Traditional leadership in Botswana: Opportunities and challenges for enhancing good governance and local development

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Abstract
There are varying perspectives regarding the role of traditional leadership in modern societies particularly in the delivery of services to local communities. One school of thought is of the view that traditional leadership as a system that is anchored on hereditary leadership is incompatible with democracy and should become extinct. The other school of thought holds that traditional leadership legitimizes participatory democracy at the local level. Despite these sharp differences, there seems to be a common appreciation that traditional leadership plays an important role in many aspects of rural life. The Botswana government sees the system of traditional leadership as a stumbling block towards greater democratization but also concedes that it plays a critical role in unifying society. In this respect, at the one end the Government of Botswana is averse to traditional leadership because it has the potential to counteract progress especially in such areas as political organization, women empowerment and economic advancement. On the other hand, the government sees traditional leadership as an institution that has to be utilized to support government in facilitating development at the local level and legitimizing the government of the day. This paper seeks to explore this paradox and examine the extent to which traditional leadership could be adapted to enhance good governance and local development.

Key words: Traditional Leadership, Women Empowerment, Custom, Democracy, Hereditary

Introduction
Before the advent of the protectorate rule, traditional leadership was the centre of all political life in Botswana. Traditional leaders thus wielded considerable power and influence
and the institution of traditional leadership itself was the core of governance and development for the rural population. The *kgotla*, a kind of a village or community parliament (Dipholo & Mothusi, 2005) played a significant role in generating consensus for proposed actions since it was the place where all matters affecting the community were discussed. For instance, in terms of development, identification of community development projects was done at the *Kgotla* by community members whereas implementation of these projects was done by the local age regiments. This approach to development planning and management ensured community commitment and ownership of the development process.

However, the creation of new modern institutions after independence significantly altered the existing socio-political context of community development and local governance. The sum effect of this political transformation was the erosion of the powers and influence of traditional leadership. Nevertheless, the institution of traditional leadership persevered and has maintained its legitimacy all odds and people still seem to pledge their loyalty to traditional leaders than other existing modern institutions at the local level (Vengroff, 1985). For the purpose of this discussion, the authors have used „the institution of traditional leadership” and „traditional leaders” interchangeably. This is so because traditional leadership often means customary institutions or customary systems or procedures of governance, recognized, utilized or practiced by traditional communities. Traditional leaders would then be persons whose authority derives from the customary system (Republic of South Africa, 2003).

This article argues that in spite of its inherent deficiencies in relation to greater democratization, traditional leadership has the potential to enhance good governance and meaningful development of local communities. The first part of the article provides insights into two fundamental perspectives on traditional leadership. This part highlights that there is one school of thought that holds the view that the institution of traditional leadership has no place in a democratic society while the other school of thought maintains that traditional leadership has an important role to play in modern African societies.

The subsequent part of the article examines the legislative framework within which traditional leadership is anchored in Botswana as well as its role in local governance. It is however, argued that for the institution of traditional leadership to be more effective, there is need for some re-orientation to ensure that it conforms to principles and norms of democracy. The article concludes by taking a look at the challenges and opportunities for enhancing the role of the institution in local governance and development.
Conceptions of traditional leadership and leaders in Africa

In Africa, traditional leadership, authorities and leaders are often associated to the governance of indigenous people who reside in the rural settings. Above all, Mafema & Tshishonga (2012: 124) argue that traditional leadership is vital especially in protecting traditions, customs and cultures from the negative influence of Western culture. According to Reddy & Mkala (2008: 3) all institutions including traditional leadership should undergo change constantly or face the risk of fading into oblivion. Meaning and definitions of leadership whether democratic or traditional vary depending on the preference of those in power and the general public. In the contemporary society there is demand for a sound and people centred version of leadership that is effective, efficient and responsive to the needs of the people. They are constantly challenged to get things right on one hand and to do the right things. In the management field, leadership is defined on one hand as the process of inspiring others to work hard to accomplish important tasks (Schermernhorn, 2002: 336). On the other hand, within the public sector, leadership is conceptualised as--willingness to – keep on searching for excellence…keeps on believing and having a clear vision based on core values and beliefs (Broussine, 2003: 179). Burnard views leadership as about creating the energy and enthusiasm necessary to take the organisation forward (ibid, 177).

Traditional leadership similarly to any other type of leadership is not without its own challenges, confusion and mixed persons from the public. The reality is that both the apartheid and colonial regimes and invasions had a negative impact on the running and organization of traditional leadership. Importantly, King Zwilithini (2008: 7) had observed that colonial and apartheid administrations stripped the traditional institution of its roles, responsibilities and consequently its dignity. While other romantize the existence of traditional leadership, scholars such as Rampele (2011: 5) is critical towards autocratic traditional leaders which often serve to hinder the development especially of women. Thus she argues that ---the tradition of men as leaders hinder effects to bring the strength of women into play mostly in tackling some of the challenging problems faced by rural people.

Background of traditional leadership in Botswana

Botswana is renowned for having a stable and strong government and the traditional leadership is equally strong. Despite Botswana being previously the British Protectorate, traditional leaders as before continue to enjoy their role and recognition even in the new dispensation. Ndlela (2007: 34) maintains that the traditional authority system remained
strong during Protectorate rule and was transferred into the new independent state. Similarly to other African states, Botswana’s new range of national political parties used the traditional structures as a vehicle for political mobilisation more particularly the institution of kgotla, a Tswana name meaning the public meeting in the village. Kgotla in Botswana remains an important forum within which debates pertaining to public issues are held and cases heard under customary law. In this regard, Comaroff & Comaroff (1999: 196) acknowledged in such forum even legislations were formulated and the chiefs would invite open debates and arguments bout policy.

Considering that the new leadership of Botswana is currently faced by a challenge of forging unity by establishing a sense of nationhood, traditional institution could be handy as a unifying force. Ndlela (2007) therefore posits that such unity and nationhood could be forged through relying on the orderly structure of the Tswana chiefdoms which within the last century had taken control over the greater part of the territory of present day Botswana. According to Good (2002: 3) the system of traditional leadership in Botswana exists parallel to the democratic system of government. It could be argued that Botswana is typically a traditional society based on Kgosi (chieftainship in which Ndlela further argues that…the political leadership of the country is a replica of chieftainship.

**Perspectives on Traditional Leadership**

At the centre of the debate on traditional leadership is whether the institution should have a role in a democratic society. Two fundamental perspectives dominate this debate.

**The school of democratic pragmatism**

Apologists of democratic pragmatism conceptualize democracy and human rights from the liberal view point and as such give priority to individual freedoms and liberties. More emphasis is placed on democracy and human rights and as direct consequent, they maintain that the legal basis for succession to the throne is hereditary in the male line and as such it is incompatible with democracy. In other words, people become leaders on account of „accident” of birth rather than on merit or professional qualifications, skills or experience as individuals matched against the functional responsibilities of the positions they hold. Democratic pragmatists also argue that support for the continued existence of traditional leadership rests not on the inherent value of the system but rather on the fact that democratization at the local level has lagged behind. This implies that people at the local
level are yet to experience the benefits of democracy. They also maintain that in a true
democracy, the state is obliged to ensure that all people enjoy democracy hence the need to
cascade it to the lower levels, a decision that will inherently invalidate traditional leadership.
In sum, democratic pragmatists hold the view that traditional leadership contradicts the
fundamental principles and norms of democracy hence the need to abolish it. For instance,
there is a perception that cases that are tried by the traditional leaders are pregnant with abuse
of human rights since in most cases suspects are not given a proper hearing. It is believed that
in some cases suspects are whipped before a trial to ensure they tell the truth. In some cases
suspects are found guilty on account their relationship with previous convicts. For instance, a
suspect may be found guilty because his father was once convicted for a similar offence. This
gives currency to the perception that traditional leaders tended to be autocratic in their duties
(Mgadla, 1998).

**The school of organic democracy**

The school of organic democracy sees traditional leadership as an effective form of
gloss-root democracy which can legitimately exists in a modern democratic society. Scholars
of this perspective maintain that traditional leadership does support development and good
governance and as such it does not compromise or contradict democracy (Sithole & Mbele,
2008). They posit that traditional leadership has the potential to fulfil diverse development
and governance needs of people. Organic democrats see traditional leadership as an
alternative form of democracy that places more emphasis on an affordable and accessible
system of governance based on cultural-moral principles and expressed human feeling. They
contend that traditional leadership is a kind of context specific democracy that serve unique
needs and is more focused on issues than rigid governance processes (Sithole & Mbele, 2008:
11). Significantly, they contend that traditional leadership has refused to be wished away by
the colonizers and post-independence critics. In essence, traditional leadership must be
harnessed and developed so that it can become stronger and relevant to present circumstances
in ways that would enable it to complement other institutions of the state to serve the people
more effectively. While strongly opposed to the view that traditional leadership is
undemocratic, organic democrats are however agreed that the institution need to be more
democratized to accord with modern societies.
**Legislative framework for traditional institutions in Botswana**

Botswana is a unitary state that operates a two-tier system of government with the central government at the apex of the structure. The next level is constituted by local government which comprises District/urban councils or municipalities, District Administration, Land Boards and Tribal Administration which consists of traditional leaders and other personnel who have been designated to assist the traditional leaders in carrying out their duties. However, it must be noted that there is no constitutional provision for local government institutions. Instead, they derive their legitimacy from Acts of Parliament. This implies traditional leaders can only perform such functions and powers vested on them by these parliamentary statutes. It is important therefore to note that these statutes gave the central government overriding powers over traditional leaders. For instance, the central government through the Minister responsible for local government can suspend any traditional leader as and when necessary.

**Chieftainship Act**

The constitution of Botswana which is modelled on the Westminster system of parliamentary democracy provides for separation of powers giving legislative powers to parliament, policy-making powers to the executive and judicial powers to the judiciary. The constitution also has provision for what used to be called House of Chiefs and has since been renamed *Ntlo ya Dikgosi* but this is a purely advisory body on customary issues. The Chieftainship Act came into effect at independence in 1966. While recognizing the institution of traditional leadership, the Act states that nevertheless requires that any person designated as traditional leader must be recognized by the Minister. Section 4 of the Act reads that:

> "A Chief is an individual who has been designated as a Chief in accordance with customary law by his tribe assembled at the Kgotla; and has been recognized as a Chief by the Minister" (Republic of Botswana, 1987).

The effect of this provision is that the Minister may choose not to recognize someone as a Chief. Such open provisos allow room for unlimited state interference in the institution of traditional leadership and hence make traditional leaders subordinate to politicians. The same Act also gives the Minister the powers to withdraw recognition of a Chief at any time.
In consequence, these provisions ensure that traditional leaders are under the strict control of the central government.

**Customary Courts Act**

It is worth noting that prior to the creation of new state institutions, traditional leaders had unlimited jurisdiction in that they tried all types of cases and determined appropriate sentences. As a way to strip traditional leaders of their excessive powers, the Customary Court Act which stipulates all the judicial powers of the Chiefs was promulgated in 1968. The Act drastically altered and by and large undermined the role of traditional leaders in the legal system (Somolekae and Lekorwe, 1998). Traditional leaders were only allowed to try insignificant cases and were given very limited powers to mete out punishments to wrong doers. As a result, many traditional leaders were not happy with this arrangement particularly that District Commissioners and Magistrates were empowered to revoke the decisions of the customary courts. For example, in protest of the systematic erosion of the powers of traditional leaders, Chief Bathoen of the Bangwaketse tribe resigned his position.

**House of Chiefs**

It has been mentioned that the Botswana constitution has a provision for the House of Chiefs which has since been renamed *Ntlo ya Dikgosi*. Nevertheless, this body is a purely advisory to the Parliament, especially on customary matters. Significantly, their advice is not binding on government. While traditional leaders favored their body for law-making, politicians maintained that:

A chiefly chamber in a bicameral legislature would seriously impede the modernization which was seriously needed . . . and that chiefs were too conservative, too interested in preserving their autocratic positions and too committed to the interests of their tribes rather than those of the nation (Proctor, 1968: p. 62).

Overall, there are very few pieces of legislation that provide guarantees for the recognition and legitimization of the institution of traditional leadership. Aside the Chieftainship Act the institutional of tradition leadership is not given a prominent status as would be expected of any institution that has a significant role in governance and development. It could then be argued that this half-hearted approach to ensure the institution
features as prominently as other stakeholders directly pointed to its diminishing status and role vis-à-vis other institutions of governance and development. In particular, there is no dedicated piece of legislation that set out a clear framework that informs the relationship between the traditional leadership and other key stakeholders in governance and development.

The role of traditional leadership in governance and local development

Pre-colonial and colonial period

One of the most important functions of traditional leaders during pre-colonial era was to make laws. The traditional leaders had absolute powers (executive, judicial and legislative) but this does not mean that they did as they pleased. Traditional leaders governed with advisers even though they were not obliged to take the advice. Most importantly, before effecting laws, traditional leaders consulted their subjects at the Kgotla but in some cases they could go ahead and announce a law before consulting the tribe (Somolekae and Lekorwe, 1998). This indicates that to some extent, the pre-colonial political system or chieftaincy was democratic in as far as governance is concerned. During the colonial era, traditional leaders continued to play a crucial role in governance and development albeit largely complimenting the colonial administration. For instance, they were responsible for collecting tax on behalf of the colonial administration and mobilize communities to somewhat cosy up to the colonial administration.

Post-colonial period

Generally, the main functions of the traditional leaders during the post-colonial era is to administer justice through customary courts, settle disputes in their villages and arranging tribal ceremonies. It has to be noted that the establishment of district/urban councils or municipalities to assume responsibility for development planning and management at the local level pushed the traditional leaders to the periphery in so far as community development is concerned and this led to a long standing feud between traditional leaders and newly established modern institutions of governance. To a greater extent, this friction led to a hostile working environment that has the potential to frustrate development progress. Other than operating as intermediaries between the people and development agencies, traditional
leaders became largely insignificant in spite of the reality that many people in the rural areas still identify with the traditional leaders (Lekorwe, 1998).

Ramsay (1998: p.106) remarks that “Chiefs …sat at the bottom of a colonial hierarchy that functioned through a military-like chain of command” and the authors maintain that this situation has remained this way or even worsened. The previous sections have shown that there have been sustained, systematic and aggressive efforts to limit the spheres of operation of the traditional leadership. While the creation of new modern institutions were justified in terms of transformation and democratization of pre-colonial and colonial institutions, it is our considered view that at the heart of the changes was the need to have the chiefs placed under the command of the central government for political expediency. In effect, traditional leaders were declared somewhat redundant in terms of governance (they were already barred from participating in politics) and development but yet still highly valued in ensuring that their tribes remained compliant with the political regime. Dusing (2002) comments that:

The central government effectively relegated the status and influence of traditional leaders at the local level but at the same time protected the dignified character of the institution. Thus, it was possible to rely on its capacities to gain social control at local government level (p. 171). It must also be noted that with the creation of Land Boards, the responsibility to allocate tribal land was transferred from the traditional leaders to the new institutions (Dipholo and Mothusi, 2005) even though „most people consider their traditional authority over land matters higher than that of the land board members (Dusing, 2002: p. 183).

This intervention further diminished the status of the traditional leaders bearing in mind that land is critical productive resource such that its management often translates into power.

**Challenges and opportunities for enhancing the role of traditional leadership in governance and development**

It has been pointed out that in spite of efforts to cause the institutional of traditional to become obsolete, it has persevered and resisted to be invalidated and has continued to exist (Somolekae and Lekorwe, 1998) and continue to exist as a dynamic focus for local initiatives (Ramsay, 1998). Nyamnjoh (2003: p.95) observes that instead of being pushed into the
position of impoverished relics of a glorious past, traditional leaders have functioned as auxiliaries or administrative extensions of many a post-colonial government, and a „vote banks“ for politicians keen on cashing in on the imagined or real status of chiefs as the legitimate representatives of their communities. Nevertheless, the institution of traditional leadership is presently faced with daunting challenges that militate against its effectiveness in local governance and development. It has to be remembered that Botswana is a unitary state that operates a two-tier system of government with the central government at the apex of the structure. The institution of traditional leadership belongs to the next level of government which is broadly referred to as local government. In essence therefore, by virtue of being recognized as comprising another level of government, it means that the institution of traditional leadership has a role to play in the overall administration of the republic as well in matters pertaining to local development. However, it is noted that the role of the traditional leaders that was crafted at independence with a view to facilitate greater democratization has been retained to present day Botswana. Thus, the institution of traditional leadership continue to play a peripheral role in governance and local development despite its strategic role in the rural areas particularly that many people in the rural areas still owe their allegiance to the traditional leaders. Perhaps this is exemplified by Chief Bathoen protest decision that resulted with him in abandoning his position as chief to join politics. It is submitted that Bathoen used his standing or popularity as a traditional leader to win the election. This perhaps explains why the ruling party, the Botswana Democratic Party (BDP), was faced with a seemingly complex situation of relegating the powers and influence of the traditional leaders at the same time wishing to use them for political reasons. Dusing (2002) states that, „thus, it was imperative for the BDP government to retain and control this local level institution, and to benefit from its resources to mobilize the rural masses, the strongest supporters of the institution, (177-178).

Overall, the traditional leaders continue to be entrusted with the responsibility to administer justice through the customary courts by trying minor cases, settle disputes in their villages and carry out ceremonial duties. But the authors believe that traditional leaders have much to offer especially during these times when people’s participation in government and development activities is valued and increasingly being promoted (Dipholo, Mafema and Tshishonga, 2011). The democratization process gives local government, of which the institution of traditional leadership is a notable though neglected constituency, a pivotal role to facilitate development and ensure that the country’s democratic tradition is sustained (Dipholo and Mothusi, 2005). It is generally believed that people have become detached from
community activities resulting in what has come to be known as a generation of slackers, that is, people have become passive recipients of government welfare programs. As a result, communities have become increasingly dependent on the state hence the need to resuscitate the erstwhile spirit of self-help. There is a dire need to invigorate the potential of people’s participation in development activities in order to improve the effectiveness and sustainability of development interventions. The general view is that other key local government institutions like the municipalities have not been very effective in involving people hence the need for traditional leaders to bridge this gap. However, such a paradigm shift will require some kind of institutional repositioning or a deliberate process to re-orient existing institutional arrangements and herein sits the role of the institution of traditional leadership. It has been pointed out that during the pre-colonial era the traditional leaders were the driving force for community development and societal cohesion. Most significantly, traditional leaders preside over structures responsible for local level planning and management. As a result, they were able to mobilize the commitment and activism of their people toward the collective cause. This arrangement has changed dramatically as traditional leaders assumed negligible roles in matters of governance and development. However, their influence remains highly recognized as the extract below reveals:

They (Chiefs) are hapless and helpless. Nowadays even when they call community meetings to discuss community problems, residents hardly attend these meetings. The institution of traditional leadership has greatly lost influence, especially in community mobilization and maintenance of law and order. Nonetheless, it will be tragic if development agencies do not involve Chiefs (Dipholo, 2007).

Essentially, the institution of traditional leadership remains the oldest, most accessible and recognized institution in Botswana’s rural villages. In effect, the traditional leaders remain the entry points at the village level and the success of development interventions largely depends on the reception accorded to them by the traditional leaders. For instance, it is commonly known that if a traditional leader embraces a new idea, it is generally believed that his/her people will follow suit even if there might be reservations about the idea. While this may be interpreted as an ingredient of autocracy, it nevertheless shows how the traditional leaders command respect and public support among their people. This point is further buttressed by the Afro Barometer study that gauges people’s trust in public institutions which found out that there is a lot of confidence expressed in … the traditional
leadership. This implies that if used efficiently, the institution of traditional leadership would be ideal in enhancing the legitimacy of governance and local development.

One of the dangers posed by globalization in developing countries is the destruction of indigenous knowledge systems. Domfeh (2007) notes that indigenous knowledge systems encompass spiritual relationships, the use of natural resources, and relationships with the natural environment and that the systems continue to enable diverse indigenous peoples throughout the world to adapt to and survive environmental and other societal changes. This justifies the need for the protection and promotion of indigenous knowledge and since traditional leaders are the custodians of customs and practices, the institution of traditional leadership has a central role to play in this regard.

Conclusion and recommendations

The institution of traditional leadership provides a challenge in governance and development because it has been reduced to only a partial player yet it retains considerable influence amongst the people. It has been observed that there have been deliberate efforts to weaken the authority of traditional leaders since the colonial era on the pretext that it is inherently undemocratic, autocratic and archaic but the institution has persevered and withstood all manner of sabotage. Interestingly, the government recognizes the strategic importance of traditional leaders but is reluctant to publicly acknowledge it largely owing to the fear to prop up its image. On the other hand, government recognizes the value of traditional leaders in terms of their ability to bind society together for a common purpose. In other words, the government recognizes the critical role of traditional leaders for political convenience which perhaps explain why the Chieftainship Act gives the Minister absolute powers over the traditional leaders. In terms of community development, it has been shown that the role and influence of traditional leaders has been weakened yet they still command unparalleled respect and support among their people. The principle of consultation continues to rely on the traditional leaders. Sustainable community development and successful delivery of services depends to a larger extent on the extent to which people are involved and in turn, their involvement depends to some extent on the relationship between the people and their traditional leaders.

It is therefore clear that traditional leadership still has a critical role to play in governance and local development. Consequently, government must take a deliberate
decision to advance the role of traditional leaders in governance and development through the following interventions:

Government should restructure the existing institutional arrangements at the local level with a view to promoting a cooperative government through a process of reallocation of functions, powers and resources in ways that would ensure that no institution occupies an inferior level. This is necessary in ensuring meaningful partnerships between local institutions. This will require a re-arrangement or re-orientation of the institution of traditional leadership so that it could effectively play its role in governance and local development.

References


