Botswana is the installation of a woman Paramount Chief, Kgosi Mosadi Seboko of the Bamalete tribe in 2001.
- 6) The Women's Affairs Department has executed its mandate well in certain areas although its capacity is limited and needs to be developed, including exploring the possibilities with traditional leaders (especially the House of Chiefs).

Chapter 5 – Land and Traditional Leadership in Botswana (Professor M.G. Molomo)

- 3) 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 institutionalised a framework that is informed by the dominant Tswana cultural land practices.
- 4) Botswana's land tenure does not recognise the traditional land rights of *Basarwa* as hunters and gatherers. This is one factor that facilitates the government policy of relocating *Basarwa* out of the Central Kgalagadi Game Reserve.

Chapter 6 – Role of Traditional Leader in Botswana Politics (Professor M.G. Molomo)

- 4) Much as Batswana are being socialised into 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.
- 5) The Balopi Commission on the House of Chiefs was perhaps the best ever effort that was made to address the ethnic question in Botswana.
- 6) Prior to this debate ethnicity was considered to be a sensitive matter not to be openly debated. However, its discussion during the Balopi Commission gave people to reflect on it, and how best to reconstruct the nation-state in Botswana by retaining its cultural heritage and diversity.

V. RECOMMENDATIONS

A. Training

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
- Strengthening the contribution of traditional leaders in the operation of the Kgotla
- Strengthening their equipment as members of the House of Chiefs

Chapter 1 – Customary Courts in Botswana

Some of the traditional leaders like Village Headmen, Sub-Chiefs, Chief's Representatives, and even Chiefs are not well 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 relationship between customary law and common law or procedures. The administrative

staff of the customary courts such as Court Clerks does 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, unattractive service conditions and facilities. Strengthening of customary courts requires among other things, training of Customary Courts Chairmen, Tribal Secretaries, Court Clerks, and Local Police Force. These training programmes 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; the other of sub-chiefs and chief's representatives; and the third of village headmen. The subject matter of such workshops should also be distinct with varying content and coverage for different groups.

Chapter 2 – House of Chiefs in Botswana

Besides, its authority given by the constitution, the contribution and effectiveness of the House of Chiefs will depend to a significant extent upon the equipment, calibre, knowledge, interest, and leadership qualities of its members. Although the contribution of the House of Chiefs remains limited due to its limited authority and powers given by the constitution, its advisory role could be performed more effectively if the members were better informed about their possible role, and have better understanding of the socio-political institutions and the environment within which they operate. Seminars and workshops for strengthening their equipment should attempt to develop a better understanding of constitutional provisions; relations with the National Assembly; need for change in the composition and functions of the House; new possibilities recommended by the Balopi Commission; understanding of the Constitution of Botswana and the laws having a bearing on the functions of the House, understanding of Botswana's development policy and development management, and understanding of Botswana's public administration.

Chapter 3 – Role of the Kgotla (Traditional Village Assembly)

Although the Kgotla continues to serve as a traditional forum for consultation between the government and the community, and it is a significant forum for consultation in decentralized district development planning, the nature of actual equipment, dynamism, and leadership qualities of the traditional leaders have a bearing on the effectiveness of this forum. Some traditional leaders with limited understanding of country's changed socio-political environment and new challenges faced by the traditional institutions are not in a position to adapt and become an active instrument for change and development. Their role in educating or articulating public opinion or in mobilizing public interest and support remains limited in many cases. The active interest and concrete actions of traditional leaders vary. Only some have played a dynamic role in curbing the spread of HIV Aids, or in influencing tribal behaviour with regard to continuing customs or practices (such as mounting expenses incurred in funerals) which need to be changed.

The Kgotla and the traditional leaders could become more active if they could come together for some seminars/workshops, which could discuss topics related to their role.

Chapter 4 – Gender and Traditional Leadership in Botswana

The traditional leadership continues to have a place in Botswana and needs to be strengthened. Recognition of training needs and adoption of some of the training strategies, such as these discussed above, could strengthen the traditional leaders and result in advance towards the realization of long-term vision for Botswana.

B. HIV/AIDS – Note on the Role of Traditional Leaders in the Fight Against HIV/AIDS in Botswana: Need for Further Research

Botswana is one of the worst hit countries by the HIV-Aids epidemic. Efforts are needed on several fronts by governmental and non-governmental agencies, civil society, donor agencies and the international community to fight this scourge effectively. All these actors are giving their contribution with regard to prevention, education, treatment, research, checking of further spread, etc. and yet the efforts are not adequate. We need to do more on all fronts.

Traditional leaders have a critical role to play in the fight against HIV Aids in Botswana as they continue to have respect and influence among their tribes.

Chiefs can serve as a significant channel of information and advice to their people with regard to the causes, impact and magnitude of this epidemic, how it can be prevented, how the victims can be treated and cared, how the behaviour needs to be changed, how the children, orphans, pregnant mothers need to handle themselves, etc. There is a need to conduct research as to whether the chiefs are indeed playing an active role in these respects? What kind of role they could play?

Kgotla as a traditional forum for communication continues to play a significant role and its role in the fight against HIV-Aids can be significant. There is a need to examine the actual role played by this forum in this context.

Some chiefs have set good examples before their people by going for Voluntary Testing for HIV. Are the Chiefs setting such good examples? Is their behaviour, pronouncements, leadership exemplary?

Female chiefs like Kgosi Masadi have been active in educating the youth, the young mothers, etc and have been visiting primary schools to talk to the youth about teenage pregnancies, alcohol abuse, and HIV Aids. What kind of role these and other Chiefs playing?

It is being observed in some quarters that the chiefs need more information/education with regard to various aspects of AIDS to be able to impart correct information and advice to their people and they need to be associated with the critical governmental and

non-governmental organisational structures fighting HIV. How correct is this observation and what needs to be done in this regard?

The House of Chiefs in Botswana could play a role. What has been its role so far? What could it do in the fight against the epidemic?

These are some of the critical dimensions that need further research to examine the role that traditional leaders are playing and the role that they could play in the fight against the epidemic.

C. Recommendations on Traditional Leaders and Strategies to Fight HIV/AIDS and Social Problems

1. Chiefs need to get themselves more involved in the fight against HIV/AIDS. More chiefs need to be involved in “gate-keeping”, social marketing and building their communities’ capacities to deal with HIV/AIDS.
2. Government and agencies need to systematically incorporate chiefs in significant ways into their strategies to deal with HIV/AIDS if government and the agencies are to be able to utilise the considerable credibility that chiefs continue to have amongst Botswana’s citizens nearly forty years after the end of colonialism and the attainment of democratic government.
3. Therefore, government and agencies need to design and implement strategies to better manage HIV/AIDS by incorporating chiefs as one sector of multisectoral strategies.
4. Government and agencies need to significantly incorporate chiefs into multisectoral strategies for dealing with other social problems, such as how to lower the high costs of funerals (which are also a by-product of HIV/AIDS), if the traditional political culture (which is part of Botswana’s overall political culture) is to be mobilised for these strategies.

**Chapter 6 – Research Collaboration and Its Impact in Ghana,
Botswana, South Africa and Canada: Can Traditional Leaders Promote
Development and Fight HIV/AIDS?**

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Introduction

The “Traditional Leaders and Local Governance in Social Policy in West and Southern Africa” project was implemented by the Traditional Authority Applied Research Network (TAARN) and was funded by the International Development Research Centre of Canada (IDRC). The main challenges to North-South research collaboration for development that the project faced were: the dispersion of the researchers and their differential access to project participation, the heritage of apartheid, gender, research dissemination, and other isolations based on country policies, theory, history, organizational culture and inadequate research capacities. Consideration of gender and traditional authority yielded important non-traditional insights.

The project used interdisciplinary research collaboration to analyse how indigenous political structures i.e. traditional leaders, might make further contributions to the African countries’ policies on promoting development including fighting HIV/AIDs. The research collaboration has had and will have affected policies at the community, regional and national levels in regards to the effectiveness of involving traditional leaders in development and HIV/AIDS policies. The research collaboration has demonstrated the utility and effectiveness of involving traditional leaders as an additional resource in promoting development and fighting HIV/AIDS, especially at the community and regional level.

Research capacity building has resulted in the strengthening of the main University partners through dialogue between the researchers in the different countries via emails, workshops and publications, their involvement in the policy discussions of their own countries, and through the training of the researchers themselves as well as graduate students. It has also resulted in the establishment of new publication opportunities in the form of papers, articles, a book series, a book, a forthcoming book and a free access electronic journal.

Key Challenges Faced and Opportunities

Over the five year course of the project, we have faced a number of key challenges, some of which we recognised at the start were also key opportunities, others were unexpected but had to be addressed as well. Firstly, the number of researchers grew from an initial expectation of eleven (11) researchers based in four countries to eventually involving twenty-one (21) researchers over the course of the project. The three country research teams are based in Ghana in West Africa and Botswana and South Africa in Southern Africa. The Ghana Country team is based at the Faculty of Social Sciences of the Kwame Nkrumah University of Science and Technology (KNUST) in Kumasi, Ashanti region. Kumasi is also the site of the capital of Ghana’s largest kingdom, Asante (which itself dates back to the 1600’s) as well as the Ghanaian state’s Ashanti Regional House of Chiefs and the National House of Chiefs. The Botswana Country Team is based at the Faculty of Social Sciences, of the University of Botswana in Gaborone, Botswana’s capital. Gaborone is also the site of the Botswana House of Chiefs. The South Africa Country Team is based at the University of KwaZulu-Natal (UKZN) in Durban, KwaZulu Province. The Zulu king is the constitutional king of all residents of this

province which also advertises itself as the Zulu Kingdom. Originally the South African Country Team and its Team Leader were based at the Institute for Social and Economic Research (ISER) of the University of Durban – Westville (UDW) but in 2004, as part of the educational reforms of the post-apartheid South African governments, UDW was merged with other institutions to form the new University of KwaZulu-Natal. Besides, UKZN, the South African Country Team included researchers drawn from the University of Witwatersrand, Rhodes University, the University of the Western Cape, the University of Potchestroom, the University of Cape Town and the University of the North. At the University of Calgary in Canada there is a small project co-ordination centre, led by the Project Leader, for the Traditional Authority Applied Research Network (TAARN) hosted by the Research Unit of Public Policy Studies (RUPPS) of the Faculty of Social Sciences and the Department of Political Science. Thus, one key challenge to be faced was the question of the physical dispersion and potential isolation of the researchers. We partially addressed this question by using the technology of the computer, work processor and the internet. Each team and the co-ordinating centre was provided with a laptop computer and hooked up to the internet so that we could communicate with each other, be able to communicate with outside agencies, be able to write-up our research, edit it and submit it for publication. On the whole, this was a very successful strategy when measured in terms of the quantity, quality and significance of the research to date and the actual and potential contributions to policy and changes in people's lives.⁴² Certainly we judge that without the use of this internet connectivity strategy made possible by IDRC funding and advice,⁴³ such complex North-South-South collaborative research for development would not have been as successful.

The differing levels of communication infrastructure between the countries did mean that these benefits were not shared equally between all four centres. The Ghana team endured particular communication problems. While the rebuilding of the electrical and telephone systems in Accra, Ghana's capital, made the use of the internet there quite common and relatively easy by the period of our project, access to the internet in Kumasi, and especially at KNUST, has not been as easy as the electrical and communication infrastructures of Kumasi and KNUST seemed to have been far more neglected in the past. Whereas, it seems that nearly every unit at the University of Ghana in Accra has its own telephone/fax and email access, only the most senior administrative levels at KNUST in Kumasi have these. Researchers at KNUST enjoy little connectivity through the university to the internet. Thus IDRC's guidance and funding allowed the Ghana Team at KNUST to establish its own connectivity to the internet and thus to have much improved connectivity than they had had before the project, even though this was not up to the levels enjoyed by the South African and Botswana teams and the University of Calgary Co-ordination Centre.

IDRC funding allowed us to employ face-to-face meetings as a strategy to overcome the physical dispersion of the researchers and to so promote North-South-South research collaboration for development. We organised not only individual country

⁴² See the June, 2005 report of TAARN to IDRC for details.

⁴³ We owe a special debt to IDRC's Dr. Jean-Michel Labatut who convinced us of these possibilities.

team meetings but also multi-country workshops over the course of Phase I. These were held at UDW/UKZN in Durban, South Africa. These workshops drew together two-to-three members from each of the Ghana, and Botswana teams as well as four-to-seven of the hosting South Africa team as well as the Project Leader from Canada. The workshops were key in allowing more extended, interactive discussion of research strategies, designs, implementations and results not only on a country-by-country basis (which would have been of considerable benefit in and of themselves) but also allowed the project members to step outside their country perspectives and re-examine such questions as gender, the nature of chieftaincy, legitimacy and state-traditional relations from the perspectives and experiences of our colleagues conducting research in the other two South countries. As the Canadian I was able to add to my perspective not only in terms of my Ghanaian research and experiences but I was also able to reflect on the meaning of the South experiences for my North country and its aboriginal people. Such face-to-face meetings were also important in developing the personal networking and confidence building in each other of the South-South-South-North that is key to our breaking out of our physical, policy, theoretical and historical isolations in order to create new communities of research collaboration for development.

One key opportunity to promote North-South-South collaborative research for development with which the IDRC-funded TAARN project presented us was the opportunity to collaborate beyond our primary research country boundaries, to learn from the experience of other African countries and to move towards a truly comparative analytical experience which could make important new policy and theoretical insights and interventions. There is, I think, a tendency for each of us, as researchers and policy-makers and policy-implementers, to see our own immediate country context as being the centre of the world and which is therefore replicated, with some slight difference, everywhere else. There is thus a tendency for us to become country experts but to have very little, if any, opportunity to engage in deep dialogue and discussion with our colleagues from other countries no matter how diligent we are in reading books, journals, other countries' policy documents or in attending annual conferences, as worthwhile as these are. They tend to be irregular, infrequent and episodic in nature. The workshops gave us the ability to go beyond this, to engage in sustained dialogue and intellectual challenge in constant and close proximity over several days as we struggled to achieve a common purpose for our project – during that time, we could not just walk away but we had to justify our positions and reconsider them and those of our colleagues as we worked at developing our understanding of what we were doing, the lessons that we were drawing and how to have greater impact on the policy-makers and implementers of the post-colonial state, traditional leaders, civil society and the international community. Thus the IDRC-funded workshops made it possible for us, as researchers from the South and the North to have a qualitatively-different experience of research collaboration that expanded the research capacity of all three South countries as well as the North country because we now had the opportunity to engage in comparative collaborative research that helped us to see lessons, patterns and trends that would have previously gone unnoticed from a single-country perspective. This comparative analysis allowed us to see larger-scale trends in state-chief relations as they affected the potential for development as well

as emerging trends such as the rapidly growing involvement of women and men Ghanaian traditional leaders in fighting HIV/AIDS.

This comparative opportunity made possible the creation of policy recommendations that would be applicable across more of Sub-Saharan Africa rather than remaining largely unknown outside of Ghana, for example. Indeed such analysis may well be applicable in post-colonial countries with indigenous populations and traditional and neo-traditional leaders ranging from Canada to New Zealand to Brazil as we argued in the first book to be produced by our IDRC-funded project, Grassroots Governance: Chiefs in Africa and the Afro-Caribbean edited by myself and P.S. Reddy (UDW/UKZN).⁴⁴

Some challenges were difficult to turn into opportunities. There was unexpected attrition of research team members in Ghana and South Africa which resulted in the stopping of certain research or the disruption of other research. One team member died in a car accident. Another suffered a severe stroke. Another lost much of his sight. One country team was appointed as an ambassador, thus having to leave the project half-way through its time. There were differences of organisational culture and resources between the universities of the four project countries that had to be addressed. There were differences between countries as to when university staff took their vacations. The lack of adequate resources for some African universities affected some colleagues. These had the greatest impact in Ghana where exceptionally low pay, rapid inflation, problems in the delivery of electricity and telephone service, very little in terms of funding to carry out research, and the impact of the non-convertibility of Ghana's currency blocking their purchase of books, journals and computers from the North have all combined to limit the ability of Ghanaian researchers to fully take part in global debates on research and policy. The further impact of these challenges for Ghanaian researchers in (and even to a lesser extent in South Africa and Botswana) is further felt in the difficulties that these researchers have in trying to get their research published electronically or in print. Publication opportunities are very limited in Ghana and thus many Ghanaian researchers have great difficulty disseminating their policy analyses to policy makers and other researchers within and especially outside Ghana. Such dissemination challenges also face researchers in Botswana although to a much lesser degree than in Ghana and perhaps to an even lesser degree than in South Africa. Canadian Africanist researchers in Canada continue to face some discrimination in some quarters of the disciplinary journals who often seem to be very largely (if not sometimes only) interested in Canadian topics, although the interdisciplinary and area studies journals and associations such as the Canadian Journal of Development Studies and the Canadian Journal of African Studies continue to do much work to rectify this situation. Many are the missing voices of African and Canadian Africanist policy researchers.

⁴⁴ See Chapter One of Grassroots Governance for further discussion of this. Donald I. Ray and P.S. Reddy (eds.). Grassroots Governance: Chiefs in Africa and the Afro-Caribbean. Calgary: University of Calgary Press, 2003.

Happily it is possible to report a number of other strategies that the TAARN project, with IDRC assistance,⁴⁵ was able to implement in order to deal with these challenges to dissemination collaboration. The workshops presented each one of us with the opportunity to write-up aspects of our research and to submit it for critical discussion with our colleagues. As well, we from the North and the South had the opportunity to consider the ways in which our colleagues were approaching (or not approaching) various policy questions: we could measure ourselves against our colleagues and their theoretical and methodological approaches and their results. Judging from the friendly intensity of the workshop discussions, the participating team members took these opportunities very seriously. The Phase I final report to IDRC and the subsequent book, African Chiefs in the Age of AIDS, Gender and Development, as well as the new electronic journal, Chieftain: Journal of Traditional Governance, are new opportunities to disseminate the results of our research collaboration. When the final report is approved by IDRC, an edition with the main findings, conclusions and recommendations will be posted electronically on the TAARN website and on Chieftain where it will be fee-free accessible to traditional leaders, policy makers and implementers, political leaders, development agencies, civil society and citizens around the world. A selection of chapters will be revised and edited into a book. Other chapters which are of high quality will be submitted for publication to the peer-refereeing process of the University of Calgary Press' journal, Chieftain. Initial findings of our research collaboration have been disseminated through the media in the four countries, internationally through such information platforms as IDRC Reports, through a series of conferences and consultations with researchers and practitioners in Africa, Europe and North America. The first book to come partially out of our IDRC-funded project was, Grassroots Governance: Chiefs in Africa and the Afro-Caribbean: seven of the eleven chapters were written by project members. Following the success of this book, the University of Calgary Press asked the project leader to edit a new book series on Africa. This series is entitled "Africa: Missing Voices" precisely to address the problems that researchers in the South and those of the North who are interested in the South (in this case African and Africanist researchers) have in gaining access to publication opportunities. Indeed the report, books and journal were all part of this project's strategies to address this challenge to collaborative, and especially Southern, research for development. IDRC funding of the project this created a multiplier effect in giving us the ability to create and implement these new opportunities successfully. Besides also having the benefit of enhancing publication opportunities for individual South researchers, these strategies also enhance the research capacity of the South countries as well as creating fruitful, mutually beneficial North-South-South research partnerships. IDRC gave our project the ability move towards creating, *inter alia*, genuine research partnership and collaboration for

⁴⁵ We are most grateful to IDRC's Special Projects partnership programmes that helped us establish the Traditional Authority Applied Research Network at the 1994 Chiefs and Development Conference in Ghana so as to be able to make African researchers full partners in this applied (i.e. policy) research network . We extend our special thanks to Gisele Morin-Labatut and Tom Dottridge in this regard. With regard to this present project, we found ourselves inspired by the advice of Dr. Jean-Michel Labatut of IDRC in how to make sure that this project created strategies that would turn these challenges into opportunities to make gains.

development between universities of the South and the North and promoting enhanced research capacity in both the South and North because of this collaboration.⁴⁶

Our North-South collaborative research for development was enhanced by the challenges and opportunities presented by gender as an analytical component and from the perspectives of the implementation of the research process and policy realities. In terms of designing and implementing the question of how to incorporate gender into the research process, I and my South partners were very fortunate to have the advice of IDRC to which we could refer and whose advice we could integrate into the project's design and implementation. First, gender had to be incorporated into the creation and development of the research teams in each of the three African countries and the co-ordination centre. IDRC encouraged us to include a session on gender at the initial workshop in South Africa which was led by a South specialist on gender analysis. We decided to make sure that, *inter alia*, gender was taken into account in the final recruiting of team members, always considering availability of research specialists in the needed fields and our ability to increase that present and future pool of female researchers by mentoring and recruiting women as graduate student researchers. At the design stage of the project in 1998 we had initially included women in some one-fifth of our positions, but by the completion of Phase I in 2004, women comprised nearly one-half of our total members.⁴⁷ Thus our IDRC-funded project impacted the ability of women to develop their research skills, to practice them and to significantly contribute to the output of the project and also to expand the research capacity of the South countries as well as the North country.

Second, we faced the challenge of how to incorporate gender into the framework of social sciences analyses that even in 1998 (and even now in 2005) have not, in reality and in large measure, included gender or are only starting to do so at a pace that feels as if one is walking through thigh-deep molasses. Another benefit of IDRC's encouragement for the initial project workshop to have gender incorporated as part of the discussions around our methodological and theoretical approaches was that these actually happened. Even those colleagues who had been initially reluctant to discuss gender as a needed component of our analysis came to the realisation of the need and research benefits to do so. Over the course of Phase I of the project, many team members did come to incorporate some aspects of gender analysis elements in our analysis.

Third, we had to face the policy challenges of how to incorporate gender into what is commonly thought to be an exclusively elite male set of political structures fuelled by patriarchal values, i.e. chieftaincy, also known as traditional authority or

⁴⁶ Space precludes a fuller discussion of a related point but it is important to note that the project and hence IDRC through its funding, mentored thirteen M.A. and Ph.D students from the South (i.e. Ghana, Botswana and South Africa) and five from the North (i.e. Canada) through varying degrees of research participation and publishing (but not tuition fees).

⁴⁷ Space constrains us but we also addressed the heritage of apartheid that blocked South Africans of color from receiving the education necessary to becoming university educated researchers by mentoring graduate students, many of whom were South African's of colour. As with the women, they had to have reached the door of excellence so that their mentors could use the project to open the door of opportunity for them, but it was the excellence of the individual graduate student that allowed them to walk through that door.

traditional leadership. These challenges proved to be more complex than many had thought and in the end provided surprises to the policy expectations of many. One of our researchers in Ghana was told in the 1990s that the idea of women as full chiefs was unlikely: chiefs, the story went, needed to be men if they were to solve important issues. In another case, we were told, at the beginning of the project that it was nice that IDRC was interested in gender but women would never become chiefs in Botswana. In the case of South Africa, the question of gender and traditional leaders seemed to be largely off the radar screen except for the opposition of some traditional leaders to giving full matrimonial rights under the new constitution. These were hardly promising beginnings for a research collaboration in which some were trying to paint gender as a concern of the North but which the South need not concern itself.

In fact by the end of Phase I, our North-South research collaboration for development had made a number of discoveries that show how important gender was for any analyses of traditional leadership. We saw the growing importance of women in traditional leadership in Ghana, Botswana and South Africa. Of course, gender continues to present considerable challenges to traditional authority but change is taking place. In South Africa women traditional leaders, especially those acting as regents, are playing greater roles (or at least achieving greater public profiles) than appears to have been the case in the past. Their presence is being noticed, for example, in the campaigns against HIV/AIDS. In Botswana women have been installed in two of the major chieftaincy offices: one of them becoming President of Botswana's House of Chiefs. In the case of Ghana, the vast majority of women traditional leaders are known in the English language as Queenmothers.⁴⁸ While it appears that queenmothers were relegated to a very low-level secondary order of importance by British colonialism, the office of the queenmother has enjoyed a revival and indeed geographic expansion since the 1980s under both the Rawlings and Kufuor governments. What we found with regard to queenmothers also reflects much of what we found with regard to the increasing involvement of male chiefs in development in Ghana that has been summarised in the introduction to our report to IDRC: the essential points are that traditional leaders in all three countries are increasingly becoming involved in promoting development for their communities, and that in the case of Ghana, male and female traditional leaders are considered to be one of the key sectors in the fight against HIV/AIDS. In the case of the Manya Krobo Queen Mothers Association in Ghana, the 371 queenmothers have formed themselves into an organisation that fights HIV/AIDS in their communities by performing the functions of "gate-keeping" (i.e. lending their credibility-based on their pre-colonial legitimacy roots – to campaigns organised by outsiders), taking part in social marketing campaigns (i.e. public education) and finally helping to build the capacity of their communities to deal with HIV/AIDS (these range from caring for the orphans to fund-raising). Increasing numbers of women and men traditional leaders are becoming actively involved in the fight against HIV/AIDS in Ghana.

⁴⁸ Queenmothers may or may not be the actual mother of the male chief or his predecessor, but they are the senior female royal, selected to the office of queenmother from the royal family. See especially the chapter on queenmothers by Christiane Owusu-Sarpong in the report to IDRC.

In conclusion, our project's North-South-South-South research collaboration created opportunities to carry out strategies to overcome a variety of challenges: IDRC funding was key to our success.