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*SOUTHERN AFRICA OFFICE*

## **HARNESSING TRADITIONAL GOVERNANCE IN SOUTHERN AFRICA**

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## FOREWORD

This paper is the result of a study conducted to assess the current role that traditional leadership plays in public service delivery and to investigate how this role could be further enhanced. The findings from the study were reinforced by the perspectives of selected traditional leaders and representatives of local governments and civil society organisations from the Southern Africa region at a workshop on *“Harnessing Traditional Governance in Southern Africa”* that took place from 18 to 19 October 2007 in Johannesburg, South Africa. The workshop’s main objective was to boost the content of the study by inviting traditional leaders and other stakeholders within the Southern African Development Community (SADC) to find ways in which traditional leadership structures could be incorporated into the “modern” systems of government for the purposes of public service delivery. Specifically, the workshop’s goals were to (i) assess the current role of traditional leadership in public service delivery (health, education, agriculture, the judiciary, etc.); (ii) identify the modalities for enhancing the role of traditional leaders in public service delivery; and (iii) discuss possible ways of boosting good governance in resource management and ensuring delivery on development projects. Highlights of the discussions and recommendations are provided in annex 1.

The context and rationale for this study are the current democratization process and the commitment to good governance on the African continent. Against this background, traditional forms of authority have returned to the spotlight, especially with respect to the role of chiefs as an intermediary between the State and the citizen. The current opportunities for democratic participation and good governance in most African States seem unprecedented, yet there have been many failures, due primarily to the often-overlooked relationship between the contemporary African State and traditional authorities and the opportunities that these institutions provide for bringing development to the people. There remains a disconnect between State structures and civil society, and although African democratization is expected to draw from the continent’s cultural traditions, more analysis needs to be done to determine the extent to which this occurs.

Chieftaincy in Africa is an integral part and a vital element of the social, political and cultural establishment of African communities. It is a dynamic institution that reflects and also responds to the political and social transformations of society. Chieftaincy and the institutions of the modern State are situated at the confluence of traditional regimes and the modern-State administration. Therefore, as Africa continues to develop its political institutions to meet the demands of democratic governance in the modern State, the position of chiefs will continue to attract the attention of policy makers.

Examples abound to show that traditional chiefs play a tremendous role in conflict resolution with regard to land, chieftaincy, succession, criminal and civil cases. Traditional chiefs have advanced the education agenda by marshalling resources from within and outside their respective countries for children’s education. They have further helped in providing health services, including efforts to stem the tide of HIV/AIDS prevalence in their regions. Moreover, some traditional chiefs have taken their concerns to international donors such as the World Bank, calling for more resources and partnerships to improve the social conditions of their people. A case in point is the Ashantihene of Ghana and how he has been able to mobilize resources to support social programmes.

In short, if a country's rulers are serious about development, they should include traditional leaders in the planning and management of projects at the community level. Indeed, it is not in the interest of communities for the Government to sideline traditional leaders in the setting up and management of projects.

In October 2004, the United Nations Economic Commission for Africa (UNECA) organized its fourth African Development Forum (ADF IV) under the theme *Governance for a Progressing Africa*, which brought together key stakeholders in an effort to stimulate debate and build consensus on the identification of new, key areas for policy research and advocacy. The Forum discussed a whole range of issues relating to governance in Africa, including the role of traditional systems of governance in the modern State. Some of Africa's most progressive traditional leaders were invited and spoke from their own rich experiences of integrating traditional with modern systems of governance. The goal was not to determine whether traditional and "modern" systems of governance are competing against each other, but to determine how the two systems could be integrated more effectively to better serve citizens in terms of representation, participation and public service delivery.

At ADF IV, the roles that traditional authorities can play in the process of good governance were broadly defined under three categories: first, their advisory role to government and their participatory role in the administration of regions and districts; second, their developmental role, complementing the government's efforts to mobilize the population for the implementation of development projects, sensitizing them to health issues such as HIV/AIDS, promoting education, encouraging economic enterprises, inspiring respect for the law and urging them to participate in the electoral process; and thirdly, their role in conflict resolution, an area where traditional leaders across Africa have already registered some success.

During ADF IV, UNECA was requested to develop a project to map out traditional systems of governance, including consensual decision-making models, as part of a broader effort to better define and clarify their role in achieving good governance in Africa, and especially to ensure efficient and effective public service delivery. The workshop on "*Harnessing Traditional Governance in Southern Africa*" was thus in line with the consensus mandate given by member States at ADF IV.

This report was prepared with the help of many experts, key stakeholders and UNECA staff. I would like to thank the consultant, Professor Acheampong Yaw Amoateng of the Human Sciences Research Council in South Africa, who prepared this study under difficult circumstances and tight deadlines. I thank him also for taking time to participate in the workshop, where he presented the preliminary findings of the study.

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**Lesotho**

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**Swaziland**

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**Zambia**

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## **EXECUTIVE SUMMARY**

### ***Study background***

- The issue of governance has dogged African societies since time immemorial.
- The pre-colonial period was characterized by a variety of traditional governance structures.
- Colonial and post-colonial periods were characterized by bifurcation of governance, since traditional structures were juxtaposed with the Nation-State.
- African social and political organization in the 21st century has been characterized by the failure of both socialist and neo-liberal development paradigms.
- The two orthodox development ideologies have failed.
- Traditional governance structures have shown resiliency as a result of their effective institutionalization.
- There is renewed interest in indigenous knowledge and institutions.

### ***Theoretical framework***

- Modernization theory has been used to explain the current state of governance on the continent.
- The standard interpretation of the theory is that control of economic and other resources gradually passes from families to the State and capitalists as societies move from traditional to modern regimes.
- In the African context, the markers of change are the establishment of colonial rule and the rise of the modern bureaucratic State.
- Against the broad background of modernization theory, two main divergent views are discernible in the literature, namely the views of those who want to involve traditional authorities in modern governance because of their democratic elements, and the views of those who think that the authoritarian nature of traditional authorities compromises “modern” democratic governance.

### ***Data and methods***

- Data for the study were drawn mainly from a review of books and journal articles on the resilience of the institution of traditional governance.



- In addition to the desk reviews, face-to-face interviews were conducted with a traditional leader and an official of the Department of Local Government in Limpopo Province, South Africa. Due to logistical problems, the interview guides were sent by mail to Zambia, where UNECA staff assisted representatives of the State, civil society organizations and traditional leaders in completing the guides. Participants at the UNECA workshop from Botswana, Lesotho and Swaziland provided written responses to the questions in the interview guides and submitted them at the workshop.
- Data from the South African Social Attitudes Survey (2005).

### *Aims of the study*

The aims of the study were:

- To describe the inherent “institutional duality” of the Southern African political culture and analyze the relationship between democratic processes and chieftaincy in Southern Africa.
- To describe the role of traditional authorities in modern local government and the extent to which traditional authorities are involved in local governance in the modern State.
- To examine the nature of the current interface between traditional structures and local governments with regard to the delivery of such services as land administration, dispute resolution, water, health, education, HIV/AIDS and other programmes, with illustrative cases from the SADC region.
- To examine how the current role of traditional structures could be enhanced by modernizing these structures or integrating them into modern governance structures.

### *Principal findings*

- Even though traditional authorities in most African societies saw their considerable administrative, judicial, legislative and religious powers curtailed with the emergence of the Nation-State, they continued to be important centres of power and authority in the Southern African political and institutional culture. Their resilience in recent years, which is largely due to the failure of both socialist experiments and market reforms and the resultant decentralization in several African countries, has underscored this duality.
- There have been visible changes in the attitude of the Southern African public towards traditional leadership due largely to the increasing rate at which chiefs and their retainers are being educated. These changes in turn have led to the broadening of participation to ordinary members of rural communities who have the technical know-how to contribute to the communities’ development efforts.
- The resilience of the institution has also led to both constitutional and legal protections in the countries in the region. Traditional governance is recognized everywhere in the

subregion, with Lesotho and Swaziland having the highest level of integration of traditional institutions into State structures.

- Presently, traditional leaders in the other countries play a much more limited advisory and lobbyist role on traditional, cultural and customary issues. This limitation and lack of an independent resource base hinder the service-delivery role of traditional leaders.

### ***Key recommendations***

Key recommendations are summed up under three main headings, namely (i) institutional strengthening and capacity-building; (ii) information and knowledge sharing; (iii) boosting good governance.

#### ***Institutional strengthening and capacity-building***

- There should be political commitment and courage to take bold decisions on the role and involvement of traditional authorities in the service delivery and good governance process. This should include the introduction of information and communication technology (ICT) infrastructures in rural areas to ensure availability of services such as birth, marriage and death certificates.
- There should be mechanisms to enhance traditional leaders' interaction with the various arms of the government (legislative, executive and judiciary).
- Concrete steps should be taken to move beyond co-existence and co-optation towards integration and mainstreaming of traditional leadership into the priority-setting, legal and budgeting process.
- The State and representative bodies of traditional authorities should jointly review all legislative provisions in order to educate traditional authorities about the impact of these legislations on their roles, and for knowledge-building purposes.
- These steps should be synchronized with building the capacity of traditional leaders through knowledge acquisition; training on public financial management; adequate remuneration and compensation; and the establishment of institutional structures to facilitate their participation and provide them with appropriate operating facilities (office equipment and human and financial resources).
- Specific capacity-building exercises should be undertaken, including the training of trainers for traditional leaders based on needs analysis; workshops and seminars on practical issues of leadership and delivery of public services; inter- and intra-country exchange missions and study tours for educational and networking purposes; encouragement and support for traditional leaders to engage in lifelong learning and skills development, thereby setting examples in their communities about the importance of education.

- The State should assist traditional leaders in mobilizing the necessary resources to manage and empower their communities, create employment and generate wealth.
- Public-private partnerships (PPPs) and rural economic empowerment should be considered as a means of generating wealth, involving community resources and accessing natural resources in ways that directly benefit local communities. These partnerships are necessary for increased investment, financing of public works and knowledge transfer.
- Traditional leaders should be supported in getting people with technical knowledge within their communities to complement their capacities and participate more in community affairs.
- Economic empowerment should be extended beyond benefits from royalties to include community shareholding arrangements so that communities can stake their claim to the natural resources being exploited for sustainable wealth creation at the community level.
- Arrangements and structures should be institutionalized to clearly define the roles of traditional authorities, government, civil society and parliaments.
- The issue of representation should be addressed to ensure that traditional leaders are well represented at all decision-making levels (constituency, district and national).
- Partnership arrangements should be established beyond mere consultation to include the building of functional relationships between State systems and traditional authorities.
- The jurisdiction of traditional leaders in the administration of justice should be more clearly defined. Moreover, other factors hampering them in the performance of their judicial functions, such as the non-codification of customary law in some countries, lack of record-keeping facilities, lack of training, weak linkages with law enforcement and non-alignment between the customary law and the statutory law, should be addressed.
- As part of the formalization and integration process, the State should to provide resources for the codification of customary law, equipment such as computers for the storage and retrieval of records, and the requisite training to enable traditional leaders to complement State efforts in the dispensation of justice at the local level.

### ***Information and knowledge sharing***

To ensure that traditional leaders acquire knowledge and share the information they access, the following specific interventions are recommended:

- They should be encouraged to build upon success stories and best practices available in different countries.
- They should be given platforms at national, subregional and continental levels to voice their opinions, including the SADC Traditional Leaders' Council.

- Knowledge sharing and training should underpin the capacity development process, including the development of a sustainable information system.
- They should build upon existing success stories and best practices on the role of traditional governance in service delivery. These success stories should be identified, compiled and disseminated.

### ***Boosting good governance***

Good governance is one of the central tenets of NEPAD, that must be followed for a successful integration of traditional leadership into modern State structures. In boosting good governance, the participation, information, accountability and political neutrality of traditional leadership should be entrenched, since they are all necessary requirements for sound leadership, especially with respect to the performance of traditional leaders' public roles and duties.

To assist traditional leaders in achieving these goals, the following specific interventions are recommended:

- Needs assessments should be conducted jointly by the State and traditional leaders in their respective communities, through a stock-taking and/or self-assessment process to identify strengths, weaknesses, opportunities and threats facing traditional communities.
- Mechanisms should be established to track progress in development projects spearheaded by traditional leaders.
- Systems should be established to monitor and evaluate such projects.
- Sound record-keeping practices should be instituted to ensure proper accountability and track progress on implementation of programmes and projects.

**ACRONYMS AND ABBREVIATIONS**

ADF IV	Fourth African Development Forum
AfDB	African Development Bank
AIDS	Acquired immune deficiency syndrome
ANC	African National Congress
AU	African Union
CONTRALESA	Congress of Traditional Leaders of South Africa
EC	Eastern Cape Province (South Africa)
ESKOM	Electricity Supply Commission (South Africa)
FNDP	Fifth National Development Plan (Zambia)
FS	Free State Province (South Africa)
GT	Gauteng Province (South Africa)
HIV	Human immunodeficiency virus
HRH	His/Her Royal Highness
ICT	Information, Communication and Technology
IMF	International Monetary Fund
KZN	KwaZulu-Natal Province (South Africa)
LP	Limpopo Province (South Africa)
MDG	Millennium Development Goal
MP	Mpumalanga Province (South Africa)
NC	Northern Cape Province (South Africa)
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental organization
NW	North-West Province (South Africa)
PPP	Public-private partnership
SADC	Southern African Development Community
SALGA	South African Local Government Association
SAP	Structural adjustment programme
SASAS	South African Social Attitudes Survey
SPSS	Statistical Package for the Social Sciences
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
WC	Western Cape Province (South Africa)

## CHAPTER 1: BACKGROUND: SITUATIONAL ANALYSIS

To the extent that governance is about the equitable distribution of societal resources, African societies have been grappling with the issue since time immemorial. Long before the colonial era, African societies had established a variety of political systems with corresponding political, economic and social institutions which dealt with allocation of resources, law-making and social and political control. The predominant principle of social relations in pre-colonial African society was presumed to be that of family and kinship associated with communalism. Every member of an African society was believed to have his or her position defined in terms of relatives on his mother's or father's side. Land, a major means of production, was owned by groups such as the family or clan (Rodney, 1978). Because of this principle of social organization, consensus rather than conflict over the distribution of economic resources was often assumed in the discourse about governance. However, from oral and other anecdotal accounts, we also know that over time some families, through wars of conquest, subjugated other family groups and widened their territorial bases and eventually became ruling aristocracies.

As a result of the generally exploitative relationship that characterized the colonial project, where "racial justice" dominated the discourse on governance, it became a fad for the post-colonial African State to adopt socialist principles of development in the 1960s and 1970s. However, in the 1980s, after the dismal failure of the socialist experiment, African States gradually reverted to the neo-liberal development paradigm with its wholesale embrace of the market reforms popularly known as the structural adjustment programmes (SAPs). But, in spite of this embrace of the so-called *Washington Consensus* by Africa's ruling elite for more than two decades now, African societies continue to be faced with various problems of governance, a situation which has undoubtedly led to the loss of a great deal of legitimacy by the post-colonial African State.

Coupled with the failure of the State structures inherited from the colonial regime to govern in line with the socio-economic aspirations of Africa's peoples and the proven resilience of traditional institutions as a result of their effective institutionalization, there has been renewed interest in indigenous knowledge and institutions (for example, Ake, 1990; Ayittey, 1991; Davidson, 1992; Wunsch & Olowu, 1990). This resurgence of interest in traditional institutions has largely been manifested in the increasing popularity of decentralization which has occupied centre stage of policy experiments in several developing countries, including in Asia and Africa in recent years. It is regarded as a way of defusing social and political tensions and at the same time ensuring local cultural and political autonomy (Bardhan, 2002). However, some scholars have suggested that traditional governance is popular mainly among rural residents as opposed to the vast majority of urban residents, who still cling to modern governance structures. (Mengisteab, 2006).

It is against this background of the crisis associated with dissatisfaction over the *Washington Consensus* that the idea of integrating traditional governance structures into modern structures of governance to ensure effective and efficient governance in Africa must be understood. For example, applauding the idea of integrating the two systems of governance, Skinner (2007) has argued that similar measures like the *Washington Consensus* in the 1960s by the new African elite essentially involved an outright abolition of traditional leadership structures in some countries or a drastic reduction of their powers and influence in the affairs of the State in others. He argues that these African nationalists ignored their own "counter-racist" philosophies such as "negritude" and the

“African personality” by paying only lip service to traditional political cultures, while firmly rejecting compromise with African traditional politicians. For example, in Ghana, Kwame Nkrumah rejected the view that the new African States used agriculture to build their economies and employed *ethnic-based* coalitions (Lewis, 1967).

The so-called neo-traditionalists all invariably argued and advised the new African elite not only to recognize the loyalty of their people to traditional leaders, but to also involve them in the governance of their countries (for example, Bond, 1976; Chazan, Mortimer, Ravenhill & Rothchild, 1992; Lloyd, 1970; Miller, 1970; Samuel, 1989; Whitaker, 1970; Wilson, 1994). In recent years, the call to involve traditional authorities in the governance of “modern” African States by both African scholars and Western donor agencies has become louder and louder as a result of the social changes that have transformed the African social and political landscapes. For instance, several scholars have observed the juxtaposition of Western-style democracy, which is based on the notion of political and social rights of individuals, and the ethnic-based collectivism characteristic of African societies (for example, Owusu, 1991).

To such scholars, the problem of governance then is to recognize and satisfy the goals and aspirations of different groups and their leaders. In fact, it has been argued that the institutional crisis in Africa cannot be resolved by relying exclusively on either external enclave transplant institutions or purely traditional institutions and that neither total “institutional transplant” nor “traditional fundamentalism” is a viable alternative for Africa (World Bank, 1992). Against this background of disagreement about integrating the two structures of governance, we take a critical look at the nature of existing scholarship on the past and contemporary roles of traditional leadership in Africa as a whole and Southern Africa in particular.

## CHAPTER 2: THEORETICAL FRAMEWORK

Contrary to claims through several years of Eurocentric histories, which infantilized Africans and doubted their innovative ability, there is now a general consensus that State formation in Africa is not a post-colonial development. For instance, functional States like the Ashanti kingdom, the Zulu kingdom and the Great Zimbabwe existed in pre-colonial Africa. Recent archaeological findings on sites such as Mapungubwe and Thulamela in South Africa prove that pre-colonial Africans were innovative and had well-organized political institutions of power.

Consistent with the communalist nature of traditional society, at the basis of traditional governance during this period was the institution of the family and kinship which defined social and economic positions of members of society, especially with regard to access to land. The heads of these *dynastic* families often used their control over resources like land, cattle and the bride price obtained through strategic political marriage alliances, to establish themselves as a privileged economic and social stratum. Moreover, religious beliefs and practices, which at that time were based on ancestral worship, were used by the family to mobilize and discipline members in the process of State formation. Despite the resilience of traditional governance structures and the fact that they vary greatly from highly centralized to decentralized systems, there is still no consensus on the desirability of integrating them into modern democratic governance structures.

### 2.1 The neo-traditionalist argument

Essentially, two main divergent views are discernible in the existing literature. One view is held by those who contend that traditional leadership is compatible with modern democratic governance because it possesses certain democratic elements. For example, commenting on the organization of African societies around traditional leadership structures and the religious, legislative, administrative and judicial roles they played in pre-colonial times, Sakyi (2003: 131) observed:

Traditional leaders once held a firm grip on the social, economic, and political system that governed society. There were systems in place to regulate behaviour, and rules were well enforced to ensure a safe and orderly society. They had an adequate revenue base through taxes and other donations and royalties to support families and meet their societal obligations.

For these and other scholars, while the hierarchy characteristic of most traditional governance structures was only a means of maintaining order and stability in society, it upheld democratic principles in the sense that everything was done in the open (for example, Ansere 1993; Ayittey; 1992; Busia 1951; Nsarko, 1964; Tangwa, 1998; Keulder, 1998). While Mokgoro (1994) admits that African traditional leadership has always been hereditary and therefore not subjected to the electoral process that characterizes modern governance, he also notes that power was traditionally exercised only through the council, which helped to negate absolutism.

Thus, according to this view, traditional leaders have helped to maintain a system of government based on accountability, consultation and decentralization. Supporting Mokgoro's view, Williams (2002) notes that:



The democratic aspects of traditional leadership and authority systems were instrumental in mediating the autocracy of the kingdom but were undermined by colonialism. “Physical force” as the means by which African leaders exerted their authority was apparently exceptional before colonialism. Potentially highly exploitative practices such as polygamy and taxation were possible because of citizen deference to kingly authority and via specific ceremonial procedures and limitations.

To this group of scholars therefore, the two structures of governance can and must be integrated.

## **2.2 The neo-liberal argument**

These observations about the democratic nature of traditional governance notwithstanding, some scholars have argued against the involvement of traditional leadership in modern governance structures because, by its very nature, traditional authority compromises the democratic project under way in many African countries (for example, Bekker, 1993; Mamdani, 1996; Ntsebeza, 2005; Simiyu, 1987; Rugege, 2002; Walker, 1994). They argue that chieftaincy was corrupted by the colonial State and by the clientelism of the post-colonial mode of governance; the populations under traditional authorities live as “subjects” rather than as “citizens” of the State and democratic governance cannot be achieved in such systems; and that traditional institutions impede the pace of development as they reduce the relevance of the State in the areas of social services and heighten primordial loyalties (for example, Mamdani, 1996; Ntsebeza, 2005; Marais, 2001; Mboya, 1974; Zack-Williams, 2002). This group therefore rejects any notion of accommodating traditional leadership in a modern democracy.

### **CHAPTER 3: THE AIM AND OBJECTIVES OF THE STUDY**

It is against the background of the so-called “failed” State in Africa, the resilience of traditional institutions of governance, especially the role of chiefs, and the urgent call for institutional reform in the discourse about governance in Africa, that we undertake the present study. The main objective of the study is to highlight key traditional governance issues on the continent in general and the most pressing traditional governance issues within the Southern African subregion. Specifically, the study seeks to accomplish the following goals:

- To describe the inherent “institutional duality” of the Southern African political culture and analyze the democratic processes and their relationship to chieftaincy in Southern Africa.
- To describe the role of traditional authorities in modern local government and the extent to which traditional authorities are involved in local governance in the modern State.
- To examine the nature of the current interface between traditional structures and local governments with regard to the delivery of such services as land administration, dispute resolution, water, health, education, HIV/AIDS and other programmes, with illustrative cases from the SADC region.
- To examine how the current role of traditional structures could be enhanced by modernizing them or integrating them into modern governance structures.

## **CHAPTER 4: METHODOLOGY**

### **4.1 Fieldwork preparation**

Initial contacts were made with the officials responsible for traditional governance in each provincial/regional Department of Local Government in South Africa and Zambia through emails, with follow-up phone calls. The initial emails explained the objectives of the study and the source of funding. In this initial correspondence, we did not only ask for permission to conduct the interviews with the representatives of the traditional authorities and local government in the respective areas, but we also enlisted their support for access to the key informants for the interviews

### **4.2 Data**

#### ***4.2.1 Desk study***

The study was predominantly a desk study and therefore entailed a review of the existing literature in the form of books and journal articles on the resilience of traditional leadership and how the institution could be harnessed in Southern Africa, taking into account the change of attitude towards traditional authorities from colonial times to the present. The dynamic nature of the relationship between the institution, civil society and the State in the context of democratization and governance was also examined. Moreover, the legitimacy of the institution in promoting the interests of local communities and achieving local development was explored by consulting historical and modern records.

#### ***4.2.2 Interviews***

Besides the review of existing literature, we used face-to-face interviews with representatives of traditional authority, local government and civil society organizations in the two countries. However, for financial and logistical reasons, only two face-to-face interviews were conducted in Limpopo Province in South Africa, where one local government official and one traditional leader granted the interviews.

In these interviews, informants were prompted, through an interview guide, to provide information about such issues as the major features of traditional governance structures in the past and present (roles, responsibilities, relationships, etc.); how the traditional system handles the provision and administration of public goods and services, including administration of justice and management of common resources; how the traditional system of governance supports productive and non-productive social activities, NGO activities related to, HIV/AIDS – prevention, mitigation and care - drug/alcohol abuse, social grants, acquisitions, etc; how the traditional system handles participation and accountability (role of women, the youth and “foreigners”); the relationship between the traditional system and the State-based administrative system (areas of cooperation, conflict and conflict-resolution mechanisms, if any).

### ***4.2.3 The South African Social Attitudes Survey***

In South Africa, a quantitative data set was analysed for information on the population's attitudes towards the different levels of governance under the country's 1996 Constitution, which duly recognizes traditional authorities. The data for the study came from the 2005 round of the South African Social Attitudes Survey (SASAS), which is a national probability sample of 5,734 persons aged 16 and older.

The survey ascertained, among other things, people's levels of trust in the national government, provincial government, local government, parliament and courts, on the one hand, and traditional authorities on the other. With such other factors as place of residence, age and service delivery, this source of information proved valuable for the present study, especially given its policy thrust.

## **4.2 Data analysis**

All the interviews were transcribed and the content analysed thematically based on the objectives of the study. The interviews complemented the existing literature for the case studies presented for the two countries. Finally, in the case of South Africa, simple descriptive statistics were employed to analyse the 2005 South African Social Attitudes Survey using the Statistical Package for the Social Sciences (SPSS) software. In the next section, we show the results of the analyses in addressing the central issues of the study.

## CHAPTER 5: THE STUDY FINDINGS

### 5.1 The inherent “institutional duality” of the Southern African political culture

Like every human society, African societies were governed through structures that ranged from the highly hierarchical to the highly decentralized. In fact, it was partly because the institution of traditional leadership is an integral part of the African cosmology that, at the outset of British colonial rule on the continent, Lord Lugard, the British colonial administrator in the northern Nigerian Caliphates, concluded in his *Dual Mandate* that the institution was to be accommodated at the local government level. This conclusion about the relevance of chieftaincy led to the introduction of the indirect rule system of administration in most of the British colonies throughout the continent. While the French and other colonial powers employed different strategies with regard to traditional leadership, all the colonial powers invariably refrained from discouraging the continuance of key pre-colonial institutions.

Thus, whether the decision to maintain this primordial system of governance by the colonialists was motivated by self-interest or by a genuine desire to maintain African indigenous institutions, traditional leadership has remained a permanent feature of the African social, cultural, political and economic landscape. It is this permanency of the institution of traditional leadership that largely explains the failure of the first generation of African political leaders and their accomplice liberal scholars to undermine or even abolish it in the immediate post-decolonization period. In other words, it is the importance and resilience of the institution of traditional leadership that has led to the culture of institutional duality in the African political landscape.

#### 5.1.1 South Africa

This duality has been quite evident in the present study as the analyses of the data show. To illustrate this culture of institutional duality in South Africa, we use both the 2005 South African Social Attitudes Survey and the interview data. First, the survey data is used to show the relationship between province and trust in the three levels of State governance compared with traditional authorities, as depicted in tables 1 and 2. Specifically, a five-point Likert scale was used to measure the level of trust in the three levels of governance. The question asked in the survey was: “How much do you trust each of the following?”, and the responses ranged from “strongly trust”, “trust”, “neither trust nor distrust”, “distrust”, to “strongly distrust”. Table 1 shows the level of trust by province, while table 2 shows the level of trust by residence. Since traditional governance is only found among Black Africans in South Africa, this analysis of the survey data is limited to Black Africans.

**Table 1: Relationship between province and trust in levels of governance in South Africa**

Level of governance	Province (per cent)									
	WC	EC	NC	FS	KZN	NW	GT	MP	LP	Total
Traditional authority	44	52	25	63	64	59	41	63	68	57
Local government	24	80	42	54	53	52	39	59	48	53
Provincial government	36	86	50	73	74	64	50	71	71	67
National government	37	95	72	74	74	77	67	78	72	76

Source: 2005 South African Social Attitudes Survey

**Table 2: Relationship between place of residence and trust in levels of governance in South Africa**

Level of governance	Residence (per cent)	
	Urban	Rural
Traditional authority	50.9	64.0
Local government	48.7	58.5
Provincial government	63.1	73.3
National government	71.9	79.4

*Source: 2005 South African Social Attitudes Survey*

Both tables 1 and 2 depict several issues that are central to the study. Firstly, apart from the three provinces where there are no traditional authority structures (namely, Western Cape, Northern Cape and Gauteng), the level of trust in traditional authorities ranged from 52 per cent in the Eastern Cape Province to 68 per cent in Limpopo Province.

Secondly, even in the Western Cape and Gauteng provinces, 44 per cent and 41 per cent respectively of the Black African residents said they either “strongly trust” or “trust” traditional authorities<sup>1</sup>. Thirdly, and most importantly, the table depicts a bifurcation of the South African political-administrative system that reflects the culture of institutional duality. Specifically, the table shows that, with the exception of the Eastern and North Cape provinces, the level of trust in traditional authorities is higher than that in local government in every province (in fact, in the Western Cape, where there is no traditional authority structure, the people are more trustful of traditional authorities than any other level of governance).

It is quite evident that, in the minds of Black Africans in South Africa, there is no distinction between traditional authorities and local government, and the provincial and national governments are perceived to represent one structure. This finding is, in fact, the argument put forth by the traditional authorities as represented by Chief Mangosuthu Buthelezi during the country’s constitutional negotiations in the early 1990s, namely that “traditional authorities are the local government”.

Table 2 speaks to two main issues. First, it is a further illustration of the institutional duality that characterizes the Southern African political and social landscape; secondly, it debunks the myth that the popularity of the institution of traditional leadership is confined to rural areas. Even though almost two thirds of rural residents are trustful of traditional authorities, more than 50 per cent of urban residents also trust traditional authorities, a 14 percentage-point difference only and further evidence of the resilience of the institution in the social organization of African societies.

Nevertheless, the pertinent question that must be answered at this point is: why is traditional leadership relatively more popular in rural areas than in urban areas? While the ideology of the “Divine Right of Kings” might be more entrenched in rural communities with their relative insulation from the ravages of modernizing ideologies, one cannot discount the impact of the colonial-style development models which tend to be biased towards urban areas. This explanation

<sup>1</sup> This could be a reflection of the in-migration of Black Africans from traditional authority areas into the two economically dominant provinces in the country.

of the institutional duality resulting from the relative popularity of traditional leadership amongst rural folks was supported by the survey data for South Africa as shown in figures 1 and 2.

FIGURE 1: SATISFACTION WITH DEMOCRACY, BY AREA OF RESIDENCE

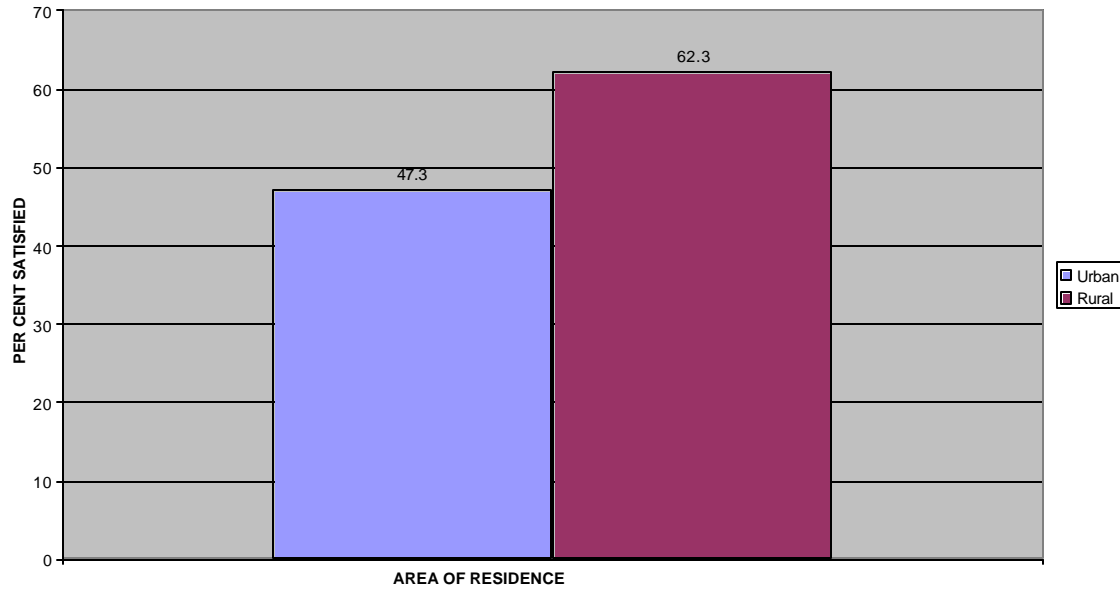


FIGURE 2: SATISFACTION WITH SERVICE, BY AREA OF RESIDENCE

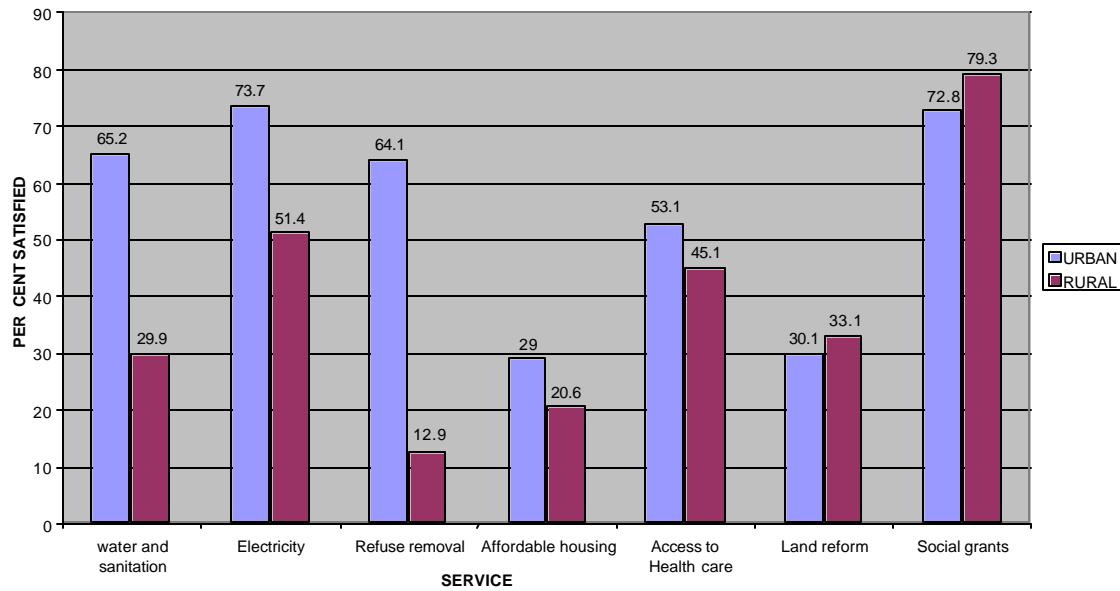
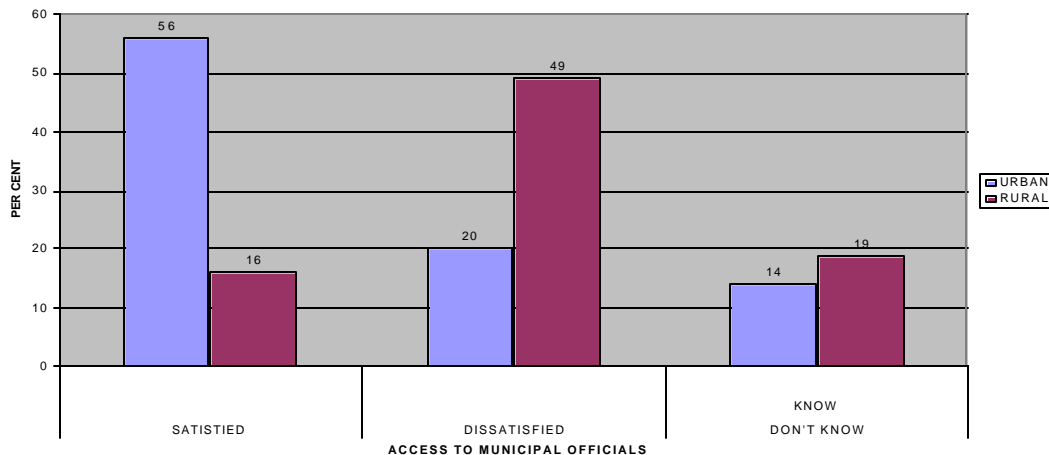


Figure 1 shows the results of the survey when respondents were asked to indicate their “satisfaction with the working of democracy in the country”. As the figure shows, rural residents were satisfied with the working of democracy as a broad notion; however, when democracy refers to the provision and delivery of specific basic services that define citizenship in a democratic political environment, the only service they were relatively satisfied with was access to social grants (figure 2). For example, while nearly three quarters (74 per cent) of urban residents said they were satisfied with access to electricity, only slightly more than one in two (51 per cent) rural residents were satisfied with access to this service. This bifurcation of governance, which is mirrored in the geographical schism concerning access to basic services, is further illustrated by figure 3, which shows satisfaction with access to municipal officials. While almost six in ten urban residents said they were satisfied with access to municipal officials, less than one in two rural residents said they were dissatisfied with this access.

FIGURE 3: SATISFACTION WITH ACCESS TO MUNICIPAL OFFICIALS



Thus, even though the present Government may have done better than its predecessor in expanding the social and economic benefits of democracy, there is still a schism between rural and urban areas in terms of access to basic services. The informant for the traditional authorities echoed this sentiment during the interview:

Rather than to say in order for you to work you have to move away from your rural community, which is discrimination in its own right, because the environment does not, you know, allow people to reside in rural areas because the Government or whoever is in authority continually centralizes all the developments and the economic spinoffs around urban areas.

Besides the quantitative/survey data, this institutional duality was confirmed by data from the interview with representatives of the two governance structures. For instance, in the interview with the informant for the Department of Local Government and Housing in Limpopo Province, she



was clearly referring to the two pieces of legislation that recognize the institutional duality in the following statement<sup>2</sup>:

Maybe as a brief background I think this Government; government of the day has actually taken a conscious decision to recognize traditional leaders, which has been, I think, a major step, that we recognize *them as part of our system*. But similarly to say that *provincially* as well, we have gone a bit further to say we have a House of Traditional Leaders that is recognized under the leadership of our Premier, that is, it is located within the Premier's office. So *based* on that, there is no way that you can have any programme being implemented without the participation of the traditional leaders...My understanding is that if you are a community member in a rural village, be it a nurse or a teacher or whatever, you are obliged to abide by the decisions taken by that particular traditional leader, but *similarly* as a municipality, as they roll out the Property Rates Act, you would be liable for those, because they are within the middle income, which means that they can be able to pay for the rates. So it's....it is good to have them in the community; the educated people, so they can also liberate the whole community.

Similarly, our traditional authority informant made the following statement in which he contrasted the mechanisms of accountability under the two systems of governance:

[...] That is the best way of ensuring accountability, which I want to say is *missing* from the present, modern, local government setup. You know it's getting away, there's no system where for example every year the elected councillors are called and account to the community on what they've done. The only thing that happens is when they talk about *budgets* and what have you. To me it's not *enough* to give the community sufficient room to say "but hang on comrade councillor, we elected you, you were just an ordinary man, suddenly you are driving a big 4 x 4, how did you *manage*? Can you share with us? Where did you get this money because we are still suffering, we are still the very same society that elected you, but you are a few/far hundred metres away from us; *tell us*, why did you make magic out of this thing?"

### 5.1.2 Zambia

South Africa is in fact a mirror image of the rest of the Southern African region with regard to the inherent institutional duality that characterizes its social and political landscape. Even though unlike for South Africa, we had no comparable quantitative data to depict this duality, its existence in Zambia was gleaned from the interview data we collected from the key informants in that country. For example, they all recognized the importance of cooperation between the two governance systems on the delivery of services to the citizens. There was consensus among all the stakeholders that both institutions were responsible for advancing the socio-economic development of the communities they serve. The two statements below are indicative of this agreement that the two systems are symbiotic with regard to service delivery:

*The relationship... is that the two are partners in development"* (SR – Local Government).

*"They need each other for the purpose of development...all areas of development need the input of both the chiefs and councillors"* (Representative of a local NGO).

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<sup>2</sup> The 2003 Traditional Leadership and Governance Framework Act and the 2003 Communal Land Rights Act respectively.

## 5.2 Democratic processes and their relationship to chieftaincy in Southern Africa

The combined failure of socialist central planning and military adventurism led several African countries to adopt such neo-liberal prescribed market principles as structural adjustment programmes (SAPs) and other International Monetary Fund/World Bank conditionalities in the early 1980s. This development reached its apogee with the collapse of the Soviet Union in the early 1990s. As a system, capitalism is a triumvirate of free marketism, political liberalism and cultural diversity. Therefore, the implementation of market reforms has been in tandem with democratization of the political systems as a means of ensuring international best practices with regards to both political and economic governance. The democratization process essentially entails a multiplicity of political parties, regular, free and fair free elections, independence of the judiciary, and a free and robust press.

Even though liberal democracy prescribes cultural diversity, some scholars have suggested that the continued existence of the institution of traditional leadership in many African States is a fundamental contradiction of this democratization process. Writing specifically about the South African experience, Ntsebeza (2005), for example, has argued that because traditional authority (chieftaincy) is based on birthright as opposed to elections, it compromises the country's hard-won democracy. Moreover, according to these scholars, the institution of traditional leadership is based on rule by a few and therefore is contrary to the republican ideals that underwrite liberal democracy. To them, the patriarchal ideals of traditional leadership mean that the distribution of social, economic and political resources in the traditional system favours *old* men at the expense of women and the youth.

### 5.2.1: South Africa

It is within this context of liberal-democratic governance, with its underpinning rational-legal bureaucratic cultural ethos, that the relationship between the modern State and the institution of traditional leadership must be understood. The legislative framework of the extension of the democratization process to the local level in South Africa was the 1993 Local Government Transition Act (Pycroft, 2000). Among other things, this Act sanctioned the creation of municipalities throughout the country, including rural areas, which were under the political and administrative control of traditional authorities in the apartheid system. In fact, during our interview with the local government official in Limpopo Province, when asked about how the State relates to the various stakeholders with regard to service delivery, she cited this Act and the Intergovernmental Framework Act as the basis of their relationship with regard to rural communities:

We work with members of the rural communities, but with the understanding that we have what we call the Intergovernmental Framework Act, which looks into how government-to-government we operate. For instance, as a *department* we don't actually go *directly* to a community, as the recognized structures that are there already. We have the ward committees that are responsible, you know, directly deal with the communities. So the ward committees will elevate all the matters raised by the community to the municipal level. The municipal level will then elevate that to the departmental level and the department will elevate that through our cabinet clusters, directly to cabinet. So that is how

we deal with communities, because if you look at it now, if for instance as a department we interact directly with the municipalities, with communities, we are not recognizing all the structures that we have established according to the Act, the ward committees and all that.

According to the liberal-democratic formulation, the above statement is the essence of participation, which constitutes the *sine qua non* and source of legitimacy of this system of governance. While the neo-traditionalists do not dispute this claim by liberal democrats, they contend that the hereditary nature of the institution does not mean that participation in the running of community affairs is limited to the ruling lineages. In fact, they suggest that kingly authority and traditional governance is a combination of leadership strategies and important democratic processes (see Ansere 1993; Busia 1951; Nsarko 1964; Tangwa 1998). For example, based on the Senegalese experience, Pathe?Diagne (1970) has strongly insisted on the significance of *lineage* as a major subject in the country's political evolution. He argues that being the depositary of sovereignty, lineage remains the reference in the definition of legitimacy and in the power devolution system, and that through family communities, it is the depositary of social status and political power.

Thus, according to this view, traditional leaders have always helped to maintain a system of government based on accountability, consultation and decentralization. Moreover, to give meaning to an adage of the Akans of Ghana that "one man does not sit in council", the chief governs with the Council of Elders composed of a diversity of community members. Members of this modern-day cabinet are appointed from within the respective communities based on several criteria such as competence and service to the community. In fact, during our interview with the traditional leader in Limpopo, he argued that under that system of governance, the notion of heredity is tied to that of legitimacy in that the ruling lineage is accorded legitimacy by the involvement of the whole community in the selection of the wife for the senior male member of the lineage who has the responsibility of producing the heir to the throne. On the broader issue of participation in the political process, like every socio-political institution, that of traditional leadership is changing and adapting in accordance with the rhythm of broader societal transformations. On the issue of how participation is changing under the system, here is what the chief said:

Yeah, in the past, it would be this leader and his brothers but *equally* with *other* influential people whom they appointed, the 'headman'. A headman means you are not related to this royalty but by virtue of your loyalty and capability of doing things, the royal house felt that you needed to be part of that council, which even to date we are still operating in that way [...] You know, Prof, I came from the liberation movement background and I took over while I was an activist in the ground and I had to bring some new dimension into the system where I had to say despite that there will be royal family members, headmen as part of council, I would want a new representative from the community to come and form part of us. When I was saying so, I must say that it wasn't pleasing my elders within the royal family and within the council. They were saying 'no, no, no, now this young man is taking our powers and distributing amongst, you know commoners'.

This situation of the adaptability of traditional leadership to changing circumstances with regard to participation may be contributing to the changing public perception of the nature of the institution in South Africa, for example, as gauged by the data from the social attitudes survey. Some of the data on this possible change in perception in South Africa are shown below.

FIGURE 4: TRUST IN TRADITIONAL AUTHORITIES, BY AGE

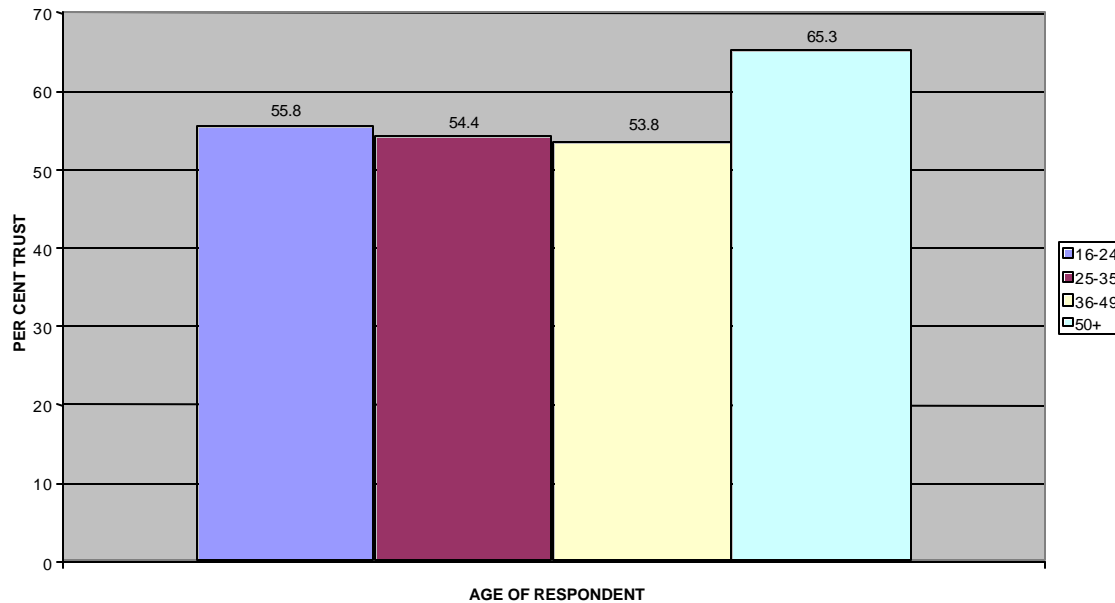


FIGURE 5: LEVEL OF TRUST IN TRADITIONAL AUTHORITIES, BY GENDER AND AREA OF RESIDENCE

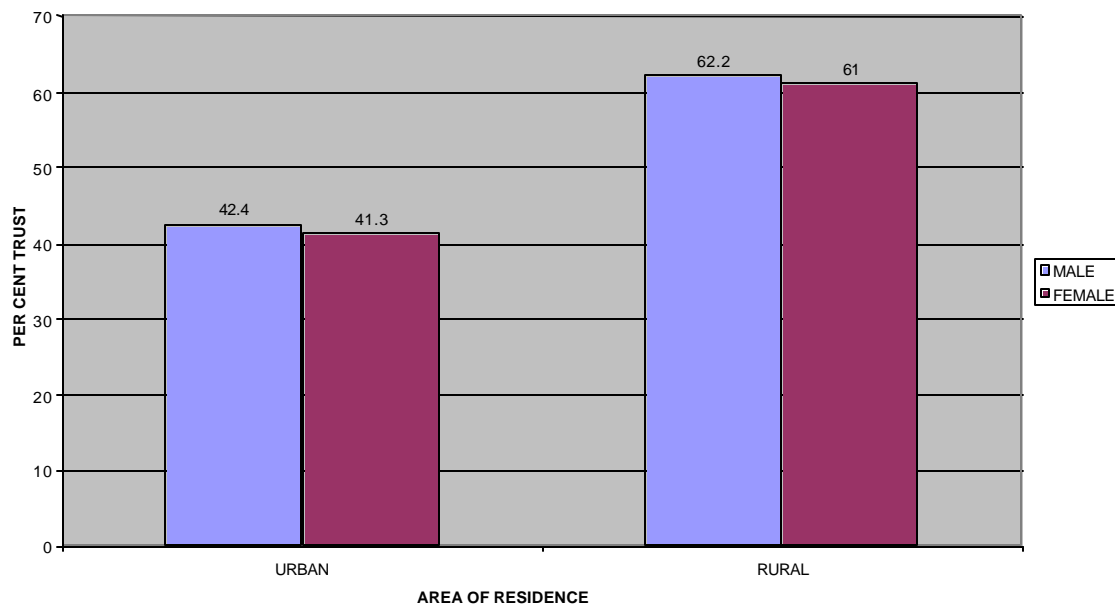


Figure 4 shows the results of the analysis of the relationship between level of trust in traditional authorities and age, while figure 5 shows the relationship between levels of trust in traditional authorities by gender. As figure 4 shows, even though the level of trust in traditional authorities is highest amongst persons aged 50 and above (65.3 per cent), the level of trust in the institution is quite reasonable across all age groups. This is contrary to our expectation that the institution is anti-youth. Significantly, the level of trust in the institution among young adults aged

16-24 is higher than that of the middle generations. In attesting to the adaptability of the institution to changing circumstances, our traditional leader informant describes his own effort to encourage participation by the youth in the following words:

I was saying we should allow the community, to have, you know their own chosen people to come and serve in the council as a development-orientated structure that will be driving us from that particular understanding, because I had to appreciate and acknowledge that it does not mean that by virtue of being where I've been, by virtue of being a Kgosi (chief), I've got every knowledge that the world wants. Therefore let's allow other people to come and spice us and help us you know to have a better way of thinking. But, from a tradition and cultural point of view, the elders could not swallow that pill easily [...]

Figure 5 shows the relationship between level of trust in traditional authorities and gender after controlling for area of residence. While rural residents are more trustful of traditional authorities than their urban counterparts, regardless of gender, females are no less trustful of traditional authorities than their male counterparts, regardless of area of residence. The fact that there are no significant differences between males and females in their levels of trust in traditional authorities is very significant, since conventional wisdom appears to be that females are disadvantaged under traditional governance, which is patriarchal in nature.

### ***5.2.2: Zambia***

A similar situation of the changing nature of traditional leadership with regard to participation was observed in Zambia. There was clear evidence that traditional institutions have embraced State-led development and thus combine modernity and tradition in their structures. Unlike in the past when the Council of Elders would be composed of the chief's relatives, distinguished tribal warriors, traditional healers and loyal wise men, today recognition is also given on the basis of status and role. For example, traditional councillors include teachers, businessmen and retired civil servants within the chief's jurisdiction. In several instances people who have certain competencies are appointed to serve on the Council from outside the accredited families, regardless of age, class or gender. This is akin to the modern democratic system where a president can appoint to his cabinet a person from across the political divide if that person is deemed to possess certain technical competencies.

The question of broader participation and inclusion of representatives of various interest groups in society is the essence of democracy and cannot be prescribed to traditional institutions only. In Zambia, it was the representative of the local government who ironically criticized the current composition of councils for not adequately representing the myriad interest groups in the country. It is recognized that such a change would increase stakeholder participation in the affairs of these councils beyond that of elected representatives (councillors) and chiefs' representatives, as is currently the case. On the other hand, the representative of the traditional authorities found the composition of councils to be satisfactory "because the majority of councillors [were] elected.

Thus, the criticism that traditional leadership compromises democracy because it does not encourage participation by non-royals appears to be contradicted by the fact that "commoners"

participated and continue to participate in the governance of traditional communities. Public participation under the traditional governance system is rapidly expanding to adapt to modern circumstances, as the situation in the two countries has shown.

### **5.3 The role of traditional authorities in modern local government**

The claim by traditional leaders in Africa in general and in South Africa in particular that “they are the local government” is based on the role they have played historically and, in many instances, continue to play in African societies. There is a great deal of variability in the organizational structure of traditional leadership across the continent, ranging from the highly hierarchical to those that are based on consensual decision-making (for example, Mengisteab, 2006). However, the common thread that runs through all the institutions is the roles they have played as the custodians of ancestral and community land; the custodians of culture, customary laws, traditions and history; the initiators and champions of development activities in their respective areas of jurisdiction; and the protectors of law and order, including the consideration and settlement of non-criminal civil disputes.

Even though upon the institution of colonialism and the emergence of the modern Nation-State the centralized colonial government usurped the functions of traditional leaders and took over many of their roles, traditional leaders continued to be used in the colonial administrative apparatus in various capacities at the local level.

This was the case especially with the British colonial administration’s policy of indirect rule in most of their colonies. During this period, traditional leaders performed formal governmental, administrative, judicial and land-revenue management roles. For example, under South Africa’s Bantu Authorities Act of 1951, some chiefs became so aligned with the State as to render them unpopular with the masses and later the liberation movements. Ntsebeza (2005), for example, has observed that because of the control they exercised over the administration and allocation of land at the local and tribal level, tribal traditional leaders were often the target of land-related challenges in apartheid South Africa.

#### ***5.3.1 South Africa***

It is this historical role of local governance by traditional leaders that forms the background to the relationship between the State and traditional leaders with regard to local governance in South Africa and elsewhere in the region today. Democratic constitutions are notorious for their ambiguities because of the myriad compromises they seek to strike with the diverse interests in the polity. Despite the lack of consensus within the ruling African National Congress (ANC), the status of traditional authorities was finally recognized by the Traditional Leadership and Governance Framework and Communal Land Rights Acts of 2003 (for a detailed examination of the political horse-trading that took place between the ANC and traditional leaders prior to the enactment of the two pieces of legislation, see Ntsebeza, 2005). Thus, with the enactment of these two statutes, the State essentially juxtaposed traditional governance with that of the State throughout the republic by ceding the administration of rural areas to traditional authorities through the control of land allocation. This effort by the State to recognize and make traditional leaders partners in

development at the local level was echoed by the local government official in Limpopo during our interview:

If you go through the Structures Act (Municipal Structures Act), it has a provision for the *participation* of traditional leaders in council meetings. So you do not reach a situation where you discuss issues without the traditional leaders because they participate in all council meetings. So immediately thereafter, if you need any intervention from the traditional leaders you already have their buy-in as they are there in your council meetings. So basically that has actually assisted a lot. Instead of strengthening or let's say prolonging the problem by saying you meet as council, after council then you go to the traditional leaders, they become part of the council you know, their decisions, [...] that actually helps a lot in terms of being *transparent* as well as you know *communicating* a message *back* to their constituents as traditional leaders (All italics are ours).

The pertinent question to pose at this point is: does the recognition of the role of traditional leaders to facilitate their cooperation in delivering the benefits of democracy mean that the two systems of governance are equal partners? An examination of both the enabling legislation and the concerns of traditional leaders on the ground indicates that this is not the case, and never was intended to be. For instance, while the power and authority of the State in the form of the municipal and district councils cut across geographical spaces, that of traditional leaders was limited to those areas with traditional councils, according to Section 21 (2) of the 2003 Communal Land Rights Act. In fact, the local government official hinted at this unequal partnership during our interview in Limpopo Province:

[...]We recognize *them* as part of our system [...] That is the starting point. But similarly to say that *provincially* as well, we have gone a bit further to say we have a house of traditional leaders *that is recognized under the leadership of our Premier; it is located within the Premier's office*. So, *based* on that there is no way that you can have any programme being implemented without having participation of the traditional leaders.

Several traditional leaders (at least those who are sympathetic to the ANC) realize that the Government has made significant concessions by recognizing them constitutionally and legally, despite their inglorious history with the previous apartheid regime. But, they also realize that the partnership is less than equal and that the dichotomy between policy and practice has unintentionally intensified the competition between the two systems of governance. Here is our traditional leader informant:

It (the *Traditional Leadership and Governance Framework Act*) has created room for the enhancement of the institution (*traditional leadership*), but then that enhancement is clearly intensifying the *competition* between the institution and the local government structure of councillors. It *clearly* sets up of two bulls in one kraal, and I think it's going to have a lot of problems....in our own understanding, we thought traditional leadership institutions should be regarded as a *ward*, traditional leaders being head of that particular *ward* and deciding how do they feature into the district, and *municipalities* coming from this *ward* structures of traditional leadership, but the current situation left much to be desired. It is a recipe for perpetuating the tension between the two institutions [...] that's my understanding.

But, the critical question of the cooperation between local government and traditional governance appears to be largely a function of the political history of a country and its local communities. Analysis of the data from the Kwazulu-Natal pilot study underscored the critical role that national politics plays in determining the cooperation or lack thereof between traditional leaders and local government structures. For example, the Speaker of one rural district council in the province hinted at this variation in cooperation at the local level by traditional leaders as follows:

Errh [...] *Dlakadla* (Clan name of interviewer) the relationship varies from *inkosi* (chief) to *inkosi*. Errh [...] there are *amakhosi* with whom we work well and those with whom even if we cooperate you can see that because the work is not clearly spelt out by the government as to who will do what, there is fear that if the councillor does something on development it is as if he is now taking *inkosi's* power, etc. But other *amakhosi* understand that we are all working to bring development but others have that fear which results in a lack of cooperation with the councillors, but generally there is cooperation. For example, as a Speaker, I have never been denied an opportunity to report at *inkosi's* tribal meeting (with *inkosi* himself present) what the municipality sent me to report on.

### 5.3.2 *Zambia*

While the key informants in Zambia expressed a similar perception of the asymmetry between the powers of the two structures, there was understanding that this difference in levels of authority also depends on their spheres of operation, the issues at hand and the resources needed. Traditional and state institutions tend to have different areas of authority; in communities where the traditional institutions exist, chiefs usually command more respect than their elected counterparts who are perceived as ordinary members of community. Yet, cooperation is essential because they control different forms of resources for development.

## **5.4 The nature of the current interface between traditional structures and local governments with regard to the delivery of such services as land administration, dispute resolution, water, health, education, HIV/AIDS and other programmes, with illustrative cases from the SADC region.**

Traditional authority was the repository of political-administrative power in the pre-colonial period, with sole prerogative over the provision of services such as land administration, dispute resolution, construction of feeder roads, latrines, wells, etc. The resources for the provision of these services were in the form of levies, donations, royalties and tributes. However, with the emergence of the Nation-State under colonial and post-colonial regimes, the modernization of basic services and the need to provide them on a larger scale compelled the State to assume responsibility for the provision of these basic services through its elected local government structures such as municipal and district councils. Thus, traditional authorities no longer had an independent resource base to provide services for their communities. In fact, in Zambia, one of the key informants indicated that under indirect rule, the British colonial Government allocated a portion of financial resources to chiefs for the purpose of developing their chiefdoms.



### ***5.4.1 South Africa***

Within this context, the role of traditional leaders was limited to mobilizing their communities to complement the efforts of the central government in the provision of these and other services. However, following the failure of the neo-liberal reform agenda, the role of traditional leadership with regard to the provision of these services at the local level has come to occupy centre stage in development thinking on the continent. Local communities, through their chiefs and other stakeholders, are being called upon to play increased roles in the development of these communities, although the dominant role is still being played by the State. The State's approach to service delivery is duly informed by municipal service partnerships (Department of Constitutional Development, 1999).

The essence of this partnership is to enhance the role of the private sector in service delivery within the new public administration paradigm (Pycroft, 2000). It became clear from our interview with the local government official that the State had established several types of partnerships (public-public, public-private, etc.) to deal with the issue of service delivery at the local level. Firstly, through the Municipal Infrastructure Delivery Section, the State interacts with stakeholders such as ESKOM, the para-statal electricity company. Secondly, on water and sanitation services, the partnerships collaborate and work directly with the Department of Water Affairs. Thirdly, in the office of the Premier, they work very closely with the section that is responsible for the House of Traditional Leaders to discuss structural arrangements in municipalities.

Besides engaging such service providers as ESKOM, NGOs, the South African Local Government Association (SALGA) and other civic organizations, the central government also seeks to empower the local government structures to ensure that they can fulfil the mandate of service delivery. To this end, they must ensure that ward committees are properly established and that all ward committees have constitutions. The executive manager in charge of traditional leadership and institutions in the National Department of Provincial and Local Government, Professor Wellington Sobahle, recognized the complementary roles of the State and traditional leaders at the local level and admitted that the institution of traditional leadership can play a key role in supporting government to improve the quality of life of people. Moreover, he acknowledged that elected representatives do not possess a monopoly of ideas with respect to socio-political and economic transformation.

### ***5.4.2 Zambia***

In Zambia, there is a consensus that local government structures are a vital link between the communities and the central government with the participation of traditional leaders in decision-making structures on matters pertaining to development at the local level. Traditional leaders' contribution to strategic integrated development plans such as the Fifth National Development Plan (FNDP for 2006-2010) is considered crucial. However, like in South Africa, there is no consensus on the degree of participation by traditional leaders. For example, the State representative suggested that the programme activities of the FNDP incorporated the views of the traditional leaders who helped formulate the Plan. In contrast, the representative of traditional authorities observed that there was no such participation since no chiefs sat on the Lusaka City Council and Senior Chief

Nkomesha was not represented on the Council. In other words, the institution of traditional leadership is not effectively involved in Council's initiatives for socio-economic development.

### 5.4.3 *South Africa*

Notwithstanding the level of participation of traditional leaders in local government structures, there is evidence that they continue to play their time-honored role of initiating and executing development projects in their communities, independent of the State. Our traditional leader informant in Limpopo Province described a typical community-initiated development project in his area of jurisdiction in what he referred to as community-integrated development. This initiative of the traditional council consisted of cultural tourism; intensification of the current subsistence farming system; cleaning and bottling of water from the area; production of poultry, fishery and a butchery to be all fed by agricultural produce resulting from the intensification of subsistence farming. The community engaged the services of a consultant who assisted in costing the project. Here is how the chief described the project:

We developed, even before the current local government, and produced what we called community-integrated development. We analysed the area and said we can't build on things that we don't have. We should focus on things that we do have, and when we looked in that community we concluded that it is a mountainous area with perennial rivers, rocks, field, open field where you can farm. So, we then said that's what our strength is. So we are looking at traditional or cultural tourism form of, you know, economic build-up [...].

The independent efforts by traditional authorities to provide vital services to their communities in the form of job creation, education, clinics, etc. did not stop at the production of the plans. Since a British company was involved in the production of asbestos in the area in the past, the traditional council approached the British High Commission in Pretoria to help fund the project on the basis of corporate social responsibility, and sent a delegation to meet and share its plans with the former deputy president, Jacob Zuma. As the case of this traditional area clearly indicates, one of the major challenges facing traditional leaders interfacing with local government structures for the provision of services is marshalling the necessary resources to undertake the development projects they identify. In our interview with the representative of the local government, there was a sense that although traditional leaders do not have the powers to impose levies, some do impose levies, to the distaste of the State and the middle classes in such communities:

So a municipality can take a conscious decision to say because this area is predominantly poor people who are let's say below the income level of R800 per month, those we are not going to levy rates. So the question is *if* the municipality makes a decision to say they are not going to levy a rate in a particular, in this particular village, does it mean that the chief in that area will continue collecting the R10 or the R20? But on the other side if you have an area where the municipality sees it as a [...] you have your teachers, your policemen who are actually within the middle income where you can levy rates, but *in* a community land, are they going to pay double the rates, pay double rates, pay the rates to the municipality and pay the rates to the traditional leaders? So those are questions that we haven't as yet answered you know because we have those kinds of questions, which we have to take up with the house of traditional leaders as we move on.

#### **5.4.4 Zambia**

While we have no data on the independent community projects engaged in by traditional leaders, the problem of access to resources for such development projects was quite evident in the following statement by the representative of traditional leaders in Zambia:

In the past, for the construction of schools and health centres, chiefs were able to impose a school levy or health levy on all native taxpayers in the chiefdom. Similarly, levies were imposed on the construction of roads and bridges in the chiefdom. Chiefs today have no powers to impose such levies. They are left without any budgets in their chiefdoms and therefore cannot be as active in the development of their chiefdom without financial provisions.

#### **5.4.5 Botswana**

The various democratic structures such as urban/village development committees and local councils, which include both traditional leaders as ex-officio members and elected leadership, allow for the coexistence of the two governance structures. The *Dikgosi* work with the Government of Botswana to ensure the well-being of the nation through the provision of vital services such as education, health and sanitation in the villages by the local councils and municipalities. Partnerships with non-governmental organizations, the community and business are practical efforts that have created synergies in entrenching the value of self-reliance among the people of Botswana. Specific projects such as youth sports activities, boards of trustees and community trust funds are examples of developmental initiatives in the country.

Although there may be conflict of interest in some areas, the relationship between chiefs and local councils is largely cordial. Given their social proximity to their communities, chiefs are better placed to advise government about the socio-economic needs of the people, thereby making a useful contribution to the distribution of services and resources.

#### **5.4.6 Swaziland**

The functions of chiefs in development are stipulated in Section 11 of the Swazi Administration Order, 1998. They are the link between their communities and the central government and they play a vital role in this dynamic by informing their communities of developments that affect them. Although they are expected to promote the welfare of their communities, chiefs still face major challenges in service delivery in Swaziland, including the fact that the mechanisms and processes of administration remain highly centralized and not immediately accessible to the majority of citizens, especially in the rural areas. From the perspective of traditional leadership, equitable allocation of resources and service delivery between the rural and urban areas is hampered by lack of participation in the decision-making processes that culminate in the identification of development priorities in the different areas. Consequently, the central government is considered the only role player in the provision of services among local communities. It is observed that since the adoption of the decentralization policy of 2005, there have been attempts by the traditional leadership to solicit government's cooperation with civil society and the private sector in promoting people-centred development.

### **5.5 The current role of traditional structures could be enhanced through modernization of the structures or integration into modern governance structures**

Based on his work in the Northern Nigerian Emirates where he observed an emerging stable symbiosis of modern and traditional elements, Whitaker (1970: 467) noted several cases of what he called “creative adjustments” leading to what he described as “democratic reforms”. Questioning the assumption that a compromise in the leadership of the two governance structures is impossible, he concluded that “significant elements of the traditional political system of the Emirates proved to be compatible in practical terms with significant features of the modern State.” Contrary to the expectation that traditional authority would be a victim of modernization, it has successfully adapted to modernizing influences through such mechanisms as primitive accumulation and acculturation.

As it did for the feudal lords of medieval Europe, primitive accumulation by traditional authorities enabled royal lineages to create the middle class, which later became a new point of power on the political landscape. In the specific African context, the overlap between the “old” and the “new” African elite was the result of the strategy of chiefly lineages using their accumulated resources to increasingly educate their members and retainers both at home and overseas. In fact, as the degree-holding traditional leader in Limpopo indicated, members of royal lineages go to school with the aim of using their newly acquired skills and knowledge to change the lives of their “subjects”. To this effect, they are very selective even in their choice of subjects at school. In his case, for example, he had intended to study medicine. However, the university advisor at the time who knew his royal background advised him to study the social sciences. Thus, ironically, the forces of modernization have helped the institution of traditional leadership to be versatile and dynamic; formal education has helped the institution to add value to the developmental goals of societies with traditional authority structures.

This sentiment was echoed by the King of the Bafokeng in South Africa at ECA’s Fourth African Development Forum (ADF IV) workshop in 2004: “We are rooted in – but not bound by – tradition”. By virtue of their education, chiefs in several African States are directly and indirectly playing vital administrative, judicial and legislative roles in both State and para-statal institutions. In fact, as a result of their formal educational qualifications, many chiefs see themselves as better qualified and therefore more competent than some of the elected municipal council officials who are responsible for the delivery of development projects at the local level. To some, especially the educated traditional leaders, many of these local government officials owe their positions to political patronage and their activist credentials.

A review of empirical data based on the case studies suggests that, contrary to our expectation, the line between the two structures of governance continues to be blurred by modernizing forces. Another indication in Southern Africa and elsewhere on the continent of the blurring of the distinction between the two structures of governance is that successful members of the modern elite are increasingly seeking chieftaincy titles through intense lobbying in their respective local communities. On the basis of these and other trends, some may hasten to suggest that the two structures of governance be used into one structure to ensure efficient delivery of

services to local communities. Such a suggestion should, however, take into account the historical but necessary tension between the two systems as was captured in the following statement by our traditional leader informant in Limpopo Province:

We should start by appreciating and of course saying that this institution [traditional leadership] had its limitations during that particular system of apartheid, but at the end of the day it makes us to be what we are today [as Africans]. We are talking about the 13 per cent of land occupied by blacks, the very same 13 per cent that we are talking about is only the land that is in the hands of traditional leaders. Nobody else managed to sustain any piece of land except the one that is in the hands of traditional leaders. So, instead of duplicating and creating competing institutions, we should consider enhancing the current system of traditional leadership by building *our local council out of the institution [traditional leadership]*.

Chief Phathekile Holomisa, an advocate, and a ruling party Member of Parliament and President of the Congress of Traditional Leaders of South Africa (CONTRALESA) and Chairperson of the SADC Council of Traditional Leaders, concurs with this view. His argument is that traditional councils are ideally placed to facilitate the delivery of services to rural communities. According to him, the councils or their subsidiaries, the headmen, are much closer to the people they serve. As a result, the process of service delivery would be greatly facilitated if government departments and other organs of State established offices and relevant personnel in the council establishment. Thus, rural citizens will be accorded the same rights and privileges that their urban counterparts currently enjoy. In the words of Chief Mangosuthu Buthelezi, “we are the local government”. Traditional authorities have a potential role to play in overcoming some of the administrative difficulties that the poor in the rural areas encounter in their attempt to access such entitlements as social security benefits from State agencies.

However, as the case of South Africa illustrates, the State appears to have a different view with regard to the integration of the two structures of governance. For instance, consistent with his view of the complementary role of traditional leaders, the executive manager in charge of traditional leadership and institutions clearly had in mind the idea of the coexistence of the two structures as opposed to integrating them when he set out the essential features of the envisaged partnership between the two structures as follows:

- Municipalities and traditional councils sharing resources;
- Joint IDP compilation processes – including local economic development plans and activities with municipalities;
- Allocation of functions to traditional councils through service delivery agreements by government departments;
- Identification of community development needs in rural areas by traditional councils and municipalities;
- Signing of service delivery agreements by traditional councils and municipalities for certain services to be rendered by the traditional councils;

- Constant sharing of information on matters of mutual interest; and
- Allocation of legislative roles and functions to traditional leadership by government departments.

## CHAPTER 6 CONCLUSION

The distribution of vital resources in pre-colonial African societies was organized through various structures of traditional governance. With the introduction of colonialism on the continent, these traditional leadership structures lost a considerable amount of their administrative, legislative, judicial and religious powers. Even though many of the colonial powers tried to maintain these traditional governance structures, especially the British under their indirect rule system, in the absence of any independent resource base to provide services to their communities, chiefs and elders were left without much influence. Because of the intensity of colonial exploitation based largely on race, upon the attainment of national independence in the 1960s and 1970s, the post-colonial African elite virtually adopted the socialist paradigm of development wholesale.

Because of the new African elite's reasoning that traditional leadership was feudal in nature and did not include the people in governance, several of the new leaders sought to reduce the powers and influence of the traditional leaders and, in some instances, even sought to abolish the institution altogether. The failure of the socialist experiments by African States led to the adoption of market reforms and their concomitant democratization processes in the 1980s and 1990s under the so-called *Washington Consensus*. However, these reforms too have not yielded the expected improvement in standards of living, leading to renewed interest in African indigenous knowledge systems in general and traditional institutions of governance in particular.

This renewed interest in traditional governance is reflected in the increased rate with which African countries are adopting decentralization to ensure efficient and effective delivery of services, especially at the local community level. In keeping with this renewed interest in traditional governance structures and decentralization, countries on the continent have moved to recognize traditional leadership institutions through constitutional and legal frameworks, even though their roles and powers with regard to service delivery at the local level are vaguely defined.

The aim of the present study was to examine how traditional leadership can be harnessed for the purposes of service delivery at the local level in Southern Africa. Specifically, the study sought to examine the current role of the traditional leadership institution within the Southern African institutional culture with regard to service delivery vis-à-vis the democratic processes in the region and how the institution can be modernized and, if possible, integrated into the existing State structures to enhance service delivery at the local community level. The data for the study were based on desk reviews of existing literature, a social survey in South Africa, interviews with representatives of local governments, traditional leaders, civil society organizations in Botswana, Lesotho, South Africa, Swaziland, Zambia and Zimbabwe as well as inputs from the participants of these countries at a workshop organized by ECA in Johannesburg, South Africa.

The results of the study confirmed the duality of the Southern African institutional culture. In other words, even though traditional leaders no longer wield the considerable administrative, legislative and judicial powers they used to exercise over the chiefdoms, they are still very much part of the institutional culture of the subregion. In almost every country in the region, traditional leaders enjoy both constitutional and legal protections and are seen as partners in local development. The continued importance of the institution of traditional leadership is largely due to

the broadening of participation by ordinary members of the community based on technical competence and contributions to development efforts in their communities.

In South Africa, where survey data on the public's attitudes towards various issues, including traditional authorities, were available and analysed, the renewed legitimacy of traditional leadership in modern democracies in Africa was shown by the high level of trust that all sections of the society have in the institution, regardless of place of residence, age and gender.

Even though, with the exception of Lesotho and Swaziland where traditional leaders are fully integrated into the State structures, traditional leaders in all the countries in the sample are recognized as part of the respective local government structures, they only play a limited role as advisors and lobbyists. Thus, it is generally agreed that the relationship between traditional leaders and the State is one that is best characterized as an unequal partnership. But, while there is general dissatisfaction with this advisory and lobbyist role in all countries, traditional leaders in some countries such as Zambia and Zimbabwe accept that they and the State have separate but complementary roles. Hence, traditional leaders believe that they have a critical role to play in development and that they complement the administrative structures in service delivery. Consequently, consultations are ongoing with communities and authorities in Zambia to set up a common structure that will include chiefs and elected councillors.

However, in South Africa, traditional leaders are adamant that they constitute local government and therefore require a greater and more effective role in local governance. For example, on the question of public service delivery, the position of the traditional leaders is that traditional councils are ideally placed to facilitate service delivery to rural communities. They believe that the councils or their subsidiaries, the headmen, are much closer to the people they serve. Therefore, the process of service delivery would be greatly facilitated if government departments and other organs of State established offices and relevant personnel in the council establishment and gave rural citizens the same rights and privileges that their urban counterparts currently enjoy.

In conclusion, the present study has shown the continuing importance of the institution of traditional leadership in the social organization of African societies. Despite the tensions resulting from the duality of the institutional culture in Southern Africa, the fact remains that the traditional and State structures complement each other. Hence, since modernizing influences such as formal education by chiefs and their retainers have largely contributed to the resilience of the institution by giving it renewed legitimacy, the State should assist in this process of transformation by providing the requisite resources and further training to enhance traditional leaders' role in service delivery at the local level.



## **CHAPTER 7            RECOMMENDATIONS**

The increasing rate at which countries are adopting decentralization as a way of bringing services to people is creating opportunities for formalizing and integrating traditional leaders into the State structures to enable them to play a more prominent role in service delivery. Efforts to enhance the role of traditional leaders in public service delivery will require the adoption of a framework to address the strengths and weaknesses of traditional leadership to enable it to become an effective vehicle for service delivery. This framework will encompass the following three areas:

### **7.1 Institutional strengthening and capacity-building**

- There should be political commitment and courage to take bold decisions on the role and involvement of traditional authorities in the service delivery and good governance process. This should include the introduction ICT infrastructures in rural areas to ensure availability of services such as birth certificates, marriage and death certificates.
- There should be mechanisms to enhance the traditional leaders' interaction with the various arms of the government (legislative, executive and judiciary).
- Concrete steps should be taken to move beyond co-existence and co-optation towards integration and mainstreaming of traditional leadership into the priority-setting, legal and budgeting process.
- The State and representative bodies of traditional authorities should jointly review all legislative provisions to educate the traditional authorities about the impact of these legislations on their roles, and for knowledge-building purposes.
- These steps should be synchronized with building the capacity of traditional leaders through knowledge acquisition; training on public financial management; adequate remuneration and compensation; and the establishment of institutional structures to facilitate their participation and provide them with appropriate operating facilities (office equipment and human and financial resources).
- Specific capacity-building exercises should be undertaken, including the training of trainers for traditional leaders; workshops and seminars on practical issues of leadership and delivery of public services; inter- and intra-country exchange missions and study tours for educational and networking purposes; encouragement and support for traditional leaders to engage in lifelong learning and skills development, thereby setting an example in their communities about the importance of education.
- The State should assist traditional leaders in mobilizing the necessary resources to manage and empower their communities, create employment and generate wealth.

- Public-private partnerships (PPPs) should be considered as a means of generating wealth, involving community resources and accessing natural resources for the direct benefit of local communities. These partnerships are necessary for increasing investment; financing of public works and knowledge transfer.
- Traditional leaders should be supported in getting people with technical knowledge within their communities to complement their capacities and participate more in community affairs.
- Economic empowerment should be extended beyond benefits from royalties to include community shareholding arrangements so that communities can stake their claim to the natural resources being exploited.
- Arrangements and structures should be institutionalized to clearly define the roles of traditional authorities, government, civil society and parliaments.
- The issue of representation should be addressed to ensure that traditional leaders are well represented at all decision-making levels (constituency, district and national).
- Partnership arrangements should be established beyond mere consultation to include the building of functional relationships between State systems and traditional authorities.
- The jurisdiction of traditional leaders in the administration of justice should be more clearly defined. Moreover, other factors hampering them in the performance of their judicial functions such as the non-codification of customary law in some countries, lack of record-keeping facilities, lack of training, weak linkages with law enforcement and non-alignment between the customary law and the statutory law, should be addressed.
- As part of the formalization and integration process, the State should provide resources for the codification of customary law, equipment such as computers for the storage and retrieval of records, and the requisite training to enable traditional leaders to complement State efforts in the dispensation of justice at the local level.

## **7.2 Information and knowledge sharing**

To ensure that traditional leaders acquire knowledge and share the information they access, the following specific interventions are recommended:

- They should be encouraged to build upon success stories and best practices available in different countries.
- They should be given platforms at national, subregional and continental levels to voice their opinions, including the SADC Traditional Leaders' Council. Knowledge sharing and training should underpin the capacity development process, including the development of a sustainable information system.

### **7.3 Boosting good governance**

Good governance is one of the central tenets of NEPAD that must be followed for a successful integration of traditional leadership into modern State structures. In boosting good governance, the participation, information, accountability and neutrality of traditional leadership should be entrenched, since they are all necessary requirements for sound leadership, especially with respect to the performance of traditional leaders' public roles and duties.

To achieve these goals, the following specific interventions are recommended:

- Needs assessments should be conducted jointly by the State and traditional leaders in their respective communities, through a stock-taking and/or self-assessment process to identify strengths, weaknesses, opportunities and threats facing traditional communities.
- Mechanisms should be established to track progress in development projects spearheaded by traditional leaders.
- Systems should be established to monitor and evaluate such projects.
- Sound record keeping-practices should be instituted to ensure proper accountability and track progress on implementation of programmes and projects.

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**UNITED NATIONS  
ECONOMIC COMMISSION FOR AFRICA  
SOUTHERN AFRICA OFFICE**

**A WORKSHOP ON  
HARNESSING TRADITIONAL GOVERNANCE IN SOUTHERN AFRICA**

18 – 19 OCTOBER 2007  
JOHANNESBURG, SOUTH AFRICA

**REPORT**

## **1. EXECUTIVE SUMMARY**

The rationale for strengthening traditional governance institutions is the desire to take development to the people and to overcome the challenges of poverty. Notwithstanding the good intentions by many post-colonial governments, tensions still characterize the relationship between traditional and State governance, some of which are a result of misconception and lack of information.

Against this backdrop, the workshop on *Harnessing Traditional Governance in Southern Africa* asserted that traditional governance should be seen as complementary rather than competing with State governance. It therefore called for reinvigorated efforts to redefine traditional governance and to incorporate it into the “*modern-day Western-type democracy*”.

It is also important to find creative ways to enable the traditional structures to function in harmony with those of the State to deliver public services particularly in rural areas, to ensure the achievement of the Millennium Development Goals (MDGs). Accordingly, the workshop called for measures aimed at reconciling these governance systems, introducing checks and balances between them, and harmonizing their values in an effort to eradicate poverty.

Specific recommendations centred on three broad areas. First, concerted efforts should be placed on strengthening traditional institutions through, *inter alia*, the injection of resources and capacity-building. Second, there should be constant and continuous sharing of information between traditional and State governance structures. Lastly, good governance should be encouraged within traditional governance systems by ensuring effective participatory processes, accountability for resource utilization and neutrality of traditional leadership in the face of competing and shifting political agendas and alliances.

## **2. BACKGROUND: SITUATIONAL ANALYSIS**

Traditional governance is recognized as existing everywhere in the subregion, with Lesotho and Swaziland having the highest level of integration of traditional institutions into State structures.

The strategic role of traditional governance in public service delivery and in the overall development process has been recognized since the beginning of the colonial period, but these institutions have been weakened in the post-colonial period. Presently, traditional leaders play a much more limited advisory and lobbyist role on traditional, cultural and customary issues. Their power and resource base have been constantly redefined and neutralized. In spite of this, traditional systems have demonstrated strong resilience and continuity and that they are not anachronistic institutions, as some would suggest. Therefore, they need to be more recognized within State systems.



With the intensification of democratic processes in Africa from the 1990s, evidence shows that the people's views regarding these institutions remain positive. Countries are adopting decentralization as a way of bringing services to their people, but have yet to fully capture the role of the traditional leadership in service delivery.

The decentralization of government functions provides a great opportunity to formalize and integrate traditional leadership into the delivery of services at various levels (planning, implementation, monitoring and evaluation).

Notwithstanding the people's respect for traditional systems of governance and the subsequent formal recognition from post-colonial governments, the relationship between the State and the traditional authority continues to be characterized by coexistence and co-optation rather than real integration.

To illustrate this point with respect to the administration of justice, while people have confidence in the role of traditional authorities because of their accessibility, their jurisdiction is too narrowly defined. Other constraints in the performance of their judicial functions include the non-codification of the customary law in some countries, lack of record-keeping facilities, lack of training, weak linkages with the law enforcement and non-alignment of customary law with statutory law.

### **3. ATTENDANCE**

The workshop on *Harnessing Traditional Governance in Southern Africa* was held at the Protea Hotel – The Lakes, Johannesburg from 18 to 19 October 2007.

The workshop was attended by traditional chiefs from Botswana, Lesotho, Swaziland, Zambia, South Africa and Zimbabwe, along with representatives of local government departments from Lesotho, South Africa and Zimbabwe and civil society representatives from Zambia. Names of participants and their affiliations appear as Annex 3.

### **4. OPENING SESSION**

#### **4.1 Welcome address**

The Director of the UNECA-Southern Africa Office, Ms Jennifer Kargbo, welcomed the participants and presented the background and mandate of the workshop.

In her statement, the Director thanked the chiefs for taking time out of their busy schedules to attend the workshop, which was aimed at strengthening the relationship between the State and traditional authorities in the Southern Africa region in order to enhance the role of traditional leadership in support of economic and social development in the region.

In giving the background to the workshop, she referred to UNECA's efforts to improve governance among its member States and to give tangible support to NEPAD's resolutions on the promotion of good governance for development. Furthermore, the Fourth African Development Forum (ADF IV) of 2004 requested UNECA to develop a project to map out traditional systems of governance. Special attention was placed on developing a better understanding of the decision-making process as part of a broader effort to better define and promote traditional leaders' role in achieving good governance in Africa. Finally, the workshop was held within the framework of implementing the UNECA 2006-2007 programme of work on the preparation of a paper on *Harnessing Traditional Governance in Southern Africa*.

## **4.2 Opening statement**

Professor Wellington M. Sobahle, Executive Manager, Traditional Leadership & Institutions, Department of Provincial and Local Government, South Africa, made the opening statement, focusing on the effects on the institution of traditional authority on recent legislative and policy developments, particularly in South Africa. Underpinning all these developments is the realization that the institution of traditional leadership can play a key role in supporting government to improve the quality of life of its people. He acknowledged that elected representatives do not possess a monopoly on ideas with respect to socio-political and economic transformation.

He outlined the basic tenets of the recent legislative and policy reforms, as captured in South Africa's 1996 Constitution, the Local Government Municipal Structures Act of 1998, Municipal Systems Act of 2000 and the Traditional Leadership and Governance Framework Act, as follows:

- Promote socio-economic development;
- Promote service delivery;
- Contribute to nation building;
- Promote peace and stability among community members;
- Promote social cohesiveness of communities;
- Promote the preservation of the moral fibre and regeneration of society;
- Promote and preserve the culture and tradition of communities; and
- Promote the social well-being and welfare of communities.

He pointed out that throughout most of Africa, traditional authority and institutions have survived the destabilizing and reforming impact of colonialism, apartheid, modernization, technological change, Western education and republican constitutions.

In concretely outlining the modalities of the partnership between traditional leadership and government, Professor Sobahle identified, various items including the following:

- Municipalities and traditional councils sharing resources;
- Joint integrated development plan (IDP) compilation processes – including local economic development plans and activities with municipalities;

- Allocation of functions to traditional councils through service delivery agreements by government departments;
- Identification of community development needs in rural areas by traditional councils and municipalities;
- Signing of service delivery agreements by traditional councils and municipalities for certain services to be rendered by the traditional councils;
- Constant sharing of information on matters of mutual interest; and
- Government departments having to assign legislative roles and functions to traditional leadership.

Notwithstanding these laws and policies, a number of challenges remain in implementing the new legislative dispensation, which Professor Sobahle summarized as follows:

- Lack of proper understanding of the roles of both institutions;
- Forging of synergistic partnerships in terms of the Framework Act and getting all role players to cooperate;
- Execution of the capacitating programme for all traditional leaders and traditional councils;
- Inclusion of traditional leaders in ward committees;
- Establishment of a common understanding as to the status and roles of both municipalities and traditional institutions;
- Provision of legislative resources in partnership with municipalities; and
- Mobilizing all government and non-government institutions to work with traditional leaders.

He concluded by noting that the sustainability and viability of the mission to democratize the institution will depend largely on the ingenuity and reliability of political compromises and political adjustments between traditional and modern social interests and the sensitivity of the systems of accommodation and patterns of stabilization to the diversity of traditional authority, institutions and interests.

### 4.3 Keynote address

His Royal Highness, Nkosi Phathekile Sango Holomisa (A! Dilizintaba), President of the Congress of Traditional Leaders of South Africa (CONTRALESAs) and Chairperson of the SADC Council of Traditional Leaders, gave a keynote address to the workshop [see Annex 1]. He opened by thanking UNECA for this pioneering workshop. He warned that the longer governments delayed the recognition of traditional institutions, the more rural communities in particular would be deprived of much-needed public services, hence undermining the MDGs.

He voiced his concern at the inclination of post-colonial leaders to dismiss traditional governance structures in strenuous attempts to acquire the knowledge of “*colonial masters*” with regard to legislative and administrative forms of government, “*as if pre-colonial Africa never had governments.*” He warned that, since royal establishments continued to be the gateway to rural areas, any State institution seeking to introduce its programmes or projects would be well advised to consult the local traditional leaders if these initiatives were to be salutary for rural development. This was because rural communities remained respectful of their traditional leaders as custodians of culture, history and their land. Indeed, “[...] *rural people need progress, development, public services and all the amenities that urban societies take for granted, but they do not want these at the expense of all that defines them.*”

Nkosi Holomisa stressed that the traditional ways of arriving at decisions had always been more inclusive than generally acknowledged, taking into account the views of all the people, including women and the youth, during *iimbizo*. Hence, decisions were taken in line with democratic principles and generally enjoyed more legitimacy than those foisted on the rural community by “enlightened” government officials. For this reason, attempts at bypassing traditional authorities in the formulation and implementation of development policies and programmes would render those government efforts ineffectual in the final analysis.

On party political involvement of traditional leadership, Nkosi Holomisa stated that the preferred position of CONTRALESAs was that traditional leaders should not be involved in party politics “*while they are in office.*” Encouraging non-involvement, however, required certain preconditions, which should mostly be met by governments, including a clear definition of the roles of traditional leaders to both parties’ mutual satisfaction. Furthermore, houses of traditional leaders must be established at all levels of government to ensure their effective participation in the policy-making and legislative process. Where houses of chiefs had been established, they must be reformed to do away with the current practice of rendering traditional leaders mere government advisers. As full-scale decision-makers, he argued, “*traditional leaders are the advised rather than advisers!*”

At the regional and continental levels, Nkosi Holomisa called for similar umbrella structures to complement existing SADC commissions, the Pan-African Parliament and the African Union.

On public service delivery, he asserted that traditional councils were ideally placed to facilitate the delivery of services to rural communities. The councils or their subsidiaries, the headmen, were much closer to the people they serve. This process would be greatly facilitated if

government departments and other organs of State established offices and relevant personnel in the council establishment. Thus, rural citizens would be accorded the same rights and privileges that their urban counterparts currently enjoyed.

In conclusion, Nkosi Holomisa argued that, as custodians of cultural values, traditional leaders would be encouraged to add their voice and efforts to the fight against the HIV/AIDS pandemic if they were formally recognized by the State. He noted that some cultural practices followed by African communities were aimed at promoting proper and morally sound behaviour among the youth in particular. To this end, he enjoined the State to provide adequate resources to enable traditional councils to maintain and uphold law and order and to dispense justice efficiently and effectively.

#### **4.4 Organizational matters**

The workshop elected the following participants to guide the meeting:

- Chairperson of day 1: His Royal Highness Chief Eshiloni Jonathan Mumena, Chairman of the House of Chiefs, Zambia.
- Rapporteur: Mr. Lameck Simwanza, Programmes Coordinator, *Women for Change*, Zambia.

The programme of work was adopted without amendment.

### **5. PRESENTATION OF THE DRAFT PAPER ON HARNESSING TRADITIONAL GOVERNANCE IN SOUTHERN AFRICA**

Professor Acheampong Yaw Amoateng, Director of Research, Human Sciences Research Council (HSRC), South Africa, presented the preliminary findings of a study captured in the draft paper entitled *Harnessing Traditional Leadership in Southern Africa*. The purpose of the study was to (i) describe the inherent “institutional duality” of the Southern African political culture and analyze the relationship between democratic processes and chieftaincy in Southern Africa; (ii) describe the role of traditional authorities in modern local government and the extent to which traditional authorities are involved in local governance in the modern State; (iii) examine the nature of the current interface between traditional structures and local governments with regard to the delivery of such services as land administration, dispute resolution, water, health, education, HIV/AIDS and other programmes, with illustrative cases from the SADC region; and (iv) examine how the current role of traditional structures could be enhanced by modernizing these structures or integrating them into the modern governance structures.

He explained the methodology he followed in researching and drafting the paper as a combination of desktop research and limited primary research in the form of face-to-face interviews in South Africa and mailed interview questionnaires to Zambian respondents. The paper itself looks at the historical, theoretical and analytical aspects of the issue.

Professor Amoateng indicated that the theoretical framework was underpinned by two opposing and at times even antagonistic views on traditional governance, namely the view held by those who favor involving traditional authorities in modern governance because of their democratic elements, and the views of those who think that their authoritarian nature compromises “*modern*” democratic governance.

Notwithstanding the theoretical battles regarding the relevance or otherwise of traditional governance, the empirical evidence from his study so far indicates that the public is positively disposed towards traditional leadership. In South Africa, for example, analysis of the data of a study conducted by the HSRC indicates that traditional authorities have a good reputation even in provinces that hardly have any traditional structures, such as Western Cape and Northern Cape. The popularity of traditional authorities is even more pronounced in provinces where traditional structures are entrenched, such as KwaZulu-Natal, North-West and Limpopo. Indeed, in some instances, the trust of traditional governance surpasses that of the local government as is the case in Western Cape Province. This clearly shows the resilience of the traditional systems, even in modern times and in urban areas. These findings are in accord with qualitative findings from the interviews Professor Amoateng conducted in South Africa and Zambia, all of which revealed the same strong support for traditional systems of governance.

If the findings show this kind of strong support and that various governments in the region have put in place legislations and policies in support and recognition of traditional systems, then why have these systems not been integrated into the State public service delivery machinery? The answers to this question range from tepid political will and courage, to innocent inability to find useful ways of merging the two systems of governance. The latter point is illustrated by quotes from the local government representative in Zambia, who said that “*the relationship...is that the two are partners in development*”, and from an NGO representative, who said: “*They need each other for the purpose of development...all areas of development need the input of both the chiefs and councillors.*”

The key findings of the draft paper can be summed up in the following paragraphs:

- Even though the traditional authorities in most African societies saw their considerable administrative, judicial, legislative and religious powers curtailed with the emergence of the Nation-State in the post-colonial period, they continued to be important centres of power and authority in the Southern African political and institutional culture. Their resilience in recent years, largely due to the failure of socialist experiments and market reforms and the resultant decentralization in several African countries, has underscored this duality.
- There have been visible changes in the attitudes of the Southern African public towards traditional leadership due largely to the increasing rate at which chiefs and their retainers are being educated. These changes in turn have led to the broadening of participation to ordinary members of rural communities who have the technical know-how to contribute to the communities’ development efforts.

- The resilience of the institution has also led to both constitutional and legal protections in the countries in the region. Traditional governance is recognized everywhere in the subregion, with Lesotho and Swaziland having the highest level of integration of traditional institutions into State structures.
- Presently, traditional leaders in the other countries play a much more limited advisory and lobbyist role on traditional, cultural and customary issues. This limitation and lack of an independent resource base hinder the service-delivery role of traditional leaders.

## **6. THE ROLE OF TRADITIONAL LEADERS IN PUBLIC SERVICE DELIVERY: SELECTED COUNTRY CASES**

Traditional leaders represented at the workshop gave a short summary of the role of traditional chiefs in public service delivery in their respective countries. Here are summations of those presentations.

### **Botswana**

There are various democratic structures in the country, including both traditional leaders as ex-officio members and elected leadership, such as urban/village development committees and local councils, which allow for the coexistence of the two governance structures. The *Dikgosi (Chiefs)* work with the Government of Botswana for the well-being of the nation through the provision of vital services such as education, health and sanitation in the villages by the local councils and municipalities. Partnerships with non-governmental organizations, the community and business are providing synergies in entrenching the value of self-reliance among the people of Botswana. Specific projects such as youth sports activities, boards of trustees and community trust funds are examples of developmental initiatives in the country.

Although there may be conflict of interest in some areas, the relationship between chiefs and local councils is largely cordial. Given their social proximity to their communities, chiefs are better placed to advise government about the socio-economic needs of the people, thereby making a useful contribution in the distribution of services and resources.

### **South Africa**

The Government's enactment of the Traditional Leadership and Governance Framework and Communal Land Rights Acts of 2003 essentially juxtaposed traditional governance with that of the State throughout the republic by ceding the administration of rural areas to traditional authorities through the control of land allocation. This action has enabled the *participation* of traditional leaders in council meetings, such that issues cannot be discussed without the traditional leaders because they participate in all council meetings.

Nonetheless, the pertinent question that has been constantly raised is: does the recognition of the role of traditional leaders to facilitate their cooperation in delivering the benefits of

democracy mean that the two systems of governance are equal partners? Answers have varied, demonstrating that the issue of how traditional leadership structures should be integrated into modern local government structures has not been settled.

Some of the most optimistic traditional leaders argue that the Government has made significant concessions as opposed to the inertia of the past by recognizing them constitutionally and legally, despite their inglorious history with the previous apartheid regime. But they also realize that the partnership is less than equal and that the schism between policy and practice has unintentionally intensified the competition between the two systems of governance.

The critical question of the cooperation between local government and traditional governance at the local level appears to be largely a function of the political history of a country and its local communities. Analysis of the data from the Kwazulu-Natal pilot study underscored the critical role national politics plays in determining the cooperation or lack thereof between traditional leaders and local government structures.

### **Swaziland**

The functions of chiefs in development are stipulated in Section 11 of the Swazi Administration Order, 1998. The chiefs are the link between their communities and the central government and they play a vital role in this dynamic by informing their communities of developments which affect them. Although they are expected to promote the welfare of their communities, chiefs still face major challenges in service delivery in Swaziland, including the fact that the mechanisms and processes of administration remain highly centralized and not immediately accessible to the majority of citizens, especially in the rural areas. From the perspective of traditional leadership, equitable allocation of resources and service delivery between the rural and urban areas is hampered by lack of participation in the decision-making processes that culminate in the identification of development priorities in the different areas. Consequently, the central government is considered the only role player in the provision of services among local communities. It is observed that since the adoption of the decentralization policy of 2005, there have been attempts by the traditional leadership to solicit government's cooperation with civil society and the private sector in promoting people-centered development.

### **Zambia**

In Zambia, there is a consensus that local government structures are a vital link between the communities and the central government, with traditional leaders participating in the structures that make decisions on matters pertaining to development at the local level. Traditional leaders' contribution to strategic integrated development plans such as the Fifth National Development Plan (FNDP for 2006-2010) is considered crucial. However, like in South Africa, there is no consensus on the degree of participation by traditional leaders. For example, the State representative suggested that the programme activities of the FNDP incorporated the views of the traditional leaders who helped formulate of the Plan. In contrast, the representative of traditional authorities observed that there was no such participation since no chiefs sat on the Lusaka City Council and Senior Chief



Nkomesha was not represented on the Council. In other words, the institution of traditional leadership is not effectively involved in Council's initiatives for socio-economic development.

## **7. THEMES RUNNING THROUGH THE DISCUSSIONS**

In the subsequent discussions, there was general agreement that traditional institutions had a significant role to play and that they should be supported and allowed to play it.

The involvement of traditional institutions has to be defined within the framework of the decentralization programme. In defining their involvement, due consideration should be given to strengthening their role in the delivery of social services and their capacity needs should be addressed comprehensively.

## **8. MODALITIES FOR ENHANCING THE ROLE OF TRADITIONAL LEADERS IN PUBLIC SERVICE DELIVERY**

Efforts to enhance the role of traditional leaders in public service delivery will require the adoption of a framework addressing both the strengths and the weaknesses of traditional leadership for it to become an effective vehicle for service delivery. This framework will encompass the following areas:

### **8.1 Institution strengthening and capacity-building**

This area includes the following aspects:

- Stock-taking as a self-assessment process to identify strengths, weaknesses, opportunities and threats;
- Role definition to cover all aspects of service delivery (planning, management, monitoring and evaluation, public/private partnerships, etc.);
- Review of all legislative provisions to educate the traditional authorities on the impact of these legislations on their roles, and for knowledge-building purposes;
- Building their capacity through knowledge acquisition; training on public financial and project management; adequate remuneration and compensation; and the establishment of institutional structures to facilitate their participation and provide them with appropriate operating facilities (office equipment and human and financial resources);
- Establishing mechanisms to ensure that traditional leaders are well represented at all decision-making levels (constituency, district and national levels);
- Establishing partnership arrangements beyond consultation to building functional relationships between State systems and traditional authorities.

A variety of capacity-building approaches need to be adopted to enable traditional leaders to carry out their responsibilities efficiently and effectively. These approaches include:

- Training of traditional leaders as trainers;
- Workshops and seminars on practical issues of leadership and delivery of public services;
- Inter- and intra-country exchange missions and study tours for educational and networking purposes;
- Encouragement to engage in lifetime learning and skills development, thereby setting an example in their communities about the importance of education.

The means or resources to operate or function effectively are an equally important aspect of capacity-building and should be given enough attention to allow them to fulfill their role. This should include:

- Providing resources to operate and to empower their communities, create employment and generate wealth;
- Using public-private partnerships (PPPs) to generate wealth, involve community resources and access natural resources. This partnerships and rural communities' economic empowerment are necessary for increasing investment; financing of public works and knowledge transfer;
- Getting people with technical knowledge within (their communities to complement traditional authority's capacities;
- Addressing the controversial issue of compensation/remuneration of the traditional authorities, among other issues, such as:
  1. Guaranteeing tenure of service to ensure that they are not subjected to whims of the Government of the day;
  2. Safeguarding their autonomy and defining their status;
  3. Determining the relationship between traditional authorities and executives to avoid conflicts.

## 8.2 Information and knowledge sharing

Under this theme, participants considered the following areas of intervention as key in enhancing the role of traditional authorities in public service delivery:

- Building upon success stories and best practices available in different countries;
- Providing platforms at national, subregional and continental levels for them to voice their opinions, including the SADC Traditional Leaders' Council.
- Using knowledge sharing and training to underpin the capacity development process, including the development of a sustainable information system.

## 8.3 Boosting good governance

In boosting good governance, the participation, information, accountability and neutrality of traditional leadership should be entrenched. Participants considered these elements as necessary requirements for sound leadership, especially with respect to the performance of traditional leaders' public roles and duties.

However, participation is already part of their *modus operandi* because the institution of traditional leadership has built-in good governance elements such as decision-making based on consensus. The decision-making process includes all communities and is thus better than those practised by modern democratic structures.

It was felt that better reporting systems, information dissemination, acquisition and storage could strengthen governance. Other measures to promote good governance included the following:

- Needs assessments
- Mechanisms for tracking progress
- Systems for monitoring and evaluation
- Sound record-keeping practices to ensure proper accountability and track progress on implementation of programmes and projects.

Information was considered key to enhancing their oversight role and meeting the need for constant appraisal of resources available for delivery of public service projects and the expected results from these resources.

As part of boosting good governance, participants encouraged the ongoing and increasing involvement of non-State actors and **civil society** to safeguard the public's interest and wishes.

They argued that such involvement could also complement traditional councils' tasks of rolling out public services, ensuring that such services have clear impact on the ground, overseeing elements of accountability and ensuring that public resources are used properly. Participants also encouraged civil society organizations to exercise good governance in their own structures, setting examples the government and traditional authorities should emulate. Failure to do so could reduce their own credibility and compromise their role as providers of checks and balances and guardians of the public's interest.

With respect to **traditional leaders' political affiliations**, the general feeling was that such affiliations were likely to undermine their political neutrality, which is considered key to their unifying role. Ideally, traditional leaders should not participate in politics. However, the current political set-up expects some allegiance, which undermines the importance of neutrality in the representation of their communities and performance of their role in a non-partisan manner.

Their neutrality can be entrenched if the government created a conducive environment, including:

- Guaranteeing their autonomy;
- Allowing the heredity process to take its course; and
- Defining the mutually respectful relationship that traditional leaders should have with the executive branch.

This is necessary for the consolidation of the unifying role of chiefs, irrespective of the political party in power, and public service delivery would not suffer in the process of a change of government. All of these issues should be addressed collectively to bring harmony and ensure sustainability.

## **9. SUMMARY OF RECOMMENDATIONS AND CHALLENGES**

The increasing rate at which countries are adopting decentralization as a way of bringing services to people is creating opportunities for formalizing and integrating traditional leaders into the State structures to enable them to play a more prominent role in service delivery. Efforts to enhance the role of traditional leaders in public service delivery will require the adoption of a framework to address the strengths and weaknesses of traditional leadership to enable it to become an effective vehicle for service delivery. This framework will encompass the following three areas:

### **9.1 Institutional strengthening and capacity-building**

- There should be political commitment and courage to take bold decisions on the role and involvement of traditional authorities in the service delivery and good governance process. This should include the introduction of ICT infrastructures in rural areas to ensure availability of services such as birth certificates, marriage and death certificates.

- There should be mechanisms to enhance the traditional leaders' interaction with the various arms of the government (legislative, executive and judiciary).
- Concrete steps should be taken to move beyond coexistence and co-optation towards integration and mainstreaming of traditional leadership into the priority-setting, legal and budgeting process.
- The State and representative bodies of traditional authorities should jointly review all legislative provisions in order to educate the traditional authorities about the impact of these legislations on their roles, and for knowledge-building purposes.
- These steps should be synchronized with building the capacity of traditional leaders through knowledge acquisition; training on public financial management; adequate remuneration and compensation; and the establishment institutional structures to facilitate their participation and provide them with appropriate operating facilities (office equipment and human and financial resources).
- Specific capacity-building exercises should be undertaken, including the training of traditional leaders as trainers, based on needs analysis; workshops and seminars on practical issues of leadership and delivery of public services; inter- and intra-country exchange missions and study tours for educational and networking purposes; encouragement and support for traditional leaders to engage in lifelong learning and skills development, thereby setting an example in their communities about the importance of education.
- The State should endeavor to assist traditional leaders in mobilizing the necessary resources to manage and empower their communities, create employment and generate wealth.
- Public-private partnerships and rural economic empowerment should be considered as a means of generating wealth, involving community resources and accessing natural resources for the direct benefit of local communities. These partnerships are necessary for increasing investment, financing of public works and knowledge transfer.
- Traditional leaders should be supported in getting people with technical knowledge within their communities to complement their capacities and participate more in community affairs.
- Economic empowerment should be extended beyond benefits from royalties to include shareholding arrangements so that the communities can stake their claim to the natural resources being exploited for sustainable wealth creation at the community level.
- Arrangements and structures should be institutionalized to clearly define the roles of traditional authorities, government, civil society and parliaments.

- The issue of representation should be addressed to ensure that traditional leaders are well represented at all decision-making levels (constituency, district and national).
- Partnership arrangements should be established beyond mere consultation to include the building of functional relationships between State systems and traditional authorities.
- The jurisdiction of traditional leaders in the administration of justice should be more clearly defined. Moreover, other factors hampering them in the performance of their judicial functions, such as the non-codification of customary law in some countries, lack of record-keeping facilities, lack of training, weak linkages with law enforcement and non-alignment between the customary law and the statutory law, should be addressed.
- As part of the formalization and integration process, the State should provide resources for the codification of customary law, equipment such as computers for the storage and retrieval of records, and the requisite training to enable traditional leaders to complement State efforts in the dispensation of justice at the local level.

## **9.2 Information and knowledge sharing**

To ensure that traditional leaders acquire knowledge and share the information they access, the following specific interventions are recommended:

- They should be encouraged to build upon success stories and best practices available in different countries.
- They should be given platforms at national, subregional and continental levels to voice their opinions, including the SADC Traditional Leaders' Council.
- Knowledge sharing and training should underpin the capacity development process, including the development of a sustainable information system.
- They should build upon existing success stories and best practices on the role of traditional governance in service delivery. These success stories should be identified, compiled and disseminated.

## **9.3 Boosting good governance**

Good governance is one of the central tenets of NEPAD that must be followed for a successful integration of traditional leadership into modern State structures. In boosting good governance, the participation, information, accountability and political neutrality of traditional leadership should be entrenched, since they are all necessary requirements for sound leadership, especially with respect to the performance of traditional leaders' public roles and duties.

To achieve these goals, the following specific interventions are recommended:

- Needs assessments should be conducted jointly by the State and traditional leaders in their respective communities, through a stock-taking and/or self-assessment process to identify strengths, weaknesses, opportunities and threats facing traditional communities.
- Mechanisms should be established to track progress in development projects spearheaded by traditional leaders.
- Systems should be established to monitor and evaluate such projects.
- Sound record-keeping practices should be instituted to ensure proper accountability and track progress on implementation of programmes and projects.

Moving forward, participants identified a number of challenges in making traditional authorities effective partners in development and integrating the system of traditional authority into modern systems. Some of these challenges were outlined thus:

- To have the political commitment and courage to take bold decisions on the role and involvement of traditional authorities in the service delivery process;
- To enhance the traditional leaders' interaction with the various arms of the government (legislative, executive and judiciary);
- To move beyond coexistence and co-optation towards integration and mainstreaming of traditional leadership into the priority-setting, legal and budgeting process;
- To build or enhance knowledge of legislative instruments and direct implications of their role in the policy-making process;
- To design and resource a comprehensive capacity-building programme addressing national planning, resources management, monitoring and evaluation;
- To go beyond the current lobbyist role to one of dynamic service delivery;
- To enhance the capacity of traditional leaders to manage their own development in order to reduce political patronage;
- To provide economic empowerment beyond benefits from royalties to include shareholding arrangements so that the communities can stake their claim to the natural resources being exploited; and

- To institutionalize arrangements and structures to clearly define the roles of traditional authorities, government, civil society and parliaments.

In conclusion, participants requested UNECA to enlist other partners such as the African Union /NEPAD, SADC, the United Nations Development Programme, World Bank and AfDB in the process of facilitating the effective involvement of traditional leaders in service delivery. Existing initiatives such as the SADC Council of Traditional Leaders should be implemented rapidly and governments should establish a partnership programme with traditional authorities for service delivery.

Participants acknowledged that this workshop constituted a start and should aim for more ambitious goals, including the involvement of ministers to ensure a strong political buy-in for the process of integrating traditional authorities into the modern public delivery mechanisms.

A number of participants called for a step-wise process for such integration, requesting UNECA to identify a single achievable issue that could serve as a catalyst for other issues. An example was the introduction of ICT infrastructures in rural areas to ensure easy availability of such services as birth and other certificates as well as personnel and infrastructure to expedite the process of company registration.



**UNITED NATIONS**  
***ECONOMIC COMMISSION FOR AFRICA***  
**SOUTHERN AFRICA OFFICE**

**A WORKSHOP ON**  
**HARNESSING TRADITIONAL GOVERNANCE IN SOUTHERN AFRICA**

**PAST, PRESENT AND POTENTIAL ROLE OF TRADITIONAL**  
**STRUCTURES IN PUBLIC SERVICE DELIVERY**

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**COUNCIL OF TRADITIONAL LEADERS**

**DATE: 18-19 OCTOBER 2007**

**VENUE: PROTEA HOTEL – THE LAKES, BENONI, JOHANNESBURG,**  
**SOUTH AFRICA**

Allow me to thank you for inviting me to participate in discussions on how to facilitate the participation of the institution of traditional leadership in the delivery of public services. The recognition of the relevance of the institution in the governance of the public affairs of African States by no less a body than the United Nations Economic Commission for Africa is indeed a cause for renewed hope for the region's marginalized rural citizens. This is because the longer our governments delay the inevitable formal recognition of the institution, the more they deprive our people of much-needed public services.

It is my fervent hope, therefore, that the suggestions that will come out of our deliberations will be given serious attention by our governments.

Post-colonial African governments have generally been a disappointment to the rural citizens of our lands. Our liberators and new intellectuals proved to be more knowledgeable about the colonial masters' ways of governance than those of their own people. They quickly and easily adopted the white man's legislative, judicial and administrative systems of government, as if pre-colonial Africa never had governments.

Yet we know that Africa, like other societies, has always had indigenous ways of ruling itself. *Ubukhosi*, the institution of traditional leadership, in its various forms, has always been the epitome of African governance, especially in the rural communal areas. In crafting the role of the institution within the modern State, we need not re-invent the wheel. What we need to do is to simply study the way these communities run their affairs and replicate that in the rest of the country.

The royal establishments continue to be the gateway into the rural areas. Any State institution seeking to introduce its programmes or projects would be well advised to consult the local traditional leadership if it hopes to succeed. This is because people believe in the institution; it is the custodian of their cultures, history and land. People need progress, development, public services and all the amenities that urban societies take for granted; yet they do not want this at the expense of all that defines them. Respect for their traditional leaders becomes, therefore, a *sine qua non* for the successful introduction of new initiatives. This applies also to non-governmental organizations that want to implement their own programmes.

While we may talk of *ubukhosi* as if it is an institution of the past, we need to bear in mind that its defining, fundamental and salient features continue to obtain to date. *Iimbizo*, the people's general assemblies, constitute the forums where communities gather in order to discuss and adopt resolutions on matters affecting their communities. Such resolutions are as binding on the community as are municipal by-laws on urban residents. In fact, they arguably enjoy more legitimacy than the by-laws because all adult community members are entitled and required to attend and participate in the deliberations where resolutions are adopted. These days, attendance at *iimbizo* is no longer confined to male heads of households as was the case in the past. Women, the youth and seniors are encouraged to attend and to be full participants in the proceedings. People who tend to exclude themselves from such activities are some of the educated lot, who say they cannot be party to deliberations presided over by illiterates. True, a great number of traditional

leaders and councillors have limited education. The other lot are political and civic activists who regard *ubukhosi* as a reactionary institution not worthy of their time.

As a result of their attitude, such “enlightened” individuals deprive themselves of the opportunity to impart their white man’s knowledge and skills on the people who need them the most. Thus they become useless and irrelevant themselves. Interestingly, come election time, they suddenly realize the importance of the royal residents and enlist their support for their election campaigns.

And talking about elections, *ubukhosi* in many areas act as guarantors of freedom of expression and association. Traditional leaders are well placed to ensure that all political parties are able to conduct their activities without fear of intimidation. In such instances, the traditional leader is expected to suppress his own political preferences in order to ensure that his people are free to make their own choices without fear or prejudice.

The preferred position of the Congress of Traditional Leaders of South Africa is that traditional leaders should not be involved in party politics while they are in office. This, however, is an ideal that may obtain only when the role of traditional leaders has been defined to their satisfaction and to that of those who adhere to the principles underpinning the institution. In this regard, both CONTRALESA and the Southern African Community Development Council of Traditional Leaders are calling for the establishment of houses of traditional leaders at all levels of governance in all States that have traditional leadership. It is through such houses that traditional leaders can participate in the policy-making and legislative processes. Countries like South Africa, Namibia, Lesotho, Botswana, Zambia and Zimbabwe which have established such houses should do more than give them powers to advise government on matters of customs, traditions and the institution itself. Traditional leaders are the advised rather than advisors! The reverse is nothing but a perversion of African culture.

At the regional and continental levels, the two organizations are advocating the establishment of similar structures to complement existing SADC commissions, the Pan-African Parliament and the African Union. Without the involvement of African traditional leaders, these forums remain aloof and impervious to the needs of the people they are supposed to represent. Besides, they appear more to be replicas of their European counterparts without being informed by the cultural mores of Africa.

Traditional councils, composed as they are of senior members of the royal families and elders knowledgeable about the customs, cultures, history and origins of the communal lands, must, of necessity, be recognized as local government structures.

Where this is not yet the case, these councils must be made up also of democratically elected representatives of women, the youth, people with disabilities and the elderly. The heads, who are, of course, the traditional leaders, must have the right to appoint to the council people who have special skills and talents that may add value to the work of the council.

Traditional councils are ideally placed to facilitate the delivery of public services to rural communities. They or their subsidiaries, the headmen, are within walking distance for the people they serve. For the colonial settlers, it made sense that public services were provided in the towns they created, for that is where most of them were concentrated. Post-colonial African governments should have realised that it would make equal sense for the majority of the citizenry to access government services where they were mostly concentrated - the rural areas. This means that all departments and other organs of State must have offices and relevant personnel in the council establishments, so that rural citizens will be able to enjoy the same rights and privileges that their urban counterparts take for granted.

As custodians of cultural values, traditional leaders would be encouraged to add more of their weight in the fight against the scourges of moral degeneration and HIV/AIDS if they were formally recognized by the State. It is common knowledge that some of the cultural practices followed by African communities are aimed at promoting proper and morally sound behaviour among the youth in particular. Such norms help reduce the risks of sexually transmitted diseases, unplanned pregnancies and lawlessness. Furthermore, these practices help to bring about strong family and community values. To this end, therefore, the State must provide resources to traditional leaders to enable them to conduct ceremonies marking important milestones in the histories of communities, as well as those marking the initiation of individuals into adulthood.

Traditional councils also serve as dispensers of justice and upholders of law and order. As courts of justice, they must be given the relevant resources and the necessary powers to enforce their decisions. These courts have legitimacy because they are rooted in the people and are conducted in the open; litigants are tried by their peers, the proceedings are informal yet dignified, are democratic and inclusive, and are aimed at reconciliation, rehabilitation and compensation.

Modern African States are faced with the prospects of tribal conflicts, as the political elite is not totally averse to using tribal differences and loyalties to gain access to political and economic power. Traditional leaders, as tribal leaders, are best placed to give guidance and leadership to the tribal aspirations of the people without resorting to unnecessary antagonisms. My work in CONTRALESA and the SADC Council of Traditional Leaders has shown me that when people accord respect to the different customs and traditions to which they subscribe, they develop an understanding on which good relations are built. Stereotypes and prejudices are soon cast aside and conditions of peace and harmony are created.

Having experimented with the governance systems of our erstwhile rulers and having determined that they have not proved to be any better than ours, it is now time for our leaders to find ways of incorporating them into ours, rather than the opposite, where we talk of how we can accommodate ours within those we have inherited from the West.

**THANK YOU VERY MUCH FOR YOUR ATTENTION!**

## Workshop on Harnessing Traditional Governance in Southern Africa

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