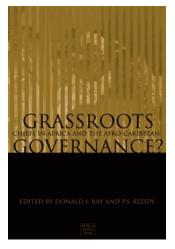# University of Calgary Press

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Rural Local Governance and Traditional Leadership in Africa and the Afro-Caribbean: Policy and Research Implications from Africa to the Americas and Australasia

CHAPTER 1

Donald I. Ray

PURPOSE OF THIS BOOK

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 and in parts of the Afro-Caribbean. This oversight continues to result in lost opportunities for rural local government and governance, in terms of both development and understanding. This interdisciplinary and intercontinental volume responds to this perception by using a series of innovative studies to establish a baseline for best practice and research in rural local government and governance to which traditional leaders (also called "chiefs") can contribute in co-operation with other policy practitioners, political leaders, researchers, citizens, and other members of civil society in Africa, as well as in other areas of the world where indigenous peoples and/or political structures exist, whether this be Fiji or Canada.[1] Of course such efforts are not without their problems and these are frankly addressed in a number of the case studies.

POLICY IMPLICATIONS OF THE MAJOR CONCEPTS AND THEMES

Traditional leaders are also known in English as chiefs, traditional authorities, traditional rulers, monarchs, kings, nobles, aristocrats, and natural rulers in a variety of African and other countries. While the literature has little problem with the use of this variety of names, in some countries the use of one name or another may invoke political problems. Thus, in South Africa, the term "traditional leader" is the desired official usage by government bodies such as the National House of Traditional Leaders and the six provincial Houses of Traditional Leaders, or a non-governmental body such as the Congress of Traditional Leaders of South Africa (Contralesa), because some see the term "chief" as being associated with the racist apartheid regime that was ended only in 1994. By contrast, in countries such as Ghana and Botswana, no such stigma or sensitivity is usually attached to the term "chief": Botswana has a House of Chiefs, and Ghana has a National House of Chiefs and ten Regional Houses of Chiefs. In this volume, the various terms for *traditional authority* are used interchangeably in a neutral sense. Traditional leadership is meant to include those political, socio-political and politico-religious structures that are rooted in the pre-colonial period rather than

in the creations of the colonial and post-colonial states. By this key consideration, traditional leaders can include kings, other aristocrats holding offices, heads of extended families, and office holders in decentralized polities, as long as their offices are rooted in pre-colonial states and other political entities. If the office is purely a creation of the colonial or post-colonial states but still involves indigenous peoples, then perhaps the office should be called "neo-traditional." Furthermore authors in this volume may or may not be using the terms *traditional authority* and *tradition* in the Weberian sense.

The division of the chronology of African political organization into three periods (pre-colonial, colonial, and post-colonial) is well-accepted, but should not be seen as being applicable only to Africa. As well, the special significance of this terminological genealogy needs to be noted briefly here.[2] The trilogy of pre-colonial state, colonial state, and post-colonial state applies to any contemporary state in Africa, Asia, the Americas or elsewhere that was the product of the imposition of European imperialism and colonialism since the expansion of capitalism out of Europe from the 1400s onwards. However, one might characterize the pre-colonial states and other political entities as being rooted in political legitimacies that were particular to their special histories which existed before these pre-colonial states and other polities were *absorbed* one way or another by European empires.

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

Kgosi* Mosadi Sebotto, Paramount Chief, Bamalete Tribal Administration, Ramotswa, Botswana, is the first woman to be paramount chief in Botswana (June 14, 2002).

Paramount Chief Chamba of Malawi. She is paramount chief over more than two hundred villages. Photo taken at the Commonwealth Local Government Forum's Symposium on Traditional Leadership, Gaberone, Botswana (September 1997).

Kgosi* Seepapitso II, Paramount Chief, Kanye, Botswana and then President of the House of Chiefs. Taken at the Commonwealth Local Government Forum's Symposium on Traditional Leadership, Gabarone, Botswana (September 1997).

(*traditional leadership title)
(above photos by D. Ray).

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

The post-colonial state is in a more ambiguous position with regard to the pre-colonial period and to traditional leaders than is the colonial state. Although the post-colonial state has often had its constitutional and legal legitimacy rooted in the colonial state, especially when there was a peaceful handover of power from the colonial state to the post-colonial state, the post-colonial state can claim its legitimacy from the additional roots of (1) the nationalist struggle for independence by the people, and (2) the expression of the democratic will of the people through elections and other political processes and, eventually, a legal-constitutional system that has been processed, re-validated and created by the institutions created by the post-colonial state which express the democratic will of the people.

However, the legitimacy of traditional leadership/chieftaincy institutions remains, in nearly all cases beyond the grasp of the post-colonial state precisely because chieftaincy legitimacy is rooted in the pre-colonial period and there has been a fundamental rupture in the political fabric 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.

The elephant tusk trumpet band announces the arrival of the Asante king, Osei Tutu II at the Manhyia Palace reception court in Kumasi Ghana. The umbrellas are symbols of legitimacy and authority of the Asante paramount chiefs who serve the king. Some of the elephant tusk trumpets have been bound with "elephant tape" (also known as "duct tape") (photo by D. Ray).

How the traditional leadership is practiced within the post-colonial state should determine our evaluation of whether or not traditional leadership is compatible with democratic practice at the local government and state levels. These points seem to have been lost or overlooked by much of the literature on democratization and democratic transitions.[3]

Some might raise the related question: is chieftaincy compatible with democratic local governance or even transitions to democracy? This is a very complex question that may produce surprises for those who raise this question if we think outside the hegemonic ideas box. While this question deserves a much fuller examination that must be given elsewhere because of the constraints of space, several points do need to be advanced. First, those who suggest that traditional leadership is not compatible with democracy may do so, inter alia, because they are steeped in the republicanism[4] of the United States which was itself a breakaway from the monarchical British state. U.S. republicanism could thus be viewed as being rather self-justifying in the legitimation of the separatist post-colonial state called the United States. By so doing, the U.S. could reject the institutions of the monarchy and then promptly substitute a rotating indirectly-elected kingship called a president for the office of a hereditary monarchy.[5] Republicans (not necessarily of the U.S. political party) might argue further that presidents are democratically elected by all the citizens and are thus accountable to every citizen, but that hereditary monarchs or traditional leaders are not. While there appears to be much validity to the argument, it is not unchallengeable. American presidents are not directly elected by every citizen, rather the president is chosen by a small elite. They are elected but by a very imperfect system that may well not have followed the wishes of the majority of U.S. voters in at least one case: George W. Bush's legitimacy as president may well be challenged by the confusion of the Florida vote in 2000. When the democratic legitimacy of the president of a republic can be questioned, how democratic is the republic?

Britain is known as the mother of democracy which evolved into a democratic parliamentary system with a constitutional monarchy. Canada shares its monarch with Britain. Can it be seriously argued that Canada and Britain are not democracies, but the United States is democratic because it rather has a president – one whose office is increasingly called the "imperial presidency"?

The mere presence of traditional leaders otherwise called monarchs, does not automatically render them anti-democratic. What republicans often seem to forget is that traditional leaders/monarchs can have their own legitimacy in the eyes of the citizens based on history and political culture preferences. Countries such as Canada

Nana* Fredua Agyeman is the Chief-of-Staff for the Office of the Okyenhene or the king of Akyem Abuakwa. He spends part of the year in New Jersey and the other part serving the king in Ghana. He assists the kingdom in local government development projects on the environment, education, health (especially HIV/AIDS) and income generation such as the snail farms (*traditional leadership title) (photo by D. Ray).

and Britain have so far chosen to retain their monarchies.[6] In short, the principle of monarchy has been intertwined with the Canadian and British political cultures for quite some time. Even the attempts by British Prime Minister Tony Blair to abolish the House of Lords has run into unexpected opposition from the citizens of Britain: such attempts to reform further this British *House of Chiefs* have been bogged down for some time.

Traditional leadership, it seems, continues to exist in Britain, Canada, and many African countries because the citizens want this, but they want this only under conditions that ensure that the traditional leaders are not seen to abuse their offices or the citizens. In a sense, to be a traditional leader is to be subject to informal referendums that are held on a daily basis forever: When the people decide not to honour the traditional leader, when the citizens decide to withdraw their legitimation of the chiefs, then these offices will no longer function. What republicans and their ilk seem to forget is that in many African countries traditional leaders continue to enjoy popular support because of their particular bases of legitimacy (see the chapters by Ray and Crothers). Chiefs, in these circumstances, remain important political actors, especially at the level of local government and local governance.

A few words on the use of the terms *government* and *governance* are important to clarify a key argument of this volume. While *government* deals with the formal activities and political culture (including legitimacy) as designated by such formal state mechanisms as constitutions and legislation, *governance* refers to government plus unofficial political activities and culture (including legitimacy) not originally endorsed or rooted in the post-colonial state. Thus the term *rural local governance* includes not only the rural local government structures, processes, and political activities and culture (including legitimacy) that are rooted in the colonial state and the post-colonial state, but also those rooted in the pre-colonial states and other pre-colonial political organizations. By so conceptualizing rural local governance, it is possible to include chieftaincy in our discussions even when chiefs are not formally included in such local government state structures. We need to consider what role in rural local government that traditional leaders might play, as well as the ways in which traditional leadership might enhance development at the level of rural local government on which so many demands are placed by those who are citizens of the post-colonial state and subjects of the traditional leaders.

Four main themes serve as the main focuses of this volume. The first focus is to analyze how to integrate, or indeed reconcile traditional leadership with democratic systems of local government in the post-colonial state. The second focus is to

scrutinize what traditional leadership brings to the culture of local governance in terms of political values, prevalence, importance, and contributions. The third focus is to examine the importance and performance of traditional leadership in the key local government function of the administration of land. The fourth focus is evaluating the development and management implications of having traditional leaders participate in rural local government and governance. Drawing comparisons between the case studies, the book discovers lessons and trends for such involvement. Some initial implications of this for Canadian chiefs, both traditional and neo-traditional, are considered in light of the African cases. The case studies are drawn from Ghana, South Africa, Botswana, Lesotho, other Commonwealth countries in West, East and Southern Africa, as well as the South American Commonwealth country of Jamaica which has heritage links to West Africa. Case studies are examined within the country and regional contexts.

POLICY AND RESEARCH ROOTS OF THIS BOOK

After millennia of existence, the pre-colonial states and other political entities of Africa were nearly all subordinated by treaty or conquest to the European empires by the beginning of the twentieth century. These processes of colonial incorporation brought in their wake the subordination or elimination of the pre-colonial states, other political entities, and numbers of their political offices. Sovereign kings and other office-holders were converted by the European empires and their colonial and colonial-settler states into *chiefs*, also known as *traditional leaders*, and other similar terms. The European colonial states in Africa often attempted to use chiefs, both traditional and neo-traditional, as auxiliaries to colonial rule. A considerable literature on chiefs grew during this period for a variety of reasons, not least the desire of those who controlled and administered the colonial state to better understand their traditional authority subordinates.

Independence and the creation of the post-colonial states resulted in a shifting of interest and research to the post-colonial states in their search for democracy and development. From independence in the late 1950s and 1960s, until the late 1980s and early 1990s, there was a decline in interest in traditional leadership as a potential complement to the efforts of the post-colonial state to promote development and

democracy at a variety of levels, including that of rural local government. This trend represents a certain change in the way that traditional leaders have been viewed in some quarters by some leaders of the newly independent states of Africa.[7] Within four years of Uganda's independence in 1963, Prime Minister Milton Obote used the Ugandan army in 1966 to capture the palace of the king of Buganda (who at that point was also president of Uganda), forced the Buganda king into exile, and abolished all the kingdoms by means of Uganda's 1967 Constitution.[8] Chiefs lost their formal constitutional recognition in less dramatic manners in Tanzania and Guinea. Ghana's future prime minister and president, Kwame Nkrumah, stated in 1950 that if Ghanaian chiefs did not support his nationalist movement – the Convention People's Party (CPP) – in the drive for independence from Britain, then the chiefs might eventually find themselves overthrown (Nkrumah 1957, 120; Arhin 1991, 31). In South Africa, there were doubts by some political leaders as to whether or not traditional leaders were to survive from the colonial, colonial-settler apartheid era into the new democracy (Bank and Southall 1996).

In part, these doubts and concerns reflected the perceptions of (at least) some nationalist leaders and other democrats that at least some traditional leaders were perceived by these people as having co-operated with the colonial or apartheid regimes, and that therefore those traditional leaders who had so co-operated were in effect the opponents of those who led the drive to independence. In other cases, democrats had raised the question of how could traditional leaders be incorporated into a democratic system when the principles of traditional leadership were interpreted to be not democratic; in as much as not every adult could be selected as a chief – only those who belonged to aristocratic families; and not every adult could *vote* for their candidate – only the electoral college *king-makers* (if they existed) could.[9] Given that the leaders of the post-colonial African state have had reasons and the ability to abolish traditional leadership as an institution, why have they not done so right across the continent? Indeed, why has there been a growing interest in a significant number of African states in involving traditional leaders in local government, governance, and development?

By the early 1990s, there was a revival of interest in traditional leaders amongst a growing number of African and Western governments,[10] researchers, foreign aid agencies, and civil society organizations and members. There has been a growing recognition, within and without Africa, of the need to incorporate somehow the traditional leaders of Africa into local governance, as one of a number of measures, if local government management and development are to be fully effective. At the

Obaapanyin* Yaa Kronama, Queenmother of Anyinam, birthplace of the founder of the Asante kingdom, which now has some three hundred residents (2002, photo by D. Ray) (*traditional leadership title).

initiative of the International Association of Schools and Institutes of Administration (IASIA), this volume brings together three networks of research into traditional leadership in Africa.

The Traditional Authority Applied Research Network (TAARN) is one such network that was founded in 1994. Following three years of planning in Ghana, Canada, and the Netherlands, researchers from seventeen countries in Africa, North America, Europe, and South America presented papers to their fellow researchers, chiefs, and other policy-makers on traditional authority in sixteen African countries and two South American countries (in which there are remnants of African-rooted traditional authority) to the September 1994 "Conference on the Contribution of Traditional Authority to Development, Democracy, Human Rights and Environmental Protection: Strategies for Africa."[11] This was held in Ghana at the Institute of African Studies, University of Ghana in Accra and at the National House of Chiefs in Kumasi. The conference resulted in two books (Arhin, Ray, and van Rouveroy 1995; van Rouveroy and Ray 1996), the mandate to create the Traditional Authority Applied Research Network (TAARN),[12] and a panel in Vienna which further generated another book (Zips and van Rouveroy 1998). The list of funding sources for the 1994 Ghana conference clearly indicates the widespread interest in reappraising African traditional leadership from a policy-based focus: the International Development Research Centre (IDRC),[13] the Netherlands government, the Ghana government, the government of Canada, the British Council, the University of Ghana, the University of Calgary, the African Studies Centre (Leiden, Netherlands), the University of Vienna (Austria), the University of Durban–Westville (South Africa), and Rhodes University (South Africa). Subsequent to this, TAARN received significant funding from the Research Development Initiative of the Social Sciences and Humanities Research Council of Canada (SSHRCC) for the electronic network component of TAARN. TAARN also received a major grant from the International Development Research Centre (IDRC), based in Ottawa, for the project "Traditional Leadership and Local Governance in Social Policy in West and Southern Africa." This project has country research teams in Ghana, Botswana, and South Africa as well as the co-ordination centre at the University of Calgary, Canada (Ray and Dalrymple 2000).

Another network exploring the possible contributions of traditional leadership to local government in African member states of the Commonwealth has been organized by the Commonwealth Local Government Forum (CLGF). Shortly after the founding of CLGF in 1994, it co-operated with the Federation of Canadian Municipalities (FCM) and officials and researchers from Botswana, Kenya, Sierra

Leone, Zimbabwe, and South Africa to run two small workshops in 1994 and 1995 on traditional systems of administration which resulted in a report (Venson/CLGF 1995). The question of the potential and actual contributions of traditional leadership to democratization and decentralization in local government was raised at the June 1995 Commonwealth Roundtable on Democratization and Decentralization that was held in Harare, Zimbabwe, and which also resulted in a report (CLGF 1995).[14] The roundtable endorsed a program of action that included the following statement on the need for the legitimacy of traditional leaders to be mobilized somehow in order to benefit local government and development:

> Traditional leadership is afforded considerable credibility and functions in many local communities and that with the creation of appropriate mechanisms for their involvement, such leadership can assist in the realization of development goals. (CLGF 1995, 31)

These leaders called for a follow-up meeting.

The "Symposium on Traditional Leadership and Local Government" was held 23–26 September 1997 in Gaborone, Botswana. It was organized by the CLGF in association with the International Union of Local Authorities – Africa Section (IULA–AS), the Botswana Association of Local Authorities, and the Botswana Ministry of Local Government, Lands and Housing.[15] Over fifty traditional leaders, elected mayors and councillors, senior local and central government officials, and researchers attended from the Commonwealth member countries of Botswana, Canada, The Gambia, Ghana, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, South Africa, Swaziland, Uganda, the United Kingdom, Zambia, and Zimbabwe, as well as Austria.[16] C. Wright, the CLGF Director, noted that this widespread participation demonstrated "the growing interest throughout Africa in the role that traditional leaders could play in the modern, pluralistic state." The symposium participants made four pages of recommendations in the report (Ray, Sharma, and May-Parker/CLGF 1997, 4–7) that needed to be recognized or have further follow-up work carried out. This symposium also brought together participants from the CLGF, TAARN (IDRC-funded), and the International Association of Schools and Institutes of Administration (IASIA).

The third research network, which is more fully analyzed in this volume's *preface*, has focused entirely on traditional leadership and rural local governance. The Local Government Management and Development Group of IASIA, chaired by Prof. E. H. Valsan (Egypt) and with Prof. P. S. Reddy (South Africa) as Project Director, has developed four major themes, including "Rural Local Governance and

Traditional Leadership." This last IASIA project has been developed at a series of conferences, especially those in Paris (1998) and in Athens (2001). IASIA has led the way in promoting policy analysis of traditional leadership's contributions to rural local governance. This volume is the result of IASIA's vision and dedication to the importance of this theme. Most of Africa's people live in rural areas yet these are precisely the areas that are often underserved in terms of resources, development, and techniques of governance. IASIA conceived of this book as one way of addressing these concerns.

POLICY AND CONCEPTUAL TRENDS AND LESSONS OF THE CHAPTERS

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

Local police, Ramotswe, Botswana. These police serve the chief's courts. Taken at the Commonwealth Local Government Forum – Symposium on Traditional Leadership (CLGF), Gabarone, Botswana, September 1997 (photo by D. Ray).

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.

Charles Crothers uses survey data to explore the socio-economic characteristics of traditional leaders and the degree of support that they have in South Africa. Using quantitative techniques to analyze chiefs – a research strategy rarely if ever applied to chiefs before – he finds that in socio-economic terms traditional leaders are not a homogenous social category in South Africa.[17] While some traditional leaders are wealthy, others are poor. Similarly, chiefs in South Africa range from the well-educated to those who have little or no education. Crothers found that there was widespread support for the participation of traditional leaders in local governance. This support is expressed in very particular ways in South Africa based on age, education, geographic location, and "race-group." The responses to surveys suggest that in some cases, South Africans believe that traditional leaders wishing to take part in the local government structures of the state should be subject to election, not appointment to those bodies. Traditional leaders were not expected to take part in party politics nor to take public stances.[18]

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.

Robert Thornton argues that South African chiefs and government have different sources of power. While governments rely on statutes and the idea of the state, the source of chiefs' power runs parallel to such governments. Thornton argues that the source of chiefs' power, and, indeed, the nature of traditional leadership itself, needs to be reconceptualized. Such a reassessment will help to explain the attitudes of those South Africans who, for example, see chiefs as exercising "non-political"

powers, yet also are not surprised to see chiefs lobbying governments and political parties. Traditional leaders, while not having a substantial formal role in rural local government, do carry out a number of important local governance functions that formal local government is not carrying out because it lacks the resources, capacity, or understanding. In South Africa, the formal local government structures of the post-colonial state operate, basically, on values and a system of dominance rooted in the European state (what others might link to the concepts of the colonial and post-colonial states). The traditional leader's power is rooted in the power that land gives. This is not simply the western-style instrumental relationship, but rather one that "derives from the concept of land and space that empowers the chief." Thus, the traditional leader has power and autonomy when he is on *his* land because this makes the traditional leader's office into an autochthonous (or pre-colonial) office with all of the attached legitimacy of independence. Thus, traditional leadership and rural local government can be seen as two overlapping "spatial orders" which are not at ease with each other. Development and democratic governance in South Africa will need to address these considerations that at present are being articulated as: "How can the local power of the chief be integrated into the overarching state system of political power?"

Tim Quinlan and Malcolm Wallis argue that traditional leaders have a central role in rural local governance in Lesotho. The historical experience of the people in Lesotho as Basotho has meant that their identity, rooted in the pre-colonial period, has continued into the period of the post-colonial state. Their identity has been and continues to be intertwined with that of the chiefs. Thus, chiefs have their own basis for legitimacy. Moreover, these traditional leaders perform many important local government functions at the grassroots in the relative absence of the national government and its bureaucracy. However, Quinlan and Wallis argue, this is not to say that chiefs and the state exist in a dual structure of government, nor in a "'traditional'–'modern' dichotomy," but rather that "chiefs and national governments are always enmeshed in each other's intentions such that neither party ever succeeds in supplanting the other." Lesotho is a case study of how chiefs have retained their legitimacy with the people while avoiding the efforts of the colonial and post-colonial states to change traditional leaders into "functionaries of the state." Lesotho chiefs remain a cornerstone of rural local governance.

Lungisile Ntsebeza examines the implications for the development and democratization of post-apartheid South Africa that the interaction of traditional leaders, rural local government, and rural land tenure reform have had. These latter three form an

interactive triad that need to be examined not individually but as a whole in order to better understand the prospects for rural local government in South Africa. Moreover, in order to understand the present and the future, it is necessary to understand the past. Ntsebeza explores how British colonialism and its follow-on, apartheid South Africa, acted to try to capture the descendents of the pre-colonial African political structures (states, etc.) so as to create a system of colonized rural local government in which traditional leaders worked within a framework increasingly controlled by the colonial and apartheid states. During this time, much of the accountability of traditional leaders was thus switched from their people and pre-colonial principles of governance to the authoritarian colonial and apartheid states. At the same time, the colonial and apartheid states took the vast majority of the land away from the traditional leaders and their peoples. These processes have had a profound effect on rural local government, even after the end of formal apartheid and the holding of the first truly democratic elections in 1994 as the post-colonial state was established. Ntsebeza argues that "current initiatives to implement policy and legislation on land tenure and local government are frustrated" by conflicting constitutional principles in post-apartheid South Africa: elected representative government and unelected traditional authorities. Since 1994 rural local government in the Eastern Cape Province was often ineffective because it lacked the resources and skills as well as having to cover too large a territory for the number of elected representatives. While elected rural government was too thin on the ground, traditional leaders were numerous and formed their own system of governance which was able to block or channel the land tenure reform efforts of the government when chiefs' interests in controlling land were threatened. Accordingly, Ntsebeza recommends that traditional leaders have a much less decisive role in rural local government, but that they should not be abolished. The role of the Eastern Cape traditional leaders in rural local governance needs to be reconsidered and reoperationalized in order to overcome the heritage of colonialism and apartheid.

Werner Zips examines the transformed survival of Ghanaian traditional authority values and structures in the Maroons in Jamaica, and examines its implications for rural local governance in Jamaica. Present-day Maroons are descendents of Africans who had been enslaved and transported to the Americas (e.g., Jamaica, Surinam, Colombia, Brazil) to work in the slavelabour plantations of these then European colonies, but who had successfully escaped. The Maroons of Jamaica carved out their own territory in the 1600s and 1700s by fighting off British colonial forces until the peace treaties of 1738 and 1739 were signed between the Maroon state and the British empire. Maroons had thus successfully created a society and a state, albeit

This 1996 photo shows the former Asante King's police station in Kumasi which is now a Ghana Police station. Chiefs in Ghana had their own police forces up to the early 1950s (photo by D. Ray).

a small one, using their interpretation of what was remembered from their cultural and political roots in the pre-colonial states and other polities of Ghana. As Zips demonstrates, the British colonial state and its successor, the Jamaican post-colonial state, have been uneasy with the presence of a potential rival state in the midst of their state. This certainly is a case of divided sovereignty. Since independence, Jamaica has not fully recognized the traditional authority structures of the Maroons. Zips argues that this is a matter of regret for several reasons. First, the downgrading of Maroon traditional authority structures lessens the cultural heritage for Jamaicans and others of Jamaica's first freedom fighters against slavery and colonialism: the Maroons. Second, the Maroons with their African-rooted institutions add to Jamaica's cultural, legal, and political richness. Third, the Maroons themselves as Jamaicans would like to see their governance institutions legitimized by the Jamaican post-colonial state. Finally Zips calls for these points to be recognized by implementing a type of complementary sovereignty in which independent Jamaica incorporates in some way Maroon institutions into Jamaican rural local government.

Keshav Sharma examines the history and changes of the involvement of traditional leadership in rural local government in Botswana from pre-colonial times through the colonial period and now into the independence period. Having shown the resilience of traditional authority as it was subordinated and changed under British colonial rule until independence in 1966, Sharma argues that in Botswana the principles of democratic elected representative government have been reconciled and articulated with the political-cultural indigenous heritage of governance manifested in chieftaincy. Chiefs in Botswana have had their powers limited by the post-colonial state over such aspects of rural local government as control of land tenure and the withdrawal of chiefs' former automatic membership in the Land Boards or in the elected District Councils. Chiefs can even be deposed for not implementing the instructions of the Minister of Local Government. Yet chiefs continue to play key roles in Tribal Administration and the local level chiefs' courts, albeit under the supervision of the state. Moreover, the participation of chiefs in Botswana's House of Chiefs gives them access to the lawmakers and executive of Botswana at the highest levels. While chiefs may be dissatisfied with the fact that the House of Chiefs is not a U.S. or Canadian Senate, nevertheless the Botswana House of Chiefs remains important to the chiefs and people of Botswana.[19]

P. S. Reddy and B. B. Biyela's analysis of the relationship between traditional leadership and rural local government in the KwaZulu-Natal province of South Africa during the post-apartheid era reveals a strikingly different situation in certain ways

to those in the areas elsewhere in South Africa that Ntsebeza and Thornton examine. In the province of KwaZulu-Natal, traditional leaders extended their authority, or claimed to do so, over virtually all of the rural areas. The Zulu king is recognized by the constitution to be the king of all people in the entire province, although what this means exactly in practice is still being worked out. Under apartheid, the Zulu chiefs' authority was exercised in the so-called "homelands;" i.e., those rural areas of the then Natal province not taken by the settler regime. Since the ending of apartheid in 1994, major reforms of the local government system in South Africa have been having or might have significant effects on the powers of traditional leaders in rural local government. These involve the replacement of previous rural local government structures with elected District Councils. Chiefs will play a much less powerful role in rural local government, including land allocation, as the District Councils grow in strength. However, at this time, the new District Councils greatly lack resources and the capacity to carry out their assigned tasks in KwaZulu-Natal. Given this, traditional leaders continue to fulfill some local government functions in some cases. In other cases there is friction between the traditional leaders and the elected councillors. Furthermore, this friction is complicated by the bitter partisan rivalries between the African National Congress (ANC) and the Inkatha Freedom Party (IFP). Such is the legitimacy and influence, not to say power, of traditional leaders in the KwaZulu-Natal province of South Africa, that the question of how to incorporate them into the new South African system of local government has continued into the present.

As an active policy practitioner at the interface of policy implementation and research, Carl Wright brings a unique perspective to this debate. Wright discusses what the elected leaders and the officials of local government as well as the traditional leaders from twelve Commonwealth African countries in East, West and Southern Africa agreed should be done with regard to involving traditional leaders in local government. At this 1997 conference held in Botswana, they agreed that in many African countries traditional leaders continue to be seen as legitimate political actors by their people. Local government structures, policies and other development may well be enhanced by the participation of traditional leaders. Chiefs may be able to mobilize the support of their people for various development policies and projects as well as enhancing "social and cultural stability" within the context of promoting the health and self-worth of all within the community. The symposium ended in the issuing of a detailed list of policy recommendations and a call for more networking between African and other countries with regard to the participation of traditional leaders in rural local governance.

A NEW STRUCTURE OF GOVERNANCE FOR CANADA, THE UNITED STATES, SOUTH AMERICA AND AUSTRALASIA? – LESSONS FROM AFRICA'S HOUSES OF CHIEFS

Canada, the United States, many of the countries of South America, Australia, New Zealand, and others are post-colonial states controlled by the settler population, but in which there are continuing, unresolved questions with regard to the indigenous peoples. One of the lessons that Canadians and others in the United States, South America, and Australasia might learn from examining the role of African chieftaincy in rural local government may well come from one of Africa's structures of governance: the House of Chiefs. While there are important differences[20] between the institutions of chieftaincy (both traditional and neo-traditional leadership) in Canada and other similar countries as compared to various African countries, Canadians and others should at least examine the contributions that a House of Chiefs or House of First Peoples as, for example, Canada's Third House of Parliament might make to the self-governance of Canada's indigenous peoples.[21] Such a House of Chiefs would create a forum for the recognition and implementation of traditional methods of governance as well as creating a forum for raising the public awareness on aboriginal issues and rights and then acting on those questions.

The principle underlying the Houses of Chiefs is simple. All democracies have at least one House of Parliament that represents all citizens on questions of national (i.e., state-wide) importance. Some countries, like Canada, the U.K., and the U.S., also have a second House of Parliament – a Senate or House of Lords – based on situations or interests related to geography, regional equality, or history. In Ghana, Botswana, and South Africa, there are also Houses of Chiefs or Houses of Traditional Leaders.[22] These *houses* are not second or upper houses *per se* but are designed to address special aspects of their country's political culture. These Houses of Chiefs exist because they represent different roots of political legitimacy than commanded by the main House of Parliament: Houses of Chiefs are meant to express the political legitimacy of those institutions rooted in the pre-colonial period and to which the post-colonial state has great difficulty accessing for reasons of political history.[23] These bodies are concerned with how the post-colonial state – the government – should respond to the problems of indigenous people (rooted in the pre-colonial period) who have been colonized, but whose political, social, cultural, and economic (including land) values, relationships, and structures have survived to a greater or lesser degree.[24]

Daily life in the commercial area of Nkawkaw, Ghana (2000, photo by D. Ray).

The Ghanaian, South African, and Botswana Houses of Chiefs have the authority to advise their government on all sorts of issues. Depending upon the country, these issues can range from landownership or governance questions to the evaluation of "traditional customs and usages" that the House of Chiefs believes are in need of change. In Ghana, for instance, at the request of the government, the Houses of Chiefs have participated in the delicate questions of landownership and concluded that traditional forms of communal landownership, under which virtually every Ghanaian has or had rights to some land, should be maintained despite pressures from foreign and domestic investors to allow private ownership. Also, numbers of male and female traditional leaders and state leaders are collaborating in the national strategy against HIV-AIDS.

Unlike the situation in Canada and other settler-dominated post-colonial states, indigenous peoples in Ghana, South Africa, and Botswana now control the post-colonial states. They have decided that matters that concern all citizens will be dealt with by their parliaments, and that special *traditional* or indigenous questions will be handled by their Houses of Chiefs, which have the power to debate and arrive at decisions.

The Houses of Chiefs often invite presidents or other heads of state, cabinet ministers, civil servants, judges, and other officials to address and debate issues. Chiefs often play a key role as local community advocates, articulating local needs in the Houses of Chiefs. In Botswana, the House of Chiefs can summon a cabinet minister to answer questions about her or his government portfolio. In these ways, the Houses of Chiefs have the power to raise issues with the government and to push for more accountability than if they did not exist.

The Houses of Chiefs act as a conflict resolution mechanism when disputes arise between ethnic groups over traditional matters. In Ghana, such disputes may be taken first to the Regional House of Chiefs and then, if need be, to the National House of Chiefs. At each stage, careful and thorough, informal and formal discussions and committee work ensure that many traditional ethnic questions are resolved. When they fail, the results may be disastrous. Such *houses* are not infallible, but they do offer another tool with which political conflicts may be settled.

The role of women in traditional local governance is also important. In southern Ghana, women are included in nearly all paramount chieftaincies as *queenmothers*. These women, who are not necessarily the mothers of the chiefs, have the right to nominate – even impeach – chiefs. Queenmothers advise chiefs and also act as moral leaders of the community. But while these women traditional leaders are represented

at the grassroots level of the Houses of Chiefs (i.e., the Traditional Councils), they are not yet in the Regional and National Houses of Chiefs. In Botswana, the first woman was selected as a paramount chief and now sits in the House of Chiefs as a full member. As Canada has a number of elected women chiefs, the question of gender could be usefully discussed by both Canadians and Africans.

There may be merit in investigating the usefulness of adapting Africa's Houses of Chiefs to the needs of Canada's First Peoples. Of course it is for Canada's First Peoples to examine this possibility. This evaluation could start with information exchanges between Canadian and African chiefs, researchers, officials, and others. Other similar countries in North America, South America, Australasia and elsewhere might well wish to join this process.

Ultimately, the creation of a House of First Peoples could give indigenous leaders an ongoing institutional capacity to deal with their issues, as well as opportunities to raise these issues – as colleagues – with members of the Canadian House of Commons and Senate, as well as with civil servants and the national media. A House of First Peoples could also be delegated responsibility and funding to deal with aboriginal issues. This would seem to be in keeping with recent statements by both Indian Affairs and Northern Development Minister Robert Nault and Deputy Minister Shirley Serafini that the Canadian government "must rethink our role and shift to being facilitative while Aboriginal communities build up the government side of the equation to develop more independence and autonomy." A House of First Peoples might also be of interest to the Assembly of First Nations and others, given the desire for self-government and development as articulated by National Chief Matthew Coon Come, who launched the First Nations Governance Institute on 7 May 2001.[25] Good governance is essential to sustained social and economic development: Africa's Houses of Chiefs could provide a governance model built on the principles of inclusion, equality, cultural heritage and responsibility.

Acknowledgments

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NOTES

1. The federal government in Canada has initiated a process involving changes in what amounts, inter alia, to a level of rural local government for Canada's treaty status First Nations.

2. For a fuller discussion of the key concepts of pre-colonial, colonial, and post-colonial states, with their attendant significance for the concepts of traditional leaders existing in the post-colonial state, but being rooted in the pre-colonial states and other polities, as well as divided legitimacy and divided sovereignty, see the section entitled "The Effects of Traditional Leadership on the Concepts of the State, Sovereignty and Legitimacy" in Ray's Ghana chapter.

3. There are massive literatures in these fields and approaches to democracy, but which often seem to overlook this point. See, for example, Di Palma (1992), Anderson (1999) or Joseph (1994) for interesting examinations of democratization and democratic transitions. See also Tettey (2000) who clearly warns us against the uncritical romanticism and revivalism prevalent in some quarters that uncritically equates all aspects of pre-colonial culture and politics as being inherently democratic. As Tettey notes, contextualisation is key to any analysis.

4. I do not mean necessarily to attack the idea of republicanism, but rather to show that there are other ways of conceiving the concept of democracy without automatically adopting the assumption that democracy cannot exist without republicanism.

5. Is it not interesting to note that there have been more female British/Canadian monarchs as heads of state than there have been female U.S. presidents?

6. Indeed, Canada was in part settled by British North Americans who remained loyal to their monarch during the U.S. republican breakaway. Significant numbers of English-speaking loyalists and francophone Canadians joined British troops to fight off the republican invasions during the war of 1812.

7. Of course, in countries such as Ghana and Botswana there had been an on-going interest in traditional leaders during this period.

8. The kingdom of Buganda was one of the powerful pre-colonial kingdoms that Britain incorporated into their Uganda colony. The post-colonial state of Uganda incorporated the Buganda kingdom at independence.

9. The parallels to such bodies as the presidential electoral college in the United States need to be further explored, especially in light of the major problems in the U.S. voting system that emerged in the 2000 presidential election in the state of Florida that cast doubt over the legitimacy of the 2000 presidential election of the U.S. democracy.

10. For example, the Buganda monarchy was restored to a certain extent in 1993 by President Yoweri Museveni of Uganda. For one interpretation of these events, see Oloka-Onyango 1997.

11. For more information on the conference, see Ray's section in Ray and van Rouveroy 1996, 1–22.

12. For more information on TAARN, see Ray's section in Ray and van Rouveroy 1996; Ray and Quinlan 1997, as well as pp. 7, 9, and 58 in Ray, Sharma, and May-Parker 1997 and especially Ray and Dalrymple 2000. TAARN's website address is www.ucalgary.ca/uofc/faculties/SS/POLI/RUPP/taarn

13. IDRC's funding was key to the success of the conference. IDRC, especially Dr. J. M. Labatut, has continued to play a very significant role in the development of TAARN.

14. The roundtable was organized by the CLGF with the co-operation of the International Union of Local Government Authorities – Africa Section (IULA–AS) and the support of the Federation of Canadian Municipalities (FCM). The attending local government ministers, deputy ministers, and other senior local government officials and leaders were from Zimbabwe, Zambia, Uganda, Tanzania, Swaziland, South Africa, Sierra Leone, Seychelles, Nigeria, Namibia, Mozambique (observer), Mauritius, Malawi, Lesotho, Kenya, Ghana, the Gambia, Cameroon (observer), and Botswana.

15. Additional assistance was also provided by the Botswana House of Chiefs and Gaborone City Council. The symposium was sponsored by the Commonwealth Secretariat, the Municipal Development Programme and the Federation of Canadian Municipalities (FCM).

16. Since Sierra Leone was suspended from the Commonwealth at the time because of the military coup, the paper on Sierra Leone was presented by the Sierra Leonean researcher Mr. I. May-Parker. Dr. W. Zips attended on behalf of the Institute for Cultural and Social Anthropology, University of Vienna. Prof. P. S. Reddy attended on behalf of the University of Durban–Westville in South Africa and on behalf of the Rural Local Governance Project of the International Association of Schools and Institutes of Administration (IASIA).

17. See also Ray (1992) for a discussion of the socio-demographic characteristics of chiefs in the Ashanti region of Ghana.

18. Interestingly, in Ghana and Botswana, chiefs are constitutionally banned from taking part in party politics, while this is not yet the case in South Africa. The 1995 South Africa survey results have to be considered within the context of (a) the 1994 ending of formal apartheid with the first democratic elections in which some chiefs did act on behalf of certain parties and also the bloody civil war that pre-dated this and in which some chiefs in certain areas who were aligned with political parties did take part. The point here is that the 1995 survey did not take place in a vacuum but within the context of a very immediate contentious history of which nearly all South Africans would be aware. Seen in this way Carrouthers' results seem to suggest a remarkable survival of popular support for traditional leadership. How would Ghana's chiefs fared if such a survey had been conducted in the aftermath of the 1950's struggle between Nkrumah's nationalists and those chiefs opposed to them?

19. Further evidence of this can be seen from the major dispute over which people were entitled to have their traditional leaders as members of the House of Chiefs. In late 2000 and 2001, a presidential commission of inquiry investigated the issue amidst much delicacy, but the issue still had not been finally resolved as this book went to press.

20. These differences are beyond the scope of this book, but in both sets of cases the underlying context of indigenous peoples having to deal with the consequences of colonialism in the form of the post-colonial state, etc., is shared.

21. The governance modalities would vary from country to country.

22. Ghana has a National House of Chiefs and ten Regional Houses of Chiefs. Botswana has a House of Chiefs. South Africa has a National House of Traditional Leaders and six Provincial Houses of Traditional Leaders. I refer to them all as being a generic category entitled "House of Chiefs."

23. This dynamic is discussed above in this chapter and also in Ray's chapter.

24. My research, supported by the International Development Research Centre of Canada as well as the Social Sciences and Humanities Research Council of Canada, is looking at ways in which state and traditional leaders can work together to foster development in these countries.

25. *Windspeaker*, June 2001, 19, no. 2, p. 1.