



GRASSROOTS GOVERNANCE? CHIEFS IN AFRICA AND THE AFRO-CARIBBEAN

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LOCAL GOVERNANCE IN LESOTHO: THE CENTRAL ROLE OF CHIEFS

CHAPTER 6

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INTRODUCTION

Public debate in Southern Africa about traditional authorities generally revolves around two positions. On the one hand, chiefs are regarded as outdated forms of authority and, therefore, they should have no role in government. An extension of this argument is that the institution of chieftainship is a hindrance to evolution of political democracy and, therefore, the institution should not be recognized by the national government at all. On the other hand, chiefs are regarded as significant forms of authority, particularly in rural areas, and therefore they have a role to play in the government of a modern state. An extension of this argument is that the institution of chieftainship stands alongside the bureaucracy of a modern state and, therefore, the institution needs to be transformed to the effect that chiefs become line functionaries within local government structures.

The debate is long-standing and unresolved. Chiefs have never been as malleable as the national government of the day or the populace might wish. Here, we examine a familiar historical pattern: national governments always prescribe roles and functions, but this has been an intractable problem in the case of traditional authorities. We use Lesotho as a case study of how many chiefs continue to be popularly legitimate authorities in rural communities, just beyond the reach of the national government, despite efforts, first, by colonial governments and, later, by successive national governments to transform them into functionaries of the state.

We argue that chiefs and national governments are always enmeshed in each other's intentions such that neither party ever succeeds in supplanting the other. The institution of chieftainship has been transformed over time in Lesotho, partly as a result of government interventions, but the new forms have never been in the image of the government of the day. We assert two principles for understanding the existence of the chieftainship in Lesotho. First, the appearance of a dual structure of government in Lesotho is deceptive, and any analysis that proceeds on this basis must confound itself. Such analysis inevitably overemphasizes the difference between the structures at the cost of ignoring the historical process by which both traditional and modern forms of government have evolved together. Secondly, the notion of traditional authority is misleading, for the form and role of chieftainship in Lesotho has changed over time. In other words, we question any analysis that presumes a traditional–modern dichotomy with regard to the existence of a chieftainship in Lesotho.

WHAT IS A CHIEFTAINSHIP?

If one were to ask “what is the chieftainship?” (*serena* in Sesotho), many Basotho would hesitate to answer. Few people would adopt such a distanced stance as is implied in using the word *serena*; indeed, it is rarely used in conversation. But if one were to ask “what is a chief?” an answer would be given readily. People describe the chieftainship as *Marena a Lesotho*, literally *the chiefs of Lesotho*. There are many *marena*, approximately 1,558 (Mazenod 1984)¹ – one for every thousand citizens. Although there are formal distinctions of rank between chiefs (e.g., district chief, ward chief), and between them and headmen (*bo ramotse*), all are popularly acknowledged by the title *morena*.

Individual chiefs are identified by name, for that relates the person genealogically to predecessors and indicates that the office is a hereditary one. Chiefs are also identified by the area they live in, which allows description of the chieftainship as a set of offices with jurisdiction over settlements. However, the chieftainship is not a static entity. Agencies within and beyond Lesotho have shaped the chieftainship, giving it a heritage which stretches back to pre-colonial African societies, across the world to Europe, and which includes political and economic developments in South Africa.

A stereotypical description portrays a pyramid structure with the office of king at the apex under which there are strata of chiefs and headmen down to a broad base of councillors. This structure is based on a territorial division of authority; small areas administered by headmen are encapsulated in larger and larger territories of succeeding strata of chiefs to the point where the king is vested with authority over the whole country. This description reflects the influence of colonial and post-colonial governments in shaping Lesotho society. However, it obscures the interaction between indigenous and colonial authorities in creating the chieftainship in Lesotho.

There was mutual effort by leaders on both sides to create a hierarchical structure of chiefs, but they had different premises and aims. Whereas colonial officials sought to define authority on the basis of territories, the indigenous leaders sought to incorporate this basis within a model of kinship. Political authority was to be structured according to individuals’ genealogical position in relation to the founder of the Basotho nation, Moshoeshe I. In sum, chiefs in the past and today proclaim the chieftainship as a dynastic form of authority (Hamnett 1975; Mazenod 1984).

However, subsumed within both models, there are pre-colonial and novel concepts that emphasize personal relationships between chiefs and subjects, and the subordination of chiefs’ authority to the material and symbolic needs of the populace.

Table 1: The pyramid description of the chieftainship

Paramount Chief/King (Morena emoholo/Motlotlehi)	(1)
District Chief (Morena oa setereke)	(10)
Ward Chief (Morena [oa sehloho])	(14)
Sub-Ward Chief (Morena)	(556)
Village Headman (Ramotse)	(1,002)
Councillor (Letona)	(?) ²

(Source: Mazenod 1984)

The chieftainship is akin to the hub of the wheel, kept in place by the spokes that are the relationships between chiefs and subjects. In sum, the chieftainship is the focal point of society, around which, and through which, Basotho define the nation, the country, and their place in it. As we shall see, this popular understanding of the chieftainship has hindered succeeding governments' ability to govern in the rural areas.

In view of the above, how should one describe the chieftainship in Lesotho? Each description reveals significant features and important agencies in its development, but no single description is adequate. The descriptions indicate a complex political process in which there have been conflicting notions of what the chieftainship is, and what it should be. There is tension between the impetus to define a hierarchy of political authority over and above the populace, and that which seeks to keep political authority grounded in citizens' everyday concerns and activities. It is this tension which reveals the life and complexity of the chieftainship. The chieftainship is always coming into being, for it has yet to be drawn entirely in the image of any of its makers. The stereotypical description of the chieftainship is illustrated in table 1. The numbers in brackets indicate the approximate number of incumbents.

The emphasis in this chart is on territorial differentiation of authority.³ The paramount chief or king has dominion over the whole country. Territorial sub-divisions demarcate areas of jurisdiction of subordinate chiefs, down to a spatially defined unit: the village. This description reflects Lesotho's development as a geo-political entity. It is a state that occupies a defined area of land. Within the country there are now ten administrative districts, but the boundaries of chieftainships do not coincide with them

in several instances. Within these districts there are smaller demarcated areas, known as wards and sub-wards, while numerous villages dot the landscape.

A British imperial hand is evident in these developments. Following the creation of the Basutoland protectorate in 1870, British officials proceeded to establish an administration on the basis of territorial units. At the time, this territory was described in terms of three loosely defined areas under the authority of three chiefs, the senior heir to Moshoeshoe I and two of his brothers, and one area governed by a magistrate (Lagden 1909, 462). All were in the lowland regions while the vast mountain interior was simply described as “very rugged ground” (*ibid.*).

By 1884, when Basutoland became a Crown Protectorate, the borders of the country had been demarcated. By 1904, the interior had been demarcated into seven districts (Berea, Maseru, Leribe, Quthing, Mafeteng, Mohales Hoek and Qacha’s Nek). At the turn of the century, Butha Buthe and Mokhotlong were simply small police camps which would later be administrative nuclei for districts that would be demarcated during the 1940s. This practice continued after independence. In 1978, the district of Thaba Tseka was carved out of existing districts, following the growth of a small town, Thaba Tseka, as an administrative centre in the central mountain region (Ferguson 1990, 76, 80).

Colonial officials encouraged spatial demarcation by which senior chiefs were proclaimed as district chiefs and their subordinates were placed in sub-divisions of these areas (wards and sub-wards). Alarmed by the proliferation of chiefs, and by conflicts over territorial claims, the colonial government rationalized the structure during the 1930s, following the Pim Report of 1933 (Hailey 1953, 69; Hamnett 1975, 35–36). A limited number of district, ward, and sub-ward chiefs and headmen were recognized in a government gazette and, thereafter, only these individuals and their heirs were to be accorded official status as authorities. That heritage is evident today. People can readily point out the areas under the authority of particular headmen, and how each area is encapsulated by wards and districts.

However, the colonial description subsumes another description that is based on a patrilineal model of authority that was elaborated by the chiefs themselves. This model originated with Moshoeshoe I who strove to build the Basotho nation into a coherent entity that could challenge the intrusions of colonial settlers. He appointed sons (“Sons of Moshesh” is a common term in the early literature and in local parlance) and brothers subordinate to himself, with authority over particular settlements and immigrant groups. Oldest sons inherited the positions of their fathers, and their

brothers were appointed as subordinate chiefs to govern smaller communities within the broader community of the oldest sibling.

This *indigenous* hierarchy invoked a pre-colonial model of society. Agnatic relationships formed the framework for the transfer of wealth and authority, nominally specified by the link between father and eldest son. Lineages, interconnected through marriages, provided the skeleton for defining individuals as members of a group and for their identity vis-à-vis other groups. Oral genealogical records that traced male ancestors back to a single legendary ancestor, like branches of a tree to a trunk, provided the basis for identifying clans and the relationship between members of different groups.

This model was useful to draw people into the Basotho polity. It defined real and imagined relationships between the many groups on the high veld and, in the context of colonial intrusion, it could be used to unite those groups into a corporate entity. Moshoeshoe's half brother, Mopeli Mokhachane, for example, brought his own following into the Basotho fold following the numerous conflicts with colonial settlers during the 1840s and 1850s. Thereafter, he was acknowledged as a chief under the authority of Moshoeshoe's third son, Masopha (Damane and Sanders 1974, 96–97; J. de Miss. Ev. 41 (1866): 46). Characterization of a chief as a father figure, and of his role as a personal leader, indicates that there was a distinctly indigenous premise to political authority which was the antithesis of the colonial perspective that tended to place an overwhelming emphasis on territoriality. Humans were the fundamental resource rather than territory. However, elaboration of authority on this premise alone proved to be short-lived in the face of persistent colonial pressure.

Encapsulation of a population within the territorial borders of the protectorate simply created a group for which political organization had to be developed. Within these confines, Moshoeshoe's agnates elaborated the kinship model of authority to their advantage. The Laws of Lerotholi provide an apt illustration. The laws were written after Lerotholi became paramount chief in 1891. They are ostensibly a "declaration of Sotho law and custom," but they have also been a means for senior chiefs to codify a system of authority in the image they desired (Hamnett 1975, 37–40). They were also strongly influenced by colonial officialdom and the missionaries. The rules for succession, for example, coincidentally justified Lerotholi's position as the paramount chief that had been previously contested. The pertinent rule (Duncan 1960) states that:

The succession to chieftainship shall be by right of birth; that is, the first born male of the first wife married; if the first wife has

no male issue then the first born male child of the next wife in succession shall be chief.... Provided that if a chief dies leaving no male issue, the chieftainship shall devolve upon the male following according to the succession of houses.

The significance of this rule belies the fact that Lerotholi was the oldest son of Letsie I's second wife, and heir apparent because his father's first wife had borne no sons. The question of who would succeed Letsie had been raised before Moshoeshoe died, and the latter had tried to stipulate that the heir should be a son born to the daughter of Letsie's first wife. Hamnett (1975, 39–43) has also described similar instances in later years when succession to the paramouncy was questioned, when different principles had to be applied, and, on occasion, when attempts were made to change the laws to suit the desires of the incumbent paramount chief.

Hamnett (1975, 38) described the application of the kinship model as "heredity modified by expediency." A few principles were elaborated, but the model always contained ambiguities that could not be resolved. Hamnett (1975: 25–35) explained these ambiguities through what he calls the "retrospective" and "circumspective models." The former refers to the way Moshoeshoe was seen as a founder of a dynasty, with his four sons forming the basis of cardinal lineages. Taken as fixed points of reference, these lineages determine forever the structure of the chieftainship. In each succeeding generation, the eldest son of each incumbent would inherit the position of chief, and together they would form a closed elite group of chiefs. If these chiefs decided to appoint other agnates or supporters as subordinate chiefs, inheritance to the positions would follow along the same lines as for the principal chiefs. However, the model also contained the seeds for chiefs to use the circumspective model. If Moshoeshoe could place his younger sons as chiefs, then other chiefs in each succeeding generation could do the same. In other words, in each generation a chief acted as a new founder of a lineage.

Hamnett provided a convincing explanation of the origins and dynamics of what was known in Lesotho as the "placing system," by which chiefs were appointed and how the number of chiefs proliferated accordingly. In 1938, the colonial government formally began to rationalize the chieftainship through statutory proclamations. The formal process was to last twenty years. The number of chiefs was reduced, and the statutory authority of chiefs was curtailed and made subordinate to the colonial government (Ashton 1952, 186; Hamnett 1975, 35). The proclamations were a means for the colonial government to clarify territorial areas of jurisdiction, to specify the number of these chiefs in these areas, and to subordinate the authority of chiefs to

colonial institutions. However, senior chiefs were very involved in the process, such that individuals whose genealogical ties were closer than others to Moshoeshoe I and his immediate heirs, were confirmed as authorities, thereby re-affirming their status as senior chiefs. Other chiefs and headmen whose genealogical status did not dovetail with this rendition of the patrilineal model, generally lost their legal status as authorities.

In sum, the chieftainship was shaped into a more coherent form than it had in the past as a result of the combined actions of senior chiefs and colonial officials. One needs to be circumspect, however, about any suggestion (Ashton 1952; Jones 1951; Hamnett 1975) that the chieftainship was fixed into a particular form by the 1950s. The possibility of a neat synchronization of the kinship and territorial models, for example, is unlikely in view of the different premises of their creators and the ambiguities in the kinship model. Hamnett's argument that the political system was reconstructed suggests new tensions as much as resolution of old ones. Furthermore, as much as institutions may be shaped by elites, it is improbable that something so central as the chieftainship could be reconstructed without significant interventions by its subjects. In a different vein, the ethnographic record obscures as much as it reveals. The explanations of Hamnett (1975), Ashton (1952), and Jones (1951), limited the agents who were taken into consideration and compacted the social process, such that the chieftainship could be presented as a finished product.

Our point is that ethnographic description of Lesotho's chieftainship has alluded to, but obscured a dialectic that can be broadly defined as a struggle over, and a struggle for, the institution. The former struggle has been well documented, for it has involved the visible interventions of government officials and senior chiefs. The struggle for the chieftainship is less visible, however, for it is to be found in the interactions between the rural populace and chiefs, notably those in the lower echelons of the hierarchy. As the circumstances of rural life change, so the rural populace reassesses what chiefs do, and acts to keep the chieftainship relevant to its needs. The rural populace's struggle to ensure that the exercise of authority reflects their changing needs, means that the chieftainship is never fixed, but always coming into being. We discuss this dialectic below through reference to the political history of Lesotho before and since independence in 1966.

THE MAKING OF THE CHIEFTAINSHIP

In the nineteenth century, Moshoeshoe and his agnates could not have created an *indigenous* hierarchy of authority on the basis of kinship unless it resonated with their followers. That hierarchy, as we have seen, invoked prevailing social norms of patriarchal authority. Nonetheless, the formal principles of patrilineality and patriarchy provided only a framework for political authority. The practice of authority required chiefs to substantiate the personal relationship between leader and follower that was implied by these principles. In other words, while the kinship model emphasized command over people rather than territory, so too it demanded personal allegiance of people to a chief. The critical issue for chiefs was how to build up and sustain the allegiance of followers. The key was control over, and access to land. On the one hand, chiefs established their authority by enabling followers to gain access to land. On the other hand, followers sanctioned that authority only if chiefs demonstrated capability to provide land.

This process is reflected in village names. Many villages have a prefix “Ha,” followed by a personal name, thereby indicating their origins. The nucleus of a village would be an original homestead established by a man and his wife/wives. In time, sons would establish their own homesteads in that place and, with immigration of friends and affines, the hamlet would grow into a village. Authority in the hamlet was defined in relation to the founder, who would be regarded by the other residents as the *father* (*Ramotse*) of the settlement, and whose name would identify it. Elevation to status as a chief depended on the person’s capabilities to found settlements. For instance, as people came to settle in the mountain region, a notable leader, Lelingoana Sekonyela, first established his own village, Malingoaneng (literally, “where Lelingoana’s people live”), then he appointed his sons as chiefs and sent them with small followings to establish other villages. Similarly, he allowed a Batlounge group to settle in the area, and acknowledged its leader as a chief under his overall authority. As each community grew and new hamlets were established, these chiefs appointed their own kin, or acknowledged village founders as subordinate authorities. In each case, the subordinate authorities were *fathers* to their own subjects, and Lelingoana was the paternal authority over all who acknowledged his status as a chief.

This articulation of the kinship model of authority was different to that of the colonial officials, even of Moshoeshoe and his agnates. The key element of the territorial model is settlement as a physical construct. The colonial government demarcated chiefs’ authority on the basis of the location of villages and people.

To chiefs, settlement was a social construct that expressed the identity of a group over which a chief had authority. While the colonial government's perspective was to define the relationship it wanted between itself and the chiefs, the chiefs sought to define the relationship between themselves and their subjects. While the colonial imperative was to demarcate boundaries of authority, the chiefs' imperative was to define the *locus standi* of authority from which it could be elaborated.

The key element of the dynastic model is distinction in social status. The principle of agnatic descent was a means to distinguish status, but it was interpreted in different ways. The colonial imperative was to differentiate authority through hierarchal divisions, in order to place the colonial representative of the British monarchy at the apex. The chiefs' imperative was to confirm their positions at the centre of their subject groups. Even though the placement of agnates in subordinate positions established a hierarchy, it also expanded the social boundaries of the group in a way that always indicated the centre whence the group originated, namely the senior chief. However, this historical process has occurred in conjunction with attempts by other government agencies to define these *boundaries*.

CHIEFS AND INDEPENDENCE: THE FIRST TWO DECADES

Like the colonial government, post-independence governments of Lesotho have influenced the chieftainship through legislation, development initiatives, and resource allocation, but chiefs have also influenced the nature of the state. For example, the Chieftainship Act of 1968 (Kingdom of Lesotho 1968, Act 22) attempted to achieve a number of objectives, such as making provision for tenure, the exercise of functions, and discipline. However, the impact arising from implementation of that legislation has to be seen in the context of its acceptability to the chiefs and communities themselves. A similar point can be made about other policies and legislation in areas such as land and local government. In several cases, and especially between 1966 and 1986, chiefs played prominent roles in party politics at national level; for example, the prime minister during that entire period was also a minor chief.

The government elected just before independence was dominated by the Basotho National Party (BNP) under the leadership of Chief Leabua Jonathan. It remained

in power until the military coup of 1986. The BNP made little effort during its two decades in power, to create a democratic political order. The national elections held in 1970 were seen by many observers as a turning point in the country's history, for the result was that the BNP remained in power despite evidence that they had been defeated at the polls by the opposition Basutoland Congress Party (BCP) led by Ntsu Mokhehle. What Khaketla (1971) called a "coup" occurred with the support of the police and paramilitary in order that the BNP should not lose power.

The significance of these events for the chieftainship is that the BNP was the party seen as representing the chiefs (particularly those in the lower echelons) and the Roman Catholic Church, whilst the BCP had stronger ties with the commoners and followers of Protestantism. For example, at any one time, the BNP cabinet contained a number of chiefs and they were often in the majority. Furthermore, the interim National Assembly which was nominated and established in 1973, included all twenty-two principal chiefs (Bardill and Cobbe 1985, 137). This unelected body remained as the country's legislature until Jonathan's government was overthrown. However, this link between the chiefs and the BNP became blurred as time went by because of wider patterns of social and political change. Bardill and Cobbe (1985: 147), for example, noted that the political and economic power of the chiefs:

rests far less today on their traditional status and far more on their position as salaried functionaries of the state, as well as on their agricultural and commercial ventures. One result of these developments is that the chieftainship in general no longer provides the same source of interparty friction as it did in the past.

The fact that the BCP achieved an election plurality in 1970 suggests that the BNP's traditional base was crumbling, so that even if it retained the support of chiefs, it lost ground amongst rural communities, even in remote mountain areas (Ferguson 1990, 109). An additional complication is that Lesotho became independent as a constitutional monarchy and has remained so. However, the political events mentioned here have not left the system of kingship unscathed. In particular, King Moshoeshe II, the ruling monarch throughout the BNP period, was frequently in conflict with the government. This constitutional conflict also alienated him from those chiefs who were benefiting from participation in the various arenas of political power.

In parallel with these political shifts, the question of the future of the chieftainship found its way onto the policy agenda of the BNP regime. Two examples will be given here. The first is the Chieftainship Act of 1968, which was passed at a time when the position of elected local government was being eroded. These cannot be seen as

unrelated trends since the collapse of the nine District Councils, which were part of the colonial legacy, was an element of the BNP strategy to undermine the BCP (which, for the first years of independence was stronger locally than nationally: it controlled all nine councils). The BNP aim, in effect, was to eliminate the limited local democracy that colonialism had introduced, leaving the way open for a system of local administration in which field officers (such as District Administrators) posted by the central government were to work in collaboration with the chiefs. The Chieftainship Act was part of this strategic framework as it formalized the position of chiefs beyond the point reached by the colonial administration. In that sense, it continued a trend of bureaucratizing the chieftainship, without taking away its hereditary base, and without contradicting the *Laws of Lerotholi*, which had hitherto provided the legal basis for chieftainship.

The second example concerns the administration of land. The Land Act of 1979 (Kingdom of Lesotho 1979, Act 17) ostensibly reduced the powers of chiefs to control access to, and use of land. Historically, Basotho have had inalienable usufruct rights to land. Land was held in trust by the paramount chief on behalf of the nation. The chiefs then allocated parcels of land which families could use but not own. The system came in for widespread criticism from donor aid agencies on the grounds that it was being abused and was not promoting productive use of land. The Act introduced land committees of which chiefs would merely be a part. However, this seems to have been an attempt to satisfy donors and, as we discuss shortly, chiefs were able to conduct affairs much as they had in the past (Kingdom of Lesotho 1987, 44). There have been two reasons for this outcome. On the one hand, there was little attempt by government to enforce the changes. On the other hand, the realities of local power relations made it difficult for the government to usurp the entrenched, local authority of chiefs.

For the chieftainship, the first two decades of independence saw processes of change at work, some of which were the direct result of government policies. In some instances, the chiefs found themselves embroiled in conflict. At times, this was a result of party politics whilst occasionally there were aspects of state policy to be considered. What is clear is that the system of local governance by chiefs demonstrated a substantial capacity for survival despite considerable pressures to prescribe and prescribe their authority.

CHIEFS, THE MILITARY, AND THE PROCESS OF DEMOCRATIZATION

The 1986 military coup heralded a seven-year period of military government, during which Major General Lekhanya and, later, Colonel Ramaema held the reins of power (Southall and Petlane 1995). For the military, the chieftainship was not a priority. However, legislation was introduced in 1986 (Kingdom of Lesotho 1986, Order no. 9) which concerned district administration, local institutions, and the chiefs (Mapetla and Rembe 1989, 36). Advisory development councils were created at district and village levels, within which chiefs were accorded significant roles; for example, they were to chair the councils. The powers of these bodies were modest, however, and did not force major changes on the chiefs, nor did they enhance the principle of democratic government.

The end of military rule came in 1993 when the BCP under Ntsu Mokhehle won an overwhelming victory in national elections; the opposition parties did not return a single candidate. Notably, the new government quickly adopted a new constitution (Kingdom of Lesotho 1993). The new constitution addressed the position of the chiefs, but the main emphasis was on the office and role of *principal chiefs*. Sections 54 and 55 established a senate composed of the twenty-two principal chiefs and eleven other senators – not necessarily chiefs – nominated by the king. Whilst these provisions appeared to give this category of chief a national role, the constitution also limited the powers of the senate, such that the latter could be easily overridden by the National Assembly itself. There are parallels here with the House of Lords in the U.K. The senate could express its views and some notice might be taken of them, but it was not in a position to exercise real power.

The twenty-two principal chiefs were also members of the College of Chiefs, a body charged with the task of overseeing the processes associated with succession to the throne, including possible designation of a regent under certain circumstances, such as the king having not attained the age of twenty-one or considered infirm.

The constitution had little to say about chiefs in general. It merely stated that chiefs would continue to enjoy the status they had before 1993, with the rider that Parliament may make regulations (SECTION 103). However, in view of some of the criticisms that have been made of the chiefs because of the undemocratic nature of the institution, it is significant that the constitution provides for continuity rather than abolition or diminution of their powers. For example, Rugege (1993) argued that the chieftainship was undemocratic and had to go. The gist of his argument, which

reflected the perspectives of vocal individuals within Lesotho's intelligentsia, was that the chiefs have been instruments of state power and closely linked to the BNP. For example, in relation to the Chieftainship Act of 1968, he argued that "the main function of chiefs today is to assist the coercive arms of the state, especially the police" (Rugege 1993, 419).

Notwithstanding these arguments, the incoming government adopted a pragmatic position. Part of the reason for this may have been the preoccupation with crisis management, including threats to the regime itself. Whilst acknowledging that the legislation (notably the Chieftainship Act) needed to be changed, there was no likelihood of radical change. Interviews with key informants in the Ministry of Local Government and elsewhere in Maseru early in 2000 indicated that there were problems which need to be dealt with (chiefs are not systematically trained, are often corrupt, morale is low, etc.). But the official view seemed to be that chiefs will continue to play a role for a long time to come, at least in rural areas. A standard argument was that very few people want to see the institution scrapped, partly because it performed local functions such as dispute resolution in a relatively cheap manner. To many local observers, there seemed to be no realistic alternative to the chieftainship. With the continuing spread of education this may change, but government did not wish to undertake major reform action unless people are ready for it. The government followed in the footsteps of its forebears, nonetheless, in attempting to modify the institutions and practice of local government.

CHIEFS, LOCAL GOVERNMENT AND DEVELOPMENT

A key problem for the BCP government was the absence of modern democratic governance in the country's localities (towns, districts, and villages). This was seen as undesirable for many reasons, but partly because chiefs were still *de facto* the sole repositories of local authority below the district level. Soon after forming a government, the BCP made a commitment to the re-establishment of local government. The motives were mixed. The minister of Local Government, in a speech in 1995, argued that this was an essential element of the strategy by which a democratic culture could be cultivated. In addition, there were historical sentiments arising from the fact that the BNP had abolished local government in the late 1960s as part of its assault on the power base of the BCP (Wallis 1999, 97).

However, to date, this re-establishment of local government has not happened. Substantial effort has gone into planning, but the political uncertainties facing the country have derailed the process on several occasions. A split in the ruling party in 1997, for example, followed by a disputed national election in 1998, delayed the process. An account of what has been planned is useful, nonetheless, for indications of the difficulties and the changes that may occur.

Legislation to re-establish local government was passed in 1996 (Kingdom of Lesotho 1996, Act 7 of 1997). This followed a detailed policy formulation process (White Papers, workshops, mission reports, etc.,) assisted by consultants funded by the United Kingdom government (University of Birmingham, 1995). With regard to the chieftainship, a consultant from Botswana with substantial experience of local government in that country was invited to assist.

The 1997 Act empowers the minister of Local Government to declare areas to be served by a variety of councils. These are community councils, rural councils, urban councils, and municipal councils. The composition of these local authorities is based on election, but in each case a minority of positions is reserved for chiefs other than principal chiefs. To quote section 4 of the Act:

In accordance with the provisions of this Act there shall be constituted the following Councils:

- a Community Council shall consist of not less than nine elected members, but not exceeding fifteen elected members, and not exceeding two gazetted chiefs (other than principal chiefs) who shall also be elected;
- an Urban Council shall consist of not less than nine elected members, but not exceeding thirteen elected members, and not exceeding two gazetted chiefs (other than principal chiefs) who shall also be elected;
- a Municipal Council shall consist of not less than eleven elected members, but not exceeding fifteen elected members, and not exceeding three gazetted chiefs (other than principal chiefs) who shall also be elected;
- a Rural Council shall consist of not less than thirty-seven members, but not exceeding forty-five members representing each of the Community Councils, within its jurisdiction as follows:

- the chairman of a Community Council;
- a member of a Community Council elected by the councillors from amongst them;
- three gazetted chiefs (other than principal chiefs) who are members of a Community Council and elected from amongst the chiefs who are members of a Community Council.

Two important issues emerge from these provisions, both of which have caused concern amongst the chiefs. The first is the exclusion of principal chiefs, the assumption being that they will play a role at national level through membership of the senate. This will detract from their local responsibilities in their *wards* (which, it needs to be remembered, do not coincide with local government boundaries). National policy makers, however, have expressed a desire to review the position and to make the requirements of senate attendance less demanding. Nonetheless, difficulties can be expected, as the allowances paid for attendance may be lost as a result of any revision. Early in 2000, there was talk of scrapping the upper house. Were this to happen, a more local focus for these chiefs would be expected; in discussion with key informants, the possibility of a co-ordinating role linking central and local levels was suggested.

The second issue is really a twofold problem. The first element to it is that the chiefs will occupy minority positions in all councils, and the second is that they will experience what they tend to see as the indignity of having to stand for election in competition with one another. The Act, in its schedules, lists a number of functions for the new bodies in which chiefs are likely to be interested, such as land/site allocation, grazing control, burial grounds, and minor roads. There is a sense in which the chiefs find themselves in a twilight zone wherein they continue to function as authorities, but in the knowledge that their significance as authorities within local government administration will diminish. To reinforce this point, it is possible that the Chieftainship Act of 1968 will be amended to reconcile it with the Local Government Act.

A related area of concern for chiefs and government continues to be land. At the end of 1999, a Commission of Inquiry was established to look again at this issue (Kingdom of Lesotho 1999). Of the fifteen members of the Commission, one was a principal chief (the influential and popular chief of Thaba Bosiu who was well known for his active involvement in affairs of state). Other stakeholders more strongly

represented, in terms of numbers at least, included the development councils, farmers, and commercial interests. The terms of reference, in summary, were: to evaluate the land tenure system in relation to equitable access, security of tenure, land productivity, and efficient administration; to determine ways of resolving problems including dispute resolution mechanisms (both judicial and administrative); to examine the present arrangements for inheritance; assess the fragmentation of land through sub division; to look at relevant institutions including the planned and anticipated restructuring of local government; to review and recommend revision of legislation; and to recommend a national land policy. Whilst the terms of reference made no direct reference to the chiefs, it was clear that their roles would come under scrutiny as they were key actors in the management of rural land matters.

There are several other issues concerning chiefs and development that have been reflected in debates in Lesotho. One is the extent to which chieftainship is unacceptable as it is associated with gender inequality. Two researchers have argued that it “is essentially a male domain predicated on lineage” (Petlane and Mapetla 1998, 248). However, there are a growing number of female chiefs, and though their status is not totally the same as males, they are reported to constitute 35 per cent of the total number of chiefs in the country (Petlane and Mapetla 1998, 250). This growing trend might be supportive of the chieftainship in the present climate in which greater gender equality is advocated. Another issue is a concern that chiefs need training and capacity building generally. Some interest has been shown by donors (IOD 1998, 7, 34; ISO/SIDA 1987), but little has been achieved.⁴ Another pertinent issue is the widespread view that chiefs have an excessive tendency to behave in what is seen as an undisciplined way. Examples are corruption, alcohol abuse, and violence. National officials with specific responsibilities for chieftainship report that these concerns constitute a large part of their workload.

Clearly, the chieftainship is once again being re-assessed by the national government of the day, and found to be wanting. The chieftainship is perceived to be at odds with the current norms and values of local government in a modern, democratic, state. Yet it is also clear that the national government’s attempt to prescribe changes to the form and content of local administrations (supported by donor agencies) is not proceeding with ease and is unlikely to do so. We discuss reasons for this state of affairs below, highlighting in the process the contemporary “struggle for the chieftainship.” Our focus is on how the populace has articulated the kinship model of authority in recent times, in order to sustain a chieftainship that is relevant to their changing circumstances.



A chief's court dealing with livestock cases in Lesotho (photo by Tim Quinlan).

In sum, we contend that while Basotho continue to define the chieftainship on the basis of historical precedents, they also strive to define the chieftainship on the basis of contemporary needs and economic circumstances in the rural areas. On the one hand, the accumulation of precedents over time enabled chiefs and the colonial government to refine their conception of the chieftainship as an institution with permanent features that would be endorsed in each generation. On the other hand, the way in which chiefs sought to define political boundaries through their subjects indicates a conception of the chieftainship as an organic entity, whose survival depended on its ability to adjust to the changing needs of its subjects. Underlying each model are the key factors of settlement, land and, one must add, livestock, in view of its long-standing economic and cultural significance.

THE MANAGEMENT OF SETTLEMENT, LAND AND LIVESTOCK

Villages are the most common form of settlement in Lesotho. There are a few towns; notably the nine district centres and the capital, Maseru. The majority of the population maintains *de jure* residence in villages, although many people, particularly men, spend most of their lives working in South Africa. The mining industry has been the most significant employer of labour from Lesotho.

It is the proximity of kin to each other which substantiates the patriarchal framework of authority. A married man is the head of his homestead that is identified by his name. In cases where a married son stays on at the homestead to support a widowed mother, the latter is nominally the head of the homestead in her husband's name. When she dies, the son becomes the head of the homestead which will then be identified, in time, by his name.

Many villages are substantially larger than they were in the past so that kinship is less visible as a framework for the social order. The superimposition of other forms of social and economic networks is evident. There are many schools and churches, for example, as a result of intensive missionary work by the Paris Evangelical Missionary Society, now constituted as the Lesotho Evangelical Church, and by various orders of the Roman Catholic Church. There is also a network of institutions to address civil order, health, and the agricultural economy, which are based in the district administrations of the national government. Therefore, it is not surprising that kinship is not always visible as a framework of rural social order, and that it is irrelevant in many instances. Villagers are materially integrated into a market economy and subject

to agencies of the modern nation state. However, neither the state nor the market predominate in the rural social order. They are important forces of social change, but they have yet to dictate the management of settlements.

Basotho have an inalienable right to residential sites and, prior to the 1960s, individuals would approach the relevant chief or headman in whose area he/she wished to stay for permission to build a home. Since the late 1970s, however, site allocation has been, at least in theory, in the hands of Land Committees. Today, these committees also deal with arable land allocations as a result of the 1979 Land Act (Kingdom of Lesotho, 1979) and the 1980 Land Regulations (Kingdom of Lesotho, 1980a). The Land Committees are a means for the state to exercise its authority in villages. They are based on the territorial areas of jurisdiction of chiefs and headmen, but the residents may elect any individuals to serve on the committee. Individuals who wish to build a homestead must approach the relevant committee, fill in the appropriate forms and, following confirmation of title to the land by the Ministry of Interior, they may build dwellings.

The bureaucratic process nominally places site allocation under the authority of government departments. The election of Land Committees provides a platform for rural residents to participate in the management of settlements and, if necessary, to contest the decisions of chiefs and headmen. In practice, however, the Land Committees are no more than a minor modification to established procedures. They are elected bodies, but the chairmen are usually chiefs or headmen. The other members are usually men rather than women. Furthermore, the intention of the Land Act to facilitate settlement planning is still largely ignored. Individuals can build homes and business premises virtually wherever they wish, especially in urban areas, whilst in rural communities chiefs can still be decisive. The Land Committees do not think in terms of town planning; they simply fulfill the bureaucratic functions demanded of them, and intervene only if a site application involves the appropriation of fields or use of natural resources. In other words, the committees define settlement management in traditional terms, in the sense of upholding chiefs' authority to mediate their subjects' usufructory rights to land and its constituent resources. These conditions suggest that the state is only the nominal authority in managing rural settlement. A closer look at settlement issues confirms this impression. The state addresses settlement as a development issue. To this end, the state encourages the establishment of a hierarchy of Development Committees, which are based on the territorial jurisdictions of chiefs and headmen, and constituted by rural residents.

Under the system established by the BNP government, in each area governed by a sub-ward chief or headman, there was a Village Development Committee (VDC). A VDC consisted of elected residents from the area, and it did not need to include the local chief or headman. A VDC was responsible for improving services by initiating projects through funds raised by villagers, by identifying needs for submission to the district administration, and by co-operating with government officials who assist with projects. Project proposals were supposed to be submitted to the relevant Ward Development Committee (WDC) which, in principle, consisted of elected ward residents. In turn, the WDC submitted proposals to the District Development Committee (DDC) which, in principle, included elected members as well as the District Secretary, the district chief and, as observers, the district heads of government departments. The DDC is still responsible for assessing project proposals and for authorizing the relevant government departments to carry them out. As discussed earlier, subsequent governments modified this structure, but in most respects it is still intact.

The formal structure outlines a democratic process in which rural residents are identified as citizens with rights of representation and access to government services, and as participants in development. However, the structure of authority is no challenge to that of the chiefs. Firstly, the government's reliance on local committees reflects a lack of infrastructure and finance which minimizes the potential of these bodies to shape the rural social order as intended. The committees carry out small projects; e.g., building of hygienic toilets (Ventilated Improved Pit Latrines), and improve village water supplies through the assistance of the Village Water Supply Unit. In short, financial restrictions dictate a narrow functional role for the VDCs and their successors. Secondly, villagers endorse this role. To most villagers, VDCs are a means to extract material benefits from a parsimonious government that exists beyond the world of village life. They support VDCs, and they elect people who, they believe, know how to deal with the government.

The way the VDCs are reconstituted is repeated with the WDCs. In principle, a WDC consists of elected persons and is an intermediary body in the system. Accordingly, one would expect it to be a platform for democratic representation in the district administration, and to mesh partisan interests in VDC project proposals with broader plans for the ward as a whole. However, WDCs reflected the way rural residents have manipulated the intent and functions of the VDCs. The members are elected, but in terms of being nominees of various VDCs, Land Committees and chiefs and headmen. On this basis, they fulfilled a limited development role of

passing on project proposals to the DDC. The DDC still today nominally integrates principles of political democracy with the practical demands of bureaucracy, but, in practice, public accountability is minimal. The DDC concentrates authority in the hands of civil servants who are not formally accountable to the populace. Moreover, due to its particular focus on development, the DDC emphasizes a top-down and restricted approach.

To summarize, the contemporary management of settlement in rural Lesotho highlights a process of differentiation of authority. The government intervenes to exercise its authority and to subordinate the chieftainship, but in a way which minimizes its presence in rural settlements and affirms chiefs' authority to manage settlement. There are similarities here to colonial interventions to subordinate the chieftainship. The colonial government's efforts to categorize different facets of chiefs' authority is replicated in the post-independence governments' efforts to impose objective criteria for development and democratic representation in rural local government.

This theme is evident in other aspects of the interaction between the government and the rural populace. The ongoing contest between chiefs and national governments has its roots in the rural populace's reliance on chiefs to uphold collective access to, and need for, natural resources, particularly those that sustain livestock. This is especially so in the mountains. People's pre-occupation with livestock is central to the way land categories are defined in relation to each other and to broader economic circumstances of life in rural Lesotho. Chiefs are the pivot on which villagers assess possibilities and constraints for rearing livestock.

The central role of chiefs in the livestock economy is palpable. Access to summer grazing areas beyond village environs is governed by district chiefs, from whom stock owners obtain permission to build grazing posts. Subordinate chiefs control use of grassland within their areas of jurisdiction. Throughout the summer months, chiefs are responsible for ensuring that stock do not graze on cultivated fields and grassland which they have reserved for winter grazing. Chiefs may prohibit grazing in areas that are badly degraded for as long as they feel is necessary. Chiefs are responsible for controlling the number of livestock in the villages during the summer, and can demand their removal to grazing posts. During the winter months, their duties are primarily to protecting specified restricted areas. With the onset of spring chiefs must decide when to restrict grazing in village environs, and when to order the removal of the majority of livestock to grazing posts.

Generally speaking, chiefs carry out their duties assiduously and with the co-operation of villagers. Their authority is demonstrated at the twice-weekly gatherings of

stock owners, usually men, at chiefs' homesteads, to conduct the business of livestock management. Trade in livestock, registration of brands, impounding of livestock, their retrieval, and the care of stray animals, are all carried out under the auspices of the chief. This business is usually supervised by men who occupy positions that represent the chiefs' duties (chief's secretary, pound master, *babeisi/bewys* [stock transfer certificate] writer, grazing land supervisors [*batsoari ba maboella*]). In addition, 70 per cent of the pound fines are allocated to the grazing land supervisors, who are men appointed by the chief to enforce grazing restrictions, and the remaining 30 per cent is sent to the national treasury.

The legitimacy of chiefs is expressed in the way decisions are made to restrict winter grazing. Chiefs make the decision, usually in October, on the basis of debates amongst stock owners at public meetings held at chiefs' homesteads. The debates revolve around the welfare of livestock in relation to prevailing ecological conditions, such that many factors are voiced and considered (e.g., condition of village grassland in relation to the alpine grassland; forecasted spring rainfall; the strength of newborn lambs). There have been government regulations on the use of grazing land since colonial times (regularly updated to tie in with contemporary policies), but villagers regard them as simply one factor amongst the many for consideration.

In sum, there is community of purpose and understanding amongst stock owners and chiefs. There is common concern about the deterioration of grazing land, and about the difficulties of rearing a variety of livestock with different survival and regenerative capabilities in a harsh environment. There is also evident tension between the relatively rich and the poor stock owners over government interventions that are seen generally to favour the former. We outline these dynamics below.

Basotho have integrated market-oriented rearing of livestock with their pre-colonial pastoralist heritage. The outcome is a remarkable diversity of livestock, to which are attached a range of economic and cultural values. Cattle are the basis of the pastoralist heritage, but merino sheep and angora goats now vastly outnumber cattle, horses and donkeys, and mules. The preponderance of sheep and goats reflects the importance of Lesotho as a wool and mohair producer for international markets. Cattle, sheep, goats, and horses are mediums of exchange in cultural rituals as well as being commodities.

The critical problem for Basotho owners is how to rear livestock in a harsh environment. Not only is it difficult to rear animals in a country with climatic extremes (winters are severely cold and dry, summers generally very hot), but the different survival capabilities of livestock species and breeds required stock owners to develop different management techniques if their value(s) was to be realized. For instance,

Basotho have modified the transhumance system in recent years. For many years, the alpine grasslands were used during the summer months, and allowed to regenerate during winter and spring when livestock were grazed in village environs. During the last twenty years, stock owners have established winter grazing posts in the intermediate valleys, between villages and the summer grazing areas. These grazing posts are situated no more than three or four hours walk from villages, thereby allowing rapid removal of livestock to the villages whenever the weather deteriorates.

Underlying these changes is a gradual division between the minority who are relatively wealthy stock owners and the majority who are relatively poor stock owners. The former often keep their sheep and goats permanently at grazing posts rather than in villages, on the grounds that forage in village environs are inadequate for their needs. It is the majority of poor stock owners who move their different animals regularly between village, and winter and summer grazing posts because they can ill afford any stock losses. It is this majority that rely on the chiefs to extend winter grazing periods and to ignore government stipulations, in opposition to the minority of wealthy stock owners who tend to support the government's interventions.

The overt cause of this tension is government intervention in the livestock economy. Government policy is to concentrate livestock production in the mountain region, with an emphasis on grassland management, and arable farming in the lowlands. Range Management Areas (RMAs) have been created throughout the mountain region (Dobb 1985; Lesotho National Livestock Task Force 1990; Bainbridge, Motsamai, and Weaver 1991). However, there has been popular opposition to the RMAs since they were introduced in the late 1980s, such that the form and the manner in which they are established is continually being modified (Quinlan 1995). Similarly, a proposed grazing tax (in 1989) was shelved in the face of popular opposition.

Each RMA is the basis for grassland and livestock management programs that are restricted to the residents who live within the circumscribed area. Government officials manage the RMAs. They establish Wool and Mohair Growers' Associations, which are the basis for community participation in range management (Artz 1994). The general expectation is that these associations will take over the management of their respective RMAs. In the meantime the associations are the medium through which stock owners are educated about livestock and grassland management techniques. Members of the associations are elected to management committees which carry out business such as collection of membership fees, arranging for hire of stud animals, and general management of members' interests in producing and marketing mohair and wool. Through these arrangements, rotational grazing and breed improvement schemes have

been established. Each RMA is divided up into grazing areas, and stock owners must move their stock to the different areas prescribed by government officials, and to keep stock within the designated carrying capacity levels in each area.

For rural residents, however, the need to manage the grasslands in the face of degradation is only one important concern. Their modification of the transhumance system and the government's interventions involve far more than the preservation of grassland. They involve redefinition of the content and boundaries of the rural political order. The chiefs remain central figures in the rural areas because people still rely on them to maintain their interests in livestock. As arable farming becomes less significant as a source of sustenance, livestock become, more than ever, a critical component of rural livelihoods. By creating winter grazing posts within the areas of jurisdiction of lower echelon chiefs, stock owners are emphasizing that the *locus standi* of authority for use of grazing land lies with their chiefs.

Ironically, the government's interventions are stimulating a contest over the boundaries of chiefs' authority in ways that are likely to exacerbate conflict between the government and the rural population. Simply put, the government is seeking to drive a wedge into the community of interest amongst chiefs and stock owners, but it does not take into account the strength of that community. It is a community grounded in the village, as a manifestation of the complex social relationship between chief and subject. Moreover, it is a community grounded in a context of material poverty in which mutual support is endorsed by the emphasis of the land tenure system on communal access to resources for the collective good.

Nonetheless, there are tensions in this community as a result of government interventions. On the one hand, there is a possibility of conflict between chiefs and the majority who are relatively poor stock owners on the one side, and the government and the minority who are relatively wealthy stock owners on the other. On the other hand, recent changes in the transhumance system indicate a struggle over the way grassland resources are categorized, which involves the subliminal issue of retention of communal right of access to grazing land and, therefore, a struggle over the appropriate form of authority to manage these resources.

Popular support for the chieftainship is likely to continue in this context for two reasons. First, the village is the nexus of any attempt to control use of grazing land, and this dynamic has yet to be recognized by the government. Secondly, the development of winter grazing posts within, and along the territorial boundaries of chiefs' areas of jurisdiction is similar to the period in the past when grazing posts were like satellites around settlements. In other words, the separation of grazing areas from chiefs' areas of

jurisdiction is breaking down. As government interventions intrude on their authority over land within these areas, chiefs will be drawn to defend that authority generally, and their subjects' efforts to secure winter forage for their animals in particular. The political problem is that such reinvention of *tradition* is likely to reinforce government scepticism of the chieftainship, and popular disdain of chiefs amongst the rural population. Nonetheless, even if individual chiefs become the subject of disdain as impediments to the interests of the relatively wealthy stock owners and to government concerns, or even as ineffectual defenders of the interests of the majority of poorer stock owners, the chieftainship will be expected to resolve disputes.

This role of conflict resolution goes beyond livestock and land to include what are essentially policing and judicial functions. Family disputes, too, often find their way to the chief, which means that he/she may be seen as performing a social work role. Therefore, the chieftainship will both remain a critical factor in the strategies of people to maintain their cultural and economic interests in livestock and, more generally, in rural lives on a day-to-day basis.

CONCLUSION

Our argument is that any analysis of development management and institutional change in Lesotho cannot afford to neglect the chieftainship. The historical experience outlined here demonstrates the close association of this institution and the emergence of the identity of the Basotho people. This pattern, whilst undoubtedly complicated and distorted by colonial rule, showed remarkable qualities of resilience and sustainability. The reasons for this do not reside in romantic notions of traditional culture and beliefs, but in the realities of rural life. The need for chiefs rests on the fact that they perform a range of essential functions, the termination of which could result in a vacuum that bureaucrats and elected local government would not be able to fill. This is not to argue that bureaucracy and local government are irrelevant; that is clearly not so. What is important, however, is that the role they can play, especially in rural society, is a limited one. Under such circumstances, it makes sense to recognize that the chiefs have to be part and parcel of the system of governance. How best to do this remains a tough question to be answered.

The legacy of colonialism for the Basotho was not merely expressed in the form of the trappings of western forms of governance. Alongside such institutions as public sector bureaucracies and political parties, the chieftainship also emerged very much alive after a century of foreign rule. In the course of that time it had undergone and initiated change for a variety of reasons. For all its imperfections, its demonstrated ability to continue functioning in a sustainable fashion has also enabled it to continue to be a force to reckon with after thirty-five years of independence.

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NOTES

1. The number of posts is now relatively stable.
2. This position is largely informal, and the number of councillors that a chief or headman has varies considerably.
3. The territorial categorization, particularly in the upper echelons, does not coincide with local designations of senior chiefs as *principal chiefs*, notably in legislation. *Principal chiefs* include the paramount chief, the district chiefs, and most of the ward chiefs, and the local designations refer to the dynastic, kinship model of authority discussed shortly.
4. Some initiatives have been started by the National University of Lesotho.