

PALGRAVE STUDIES IN GOVERNANCE, SECURITY, AND DEVELOPMENT

STATE RECOGNITION AND DEMOCRATIZATION IN SUB-SAHARAN AFRICA

A NEW DAWN FOR TRADITIONAL
AUTHORITIES?

EDITED BY

LARS BUUR AND
HELENE MARIA KYED



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DEMOCRATIZATION IN
SUB-SAHARAN AFRICA

PALGRAVE STUDIES IN GOVERNANCE, SECURITY, AND DEVELOPMENT

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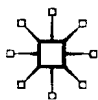
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PREFACE

Since the mid-1990s, the wave of democratization rolling over sub-Saharan Africa has coincided with an influential, yet ambiguous resurgence of traditional authority in governance, national politics, and development. Along with larger self-assertive movements and more informal, localized types of resurgence, traditional leaders are increasingly being recognized as the official partners of both international donors and African states. Legally bolstering the role of traditional leaders has been seen as a remedy for securing grassroots participation, developing a specifically African form of democracy, and bolstering state outreach and legitimacy in “weak” states. As in the different forms of colonial governance, great faith today is being placed in the potential of traditional authorities to provide stability and secure state governance. In contrast to colonial forms of rule, present forms of traditional authority are being recognized in the names of decentralization, democracy, and development within the wider context of political liberalization.

This book explores the link between the present wave of democratization on the one hand and the various forms of contemporary state recognition and formal bolstering of traditional authority on the other in eight sub-Saharan African countries. It looks at the relationship between state recognition and the consolidation of democratic governance in Mozambique, Zambia, Namibia, Malawi, Burkina Faso, and the Somali region of Ethiopia, as well as relating these developments to the attempts to bolster state governance in the declining democracy of Zimbabwe and emerging states in Northern Somalia. The book’s chapters explore state recognition of traditional authorities in state governance and processes of democratization through different prisms: decentralization initiatives, peacemaking, community policing, party politics, natural resource management, development projects, and wider processes of nation-state formation.

The overall aim of the book is to provide new insights into the participation of traditional authorities in state governance in a variety of countries with different colonial and postcolonial histories and different levels of engagement in processes of democratization. This

also includes exploring the relationship between traditional leaders, states, civil society, and international donors and capital, linking the local, national, and international contexts. The book suggests that researchers need to scrutinize the present wave of official recognition of traditional authorities from an empirically and historically grounded perspective. The task is to explore how, in practice, traditional leaders are drawn into local governance through donor and state policies and what this means for different actors. The book does this by discussing some of the underlying causes and arguments that have underscored the resurgence of traditional authority and by linking the formal recognition of traditional leaders to context-specific processes of democratization and state formation.

An overriding argument of the book is that current recognitions of traditional authority should not merely be regarded as the result of and/or a cure for so-called “failed” or “weak” states, as a number of scholars have argued. This process is equally nurtured by intertwined, contemporary global discourses on cultural diversity, pluralism, democracy, and community participation, all of which fit neatly into the ebbs and flows of recent democratic transitions in sub-Saharan Africa. Country-specific cases clearly point to the need to explore the recognition of traditional authority in the context of the often ambiguous relations between national projects of state formation, global democratic discourses, and local politics. It is not entirely clear whether the recognition of traditional authorities actually implies a serious challenge to the centralist and authoritarian structures that have so far characterized many states in sub-Saharan Africa. This book argues for the need to question critically whether the resurgence of traditional authorities in state governance significantly changes power configurations and the distribution of resources.

The book does not provide an unambiguous, concrete answer to this question. Although it argues that democratization as context and political imaginary has certainly increased and influenced the roles of traditional leaders in governance and vice versa, this is not a unilinear process. In some cases it is occurring as a consequence of deliberate national legislation positioning traditional leaders as community representatives to the detriment of locally elected governments, in others as an unintended side-effect of democratic decentralization, and in yet others by way of more informal uses of traditional leaders in mobilizing votes and bolstering waning state control. One common aspect of these various links between democratization processes and the inclusion of traditional leaders in state governance is that the latter does not in and of itself produce democratic governance. While

bolstering local forms of kinship-based institutions and public authorities, state recognition of traditional leaders has more or less uniformly been accompanied by not always successful attempts to enlarge the scope of power structures (or powerful agents) external to such institutions themselves, and in particular to local communities, notably state structures and national party politicians.

This book is divided into two parts, each of which covers important and interrelated aspects of past and present processes of involving traditional authorities in state governance and processes of democratization. The first part addresses traditional authorities' relations with a variety of different contexts of decentralized governance, including their function as peacemakers and their participation in policing. The second part deals with the relations of traditional authorities to state and party politics. Both parts focus on linkages between traditional authorities and issues of accountability, political violence, and state formation.

This book project emerged from a series of papers first presented (and subsequently revised) at the Africa-Europe Group for Interdisciplinary Studies (AEGIS) Conference on African Studies held in London, from June 29, 2005 to July 3, 2005. The conference brought together a group of researchers who have directly and indirectly influenced the ideas presented in this book. We would like to thank the Nordic Africa Institute for providing a conducive environment for our planning of the panel. We are particularly grateful to Senior Researcher Ole Therkildsen, Danish Institute for International Studies, who acted as discussant at the panel sessions. Finally, we wish to thank the Danish Institute for International Studies for supporting the finalization of this book, and in particular Ane Toubro for her tireless and dedicated work in organizing the manuscript and Robert Parkin (Oxford University) for exquisite language assistance.

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LARS BUUR and HELENE MARIA KYED

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Introduction: Traditional Authority and Democratization in Africa

Helene Maria Kyed and Lars Buur

INTRODUCTION

The ambiguous nature of the relationship between traditional leaders and postcolonial states has been a recurring theme in sub-Saharan Africa since the achievement of independence.¹ This is due in part to colonial systems of governance, which, through a combination of direct and indirect forms of rule, incorporated traditional leaders as an extension of colonial regimes in order to extract human and natural resources and curb organized resistance (Mamdani 1996; van Nieuwaal and van Dijk 1999; Ray and van Nieuwaal 1996; Mbembe 2001). Although some traditional leaders had assisted liberation struggles across the continent, postcolonial governments mainly saw them as repressive collaborators of the colonial masters and as impediments to the modernization and nation-building projects of the 1960s and 1970s. While not all postcolonial governments officially banned traditional leaders altogether, as Tanzania and Mozambique did, for example, the overwhelming majority comprehensively curtailed their legal powers in local governance, often limiting their role to cultural and spiritual activities (von Trotha 1996: 81).²

In many countries, this was intended to do away with what Mamdani (1996) has called the bifurcated colonial system of governance that divided the population racially into citizens and subjects—citizens ruled under a universal set of rights, contrasted with subjects living under customary law enforced by traditional leaders. Despite postcolonial attempts to ban or contain traditional authority, as Ekeh (1975) and Sklar (1999) have argued, most African countries have

continued to experience a mixed polity or a *dualism* of structures of power. Ekeh (1975) refers to this as the prevalence of “two publics” competing for the allegiance of citizens within nationalized territories that the states involved have seldom been able to control fully. From this perspective, forms of governance exercised by traditional leaders have never ceased to be important (Skalník 2004), despite various attempts by states to do away with them.

Since the beginning of the 1990s, a wave of what has been called “retraditionalization” seems to have reversed the previous policy of containing traditional authority as negative forces.³ In a large number of sub-Saharan African countries, this wave has been expressive of a gradual resurgence and enlargement of the role of traditional authority in local governance, development, and national politics (Englebert 2002; Buur and Kyed 2005, 2006; Kyed and Buur 2006). Traditional leaders are increasingly being drawn into mainstream processes of state building and democratization in various ways, and in some cases they now officially form part of bottom-up governance of some sort.

In broad terms, the resurgence of traditional authority has taken the form of three different, but often overlapping, trends. First, mainly bottom-up, self-assertive organizations, unions or associations of traditional leaders and larger kingdoms have been more or less successful in increasing their influence in local and national politics, often made possible by their engagement in wider economic networks (for example, in Congo, Uganda, Ghana, Zambia, Rwanda, Chad, Benin, and Côte d’Ivoire). One example is the Asante chieftaincy in Ghana that has played a powerful role in national power structures by linking social, economic, and cultural capital vested in local power bases and the extraction of natural resources (von Trotha 1996: 89; Odotei and Awedoba 2006). The Buganda kingdom of Uganda and the Lozi of Barotseland, Zambia, provide similar examples (Englebert 2002: 52; Williams 2000).

Secondly, traditional leaders have often asserted their authority informally in carrying out state functions in local political settings, such as dispensing justice, collecting rent, and policing. In some contexts this has led to competition with state authorities, but in others it has replaced or complemented state functions where these have been fragile or absent, as during periods of insurgency in the Congo, Sierra Leone, Namibia, Somalia, and Mozambique.

Thirdly, there are the top-down, formal types of legislation, decrees, and reforms that have (re)incorporated traditional authority officially into state governance in recognition of their ongoing influence as local players (as in Ghana, South Africa, Mozambique, Angola, Zimbabwe,

Somaliland, Uganda, Zambia, Namibia, Cameroon and Niger). Countries such as Ghana, South Africa, Namibia, Zambia, and Uganda have also provided traditional leaders with political weight at the national level in, for example, national houses of chiefs and recognizing traditional leaders in revising their constitutions in the 1990s (Englebert 2002). Although they may not have directly restored traditional authority, which was previously the subject of various forms of *de jure* exclusion, these processes of state recognition have certainly resulted in the transformation and formal bolstering of the roles of traditional leaders in both local governance and national politics. Formal recognition has commonly been promoted in the name of decentralization within the wider context of political liberalization or transitions to liberal democracy.⁴

It is the third trend, toward the formal recognition of traditional authority in the period of political liberalization, that this volume deals with, in articles from eight sub-Saharan Africa countries: Namibia, Malawi, Burkina Faso, Zambia, Mozambique, Zimbabwe, northern Somalia, and Ethiopia. These are all based on long-term field studies of the implementation of policies drawing traditional leaders in various ways into decentralized state governance and development. While some of the chapters deal with the formal bolstering of traditional leaders' role in peacemaking, policing, and development planning and implementation, other chapters engage more specifically with the relationship of traditional leaders to state and party politics. Using empirically and historically grounded perspectives, the various chapters draw attention to the complex processes at work and the different consequences of the formal recognition of traditional authority within different contexts.

The volume as a whole takes its point of departure in the timely convergence between the formal recognition of traditional authority and the wave of democratization that has rolled over sub-Saharan Africa since 1990s. The aim is not to provide an unambiguous, absolute answer to the question of whether or not the formal recognition of traditional authority is conducive to democratization. Rather, it is intended as an attempt to engage in a critical discussion of the complex, often counterbalancing consequences of the link between formal recognition and the varied policies of democratization and state building that can be drawn from the cases presented in this volume. A core argument of the volume is the need to scrutinize official recognition from an empirical perspective. The task is to explore how, in practice, traditional leaders are drawn into local governance through state and donor policies, and what this means for different actors.

In the remainder of this introductory chapter, we review recent literature on the formal recognition of traditional authority, beginning with a discussion of some of the underlying causes and arguments that have underscored the resurgence of traditional leaders in state governance in general. Secondly, we critically discuss the links between the formal recognition of traditional authority, democratization, and state formation.

STATE FAILURE AND RETRADITIONALIZATION

Over the past decade, scholars have provided a range of explanations for the wave of retraditionalization and the formal recognition of traditional authority in sub-Saharan Africa. The main explanations for the resurgence of traditional authority with regard to all of the three trends mentioned above have referred to the conditions underpinning “failed states,” unsuccessful nation building and internal armed conflicts (see Herbst 2000; Baker 2000; Skalník 2004; Chabal and Daloz 1999). The idea that traditional leaders have filled the “gap” left by fragile states and continued to contest the monopoly of state authority in primarily rural areas has influenced much rethinking of their role. In line with Chabal and Daloz (1999), scholars like Skalník (2004) argue that “failed” or “hollowed out” African states that have been reduced, institutionally speaking, to a mere shell have led to the dominance of modern informal governance on the one hand and old-new chiefdom-type politics on the other. Skalník suggests that the state’s loss of control over its citizens has provided room for the resurgence of the rule of traditional leaders based on a reference to tradition.

As reflected in current government policies, this view of resurgence has in numerous cases led to the conclusion that if the state cannot do away with traditional leaders, it must recognize and incorporate them in order to (re)gain its own control over both territories and people. Similarly, van Nieuwaal and van Dijk (1999: 4) argue that support of traditional leaders can be a way for states facing a “crisis of legitimacy” to acquire some measure of legitimacy in implementing its laws and policies. Capturing traditional authority under the ambit of the state is envisaged as a means of coming to terms with the problem of the failed state: the result becomes the solution!

The recent formal recognition of traditional authority in postconflict countries such as Mozambique (Buur and Kyed, this volume), Somalia (Höhne, this volume), Angola (Orre 2006) and Sierra Leone (Fanthorpe 2005) seem to correspond to this perspective. In these

countries traditional leaders whose formal role in local governance had been severely reduced by postcolonial governments, informally resumed important functions in local forms of ad hoc governance during periods of internal conflict, particularly in those areas where the state was very weak or absent. In Mozambique and Sierra Leone, this also included alliances between traditional leaders (*régulos* or chiefs) and the parties of the insurgency, *Resistência Nacional Moçambicana* (Renamo) and the Revolutionary United Front (RUF), thus situating traditional leaders in opposition to the government in power (Fanthorpe 2005: 31–32; Buur and Kyed, this volume).

A common postwar reaction by the governments of these countries, including more recently Angola (Orre 2006), has been the legal recognition of chieftaincy as a counterpart to the state in restoring stability and reextending state governance. The change in government attitude toward traditional authority was influenced by the continued role that traditional leaders were seen to play in rural areas, both during and after the war, despite their abolition at independence and the establishment of new structures of state governance. To a large extent these factors support the failed-state explanation for the resurgence of traditional authority and the idea that, by incorporating nonstate actors, the state can regain its strength and both territorial and symbolic reach. As von Trotha argues (1996: 83), the formal use of traditional leaders as intermediary institutions linking the state to its local orders is a sign of the limits of state power to organize directly.

This predicament is quite similar to the colonial “problem of the native” (Mamdani 1996), according to which colonial rulers’ failed attempts to govern directly underscored the exploitation of traditional leaders to boost the colonial state’s administrative effectiveness and provide stability (von Trotha 1996: 84). Does this observation imply that today’s formal recognition of traditional authority is merely a reproduction of colonial forms of “indirect rule” and the problems of state weakness that they sought to solve?

RETRADITIONALIZATION AND LIBERALIZATION

On its own, the failed-state thesis cannot explain the resurgence and contemporary formal recognition of traditional authority. Englebert’s (2002) analysis of a wide range of countries shows that when we consider state legislation on traditional leadership, it is not so much the “failed states” as the stronger ones that have been most consistent in enlarging the de jure status of traditional leaders. Contesting the

failed-state argument, Englebort (2002: 51–52) sees the resurgence of traditional authority as only one “dimension of the ongoing reconfiguration of power across the continent,” which he relates to globalization, economic liberalization and, in particular, processes of liberal-style democratization.

Certainly the South African case challenges the failed state thesis, since, with its powerful and extensive state apparatus, the 1996 ANC-driven constitution assures traditional leaders a high degree of constitutional protection (Oomen 2005). In addition, South Africa’s Traditional Leadership and Governance Framework Act of 2003 provides for state support for the restoration of traditional leadership in line with customary law and practices, the establishment of National and Provincial Houses of Traditional Leaders, and service agreements between traditional leaders and local governments (Tshehla 2005: 16–18). Passed alongside measures to democratize postapartheid institutions, the Act sets out to define the place of traditional leaders “within the new system of democratic governance” (*ibid.*: 16). Uganda, Ghana, Zambia, Malawi, and Namibia provide similar examples. Here, recognition of traditional authority has been combined with efforts to democratize rural governance through, for example, setting up competing and partially complementary democratically elected local councils. Weak or failed states, by contrast, have tended to reduce the potential for the formal recognition of traditional authority because they fear that it will assume an oppositional cast (Englebort 2002), as was the case in Sierra Leone and Mozambique during periods of insurgency (Fanthorpe 2005; Buur and Kyed *this volume*).

Directly or indirectly, the adoptions of multiparty democracy and commitments to decentralization have opened up new public spaces for traditional leaders, among other local, nonstate actors.⁵ This clearly demonstrates “that democratization in Africa is not a unilinear process, a technical procedure with predetermined means and goals” (Englund 2004: 3). In Malawi, Mozambique, Uganda, and Zambia, official commitments to decentralization have meant the formal enlargement of the role of traditional leaders in local governance. In countries such as Niger and Ghana, the democratization process has opened the way for traditional leaders to stand as candidates in local government (Lund 2001). In Ghana, traditional leaders are especially influential in national party politics (Lentz 1998), while, as Ellis (2005) argues, in Sierra Leone and Côte d’Ivoire key national politicians draw considerably on connections to traditional authorities to increase the political power of their parties and are often themselves paramount-chiefs. Gould (*forthcoming*) observes that Zambian traditional leaders are at present

strategically crafting a novel mode of national political agency in the deregulated, pluralist political dispensation of the countries' Third Republic.

As exemplified by countries such as Mozambique, South Africa, and Uganda, legislation on traditional authority cannot be divorced from, and indeed has been related to, donor calls to “roll back the state,” localize development, and revive civil society (Buur and Kyed 2005). This link has been grounded in emerging donor discourses on “social capital” as new ways of tapping into the social field (Delanty 2003). The emphasis of donors on grassroots participation and decentralization has benefited traditional leaders, “since they appear to outside aid agencies as readily available local counterparts with a substantial measure of authority and capacity to mobilize” rural populations (Englebert 2002: 60). In Mozambique, for example, the perceived “lack” of a vibrant civil society following the civil war caused donors to look favorably on traditional authorities as the missing link between rural citizens and the state (West and Kloeck-Jenson 1999). In Sierra Leone, where donors were more skeptical about traditional leaders, in the end the government saw them as the only alternative local institution to engage in the post-war rebuilding process in rural areas (Fanthorpe 2005: 31–32).

Laakso (1996) also draws attention to the link between economic liberalization and the resurgence of traditional authority. By cutting public expenditure, economic liberalization opened up a space for the role of the involvement of local organizations in service provision, education, and judicial enforcement. Simultaneously, however, liberalization has increased the distance between states and their populations. This, Laakso asserts, cleared the way for the resurgence of tradition as an alternative mode of identification. Neoliberal economic restructuring, on the other hand, created new forms of access to material resources for powerful traditional leaders. One example is the Buganda kingdom in Uganda that has undertaken its own international fund-raising activities for development projects (Englebert 2002: 13). Similarly, increased access to funds by powerful Asante traditional leaders (Ghana) has benefited from the globalization of information and money flows (*ibid.*: 14).

If the wider processes of liberalization have directly or indirectly created fertile conditions for the resurgence of traditional authority—essentially linking global, national, and local modalities of power—then academic thinking, especially since the mid-1990s, has also boosted faith in the role of traditional authority in governance. Some scholars have argued that the increased incorporation of traditional

leaders can provide stability in African countries (Sklar 1999) and improve governance and development (Englebert 2000). Others have suggested that reliance on traditional leaders in governance will reduce transaction costs and facilitate collective action (Dia 1996). Traditional authority has been celebrated as “an important vehicle for more or less authentic indigenous political expression” (Ray and van Nieuwaaal 1996: 7) capable of contributing to genuine democratization and development. Skalník (2005: 4) goes so far as to draw a dichotomy between traditional authority as representing a “consensual method of decision making, which prefers non-violent methods,” and the modern imported state as a coercive apparatus, ultimately based on the use of violence. In his view, states in Africa should reintroduce a new form of dual political system in which hereditary chiefs are granted the role of watchdogs of democracy, providing checks and balances with regard to elected politicians and state bureaucrats (*ibid.*: 22).

DEMOCRATIZATION AND AFRICANNESS

The view of the democratic role of traditional authority held by scholars like Skalník (2005) was also echoed by a number of intellectuals and politicians in countries such as Mozambique and South Africa during their revisions of legislation, where it was also combined with a broader celebration of Africanness (see West and Kloeck-Jenson 1999; Oomen 2005). The promoters of legislation presented traditional leaders as exercising “authentic” African forms of democratic governance as the true representatives of rural African communities and as “culture cores” on which a genuine sense of nationhood could be built. The search for a specifically African form of democracy and nationhood, no longer exclusively building on the philosophy of the Western Enlightenment and socialism, has become both an academic and a political preoccupation, underscoring the policies devoted to the recognition of traditional authority. In many cases, these initiatives have been combined with “finding our roots” as part of a pervasive rhetoric of autochthonous status (Geschiere and Nyamnjoh 2000). In the southern African context, this has also been related to the African renaissance discourse as promulgated by South African President Thabo Mbeki, whose emphasis on establishing genuine and stable democracies in Africa was soon combined with calls for a “return” to indigenous values and structures (Oomen 2005: 108–10).

This discourse has a deep resonance for many ordinary Africans, “small” as well as “big men.” In South Africa the African Renaissance

discourse was captured by proponents of traditional authority, who cast it as “the coming of age of Africa’s institutions, and not for a perfect mimicry of the world’s powerful societies. After all, it is hard to conceptualize African culture without any reference to the institution of traditional leadership and custom” (quoted in Oomen 2005: 109–10). Similarly, the director-general of the Namibia Central Intelligence Services said, in defense of the Community Courts Bill of 2003 that granted substantial local power to traditional leaders:

The Bill is indeed a living expression of the vast majority of the Namibian people. [. . .] colonialism and in particular apartheid imposed the so-called civil, liberal or western culture and legal institutions as dominant culture [. . .] But despite this, our people have been brave enough to hold high their traditions so that, up to now, there are sufficient elements of social justice that have remained intact upon which we can build our new legal system.⁶

These different justifications for sustaining and legally bolstering traditional authority speak to discourses on cultural diversity, pluralism, democracy, and participation, thus fitting neatly with the democratic transitions of many sub-Saharan Africa countries. That said, it should be mentioned that legislation recognizing the role of traditional authority has reflected ambivalent compromises as a result of internal splits over the proper role of traditional leaders in democratic governance, mirroring earlier conflicts and debates over the respective merits of modernization and communitarianism (Mamdani 1996). The modernist position, in defense of individual rights, has been skeptical toward traditional authority on the basis that it is antidemocratic and that what might be regarded as a “real” precolonial tradition has withered away due to colonial impositions. The communitarian perspective, by contrast, argues that traditional authority still exists and that it represents a specific African form of democracy and civil society (Mamdani 1996: 3; Oomen 2005).

As we discuss later, the warnings of the modernist skeptics seem justified because in some instances the recognition of traditional authority has challenged local democratic governments (South Africa and Malawi; Chiweza, this volume), been used to bolster the monopoly of the ruling party (Zimbabwe; Mapedza, this volume), or to justify the decision not to expand locally elected governments to rural areas (Mozambique; Buur and Kyed, this volume). While it is evident that many cases of the recognition of traditional authority have taken

place within the overall context and in the name of democratization, the contributions to this volume suggest that it is pertinent to ask whether recognition actually implies a serious challenge to the kinds of state centralism and authoritarianism that have characterized certain colonial and postcolonial African states, and if so, how.

We may begin by asking whether the recognition of traditional leaders and the delegation to them of roles assisting the state significantly change configurations of power and the distribution of resources. In other words, does recognition imply a genuine decentralization of powers? In addressing this question, van Nieuwaal and van Dijk (1999) warn us against seeing chief-state relations as a zero-sum game in which the power of traditional leaders waxes when state power wanes and vice versa. In a similar vein, Englebort (2002: 61) argues: "By itself, the increased salience of indigenous structures need not imply any reconfiguration of the post-colonial state, and may even promote its reproduction." These perspectives suggest that formal recognition may provide for a mutual reinforcement of the authority of traditional leaders and the state. If this is the case, what are its consequences for rural constituencies?

The question of whether the recognition of traditional leaders actually implies a reproduction of centralized and authoritarian forms of power is a pertinent one and necessarily depends on how relations between local state institutions, traditional leaders, and citizen-subjects are structured in practice. As several of the chapters in this volume attest, constant reconfigurations of public authority emerge from everyday negotiations between local state officials, traditional leaders, and ordinary citizens when administrative and developmental tasks are carried out and when conflicts are resolved. Assessing the possibilities for reconfiguring local-level public authority should also include a critical examination of how, and in whose name, authority is being enforced (Lund 2006). Can we take it for granted that traditional leaders genuinely act in accordance with the interests of their constituencies and that the recognition of such leaders supports the increased inclusion of local populations, as it has been argued (Skalník 2004)? We suggest that the long history of traditional leaders adjusting to and being coopted by shifting colonial and postcolonial regimes should persuade us to assess critically their popular representative and democratic potential.

All of the above are critical questions and observations that need to be posed and pondered when exploring African states' current attempts to recognize and incorporate traditional leaders in state governance,

development interventions, and democratization processes. Before relating the recognition of traditional authority to democratization and state formation, however, we should begin by scrutinizing the concept of recognition itself. In other words, we should ask in whose name and against what claims, justifications, and interests traditional leaders are being recognized in present-day sub-Saharan Africa.

RECOGNITION AND BENIGN GOVERNANCE

Common to most discussions of the struggles for and politics of recognition (Honneth 1995; Taylor 1994) is, as Englund (2004: 1) has made us aware, “the idea that the lack of recognition, not to mention *misrecognition*, inflicts harm that threatens the very existence of nations, minorities and other disadvantaged groups.” Equally common is to represent recognition as something benign, with struggles and claims for recognition being seen a priori as positive because they produce public democratic spaces. Honneth (1995), for example, holds that struggles for recognition by dispossessed groups promote public spaces in which, following Habermas, debate and public deliberation can proceed without intimidation and relatively freely. Understood thus, struggles for recognition presume and support liberal societies. With regard to the recognition of traditional leaders and their role in state governance, the picture is slightly more complicated. This is partly due to the colonial legacy of a combination of direct and indirect forms of governance, and of fixed patriarchal forms of customary law, family, and economic life—as a way of life and form of authority, patriarchy is generally seen as contradicting democratization and liberal governance (although not all would agree on this point, as we have made clear above).

The fear of the skeptics is that the gains promised by democracy with regard to equity, human rights, and gender equality will be lost if the rudder of development and governance is handed over to an indeterminate huddle of unelected patriarchal leaders in the name of efficient, localized governance, cultural diversity, and the inclusion of local communities. Despite this ambivalence, as we have already noted above, recognition of traditional authority has been launched under the dual headings of democratization and of recognizing “what already exists.” In this sense, formal recognition is officially represented as a response to the lived realities on the ground, combined with arguments about democratic inclusion.

Paradoxically, if we look more closely at the various country cases in sub-Saharan Africa, legislation recognizing traditional authority is seldom the result of a pure or direct response to collective claims for recognition by self-identified groups or “communities” from below (see Kyed and Buur 2006). Clearly, the formal recognition of traditional authority cannot be separated from varied manifestations of the actual use and support of traditional leaders by local populations. It is nonetheless clear from the chapters in this volume that the recognition of traditional authority does not necessarily reflect group interests “from below,” nor does it foster “public spaces” in Habermas’s sense.

More interestingly, and a good deal more controversially, the chapters suggest that it is the state, sometimes in combination with political parties holding power, that is the driving force behind the recognition of traditional authority, often in alignment with particularly powerful paramount chiefs or elders. This situation seems to limit, rather than foster, the emergence of a liberal civil society in the sense of groups of active citizens participating in politics and development. A core argument of this volume is that the recent formal incorporations of traditional authority in governance does bolster the traditional leaders and institutions, but that this has more or less uniformly been accompanied by not always successful attempts to increase the scope of power structures (or powerful agents) external to such institutions themselves, and in particular to local communities.

The recognition of traditional leaders as community representatives and partners in implementing development may support a “benign” interpretation, legitimizing development interventions through the approval of projects by traditional leaders, who then function as concrete access points for outside development agencies. However, the benign interpretation does not always ring true. Most roles allocated to traditional leaders revolve around issues of state (re)formation, with such leaders being envisaged as “bureaucrats” (see Chiweza and Buur and Kyed, this volume). Several of the chapters in this volume also point to the use of traditional leaders as agents to strengthen the position of party politicians and governments in power by manipulating ethnic divisions and suppressing particular political groups. We therefore suggest that the consequences or “price” of recognition should be scrutinized critically and investigated empirically. Recognition should, in other words, not necessarily be seen as a positive or benign act toward newly included populations, as it is in most promotions of the politics of recognition. This becomes particularly clear when we later explore the recognition of traditional leaders from the vantage point of party political competition and state formation.

DEMOCRATIZATION AS ARENA AND POLITICAL IMAGINARY

As reflected in the majority of the chapters in this volume (those on Mozambique, northern Somalia, Namibia, Ethiopia, Burkina Faso, and Malawi), democratization functions as an important arena for the formal recognition of traditional authority. Because contexts matter and can seldom be separated from the subject at hand, we need to understand democratization as more than a background aspect that, once stated, can be forgotten. We suggest that democratization should be approached as a “political imaginary,” which appears in discourses and acts that try to reconcile the slippage between the demands for formal representation of international donors and African populations and its constantly unfulfilled realization. In the underdetermined sense used here, therefore, “democratization” is approached as an imaginary that is enacted in social and political spheres, but never made fully permanent.

For the purposes of this volume, democratization as a political imaginary has the intriguing effect that it animates the representations, as well as the judgments, of traditional leaders and the groups they formally represent. As such, it often functions implicitly and therefore silently as a normative backdrop passing a priori judgments. As Arendt (1982: 80) has pointed out with Kant in mind, the faculty of imagination provides both schemata for cognition and examples for judgment. Democracy as an important imaginary in Africa allows for the revised evaluation of tradition, traditional authority, local communities, and governance. As a political imaginary, it has the potential to alter ideals and practices, but this may sometimes occur without substantial change in the discursive representations of the traditional authority figure. Similarly, whereas the practices of state and government officials may be strikingly similar to earlier forms of engagement, be they colonial or postcolonial, discursive representations have adopted the language of rights, democracy, representation, and participation to an extreme degree.

The chapters in this volume demonstrate this by approaching the present wave of recognition of traditional authority as less of a return to precolonial forms of organization than of a *de jure* and *de facto* reconfiguration of traditional leaders’ roles within changing political environments. Our argument is that democratization as context and political imaginary has increased rather than decreased the roles of traditional leaders in local governance. In some cases, this is happening as a consequence of deliberate national legislation positioning traditional leaders as community representatives, in others as an unintended

side-effect of democratic decentralization, and in yet others by way of more informal uses of traditional leaders in mobilizing votes. The point is that democratization processes, both formally and informally, influence the role of traditional authority and vice versa. This is expressed in a variety of ways, each with different implications.

In Mozambique (Buur and Kyed, this volume), for example, the formal recognition of traditional leaders and their renaming as “community legitimized authorities” has been put forward as the recipe for rural democratization (traditional leaders as community representatives) at the expense of extending locally elected governments to rural areas. In practice, the notion of community-legitimized authorities was translated not into a wide representation of residents within a given territorial area, but into a small and rather closed circle of people organized around a given traditional leader. Chiweza’s chapter on Malawi points to a different dynamic of the link between democratization and traditional authority. Here, as in most other sub-Saharan African countries except Mozambique, locally elected governments have been extended to rural areas, where they provide the formal democratic institutions. However, by default, the decentralization process has opened up new spaces for traditional leaders: in practice, local governments have been superseded by traditional leaders, who seem to have more authority among rural constituencies (being “closer to the people”). The use of traditional leaders by external agents such as donors, NGOs, and state bureaucracies has further sustained this tendency to undermine democratically elected local leaders.

Similarly in South Africa, legislation supports the functioning of traditional leaders alongside democratically elected governments. The lack of a clear differentiation of powers and duties between elected councilors and traditional leaders has created numerous conflicts at the local level (Tshehla 2005). As Peires argues (2000), traditional leaders and councilors compete for the loyalty of local communities and access to state funds, often to the detriment of councilors, whom local residents view as incapable of addressing issues of social and economic development. These examples point out how traditional leaders in some instances undermine the authority of locally elected politicians, who should ideally be the bearers of representative democracy at the local level. Alongside this tendency, various country cases also point to the existence of multiple alliances between traditional leaders and national party-politicians.

In Mozambique, Zimbabwe, Namibia, Zambia, and Burkina Faso, the transition to multiparty democracy has seen both the voluntary and more or less forced involvement of traditional leaders in mobilizing the

rural electorate. The Burkina Faso case dealt with by Hagberg in this volume illustrates how well-positioned traditional leaders may use multiparty politics to their own advantage. In Zimbabwe, traditional leaders are paid by the ruling party for their loyalty and for mobilizing votes, while also being given an extensive role in local governance and natural resource management as “gate-keepers” (see Mapedza, this volume). In the Renamo strongholds of Manica Province in Mozambique, traditional leaders were informally drawn into Frelimo voter campaigns in 2004, even though this was against the legislation’s emphasis on such leaders as neutral political players (Kyed 2005). These examples, as Geschiere and Nyamnjoh (2000) alert us to, are not at all exceptional in sub-Saharan Africa but reflect a broader tendency for multiparty democracy to lead to national elites seeking local vote-getting alliances with traditional leaders, ethnic groups, or clan elders.

An obvious question to ask here is whether the incorporation of traditional leaders, whose status is based mainly on hereditary succession, within local governance and in party politics is not a retrograde step in terms of democratization. If measured against the normative definition of democracy, which is usually equated with formal elected representation through “one man, one vote” making a government accountable to the people, then the answer would be in the affirmative. We suggest, however, that it would be too simple to explore the question merely from this vantage point, or to conclude, as Beall (2005: 3) does, that traditional authority per se is at odds with democracy because traditional leaders enforce exclusionary rules and have limited scope for representation and downward accountability.

As a first approximation, we argue that the question cannot be answered merely by viewing traditional leaders as undemocratic by definition and national regimes that have adopted liberal democracy as democratic, equally by definition. It is not so much a question of measuring a purely democratic regime against an undemocratic regime of local traditional leaders, as Mamdani (1996) suggested a decade ago. Cautioning against the autocratic character of customary practices, Mamdani saw the failure to dismantle the rule of part-hereditary, part-appointed aristocracies in the countryside, and to extend full democratic citizenship to everybody as signaling an “unwillingness to destroy the structures of political domination established by colonial powers over a subjugated population” (Adler and Steinberg 2000: 23).

There can be no doubt that a good deal of power has been left in the hands of rural aristocracies, very much depending on context and histories, but, as Adler and Steinberg (2000: 23) have pointed out, Mamdani “seems to believe that difference *ipso facto* spells division.”

As the chapters in this volume suggest, modes of governance relying on traditional leaders do not seem to have prevented the introduction of democracy and neoliberal ideas about civil society, nor to have limited their importance. Rather, the continued presence of traditional leaders working both with and for the postcolonial state(s) gives rise to, paraphrasing Comaroff and Comaroff (1999: 27–28), a whole range of indigenously hatched hybrids, where efforts to extend democratic modes of governance have consistently been captured and appropriated at the local level. It would thus be foolish to believe that colonial and postcolonial encounters only ever give way to nonegalitarian and illiberal forms of public authority.

Like it or not, traditional leaders partake in the constitution of different forms of public authority that at times are at odds with liberal norms (individualism, gender, human rights etc.). However, being at odds with liberal norms does not mean that traditional leaders have not exerted or relied on modes of representation and forms of downward accountability to their subject populations. This point is made clear by Höhne (northern Somalia) and Hagmann (the Somali region of Ethiopia) in this volume, thus inverting Mamdani's argument, since they show that the state's incorporation of traditional authority has the effect of rendering these positions less democratic, in the sense that traditional leaders become exposed to the risk of losing the downward accountability and popular legitimacy that their authority is based on. The tragedy is that it is on these forms of downward accountability that the popular as well as *de jure* legitimacy of traditional leaders is based vis-à-vis the constituencies they represent.

In the Mozambican (Buur and Kyed, this volume) and Namibian (Zeller, this volume) cases, a similar situation applies in former war zones in which state policies are highly unpopular and state legitimacy is contested due to the long history of militarized governance and fragile borderlands. Here the obligations placed on traditional leaders to collect taxes and police rural communities are greeted with discontent by many rural citizens, with the effect of potentially pitting traditional leaders against the communities from which, *de facto* and *de jure*, they derive their legitimacy. In this sense, state recognition creates an ambiguity between upward (state) and downward (community) accountability, where the former is not viewed *per se* as the source of democratic, legitimate governance by rural populations.

Processes of democratization and the particular manner in which democratization as a political imaginary is enacted are therefore not simply unilinear or simple. To answer whether the recognition of traditional leaders is conducive to democratization depends on one's

perspective and interests. The use of traditional leaders in multiparty competition and political rituals such as elections poses additional and important questions about our understanding of the recognition of traditional leaders in governance vis-à-vis the much heralded wave of democratization. In particular, we have to examine the formal replacement of postcolonial experiments in different forms of authoritarianism with the political reforms of the 1980s and 1990s, and the public elevation of at least outwardly more liberal types of government speaking the language of rights and good governance. Does this shift camouflage and support new forms of repression, where liberal statecraft (in the form of elections, decentralization, and development implementation) offers new avenues for accessing difficult or dissident populations?

There is no space here to address this difficult question, but some of the chapters in this volume point toward a certain tactical appropriation by African regimes of democratic procedures and rhetoric. The “vexed question of democracy” (Englund 2004: 2) in African states is therefore highly nuanced. Importantly, the recognition of traditional authority within the context of democratization is often directly or indirectly combined with regaining state control over people, territory, and resources.

THE COMPLICATION OF STATE FORMATION

The chapters in this volume on northern Somalia, the Somali region of Ethiopia, Namibia, and Mozambique all point out the state’s formal recognition or incorporation of traditional leaders as an element in postconflict state formation. Following years of protracted war, during which traditional leaders were in many areas strengthened due to the state’s absence or weakness, they are now being relied on as a tool in reextending the capacity and territorial coverage of the state through the formal delegation of a range of tasks to them. In Namibia (Zeller, this volume), Mozambique (Buur and Kyed, this volume), and Zambia (Zeller, this volume), for example, this covers diverse tasks such as taxation, policing, border control, census gathering, and land allocation, whereas in the Somali region of Ethiopia (Hagmann, this volume) it includes the authorization of clan elders to deal with conflict resolution and peacemaking in accordance with customary law. In Somaliland (Höhne, this volume) it has involved the institutionalization of traditional leaders in a chamber of the new Parliament, including recognition of their role in local administrations.

The underlying idea is that a *de jure* strengthening of the system of traditional rule will simultaneously strengthen the administrative capacity and authority of the state or, as in the Ethiopian case, guarantee much needed political stability. While this supports the argument that the formal recognition of traditional authority may be a symptom of a weakened state apparatus, it contradicts the idea that African governments necessarily view the bolstering of traditional leaders as a challenge to state (re)formation. This observation is equally underscored by those countries in which there has been no recent internal conflict, such as Malawi and Zambia, but in which the formal role of traditional leaders has also been strengthened by the state in recent years. The point here is twofold: to be more than just a symbolic revocation, the formal recognition of traditional leaders obviously requires a battery of state techniques; and through the very acts of recognition and of the delegation of functions, the state is itself made effective or present anew.

The contemporary uses of traditional leaders as the extended arm of the state invite comparison with colonial forms of “indirect rule” (Mamdani 1996), as several articles in this volume allude to. Current forms of the recognition and bolstering of traditional authority are nonetheless cast in discourses that cling well with present commitments to democratization, rural development, and notions of national unity: for example, peace-making (Ethiopia); democratization (Zambia, Namibia, Somaliland, and Mozambique); development and community participation (Malawi, Namibia, and Mozambique); and national unity (Zimbabwe, Namibia, and Mozambique). A common element of these different discourses is the increased application of the concept of “community,” which has, as Oomen notes (2005: 118), “slotted in nicely with global trends in, for instance, current development discourse.”

We suggest that the application of the concept of “community” in government policies concerning traditional leaders has played a significant role in the ambiguous merger between attempts to regain state control and moves to democratize and develop rural society. Community as the basis for the legitimacy of the recognition of traditional leaders by the state is a crucial element of, and in many instances a justification for, the current wave of retraditionalization, being used, we suggest, in order to provide a democratic ring to the state’s use of traditional leaders in governance. In Mozambique, recognized traditional leaders have simply been renamed “community authorities” in the name of community participation and democracy (Kyed and Buur 2006). In the South African case, populations under the jurisdiction of traditional

authorities are also conceptualized as “communities” (Tshehla 2005: 18), which, as Oomen also notes (2005: 119), is a concept that has increasingly (re)entered policies in the postapartheid era to describe the building blocks of rural society, defined as “social networks with a high degree of homogeneity, a closely knit organization, stooled normally on tradition.” Community has been appropriated by South African traditional leaders as a political tool in proving themselves the authentic representatives of local communities. Similarly, in Malawi (Chiweza, this volume), traditional leaders are approached as representatives of community interests when they are included in development planning by donors, NGOs, and the state in the name of community participation.

We suggest that this reliance on the concept of community points toward the intertwined existence of a variety of different, partly overlapping discourses that sustain each other. While the concept derives its immediate history from late colonial and apartheid forms of governance, the present celebration of community is intimately connected to the appearance of neoliberal discourses that have changed the concept’s value within development thinking. From being viewed generally as antagonistic to modernization and the domain of state intervention in the period immediately after the dismantling of the colonial regimes, the notion of community has increasingly returned as a territory of government, as “government through community” (Rose 1999: 176). By encompassing and feeding on the discourses of “social capital,” the term community captures sectors of society in which “vectors and forces can be mobilized, enrolled, deployed in novel programs and techniques which encourage and harness active practices of self-management and identity construction” (Rose 1999: 176). It is therefore important not only to see the potential for exercising control: current recognitions of traditional authority by the state cast in the name of community participation and empowerment do have the potential for “producing consequences that are desirable to all” (Rose 1996: 335). Or such is the ideal. However, we suggest that in present policies, community is predominantly used as a technical means of producing entities (communities) that can engage in government projects and be administered. This bears a striking resemblance to what Delanty (2003: 87) refers to as “governmental communitarianism.”

A core problematic with most communitarian perspectives is that the concept of community underscores a social ontology of unproblematic group ties (see Delanty 2003: 72–91). Community is conceptualized as being based on solidarity and trust, as being self-contained and structured around attachment to shared values, providing a notion

of somewhat homogeneous groups. We suggest that such notions are unsuited to understanding social realities in rural Africa in general, and that they can be problematic as a basis for the present recognition of traditional leaders in particular. This critique is not based simply on the fact that the concept of community undermines differences and potential conflicts within rural constituencies. More fundamental to our diagnosis is the way in which the recognition of traditional leaders has been presented and justified as merely the acknowledgement of existing local authorities, representing the common interests of already existing traditional communities. When the justification for bolstering the role of traditional leaders is based on their legitimacy as acting in the name of discrete, self-contained local communities, there seems to be little scope for the development of an autonomous public space.

Instead, the incorporation of traditional leaders in state governance may indicate either an increased effort to become part of the state, or simply a command to become part, resulting in the profound “contamination” of an autonomous public space. If, in other words, reliance on the concept of community can be conducive to ensuring state governance through traditional leaders, it may also contradict the official claims to be democratizing traditional authority and for that matter state governance. This point is illustrated in the Malawian case (Chiweza, this volume), in which the increased role of traditional leaders in development planning is put forward in the name of community participation, but relies on a notion of traditional leaders as representing the public or common community will. This actually reproduces rural populations as dependent subjects rather than as citizens capable of articulating political demands. As Chiweza points out, the paradox is that although the intermediary role of traditional leaders between the people, the state, and donors may be significant in bringing development projects to rural populations and in ensuring some degree of local ownership, the way this is done undermines genuine popular participation in decision making.

What is the effect of all this on our understanding of the African state and traditional authority more generally? In answering this question, we begin by critically scrutinizing the frequent official argument that state recognition of traditional authority simply institutionalizes and fixes two discrete entities or inherently distinctive domains of authority: the traditional or communitarian, and the modern or state-bureaucratic. Rather, the chapters in this volume suggest that contemporary forms of formal recognition are intimately linked to processes of reordering and transforming *both* the state *and* traditional authority.

As van Nieuwaal and van Dijk suggest (1999), traditional leaders and state officials are often mutually engaged in “converting” different forms of power in diverse domains. Among the numerous examples of conversion are state officials’ use of chiefly regalia to support their official power, and the similar chiefly use of state artifacts such as state emblems, national flags, and state support in sustaining their authority in rural society. As the chapters in this volume illustrate, we suggest that such practices of conversion also take place through more mundane, everyday forms of enforcement of authority such as policing, enforcement of justice, peacemaking, and implementation of development Programs. Not only do traditional leaders enforce state functions, but the practices of local state officials also become enmeshed in or adjust to local contexts as a result of collaboration with traditional leaders. These local level forms of mutual transformation cannot be divorced from questions of the popular legitimacy of traditional leaders and the character of the state at the local level.

Zeller’s chapter in this volume on the Caprivi Strip, Namibia, convincingly illustrates these points. He shows how the unpopular state policy of “cleaning” illegal migrants out of the border area is strategically circumvented by traditional leaders, whose main preoccupation is to retain cheap labor in the form of Zambian herd-boys. Instead of enforcing state law directly, these leaders are successfully forcing local agents of the state to change their implementation of policies in practice. In the Ethiopian case (Hagmann, this volume), recognition by the state and engagement in national politics has made traditional leaders less accountable to the population. At the same time, the state’s reliance on traditional leaders as peacemakers often means that criminal cases are solved outside the domain of the formal justice system, thereby undermining state law and sovereignty.

The Zambian case (Zeller, this volume) illustrates how traditional leaders are caught up in a shaky position between national, political, and transnational economic interests, on the one hand, and their rural constituencies, on the other. The ability of the traditional leaders to show development results is important for their popular legitimacy, but this depends on their ability to adapt to the constantly changing configurations of national government interests and the priorities of investors and donors. If this interplay between different players places traditional leaders in a difficult in-between position, then it also challenges the sovereign authority of the Zambian state to control the margins. The main thrust of Zeller’s argument is that any unilateral focusing on the relationship between state entities and traditional leaders, however fragmented both may appear, can become unnecessarily reified. More

often than not, relations between traditional leaders and sub-Saharan African states are mediated through sprawling transnational NGOs, international donors, global business conglomerates, and local and regional entrepreneurs, besides important political elites mitigating and playing with regional histories.

These diverse examples support the need to investigate empirically the concrete ways in which traditional leaders are recognized and drawn into state governance with respect to particular functions. They point out how we should, as a point of departure, neither under- nor overstate the cooptation of traditional leaders by the state: formal recognition and reliance by the state on such leaders transform their practices, but at the same time the state becomes localized (Kyed 2007). Local-level processes of state formation are often molded by aspects of popular legitimacy and are thus, we suggest, significant to consider in discussing the diverse, often unpredictable links between recognition of traditional authority as an aspect of state formation on the one hand, and as an element of democratization on the other. In doing so, as both Hagmann and Chiweza suggest in this volume, we need to recognize that government policies are not necessarily consistent. Government policies to democratize society by guaranteeing the civic rights of citizens and equal participation are pursued alongside state recognition of customary laws that exclude particular groups in order to ensure stability (Ethiopia), and they may coexist with forms of development implementation through chiefs that may reduce poverty, but also undermine democratic participation (Malawi).

IN CONCLUSION: A NOTE ON METHODOLOGY

All the chapters in this volume take a cautious, nonessentialist approach to the concepts of “tradition” or “the traditional” when considering traditional leaders and authority. Max Weber (1978: 36) famously defined tradition as “that which has always been,” one ideal type of authority (the modern being its opposite) against which different forms of authority or institutions could be measured and compared. While the thrust and value of this approach to tradition has a clear heuristic significance, we tentatively propose to approach tradition as an *emic* or empirical term (probably reflecting more closely a critical realist or social constructivist approach than a substantialist approach).

We are therefore not using the concept of tradition as a predefined analytical concept by which to measure whether certain practices, forms of authority and institutions can be regarded as traditional and

as substantially different from other types of authority, such as the modern, the bureaucratic, or the democratic. In other words, with the current manifestations of, and claims to, tradition, we find it more useful to explore how the concept is employed by a variety of actors in contemporary local, national, and international contexts. As reflected in the chapters in this volume, this can imply an examination of how the traditional is defined in past and present national legislation and employed for contemporary goals; how it is defined by local populations envisaged as being ruled by tradition or traditional leaders; and how it is defined and used by those, such as traditional leaders, who claim to represent tradition.

An important part of this enterprise is to explore the opposites against which tradition and the traditional are often defined, such as the traditional versus the modern—binary oppositions that are employed both tactically and strategically in everyday practice and at the level of public discourses, national politics, and legislation. Since the important 1980s “invention of tradition” debate, initiated by Hobsbawn and Ranger (1983) and elaborated by Geschiere (1997), the traditional has been widely understood as an aspect of processes of modernization and therefore cannot be regarded as a pure continuation of the past or as a pure domain separate from “the modern.” The chapters presented here illustrate how the construction and reification of the traditional, in opposition to the modern, form part of contemporary political practice, for example, in identity claims and the legitimization of authority. In practice, there may be no pure domains of the traditional and modern, only classifications of the traditional and modern as separate domains that are constantly being (re)produced, as in definitions of traditional authority and the state bureaucracy. Approaching matters in this way allows us to explore how tradition and traditional authority have become significant in current political reconfigurations. Various claims and references to the traditional as locally legitimized forms of organization and governance are strategically employed as political tools. Tradition has become a strong mobilizing metaphor.

Viewing tradition and the traditional as socially and politically constructed does not mean that we only intend to deconstruct existing classifications of tradition. Rather, we should take seriously the concrete effects of the classification of certain practices, roles, institutions, and beliefs as traditional on, for example, claims to identity and political power, as well as on the legitimization and delegitimization of certain practices and institutions. In other words, the concepts of tradition or the traditional should not be approached as a priori static or imbued with a particular predefined substance. Rather, we suggest

viewing the traditional as the result of ongoing processes of attempts to capture the term in particular settings. Particularly valid here is Moore's (1986) view of the traditional as internally contested and its manifestation at any given historical moment as the outcome of processes of invention, redefinition and reproduction. As Handler and Linnekin (1984) have pointed out, this allows us to see present articulations of traditional forms of authority and legitimacy less as a question of simple continuity, and more as symbolic processes that take past equivalences for granted and produce them anew by reinterpreting them according to current requirements. This should not, however, prevent us from identifying common denominators in, for example, *emic* definitions of the traditional, where some form of reference to a "common past"—deeply united, benign, and unchanged—seems to be a constant.

ENDNOTES

1. In this introduction, we use the concept of "traditional leader(s)" as a common English term to refer to chiefs, clan elders, and kinship-based leaders, with equivalent terms in French, Portuguese, and German. This is not because we see such leadership figures as "traditional" in the sense of reflecting a pure, static continuity with the past, but rather because present-day government legislation, donor policies, and the claims to authority that chiefs articulate tend to invoke "tradition" and "traditional authority." Similarly, we use the concept of traditional authority in referring to state recognition of chieftaincy, traditional leadership, kinship-based organizations or institutions, and so forth.
2. Exceptions include Malawi, Nigeria, Zambia, and Botswana, where some level of formal recognition continued after independence. In Burkina Faso, chiefs were banned for a four-year period between 1983 until 1987 during the revolution, with the consequence that many turned into revolutionaries (see Hagberg, this volume).
3. The concept of retraditionalization is used by scholars working on contemporary Africa to describe the increased articulation of "tradition," "roots," and "belonging" as part of wider processes of modernization and reactions to these processes within the wider context of globalization (see, for example, Oomen 2000; Englebert 2002; Chabal and Daloz 1999; Geschiere and Nyamnjoh 2000; Ferguson 1999).
4. In countries such as South Africa, Namibia, and Mozambique, legislation on traditional authority has been formulated alongside the formal recognition of customary law and courts (South Africa and Namibia) or the constitutional recognition of legal pluralism (Mozambique) (Meneses 2006; d'Engelbronner-Kolff *et al.* 1998; Oomen 2005).

5. Decentralization as used here covers a broad range of interventions, including devolution, deconcentration, deregulation, and various forms of privatization.
6. We thank Wolfgang Zeller for pointing this out for us. All quotes taken from: http://www.grnnet.gov.na/News/Archive/2001/Nov/Week2/courts_rpt.htm accessed on April 10, 2007.

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PART I

Traditional Authorities and
Decentralized Governance

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Bringing the Sultan Back In: Elders as Peacemakers in Ethiopia's Somali Region

Tobias Hagmann

INTRODUCTION

In many African societies, elders play a crucial role in managing public affairs in their community, both with and in the absence of formal state recognition. Elders assume the most varied tasks in safeguarding the social, political, economic, cultural, religious, and spiritual welfare of the people they (claim to) represent. Yet if we are to believe van Nieuwaal and van Dijk (1999: 9) “there is one aspect of chiefing for which no shortcuts exist”, and that is conflict resolution. Resolving conflicts represents a “chiefing” activity of special importance and interest for the study of recent waves of the incorporation of traditional authorities by sub-Saharan African states. On the one hand, many rural societies lack a complete understanding of formal state institutions such as courts and legal codes, mainly preferring “endogenously defined concepts and procedures” (Just 1998: 108) to manage individual and communal disputes. On the other hand, the state endeavors “to dominate other institutions that provide dispute resolution services” (Merry 1987: 2069) in an attempt to subordinate competing norms that challenge its legitimacy. Controlling and ending violence is among the classic tasks of the nation state seeking to impose a monopoly over the use of legitimate force (Weber 1947).

The tension between these two positions is familiar to most rural Somalis who engage in nomadic pastoralism and agro-pastoralism.

Many Somalis believe in the “inherent fairness” (Bihi 2000: 33) of Somali customary law (*xeer*) that their elders enact and interpret, and which regulates interactions between clan lineages. At the same time, state administrations unsuccessfully tried to expand and popularize modern state law among their Somali citizens in the past. In all Somali-inhabited territories of the Horn of Africa, whether belonging to the “collapsed state” of Somalia (including Somaliland and Puntland) or to internationally recognized entities like Djibouti, Kenya, or Ethiopia, the state’s presence remains weak and sporadic, often having little legitimacy in the eyes of local communities. Peacemaking and reconciling clan groups are among the core activities of Somali elders. Conflict resolution on the basis of blood compensation (*diya* in Arabic, *mag* in Somali) is widely practiced wherever Somalis live.

Yet, their local conflict-resolution systems have to date evaded systematic description (Gardner and El Bushra 2004: 166). This observation fits the general pattern of the neglect of data on peacemaking procedures in tribal societies (Goldschmidt 1994). Conflict resolution in the Somali region of Ethiopia provides an interesting showcase of how state and clan leaders formalize rules in what Ensminger (1990: 662) has called the “peripheral and least developed areas that only minimally recognize state authority and jurisdiction.” In this chapter, I therefore examine how the Ethiopian state coopts and relies on traditional authorities to settle, manage, and resolve communal conflicts within its Somali Regional State (or Somali region), more commonly known as Ogaden.¹

In 2000, the Somali region appointed clan elders as the official counterparts of its district and regional authorities. The recognition and formalization of Somali elders selected by the Ethiopian government is a contemporary form of state-sponsored “traditionalisation” (Benda-Beckmann *et al.* 2003). Known in Somali as *guurti* (council of elders) or *lataliye* (advisor), or as *amakari* in Amharic (advisor),² the incorporation of these traditional leaders into the regional government represents a noteworthy development within Ethiopia’s post-1991 version of “ethnic federalism” (Aalen 2002; Vaughan and Tronvoll 2003; Turton 2006). The implications of the participation of Somali (and other pastoral groups’) elders in decentralized government under the ruling Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF) have not yet been subjected to academic scrutiny. Contrary to what one might assume, the *guurti* elders represent a parallel, not a hierarchically inferior structure to Somali region’s existing administrative levels, the region, the zone, and the district. The establishment of stratified layers of *guurti* elders corresponds to a

remodeling of Somali customary authority based on the state's policy of decentralized administration and the principle of ethnically based representation within the federal Ethiopian state.

This chapter examines the interactions between customary and state authorities in the Somali Regional State in Ethiopia focusing on the elders' involvement in local conflict resolution. Salaried elders advise the local government in matters of peace and security and assist in mediating violent clan conflicts. A detailed empirical analysis of the consecutive steps of peacemaking demonstrates that *guurti* members, state officials, and clan elders closely collaborate in containing, settling, and resolving intergroup conflicts. The chapter concludes that the *guurti* elders play a vital but not uncontested role in a peacemaking process characterized by strong syncretism. Although the state codifies the outcomes of *diya*, customary clan agreements remain flexible. Ultimately, the Ethiopian state has agreed to replace part of its constitutional order with Somali customary law in an attempt to uphold political stability within its troubled pastoral lowlands.

The empirical data presented in this chapter derive from open and semi-structured interviews conducted between May 2003 and July 2004 in Jijiga, Harshin, Godey, Qalafo, and other localities within the Somali region.³ This chapter is divided into four sections. The first section provides a brief introduction to the sociological and historic context of Somali elders and to the discursive and symbolic imaginary in which they are couched. In the second section I review the modalities and motifs of the recent incorporation of elders into local government within the Somali region in Ethiopia. Thirdly, I describe joint conflict settlement and resolution procedures by elders and district administrators as practiced throughout the Somali region. The last section concludes by discussing the impact of the state recognition of Somali clan elders on customary law. In addition, some of the contradictions inherent in the syncretic peacemaking practiced by *guurti* elders, other elders, and state officials are highlighted.

THE SOMALI ELDER AS PRACTICE AND RHETORIC

If Bourdieu's (1984: 144) casual yet appropriate dictum that "everyone is an elder or a youngster of someone" holds true, then both the phenomenon and the concept of the Somali elder deserve to be called into question. Menkhaus (2000: 186) rightly points out that "the social category of 'elder' is quite fluid, a source of considerable confusion for outsiders." Part of this confusion is due to evolving and competing

ideas of what represents legitimate authority within Somali society. Some of the major implicit assumptions about the concept of the Somali elder must therefore be dissected. A first ambiguity stems from the meaning of “elder” (sing. *oday*, pl. *odayaal*) itself. To quote Ahmed and Green (1999: 123) “not all old men are elders, nor are all elders aged.” Being old enough is thus neither a necessary nor a sufficient condition for being recognized as a Somali elder: a number of distinct and evolving behavioral and sometimes genealogical characteristics are necessary.

Somali society distinguishes itself from African and non-African societies by the fact that, in principle, every married man can speak on behalf of his *diya*-paying group, (primary) lineage group, clan or clan family (Lewis 1999: 132). Representation is based on what many authors describe as an egalitarian mode of Somalis’ “pastoral democracy.”⁴ According to the dominant Somali cultural ideal, every man participates in decision making by taking part in the *shir*, an *ad hoc* assembly that decides all important public matters, which Lewis (1999: 198) describes as “the fundamental institution of [customary] government.” A second implication underlying the concept of the Somali elder is the fact that Somali elders are always men, never women. The idea of a Somali pastoral democracy enacted by wise old men corresponds to a purely patriarchal definition of democracy in which women play a subordinate role in all public affairs. As Glascock (1986: 56) unambiguously points out, “Males are the dominant sex in Somalia.” Curiously, while poststructuralist scholars of Somali studies have challenged the egalitarian myth of Lewis’s “pastoral democracy” by highlighting the social and economic stratification of Somali society (Besteman 1998), with the notable exception of Kapteijns (1995), Somali scholarship remains rather gender-blind. Undoubtedly, the concept of the Somali elder reflects a social imaginary in which the old dominate the young (gerontocracy) and men dominate women (patriarchy).

While all aged men are elders, some individuals distinguish themselves and gain prominence as “effective negotiators, trusted mediators, moving orators, or wise and pious men” (Menkhaus 2000: 185–86)—the people that the folk notion of clan elders refers to. In most cases their authority is not based on hereditary status, but derived from the respect and recognition of their kin as “their elders.”⁵ Important attributes associated with Somali elders are “experience, age, oratory skills, fairness and impartiality, ability to compromise and persuade expertise in *xeer* and religious knowledge” (Ahmed 2001: 7). Glascock (1986) also stresses the importance of wisdom as a trait that Somalis closely associate with age and respectful behavior.

The institution of the Somali elder must be understood in relation to the two basic principles of Somali society, kinship (*tol*) and *xeer*. Somali society is composed of segments such as clan families, clans, sub-clans, and so on, defined through actual and fictitious descent in the patriline. The *diya*-paying group (*jilib*) represents the most stable political and social unit within Somali society, and its members are bound to *diya*-paying groups of other lineage groups through *xeer*. *Xeer* embraces both the general concept of customary law as well as specific oral treaties between distinct lineage groups (*xeer* Isse, *xeer* Ogaadeen etc.). As a customary type of common law, *xeer* “is not static and [is] constantly being revised in the light of new conditions” (Lewis 1999: 175). Membership in a *diya*-paying group and *xeer* thus provide Somalis with the type of collective security that neither the colonial nor the postcolonial state were able to generate.⁶

The role of Somali elders as custodians of the welfare of their kin has attracted controversy. With the advent of “participatory development” as the dominant legitimate mode of international aid, and following the collapse of the Siyaad Barre government in 1991, Somali elders have been increasingly lauded as legitimate and responsive community representatives, being reified too as benevolent sages and peacemakers partly as a consequence of the civil war. They were often opposed to a young generation of militia fighters accused of having created havoc in the country. Paying tribute to the role of Somali elders has become a standard practice of both Somali and foreign development agencies, as well as politicians and even rebel groups. Yet not all commentators uncritically reproduce the idea of disinterested elders working exclusively for the common good.

The fact that Somali elders are instrumental not only in making peace but also war is a commonplace that is often ignored, as it upsets the idyllic, state-propagated image of the *nabadoon* (peace-searcher).⁷ In his analysis of local governance in northeastern Somalia, Bihi (2000: 31) points out that “the alternation of so many elders between [the] roles of warmonger[s] (raising funds, recruiting fighters etc.) and peacemakers engendered deep cynicism within the public, many of whom decried elders as opportunists.” Other authors have rebutted the idea of elders’ altruism in resolving conflicts on the basis of blood compensation by pointing out their vested interest in collecting large amounts of *diya* (Gardner and El Bushra 2004: 79). Marchal (1998: 4) has expressed skepticism about foreign and local actors’ “emphasis on the neo-traditional *xeer*,” while concurrently “few people dare to raise controversial issues linked to the *xeer* and to the effectiveness of such governance.” Drawing on first-hand experience in Somalia’s Lower

Shabelle region, Marchal (1998: 4) describes local elders as “accused to have stirred up conflicts in order to get a share of the *diya*,” of corruption, “missing the basic education to fulfill their current responsibilities,” and marginalizing young people and the educated in their society.

Colonial and postcolonial efforts to incorporate Somali elders into local administration and to curb or accommodate the customary *xeer* produced varied results. The British protectorate in the north tried to coopt Somali elders by creating titular elders known as *caqil* (pl. *cugaal*), who after 1921 acted as a link between the district administration and the protectorate’s inhabitants. In the Italian Somali colony in the south, similar efforts were made to nominate loyal elders as *capos* (Lewis 2002). In legal respects, both the Italian colony and the British protectorate followed a “middle course” by introducing Western criminal law (the Indian Penal Code for British Somaliland and the Italian Penal Code in Italian Somalia), but the *diya* blood compensation was also partially incorporated into the administration of justice (Contini 1971: 79–80). Imperial Ethiopian rulers in the Ogaden proceeded in a similar manner. By the 1930s, Darood Somali chiefs and clan notables from the Ogaden “were taken to Addis Ababa to express their loyalty to the Emperor” (Barnes 2000: 146). During the British interim rule over the Ogaden (1941–1948), the customary *xeer* of the Darood clan lineages was legally recognized by the colonial administration (Seid and Jotte 2004).

Following Somalia’s independence in 1960, the country’s first government promoted a process of national modernization that had no place for customary institutions. After Siyaad Barre came to power in 1969 and established scientific socialism, all tribal names and allegiances were officially abolished (Lewis 2002). Yet despite the Somali government’s explicit policy of eradicating “tribalism,” the payment of blood compensation “was found to be compatible with the constitutional provision that penal liability shall be personal” (Contini 1971: 83). In neighboring Ethiopia the Dergue’s rule (1974–1991) over the Ogaden was primarily based on military coercion vis-à-vis those Somalis who had not fled the region following the 1977–1978 Ethiopian-Somali war. By the time of Siyaad Barre’s downfall, Somali elders were already following different trajectories. Some “became tainted as ‘stooges’ of the military regime,” others preserved a degree of integrity, and “the majority of elders hovered between the government and their communities, attempting to placate the government and promote the interest of their people” (Bihi 2000: 30).

International humanitarian intervention in Somalia at the beginning of the 1990s sought to reestablish a central government primarily through a top-down approach involving the warlords and faction leaders, but it failed to produce the desired effects. This was followed by the United Nations half-hearted, more bottom-up approach to peace- and state-building in Somalia. According to this “building block approach” (Bryden 1999), the future Somali state was to be reconstructed on the basis of different preexisting regional administrations. If they proved capable of providing governance and security at the local level, regional administrations such as those of Somaliland and Puntland would then become the building blocks of a new central government. But the international community largely failed to involve respected elders and community leaders in local and regional peace initiatives in connection with this process. In the absence of a central state and significant international assistance, indigenous peace-building efforts and institution building by Somali clan elders became instrumental in resolving conflicts and maintaining security within the context of radically decentralized governance in Somalia (Farah and Lewis 1997; Höhne 2002; Menkhaus 2000).

THE (S)ELECTION OF *GUURTI* ELDERS

What were the motivations of the Ethiopian government in “bringing the sultan back in” to govern the Somali region?⁸ Why and how did the government institutionalize “traditional” authority within the Somali region? At a structural level, and as part of a long historical process, the federal government is seeking to increase its control over its pastoral periphery. This particularly applies to the Ogaden, where many Somalis contest Ethiopian rule (Hagmann and Khalif 2005). Ethiopia’s fear of a revived secessionist movement and security concerns related to armed groups, including Islamic militants Al-Itihad (Tadesse 2002), make the Somali region a geopolitically sensitive territory. Therefore, the Ethiopian government has a vital interest in expanding state control over its portion of Somali territory. At the more cyclical level, the establishment of the *guurti* occurred shortly before the 2000 national and regional elections. The *guurti* elders were instrumental in securing a sweeping electoral victory for the ruling Somali People’s Democratic Party (SPDP). Additionally, the Ogaden National Liberation Front (ONLF), which had “taken to the bush” after its falling out with the EPRDF in 1994, continued to confront the federal army militarily within the Somali region. Although formally unrelated, the creation of the *guurti* must also be viewed as an attempt by the government to contain the ONLF.

The *guurti* system of the Somali region had initially been proposed by the federal government in 1998, but was delayed due to dissent within the regional parliament.⁹ The actual creation of the *guurti* in 2000 was the result of a string of careful appointments by the regional government that made the process more a matter of selection than of election. This (s)election took place in two consecutive rounds, first at the regional and zonal levels at the end of 1999, and later at the district level at the beginning of 2000.¹⁰ In November 1999, an “enclave of seven hundred of the most prominent clan elders and *ugaasyo* (sing. *ugaas*)” from the Somali region (Donovan and Regasse 2001: 13) elected the *guurti* elders at regional and zonal levels for a five-year term of office. The meeting and its procedure had been jointly organized and planned by the federal and regional authorities.¹¹

To begin with, the elders were asked to nominate an organizing committee that was given the task of defining the modalities of the new *guurti* system. The committee proposed that the regional *guurti*, as the highest body within the government-recognized elders’ hierarchy, should be composed of thirty members. Seventy elders should represent the region’s nine zones, and each of the region’s then forty-eight districts was supposed to (s)elect three *guurti* elders. Participants agreed to this proposal, and after a brief presentation of the candidates, approved the nomination of one hundred *guurti* elders at the regional (thirty) and zonal (seventy) levels. After approval of his candidature, each *guurti* elder was asked to swear on the Koran “that he will represent the community as a whole, not his clan” (Donovan and Regasse 2001: 13). Meetings were then held to (s)elect three *guurti* elders in each of the districts at the beginning of 2000. Donovan and Regasse (2001: 30) have suggested that:

Although there was no criteria that one has to meet to be elected as a member to the institution of the *guurti*, the following were agreed to be factors considered in the election: 1. not being a member of groups opposing the government; 2. being free from clannism and favoritism; 3. having a reputation in the community; 4. integrity; and 5. knowledge of traditional law and Islam with the ability of self-expression.

These (s)election criteria are also mentioned by Abraham *et al.* (2000: 30), who state in addition that, “according to our key informants, these include integrity, conviction, articulation, good reputation in the community, being free from clannish attitude, respect for government rules and regulations, personality and leadership quality, etc.” In some districts inhabited by different clans or clan families, the numerically

larger lineage groups excluded smaller ones by nominating all *guurti* elders from their own number.

Since their inauguration, *guurti* elders receive the same salary as the civil servants in the district, zonal, and regional administrations. Zonal and regional *guurti* elders receive their salaries from the regional finance bureau, while district (*woreda*) *guurti* elders are directly paid by the district finance bureau. District *guurti* members earn 609 Ethiopian Birr (ETB), zonal *guurti* members 940 ETB, and regional *guurti* members 1,600 ETB respectively (Donovan and Regasse 2001: 31).¹² A formal mandate or “job description” for *guurti* elders does not exist. Article 56 of the revised Somali Regional State Constitution (SRS 2002) on the “Establishment of the Elders’ and Clan Leaders’ Council” provides the constitutional basis for the establishment of the government-recognized elders’ council.¹³

Yet no corresponding proclamation enacting and implementing this constitutional provision has been decreed so far by the regional parliament. In the absence of a proclamation, the *guurti* elders’ terms of reference and the procedures for dismissing and (re)electing them remain open to interpretation. The minimum common denominator of what *guurti* elders’ tasks consist of has been summarized as “advising the administrators, serving as mediators between the government administrators and the local communities, controlling and resolving major conflicts among communities in the area, and monitoring emergency operation programs (such as food distribution)” (Donovan and Regasse 2001: 31). All sources agree that advising government officials in matters of peace and security represents the main task of a *guurti* elder. Other duties include “resolving problems or conflict between communities and the government,” to “act as a link between government and local communities,” and to “act as informers of the government and disseminate government policy.”¹⁴ The salaried elders even participate in politico-administrative evaluation sessions known as *gem gema* that act as an instrument to control and discipline government and party members at all administrative levels (see Aalen 2002 for Ethiopia, Haggmann 2005 for the Somali region). The fact that *guurti* elders are included in *gem gema* indicates the federal authorities’ strategy of counterbalancing regional and local administration in the Somali region with a government-controlled system of elders.

The opinions of Ethiopian Somalis as well as outsiders about the legitimacy and autonomy of the *guurti* elders vary greatly. Lister (2004), Abraham *et al.* (2000) and my own observations in the following section suggest that the setting up of the *guurti* as a parallel

pillar of governance within the Somali region has been quite effective in containing and resolving communal conflicts, especially those driven by competition over natural resources. The legitimacy of the *guurti* as a state-promoted customary institution is another story altogether. Elders have been criticized for “being in the pay of the government” and “being divorced from their communities they claimed to represent” (Lister 2004: 26). Gedi (2005: 60) mentions how some *guurti* elders have been given derogatory names such as “long-tongued impostor” (*afmiishaar*). One Ethiopian-Somali intellectual explained the lack of popular legitimacy of the *guurti* elders as follows:

The government on the basis of their loyalty to the government selects them. Then [a] major cleavage emerged between the existing elders and the newly established *guurti*. The government seeks the support of the *guurti* to have some propaganda of participating the civil society [*sic*], while it is the other elders who effectively control the clan men.¹⁵

Undoubtedly, the institutionalization of the *guurti* has exacerbated competition over community representation between “government elders” and “nongovernment elders” within the Somali region. Directly related to the contested legitimacy of the *guurti* is the question of their autonomy vis-à-vis the government and party structure. Lister (2004: 26–27) has illustrated how many government elders “openly worked” for the SPDP and were instrumental in campaigning for the ruling EPRDF-friendly party by exerting influence on communities’ voting habits. In view of the region’s neopatrimonial politics (Hagmann 2005), the assumption of elders that material and political benefits can only be obtained within the ruling party structure seems accurate.

“CUSTOMS IN ACTION”: ELDERS AS PEACEMAKERS

This section describes in detail the roles and actions of elders, *guurti* elders, and state officials in containing, settling, and resolving violent clan conflicts. Communal intergroup conflicts within the Somali region are recurrent and mostly undocumented. An exception is the 2004 compilation of casualty figures by regional *guurti* elders, who calculated a combined death toll of over seven hundred from different violent clan conflicts within eleven of the region’s districts (SRS 2004). The EPRDF’s propagation of decentralized administration within

Ethiopia resulted in the drawing up of districts and *kebeles* within the Somali region and their assignment to particular lineage groups and clans.¹⁶ Consequently, violent disputes motivated by territorial control rather than actual resource use have become prevalent since 1991 (see Shide 2005). Elders play a prominent role in mediating both nonviolent and violent disputes.

Conflicts between individuals are usually contained, adjudicated, and settled by the agnatic male relatives of the disputants. Resolving minor disputes usually does not require the involvement of a third clan elder. If a dispute cannot be settled amicably or if the parties to the conflict do not accept the ruling of their elders, they may bring their case before the courts (legal or *sharia*) in their respective district capital. In reality, litigants rarely refer to the formal justice system to settle disputes. This avoidance of the state's legal system can be illustrated by the following example: out of a total of two hundred and fifteen criminal cases (homicide, attempted murder, armed robbery) observed in 2002 in the Korahe zone of the Somali region, only six were dealt with by the courts (Seid and Jotte 2004: 12). The following description of successive steps of peacemaking by district *guurti* elders, other elders, district administration, and security forces is originally based on material I collected in the Harshin *woreda* of the Jijiga zone.

Due to the uncontrolled enclosure of land in Harshin, tensions over land ownership among the local Habr Awal (Isaaq) lineage groups and clans have repeatedly escalated into violent conflicts in the past one and a half decades claiming about 140 lives between 1991 and 2003. The conflict management procedure I describe on the basis of the Harshin case study has been confirmed for other parts of the Somali region, such as Qualafo district in Godey zone (author's field research 2004), and Donovan and Regasse (2001) report an identical sequence of conflict management for Dollo Ado district in Liban zone. Making peace in the Somali context involves consecutive phases, starting from the cessation of hostilities to the fulfillment of preconditions for negotiations, actual bargaining over the *diya* payment, the transfer of such payments, and the final act of reconciliation between the conflicting groups.¹⁷

Upon receiving information about a violent incident (shootings, killings etc.), the district administration and *guurti* elders mobilize all the security forces, including the district militia, police, and sometimes federal soldiers, and appropriate all locally available vehicles.¹⁸ Jointly they rush to the conflict site, sometimes carrying white flags. Time is of the essence, as tensions can quickly escalate into full-blown fighting if both parties to the conflict mobilize their clansmen. Upon

arrival at the conflict site, the intervention team positions itself between the two warring parties, who are told to retreat. The security forces are instructed to disarm the men from both sides and to confiscate their guns. At this point the fighters usually retreat, as they are afraid of losing their weapons. In an initial step to calm the situation, the district administration and *guurti* elders summon elders from the two fighting clans, who are warned that whoever violates the ceasefire or enters the “demilitarized” zone will be “dealt with” by the government. In cases where people have been killed, the district administration removes the perpetrator’s family from the conflict site in order to avoid direct contact between the relatives of perpetrator and victim. After physically separating the parties to the conflict and ending the immediate violence, the district administrators, in collaboration with the *guurti* elders, designate an odd number of elders (usually seven or nine) belonging to a third clan, for example, a lineage group that did not participate in the dispute.

The mandate of these mediating elders is to reach a negotiated agreement on *diya* payments between the disputing clans. These mediating elders include members of the *guurti* who belong genealogically to a third-party clan. One precondition for engaging in negotiations over the blood money is the identification and arrest of the killer(s) so that the victim’s clan members may refrain from revenge and instead engage in negotiations that will eventually make them forgive the perpetrator(s).¹⁹ District officials face the challenge of apprehending the killer(s) and the gun(s) that are requested by the aggrieved party. Often the local government is not in a position to catch the killer(s) by force as it lacks the coercive means (transport, police etc.) and military strength (being outnumbered by the fighting clans) to do so. Consequently, the district officials arrest close agnatic relatives, for instance the father(s) of the killer(s) in order to pressurize the relatives into handing over the perpetrator(s) to the mediating elders.

After apprehending the perpetrator, the mediating elders commence with the actual negotiations of the blood money. Each side chooses an equal number of elders to represent them, usually between five and ten. The negotiations take place between these three groups of elders: the mediating elders and the two groups of elders representing the parties to the conflict. Both sides present their complaints to the mediators in the presence of the other clan. The mediating elders then reach their final decisions in seclusion. Negotiation of the amount and timing of the *diya* lies at the centre of what Somalis consider “conflict resolution” in cases of interclan conflict. As a general rate, the homicide of a man is compensated with one hundred camels,

the homicide of a woman with fifty camels, and both can be compensated in cash of equivalent value.

The ratio of hundred: fifty camels constitutes the standard amount for *diya* in the Somali-inhabited territories (Lewis 1999). A number of other wrongdoings are partly or fully compensated with cash. People injured in fighting are entitled to obtain *diya*, and their case is included in the negotiations. The amount of *diya* depends on the gravity of the injuries as decided by elders knowledgeable in *sharia* law. Wounds are mostly compensated in cash, though often only half the total amount of *diya* provided for to compensate for wounds is paid to the victim. After the district administrators and *guurti* elders have brought open hostilities to a halt, the perpetrator's relatives have to hand over 1,500 ETB to the injured person(s) to cover expenses for medical treatment.²⁰

Special circumstances and motives of the killing are taken into account in determining the total amount of *diya*. Blood compensation can increase up to 150 or 180 camels if someone is killed unexpectedly (while sleeping or traveling) or in a very brutal and inhumane manner. Conversely, the amount of blood money will decrease if, for example, the two lineage groups involved had agreed in the past that less than 100 camels would suffice to compensate a murder. Existing contractual agreements between different lineage groups are taken into consideration in each negotiation. One can thus speak of a body of customary rules that are interpreted and reinterpreted through each new conflict and case of mediation. The camels and cash that comprise the *diya* are presented to the victim's *diya*-paying group. Approximately half of it is given to the next of kin of the victim and the other half distributed among the members of the entire *diya*-paying group.²¹ The major task of the mediating elders is to determine the time schedule and the amount of *diya* that is usually paid in three consecutive installments.

The first installment is known as *axan* (camel slaughtered at a funeral) and *kafan* (white garment used to cover the corpse before burial). For *axan* and *kafan* the killer presents his gun and three thousand ETB to the victim's clansmen, the latter being intended to cover the funeral expenses. It is only after *axan* and *kafan* have been paid that the amount of *diya* will be decided by the parties to the conflict and the mediators. Usually within five to twenty days, the second installment of blood compensation, known as *rafiso*, has to be given to the victim's immediate kin. In the case of the Habr Awal lineage groups inhabiting Harshin district, the *rafiso* currently consists of twenty to thirty young camels of less than five years of age and in good physical condition.²² Finally, the third and last installment of blood money,

called *mag dheer* (the long or tall *diya*), is paid within two to four months of reaching the original blood compensation agreement. The animals given as *mag dheer* are usually weaker and older than those paid for *rafiso*.

The mediating third-clan elders and district officials remain at the conflict site until the *rafiso* is completed. During this period, the killer's clan relatives have to provide food, including *qaad* (a mildly narcotic leaf), and accommodation to the elders and officials, expenses that are known as *siifad*. Although not formally part of the *diya*, they are indirectly part of the compensation, as the *siifad* often becomes a real financial burden for the killer's family. The *guurti* and mediating elders also determine the sanctions to be imposed in any case of non-compliance by the conflicting clans with the blood compensation agreement. Penalties take the form of financial sanctions in the range of five thousand to twenty thousand ETB. In cases of highly aggravated clan conflicts with numerous casualties, the mediating elders might encourage the victim's clan to accept a young girl from the killer's clan as part of the reconciliation process (*godob reeb*), in which case the total amount of *diya* to be paid will be reduced. Furthermore, the mediation between the clans is accompanied by prayers and, upon successful reconciliation, by the slaughtering of animals for joint consumption by the clan elders.

The mediating elders and district administrators document the conflict resolution process in two written agreements that bind the conflicting clans to the agreement reached. The first document relates to the decisions of the mediating elders' committee. It is addressed to the two disputing clans, and a copy of it is sent to the zonal administration. The letter briefly describes the conflict, lists the amount of and deadlines for the *diya* installments, and lays down a fine for non-compliance. It is signed by the mediating elders and three district officials. The second document spells out the agreement reached between the elders of the two disputing clans. In this letter, the parties to the conflict vow to accept the decision of the mediating elders that has been approved by the district administration. The disputants commit themselves to peace and accept the proposed fine. Finally, the document again lists the installments and conditions of the *diya* payments. This second document is signed by the elders of the two conflicting clans, who thereby consent to abide to the agreement reached by the mediators.

This portrayal of a sequence of joint peacemaking steps by the *guurti*, other elders, and local government officials does not imply that these steps are uncontested, evolve linearly, or always successful—the

contrary is the case. Often mediators and government officials are able to contain violence and to engage disputants in some kind of agreement on *diya* payment, usually by threatening a recourse to coercive state measures. However, such agreements do not automatically translate into implementation, and especially in protracted clan conflicts, *diya* remains unpaid and the local government is unable, and sometimes also unwilling, to resolve the conflict. Revenge killings during negotiations may considerably disturb the mediation process. Such killings indicate that some factions within the disputing lineage groups are more interested in direct confrontation than in settling the issue.

CONCLUSION

As the above description demonstrates, district authorities and elders closely collaborate in resolving local-level clan conflicts in Ethiopia's Somali region. The salaried *guurti* elders embody a vital link between the state and traditional forms of authority in a syncretic peacemaking approach that merges the *xeer* with state coercion and *diya* compensation with administrative sanctions. A key question is whether the recognition of traditional authorities and laws by the state "freezes" the customary system's inherent flexibility (Benda-Beckmann *et al.* 2003: 302). In other words, did the setting up of *guurti* in the Somali region "freeze" the authority of the elders, the *xeer*, and *diya*-based blood-compensation system?

The question is not easy to answer straightforwardly due to the inherent ambivalence of the *guurti* system. On the one hand, district officials codify the contractual agreements negotiated between the clan elders. However, the state does not record these agreements in an unchangeable manner, as only the conflict resolution outcomes, not the procedure itself, are codified. The key feature of the *xeer* is its common law character that provides for highly differentiated and contextualized legal solutions. Somalis perceive the *xeer* as legitimate not only because it provides material and political security, but also because it is constantly (re)negotiated to fit the demands of the parties and local circumstances. As long as the state documents and sanctions the *diya* modalities on a case-by-case basis, the flexibility and credibility of the *xeer* are maintained. The "freezing" and manipulation of the customary norms would only occur if the government were to universalize particular blood compensation agreements for the whole of the Somali region, irrespective of existing local inter- and intra-clan contracts, or if it were to impose the *guurti* elders as the exclusive mediators of clan conflicts.

Despite the setting up of the *guurti* and the important role they play in bridging the gap between the state and customary norms, the flexibility of the *xeer* has survived so far. This is undoubtedly because conflict resolution by blood compensation enjoys great legitimacy among Somalis, including those in Ethiopia. Seid and Jotte (2004: 33) rightly point out that the *xeer* “has a moral force, hence it is accepted by all the parties in most of the cases.” Thus, any elder who has knowledge of *xeer*, negotiation skills, and a record of being a neutral mediator will be respected, regardless of his relationship to the government. That said, peacemaking by elders and state officials is accompanied by a number of contradictions inherent in the amalgam of customary and state conflict resolution. One contradiction relates to the way in which the state rationalizes the incorporation of the *guurti* into local government. On the one hand, the *guurti* are rhetorically presented as traditional authorities representing “community,” not narrow genealogical interests. One of the official (s)election criteria to become a *guurti* elder is the lack of a “clannish” attitude. On the other hand, in practice elders are recognized by the government precisely because they personify the interests of their respective lineage groups or clans and because they are capable of mobilizing political support for government policy among their kin.

A second contradiction derives from the state’s tacit agreement to settle criminal cases such as homicides outside its formal justice system. Involuntarily, regional and local administrations undermine state sovereignty by not only tolerating, but also actively promoting the application of customary *xeer* to resolve clan conflicts. Although the Ethiopian federal constitution recognizes the adjudication of personal and family disputes on the basis of religious and customary law, criminal cases must be decided according to modern state law (FDRE 1995). However, in its Somali lowlands the Ethiopian state accepts the payment of blood money compensation negotiated by elders rather than individual punishment decided by its legal courts.

A third contradiction concerns the state’s self-proclaimed agenda of democratizing Ethiopian society by guaranteeing the civic rights of its citizens while at the same time implementing customary norms that exclude participation by different social groups. In Somali custom, its interpretation and application, women and minority groups such as occupational castes (blacksmiths, leather-tanners etc.) are excluded from decision making. The ultimate reason why the Ethiopian state agrees partly to replace its constitutional norms with Somali customary rules is its feeble legitimacy and very limited performance in terms of service delivery in the Somali region. Although the state is

compromising its sovereignty by delegating some conflict-resolution and security functions to customary authorities such as the *guurti* and other clan elders, it is able to guarantee basic political stability within its troubled semi-arid lowlands.

ENDNOTES

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1. Conflict settlement is defined as “outcome-oriented strategies for achieving sustainable win-win solutions and/or putting an end to ‘direct violence’” (Reimann 2001), while conflict resolution refers to “a process that transforms conflicts in an enduring manner rather than settling disputes . . . by addressing basic human needs and building . . . relationships” (Fisher 1997: 268–69). I use the geographical terms “Somali region” and “Ogaden” interchangeably. To distinguish Ogaden as a geographical area from the clan, I use the Somali spelling Ogaadeen to refer to the latter.
2. The term *guurti* (council of elders) projects a symbolically more powerful image than *lataliye* (advisor). While the first refers to wise and honored elders, the latter implies that the actions of these elders are conditional on government endorsement.
3. Interviews with elders and local government officials concentrated on resource use and the management of violent conflicts over land and water. Informal focus group discussions were held in a number of “teashops.” More sensitive information pertaining to clan politics, intra-clan conflict, and conflict resolution procedures was collected through longer, open-ended conversations with elders and district administrators. These intense discussions usually involved the consumption of tea and *qaad*, a mildly narcotic leaf mostly chewed by Somali men. The overwhelming majority of the interviews were conducted with middle-aged and older men, many of whom occupy a comparatively higher social status within their community. Due to culturally prescribed roles, access to and interaction with female Somalis is very difficult for male researchers.
4. Lewis’ (1999) seminal study has greatly influenced the perception of Somali society as an egalitarian social body in which feud and violence are but a functional expression of segmentary kinship.
5. Although a difference exists between titled (such as *boqor*, *garad*, *sultan*, *uqas*, or *isimo*) and untitled elders, the legitimacy of an individual elder is

- not primarily determined by this factor. See Höhne's contribution in this volume.
6. For a comprehensive discussion, see Lewis (1999). A more summary account of *xeer* is found in Menkhaus (2000).
 7. A title given to elders by the Siyaad Barre government in an attempt to depoliticize their role.
 8. A reference to Evans, Rueschemeyer, and Skocpol (1985).
 9. The ruling SPDP had been established in 1998 as the successor to the Ethiopian Somali Democratic League (ESDL), which by 1998 was in a state of paralysis as a result of infighting and the imprisonment of some of its members on corruption charges. The outbreak of the Ethiopian-Eritrean border war (1998–2000) provides another explanation for the federal government's delay in establishing the *guurti* in Somali region.
 10. I deliberately use the ambiguous term "(s)election" to refer to the nomination of the *guurti* elders. Several key informants used the term "selection" to describe the nomination of these elders, as well as candidates of the ruling SPDP.
 11. The Ministry of Federal Affairs (MoFedA) is the central organ of the central government, responsible for overseeing politics, pastoral development, and security in Ethiopia's "peripheral regions." Its representatives maintain regular contacts with the region's leadership. See Samatar (2004); Hagmann (2005).
 12. At the time of writing (2005), US\$1 is exchanged for almost nine ETB.
 13. "The State Council shall, in accordance with this constitution, establishes [*sic*] elders' and clan leaders' Council. Particulars shall be determined by law" (Art. 56).
 14. Interview with former zonal administrator, Jijiga, July 14, 2003.
 15. Personal communication, October 21, 2004.
 16. *Kebeles* are the lowest administrative level in Ethiopia with a nominal existence in the sparsely inhabited pastoral lowlands.
 17. For comparative purposes, I refer to Ahmed (2001: 7–8) for an account of the successive phases and peacemaking modalities of Somaliland's major post-1991 peace conferences, in which elders played a key role.
 18. The Ethiopian National Defense Force (ENDF) has military camps in all of the region's district capitals and reports directly to the federal government. Since the mid-1990s the federal army has been engaged in counter-insurgency operations against ONLF rebels. It only intervenes in cases of major clan conflicts that are perceived to threaten the security and power balance of the region.
 19. According to a strict interpretation of *sharia* law, the victim's relatives have the moral right to kill the offender. This norm receives little acceptance among pastoralist Somalis, as it provides no material benefits for the victim's relatives.
 20. Medical expenses are later deducted from the total blood compensation to be paid.

21. The division of the compensation between the victim's immediate family and his *diya*-paying group also varies. For a different form of division, see Lewis (1999: 172).
22. Numerous variations apply in the determination of the age and condition of the livestock paid for compensation. For the Ogaadeen clans inhabiting Godey zone, the *rafiso* and *mag dheer* consist of camels of four years of age.

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The Ambivalent Role of Chiefs: Rural Decentralization Initiatives in Malawi

Asiyati Lorraine Chiweza

INTRODUCTION

The role and relevance of chiefs remains a contested terrain in political discourse in Malawi, as is the case in many parts of sub-Saharan Africa (Englebert 2002; Ntsebeza 2004; Ribot 2002).¹ In Malawi, chieftaincy represents an institutionalized form of traditional rule with the cardinal characteristics of prescribed kinship, lineage succession to office, and significant influence, particularly in rural areas. Debate over the role of the chiefs and the extent to which their rule embodies democratic principles has increased in recent years due to the country's transition toward democracy in 1994 and the subsequent adoption of democratic decentralization in 1998. Primarily, democratic decentralization is aimed at creating opportunities for competitive local-level electoral politics and local-level institutions that are "downwardly accountable to local populations" (Agrawal and Ribot 1999: 478). Such reforms entail a system of governance in which citizens possess the right to hold local public officials to account through elections, collective action, and other democratic means (Johnson 2001).

It is claimed that decentralized arrangements allow for more and better public participation in decision making, in turn making locally accountable representatives and institutional bodies more responsive to the demands of the public, and leading to greater efficiency and equity in the use of public resources (Crook and Sverrisson 2003; Blair

2000; UNDP 2000; Crook and Manor 1998; World Bank 1997). In effect a model of local governance and service delivery is presumed, key facets of which are participation, accountability, and responsiveness. Therefore, in democratic decentralization the issue of representation relates to questions of how accountable and responsive elected representatives are. In Western liberal democracy, accountability relation is established through an ensemble of mechanisms or sanctions that place a check on the power of those in authority (Agrawal and Ribot 1999). It is claimed that the absence of mechanisms for accountability allows a drift toward self-interest and the consolidation of power. Thus an institution or office is accountable if citizens can oppose or control (playing on the double meaning of sanction) it appropriately through, for example, demands and threats. Equally, an institution is responsive if it adopts policies and programs that accord with citizen's preferences (Fried and Rabinovitz 1980).

In rural communities in Africa, where traditional chiefs have played a dominant role throughout the precolonial, colonial, and postcolonial eras, democratic decentralization initiatives have sought to reduce the role and influence of the chiefs in favor of locally elected local government councilors. A major assumption underpinning initiatives to reduce the influences of chiefs in local governance is that, with the coming of elected representatives, the power base of traditional authority would erode over time in favor of a new democratic form of politics at the local level. As Englebort (2002) argues, democratization is likely to weaken the position of chiefs rather than promote it if they and other traditional hierarchies have already been incorporated into the state. Paradoxically (and as noted in the introduction to this book), half a century into the establishment of the postcolonial state, the chieftaincy continues to belie these predictions and has demonstrated exceptional resilience.

This chapter argues that chieftainship has been a notable feature of rural areas of Malawi, where the majority of the country's population resides. It shows that, with the implementation of democratic decentralization, instead of reducing the role of traditional authorities, their role and power seem to have been enlarged. The chapter shows that in many ways concerns about chiefs are nothing new in Malawi and reflect a longstanding discourse about the proper role of chiefs and local government since the colonial period, which reveals more continuity than discontinuity. Since the colonial era, the conceptualizations, images, and roles of the chiefs have gone through various transformations. While their role in governance was formally reduced toward the end of the colonial period, the postindependence one-party period was

associated with an ambiguous yet orchestrated position for the chiefs that contributed to a gradual revival of their roles in rural service delivery, though confined within the neopatrimonial rule of the governing party.

Recent decentralization and democratization initiatives in Malawi, cast in the language of people's representation, participation, and empowerment, have opened up a new space for chiefly activity at the local level, and have seen chiefs emerge as powerful actors in development initiatives in rural areas. The chapter argues that, although the new Local Government Act places the emphasis on democratic participation centered on elected councilors as the people's representatives, the architecture and operation of the decentralized structures at the sub-district level places the chief in direct conflict with the formal roles of the democratically elected councilors. Instead of shifting toward an increased role for local councilors and more democratic forms of rural authority, paradoxically chiefs have assumed increased roles and influence in the rural areas, in the process crowding out elected representatives in development processes.

Against this background, this chapter examines the resurgence of chiefs as traditional authorities in rural communities in Malawi. First, it examines the wider historical context for the resurgence of the chiefs in democratic governance by illustrating how their role and influence have evolved in Malawi over time. Secondly, it discusses decentralization initiatives and examines how chiefs have emerged as key players in current democratic decentralization initiatives. Thirdly, the chapter critically analyzes the factors within Malawi that promote the chiefs' dominant position. The chapter concludes with an assessment of the bearing of this state of affairs on prospects for rural democratization in Malawi.

CHIEFS IN HISTORICAL PERSPECTIVE

Chieftaincy in Malawi represents traditional authority with origins in the precolonial period. In precolonial Malawi, chiefs were heads of villages. The village in rural Malawi was and still remains the most common social unit around which many everyday cultural and socio-economic activities are organized. In all areas of Malawi and among the various ethnic groups, the village chieftainship was hereditary, and the selection of the chief was based on kinship. Village chiefs were recognized as "seniors, guardians, and keepers of peace and spokespersons of the village in dealing with outsiders" (Mair 1952: 8). They were also

custodians of social order and discipline, and had responsibility over matters to do with land. In addition they had religious responsibilities, their authority therefore also being based on that of the ancestors. Through their claim to the powers of the ancestors, the chiefs attracted respect and reverence by enacting certain rituals and other symbolic practices. The pursuit of double roles points to an intricate relationship between religious symbolism and political governance within the ethnic group. Thus a combination of these attributes functioned as sources of chiefly authority. In return, the people gave customary tribute and gifts to the chiefs as “an outcome of a negotiated process at the local level” (Beall *et al.* 2005: 760).

The faces of chiefly authority began to change when Malawi became a British protectorate in 1891. The initial reaction of the British was to weaken the institution of the chieftainship and govern through the colonial bureaucracy. Thus they took a deliberate decision to destroy the power of leading traditional chiefs in order to rule and to consolidate the British Empire: “it became necessary for us to shatter the fabric of native government” (Duff, cited in Baker 1975: 3). The country was divided into districts, sections, and villages, and a hierarchical bureaucratic structure of civil servants was introduced. At the top was the governor, who represented the British Empire. Below the governor was the provincial or regional commissioner, and further below was the district commissioner, who was popularly known as the “district resident.” The district commissioner was the executive head of all government services and was given control over all aspects of local administration, police, security, justice, and finance and tax collection.

However, the British colonial regime did not take long to realize that due to the relatively small number of commissioners available to rule a vast country with poor communications, it was proving difficult to collect taxes or even to govern the local population without the aid of local leaders (Baker 1975). A system of “indirect rule” (see Mamdani 1996) was therefore introduced following the District Administration (Native) Authorities Ordinance of 1912. Through this ordinance, chiefs were incorporated into the administrative structure as executive agents of the government administration in the collection of the hut tax, the maintenance of law and order, the reporting of village deaths, the construction of roads, and other such functions as demanded by the government. While on paper the 1912 Act envisaged the restoration of chiefly powers that had previously been destroyed and a desire to preserve traditional institutions, the reality was that the colonial regime wanted to incorporate indigenous structures into units of governance in order to fill an administrative gap. As Rotberg suggests,

“government introduced it in order to give the administration a stricter control of the rising generation of rural Malawi” (1965: 49). In other words, the colonial regime “restored” the power of the traditional authorities to make them useful to the colonial administration and its control over the territory. Through this process, the traditional chiefs were turned into “administrative chiefs” and became functionaries of the colonial state.

The colonial desire to control rural communities and consolidate the British Empire had fundamental ramifications for the position and operations of chieftainship systems in Malawian society. First, traditional authority became subordinated to colonial administration, and traditional practices concerning appointments were compromised. District commissioners were given responsibility to appoint chiefs who could be incorporated into the administrative structure (see Baker 1975). Under the 1912 Act, chiefs or traditional leaders who were incorporated into the administrative structure as “principal headmen” were not necessarily “original traditional chiefs” but persons of good standing “who had assisted the Commissioners in administrative matters before” (Hailey 1950: 26). In a majority of the cases, therefore, the word “chief” no longer carried the same connotation as during the precolonial period, in nine out of ten cases meaning “a sort of overseer under government surveillance” (Duff, cited in Baker 1975: 3).

Consequently, chiefs’ political powers were reoriented. While previously they derived their authority from patronage and from ritual and symbolic power, their powers were now circumscribed in line with official government recognition, and their authority derived from the coercive power of the colonial masters. Through this transition, the chief’s source of livelihood also shifted from customary tribute and gifts to a dependence on the tax revenues they helped to collect that made them more accountable to the colonial government than to the subjects they were supposed to serve. Generally, the district commissioners used the chiefs as a means of communication with the rural population, and the chiefs in turn were expected to secure compliance of the latter with government instructions. Thus chiefs made it possible for the colonial government to bring immense, often inaccessible territories under their command with relatively few means.

The position and powers of chiefs were considerably extended with legislation that was introduced between 1912 and 1933, and the emphasis was shifted from single chiefs to “Native Authorities.” The Native Authority was defined as “any chief or other native or group of natives declared to be established as a Native Authority, and a chief was defined as any native recognized as such by the Governor”

(Hailey 1950: 27). Native Authorities were given powers to issue minor legislation to provide for peace, good order, and the welfare of the black African populations, to establish treasuries for financial management, to levy rates, dues, and fees as taxation, with responsibility for public funds with which to develop their areas, and to hear and determine petty criminal cases (see Baker 1975).

The result was that the chiefs were turned into units of rural local government, their authority being rooted in the fusion of judicial, legislative, executive, and administrative power under the strict control of the colonial administration. As instruments of colonial rule, they were backed by British power that allowed them to make and enforce laws and collect tax revenues. This in turn enabled them to carry out effectively the service provision roles that the government had transferred to them, thus bolstering their popularity and legitimacy with local communities.

INDEPENDENCE: THE AMBIGUOUS STATUS OF CHIEFS

Toward the end of colonial rule in 1953, the government introduced legislation that created district councils to replace the Native Authorities as local government units. The status of chiefs as the sole instrument of local government ended, and instead they became members of the district-wide local government councils. Within the new councils, “chiefs, on average, constituted only one third of the membership” (Baker 1975: 47), and the institution of the Native Authorities was subordinated to the local government council by law. However, the chiefs’ powers and functions as agents of the central government in the maintenance of law and order were retained. This created confusion in the minds of the chiefs and some government officers because the government continued to use the chiefs for its own purposes, despite having set up legally constituted local government institutions.

Further legislation was enacted in May 1960 in an attempt to deal with the confusion of roles. The new legislation introduced an institutional and functional separation in which the Native Authorities of the chiefs were no longer subordinated to the local government councils. Instead, the institution of the chieftaincy now operated side by side, that is, in parallel with the local government institutions. In terms of functions, chiefs were made responsible for acting as agents of the central government as its direct link with the black African population. The institution’s main tasks were “traditional roles” such as

the maintenance of law and order, the allocation of trust land user rights, and the administration of justice through the African courts. The local government councils, on the other hand, were made responsible for service provision, but the chiefs' membership of local government councils was retained. Although formally the two institutions were separated in name, it did not make much difference to the way communities perceived chiefs. Both chiefs and councils were appointed by the colonial regime, and councils worked closely together with the chiefs, who functioned as intermediaries to reach out to the rural populations. As Graham-Jolly (1995) points out, both chiefs and councils were popular with local communities as they were seen to be delivering a wide range of services such as graded roads, markets for local produce, bridges, schools, and boreholes with a supportive central ministry.

The postindependence period under the government of Dr. Hastings Kamuzu Banda and the Malawi Congress Party (MCP) was in many ways equally ambivalent with regard to local district councils. I will argue that the stated desire of the MCP government to delink chiefs as government agents in enforcing what became seen as "unpopular policies" such as tax collection and the use of force was largely rhetorical. The way the MCP-led state dealt with the agency of the chiefs was not significantly different from that of the colonial state. Besides playing other social and customary roles, the government recognized the chiefs largely as agents and intermediaries of the state in mobilizing communities for socioeconomic and development purposes on its behalf. Banda personally and the MCP more generally exploited the institution of the chieftaincy to assert and legitimize his influence in the rural areas, where a majority of Malawians reside (roughly 86 percent).

When Malawian politicians gained control of internal self-government in 1961, the first step toward engaging with the rural population was the introduction of statutory district councils that provided for universal adult suffrage in the election of council members. The right of chiefs to belong to councils was altered so that while elected councilors were given council voting rights, chiefs became ex-officio members with no voting rights. Later, in 1962, the chief's judicial powers were also removed, and no chief could become a member of a local court. This was later clarified in the 1965 Constitution and the Chiefs Act that was enacted in 1967. The Act abolished the title and position of Native Authority in favor of Traditional Authority. It also removed the powers of the chiefs to issue orders or make rules. Chiefs were to function as stand-alone individuals with the aid of their traditional

counselors, but with no formally recognized council of chiefs. Under the 1967 Act, their functions included:

the preservation of public peace, carrying out traditional functions under customary law, assisting in the collection of taxes and the general administration of the district in their areas of jurisdiction, and for any such purposes as the District Commissioner may require and enforcing any lawful directions of the District Commissioner. (Chiefs Act 1967: section 7)

The hierarchical arrangement of chiefs that had evolved during the colonial era was formalized in such a way that it consisted of the “village headman” at the lowest level, head of a village, then the “group village headman,” who was in charge of a collection of villages. Above the group village headman was the “sub-chief,” who had responsibility for a number of group village headmen in places where that position existed. Next was the Traditional Authority, who was placed in charge of sub-chiefs or group village headmen and operated at a larger territorial administrative scale. At the most senior level was the “Senior Chief,” who had responsibility for a number of traditional authorities. This classification is still in place today.²

However, despite the stated need to delink traditional authorities as instruments enforcing “unpopular policies,” the Act was dogged by a lack of clarity in the precise roles of chiefs. Looking at the list of functions of chiefs, the 1967 Act appeared to enhance and continue the colonial role of the chiefs as intermediaries and seemed ordered in such a way as to promote political and administrative unification. It is worth noting that the Act gave the government increased control over the appointment of senior chiefs, as was the case during the colonial era.³ In addition, the formalization of the hierarchical organization of chiefs and the way chiefs’ administrative and law-enforcement functions were crafted in the Act practically subordinated the chiefs under the district commissioner, a central government agent at the district level. Further, the inclusion of a variety of discretionary clauses in the Chief’s Act, such as “to assist in general administration” and “to carry out such functions as the District Commissioner may require,” almost guaranteed that the chiefs would become an auxiliary of the district commissioner in the implementation of government programs or could be used as aides of the governing party or as an important arm of the executive in the local communities in quelling any protests or riots.

The President's address in October 1967 confirms this observation:

I wish to emphasise that the special responsibility for law and order, peace and calm attaches to the chiefs throughout the country: one of their principal duties is to cooperate with the party officials, District Commissioners, and the security forces in ensuring that people of their areas are content and united, and that no one is permitted to cause trouble or disharmony. (Hansard, fifth session, first meeting, October, 1967: 10–11 as cited in Baker 1975: 57)

Thus the chiefs' position was construed as an important arm of the executive, particularly in the issues of security, law, and order. However, commenting on the Banda era, Miller (1970) points out that, while respect was duly paid to the chiefs especially on ceremonial occasions, they were kept more or less outside mainstream political and national events: in particular, no chief was permitted to use his independent power to criticize the government or the party. The roles of the chiefs were only welcomed as long as they remained within the framework of the party and the government. Thus the recourse to chiefs and tradition was not because they were sublimely respected or because they had particular authority or were considered the legitimate representatives of their subjects. Rather, as Kalinga (1998) suggests, Banda and the ruling party, the MCP, used the domain of tradition to assert their influence and attempt to create a united Malawian nation. This was because the appeal to tradition resonated well with how many rural Malawians saw traditional values as the basis for social cohesion and national identity.⁴

Although chiefs continued their socioeconomic roles in controlling land allocations and other ritual roles, their patrimonial authority was incorporated within the new hegemonic form of party power. Therefore it may not be far-fetched to conclude that the MCP's popular rhetoric about "respect for tradition" bore some resemblance to the colonial experience, in which tradition was paid lip service in order to exploit it to control the rural population.

Another related set of activities that, in a rather ambivalent way, opened up a space for the greater involvement of the chiefs in rural activities beyond their prescribed traditional roles was the creation of District Development Committees (DDCs). Set up in 1967, the DDCs were meant to serve as primary vehicles to encourage grass-roots participation in development processes under the district administration system of the central government (see Chiweza 2005).⁵ Although initially DDCs were viewed as sounding boards through

which government could be apprised of district priorities, they were later changed so that their main role became that of enlisting community support for government-approved programs. In this system, area and village “action groups” were created at sub-district level to facilitate people’s involvement in development projects.⁶ The decision to place DDCs under a central government office and not the local government system undermined elected local government councils. The Banda government argued that local government councils were ineffective in fostering service delivery (Miller 1970). This decision is interesting, as it resonates with the experience of the positioning of chiefs and local government during the later part of the colonial period, when, despite the institutional separation of councils and chiefs, government continued to use the latter.

The decision marked a fundamental step by the postindependence government in sidelining local government councils in favor of an enlarged role for central government structures in rural development activities with direct links to chiefs. The creation of “village action groups” later opened up avenues for the increased involvement of traditional chiefs in local development activities. Traditional chiefs were enlisted through the office of the district commissioner to mobilize their jurisdictions for work, as the notion of grassroots participation that lay behind the rationale of the committees was to support government-approved programs. As DDC guidelines clearly indicate, the role of the chiefs was “to enlist the latent enthusiasm of the villagers into productive work in support of the national development plan” (GOM 1967: 21). To carry out this role the chiefs were made chairpersons of area and village action groups, as well as being members of the district committee itself. The party also became a dominant force and party chairmen were specifically instructed to “see to it that information was disseminated down to the village level through the party channel” (GOM 1967: 20). No clear role was carved out for local government councilors in these processes apart from pointing out that “the chairman of the district council had to ensure that councilors knew and supported the work of the committees” (Miller 1970: 131). As a result, chiefs, in collaboration with party members, dominated as an extension of the district commissioner’s office or rather of central government to mobilize people to support the implementation of government-initiated development programs.

However, since the beginning of the 1990s, as poverty reduction rose up the government’s agenda, the mandates and institutional template of the District Development Committees were subjected to a number of reforms that culminated in the adoption of the District

Focus Policy Initiative. The major thrust of the reforms was to revitalize the process of rural development, make the district the center of rural development activities, and elevate popular participation as the cornerstone of the policy (GOM 1996; Chiweza 2005). Although the District Development Committee system was reviewed in 1993 in order to make it more responsive to the people, area- and village-level structures persisted, and chiefs continued to preside over these lower level committees.⁷

CHIEFS AND LIBERAL DECENTRALIZATION POST-1994

Since 1994, when Malawi adopted a new constitution based on liberal democratic principles, decentralization efforts have in effect been linked with democratization. The constitution strengthens local government institutions by providing for the creation of a new wave of rural and urban local government authorities. The new decentralized government authorities have responsibilities for welfare provision, the consolidation and promotion of local democratic institutions and participation, the promotion of infrastructure and economic development through the formulation and execution of local development plans, and the representation to central government of local development plans (1994 Constitution of the Republic of Malawi, Chapter XIV).

In essence, the post-1994 government integrates local governance and development functions and decentralizes them to democratically accountable local institutions. It also attempts to transform local governance by placing the emphasis on the active participation of communities in decision-making processes. The shift to representative local government and its potential role in development marks a shift of emphasis from bureaucratic district committees to political institutions (Chiweza 2005: 7). However, as the following sections will argue, it also caters to a continuation of past approaches, even though it simultaneously represents a search for local institutions that are participatory and responsible to local citizens.

In keeping with the ideals of the constitution, the policy of democratic decentralization enacted in 1998, popularly heralded in Malawi by the slogan *mphamvu ku anthu* or literally “power to the people,” seeks to devolve powers to local communities through elected representatives. According to the Local Government Act (1998), district assemblies constitute the local institutional structure on which this policy hinges in both rural and urban areas.⁸ District assemblies are intended to strengthen the democratic principles of accountability,

transparency, and the participation of local people in decision making and development processes (Local Government Act 1998; Cross and Kutengule 2001). In terms of membership, the assemblies comprise councilors elected through local government elections.

The Act also provides for chiefs at the level of Traditional Authority and Sub-Traditional Authority to be members of the assembly, but in an ex-officio nonvoting capacity. Other ex-officio members include members of parliament from constituencies that fall within the local government area and five other individuals appointed by the elected members to cater for special interest groups such as the disabled, women, young people, and business groups within the district as determined by the assembly. The Local Government Act provides guidance on district-level structures, but curiously enough not about sub-district structures, leaving district assemblies to determine appropriate structures as they see fit. This has reproduced development- and service-providing agencies that rely on chiefs in rural areas.

Currently, chiefs' activities are still governed by the Chief's Act of 1967. Obviously some of the clauses in the Chief's Act are outdated because the office of the district commissioner, an agent of the central government, on which these provisions were based, was abolished in 1999. With the establishment of the district assemblies, the former district administration offices headed by the district commissioners were integrated into the local government system. Accordingly, the district commissioner's office was merged with that of the former clerk of the district council to form the current district assembly. Therefore district commissioners are now the chief executives of local government authorities and are no longer officers of the central government at the district level.⁹

Apart from the Chiefs Act of 1967, as already mentioned, the Local Government Act of 1998 also provides a role for senior chiefs (those who occupy the positions of Traditional Authority and Sub-Traditional Authority) as ex-officio non-voting members of the assembly, a position they used to occupy during the Banda era. The constitution also provides for specific roles for chiefs in the national Senate, an indirectly elected chamber comprising members of various interest groups with deliberative powers. As part of the eighty-member national Senate, the constitution provided for twenty-four chiefs to be elected by a caucus of all chiefs in the district in a secret ballot. The Senate's mandate was to receive, scrutinize, and amend bills passed by the National Assembly (1994 constitution of the Republic of Malawi, clause 70). One of the roles of the Senate is to provide a mechanism for ensuring accountability and a check on the powers of the National Assembly.

However, the idea did not materialize because the government repealed the Senate provision in a bill passed in January 2001 under the pretext that it was going to be “expensive for the country’s economy.” Neither the Constitution nor the Local Government Act explicitly spells out the role of traditional authorities in sub-district governance and how the two institutions, local government and the chieftaincy, could in practice function together effectively on the ground. This is one of the factors that has contributed to the current resurgence of the chiefs, as the next section demonstrates.

CHIEFLY PRACTICE THROUGH THE EYES OF THE DDPS

The District Development Planning System (DDPS), together with the creation of sub-district committees, constitute an “opportunity structure” (see Tarrow 1991), which the implementation of post-1994 decentralization initiatives in Malawi has by and large relied on to make linkages through which to attain the objective of community participation in development.¹⁰ Currently conceived as an interface between grassroots communities and the local government assemblies, the planning system offers possibilities for new processes of participatory planning and dialogue between citizens and their local leaders in order to influence local government priorities. According to the planning handbook, decentralization is geared towards:

The goal of empowering local people in identifying their problems, finding ways and solutions to these problems, implementing the solutions, evaluating its progress and impact and finally feeding back to the problem identification. The District Development Planning system is the most important mechanism for collecting the real issues affecting people’s lives in the communities to achieve improvement in the quality of life. (Malawi Government, District Development Planning Handbook for District Assemblies: 3)

However, the basic template of the DDPS was constructed under the previous District Focus decentralization arrangement, in which the chiefs chaired sub-district committees at the area and village levels. With the onset of democratic decentralization, a decision was taken to continue this old institutional arrangement and refine it to reflect the constitutional provisions of local government. The decentralization policy community considered this the right approach, since neither the Constitution nor the Local Government Act provided direction

on what types of institutional arrangements should be set up for decentralization at the sub-district level, nor how local administrations and communities should relate to one another to promote the elusive goal of “participation.”¹¹

According to key government officials involved in the policy process at the time, the issue of sub-district structures and the role of traditional leader were topics of heated discussion during the policy development process. The feeling of some reformers was that, in order to reflect democratic constitutional provisions, ward committees should be created as an appropriate forum for the elected members, instead of continuing with the area- and village-level committees.¹² In the end, the position adopted by the government was to maintain the status quo because of the chiefs’ popularity within their own communities, a decision that reflected the government’s fear and hesitation about upsetting the position and status that chiefs had acquired under previous programs. Thus, even in these seemingly revitalized “democratic” bodies, chiefs were given responsibilities for mobilizing support for local development.

Another possible argument that might explain the government’s hesitation at the time is the way chiefs’ roles were deeply embedded in the system of governance before the first elections of councilors in November 2000. Prior to the democratic transition in the 1990s, the power of local government had been systematically eroded for a number of years and the legitimacy of local government and its councilors undermined. Soon after the new government came to power in 1994, all local government councils were dissolved and local government authorities rendered virtually nonfunctional, as they were left without any locally elected members. Substantial efforts to revitalize local government did not begin until the beginning of 1999. Therefore, due to the vacuum in governance that was created, for the most part chiefs continued to fill in for the government at the district and sub-district level, where they played a dominant role in development committees under the direction of the district commissioner.

Therefore, the decision to continue with the area and village committees and the role of the chiefs in democratic decentralization initiatives reinforced the developmental functions of the latter, a role they assumed with the creation of the DDCs in the former one-party state. A number of country-wide workshops, organized by the Department of Local Government in conjunction with external development partners to sensitize traditional leaders on issues of local government and decentralization, appeared to enhance this position. In the words of one of the facilitators, a government representative,

the role of traditional leaders in the process of decentralization and rural development was articulated as:

Development, customary courts, administration of justice, land allocation and administration. Traditional Authorities play a key role by mobilizing the community for projects and announcing meetings with elected representatives. Traditional leaders are the target group for reaching local people, so it would be important for them to be trained in areas of equality and human rights.¹³

The continual reference to the development function as one of the roles of the chiefs in the context of democratic decentralization created an overlap with the development mandate of elected local government as provided for in the Constitution and the 1998 Local Government Act. The result has been role confusion regarding the key stakeholders at the local sub-district level, especially between the locally elected councilor and the chiefs, in terms of who is responsible for what. In practical terms, what the development function means to the councilor and the chief has never been clarified. Democratically elected ward councilors have operated in the context of institutional multiplicity alongside chiefs without any clear view on how this arrangement should work.

Given the fact that chiefs had been carrying out similar roles since independence within the framework of the DDCs, they have quietly been granted this role *de facto* under the democratic dispensation. This is despite the fact that the current involvement of the chiefs was predicated on the assumption that, with the coming to office of the locally elected councilors, a gradual shift in the balance of power at the local level would occur, with the elected councilors assuming key roles in facilitating democratic participation at the local level, or that the institution of chief will transform and latch on to democratization, given the change in the national political system.

POLICY IMPLEMENTATION AT THE DISTRICT LEVEL

Evidence from three districts and other country reviews show, however, that this is not the case.¹⁴ According to the Joint Government of Malawi and Donor review team (2004), the election of assembly members as local representatives was meant to empower local communities by involving them in determining which services will be provided and how resources will be utilized. The study nonetheless shows

that at the local level, chiefs have systematically been the key actors in facilitating the identification and selection of community needs, selecting project implementation committees, and mobilizing communities for the implementation of community projects arising out of the decentralized planning mechanism. In all these processes, chiefs have been at the forefront of organizing community meetings and acting as a link between local communities and the area and village development committees. Despite the provisions of the revised District Development Planning Handbook that chiefs should not chair such bodies but only supervise committees within their jurisdiction, in all three districts the chief chaired the committees, which, indeed, were mostly composed of chiefs and their traditional counselors or *nduna za mfumu* (in the local language).¹⁵

If we look at how local chiefs engaged and related with their communities and the extent of the latter's involvement in the various project planning processes, it becomes apparent how the chiefs' roles were further strengthened. The data from the three districts of Mangochi, Nkhatabay, and Zomba revealed an overwhelming consensus about community involvement in implementation as 97 percent of respondents said that the community participated in the implementation of a specific project. From the survey results, residents were somewhat divided about community involvement in identifying a project or selecting the project committee. Of respondents, 55 percent said that the community had identified the project, while 51 percent indicated that the community had chosen the project implementation committee, with a considerable proportion indicating that they did not know how the project and the project committee came about. In order to unravel these differences, responses from those respondents who said "no" provided further insight for the identification process. Many indicated that "their leaders did it on their own" or that "the government brought the project." As for committee selection, a majority said "the chiefs selected the committee," "we don't know if there was a committee, as chiefs were in charge," "we don't know, we just saw the committee," and yet others indicated that "the school committee was already there."

When these issues were explored further through discussions with various groups and leaders within the same community, it became evident that many rural residents were not aware of meetings that had been organized specifically to discuss the community's preferred needs or to choose a particular committee. Those who attended the meetings explained that they were not necessarily organized to provide an

opportunity for them to articulate problems and suggest appropriate solutions, but to discuss development projects as suggested by the chief. They indicated that communities usually agree to these suggestions because, within the total basket of a community's needs, the projects that chiefs brought up for discussion were usually "community needs" in one way or the other, although sometimes they may not have been the most pressing needs at that point in time. Chinsinga and Dzimadzi (2001) made similar observations in their assessment of decentralization projects involving seven districts in Malawi. They noted that in several instances chiefs alone identified development projects; when the requests were granted, communities joined in during the implementation phase.

Discussing these findings with chiefs themselves revealed that their mode of interaction with their communities to a large extent does not involve a "dialogue" facilitating the community's articulation and analysis of its problems. Many chiefs felt that, because they lived in the same communities and were part of them, they had an adequate grasp and perception of the latter's problems. As a result, a chief's dialogue with his community centers on highlighting community problems, which as far as the chiefs are concerned, the "communities are already aware of." Therefore, in many of the meetings, chiefs focus on inculcating in community residents the importance of doing development work, of self-reliance, and of encouraging communities to take an active role in development activities by having bricks or some material ready in order to "attract" funding for the project from the government. As one village headman explained:

We usually mobilise communities to start moulding bricks with the hope that we will attract a development project. Bricks are very important, and that is where our participation is evident. Without bricks, there is no development that we want. Therefore, if you talk about participation, our part is to mould bricks, draw water, and collect sand. This project that you see in this community, we had to mould bricks first and then ask government to help us with the rest. That is how we got it. (Group village headman Nkhatabay District, July 2004)

Although it appears that communities participated in identifying projects, in actual practice village chiefs broach ideas and present them to the community as a way of obtaining their support to provide labor and other resources for a project.¹⁶ The planning system's stress on projects having "community contributions" of at least 25 percent has

been interpreted by village chiefs and many state officials as their having to have a cache of bricks to show when the project team arrives, so that they can be considered fit for funding. In many project communities visited, chiefs attributed the assembly's approval of their requested project to their having bricks ready to display.

For chiefs, in other words, assembly decisions on projects were largely related to having some material object on show as a token of preparedness to participate. Chiefs felt that getting the community to prepare in this way was a safe way of getting the assembly to fund a project in their community, quite apart from relaying community concerns to elected leaders like the local MP or local government councilor. Consequently, because chiefs mostly engaged communities to prepare for project implementation in this way, communities appeared to have internalized this definition of participation. In the rural hinterland, the phenomenon of "participation" has become one of "contributing labor and resources for brick-driven projects." Even after the project has been approved, the focus of the chief's meetings is on mobilizing community residents to contribute labor, materials, and other resources for effective implementation of the project.

Coercive and manipulative forms of influence were also used by some chiefs to mobilize communities to ensure that people should take part in the implementation of projects, to the extent that taking part almost becomes mandatory. Chinsinga and Dzimadzi (2001) also reported that chiefs were increasingly finding it necessary to impose fines on members of the community who, for a variety of reasons, defaulted on their allocation of development work. Looking at these findings, one wonders whether this is what democratic decentralization is all about. The answer must be a rather cautious "no," but at the same time this seems to be a reflection of the way the concept of local leadership and participation is interpreted and handed down to Malawi's citizens. That it reflects longstanding ways of organizing and ruling rural populations running as a red thread from the colonial, through to the postcolonial one-party and even present-day democratic dispensation is somehow unsettling.

Without any meaningful orientation in the new democratic processes and procedures, the present-day engagement of chiefs with rural communities is reminiscent of what they used to do in the days of DDCs during the 1960s, when the focus was on enlisting people to support and work on government programs. The only difference is that now the motivation of the chiefs is to try and secure a development project in their area for their people, instead of pleasing the party in power or the government.

REPRODUCING THE IMPASSE OF THE PAST

The dominant influence of the chiefs in the District Development Planning System and its sub-district structures has to be understood within the context of wider village-level development activities that also involve the chiefs and boost their influence in the community. Here chiefs act as both intermediaries and gatekeepers to the rural community for many government agencies, donor organizations and non-governmental organizations, who wish to carry out activities or establish committees requiring popular participation in the community themselves. The organizations in turn use the chief's blessing and authority to win the community's agreement with and support for their programs. Ironically even the elected local government councilors use the village chiefs as middlemen in the communities in which they are elected. There was evidence from the study mentioned above that little interaction existed between elected council members and the communities they are supposed to serve. Survey material showed that a majority (66 percent) said that elected councilors never visited or consulted local sub-district communities, and eleven percent did not know anything about councilors at all.

The bottom line is that the presence of councilors in the communities was not evident, except in a few cases, where they were seen during project launch meetings or supervising a community project. This gesture led residents in the three districts to believe that the development projects came into the community through the efforts of the chiefs, not the elected councilors, an attitude they hardly can be blamed for, given that the chiefs were used as the direct interface when development projects were planned and implemented. In this context, the roles of elected councilors can be deemed symbolic insofar as the projects have to be officially approved by the district assemblies.

Elected councilors indicated in interviews that they found it hard to conduct "community consultations" in the wards due to a lack of transport, as the government did not provide them with adequate resources to carry out such activities, yet they were supposed to relinquish any public appointment in order to take up the position of councilor.¹⁷ Others indicated that although they were members of the area and village development committees, they had no clear idea about the precise role they had to play in these committees, given the fact that the latter were by and large run by chiefs. They indicated that their "orientation" was not adequate to enable them have a good understanding of their role even at the community level. As a result,

many elected councilors were not sure what to do or how to deal with their communities. Consequently they became sandwiched between the more experienced MPs and chiefs, functioning as one or the other's errand boys. They therefore exploited the chiefs strategically as middlemen in order to get them do things on their behalf, either because the latter were considered "close to the people," or else because of the presumed respect and authority they wielded. The dilemma was explained by one councilor as follows:

In terms of resource mobilisation, we explain to the chiefs the importance of paying local fees and taxes, and in turn we hope that he will impress it upon the communities because we acknowledge that the chief is the one who is respected in the community. It is hard for us as councillors to get these messages across to the communities. Otherwise you risk losing re-election.

Summing up the points made above, chiefs in Malawi have increasingly gained recognition as key development actors at the local level in the process of democratic decentralization at the expense of legally elected council members since the first local elections in 2000. Their *de facto* (though not necessarily *de jure*) recognition raises tough questions about the nature of democratic decentralization in rural Malawi, given the fact that urban citizens, who are also bound by the same Local Government Act and constitutional provisions, are not subjected to the rule of traditional authority in their everyday activities. In particular, it raises the conceptual question of whether chiefs can be relied on as instruments of democratic participation and consolidation at the local level. Given the various roles they are currently playing, does this mean that chieftaincies should be turned into units of rural local government in Malawi, as was the case in the 1950s, or as the shifts occurring in neighboring Mozambique indicate?¹⁸ Is there any meaningful role at all for elected council members to play, given the variety of roles that chiefs are playing?

CONCLUSION

Marina Ottaway (1999) suggests that, while democratization implies devolution of power to "we" the people, it also begs the question of who "we" actually are. Similarly, Tarrow (1991) urges us to interrogate the "opportunity structure" opened up by a particular policy instrument. Ottaway's and Tarrow's suggestions forces us to question the "opportunities" created by a devolution policy of democratic

decentralization, as well as to scrutinize critically the (political) actors who become the recipients of such “opportunities” in order to gauge whether they reflect the aims of the policy. In the case of Malawi, although policy and legislation seemed to have been driven by a commitment to extend participatory and representative notions of liberal democracy to rural areas, ironically the actual mechanisms put in place to give effect to decentralization policy have in practice opened up space for more chiefly activity in local-level development processes. Paraphrasing Ntsebeza (2004), in Malawi the pendulum at the local level seems to have swung in favor of traditional authorities.

Formally, Malawi is moving from a postindependence authoritarian regime to a liberal democracy that emphasizes representative and accountable government. Therefore the question of whether the emergence of chiefs in the DDPS is a timely blessing or a curse to local democratization needs to be taken seriously. It also needs to take into account the twin goals of Malawian decentralization, and the historical and contemporary realities behind the resurgence of chiefly power. There can be no doubt that in some ways rural populations have been benefiting from the various development projects coming into their communities because of the role that the chiefs are playing. However, we still need to understand and separate the twin goals of decentralization: development in terms of poverty reduction, and the promotion of democratic participation and democratic institutions at the local level.

The positive aspects of chiefly involvement seem to center more on the development side, with a focus on facilitating rapid service provision and being government intermediaries in areas where government has a weak or limited capacity. Although tainted by their experience with the colonial regime and the postindependence MCP’s authoritarian leadership, chiefs have nevertheless provided continuity of governance in the rural areas. As intermediaries between the people, the government, and other development agencies and NGOs, the role of the chiefs has ensured some degree of local patronage and local ownership of development programs.

However, a major objective of local government in Malawi currently is to promote democratic principles of accountability, transparency, and the participation of people locally in decision making in development processes. Such aspirations require enfranchised citizens capable of pursuing their interests by articulating political demands rather than passive and dependent subjects. However, the manner in which the idea of participation is being pursued as chiefs engage with communities through the planning system appears to run counter to

the intentions behind democratic decentralization: it does not reflect genuine participation in real decision making, if one can speak about genuine participation at all. At present the emphasis is on contributing resources for the implementation of development projects. Although the political system and government have formally changed the wider system of rural local governance, actual practices in terms of how dialogue with rural communities is effected have not changed. Here the engagement of chiefs as channels for dialogue with rural constituencies during planning processes enhances the citizens' subservient and dependant status but does not promote the use of democratically elected councils. Although in the short run the chiefs' role guarantees their patronage and ownership of development projects, this does not advance the overall goal of democratizing the rural hinterlands.

Therefore, despite the proclamation of democratic decentralization, traditional authorities have gained increased recognition in rural communities in Malawi, which itself has become caught up in a wider drift toward the revitalization and increased salience of traditional forms of leadership. While the chiefs may have many positive and useful roles, they do not a priori represent the public will. Historically their relationship with both the colonial and postcolonial states have shown increased vulnerability to manipulation and corruption. The reproduction of the concrete modes of how chiefs operate has great potential to stifle democratically elected institutions and the general promotion of democratic participation. Given the current trend, the potential for creating and perpetuating different standards of democratization between rural and urban Malawi is high.

ENDNOTES

1. In Malawi, such debates are evident in the media. See The Editor 2006; Lusala 2004 and Nkolokosa 2003.
2. The only exception was with the Ngoni of both the north and centre, who were headed by a "Paramount Chief" known as *Inkosi ya makosi* with his advisors.
3. The Act gave powers to the president to "appoint and remove any person from the office of Paramount Chief, chief, or sub-chief after due enquiry; that the person has lost the confidence of the majority of the people residing in the area; and that such removal is necessary in the national interests of peace, order and good government" (Chiefs Act 1967, section 11:1).
4. Kalinga (1998) argues that Banda did not have a tangible socioeconomic ideology, like Nyerere's *Ujamaa* in Tanzania or Kaunda's "African

humanism” in Zambia, with which to instill hope in Malawians. His answer was to give people a sense of national consciousness or unity that was partly founded on his understanding of Malawian culture, a desire that was also reflected in the four cornerstones of the MCP: Unity, Loyalty, Obedience, and Discipline.

5. By this time, a dual system of district governance had evolved in Malawi in which statutory district councils operated side by side with field offices of the central government that were linked to the centre through the office of the district commissioner.
6. Action groups were preferred, as the government was opposed to the proliferation of formal committees below the district. Though the reasons were not given, given Banda’s style of leadership, it is not far-fetched to suggest that the aim was to prevent competition with grassroots party structures that served to incorporate Malawians into one-party authoritarian rule because of the need to prevent secessionist movements.
7. Some changes were made to the composition and mandates of the committees. The Action Groups at the area and village level were turned into area and village development committees.
8. In urban areas, the assemblies are known as city, town, and municipal assemblies. Rural areas continue to use the term “district assembly.”
9. With the adoption of the new decentralization policy and district assemblies, the formal title of the assembly’s administrative heads was changed to that of Chief Executive. However, a decision was taken to maintain the title of District Commissioner in the rural assemblies to avoid confusing the rural masses.
10. For Tarrow (1991), the term “opportunity structure” refers to dimensions of the political environment that provide incentives and disincentives for people to undertake collective action and participate in policy decisions.
11. As an evolving process, the lessons learned from the piloting experience of the District Focus arrangement under the UNDP Fifth Country Programme informed the operationalization of the decentralization policy.
12. Interview with the Institutional Development Officer in the Ministry of Local Government.
13. Extract from Gerard Chigona (1999), Report on the Three Regional Workshops for Traditional Leaders on the Role of Traditional Leaders in the building of democracy in Malawi organized by the Department of Local Government and Malawi-German Programme for Democracy and Decentralization.
14. The study was conducted in the districts of Mangochi, Nkhatabay, and Zomba, which were selected so as to take into account experience with decentralization efforts, differences in sociopolitical and educational backgrounds, and also regional variation. While acknowledging

the limitations of this three-district study to produce generalizations about Malawi, I draw on results from country reviews and other studies of decentralization.

15. One could argue that this is mainly due to the patchy implementation of the decentralization programme after the Local Government Act was adopted. Various country reports nonetheless show that in many districts these committees are nonexistent or nonfunctional, and in any case the manner in which they are formed varies from place to place.
16. The strong influence of traditional leaders was also noted in the 2001 review of the Malawi Social Action Fund (MASAF) project on processes of decision making and implementation. Sixty percent of households interviewed said that the chief was the most influential person during the selection of MASAF projects (Bloom *et al.* 2005).
17. A rural local government councillor receives a ward allowance of K1000 per month, equivalent to \$9.
18. See the article by Buur and Kyed in this volume.

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Chiefs, Policing, and Vigilantes: “Cleaning Up” the Caprivi Borderland of Namibia

Wolfgang Zeller

INTRODUCTION

Scholars examining practices of territorial control and administrative action in sub-Saharan Africa have in recent years drawn attention to the analytical problems of locating their proponents unambiguously within or outside the realm of the state (Lund 2001; Englebert 2002; Nugent 2002; Chabal and Daloz 1999; Bayart *et al.* 1999). This chapter analyzes situations in which state practices intersect with non-state practices in the sense of the state- (and donor-) sponsored outsourcing of policing functions to chiefs and vigilantes, where chiefs act as lower-tier representatives of state authority. My point of departure is an administrative reform introduced by the Namibian Minister of Home Affairs, Jerry Ekanjjo, in August 2002, which took place in the town Bukalo in Namibia’s northeastern Caprivi Region. Bukalo is the residence of the chief of the Subiya people and his *khuta* (*Silozi*, council of chiefs and advisors).¹

Before an audience of several hundred Subiya and their *indunas* (*Silozi*, chief or headman), the minister announced two aspects of the reform that had consequences for policing the border with Zambia. First, Namibian men from the border area were to be trained and deployed to patrol the border as “police reservists,” locally referred to as “vigilantes.” Secondly, Namibian police were going to conduct a “clean-up” of the entire Caprivi Region, during which all citizens of

Zambia living and working permanently or part-time in Caprivi without legal documents would be rounded up, arrested, and deported back to Zambia. To the audience at Bukalo the reform had a bitter-sweet taste. On the one hand, it held out the promise of possible future employment for young Namibian men in the police force, as well as of protection for private property against suspected Zambian (cattle) thieves. On the other hand, it threatened to put an end to the widespread practice by Namibian borderland residents of employing illegal Zambian immigrants as cheap cattle-herders and housemaids.

This chapter traces the maneuvers of selected individuals who, individually or collectively, sought to limit the disadvantages and maximize the opportunities arising from the attempted reform. The results bear little resemblance to the outcome officially intended by the reform. While this is hardly surprising, a number of rewarding insights into the nature and practice of authority and citizenship at the margins of the Namibian state become clear. The Namibian government's police reform can be regarded as an attempt to assert sovereignty over a peripheral part of the state territory through producing distinctions between citizens and noncitizens and those who officially represent the state and those who do not. As illustrated, the reform largely failed to achieve its official goals because key state tools such as identity documents and the security forces' capacity to regulate the movement of people were missing or not sufficiently available.

However, if we consider the outcomes of the reform beyond its apparent failure, we discover a process in which official policy was renegotiated and a specific kind of political subjectivity in the borderland was remade. My case study of the borderland police reform serves as a prism through which I examine the relationship between the Namibian state and local traditional authorities in a setting in which chiefs and vigilantes are important actors. The study therefore attests to the vernacular imagination of the Namibian state and the internal contestation of state sovereignty in its borderlands.

EVERYDAY POLICING AND CHIEFS IN NAMIBIA

In the absence of strong state monopolies on organized legitimate violence, security is presently a major growth business in southern Africa. Its fragmented spectrum includes various kinds of commercial private security enterprises, community participation, and the private interests of members of the police force (Hills 2000: 166). Community policing emerged in the United States and United Kingdom during the

1980s aimed at controlling crime effectively by outsourcing policing functions to private citizen groups (*ibid.*: 171). Community policing has been exported to Africa in recent years “as part of a package of measures ostensibly designed to improve security in contexts where crime is perceived to be out of control” (Ruteere and Pommerole 2003: 587–88). Brogden (2004: 637) notes that community policing is actively promoted by specialized Western donor agencies selling products such as policing strategies, security advice, training courses, and materials to African and South Asian governments. These come with the promise of low-cost solutions for establishing public order, serving human rights, and providing solutions to a host of other complex social issues.

However, African governments are not entirely new to the idea of community policing or “everyday policing,” as Buur and Jensen (2004: 146) more inclusively call it, thanks to direct and indirect colonial rule (see Mamdani 1996). The literature on everyday policing occasionally makes brief references to the role of traditional authorities or chiefs, but few authors have examined the triangle of state authority, chiefs, and everyday policing more explicitly.² The conditions under which chiefs become involved in community policing are the same as those that underlie their persistent relevance in other fields of governance in Africa, namely the difficulty centralized states have in extending their power into geographical, temporal, or cultural frontier zones where state authority is viewed as absent, ineffective, or corrupt (Englebert 2002; Kyed and Buur 2006; Buur and Kyed 2006; Koelble 2005; Gould forthcoming 2007; see also the introduction to this volume).

Cooperation and mutual cooptation have characterized the relationship between chiefs and both the colonial and postcolonial state in Namibia. As in South Africa, the apartheid authorities were particularly skillful in extending the reach of their power through the “traditional leaders” they chose to do business with. The formalization of this kind of governance took a major leap forward from the mid-1960s onward when the Bantustan concept was put into practice in South West Africa, including the Caprivi Strip. Here it further cemented the arrangements originally introduced by a German officer, Kurt Streitwolf, in 1909. Streitwolf successfully reappropriated existing institutions and practices that formed part of the precolonial Lozi Empire but severed these from the Lozi rulers by establishing two separate chieftaincies with equal status, those of the Fwe and the Subiya. Under his supervision two paramount chiefs were selected by existing local elites and then formally recognized by the German

resident. Streitwolf openly referred to the British system of indirect rule as his main source of inspiration (Streitwolf 1911). He regarded this as the way forward in the handling of native affairs after the disastrous and costly war of genocide against the Herero and Nama of 1904–1908.

The dual chieftaincy system survived the following decades and was further formalized in 1972 with the establishment of a Legislative Council and a Caprivi Bantustan government in 1976. With regulations for a rotating chairmanship, the two paramount chiefs headed an elaborate hierarchy of regional and local sub-chiefs. Their regulatory powers were considerable and included natural resources, land allocation, tax collection, and some aspects of criminal justice. Their formal autonomy, however, was in reality tightly constrained by the apartheid authorities. The liberation movement, the South West African People's Organization or SWAPO, accordingly denounced the chiefs as collaborators in cahoots with the white minority regime. However, although incidents of violence and intimidation occurred, there were no large-scale organized campaigns against the chiefs by SWAPO.

In the run up to independence, SWAPO toned down its official antichief rhetoric, and in 1989 and 1990 the future ruling party participated in the drafting of a constitution that included the legal foundation for the present role of traditional authorities in Namibia. Article 66 acknowledges customary law in force as legally valid. Although customary law cannot be amended and is therefore *de facto* inferior to statutory law (d'Engelbronner-Kolff 1996), several acts of parliament passed since independence have firmly established the formal role of traditional authorities in the day-to-day governance of Namibia, in particular in the rural areas of the former apartheid homelands. Their legally regulated functions now go well beyond the promotion of "peace and welfare" among the members of "traditional communities" in a hazily defined realm of "custom" (Traditional Authorities Act of 2000 section 3(1)).

The Act currently in place expands considerably the rights and duties of traditional authorities laid down in its 1995 predecessor. It provides for the reimbursement of chiefs and twelve of their advisors through public funds. It also ascribes members of traditional authorities the role to "assist the Namibian police . . . in the prevention and investigation of crime" (*ibid.*, section 3(2)). The Community Courts Act of 2003 formalized the roles and procedures of village tribunals headed by traditional leaders or chiefs. The Council of Traditional Leaders Act of 1997 established a high-profile public platform for chiefs to "advise" the President on policy issues, although it does not

give chiefs in Namibia a formal role in state legislation (Council of Traditional Leaders Act of 1997 section 2). In public statements, state legislators in Namibia often acknowledge the role of chiefs as one of wise parents whose advice is valued as a direct link to the “traditions” of a primordial past, pure from the corruption of European and other external influences. This depoliticized language mirrors that employed by Namibian chiefs, who frequently refer to members of the government in apparently neutral terms as “our sons,” whom they expect to pay respect to their elders.

The practice and official recognition of traditional authorities in Namibia is, however, a field fraught with political tension (compare Friedman 2005). In various cases since independence, the Ministry of Regional and Local Government has denied or delayed the Namibian government’s recognition of some chieftaincies, while fast-tracking others, leading to accusations of political power mongering. Several of these disputes arose in the Caprivi Region and involved the chieftaincies of the Fwe and Khoe-San, in whose areas SWAPO only received a minority vote after independence. In contrast, in the Subiya-inhabited areas along Namibia’s border with Zambia, an overwhelming majority has consistently voted for SWAPO since independence.³

The chiefs of the Subiya have accordingly been recognized by the colonial as well as postcolonial state authorities (see also Flint 2003; Kangumu 2000; Fisch 1996, 1998; Fosse 1996; Zeller 2000). They are tirelessly skilful in securing for themselves the political and economic benefits that go with their more or less official involvement in natural resource management, tax collection, the provision of local justice and courts management. Subiya chiefs were thus virtually preordained to be involved in everyday policing, since this is inseparably linked to local authority and material resources. The arguments circulating in praise of community policing are reminiscent of the attributes that chiefs claim to possess: closeness to “the people” and their priorities instead of corrupt and inefficient state officials, occupation of the moral high ground, and an intimate personal knowledge of “customs” and everyday life of those living in the area they operate in.

BORDERLAND (IN)SECURITY

The popular perception that violent crime is on the rise is one of the most pressing issues coursing through public debates in Namibia today. The government of the ruling SWAPO party is under pressure to provide security and deliver justice. Katima Mulilo, the urban center of the Caprivi Region has since the country’s independence in

1990, changed from a provincial outpost of the apartheid administration into a sprawling urban center surrounded by extensive shantytowns. Police officials were convinced that border towns breed crime and prostitution and attract illegal immigrants and smugglers from Zambia, Angola, and Zimbabwe. In 2002, two particularly violent cases of armed robbery and murder occurred in Katima, something previously unheard of there. They were investigated but never solved, and the police believe it was a “Zambian job” (interview with Deputy Commander Machana September 29, 2002).

A perceived increase in crime in the borderland has also been linked to high-profiled incidents of secessionism and low-profile guerilla warfare in Namibia’s northeast. On August 2, 1999, a group of several dozen men with small arms attacked Namibian army barracks, border checkpoints, and a radio station at Katima Mulilo. The Namibian police and army quickly crushed the poorly planned attacks, and in the aftermath several hundred suspects were arrested in Caprivi and over the border in Zambia and Botswana. The attackers had been plotting the secession of the Caprivi Region from the rest of Namibia, support for which was concentrated among people of Fwe background. Preparations for the armed attack in August 1999 partly took place across the border in Zambia.⁴ However, the secessionist cause and its party-political dimension have no support in the Subiya-inhabited areas along the Namibia-Zambia border, such as Schuckmannsburg (*Economist*, September 4, 1999; Nyendwa 2001).

Another threat to border security and territorial sovereignty emerged in Namibia’s northeastern borderland with Angola during the later part of 1999 and early 2000. Namibia officially granted Angolan government forces permission to launch an extensive military operation from Namibian soil aimed at crushing the rebel *União Nacional para a Independência Total de Angola* (UNITA) movement and its legendary leader Jonas Savimbi. In the following months, groups of dispersed and poorly organized UNITA fighters sporadically crossed the border into Namibia’s Kavango Region and Western Caprivi robbing and killing borderland villagers and motorists traveling along the Trans-Caprivi Highway. The Namibian army’s and Special Field Force’s heavy-handed responses targeted suspected illegal immigrants from Angola living on the Namibian side of the border. Dozens of people were arrested and interrogated, some wounded or tortured, and reportedly several killed during these operations. After Savimbi’s death in 2002 and the peace agreement in Angola, the cross-border raids and Namibian counter-insurgency operations ended (Amnesty International 2001; Namibia Red Cross Society 2000).

The question of citizenship and personal identification emerged as a key point of contestation during these two incidents. Security forces demanded valid documents that many of the suspects rounded up could not produce. Namibian, Angolan, and Zambian suspects often made (unsuccessful) claims to citizenship and belonging based on kinship ties and personal acquaintance with Namibian residents and village chiefs (Government of Namibia News Archive, October 2000; *Namibian*, December 13, 2005). Following the secessionist attacks, and during the time of UNITA's border transgressions, the Namibian government and police called upon village chiefs to take an active role by instructing their people to "be vigilant" and report "unusual occurrences" or "strangers" to the security forces (*Namibian*, August 29 and January 28, 2000; Government of Namibia News Archive, August 2002). At the height of the crisis in January 2000, Namibia's President Nujoma and Defence Minister Nghimtina suggested that firearms should be handed out to selected pro-SWAPO villagers with the help of traditional leaders to defend the nation against the UNITA insurgents (*Namibian*, January 28, 2000).

POLICING REFORM IN THE BORDERLAND

The question of borderland security policy was not further tested or heard of again until the idea of armed citizens guarding the state territory resurfaced as part of the policing reform that Minister of Home Affairs Jerry Ekandjo announced in August 2002. Section 11 of the Namibian Police Act of 1990 provides the legal framework to establish a Reserve Police Force. The idea gathered dust until 2002, when the first steps were taken to implement it across Namibia. Apart from the perception of rising crime in the country, the trend in southern Africa toward community policing and Namibia's tight and decreasing police budget must be seen as motivating factors.

Namibia's police reservists are by law not entitled to a salary and only receive minimal training and equipment. While on duty, they should be assisted, housed, and fed by the "communities" they are part of and are working for. Their greatest assets are their supposedly intimate familiarity with the terrain, people, and general circumstances of the border. According to Warrant Officer Kashamba, the man in charge of implementing the police reservist scheme in Caprivi, these are not simply technical advantages in day-to-day police work. He stressed that the use of police reservists is also intended to add momentum to an ongoing effort to "bring the police to the people."

The reservists were expected to spread the knowledge they acquire in their training about the duties of law-abiding citizens and thus “educate their communities” (interview with Warrant Officer Kashamba, April 27, 2004).

The idea of the state educating its citizens about their duties also featured in the minister’s presentation of the policing reform at Bukalo in August 2002. In his public pronouncement, Minister Ekandjo stressed two aspects of the idea of police reservists as potentially beneficial for the local population: The first benefit would be a decrease in crime in the rural villages, where police resources are scarce and police officers thinly distributed. The second would be the prospect of future employment for young men in the villages. Those who entered the police reservist program and performed well would be first in line when the Namibian police recruited officers in the future. Minister Ekandjo explained the conditions for hiring and training and proposed that village communities should organize the provision of food, shelter, and perhaps some form of reimbursement for the reservists. The audience at the Bukalo meeting comprised local government workers, *indunas*, and regular villagers from the Subiya area and all welcomed the minister’s proposal. Some individuals spoke up in favor of the idea of organizing local committees to see their implementation through (interviews with Agro-forester Adolf, November 26, 2002; Chief Inspector Goraseb, December 3, 2002; Deputy Commander Machana, September 29, 2002).

After first obtaining approval for the reform from the Bukalo audience, the minister then turned to the second aspect of the reform: “cleaning up” the borderland by the rounding up and mass deportation of illegal immigrants. He condemned the practice of employing illegal Zambian immigrants and cited the fact that they were paid poorly and often not treated well as a root cause of the increase in crime in Caprivi. The minister lectured the audience that this was not only entirely illegal,⁵ but also unpatriotic because it took job opportunities away from needy young Namibian citizens. It therefore had to stop immediately (interviews with Agro-forester Adolf November 26, 2002; Chief Inspector Goraseb, December 3, 2002). The audience was not at all happy to hear this. After various muted expressions of disapproval, an elderly *induna* openly spoke his mind. He argued that rather than looking after cattle his children should go to school. Employing Namibians as herd boys was way too expensive for him, a regular poor villager. The *induna* concluded that the whole idea of deporting Zambians was no good at all. This was followed by a round of applause from the audience, leaving the minister in an embarrassing situation. He threatened

the speaker with sanctions and insisted that in the near future the police would begin to arrest and deport all Zambians, full stop (interview with Agro-forester Adolf, November 26, 2002).

Minister Ekandjo's announcement did not take place in a sterile and orderly space where only one single authority with a clear structure and hierarchy exists. Instead, at least three sets of authority were represented: the Namibian state bureaucracy, the SWAPO party structure, and the Subiya Traditional Authority. Though the distinction between these three separate entities is useful as a construct when we want to understand the institutional arrangements involved, it collapses when we look at the situation in terms of the people who populate these institutions and their real-life roles in overlapping chains of command. The minister was not speaking to a neutral audience but to potential SWAPO voters in the politically most strongly contested region of the country. Many among the Subiya leadership were SWAPO members and had the capacity to mobilize their people to vote for the ruling party. They expected something in return for their support when they referred to "their government."⁶

The traditional leaders of the Subiya are not simply representatives of a past that can be neatly labeled "culture and tradition"—they are the de facto regional- and village-level implementers of government policy in Caprivi, especially in the rural areas. They are also the institution that people in these areas first turn to when grievances arise, and they are expected to forward their subjects' interests and opinions to the political representatives of formal state power. *Indunas* were therefore predestined to be central actors in the implementation of the policing reforms. However, a fundamental difference arose between the official view represented by the minister and that of the chiefs in the borderland. They disagreed over who was causing the perceived security threat in the borderland: to the Namibian government representatives, all illegal and undocumented Zambian immigrants were part of the problem. Namibians who hired illegal immigrants and paid them too little were portrayed as being partially responsible as well (interviews with Chief Inspector Goraseb, December 3, 2002; Chief Immigration Officer Masule, October 4, 2002). To the borderland inhabitants and their *indunas*, however, these practices were morally justified by their own perceived poverty and the alleged fact that these practices are so widespread. In their view, "only those Zambians who steal are a problem," and the chiefs claimed that they can tell the difference (interview with *induna* Mubusisi, October 29, 2002). They claimed they could "see" who were "citizens" and who were not "real citizens."

The problem was that “illegal immigrants” could not be easily and unambiguously identified for official purposes.⁷ In 2002, well over a decade after independence, a significant share of the population of Caprivi still did not possess valid Namibian identification documents. The Ministry of Home Affairs has a reputation for inefficiency and for its slow and unreliable issuing of IDs and other documents (*Namibian*, May 9, 2003; October 4, 2004; June 17, 2005).⁸ Acquiring documents involved a significant input of travel time and money for the rural population of Caprivi. Floods, widespread fires, and theft are recurring events in the borderland and frequently cause the loss of ID documents. Many adults possess only outdated and hardly readable documents from the apartheid era or use the papers of close relatives.

Under these circumstances, *indunas* routinely make sworn statements when state authorities need to verify a person’s identity for official purposes. On the Zambian side of the border, even fewer people possess legal Zambian ID documents. The most common and widely accepted form of personal identification in the Namibia-Zambia borderland is consequently “one’s face” and the genealogy attached to it. Personal acquaintance with *indunas* and others who have the power to give the officially accepted stamp of approval is the key to successful (un)official documentation. In the following sections, I examine how Namibian government representatives and members of the borderland population sought to implement and renegotiate the reform.

THE “CLEAN-UP” OF THE BORDERLAND

Following the embarrassing scene of open rejection of the “clean-up,” the Bukalo *khuta*’s headmen discretely asked the Minister of Home Affairs and his delegation to discuss the issue more privately. This took place after the public announcement was over. In the meeting, and through subsequent petitions sent to Minister Ekandjo in the following weeks, the Subiya *khuta* and various SWAPO representatives in Caprivi asked for a review of the new policy.⁹ They proposed that the Namibian government should work with the leadership of the Subiya and SWAPO in the region toward a solution that they regarded as more viable and in tune with their preferences and the realities of Caprivi.

Their central argument was that the presence of Zambian citizens in Caprivi was a time-honored practice rooted in a long history of close relationships across the Zambezi, since long before the international boundary came into existence. They took the view that this was “inseparable from their way of life.” Residents in the borderland argued that,

until the Namibian government came forward with other schemes like infrastructure development and agricultural extension programs, these practices would be an indispensable part of the economy (Interviews with *ngambela* Katukula, November 25, 2002; *induna* Mubusisi, October 29, 2002; *induna* Munihango, August 29, 2002). These arguments were, let us not forget, consistently backed up with references to the strong support SWAPO enjoyed in the borderland and the government's obligation to respect the wishes of "their people."

One of the men arguing for a review of the proposed "clean up" was Vincent Mubusisi, the *induna* of Schuckmannsburg. Mubusisi was also the chairman of his vilages' SWAPO party branch, a small-scale transport entrepreneur, a husband to four wives, an active member of the local Seventh Day Adventist congregation, and the owner of a sizeable herd of cattle. Schuckmannsburg, a former administrative outpost of the German colonial authorities, is today a border town with some three hundred inhabitants. Depending on the season, it either lies a short distance from the Zambezi or, during floods, is entirely surrounded by it. During the 2003 and 2004 floods, the *induna* was a key figure in efforts by the Namibian government to evacuate and cater for the population of the nearby villages threatened by the flood waters. Mubusisi allocated land in Schuckmannsburg for a Red Cross emergency camp to which the Namibian police and army evacuated hundreds of villagers from lower-lying areas by boat and helicopter. To coordinate the rescue and the provisioning of the flood victims, the *induna* attended high-level meetings with government officials in Katima Mulilo, to which he was flown directly from his home by helicopter.

Mubusisi is, in short, an important actor in all social, political, administrative, and economic networks of relevance around Schuckmannsburg. He was also on good terms with the man in charge of the border post during the second half of 2002, Deputy Commander Sustagen Machana. The two men were members of the same church, and they frequently met to discuss local administrative matters. The *induna* let the underequipped border guards use his private canoe for their river patrols and shopping trips to Mwandji, a town of five thousand inhabitants just across the Zambezi from Schuckmannsburg in Zambia (interview with *induna* Mubusisi, October 29, 2002).

Mubusisi readily subscribed to the ultimate rationale of the reform put forward by Minister Ekandjo: increased border security. Like all inhabitants of the borderland I spoke to, the *induna* had had private property stolen from his home. In September 2002, six cattle disappeared overnight from his kraal. The *induna*'s son, Moses, led an investigation involving the Namibian border police, his father's Zambian

herd boy, and several young men from around Schuckmannsburg. Moses and his helpers eventually tracked down the cattle rustlers across the border in Mwandi, Zambia. But the *induna* had nothing against Zambians per se. During the struggle for Namibian independence, he had lived in exile in Zambia for several years, like thousands of other men from Caprivi and the rest of Namibia. The lead that led to the recovery of his six cattle actually came from his Zambian-born herd boy, Teddy Ilukela.

In late 2002, Mubusisi had two herd boys looking after his livestock. He would have liked to employ one or two more, but could not find anyone willing to work for him. A major operation by the Namibian police had taken place in the borderland in July 2001, during which many Zambian herd boys were rounded up and deported, though the situation had “cooled down” for them thereafter. However, word of the proposed new clean up in Namibia reached the Zambian side, and in Mwandi hopeful herd boys were carefully observing how things would develop across the river (interview with herd boy Teddy Ilukena, October 20, 2002).

Herd boy Teddy Ilukena told me that he was both a Zambian citizen and a Namibian citizen. When pressed on the issue, however, he was not so sure. The ID document he carried was his father’s Zambian passport. Teddy’s mother was born and lived in Bukalo, and her son therefore had a good chance to claim Namibian citizenship. Teddy came to Schuckmannsburg during the 2002 flood season, when he sold three canoes to Mubusisi that his father had made further upstream in Zambia. The *induna* was an acquaintance of Teddy’s father, a retired Zambian policeman, and after the canoe deal, Mubusisi offered Teddy a job. For the 150 N\$¹⁰ a month, he was a good herdsboy, quick and alert and calm with the cattle. Teddy lived with the *induna*’s family and had his own small field to plow. His future seemed rather open in 2002, as he contemplated whether he should stay in Schuckmannsburg or try to find work in Katima Mulilo. With the help of his mother, Teddy had applied for a Namibian ID document, but for the time being he was de facto an illegal alien. Teddy claimed he was not afraid of the police at the Schuckmannsburg border post, but nevertheless clearly preferred to avoid them. He was confident that whenever new border guards were transferred to Schuckmannsburg, Mubusisi would have a word with them about his herd boy, as he had done before with Deputy Commander Machana (interview with herd boy Ilukena, October 20, 2002).

Moses Mubusisi was one of the *induna*’s three adult sons. At the time of the research, he and his young wife Brenda were looking for

careers as teachers. However, Mubusisi senior needed Moses at home to look after the cattle. Although the *induna* was certainly not a poor man by Caprivi standards, the proper management of his livestock was of great concern to him as a source of both symbolic and material wealth. The more income he could generate from selling livestock, the more he could invest in his pick-up truck that he used to take people and goods to and from Katima Mulilo for a fee. Education and employment for his close relatives were another consideration for the *induna* in terms of increasing his social and economic support base in the future. Mubusisi did not need Zambian herd boys as such, but it clearly was to his advantage. If he had had one or two additional herd boys, Moses and Brenda would have been free to pursue their career ambitions and move to Katima Mulilo (interview with M. Mubusisi, October 21, 2002).

When he attended the public announcement of Minister Ekanjjo's policy initiative in Bukalo, Mubusisi agreed with the other *indunas* that to deport every last Zambian would be to go way too far. He claimed that everybody had herd boys in Caprivi, including teachers, police officers, and the governor. He also claimed that the Ovambo leadership of SWAPO, up to the top of the governing party, was employing illegal herd boys from Angola.¹¹ At first, the *induna* recounted, the minister could not be moved by the attempts of the Bukalo *khuta* and Caprivi governor to strike a deal. Instead Minister Ekanjjo set a deadline of one month for the clean up to be carried out. A suggestion from the *khuta* that working permits should be issued to "legalize" undocumented Zambian immigrants was also rejected by the minister with the argument that they had already broken the law by entering Namibia illegally. However, three months passed without any massive police operations or deportations.

Then, in late November 2002, name lists were circulated by the Caprivi Region's Chief Immigration Officer, Richard Masule, to the village *indunas*. Masule is himself from Caprivi and has a rural homestead and farm in the region. The lists he handed out contained the names of known and suspected illegal Zambian immigrants based on payment records kept by the Bukalo *khuta* of the payment of an annual levy, a present-day incarnation of the colonial era's poll tax. Mubusisi received one such list with some 150 names on it and Masule's instructions to work with the *indunas* of the neighboring villages to identify those on the list who were known locally. The chiefs were asked to report them to the police for deportation. But the instructions went further: the *indunas* were also expected to identify those on the lists who were their "sons." A herd boy would qualify as

a “son” if he had proved himself trustworthy and thus been integrated into the community. These cases would be spared from deportation. Decisions as to who were “sons” was left to the local *indunas*, but officer Masule made it clear that some *Zambians* had to be deported (interview with *induna* Mubusisi, October 29, 2002).

Sixteen months later, Hieronymus Goraseb, the Chief Inspector of Namibian Police for the Caprivi Region, explained what had come out of the “clean-up.” Had illegal immigrants been rounded up and deported en masse?

Well, not really, and the reason for that is deep-rooted. Most of the *Zambians* who are illegally in the Caprivi Region are actually employed by Namibian people. Once we start with an investigation, if somebody swears an oath that this person is a Namibian, it’s very difficult for you to know that it’s not a Namibian. So we have a problem. We have not had any concerted campaign yet specifically with the aim of de-*Zambianizing* the Caprivi Region. In Caprivi the traditional leaders are very highly regarded and the follower-ship from their own people is also quite high. So there is always an issue to be contended with. And these cattleherders that come from *Zambia* are also people who work for the chiefs. (interview with Chief Inspector Goraseb, April 15, 2004)

What had been projected as a large scale “clean up” of the region had, as the *induna* of Schuckmannsburg explained, “run into the sand. We don’t talk about that now. These herd boys, you know, even the President himself has them also” (interview with *induna* Mubusisi, May 25, 2004).

THE POLICE RESERVISTS

Following the minister’s announcement, the selection and registration of prospective police reservists initially began in a rather pragmatic fashion, without any definitive policy guidelines stating who was actually in charge of the process. According to Chief Inspector Goraseb, the regional councilors were supposed to steer the registration. However, the people who were actually in charge were the village *indunas* at the local level. The chief inspector explained that “they best know who is trustworthy and their choice is accepted at face value” (interview with Chief Inspector Goraseb, December 3, 2002). Across Caprivi, some one thousand men registered themselves for police reservist training in the first four months following the announcement.

One of the hopeful reservists was Dominik Mwinga. In 2002, Dominik was in his mid-twenties and already an important man in his home village of Namiyundu, a forty-five-minute walk from Schuckmannsburg. Together with his wife and brothers he ran a little trading business that produced, delivered, and sold fresh and dried fish to markets in Katima Mulilo and Mwandu (Zambia), and occasionally to Livingstone in Zambia. Dominik's wife Martha had Zambian citizenship and maintained strong ties to her close relatives in Mwandu and the surrounding areas. Since Martha's late father was a Namibian, she could have applied for Namibian citizenship, but chose not to. Her residential status in Namibia was formally illegal, but Martha's Zambian citizenship offered advantages she and Dominik did not want to lose. The Mwandu hospital where Martha gave birth to her first child gives cheaper treatment to Zambians than Namibians, who frequently visit this, by far the largest health facility in the area. Martha also sometimes traveled the two hundred kilometers to Livingstone, where fish sells for higher prices than in Katima. Dominik and Martha Mwinga crossed the Namibia-Zambia border several times every week, usually without a border pass.

The Mwingas also hosted undocumented guests from Zambia, such as David Muskabati, a Zambian citizen in his fifties and close relative of Martha. He frequently visited her and Dominik in Namiyundu from across the border. He worked with wood and metal making spades and rifle handles. Between 1968 and 1983 he was in the Zambian army. On his visits to Namibia, he earned money selling or repairing tools. When I first met him in September 2002 at Dominik's and Martha's homestead, he had, as usual, entered Namibia illegally without documents, but he appeared to be at ease about this. David had been around for much longer than any of the border guards stationed at Schuckmannsburg. Whenever new policemen had been deployed there, they would quickly get used to his face and take him for a local resident. David also knew how to spot and avoid border patrols and how to confront them if necessary. He relied on his army experiences, his excellent knowledge of the terrain, his language skills, and a cool head. On one occasion he was unable to avoid a face-to-face encounter with a Namibian border patrol led by a newly deployed deputy commander called Machana. He managed not to appear suspicious by offering greetings and engaging in small talk. When one of the policemen asked where they could find so-and-so, probably a trick question, David did not know who the person in question was, nor whether he even existed—he simply referred the patrol to some nearby fishermen and said they would be able to give directions.

He thus kept his façade intact. Instead of crossing illegally, David could have taken out a border pass from the Mwandu police station and entered Namibia through the Schuckmannsburg border post. The additional cost and distance, however, decided him against this (interview with Muskabati, November 28, 2002).¹²

In April 2004 Namiyundu was surrounded entirely by Zambezi floodwaters, and most inhabitants were evacuated to Schuckmannsburg. Only Dominik and two neighbors had stayed behind to guard the village school and their homes against possible burglars. As I arrived by canoe, Dominik greeted me with a big grin and announced:

Now we are enjoying ourselves here. Fishing, crossing to Zambia illegally all the time, no border patrols. Those guards are afraid of the floods. But we are the vigilantes who look after things so that they don't swim to Zambia. (interview with D. Mwinga, May 26, 2004)

Dominik will most likely become an *induna* in the future due to his SWAPO membership and fine-grained social and political network. In 2002 he was already the chairman of the Namiyundu branch of SWAPO and as such responsible for the distribution of drought relief food by the Namibian government. When the minister proposed the police reservist scheme, Dominik was one of those who signed up for it. He was also involved in organizing the recruitment procedure in Namiyundu. In Dominik's view the police reservists, or "vigilantes," as he and his brothers and neighbors called them, were a "brilliant idea" to counter the problem of cross-border crime. For the under-equipped border guards alone, he and his brother Francis argued, the task of policing the borderland was too overwhelming: "We here know the people and places best, and the vigilantes will be like the eyes of the police" (interview with D. Mwinga and F. Mwinga, November 10, 2002). When I asked if perhaps vigilantes on the Namibian side would eventually be tempted to become involved in the types of cross-border crime they are supposed to prevent, Dominik and Francis were confident there would be no such danger: "Everybody knows who is trustworthy, and vigilantes will be watching each other." I also asked whether the "clean up" of Zambians was not a dilemma for Dominik and other future police reservists, since they employ Zambian herd boys and receive relatives from across the border without documents. The brothers avoided answering this question. They maintained they had no bad intentions, but:

Ekandjo cannot come to Caprivi and tell us to get rid of our herd boys. He must first clean out Ovamboland and his own boys from Angola.

[. . .] Those big guys, the ministers and governors, must also do it. We are just poor farmers here. (interview with D. Mwinga and F. Mwinga, November 10, 2002)

The Minister of Home Affairs in far-away Windhoek is an easy target to denounce by reason of his distant and abstract presence in the life of the borderland. What about more tangible manifestations of the Namibian state's authority? How, for example, do Dominik and his associates relate to the uniformed men stationed at Schuckmannsburg?

Sustagen Machana was the commanding officer at the Schuckmannsburg border post in 2002. He is an experienced bush fighter from Namibia's war for independence, and like thousands of Namibian ex-combatants, found employment in the country's Special Field Force.¹³ Like all policemen stationed at Schuckmannsburg, he was obliged to pay his respects to Mr. Mubusisi and the village *khuta*. Machana and his men regularly attended meetings of the *khuta* when issues involving crime and the border were being discussed there. Furthermore, Sustagen Machana had been born in Caprivi and accustomed to the local ways of doing business. His wife lived in Katima Mulilo and sold goods in the town's market. Every now and then Machana sent her a bundle of fresh or dried fish via Mubusisi's car or the police jeep that brought supplies to the border post. The fish came from Namibian fishermen, whom Machana met regularly when he was on border patrol. To them, he was an important ally in claims against Zambians coming over the border and raiding their fishing grounds. In the low water season, competition for the best fishing places could become rather tough. An armed police patrol was much more effective at keeping the Zambian competitors in check than a few unarmed Namibian fishermen.

In return, the border guards relied on close cooperation with the local population to obtain information when they investigated the frequent cases of cross-border cattle raiding and other borderland crimes. The riverside encampment where Dominik's brother John Mwinga lived during the high fishing season was a regular stop for the border patrols to collect fresh fish and information. John and Dominik's third brother Calvin was less relaxed in dealing with the border guards. His young wife is a Zambian citizen, whom he met through some of the Zambian people he regularly employed to help him during the high fishing season. In 2002 Calvin explained to me that he had not yet had the opportunity to put his wife's documents in order and that he would rather avoid having to "look into Machana's piercing eyes". (interview with C. Mwinga, November 11, 2002).

Dominik Mwinga liked to pride himself on his relaxed attitude toward the border guards at Schuckmannsburg. Machana and another officer stationed there at the time were actually distant relatives of Dominik's family, and some of the others played soccer in the same team. But his relationship with Deputy Commander Machana was complex. Dominik described Machana as a "cruel man" who enjoys physically abusing illegal border crossers from Zambia.¹⁴ He stressed that while this was in his own interest as a fisherman facing competition from Zambia, he did not approve of Machana's methods. There was still another source of friction involving Machana. The Mwingas' home in Namiyundu is just a short canoe ride from Mwandi, but a forty-five-minute walk from Schuckmannsburg. Dominik usually could not be bothered to make the detour via the border post and take out a border pass when crossing over to Zambia. He did not feel too guilty about this, however. Sometimes circumstances just did not permit him to take the longer route, and anyway he had "no bad intentions," he explained (interview with D. Mwinga, November 10, 2002).

One day in August 2002, he had just returned from Mwandi without a border pass when he encountered Machana's patrol near the river. The Deputy Commander was straightforward with Dominik: "I know you just crossed illegally." There were no further consequences, but Dominik avoided the Namibian border police in the following weeks. In early 2004 Dominik had another encounter with Machana, this time at the market in Mwandi. Machana enquired half-seriously, "Where is your border pass?" Dominik remained calm and boldly replied: "Who is asking?" He knew that Machana had meanwhile been transferred from Schuckmannsburg to a backwash border post in Western Caprivi, four hundred kilometres away. Some months prior to that encounter, police superiors in Katima Mulilo had been tipped off by a group of individuals from Schuckmannsburg that Machana had used his position to become involved in a broad range of illegal cross-border trading activities. This group included *induna* Mubusisi, his son Moses, and teachers from the Schuckmannsburg school.

Machana was reportedly smuggling fish, TVs, radios, blankets, ammunition, and alcohol on a large scale across the border. A small shop in Schuckmannsburg served for storage, and in the dead of night, cars were heard and seen arriving near Namiyundu, where their contents were loaded into boats and ferried across to Mwandi (interviews with *induna* Mubusisi, May 25, 2004; M. Mubusisi, May 25, 2004; D. Mwinga, May 26, 2004). When Dominik met Machana in

Mwandi, he felt he had nothing to fear from a demoted policeman asking him about the legality of his stay. But this only explains his audacious behavior in part. Dominik is, in fact, much more at ease in Mwandi *without* a border pass because in this way he can conceal his identity as a Namibian. He is not publicly seen reporting himself at the police for immigration, and therefore not regarded as a foreigner.

How did Dominik acquire this status, and how does he maintain this façade? In 2004, it was his position in the local soccer team that was at the center of his network. He was considered a hot striker and trained regularly to stay in shape. This had been noticed in Mwandi, where he used to play occasionally with the various teams visiting from Namibia. In order to boost their strength, one officer at the Mwandi police station asked Dominik in 2002 to join the Mwandi team. The officer, who is also a devoted soccer player, assured him that he could enter Zambia without documents any time. Further street credibility came through his wife Martha's close kinship networks in Zambia. Dominik therefore had many places in Mwandi where he was welcome to visit, eat, and sleep over. Some people knew he was nominally a Namibian, but the official concept of citizenship did not have a very strong currency locally, and Dominik often joked about his cross-border identity.

One final anecdote illustrates Dominik's cunning business mind. When seeing Zambians working their nets one day near his preferred fishing grounds on the Namibian side of the border, he warned them in a friendly and conspiratorial tone that a Namibian border patrol was approaching. He explained afterward that, while making the Zambians believe he was trying to help them, which earned him further recognition in Mwandi, he was actually protecting his business interests by scaring off competition.

With his soccer playing and fishing business going well, Dominik in 2004 did not have very much to say regarding the police reservist scheme. Nobody had heard anything from the authorities for a long time, and the entire affair appeared to have "run out of steam" (interview with D. Mwinga, May 26, 2004). According to Chief Inspector Goraseb, a large number of men who had registered had wrongly assumed that they would be receiving a salary for their services. The rural population more generally had also been reluctant to commit themselves to the material support the scheme had envisaged. In the rural areas of Caprivi, not a single village had actually gathered the funds and organization required to feed, shelter, and reimburse the reservists (interview with Chief Inspector Goraseb, April 15, 2004). Nonetheless, the initiative was not yet dead. In some urban areas of

Namibia, police reservists were already on patrol. Warrant Officer Kashamba, in charge of the reservist scheme for Caprivi, was convinced that before too long police reservists would be patrolling the streets of Katima Mulilo as well. He maintained that applicants' fingerprints were being checked against the Namibian central criminal records, and following clearance, the three-month training of police reservists was supposed to begin. The warrant officer could not say whether Schuckmannsburg and Namiyundu would have police reservists—that was very much up to the *indunas* (interview with Warrant Officer Kashamba, April 27, 2004).

CONCLUSION

In the aftermath of the minister's announcement, the police reform was not simply accepted, but contested and remade in the study area. What followed, however, was not a case of open resistance to a top-down state policy, but was rather more pragmatic and compromising in character. While recognizing the idea of citizenship and its exclusive-inclusive quality, people in the borderland found ways to remake this distinction so that it could accommodate their own interests. They also recognized officials as representing the state, but interacted with them as ordinary people when it suited their interests. The opportunities to colonize state policy creatively from the margins were, however, not equally available to all the inhabitants of the borderland.

The examples of *induna* Vincent Mubusisi, Deputy Commander Sustagen Machana, and *induna* in waiting, Dominik Mwinga highlight the difficulties in the Namibian state authorities successfully establishing sovereignty in the Namibia-Zambia borderland. The absence of reliable identity documents and sufficient resources to manufacture, distribute, and check them means that crucial administrative tools are lacking to distinguish between citizens and noncitizens and to enforce the territorial boundary on the ground. Instead the state and people in the borderland rely on local chiefs when foreign "illegals" and Namibian citizens need to be identified. In the borderland, chiefs are vested with the authority "to see" like, or rather "for" the state, thereby fulfilling crucial state tasks. They do so skillfully and in a manner that maximizes their own interests and needs, which is to maintain the borderland as a zone of indeterminacy where they become the ethnic face of the state. In a situation in which attempts to slot borderland people into clearly defined and mutually exclusive categories of citizenship is relatively fruitless, it is the chief

who can decide on inclusion and exclusion, based on “knowing” the borderland population and who they are related to.

The police reform initiative in the borderland is not just a failed state project, but has been creatively remade to suit the interests of chiefs, vigilantes, and policemen, who are constantly moving back and forth across the boundaries of legality and the state’s territory and institutions. Through these actions, state authority is not rejected or confronted head on—this is not a situation of direct opposition to or active disengagement from the state. The official version of two separate sovereign states does have some relevance in the Namibia-Zambia borderland. After all, there are police patrols, raids, schools, elections, and emergency relief operations that establish the presence of a national power, even if these are only momentary enactments of it. There is also compliance with certain bureaucratic regulations, especially when the state has something tangible to distribute: jobs, government handouts, security for private property.

When Minister Ekandjo initially tried to push through the police reform and the “clean up” campaign, they were instead steered aside by men like *induna* Mubusisi and Deputy Commander Masule. The reform “ran into the sand,” just as motorised vehicles driven by those who are unfamiliar with Caprivi’s unstable floodplain topography often run into the sand and stay there. The police reservist plan that formed part of Minister Ekandjo’s reform initiative was initially received well in the borderland since it promised to promote existing local interests by providing security for private property and much-needed employment. In late 2004, the initiative was neither implemented nor openly taken off the table: it existed as a discursive devise that could be enacted upon in the future. If people like the *induna* in waiting, Dominik Mwinga were going to be part of the scheme, the outcome would hardly be things being run by the book, but rather another vehicle for personal interests would emerge, most probably exploited in order to secure the status quo regarding the present situation of crossing the border, and furthering Dominik’s own plans.

For the *induna* Mubusisi, Dominik Mwinga, and others, claims that protecting their interests was legitimate, as well as their knowledge of events, people, and the borderland geography were sources of strength justifying why their everyday forms of bending and breaking the law were irrelevant. When the legality of their actions was questioned, they pointed the finger at those whom they believe embodied, but actually violated, state laws in more reckless ways. They portrayed the president, minister, and governor as no different from everyone else. These “big men” allegedly employed illegal herd boys, too, so

borderlanders were justified in their actions a priori. In the case of the higher echelons of power, this activity of “dragging the state down” from its heights to the personal level worked through ropes that were much less tangible, but nevertheless effective, namely, party-political affiliation. The SWAPO party is made up of real people who, so the underlying message goes, owe the locals something for being voted into office with access to unlimited wealth. The chiefs understood this perfectly well and used it to their own and usually also their subjects’ benefit.

The setting in the territorial and social margins of the Namibia-Zambia borderland is indeed “bristling with life that is managed and controlled, but also flows outside this control” (Das and Poole 2004: 30). This creativity of the margins, through which the territorial and conceptual boundaries of the state are extended and remade, is practiced by state bureaucrats, the borderland population, and most successfully by those whose networks transcend both the borders of legality and the state: the chiefs and the local police. What will happen in the event of a crisis that might turn the relaxed ambiguity of the day-to-day situation on its head, such as a natural disaster or a new secessionist uprising? Under such “exceptional” circumstances, the current practices of relatively relaxed everyday policing, fishing, and herding can rapidly be turned upside down. It was precisely this scenario that unfolded along Namibia’s border with Angola during the armed cross-border raids by UNITA forces between 1999 and 2001. Herd boys, wives, and other cross-border migrants without legal documents then became, and could again suddenly become, second-class noncitizens subject to the whims of the gate-keepers of their official legality, and therefore the easiest targets for police, chiefs, and vigilantes when they need to find somebody to blame for whatever has gone wrong.

ENDNOTES

1. *Silosi* is the language of the Lozi people and the regional *lingua franca* along the upper Zambezi, including the Caprivi borderland of Namibia.
2. See Abrahams 1998, Oomen 2004, Kyed 2007 for studies that address the topic directly.
3. The Kabbe constituency, which includes Schuckmannsburg, has since independence consistently voted for SWAPO at 95 percent or higher.
4. Early suspicions of a cross-border dimension were later supported by witness testimony given in the ongoing Caprivi high-treason trial (various articles in the *Namibian* 1999–2005).

5. Under the Namibian Immigration Control Act of 1993.
6. This expectation is often expressed both publicly and privately when Subiya debate issues of “development” and “government assistance,” for example, in the context of the 2003 and 2004 river floods and 2003 drought that set off massive rescue and relief operations by the Namibian government (various articles in the *Namibian*, 2003–2004; private communication).
7. See Buur and Kyed, this volume, on how the state “sees” and makes citizens legible with reference to Scott 1998.
8. In 2004 and 2005 the Ministry was widely criticized for its poor performance in the Namibian media, by the opposition in parliament, and by members of SWAPO. Reforms were introduced in 2005 aimed at improving this situation, and in February 2006 the Ministry of Home Affairs claimed that the waiting period for identity documents would be reduced from more than two years to twenty-four days (*Namibian*, February 7, 2006).
9. These included the Governor of the Caprivi Region, Bernhard Simbalatani, and the Regional Councilor for the Kabbe Constituency (in which Bukalo lies), Peter Mwala, both SWAPO members.
10. In 2002, 150 Namibian Dollars were ca. 20 €; the monthly salary for Zambian herdsboys can be as low as 50 N\$.
11. The fact that many of the SWAPO party’s leadership maintain a household and farming business in their rural areas of origin in former Ovamboland is widely known in Namibia. To compensate for a lack of pasture, cross-border cattle rearing, and the employment of herd boys from the Angolan side of the former colonial border are long-standing practices among farmers in the Ovambo areas. As along the Zambezi border, close kinship ties and the relative wealth of Namibia are facilitating this practice (compare Kreike 2004). An argument frequently reiterated by people in Caprivi against the “clean-up” proposal of Minister Ekandjo (himself of Ovambo background) was consequently the claim that the minister and others among Namibia’s political elite have their own herd boys from Angola and are not willing to give them up either.
12. In 2004 a border pass from the Mwandu police station cost 500 Zambian Kwacha, or ca. 1€.
13. Namibia’s Special Field Force (SFF) is a paramilitary unit of the Namibian Police with distinct training, uniforms, and command structure. The SFF’s tasks are the protection of critical security targets, such as borders, strategic infrastructure, and political leaders. Its members are largely ex-combatants from the armed liberation war, most of whom are Oshivambo-speakers and fiercely loyal to the top leadership of SWAPO. SFF members have frequently been accused of violating disciplinary regulations and human rights, in particular during the run up and aftermath of the 1998–1999 Caprivi secessionist attacks (cf. Hills 2000: 135).

14. Accounts of Machana and his men mistreating suspects they arrested on their border patrols were relayed to me from several sources in Zambia and Namibia. One method of abuse was allegedly to force Zambians caught in Namibian waters to publicly eat raw fish from their own catch (interviews with Zambian fisherman Nzaki, June 2, 2004; J. Mwinga, May 26, 2004; M. Mubusisi, October 21, 2002).

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Traditional Authority in Mozambique: The Legible Space between State and Community

Lars Buur and Helene Maria Kyed

INTRODUCTION

This chapter explores the recent state recognition of traditional authority in postwar Mozambique in general and discusses in particular how legislation was implemented in the former rural war zones and opposition strongholds of Sussundenga District, Manica Province. The context for this recognition of traditional authority emerged from a dominant political concern on how to proceed with decentralization in rural areas of postwar Mozambique. In accordance with postwar constitutional commitments to introduce democratic decentralization, a system of locally elected governments (*municípios*) was approved by Law 2 of 1997. In 1998 this law provided for democratic elections in thirty-three urban *municípios*. As a consequence, the rural areas, where approximately half the population lives, were deprived of the right to vote for their own local representatives. Instead, legislation addressing decentralization in the rural areas has been confined to deconcentration of the local state administrative system and the formal recognition of community authorities as a result of Decree 15 of 2000.

Since 2002, Decree 15 of 2000 has led to state recognition of just over four thousand community authorities deriving more or less equally from the categories of “traditional leaders” and “secretaries of suburban quarters or villages.”¹ The decree provided for the reinsertion

of traditional authority into local governance after twenty-five years of exclusion by the Frelimo (*Frente de Libertação de Moçambique*) government. It initiated a process of legally institutionalizing an interaction (*articulação*) between local state organs and rural constituencies. Previous de facto collaboration between *régulos* (chiefs or traditional leaders) and local state organs had been conducted within a legal grey zone. Although not heralding direct changes, the amendments introduced with the decree at least make possible the legal regulation of interaction between the state and rural constituencies in two main ways.

First, the decree delegates to community authorities a long list of key state functions to be carried out in the communities they formally represent. The state administrative tasks include inter alia policing, taxation, population registration, enforcement of justice, land allocation, and rural development. In fulfilling these executive tasks, community authorities are envisaged as assistants of local state organs and as the concrete entry points for the governance of rural territories and the distribution of development provisions. Educational functions include fostering a patriotic spirit, supporting the celebration of national days, promoting environmental sustainability, encouraging the payment of taxes, performing marriages, and preventing crime, epidemics, and HIV/AIDS.

Secondly, the decree assigns the role of representatives of rural communities to the recognized traditional leaders. It also stipulates that these leaders be consulted on behalf of the communities they represent when natural resources such as forest products or minerals are extracted from their territory; when land is leased out, for example, to commercial farmers; when donor-aid projects such as water, health, or micro-financing are implemented; when clinics, schools, and roads are built; or when agro-technical support is distributed. In these ways, the recognized leaders are envisaged as representing, giving voice to, and catering to the needs of rural constituencies in development, constituencies that, due to protracted years of warfare, have been left without official representatives for almost two decades.

In sum, the recognized authorities are expected to perform a double role as representatives of rural communities to external agencies and as quasi-state functionaries. This chapter argues that this double role is not equally balanced and that the role of state functionary is favored. Both law and practice have focused on what the recognized community authorities can do for the state by performing administrative tasks and mobilizing rural communities for government projects. Scant attention is paid to the community representative role or to how

community authority is actually constituted and legitimized. The decree does not provide any guidelines for the consultative and representational role or what could also be called the new social contract. Instead it seems to take the second part of the contract for granted, assuming that traditional leaders *de facto* represent the interests of rural populations and communities. We will argue that there are specific historical explanations for the scant attention paid to giving concrete effect to community representation.

Historically, indirect colonial rule mediated by different types of customary institutions at the local level allowed the colonial authorities to impose their power without being immediately present (Mamdani 1996). To argue this is not to deny that the route to indirect rule was notoriously violent and “paved with coercion” (Englund 2004: 19). Colonial rule that rested on different types of violence aimed at provision (goods and things), extraction (labor, human beings, and natural resources), and the control of subject populations (Mbembe 2001: 24–25). After the first two years of liberal postcolonial rule from 1975 to 1977 (Coelho 2004a), Frelimo’s mode of governing the rural population came to mimic Portuguese top-down lines of command. If we look beyond Frelimo’s dismantling of the chieftaincy as the mediating link between the regime and the rural population, colonial hierarchies of state administration and governance were renamed rather than profoundly altered (Alexander 1997). The involvement of rural dwellers with the postcolonial state came to be modeled on military control and command that was broadly similar to the colonial form of *commandement* rule (Mbembe 2001: 24–35). The point is that there is only a limited history of state-encouraged open consultation or participatory democratic engagement in rural Mozambique. This is particularly the case in intensive war zones such as Sussundenga District, dealt with in this chapter. In this respect, the decree can be seen as a culturally appropriate form of quasi-democratic participation in matters of concern to rural citizen-subjects where democratic decentralization has been put on hold. The argument we pursue in this chapter is that the role of traditional authorities as intermediaries between rural populations and the state is nothing new, but has been part of the ongoing process of state formation from Portuguese colonial rule, through postcolonial nation-state building by Frelimo, to today’s liberal-democratic form of governance.

Yet in order to understand why the community representative role of traditional leaders is currently being taken for granted to the point of being reified in present-day legislation, we must acknowledge the

longer-term historical legacy of colonial statecraft. In Mbembe's words, the statecraft of postcolonial African regimes did not invent

what they know of government from scratch. Their knowledge is the product of several cultures, heritages and traditions of which the features have become entangled over time, to the point where something has emerged that has the look of "custom" without being reducible to it, and partakes of modernity without being wholly included in it. One part of this knowledge or rationality is *colonial rationality*. (Mbembe 2001: 24–25, emphasis in the original)

This rationality and the states that emerged from colonial rationality attempted to make "a society legible, to arrange the population in ways that simplified the classic state functions" (Scott 1998: 2). States need discrete identities that can be mapped and rendered readable. Similarly, in the postwar Mozambican debate on the role of traditional authority in local governance, a timeless and reified conception of that authority dominated. Skeptics such as the so-called modernists, in arguing that the precolonial chieftaincy had been corrupted by the colonial system of despotic, indirect rule, and that what had been "real" tradition had withered away, were basically holding on to a timeless conception of tradition. By contrast, supporters of a policy of recognizing traditional authority, the so-called communitarians, held that traditional authority still existed and was legitimized by customs and beliefs from long ago. In either case, the notions of community and tradition that underpin Decree 15 of 2000 have been treated in similarly timeless and essentialist terms, construed as homogeneous, coherent, and settled within bounded territories.

In the following sections, the chapter outlines the historical legacy of traditional authority in Mozambique and the main techniques through which it was made legible in the postwar period in the form of community representatives capable of working as state functionaries. This is followed by an exploration of the implementation of Decree 15 of 2000 in Sussundenga District. The chapter concludes by pointing out some of the "on the ground" consequences of these reified notions of traditional authority and community.

FROM OUTLAW TO SALVAGE

Chiefs, known since colonial rule as *régulos*, were formally excluded from participation in Frelimo's new party-state hierarchies after 1975 (O'Laughlin 2000: 26–30). The new Frelimo government replaced

the chieftaincy system with *grupos dinamizadores* (literally dynamizing groups) led by party secretaries.² The new system formed part of Frelimo's attempt to build a one-party state and to break with the bifurcated colonial system of governance, with citizens ruled by law in the urban areas and subjects ruled by custom in the rural areas. Through the Marxist-Leninist ideological lens that came to dominate from 1977, chiefs were portrayed as collaborators of the Portuguese colonial state (O'Laughlin 2000: 26–30), their practices being branded as “feudal,” “tribalist,” and “obscurantist,” and as detrimental to the modernization of society and the production of national unity (West and Kloeck-Jenson 1999: 456; Alexander 1997: 2; Artur and Weimer 1998: 4).

Although the *grupos dinamizadores* were intended to spread popular participation and representational dialogic engagement, they did not become the rule across the country. Despite being formally abolished, the chieftaincy system continued in practice and many postcolonial local state officials relied on day-to-day collaboration with existing chiefs (West and Kloeck-Jenson 1999; O'Laughlin 2000; Alexander 1997). These practices, along with the continuity of the highly centralized state administration, complicate the notion that Frelimo's new system of local governance broke entirely with colonial rule. The introduction of *aldeias comunais* (communal villages) that were intended to gather dispersed populations into semi-urban development clusters was also highly unpopular and reminded the rural population of the forced removals of the colonial period.

In areas affected by the war between Frelimo and Renamo (*Resistência Nacional Moçambicana*) from an early stage, such as Sussundenga District, governance by Frelimo increasingly came to rely on war tactics—military control—and the use of community villages as counter-insurgency devices. Renamo, on the other hand, reinstated the chiefs in the rural areas it controlled, which increased Frelimo's ambivalence toward the latter. This was reflected in the argument of some scholars that Frelimo's banning of the chieftaincy was one of the main reasons for Renamo's rural support (see O'Laughlin 2000; Geffray 1990), or even one of the key domestic causes of the war (Abrahams and Nilsson 1995: 29). Others responded that rural support for Renamo had more to do with the oppressive character of Frelimo's one-party hierarchy, its unpopular villagization programs, and its failure to improve opportunities in rural areas due to its urban bias (Alexander 1997: 1–2; Schafer 2001: 219–21; Coelho 2004b). This impasse was largely reproduced after the General Peace Accord (GPA) of 1992.

A First Mapping of “True” Traditional Authority

Following the GPA, the Ministry of State Administration promoted and coordinated two comprehensive studies of *autoridade tradicional* (traditional authority) from 1992 to 1997 funded by USAID and the Ford Foundation (Artur and Weimer 1998: 5; West and Kloeck-Jenson 1999). These studies investigated the role of traditional authority in local government focusing on how it could contribute to postconflict nation-state reformation, democratization, and decentralization. A series of workshops brought together traditional authorities, state functionaries, ministers, Frelimo cadres, and NGO representatives from all over the country to discuss the functions that could be designated to traditional authorities and ways to firm up their mandate (West and Kloeck-Jenson 1999: 463).

The studies generated five brochures for the education of state functionaries on the role of traditional authorities in society and a two-volume ministerial publication on “Traditional Power and Authority” (Lundin and Machava 1995). This established that traditional authority indeed exists: “This institution of the community is a reality that manifests itself before the state and its juridical system. They are not created by the law, but are generated by the respective communities” (Lundin and Machava 1995: 151; see also Cuehela 1996: 24). “Real” traditional authorities were distanced from the “unreal” aspects associated with colonial rule and postcolonial political manipulation, a response to the various critics who had claimed that present-day traditional authorities had been corrupted, whether by colonial rule or party politics (Artur and Weimer 1998: 19).³ This account portrays traditional authority in a reified and timeless way, propagating the notion that community and traditional authority were forms of natural beings preexisting history (see West and Kloeck-Jensen 1999: 473–74).

The two studies provided the first mapping, documentation, and interpretation of these eternal traditional authorities and their communities. The ideological position they support approaches what can best be described as a form of mainstream communitarianism, with its emphasis on “shared values, solidarity and attachment” (Delanty 2003: 90). The studies emphasized the existence of a positively valued, depoliticized sphere of human relations, which, despite colonial impositions, war, and displacement, continued to have legitimacy and to exercise profound authority. One of the brochures insisted that traditional authorities represent “the whole community, beyond political differences, embodying the will of all people and not

excluding anyone” (Cuehela 1996: 11). These ideas were later reproduced in Decree 15 of 2000, which gave the impression that all the state needed to do was to go out and identify who the *régulo verdadeiro* (real chief) was. Based on this logic, traditional authority could be used as a foundation for the kind of democratic governance and decentralization demanded by the donor community (West and Kloeck-Jensen 1999: 457). They could “stand in” (which we should not forget etymologically derives from “sacrifice”—(Olsen 1993)) for extending elections to the vast rural hinterlands.

The fact that recognized traditional leaders were renamed “community authorities” requires some discussion beyond the Mozambican context. As discussed in the introduction to this volume, we suggest that although reliance on the concept of “community” may give a democratic ring to the phrase “traditional authority,” the way the concept is employed in Decree 15 of 2000 reminds one more of what Delanty terms “governmental communitarianism” (Delanty 2003: 87). In other words, the decree’s reliance on the concept of community should be seen as a technical means for producing legible entities that can engage in government projects and state administration. Based on the communitarian bias of the studies on which the decree was molded, the communities propagated by it strikingly resemble a depoliticized form of indirect rule.

In the following sections, we discuss the inherent tension underpinning the assumptions of the decree and official discourse on traditional authority: on the one hand, the ontological “naturalness” of the traditional authorities and the communities they formally represent; and on the other, the need to identify the “real” traditional authorities that were believed to exist, despite war, colonial impositions, and manipulated symbols, narratives, modes of identification, and hierarchies. We discuss this tension through an exploration of how Decree 15 of 2000 was implemented in Sussundenga District.

MAKING “REAL” AUTHORITY LEGIBLE IN PRACTICE

The overall starting point for implementing the decree was “a formalization of what already exists,” which became the mantra repeated again and again by state functionaries from Maputo’s ministerial corridors down to the level of the district administration of Sussundenga District. In the actual process of identifying and recognizing community authorities, this mantra required considerable dissimulation on the part of local state officials, who faced a much

more complex reality. Decree 15 of 2000 states that only communities can legitimize a given community leader as an authority. With respect to traditional leaders, legitimizing should, according to the decree, be pursued in accordance with the “traditional rules of the respective community” (Regulamento do Decreto 15/2000, art.1.a). This criterion presupposes that there “already” exists a traditional world or domain from which chiefs derive local authority.

Our material from Sussundenga District suggests that such a traditional domain did not exist in the form anticipated by the decree. This is not surprising when we note existing divisions within local populations and the shifting historical-political contexts in which chiefs have exerted, lost, and gained authority (West and Kloeck-Jenson 1999: 455). In many other postcolonial African countries, an assortment of precolonial codes of conduct, customary law, Muslim law, and legal frameworks from the colonizing countries “constitute a broad normative repertoire on top of which constantly modified national laws are promulgated” (Lund 2002: 17). This holds true for Sussundenga and Mozambique in general, in that the rules for appointing chiefs and ideas about authority and legitimacy were fluid and multiple by the time the decree was implemented. Having had to adapt constantly to new regimes of law and power, chieftaincies were unlikely to be coherent and internally consistent. When no rules can be specified for how leaders are to be legitimized, it is better, we suggest, to approach the question of legitimization from a different angle: who has the authority to verify or state what the traditional rules and ideas about authority are or should be in practice?

Certifying the Traditional

In the process of implementing Decree 15 of 2000 in Sussundenga District, a whole set of activities were initiated to identify, legitimize, and recognize community authorities. In 2002, this only covered those in the category of traditional leader (thirteen in total).⁴ Implementation took place in close conjunction with (re)establishing the state’s presence in the former war zones through visits to chieftaincies by a postcolonial state administrator for the first time, the construction of roads to chiefs’ homesteads, and the establishment of offices for the lowest level of state functionaries in areas where these had been absent since the beginning of the war in 1978. The implementation process began in 2001 with conflict-ridden attempts to identify “real” chiefs and their subordinates against other claimants, usually from within the chiefly family, to such status. This was followed

later the same year by the convening of “legitimization meetings,” where state officials visited communities to verify that the person whose name was inscribed in the “state register” (combining a colonial register of *régulos* with data from the 1990s ministerial studies) was indeed considered legitimate by the community s/he represented.⁵ The process ended approximately a year later with formal “state recognition ceremonies” held by the district administrator, where the registered chief signed a contract with the state and was presented with state regalia—the national flag, emblems of the republic, and a sign reading *Autoridade Comunitária* (community authority)—which transformed him or her into such an authority.⁶

Somewhat contrary to the principle of community legitimization, the state register became both the most important instrument for deciding which chiefly families were legitimate, and in some cases also the final arbitrator when the “traditional rules of the respective community” were unable to settle disputes between competitors for the position. As it performed a role in reestablishing the presence of the state in formerly hostile Renamo territory, it is no surprise that state officials put considerable energy into verifying the register. Part of the process of identifying chiefs involved indexing the hierarchical system of sub-chiefs, whose designations derive from colonial classifications such as *chefe do grupos* (comparable to second sub-chief) and *chefe da povoações* (comparable to third sub-chief). Besides forcing kin-based chiefly families to settle or at least begin to resettle what we can call the chieftaincy system, the process of registration was also grounded in the state designated functions, Community Authorities were to perform that centered on defining the substance and boundaries of each community. Chiefs had been told to produce “registers of the population” giving “the number of families and inhabitants according to sex,” so that the tax base could be measured and health services and school buildings planned (interview with *Chefe do Posto*, Dombe, September 2002).⁷

Significantly, the official register around which these activities were based had been established on the basis of the old colonial registers’ three-tiered hierarchy of *autoridades gentílicas* that had incorporated preexisting hierarchies, as well as imposed new ones (see West and Kloeck-Jenson 1999: 471). The ministerial studies also used the colonial register as a point of reference, and names were either changed or confirmed during registration for food relief following the GPA, and again during the floods of 2000. For lower-level state officials and the majority of the chiefs, the emic name for the register was *O Livro*, which in the local Shona dialects was rendered as *Ma-Bhuku*,

derived from the English word “book.”⁸ When conflicts emerged as to whether a certain community was entitled to have a chief, a decisive factor was whether a given lineage name was catalogued in the old colonial register. Our encounters with the various chiefs gave us the sense that they did not differentiate between the colonial and postconflict registers. What was important was the idea that a register existed with the names of their forefathers. At the time of state recognition, *Ma-Bhuku* in many cases provided a benchmark to legitimize whatever lineage or community territory claimed to have a chief. In this sense *Ma-Bhuku* bequeathed to the chiefs an official history and authority over a more or less well-defined territory. In other words, *Ma-Bhuku*, despite war and conflict, provided proof of the noncontingent existence of traditional authority.

The phrase “the formalization of what already exists” therefore refers not only to community organization, but also to what existed in the slow stabilization of traditional authority in the colonial and postcolonial chronicles of the state. This further provided the state with legitimacy as the witness of the names of the “real” chieftaincies and final arbitrator if conflicts surfaced. That the state register was significant for the identification of chiefs did not, however, mean that chiefly families and certain residents of rural areas had no say in the identification of leaders. As a state official from Dombe in 2002 explained, “We as the state cannot . . . impose the *régulos*, so we will instead recognize them. Because those who impose (decide on who should be *régulo*) are the genuine families, it is the genuine community; it is the principal family, because they know the origin of this (traditional) power.” Even if nonimposition by the state was the ideal, local state officials might have a vested interest in having a community authority recognized. This led to direct manipulation of the identification process by state officials. In one case, a sub-chief was registered as a chief in order for the chieftaincy system to fit into the state governance system. Without a chief, the state official feared losing donor aid, which, he expected, was to be distributed through the new community authorities (see Buur and Kyed 2006).

In other cases, state officials played a crucial role in getting kin-based forms of organization (chiefly families and the council of elders) to identify leaders and resolve the system of sub-chiefs for clearly pragmatic reasons. On the one hand, the state intervened in order to restore the operational capability of the chieftaincy system of governance so that it had somebody to work with. On the other hand, it intervened to secure the very survival of the chieftaincy system of governance by helping the “genuine community” and “principal

family” initiate the decision-making process. Here the roles of initiator and arbitrator formed part of the production of the state as a legitimate authority by tapping into the chiefly domain.

The role of the state, in other words, did not begin as the engraver of the visible signs of community authority, nor did it stop there: the state was present as the initiator and constant mediator in the process of producing community authorities and as stabilizer of the entity designated “the community.” This does not imply that there was no reference to a traditional domain from which chiefs legitimized their authority. In all the cases we encountered, whether they involved conflict over positions or merely confirmation of the state register, chiefs and their assistants would refer to criteria of inheritance from the genuine lineage and to spiritual power. The ability to consult ancestral spirits, conduct fertility ceremonies, and resolve conflicts in the chiefs’ *banjas* (courts) were presented as equally significant attributes of authority. However, these sources of legitimacy were often combined with reference to a chief’s ability to “work hard” and her or his capacity to “mobilize the population”—both attributes considered fertile for administration and development. The point is that, while there were many ideas of what constituted authority and legitimacy, they still needed to be sanctioned by state techniques of inscription. As legitimacy disputes indicated, the successful chief was one who possessed knowledge of this process and who managed to combine different sources of legitimacy. It was not just any discrete world of tradition that opened the door to recognition. The questions are: which role “the community” actually played in this and what form it took in practice.

REPRESENTATIVES OF PARTIAL COMMUNITIES

Who is the community? This is a good question, but a notoriously difficult one to answer. Is it defined by the degree of participation by the members of a given group of people? Or is a community defined by the territorial outline of a chieftaincy? If the latter is the case, which definition of territory is being used? The decree’s definition of a community as “the collective of people comprised in a unified territorial organization” (Regulamento do Decreto 15/2000, art. 8) seems to include both of these options. Our material from Sussundenga suggests that the definition is problematic for several reasons.

First of all, it takes for granted the existence of consensual traditional communities, ignoring differences of gender, age, class, political

affiliation, and so forth. In Sussundenga, many years of intensive warfare caused the majority of chiefs, their councils of elders, and the population in general into hiding or exile, either within Mozambique itself or beyond its borders. If not actually dissolved during this period, the chiefs and their assistants were at least prevented from regularly practicing annual ceremonies and from holding *banjas* (courts) or other forms of collective activity. If we consider Dombe administrative post, which had been an intensive war zone in the south of Sussundenga District as an example, all but two of the eight chiefs who were recognized in 2002 had been absent from the area during the war period, both the exceptions having lived close to the administrative post. In addition, only one of the eight had been a chief before the war: the others were either granted the position by the former chief-in-exile or by Renamo, or else took it up on their return or during the actual process of state identification. What remained stable, then, were the names of chieftaincy areas, most of them partially depopulated over long stretches of time.

In shifting configurations, new individuals assumed the position of chief during the war, a large number of whom did not follow hereditary rules of succession. Some worked in alliance with Renamo in rural areas, while others aligned themselves with Frelimo in the urban or village areas that were controlled by the government. Rural residents, chiefly families, and chiefs' assistants were often split over the issue of whom to support in the war, often pragmatically adapting to changing frontiers during its course (Alexander 1997). One consequence of this was that, by the time of the identification process, many chieftaincies were still in the process of (re)settling. Rural residents had only recently returned from exile, and people originally from other areas had settled in the area and were claiming land. In many cases, power positions were in dispute, as claimants to the position of chiefs returned to their home areas to find others in their place. Although returning residents knew the area name of the chieftaincy, they were not certain which individual within a chiefly family was now the "real" chief. In short, the reality on the ground threw doubt on the decree's underlying assumption of a necessarily intimate relationship between a chief, his subject population, and a specific territorial space.

If the legitimization meetings and the recognition ceremonies are anything to go by—and we suggest they are—most disputes over "real" leaders and their resolution took place within small and exclusive circles of people. These activities did not involve a broad representation of residents within a proclaimed chieftaincy area as ideally envisaged in the decree. All legitimization meetings we attended took place

close to the homestead of an already registered chief and included approximately a hundred to three hundred participants. Against the 2001 population registration, this meant only around 10 percent of the population registered within any chieftaincy actually participated. The recognition ceremonies we followed involved the same level of participation. Further investigation showed that participants in both events comprised mainly family members of the chief and members of the council of elders (*madodas*) of chiefs, comprising elderly men who assist the chief with *banjas*, ceremonies, and decision making. Besides these close assistants, the other participants were mostly immediate neighbors of the chiefs' homestead, one or two members of sub-chiefs' homesteads, members of the chiefs' police if such units were active, local NGO workers, and schoolteachers. The main participating constituency, however, consisted of schoolchildren drafted in to perform the new national anthem that opened and closed the recognition ceremonies. These different constituencies acted together as *the* community during the legitimizing meetings and recognition ceremonies. Were these constituencies "the community," or should they rather be seen as representatives of the community at large, that is, the registered population within a given chieftaincy?

While some state officials saw the low level of participation as problematic for the participatory ideals of the decree, there was nonetheless a notion that the relatively small group at the recognition ceremonies could be seen as "a kind of representation of the rest of the community" (*Chefe do Posto*, Dombe 2002). This can be said to provide a compromise answer to the first mappings of the 1990s, when the idea of the intrinsically democratic nature of traditional authorities was promoted. If the decree did not necessarily guarantee the active participation of all rural residents in appointing a community representative, the same remained the case following the recognition of community authorities. This was reflected in the level of participation in public meetings within the framework of the newly promoted Participatory Planning Circle, which forms part of the five-year strategic district planning initiative, under which state representatives called for meetings to draw up development plans against the background of community wishes. The ideal model of these meetings was explained by a state official:

These plans aim to give freedom to initiatives. With the diagnosis [of community needs by the] community authorities will begin in accordance with the necessities of each chieftaincy [to make plans]. After that, we will make them work with technicians in order to realize those

development plans, and they will personally define the priorities of these development plans.

The first phase in participatory district development planning was public meetings at which state officials met community authorities and their respective communities—in practice, a small group of people, principally neighbors of the community authority and members of the council of elders. Participants at the meeting could come forward with suggestions for the next fiscal year. In practice, state functionaries often asked questions concerning concrete development needs, such as toilets, wells, mills, or more classrooms. It was then the task of the community authority to list how many of these things already existed in the community and how many still had to be constructed and where. Technical experts from the district administration then drew up concrete plans in consultation with the community authority and NGOs. Thus, these “openings,” as state officials called them, for community participation in practice took the form of state officials’ presentation of predefined development needs, to which the community authorities, together with their closest assistants, had to respond. The latter group ideally represented the will of the community at large and by extension “was” the community at the development planning meetings.

If the reified notion of community in this partial sense is at odds with both the decree’s notion of community as “the collective of people” and the donor requirement for broad-based representation, then the second part of the definition of community as an entity “comprised in a unified territorial organization” was also at odds with reality.

State Territory and Overlapping Spaces

The decree’s definition of territory and community is, perhaps not surprisingly, intimately related to the spatial ordering of the nation-state and the political organization that exists within this territory. This is not peculiar to Mozambique, but common to all nation-states, from Latin America to western Europe, where ideas about territory, the state, and national communities first emerged (Anderson 1991). Here, states claimed sovereignty over territories and populations by instituting, founding, and unifying myths of “their” imagined community and by wrapping the national realm up in hierarchical administrative divisions. A range of officials, agents, and representatives were employed to direct, regulate, govern, defend, and administer

the dominant spatial ordering of territory and populations. There is nothing exceptional in this for nation-state formation more generally, or for Mozambique in particular. Here successive regimes under different historical conditions have attempted to impose their dominant nation-state grid on both territories and populations. This can, of course, be criticized for many reasons, as Wilson (2001: 2) has asserted with regard to the persistent idea that territories should have a centralized political organization: “territorial claims and organization of space are much more complex and varied, scale differentiated and oppositional than assertions as to the overwhelming territorializing power of nation-states lead us to believe.”

The recognition of traditional leaders as community representatives can, in light of this brief outline, be seen as yet another attempt to extend the grid to spaces and populations that so far have not been incorporated successfully into the dominant spatial ordering of the nation state. However, the state’s quest to marry traditional community boundaries with administrable units of governance did not fit easily with chiefs’ ideas about spiritual outreach and hierarchies in their territorial space. In Sussundenga, there was often a disjunction between proclaimed and practiced spiritual boundaries, and national, provincial, and sub-district administrative borders. This is especially true of locality and administrative post boundaries. In Dombe Administrative Post, for example, one of the chieftaincies crossed the border into Zimbabwe in the west, one went into Sofala province in the east, and several chiefdoms reached into sub-district demarcations. Chief Zixixe’s area stretches over the whole of Mouha Administrative Post and well into the Sussundenga area and the locality of Mathica. Two of his sub-chiefs, Ganda and Boupua, in practice governed over the Sussundenga and Mathica areas. Their territories were larger in terms of both land and population than Chief Zixixe’s own area of operation—that is, in administrative terms (taxation, conflict-resolution, policing, development-project implementation, and so forth).

It is important to note that, for the chiefs, hierarchies of authority are constructed over not only a governmental territory, but also a spiritual domain that is intimately related to a particular spatial division that is usually at odds with state-crafted territories. Such spiritual domains are not fixed in space, but have portable boundaries adapted to changing circumstances. The idea that space is identified and conceptualized differently in diverse systems of authority based on practical and mundane activities—party incentives, statecraft, the counseling of ancestral spirits—is nothing new. Nor, as we have already pointed out, is it a new phenomenon for state ideas about territory to

differ from encompassed populations' ideas about space (Scott 1998) or from nonstate authorities' scope of operation. The Portuguese colonial system of exploitation attempted to freeze and reduce territorial features and the institutions that acted as the guardians of spatial demarcations in various ways, just as the postcolonial Frelimo party did.

With the present attempt by the state to (re)gain control over both the national territory and vernacular institutional arrangements, a stage is set for conflict, pitting not only the latter against state bodies, but also one chieftaincy against another. The superimposition of the state's ideas about governmental territories on chiefs' ideas about spiritual spaces has created new arenas for competition and conflict because it accompanies the delegation of governmental and development functions to chiefs, based precisely on the state's ideas about territory. In Sussundenga, key arenas of conflict arose in practice over potential forms of income and sources of power attendant on the role of recognized assistants in state governance—for example, collecting taxes, resolving conflicts, policing, representing territorial communities in launching development projects, and leasing land to commercial farmers. Not only have these interests led to competition over constituencies (for example, the number of taxpayers) and thus over boundaries between chieftaincies, they have also had consequences for hierarchies of authority and *de facto* status within chieftaincies.

The case of Chief Zixixe and his two sub-chiefs is illustrative: while in 2004, there was still a common understanding of Zixixe as the superior chief in spiritual terms and in performing annual fertility ceremonies, his two sub-chiefs reversed the hierarchy in the administrative domain as well as in the spheres of enforcing justice and community-based development projects. Not only did the sub-chiefs work independently of Zixixe with the state administration, they were also more successful in bolstering their *de facto* authority or status in the area. This happened partly due to increased collaboration with the state and partly because of individual leadership skills and the ability to attract NGO projects. Zixixe simply did not have the power (or the skill and will) to enforce tax collection or to mobilize the population when NGOs came to investigate the potential for community-based associations. His weekly court session had become a matter of "solving cases when people came along" (interview with Zixixe, August 2004), which they seldom did. The majority chose other places to have their cases settled. In a similar situation in the Gudza chieftaincy in Dombe, one sub-chief took over the majority of customers in court sessions and was in practice the one trusted by the state administration and the police in pursuing taxation, launching development projects, and

policing or arresting criminals. What is interesting about these cases is that authority based on spiritual sources of legitimacy seems to be maintained, but only in the form of a symbolically superior status, not in the sense of *de facto* forms of authority enforcement on which rural residents and state organs rely in practical terms.

State recognition and the opening up or at the least enlargement of new practical domains for the enforcement and maintenance of authority (such as bringing development benefits to a community) can thus have the effect of bolstering the authority of *de jure* inferior leaders. The question is whether in the long run, this will impact the aspect of spiritual authority as a significant source of chiefs' legitimacy.

FREEZING LEADERSHIP

It was not only territory that the decree attempted to fix. The recognition of one single individual as a community authority meant an equivalent solidification of the chieftaincy. The state administration recognized the title-holder rather than the title of a given chieftaincy. To secure a clear command line, the state did not permit individuals from within the chiefly families, other than the person recognized, to act as a community authority or to wear the state symbols and emblems granted to them. There were two main reasons for recognizing a single community authority. The first was to secure an effective administration: unstable and informal authority or the shifting of the position of leadership between individuals would cause confusion over who had the responsibility for collecting and transferring taxes, paying subsidies, attending meetings, and so on.

The second reason was to ensure that the decree's emphasis on community-legitimized authority was maintained: if individuals other than the person recognized were to act as the community authority, the idea of legitimate individual authorities, each representing a community, would not be sustained. Combined, the two forms of reasoning can be seen as an attempt to shore up the institutional legitimacy of the chieftaincy with the aim of extending central administrative control. In the logic of Decree 15 of 2000, the authority and legitimacy of the kin-based system depend to a large extent on its ability to operate *vis-à-vis* its primary patrons—the politico-legal complex of institutions related to the state, the Frelimo party, and international donor aid organizations and NGOs. Embodying authority in the visibility of a single figure was important, according to the district administrator of Sussundenga, because “[this] means that we can now know exactly who the real leader is of that and that community.

No one can dispute that now” (interview, August 2002). For him, the singularity of leadership marked the achievement of leadership and governance through the administrative unit of discrete chieftaincies, each representing a community.

The stabilization and embodiment of authority in specific individuals influenced the chieftaincy system by broadening the scope for conflict within chiefly families due to the quest for one particular leader. State rationalization also meant that the flexibility of chiefs’ ways of ruling and forms of organization was diminished. Contrary to the perceptions presented in the studies anticipating the decree and despite the emphasis on rules such as succession from father to son, traditional leadership could be negotiated within the right lineage for pragmatic reasons. Different individuals within a chiefs’ family could assume the position of leader for varying periods, for example, if the acting chief wanted to take up salaried employment in Zimbabwe, South Africa, or elsewhere in Mozambique. Conversely, if the council of elders (with or without the support of the wider population) raised complaints about an individual leader, s/he could be replaced by another individual within the same family.

For example, in one case in Dombe, three different individuals held the position of chief in as many years, two replacements being due to excessive consumption of alcohol and one to accusations of witchcraft (Kyed and Buur 2006). Following state recognition, several chiefs and state officials noted that this flexibility was no longer possible, or at least had become “very complicated” (*Chefe do Posto*, Dombe 2004). Just after the 2002 recognition, one of the recognized leaders wanted to go to South Africa to find work because he needed money for his household. He was proposing to hand over his position to his younger brother, together with the emblems and symbols received from the state, and then to resume his position when he returned after a few months or years. Until the recognition of community authorities, this had been common practice because authority was vested in the title or name of a given chiefly family lineage, not in an individual titleholder. However, he was told by the district administrator that this would not be possible, leaving him feeling severely restricted in searching for solutions and pursuing livelihood strategies that suited his family’s needs. In another chieftaincy, the recognized chief, a woman, begged the administration on several occasions to pass her uniform and title to her uncle, but was refused because she was now in “the state register.”

In sum, following state recognition, it became difficult to pass a position from one individual to another. This now requires the state-organized procedures to install a leader and, as the *Chefe do Posto* in

Dombe remarked, “we have to go all the way to change the register in the Ministry in Maputo. We will have to do a lot of work and to have very detailed arguments to do that.” It is important to bear in mind the inherent contradiction between state recognition based on specific individuals in authoritative positions, and the kin-based system of chieftaincy that allows for flexibility in terms of who, as an individual, acts with authority in a given administrative and spiritual territory. The chieftaincy system, as opposed to the state’s legal classification of the chieftaincy, proceeds from kin-based family relations and an area of spiritual and administrative rule.⁹ In affecting the flexibility of the traditional system, state recognition invalidates the idea of the decree as merely “recognition of what already exists.”

From a historical perspective, the flexibility of the chieftaincy has been essential to its survival throughout years of colonization, war, migration, displacement, and natural disasters. By contrast, it is now more difficult to accommodate individuals’ personal interests at the same time as being able to get rid of community authorities who perform badly. In a highly contradictory move, the state’s institutionalization of community-legitimized authority, ideally supporting quasi-democratic sources of legitimacy, in practice enforces a reified notion of traditional authority as an unchanging and uncontested source of legitimacy. At the same time, some chiefs and sub-chiefs appropriate the spaces that emerge from collaboration with the state and NGOs in order to bolster their authority based on good administrative performance and the ability to show results and development in the community. In this process, other chiefs lose out or are confined to a symbolic spiritual position.

CONCLUSION

The questions raised in this chapter highlight possible areas of contention with regard to the formal recognition of traditional authority in Mozambique. The recognition of traditional leaders as community authorities may actually increase their access to and enlarge their scope of power through not only the symbolic regalia of the state, but also the organizational capacity and police and military power that, despite much talk of weak states, are considerable in Mozambique. The danger looming large is the reproduction of Mamdani’s (1996) fear of “despotism” in the guise of enlarging state capacity and community participation in poverty reduction.

On the other hand, attempts to impose reified notions of tradition and traditional forms of authority and legitimacy in the name of a simple continuity run the risk of distancing traditional leaders from

the communities they formally represent. Traditional leaders exert power by enforcing a variety of taxes with modern state technologies such as identity cards and the right to development provisions like schooling, health, and agricultural extension; but the state can also decrease their status because of the deeply political nature of such provisions. One could argue that the longer chiefs are able to steer this contentious terrain between the state's and Frelimo government's requirements and their local constituencies' preoccupations and needs (which can be in strong opposition to the official discourses), the more powerful they may become.

How this quandary will play itself out is not clear, but the problems caused by fixing individuals in the position of community authorities indicate the directions that this problematic is taking. The decree does not straightforwardly address the question of how ill performing or unpopular traditional leaders can be replaced. Only one article, which speaks exclusively about the legitimizing process, touches on it: "Any conflicts that arise from the process of legitimizing the community authorities may be mediated by the competent state representative" (Regulamento do Decreto 15/2000, art. 13). If these words represent the principles that are actually used to settle all cases of the transfer of power within a chieftaincy, it would give the power to sanction such transfers to the state.

This lack of clarity with regard to changes in the system allows ample space for different local interpretations. It leaves the power to act at the discretion of individual state officials. The *Chefe do Posto* in Dombe, for example, reasoned that the respective chiefly families would decide who the new chief should be if the old one was unpopular. But when pressured, for example, by questions such as "What if a chief works for the opposition party?", he stated categorically that such a situation could not be accepted under any circumstances and that change should be initiated by the state because chiefs work with and for the government.

This statement indicates a particularly instrumental perception of the newly founded relationship between the state and community authorities as not only working for the state, but for the Frelimo party, which we should not forget has been in government since independence. In this sense, deciding who can become the new chief becomes a political question, and therefore in its ultimate consequences, a question of sovereign right in Giorgio Agamben's (1998) perspective of sovereignty as involving questions of inclusion and exclusion. How the sovereign Frelimo state will act with regard to community authorities

is still too early to determine with absolute clarity, but the foundation for future conflicts has been firmly laid and only time will tell how these possible tensions will play themselves out.

ENDNOTES

1. Internal communication, Ministry of State Administration, Maputo, Mozambique, May 2005.
2. The concept of chieftaincy is used in this chapter as the English translation of the Portuguese word *regulado* (or small kingdom), which was introduced during colonial rule to describe the territorial area of a chief (*régulo*) and his or her organization of assistants (council of elders and police assistants). The word *regulado* is still widely used today in Sussundenga District and elsewhere in the country. In Sussundenga, the singular word in the local chi-Ndau and chi-Teve dialects for chief or *régulo* is *mambo*, and the word to describe his or her assistants is *madodas* (council of elders) and *ma-auxilliares* (police assistants). The territorial area of a chief, defined along kinship lines, is called a *nyaka*.
3. We use “real” (and “unreal”) in this chapter for “verdade,” but the meaning of “verdade” seems at times to come closer to “true” (and “untrue”).
4. Leaders in the category of “secretaries of suburbs and villages” were only recognized as community authorities in Sussundenga at the beginning of 2004, roughly ten months before the national elections in December of the same year. What characterized these (fifteen in total) was that they were all recognized in semi-urban areas, close to heads of administration.
5. Although in a minority, there are female chiefs who are recognized in Mozambique. One of these was the chief of Gudza in Dombe Administrative Post of Sussundenga District.
6. Between August and October 2004, community authorities were also provided with a complete uniform, which, with few differences such as the emblem of the republic, strikingly resembles the former uniform of the colonial *regulos*.
7. A *chefe do posto* is the title of the head of the state administration at *posto* (administrative post) level, just below the district. Below the *posto* are *localidades* (localities), and above the districts are the provinces.
8. The appearance of English-inspired words in the dialects of Sussundenga derives from a history of British company rule as well as to the area’s proximity to Zimbabwe and a long tradition of migration across the border.
9. Paradoxically, the chieftaincy system here resembles the state’s distinction between office positions and office-holders.

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PART II

Traditional Authorities and
State and Party Politics

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Traditional Chieftaincy, Party Politics, and Political Violence in Burkina Faso

Sten Hagberg

INTRODUCTION

This chapter explores the dynamic and changing relationship between the traditional chieftaincy and national politics in the context of political violence in present-day Burkina Faso.¹ While the struggle against impunity—that is, against the freedom of punishment for “blood” and economic crimes committed by holders of political power—and the flourishing mass media debate mark important steps in the democratization of Burkinabe public life (Hagberg 2002; Santiso and Loada 2003), party politics retains an extremely ambiguous relationship with traditional chieftaincy. On the one hand, the chieftaincy is seen as standing above party loyalties and national political debate. The chief represents, it is argued, the entire population beyond sectarian interests. On the other hand, the wave of democratization has led to the increased involvement of the traditional chieftaincy in party politics. Chiefs are seen as “big electors,” capable of mobilizing support and voters for the party. In addition, many ministers and members of parliament (MPs) come from chiefly families, thus simultaneously representing modernity and tradition, democracy and monarchy. In the late 1990s, however, the relationship between the traditional chieftaincy and party politics changed in Burkina Faso. In 2000–2001, some chiefs were involved in cases of political violence, in which the chief’s legitimacy was used to justify serious crimes against

state law, such as the assassination of political opponents. In this chapter I elaborate on three cases of violence, all of which involved killings, and the subsequent public debate they stimulated.

The first case concerns Naaba Tigré, the traditional chief of the town of Tenkodogo. A retired schoolteacher turned trader, Mahamoudou Kéré, had criticized the ruling political party, the *Congrès pour la Démocratie et le Progrès* or CDP, particularly one of the MPs from the Tenkodogo region, Tigré's son. In June 2000, several young men of Tigré's family captured Kéré and brought him before the royal court, where he was beaten to death. The second case concerns the traditional chief of Bobo-Dioulasso in the political crisis that developed after the municipal elections in 2000–2001. In the elections for the new central mayor of Bobo-Dioulasso, the contest was between the former central mayor, Alfred Sanou, who is of Bobo origin (the Bobo claim to be the first-comers of the city), and the former mayor of one of the *arrondissements* (administrative division), Célestin Khoussoubé, who is of Samo origin. When, in February 2001, after months of strident political debate, Célestin Khoussoubé was finally about to be installed as mayor, violent clashes—of which warning had been given by the traditional Bobo chief—occurred between Sanou's followers and the police, in which one policeman was axed to death and another man was killed. The third case concerns Pô Pô, the traditional chief and simultaneously the mayor of the town of Pô, and the death of a young man called Jules Nankouly. In late February 2001, Nankouly was accused of theft and brought to the chief's residence, where supporters of the chief and some of the younger members of his family inflicted violence on him, leading to his death.

In all three cases, the chiefs and their relatives and/or collaborators were taken into custody by the police and interrogated. The legal processes were complicated by the alleged involvement of top-level actors of the postcolonial state and the President's political party, the CDP. The cases were also closely monitored by the mass media, thus generating a lively public debate. By elaborating on these cases, I seek to identify key features of the public debate in Burkina Faso with respect to the dynamic relationship between traditional chieftaincy and party politics. I am interested in the ways in which these violent practices are publicly discussed, ranging from attempts to legitimize violence in the name of "tradition" to defense of the rule of law. Thus, the contradiction between the traditional chieftaincy and party politics provides a fruitful framework for analyzing public debate in Burkina Faso—the public scrutiny of violent practices has made life difficult for these chiefs. Throughout the chapter, I argue that the chiefs' close

relations with power-holders, especially President Blaise Compaoré, are more decisive when it comes to obtaining favorable treatment under the law than the actual seriousness of the violent practices. The paradox is that, whereas the democratic context provides an arena for these violent practices, the very same context provides a public space for counterforces and alternative voices. In this sense, a vital and outspoken public debate does indeed seem to be instrumental in combating political violence and impunity in Burkina Faso.

Methodologically, the chapter is based on anthropological fieldwork combined with the regular reading of some of the main Burkinabe newspapers. While I have carried out fieldwork in the country for a total of some five and a half years, the three cases described here are empirically based on newspaper reports and my general observations during fieldwork. For the last ten years I have continuously read some key Burkinabe newspapers, notably *Journal du Jeudi*, *L'Indépendant*, and *Le Pays*.

The chapter is organized as follows. First, I seek to historicize the relationship between the traditional chieftaincy and party politics in Burkina Faso. Second, I describe the three cases of violence and their reporting by the mass media. Third, I identify some key features of the public debate in Burkina Faso in the light of the cases of violence. In conclusion, I argue that, even though these cases reveal the contradictions of the traditional chieftaincy and party politics, it is in the counter-forces—in this chapter the critical reporting by the mass media—that issues of accountability, legality, and legitimacy are debated. While violence may temporally mediate these contradictions, critical voices of the public debate in Burkina Faso remain utterly skeptical of these “killing kings.”

CHIEFS AND NATIONAL POLITICS

Democratization and decentralization processes have provided fertile ground for new political and cultural configurations in local African arenas (Bierschenk and Sardan 2003; Blundo 2001; Hagberg 2004b; Mback 2001; Totté *et al.* 2003). Local elections often incite the mobilization of political loyalties through kin, ethnic and patrimonial networks. People organize themselves in NGOs and voluntary associations to assert their authority and become recognized as interlocutors with the state and the international donor community (Comaroff and Comaroff 1999; Guyer 1994; Hagberg 2004a; Laurent 1998; Lentz 1995; Nyamnjoh and Rowlands 1998). Attempts to ground developmental efforts and cultural promotion in the context of

traditional chieftaincy are common. Local elites often seek to legitimate their claims and positions in accessing neotraditional chiefly titles, as Mitzi Goheen (1992) has demonstrated in the case with neotraditional chiefs in Cameroon. Similarly, the common distinction between “first-comers” and “late-comers” acquires new political meaning when political positions and resources are to be distributed (Geschiere and Nyamnjoh 2000; Geschiere and Gugler 1998; Hagberg 2000, 2006a; Laurent 1995; Lentz 2000, 2006). It may be considered unthinkable that someone other than those of the chiefly clan should occupy leading political positions. Even the most hated and rejected colonial chieftaincy seems to be experiencing a revival, as the chiefs are seen to represent “culture” and “tradition.”

In such contexts of experimentation, manipulation, and appropriation, power and authority undergo radical transformations. Yet “the return of the traditional chieftaincy” is no revival of precolonial political configurations but represents an invention of tradition in the form of a postcolonial transformation of political legitimacy (Hobsbawn and Ranger 1983; Ranger 1993). Englebort (2002) suggests that the revival of the traditional chieftaincy represents a true reconfiguration of the state. The resurgence of the traditional chieftaincy must in any case be located at the heart of the conflicts and contradictions of contemporary Africa (Goheen 1992; Perrot and Fauvelle-Aymar 2003; van Rouveroy van Nieuwaal 2000; van Rouveroy van Nieuwaal and van Dijk 1999). Centralized precolonial chieftaincies experience resurgence (Somé 2003; Tigré 2003), and even the colonial chieftaincy, with no roots in any precolonial setting, is today being revived and reified (Lentz 2000).² For instance, consider the former *chef de canton* of Banfora (Burkina Faso), Fadouga Niamya Héma, who reigned from 1930 onwards, and died in February 2002. Despite the fact that the colonial institution of *chef de canton* was abolished decades ago, his son, Yoyé Déma Héma, succeeded him and was enthroned in May 2003. In mass media reports of the enthronement, the customary notables (*les coutumiers*) stated that, while administratively the *chef de canton* has no role, the new chief will “defend moral and cultural values” (*Le Pays* 2871, May 7, 2003: 18, my translation).

The colonial period saw the emergence of various forms of chiefly institution. In the colonial period, the *chefs de canton* (cf. paramount chiefs that commanded a whole area of villages) and the village chiefs were granted the power to recruit labor and to collect taxes. The colonial chieftaincy relied to a large extent on a percentage of taxes and the use of labor. Whether colonial invention or a more ancient institution, chiefs in the territory of present-day Burkina Faso played

a role in politics throughout the colonial period (McFarland and Rupley 1998; Savonnet-Guyot 1986; Somé 2003). A poignant example is how the Emperor of the Mossi, Mogho Naaba, worked to reconstitute the colony of Haute-Volta that had been partitioned in 1932. He wrote to Dakar and Paris and even managed to meet the French president (Somé 2003: 222), and in 1947 the colony was reconstituted. Yet despite Mogho Naaba's role in the reconstitution in 1947, the ambiguous status of chiefs remained as a new elite emerged out of the circle of civil servants with a French education.

At national independence in 1960, the ruling elites were only indirectly linked to the traditional chieftaincy. A presidential decree in 1962 took away the remuneration of chiefs and forbade their replacement in cases of death or removal from office (Savonnet-Guyot 1986: 153), and the following year the government abolished the cantons in favor of villages, placing canton chiefs on the same footing as their previously subordinated village chiefs (Somé 2003: 235). Yet after the *coup d'état* which brought General Lamizana to power in 1966, attempts were made to reestablish chiefs' remuneration, and procedures for the replacement of deceased chiefs were defined. In the 1970 elections, the chiefs supported the dominant political party, the Rassemblement Démocratique Africain (RDA), in an attempt to win back their political and financial advantages. However, once the RDA had won the elections, this issue ceased to be a priority for the new government. Furthermore, the strong trade unions obstructed the official recognition of chiefs. In 1973 the government decided to give allowances—not salaries—to traditional chiefs (Somé 2003), whose help the state would need, in return for their privileges, in collecting various taxes (Savonnet-Guyot 1986: 157). Village chiefs nonetheless continued to be state representatives, and they were on the state's payroll until the late 1970s. In the 1978 elections they supported different political parties.

However, the greatest challenge to the traditional chieftaincy was the *coup d'état* of 1983, called the "revolution." When Captain Thomas Sankara took power in 1983, a new kind of leadership was proclaimed. The new regime aimed at achieving a radical transformation of the society. It soon challenged the traditional chieftaincy as "feudal" (Tigré 2003), and the chiefly red hat (*bonnet rouge*) of the Mossi chiefs was portrayed as a symbol of oppression. Although the revolution was short-lived and, upon Sankara's assassination in October 1987, Captain Blaise Compaoré seized power, the former's legacy still influences Burkinabe politics (Andriamirado 1989; Banégas 1993; Baxter and Somerville 1989; Hagberg 2002; Otayek *et al.* 1996). First, many

of today's leading politicians were involved in "the revolution" of 1983–1987, both the military and civilians. Second, several political parties label themselves *sankaristes*, their leaders claiming to keep Sankara's political ideas alive. These parties are allowed to practice politics and participate in elections, but they have suffered seriously from internal conflicts.

After a period of "rectification" of the revolution, President Compaoré initiated a process of democratization, and the Constitution of the Fourth Republic was adopted by referendum in June 1991. The chiefs were, in practice, rehabilitated, even though they were neither officially recognized, nor were the cantonal territories reconstituted. Historian Magloire Somé suggests that, by tacitly rehabilitating the traditional chiefs, Compaoré made skilful use of them while avoiding accusations of traditionalism. He provided the chiefs with material and financial advantages, making them "big electors" for the President's party (Somé 2003: 242). The resurgence of traditional chieftaincy became manifested in different ways in the 1990s, even though the constitution does not say anything about traditional institutions (see Hagberg 1998: 147–49). In recent years the traditional chieftaincy has openly returned to party politics.

The most important political context through which we may understand the three cases of political violence I present below, is the political turmoil born out of the so-called Zongo affair (Hagberg 2002; Ouédraogo 1999). In December 1998, Norbert Zongo, journalist and director of the weekly *L'Indépendant*, was murdered in his vehicle together with three companions (his younger brother, an employee, and the driver) in Sapouy, a village about a hundred kilometers south of the capital, Ouagadougou. In what became known as *le drame de Sapouy* (the Sapouy drama), it was soon established that after they had been shot, the vehicle was set on fire (RSF 1998; CEI 1999; CS 1999; see also OPJI 1999). Those in power were soon accused of the murders, especially members of President Compaoré's security forces. Throughout 1998 Zongo had written extensively about *L'Affaire David*, that is, the torturing to death of the driver of the President's younger brother by the President's security forces.³ After the Sapouy drama, Burkina Faso experienced a deep sociopolitical crisis: strikes and riots became common in the struggle to bring justice to Zongo and other victims of blood crimes, as the perpetrators had neither been tried in court nor punished. Impunity must come to an end, it was argued, before any rule of law could be real.

When Zongo's death became known in Ouagadougou, many people took to the streets to demonstrate their anger and despair. The

anger mainly targeted various icons of power in Burkinabe politics, such as the headquarters of the President's political party, the CDP, and the homes of local CDP politicians in Zongo's native town of Koudougou.⁴ Demonstrating students and pupils yelled "Blaise—murderer," accusing the President of being involved in the killings. Several demonstrations led to violent clashes with the armed forces (the police, the gendarmerie, and the army). The days that followed gave rise to a protest movement that came to be called *Trop c'est trop* ("Enough is enough"). The common theme was that people were fed up with what they considered "the culture of impunity." Different opposition parties and civil society organizations continued to protest.

The Burkinabe Movement for Human Rights (Mouvement Burkinabè des Droits de l'Homme et des Peuples, or MBDHP) took the lead. This movement was headed by Halidou Ouédraogo, a lawyer and prominent human rights activist, who was soon being referred to as the President of the "Real Country" (*le pays réel*). Yet within a few days the movement was organized as an umbrella organization called the *Collectif d'organisations démocratiques de masse et de partis politiques*, united round the theme essentially that "all light should be shed on the death of Norbert Zongo," and that the culture of impunity should end (*Le Pays* December 28, 1998; *L'Observateur Paalga* December 21, 1998; see also Hagberg 2002; Loada 1999; Ouédraogo 1999).

THREE CASES OF VIOLENCE

It was in this context of political turmoil and social upheaval that the three cases of violence mentioned earlier occurred. The sequence of events is particularly important when analyzing the public debate because the cases all form part of the political aftermath of the Zongo affair. Public opinion monitored actions undertaken by political actors, especially those associated with the ruling party, the CDP. The cases also reveal the variety of political actions that are often associated with violence, notably political criticism, claims of autochthony, and performing justice.

Naaba Tigré and Mahamadou Kéré

The first case of violence shows how it may be used to suppress political criticism. It concerned Naaba Tigré, the traditional chief of the town of Tenkodogo. A retired schoolteacher turned trader named Mahamadou Kéré had openly criticized the ruling party, the CDP,

and especially Tigré's son, a member of parliament (MP) for the CDP who represents the Tenkodogo region. In June 2000, several young men from Tigré's family—some observers reported that they constituted “the militia” of Tigré—captured Kéré and brought him to the royal court, where he was beaten to death. According to several newspapers, it was Tigré himself who had ordered 120 slaps and an unspecified number of lashes be administered to Kéré for the “crime” of having criticized the CDP representative of the province. What was particularly disturbing was that the police and the gendarmerie refused to intervene, despite having been informed that Kéré had been beaten (*L'Indépendant* 354, June 20, 2000: 11).

The weekly *L'Indépendant* argued that President Compaoré was ultimately responsible for this death because, under his regime, the traditional chiefs are able to reign as “real judges” beyond the Republic's laws. “They behave as super citizens, big electors, foot-bridges of politicians losing speed” (*L'Indépendant* 354, June 20, 2000: 10, my translation). Tigré's case is particularly clear-cut in this regard because this chief had always supported Compaoré, with whom he was “friends” (*L'Indépendant* 354, June 20, 2000: 11). Therefore, it was generally feared that Tigré would not be brought to justice. Two different versions circulated among Tigré's supporters to explain what had happened. First, Tigré watched television while the beatings were being administered and went outside to see what happened only when Kéré was already dead. As it is ritually forbidden for the Naaba to see a corpse, he immediately returned inside. In the second version, Tigré is said to have been sleeping and unaware of what was going on in his court.

L'Indépendant rejected these explanations as false, but noted in passing that both versions still confirmed that Tigré had been at home when Kéré was killed. It is therefore impossible for him not to be aware of what was going on in his homestead. Hence, the killing of Kéré undermined the royal authority of Tigré, who was exposed as a simple liar (*L'Indépendant* 355, June 20, 2000: 11). According to eyewitnesses he had been sitting watching the beating with a glass of whiskey in his hand. Others confirmed that Kéré was arrested and killed at Tigré's explicit orders (*L'Indépendant* 355, June 27, 2000: 12, 13).

The murder led to a wave of protests in Tenkodogo, and the mass media soon reported on it and the subsequent uprisings. One interesting detail is that the *naaba* should have been preserved from hearing and seeing the demonstrators marching the streets of Tenkodogo on the days that followed. One reason was to prevent him

from hearing the demonstrators calling him by his real name. According to local tradition, a *naaba*'s subjects should not call him by his previous and personal first name once he has been installed. If this happens, it is seen as shameful, implying that the *naaba* should either commit suicide or be completely dishonored. "Yet since Kéré's murder, the walls of the town of Tenkodogo have been draped by Tigré's first name, Mollé, gently accompanied by the word 'murderer'" (*L'Indépendant* 355, June 27, 2000: 13, my translation). Thus demonstrators used the same slogans about Naaba Tigré—"Mollé murderer"—as they had used for Blaise Compaoré after the death of Norbert Zongo.

L'Indépendant later revealed that this was not the first time Tigré had warned that the young men of his family ("the militia") would inflict violence on his opponents. He was known to have armed a militia to defend his interests. Others claimed to have been beaten by his militia. At least one person had experienced a simulated execution, in which Tigré himself is said to have fired a pistol (*L'Indépendant* 356, July 4, 2000: 3). Yet while the state's representatives, such as the police and the gendarmerie, knew about these events, they did nothing to recover the arms. In effect, therefore, the state reinforced Tigré's terror and supported his ability to become a State within the State: "A State within a State has been created, so that today everyone in Tenkodogo, including the security forces, is afraid" (*L'Indépendant* 356, July 4, 2000: 4, my translation). Other press comments were that Tigré's criminal acts had added to the list of those abusing power with impunity (*Journal du Jeudi* 457, June 22–28, 2000: 4, 7). Gustave Kéré, a CDP and deputy mayor of Tenkodogo, made a poignant statement on these events: "We have nothing against the monarchy, but we do not want these killing kings. That which happened to our brother Mahamoudou, we do not accept it. Justice must be done" (*L'Indépendant* 356, July 4, 2000: 3, my translation).

Tigré was held in police custody from July 7–19, 2000, but was then released and for a long time no one was charged for Kéré's killing (USA 2001). Legally, Tigré was placed under house arrest, even though some saw this simply as a provisional form of permanent liberty (*Bendré* 120, February 26, 2001: 6–7). In September 2001, however, Tigré died. *Journal du Jeudi* commented:

Thus today and for this dossier, the public action against Tigré has been ended. His death is in fact one of the absolute causes for abandoning proceedings. The justice of men did not judge Tigré—it remains that of God. (*Journal du Jeudi* 521, September 13–19, 2001: 4, my translation)

Tigré's death removed another of the cases pending in the Burkinabe judicial system, but the newspaper deplored the fact that the justice of men had not been carried out. Tigré's case is instructive because it clearly shows how an attempt to silence political criticism turned into a burning political affair, as well as how public debate may serve as a strong antidote against further political violence. The case also illustrates how the politics of impunity is played out in different social domains and different registers of accountability. To challenge Naaba Tigré people called him by his personal name, highly shameful according to tradition. Yet he was also made subject to judicial proceedings, being accused as a citizen of the Burkinabe state. While his close relations with power-holders seem to have granted him a degree of impunity, his chiefly reign was ultimately ended only by his premature death.

*The Chief of Dioulassobâ, Alfred Sanou
and Célestin Koussoubé*

The second case of political violence concerns what has variously been called autochthony, primary patriotism or the politics of belonging (Geschiere and Gugler 1998; Geschiere and Nyamnjoh 2000; Hagberg 2006b; Lentz 2006; Nyamnjoh and Rowlands 1998). It partly involves the traditional chief of Bobo-Dioulasso in the political crisis that developed after the municipal elections in 2000–2001. In the election of the new central mayor of the city of Bobo-Dioulasso, the battle was between the former central mayor, Alfred Sanou, who is of Bobo origin (the Bobo claim to be the first-comers or indigenous population of the city), and the former mayor of an *arrondissement*, Célestin Koussoubé, who is of Samo origin. The traditional Bobo chief of Dioulassobâ supported Sanou in this political battle.

Two intriguing details need to be spelled out here. First, both candidates belonged to the ruling party, the CDP, and they were both elected as municipal advisors (*conseillers municipaux*) to represent the CDP, despite which they were fierce rivals for the office of central mayor. Secondly, according to the electoral law, it is the assembly of municipal advisors that elects the new mayor by voting for candidates from among the group of advisors. Such procedural questions soon became central in this case. Several rounds of elimination were organized in order to produce two candidates contesting against each other, Alfred Sanou and Célestin Koussoubé. Both sides accused the other of attempts to manipulate the results. Sanou's supporters argued that their candidate had already won with an absolute majority with

three candidates still remaining: Sanou had obtained more than 50 percent of the votes of those present, but, as pointed out by Koussoubé's supporters, less than 50 percent when the absentees were counted. In the final run-off, Koussoubé was elected central mayor of Bobo-Dioulasso, over the claims of Sanou's supporters that the CDP headquarters in Ouagadougou had intervened in favor of Koussoubé. In other words, they argued that "people of Ouaga" had become mixed up local politics in Bobo-Dioulasso.

A debate containing elements of xenophobia contaminated the city's political life for several months. Those claiming the right of the Bobo to hold the office of central mayor were opposed to those supporting the person they saw as the most capable candidate. The traditional chief of Dioulassobâ was among those contesting Koussoubé's election. On February 10, 2001, when the new central Mayor was about to be installed and the power handed over from the former central mayor (Sanou) to the new one (Koussoubé), an agitated crowd of city-dwellers of Bobo ethnicity prevented the ceremony from being held, arguing that Koussoubé was a "stranger" and should therefore not run the city. In the violent clashes that then broke out between the crowd and the police, a policeman was axed to death and another man was also killed.

As a consequence of the violent clashes, Sanou, the former mayor, was imprisoned for a few days together with the traditional Bobo chief of Dioulassobâ. The chief was seen as a key person in having instigated people to violent acts. In addition to the duress of being placed in prison, the ex-mayor and the chief of Dioulassobâ had their heads shaved, thus reducing them to the status of common prisoners. In other words, the modern chief (the mayor) and the traditional chief were, at least momentarily, transformed into criminal troublemakers. *L'Indépendant* commented that disgrace is expensively paid for in the CDP. "Alfred Sanou, a few months ago the first personality of Bobo, is today treated like a vulgar rascal with a shaven head" (*L'Indépendant* 390, February 27, 2001: 15, my translation; see also *Journal du Jeudi* 493, March 1–6, 2001: 4; *Bendré* 120, February 26, 2001: 3). A simple police investigation had deprived Alfred Sanou of all his rights as a citizen, including his physical integrity, the journal added.

In the general context of xenophobia, most non-Bobo thought it dangerous to play the ethnic card. Yet even well-educated Bobo claimed the right of the "autochthones" to have one of their own as the central mayor. The *Journal du Jeudi* commented: "the events of the last week-end [are] undignified for a city that wants to be the pillar

of the country's economic development. [. . .] Clan antagonism has given way to primal behavior that even our ancestors would have questioned" (*Journal du Jeudi*, 491, February 15–21, 2001: 3, my translation). There was no legal outcome to the violence in Bobo-Dioulasso, and the two people who were killed in the clashes between the supporters of the ex-mayor and the security forces were simply added to the list of blood crimes in Burkina Faso (CODMPP February 2002; see Hagberg 2006b). Interestingly, however, Sanou was rehabilitated a year later and elected MP for the CDP in May 2002, though the fundamental division within the CDP local branch remained.

While these violent clashes in Bobo-Dioulasso did not primarily involve the traditional chieftaincy, the chief was seen as one of the key actors in encouraging the protests and was therefore imprisoned for having instigated the crowd's violence. The firm measures taken against the former mayor and the traditional chief—it is notable that, in contrast to Naaba Tigré, they had not used violence themselves—indicate that it is not merely violent practices that are at stake. Such practices are made politically meaningful, depending on actors' relations and networks with the power-holders of the Burkinabe state. In this case, traditional authority lost its alleged neutrality and became deeply involved in politics. By reducing chiefs in both the modern and traditional spheres to simple criminals, the very foundations of authority were questioned. This fundamental questioning is even more obvious in the last example, in which modern and traditional powers were invested in one and the same person.

Pô Pê and Jules Nankouly

The third case is one in which a traditional chief was also the mayor and thus a political actor, a case in which this "chief-mayor" tried to do justice without taking state law into account. On February 27, 2001, Jules Nankouly, a well-known delinquent who had only been released from prison some months earlier, was taken to the gendarmerie. A trader in the town, Abouga Koara, had accused Nankouly of the theft of his savings of 132,000 FCFA. Although Koara could not prove Nankouly's guilt and Nankouly himself did not admit the crime, the gendarmes decided to hold him in custody during the investigation. However, members of Nankouly's family soon began to fear that the gendarmes were planning to refer the case to the court in Ouagadougou, which would further complicate the prospects for the release of their young relative. They therefore initiated negotiations to find a "family solution." At this point, the traditional chief, Pô Pê,

intervened to convince the plaintiff to withdraw his complaint, thus making it possible to release Nankouly. Yet despite the fact that Pô Pê was not only a traditional chief but also the elected mayor of the town of Pô, the gendarmes were unwilling to release Nankouly. Pô Pê himself had to telephone them to ask them to release the prisoner. The gendarmes finally agreed, but first required the plaintiff, Abouga Koara, to sign an acquittal. Pô Pê sent a car with four people to pick Nankouly up and bring him to the royal court.

There are at least three versions of what happened then. Pô Pê's official version is that Nankouly was killed by a crowd after trying to escape from the car. Yet according to mass media reports and public opinion more generally, he died after being tortured by the "chief-mayor" personally and then by his emissaries. As Nankouly did not admit his guilt, the violence inflicted was intensified. The aim of "correcting" Nankouly turned out badly: by the afternoon of March 1, 2001, he was dead. The royal court sought to get rid of the corpse by throwing it into a field, but the material facts do not accord with this attempt to escape responsibility.⁵ However, the lawyers later presented a third version according to which Pô Pê had ordered his men to beat up the young man. As this did not have the expected result, in that Nankouly did not acknowledge his guilt, Pô Pê told his men to take him back to the gendarmerie. Once outside Pô Pê's control, Nankouly was said to have tried to escape, but as those accompanying him yelled "Catch the thief," a crowd caught hold of him, and he was beaten to death (*L'Observateur paalga* 5364, March 21, 2001: 24; see also *Journal du Jeudi* 495, March 15–21, 2001: 3).

This case of violence is somewhat different from the previous ones. First, here it is a suspected criminal, not a political adversary, who was killed: a well-known delinquent is accused of having stolen money from a trader, and the political implications only become evident after the chief's intervention. Secondly, the traditional chief of Pô, whose royal name is Pô Pê, is simultaneously the mayor of the town, and there is therefore complete confusion regarding the capacity in which he was acting, as a customary authority or as mayor (*L'Indépendant* 392, March 13, 2001: 4–5, 6). Political observers noted that it was not the first time that violence had been used by this particular political actor. Since Pô Pê became member of the ruling party, the CDP, he had developed political activism against, among other things, the human rights organization, the MBDHP. Members of the *Collectif* who had demanded justice for Norbert Zongo had also experienced the methods of Pô Pê's emissaries on the second anniversary of Zongo's death on December 12, 2000 (*L'Indépendant* 392, March 13, 2001: 5).

Despite his political support, the “chief-mayor” was arrested by the gendarmerie and sent to the notorious prison, the *Maison d’Arrêt et de Correction de Ouagadougou* (MACO), for having tortured Nankouly to death. In addition, in contrast to the favors shown to Naaba Tigré, he was detained there. The general attorney wanted to avoid the kind of criticism that the judicial authorities had been subjected to concerning the favorable treatment of Naaba Tigré (*L’Hebdomadaire du Burkina* 176, August 2–8, 2002). The weekly *Bendré* later published a critical article in which the journalist Cheriff Sy argued that Michel Yaguibou—chief Pô Pè and the mayor of Pô—had to respond to the allegations (*Bendré* 30 March 2003).

In August 2003 the court in Ouagadougou started hearing the case of Michel Yaguibou (chief-mayor Pô Pè) and the ten men who were accused of complicity and assault, leading to the death of the young Jules Nankouly. Nankouly’s “correction” had turned out badly, as the chief himself recognized: “When I saw the body of the youth on my terrace, it was as if the heavens had fallen on my head. I wanted to redress a son [who had committed a theft] and everything had been ruined” (*L’Événement*, September 2003, my translation). Finally, the court gave Yaguibou (alias Pô Pè) a three-year suspended sentence. Another of the accused was given a twelve-year sentence, while others received less than three years. The condemned also had to pay ten million FCFA to Nankouly’s rights-holders (*L’Événement*, September 2003). Yaguibou was dismissed from his position as the mayor of Pô, and in July 2005 he was also removed as the traditional chief Pô Pè by the customary notables (*Sidwaya*, July 15, 2005; *Journal du Jeudi* 722, July 21–27, 2005: 7).

In the case of Pô Pè, it was the self-proclaimed right of the chief to carry out justice against a suspect criminal that was at stake. By combining the traditional chieftaincy with modern forms of political power, the chiefly clan acted as if it stood above state law. The case of Pô Pè represents a violent attempt to combine modern legality and traditional legitimacy. The attempt failed, partly due to critical mass media reporting and public debate. The case clearly shows the different expectations that arise when the chiefly right to sovereign violence confronts the democratic principles of accountability and the separation of powers.

THE POLITICS AND CULTURE OF TRADITIONAL CHIEFTAINCY

Each of the cases narrated here demonstrates important political and judicial complexities that ideally require more ethnographic detail.

The advantages of simultaneously working with several cases in one country are nonetheless threefold. First, it invites us to focus on similarities and differences in three cases and thus to arrive at a more comprehensive understanding of the traditional chieftaincy and national politics. Second, it draws attention to the sequencing of events and how they relate to each other, especially in time. Third, it contextualizes each single case and illuminates the ways in which political violence is interpreted and debated by Burkinabe public opinion.

To some extent, the three cases of violence paint a gloomy picture of Burkinabe politics indicating how public debate is shaped and reshaped when culture and tradition conflict with the rule of law and citizenship. The ways in which these cases have been evoked in public debates reveal key features of how violence may be perceived, justified, and contested in the context of the traditional chieftaincy and party politics. Whether the resurgence of the traditional chieftaincy in national politics represents a reproduction of the bifurcated state (Mamdani 1996) or constitutes a genuine reconfiguration of the state (Englebort 2002), these political and cultural processes must be contextualized. It is under specific political and cultural circumstances and at particular pivotal moments that chiefs have recourse to violence, indicating the dynamic and changing relations of the chieftaincy with national politics.

One striking feature is what has been called *justice à deux vitesses* (two-speed justice). Many people questioned why different chiefs had received different judicial treatment. All three chiefs were “big electors” of the ruling CDP, but formal political affiliation was not enough in itself for a chief to receive favorable treatment. Instead, strong political links with President Compaoré seem to have been instrumental. Why did the power holders not ensure the same treatment for the chief of Dioulassobâ as they did for Naaba Tigré? They were both “big electors” (that is, important activists), and in both cases dead people were involved, with the aggravating circumstance that Naaba Tigré himself had assisted in the killing of Mahamoudou Kéré (*L'Indépendant* 390, February 27, 2001: 15). Others pondered whether there is any difference between Naaba Tigré and Pô Pê. Why was Naaba Tigré too, not condemned?

The underlying question is whether friendship and ethnic loyalties play any role in judicial proceedings. President Compaoré was a friend and “relative” of Naaba Tigré. Also, the chieftaincy of Tenkodogo is an important institution of the Mossi Empire, whereas Pô Pê is a Kasena chieftaincy and the chief of Dioulassobâ is a Bobo. Some

intellectuals therefore questioned why Mossi chiefs seem to be permitted to do things that other chiefs (e.g., those who are Bobo or Kasena) could not get away with. Politically, those who did not have President Compaoré's blessing may have been humiliated, as in the case of the chief of Dioulassobâ (*Bendré* 120, February 26, 2001: 7). The key resource was therefore political actors' relations with President Compaoré rather than the chiefly institution itself.

Moreover, unlike the struggles between the ruling party, the CDP, and the sociopolitical opposition, all three cases concern people who were working for the CDP. These were therefore not merely party political struggles, even though this has sometimes been the case (CODMPP February 2002). Instead, political violence was encouraged and, at least in the case of Pô Pê, practiced by representatives of the state. While political violence may be associated with struggles between different factions and parties, the cases of violence discussed here suggest that violence results from a combination of the authority derived from the traditional chieftaincy and political positions granted by the CDP.

The three cases also bring up the question of succession to political office. While a traditional chief is expected to remain chief for life, mayors and members of parliament can be changed after some years in office. When, as in the case of Pô Pê, traditional chiefs combine customary power with that of the modern state, it is often unclear in what capacity such an individual is acting in any given situation. The case of Pô Pê may be extreme in terms of violence and of the blurred distinctions between different domains of competence and authority, but this fuzzy boundary between custom and the state administration is a recurrent theme in contemporary Africa. A traditional chief turned elected mayor may be in power for the period of a mandate, but he could also be held accountable. If he cannot demonstrate any results, he is not likely to be reelected, like what happened to the Emir of Liptaako, who was mayor of Dori in 1995–2000. Others consider that the chiefs' involvement in local politics tarnishes the image of the chieftaincy. Chiefs should merely be monarchs with symbolic functions, standing above partisan and sectarian struggles. The irony is that President Compaoré has come to take on more and more royal paraphernalia, thus representing the supreme merger of the traditional chieftaincy and party politics.

A striking feature of the traditional chieftaincy is related to its access to resources. Traditional chieftaincy institutions have shown a great interest in keeping control over land and other resources. There is a growing tendency for earth priests and other traditional chiefs to

become involved, directly or indirectly, in land transactions. For chiefs, there is money to be gained from so-called “new agricultural actors,” such as ministers and other big men. Custodians of the land, and perhaps even more the younger brothers, sons, or other relatives of the earth priests, are using their public authority instrumentally to trade in land (cf. Kuba and Lentz 2006; Hagberg 2006a).

Development projects and NGOs also use the traditional chieftaincy to obtain legitimacy and mobilize the people for their particular activity. Chiefs are often defined as being part of the emergent civil society (Otayék *et al.* 1996). The traditional chieftaincy is approached either as an efficient way to make a development activity work or as a critical strategy to integrate culture into development. For the chiefs, this represents access to important financial and institutional resources. However, the most important way for chiefs to obtain access to financial resources is still through the distribution of money and gifts by political parties such as the CDP. By financially capturing significant political actors and dynamic activists, the CDP benefits from local actors’ capacity to mobilize electors.

Another important feature of the interface between the traditional chieftaincy and party politics is related to public debate. These cases of violence have incited a public debate on the role of traditional chieftaincy in present-day Burkina Faso in which people oppose traditional chiefs mixing their customary authority with that of a modern political office in the government, parliament, municipality, and so on. The pro-government *L’Hebdomadaire du Burkina* suggests that Burkina may tolerate these traditions if they do not intrude on the state’s authority and the republican order, because if they do, this would suggest that traditional and religious authorities are not subject to legal procedures like other citizens (*L’Hebdomadaire du Burkina* 176, August 2–8, 2002). This lively public debate is an interesting development that has the potential to cultivate a critical scrutiny of power holders and their particular combinations of authority and power.

CONCLUSION

In concluding this chapter, I argue that fundamental contradictions between the traditional chieftaincy and party politics are frequently articulated through violence in Burkina Faso. The violent practices we have discussed reveal the problematic interaction between and ongoing redefinition of legitimacy and legality, but they also define what is perceived as “unacceptable behavior.” Violent practices seem temporally to mediate the contradictions of a political agency that, in

practice if not in principle, seems to imply that the royal families are granted the power to decide matters of life and death of their subjects. The fact that a chief assumes the right to kill a thief may be the least controversial aspect of public opinion, but citizenship provides another form of political agency. Critical voices in the public debate in Burkina Faso remain utterly skeptical of “the return of kings” (Perrot and Fauvelle-Aymar 2003), arguing that all Burkinabe citizens should have equal constitutional rights. It is therefore in the counterforces—illustrated in this chapter by the critical reporting of the mass media—that the declining accountability of the chiefs is opposed. The public scrutiny of violent practices incites citizens to reject “these killing chiefs,” who tarnish the very institution of the chieftaincy.

What is at stake is the tension between the ideal of a traditional sphere located outside the political one, in which the sovereign arbitrator is not tarnished by the dirt of daily politics, and the ideal of the rights and duties of all citizens, in which all people are equally subject to Burkinabe state law. The sequencing of the three cases helps us to understand better the dynamic interaction between noble and royal rights on the one hand and the rights of the citizens of Burkina Faso on the other. The ultimate sentence handed down to Naaba Tigré was not to be judged in court, but to die prematurely in September 2001. Similarly, Pô Pê was first replaced as mayor and then later removed as chief. The vibrant public debate in these cases also means that the violent practices of the traditional chiefs ceased because, when they were made public, the use of violence bounced back and tarnished the chiefly institution. In other words, the public debate in Burkina Faso over the relationship between the traditional chieftaincy and party politics seems to have incited political actors to claim that chiefs should be accountable according to the rule of law. This offers some hope about the public debate and the reporting of the mass media, because there is at least some strong moral condemnation when power holders abuse their office and when their violence is made public, despite the fact that, legally speaking, *la justice à deux vitesses* seems to persist.

ENDNOTES

1. This chapter has received insightful comments by many colleagues, including Lars Buur, Gerti Hesselting, Patrick Chabal, Cyril Obi, Helene Kyed, and the late Björn Lindgren. I would like to dedicate this chapter to the memory of my friend and colleague Dr. Björn Lindgren, who passed away in November 2004.

2. See also van Rouveroy van Nieuwaal's film *Bonnet rouge où vas-tu?* (2000), about the Mossi chieftaincy. The film was initially scheduled to be shown at Ouagadougou's film and television festival, FESPACO, but was later removed without explanation.
3. For a detailed analysis of Zongo's assassination, see Hagberg (2002).
4. See Mathieu Hilgers' (2006) analysis of Koudougou as a town of rebellion.
5. This narrative is mainly based on facts presented in an article in *L'Indépendant* (392, March 13, 2001: 4–5), written by the well-known and respected journalist, Germain Bittou Nana.

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From Pastoral to State Politics: Traditional Authorities in Northern Somalia

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INTRODUCTION

The concepts of “tradition” and “traditional authority” are complicated because, besides their present use, they also refer to the past. The reference to the past invites invention, redefinition, and reproduction from the contemporary point of view (Kyed and Buur 2006: 21). Nevertheless, when it comes to questions of acceptability and legitimacy, not everything can be manipulated, invented, or imposed (van Dijk and van Rouveroy van Nieuwaal 1999: 2). To understand this point, we have to shed light on the relationship between legitimacy and traditional authority.

Weber (1964, Vol. I: 167–171) defined traditional authority as being legitimated by sacred traditions. For him, socialization into a certain community with certain traditional rules lies at the heart of relations between authorities and subordinates or followers. “Gerontocracy” and “primary patriarchy” are, in his view, the original types of this form of authority.¹ Central to both types is that the authority of elders or family heads is based on rules regarding age and inheritance. At the same time, their rule has to be oriented toward the interests of their subordinates; such authorities do not control an administration that is separated from their community. Weber speaks of “Gehorchen *wollen* der Genossen” (ibid.: 170, italics in the original), the *will* of the subordinates or followers to obey or follow being decisive for this form of

authority. Nevertheless, the subordinates or followers cannot leave the community and its leader(s) arbitrarily, because all belong together as one group defined by tradition. The authorities, Weber emphasizes, are also bound by tradition (*ibid.*: 170–71).

This brief extract from Weber’s complex thinking about domination and authority is important for understanding the dialectical relationship between authorities and followers in this chapter.² It fits well with what, following Kurtz (2001), has become common knowledge in political anthropology, namely that power is not static, and that—particularly in societies with no or weakly institutionalized positions of authority—leaders “must continually earn the support of their followers. If they fail, they are easily replaced” (Kurtz 2001: 49). Regarding the use of the notions of tradition and traditional in this chapter, it must be recalled that both are derived from the Latin word *tradere*, which can be translated as “pass something [over], hand something [over].” At the core of the concept of “tradition,” therefore, is a sense of constant movement that points to the active and process-oriented aspect of tradition, in which the present is connected to the past in a dynamic way.

This chapter analyzes traditional authorities in northern Somalia and shows how their positions and roles have changed over the past 150 years by drawing on both historical and ethnographic material.³ By examining its components, namely “traditional” and “authority,” against their wider historical and social backgrounds, the transformations of this institution of power become obvious.⁴ Viewing changes over time leads to a better understanding of the positions and roles of traditional authorities in contemporary Somali politics, as well as to possible comparisons with other cases of the resurgence of traditional institutions in Africa and elsewhere. To understand the present situation of traditional authorities in northern Somalia, which is at least partly characterized by impasse and dilemma, it is important to look carefully at developments from the precolonial period to the present. In the precolonial period, traditional authorities such as *Aqils* were involved in “pastoral politics.”⁵ Their main task was the regulation of access to and use of important resources such as water, pasture, land, and caravan-routes involving only relatively small groups of pastoral nomads and agro-pastoralists in their respective local settings.

In the late nineteenth and early twentieth centuries, traditional authorities were coopted by colonial powers. Later they were, at least officially, systematically marginalized by the postcolonial elite. However, traditional authorities gained new prominence during the civil war in the 1980s, which climaxed in the collapse of the Somali state. In

northern Somalia, comprising today the self-declared Republic of Somaliland in the northwest and the autonomous region of Puntland in the northeast, they have become central figures in processes of peace-making and state-building, while also becoming involved in political conflicts. The chapter argues that their engagement in high-level or state politics in particular not only vested new powers in their hands, it also came with a cost. In the Somali context, similar to what Geschiere (1993) observed for parts of Cameroon, that cost was the erosion of popular legitimacy.

TRADITIONAL AUTHORITIES IN THE SOMALI CONTEXT

The Precolonial and Early Colonial Periods

In the accounts of travelers and colonial officers who visited northern Somalia and encountered its predominantly pastoral-nomadic population in the nineteenth and early twentieth centuries, Somalis were represented as a warlike people always ready to question authority.⁶ It was said of different clans living in the north of the Somali peninsula that they have either “no chief” or only a “nominal sultaun [sultan], who possesses, however, but little influence or power over his savage subjects” (Cruttenden 1849: 54, 61).⁷ According to Baldacci (1909: 64–65), existing sultans had to defend their positions almost continuously against competitors descending from their own family-groups. This disregard for authority, however, did not lead European observers to a completely negative perspective on the “savage” Somalis. Burton, for instance, who produced one of the most famous and influential accounts of Somali culture, society, and history, characterized the people as a “fierce and turbulent race of republicans” (Burton 1987 [1856] Vol. I: 122).⁸

The older literature distinguished traditional authorities between elders on the one hand and *suldaans*, *garaads*, *boqors*, and *ugaas* (hereafter “sultans” when used generically) on the other. Traditional authorities were involved in settling conflicts that arose mainly over the control of local resources, such as pasture, water, harbors, and trade routes but often escalated into blood feuds (Burton 1987 [1856] Vol. II: 74; Drake-Brockman 1912: 148–49). “In case of murder, theft, or dispute between different tribes, the aggrieved consult the Sultan, who, assembling the elders, deputes them to feel the inclinations of the ‘public’. The people prefer revenging themselves by violence, as every man thereby hopes to gain something” (Burton

1987 [1856] Vol. II: 142). However, there were also peaceful ways of discussing and negotiating problems: “The elders and men of substance settle local matters, and all have a voice in everything that concerns the general weal” (Burton 1987 [1856] Vol. II: 143). In these meetings, called *shir* in Somali, all men were basically equal, although rhetorical skills, wealth, and specialized knowledge were important assets adding value to one’s speech (Burton 1987 [1856] Vol. II: 87). Decisions reached during such meetings were reported to the clan leaders for ratification.⁹

With regard to the two categories of traditional authorities mentioned above, the elders were clearly the more usual authorities, since their powers and positions were related to the “day-to-day” business of small family groups. The number of sultans was very small. They held an outstanding position, as they were responsible for the general well-being of larger groups that even included responsibility for the rainfall and thus the fertility of the land and the animals. A drought could lead to their removal (Burton 1987 [1856] Vol. I: 122; Cruttenden 1849). It is clear that in the precolonial and early colonial periods, authority was limited. Decisions were mostly taken in a bottom-up process, starting with the local people and being ratified by the traditional authorities. Legitimacy was dependent on the ability of elders and sultans to satisfy the needs of their own people. The position and power of the traditional authorities were always threatened by a strong tendency toward independence and recourse to self-help among Somalis.

Expansion of Colonial Rule

The structures of the existing political system were influenced by the expansion of colonial rule in northern Somalia in the first half of the twentieth century. In the 1870s, Egypt established the first colonial administration on the shores of the northern Somali coast. In their very restricted sphere of influence, “they sought to manage the appointment of Somali clan Sultans, and in order to secure some degree of control over the smaller clan segments appointed headmen (*Aqils*) to represent them” (Lewis 2002: 43). Burton (1987 [1856] Vol. I: 122) already mentioned the “Akil” as a kind of elder; the word comes from the Arabic root ‘-q-l (عقل), “wise,” “intelligent” (Lewis 1961: 200). Therefore this position does not seem to have been invented by the Egyptian administration. What was new about it was that, under colonial influence, the position became linked to an external power. Through this connection the *Aqil* was no longer entirely dependent on

the approval of a close-knit local community. He could also emancipate himself to some degree from the sultan. To this day, particularly so called Chief-*Aqils*, base their legitimacy on the installations of their forefathers by the British. This implies a change compared to Burton's observation: "He [the elder] is obeyed only when his orders suit the taste of King Demos" (Burton 1987 [1856] Vol. I: 122).¹⁰

When the British took over control from the Egyptians in the late 1880s, they progressively established a system of indirect rule, though this was interrupted by an anticolonial uprising between 1899 and 1920. Therefore, only from 1920 onward could this system really be installed, not only along the small coastal strip close to the city of Berbera, which was the centre of the early British administration, but also in the interior of northwest Somalia. Lewis mentions that "titular clan leaders and the elders of lineages were in many cases officially recognized by the administration and granted small stipends [. . .] these leaders, usually known by the Arabic title 'Akil,' provided the link between District Commissioner and the people of his district" (Lewis 2002: 105). Central to the *Aqil*, as a position under the British, is that it was introduced for the heads of *diya*-paying groups that are defined by patrilineal descent (*tol*) and social contract (*xeer*) between its members, who pay and receive *diya* or *mag*, "blood-money," together in case of homicide. Lewis characterizes *diya*-paying groups as "the most stable political units in a shifting system of agnatic attachment" and the "basic political and jural unit[s]" (Lewis 1961: 6). It is obvious that the British tried to gain control on this level.

From further descriptions by Lewis, who is the primary source for representations of daily life in northern Somalia in the middle of the twentieth century, it can be seen that the roles of the traditional authorities in general did not change much. They were mainly concerned with keeping peace on the local level, negotiating between groups in conflict, and, especially the sultans, were ritually and politically responsible for the prosperity and the well-being of their people and their livestock (Lewis 1961: 197–213). Lewis refers to the limited coercive power of the traditional authorities in northern Somalia, who nevertheless had important social roles to play: "Although only a *primus inter pares*, the clan-head is a symbol for and focus of agnatic solidarity of his clan" (Lewis 1961: 205). On the level of the general (male) Somali population, the "egalitarian" attitude prevailed. In *shir* at the various levels of segmentation, all matters within a group or between groups were discussed. Here "all men are councilors and all men politicians" (Lewis 1961: 198; see also Lewis 1998 [1955]: 97).

According to Lewis, the British colonial administration in general exercised a fairly light touch because of the serious problems the British had in defeating the anticolonial uprising from 1899 to 1920 and the very limited economic and political interests of the Empire in northern Somalia (Lewis 2002: 101–05). One might therefore conclude that colonial influence over the existing political system was limited. I will nonetheless argue that, because legitimacy lies at the heart of relations of authority, and because traditional authorities have to be legitimate first and foremost in the eyes of their people, their new positions as *intermediaries* did have consequences.

First, the *Aqil* was a problematic position to occupy, since it situated its holders between their people and the colonial administration. Quite often, this resulted in loyalty conflicts, for example, when an *Aqil* was expected by the British to arrest a criminal who belonged to the *Aqil's* own group and whom his relatives did not want to hand over to the colonial administration (Lewis 1961: 201–02). Secondly, sultans and *Aqils* gained additional political weight, especially through their contact with the colonial administrations. They were the persons with whom the colonial power concluded contracts and who could extract crucial resources from this connection to stabilize and centralize their authority over their people (Lewis 1961: 208–09). This seems most obvious in the case of Maxamuud Cali Shire, Sultan of the Warsangeeli clan from around 1907 to 1960.¹¹

Sultan Maxamuud was an ally of the British in fighting the anticolonial uprising mentioned above. Therefore he was supplied with firearms and was even recognized in a friendship treaty as a sovereign entity to whom the normal rules of the British protectorate were not applicable. However, in 1920, when the anticolonial uprising was finally defeated, the Sultan, who had established himself with the help of the British as a powerful ruler in the northeast of the Protectorate, began to be perceived as a threat by his former allies. To break his power, the British deported him to the Seychelles. On his return eight years later, his local power base had shrunk. He continued his rule as a highly respected, but nevertheless clearly subordinate “subject” of Her Majesty, the Queen, who even decorated him with a medal when she met him in Aden in 1954 (Anonymous n.d.).

To sum up, in the colonial period the position of *Aqil* was stabilized as an intermediary authority between the elders and the sultan. Furthermore, as the practices of the appointment, recognition, and giving of “small stipends” to *Aqils* and sultans indicates, the structures of legitimacy that lie at the heart of the relations of authority were changed. Traditional authorities in northern Somalia became at least partly

accountable toward and dependent on external powers.¹² Skilled leaders could profit from this incorporation into the colonial system by extracting additional resources (mostly money and firearms) from the colonial administration to stabilize their local rule internally while at the same time trying to remain politically independent of the colonial powers.

POSTCOLONIAL DEVELOPMENTS

As in other African countries, when the aspiring political elite in Somalia took over the territory from the colonial power, it was mainly concerned with uniting the population and to overcome so-called tribal or clan divisions. Referring to the rise of Somali political nationalism and to the establishment of the first Somali parties in the 1940s, Maxamed Ibrahim Ciigal, Prime Minister of Somalia from 1967 to 1969, wrote: “The once arrogant, overpowering influence of tribal loyalties was replaced by national political consciousness” (Egal 1968: 222).¹³ In 1960, when the British Protectorate of Somaliland and the Italian Trusteeship Territory (extending from northeast to southern Somalia) became independent and united to form the Republic of Somalia, allegiance for the majority of the population was still based on clanship (Lewis 2002: 166). This was a thorn in the flesh of the nationalist leaders, who “saw only too clearly how clan differences and jealousies had in the past facilitated the partition of their people by foreign powers” (Lewis 2002: 167).¹⁴

In this context, nationalism, in its specific Somali form of “pan-Somalism,” served as an overarching ideology. Its aim was the unification of all Somalis living in the Horn of Africa under one government.¹⁵ Combined with the official rejection of “tribalism,” nationalist politics were also designed to eclipse the role of the traditional authorities. These politics culminated under the regime of General Siyad Barre, who came to power in a *coup d'état* in 1969. Combining pan-Somalism with socialism, the new government launched a number of social and economic reform programs and especially targeted tribalism. “Tribal leaders were officially abolished, or at any rate re-christened ‘peace-seekers’ (s. *nabad-doon*), and became theoretically bureaucrats capable of being posted to any part of the country” (Lewis 1994: 157). In general, descent and kinship should have been replaced by nationalism based on friendship and patriotism. A subtle and powerful security apparatus was established to supervise and control directives (Lewis 1994: 155–57).

Nevertheless, tribalism was far from dead in postcolonial Somalia. Already in 1960, when the independent Republic of Somalia was

established, Lewis pointed out the difficulties of “modern” political leadership in Somali society, where members of the nationalist, religious, and urban elite publicly opposed tribalism while at the same time remaining involved in politics favoring their own descent groups (Lewis 1960: 55–60). The democratic system of government from 1960 to 1969 finally collapsed under the burden of dozens of parties, whose constituencies consisted of patrilineal descent groups competing for a “piece of the cake,” which then was supposed to be shared among one’s close relatives (Bongartz 1991: 27; Lewis 1969: 352–54). Under the rule of Barre (1969–1991), it soon became obvious that the socialist and later simply military dictatorship could not exist without clan affiliations and clan politics.

In the second half of the 1970s, it was an open secret that Siyad Barre gave important key positions in the government and the military to people from the Marrexaan, Dhulbahante, and Ogadeen clans, to which he was related on his father’s side, his mother’s side, and by the marriage of one of his daughters respectively. Also on the level of everyday social and economic relations, descent and relations between descent groups were far from unimportant or forgotten. This was especially true in the nomadic context (Lewis 1994: 165–71).¹⁶ Here it is important to bear in mind that in Somalia the city (*magaaladda*) and the countryside (*miyiga*) were socially and economically intertwined. On the one hand, people told me that while they were students in the cities, especially Moqdishu, where they often stayed with relatives, they regularly went to the countryside in their holidays, where they learned about “their culture,” enjoyed “the good life” or just looked after their family’s livestock.¹⁷ On the other hand, it was the job of an *Aqil* or another traditional authority to travel from the remote areas to the capital, Moqdishu, in order to organize passports and visas for the men in his family group. These men would then go abroad, find jobs, and send home money to support their families and relatives.

This shows that despite the “antitribalist” policies of postcolonial governments, the kin-based structures and traditional authorities of Somali society survived. Their character and role, however, were influenced and changed by their incorporation into the state. It is doubtful that the traditional authorities, especially in the countryside, where the state never had absolute control, were actually reduced to being “bureaucrats.” Nevertheless, compared to precolonial and early colonial times, they had clearly lost a considerable amount of freedom and authority to decide on matters related to their community. At the same time, kinship became more important at the level of the clan.

In precolonial and colonial times, power struggles happened mostly between smaller groups, integrated at a low *diya*-paying group level of segmentation. The bones of contention were mostly local resources. In postcolonial times, the resources of the state were contested on the much higher clan level of segmentation. This means that the stakes were higher and many more people were potentially involved.

TRADITIONAL AUTHORITIES AND CIVIL WAR

With the defeat of Somalia in the Ogadeen War (1977–1978), pan-Somali politics collapsed and Siyad Barre looked vulnerable for the first time since his coup. With the SSF (Somali Salvation Front), later renamed SSDF (Somali Salvation Democratic Front), and the SNM (Somali National Movement), the first two Somali guerilla organizations were established in 1979 and 1981 respectively. The SSDF was largely based on the support of the Majeerteen clan, with its stronghold in northeast Somalia. The SNM was dominated by members of the Isaaq clan-family in northwest Somalia (Prunier 1995: 4–5; Lewis 2002: 252–53). In the competition over funding and military support from Ethiopia and Libya, the SSDF was more successful. The SNM therefore had to rely much more on money provided by the Isaaq business community within Somalia and sent from the diaspora.

The diaspora had developed in the 1970s, when a substantial number of Somalis from the north, mostly Isaaq, went as labor migrants to the Arab peninsula (Prunier 1995: 5). These resources were often collected among the members of larger or smaller family groups and channeled through traditional authorities at the local level (Lewis 1994: 202). The traditional authorities of the Isaaq clan-family were also involved in obtaining logistical support for the SNM and in recruiting fighters. Most of the work was done secretly. An exception was Sultan Maxamed of the Arab clan of the Isaaq clan-family, who in 1983, became the first high-ranking traditional authority to leave Somalia for Ethiopia and openly cooperate with the SNM. In 1988 the mostly Isaaq-inhabited city of Hargeysa was bombarded and most of the population fled to Ethiopia, where several dozen Isaaq elders and sultans established a permanent council or *guurti* to assist the guerillas (Interviews, Hargeysa, October 2003; October 2004).

Reno (2003: 24) argues convincingly that, because the SNM's financial and military resources were mostly raised within close-knit descent networks, traditional authorities "exercised greater control over finances and political processes of this group [SNM], compared

with others involved in Somalia's conflicts." Furthermore, he suggests that in southern Somalia, where the civil war escalated in the late 1980s and early 1990s, guerillas and militias were to a much lesser degree controllable by traditional authorities. This was, he suggests, related to the fact that the south was overrun by fighters who often did not originate in the area and therefore felt less accountable for atrocities committed against the local communities. Furthermore, the control of rich farmland, harbors, and airstrips in the south allowed militia leaders and warlords to finance their fighting independently of the traditional authorities, and even against them and the local communities (Reno 2003: 22–31).

Within the SSDF, the traditional authorities were clearly less influential in controlling guerrilla politics than in the SNM. This was due to the fact that, until its dissolution in 1986, the SSDF had strong external support from Ethiopia and Libya.¹⁸ In addition, the faction was led by a military officer called Cabdullahi Yusuf, who was notorious for his authoritarian and bloody style of leadership (Prunier 1995: 6). The SNM had a more democratic organizational structure, in which civilian chairmen were elected for two years by the SNM Congress (Interviews Hargeysa, January 2004).¹⁹ It is noteworthy that the SSDF never established anything similar to the SNM *guurti*.

These developments during the 1980s show that traditional authorities actively participated in the Somali civil war. After the regime of Siyad Barre was forced out of Moqdishu in January 1991, the guerillas in the south did not make peace, but continued fighting, now among themselves, for political power and control of economic resources. In the following, second phase of the civil war, which concentrated on Moqdishu and the surrounding regions, the state completely collapsed. However, further developments revealed a deep north-south divide regarding the roles and powers of the traditional authorities. While the latter were mostly involved in continuous fighting, siding with warlords and bandits or becoming their victims in the south (Human Rights Watch 1995: 22–32, 44), in the north they became important actors in peace- and state-building. At the same time, they also had to deal with political and military conflicts arising from opposing programs regarding the political future of Somaliland and Puntland.

STATE-BUILDING AND CONFLICT IN NORTHERN SOMALIA

During the 1980s, the war between the Barre regime and the SNM was conducted with increasing brutality. Atrocities were committed

on both sides following the logic of clan-family and clan affiliations. After Hargeysa had been bombarded in 1988, the fighting became a war between the Isaaq and the clan families and clans allied to Siyad Barre.

When the SNM took over the northwest in early 1991, tensions between the Isaaq on the one hand, and the Gadabuursi, Ciisa, Dhulbahante, and Warsangeeli on the other were high because the latter clans had fought for Barre until his fall.²⁰ In this situation, the SNM, which after its victory over the Somali National Army became the superior military power in the region, proposed peace negotiations.

Several small-scale peace conferences then took place at the local level all over the northwest, following the model of the *shir* outlined above. One innovation was that, besides the traditional authorities, representatives of the guerillas and militias as well as intellectuals played important roles in the negotiations.²¹ Alongside with these local-level processes of reconciliation that are well documented in Farah and Lewis (1993), a national conference or *shir beeleed* (literally “community conference,” but here rather a national conference) was held in the spring of 1991 in Burco, a town in the center of northwest Somalia,²² where the secession of Somaliland within the borders of the former British Protectorate was proclaimed on May 18, 1991.²³ Without going into details about the developments leading up to secession, it is important to note that the conference in Burco was the starting point for new political powers that the traditional authorities acquired in Somaliland. However, it also led to serious questions about their credibility, as will be shown with regard to the examples of certain traditional authorities in and between Somaliland and Puntland.²⁴

New Positions and Powers

In the 1990s, the political role of the traditional authorities became institutionalized in the Republic of Somaliland. In 1993, a national charter was adopted at the second Somaliland conference held in the city of Boorama, which served as a kind of constitution. In the charter, the *guurti* was defined as one chamber of a bicameral parliament consisting of a House of Elders (*golaha guurtida*) and a House of Representatives (*golaha wakiiladda*). At the third Somaliland national conference held in Hargeysa in 1997, the national charter was replaced by a provisional constitution. In May 2001 a final version of the constitution (*dastuurka*) was approved in a public referendum by the majority of the population of Somaliland (Cabdiraxmaan 2005: 60–69).

Articles 57 to 79 of the constitution deal with the House of Elders. Concerning “eligibility for election to membership of the House of Elders,” Article 59 lays down two important conditions, besides being a Muslim, a citizen, and so on: 1) “His age must not be less than forty-five (45) years.” 2) “He must have good knowledge of the religion or be an old man who knows the values of good behavior” (Constitution of the Republic of Somaliland 2001). To understand the second provision better, we have to consider the original Somali text of the constitution: “*Inuu yahay qof Diinta aqoonta fiican u leh, ama oday dhaqan-yaqaan ah*” (Dastuurka Jamhuuriyada Somaliland 2000). Whereas the first part of the sentence about religion is translated properly in the English version of the constitution, the second part should in my understanding be translated differently. According to Hashi and Hashi (1998), *dhaqan* means on the one hand, “culture; heritage; custom; tradition; folklore; legacy; anthropology [!]” and on the other, “manners; behavior; character.” The word *yaqaan* is the third person singular masculine of the verb “to know.” Therefore, one could translate *dhaqan-yaqaan ah* as “somebody who knows behavior,” or as “somebody who knows culture or tradition.” With respect to the roles of the traditional authorities presented above, I suggest that *dhaqan* should be translated as “culture” or “tradition.”²⁵ The correct English translation of the above mentioned Article 59, 2 would then be: “He must have good knowledge of the religion or be an old man/elder who knows the culture/tradition.”

The most important powers and duties of the House of Elders, as regulated in Article 61 are the enactment of laws concerning religion (*diinta*), culture/tradition (*dhaqanka*) and peace (*nabadgelyada*), reviewing laws already passed by the House of Representatives, with the exception of the budget, advising and assisting the government and enquiring into the performance of its duties. A member of the House receives a salary and allowances (Article 65) and enjoys immunity (Article 66). An important aspect regarding the legitimacy of the members of the House is that so far no election as specified under Article 58 has taken place. Interviews during field research nonetheless suggested that many of the men sitting in the *golaha guurtida* have been selected by the President of Somaliland and by influential figures in their clan, especially the sultans. These top-down decisions did not always find the approval of the local constituency of *guurti* members.²⁶

The significance of this issue increased in May 2006. Until then the law was that the term of the present *guurti* members should end in October 2006, at which point elections have to be held.

On May 6, 2006, however, the House of Elders voted in favor of a presidential decree, backed by an advisory opinion of the Supreme Court of Somaliland, which extends the term of office of the present *guurti* by a further four years. These actions provoked strong protests among the opposition parties, civil-society organizations, ordinary people, and traditional authorities in both Somaliland and the diaspora, as documented, for example, on the homepage, www.somaliland.org²⁷ (accessed on May 22, 2006). Many comments emphasize that the presidential decree and the vote on it were illegal (*sharci darro*) and a great mistake (*gaf weyn*). One discussant, however, takes an interestingly different stance. In the opinion of one Ahmed “Aideed,” who sent a letter from London that was published on the homepage of *Jamhuuriya*, this discussion was a blessing in disguise.²⁸ He argued that debating the following questions regarding the constitution and the House of Elders would ultimately foster democratization in Somaliland: What do the notions of “culture” and “tradition” cover? Who is an elder? What qualities should an elder have? Should there be a separate chamber of parliament dealing with matters of tradition? (Ahmed 2006). This discussion illustrates that relations of authority, in this case between *guurti* members and their constituency (potentially all citizens of Somaliland), have to be defined in their specific context.

In 1998, representatives of all Harti clans, lead by the Majeerteen and followed according to group size by the Dhulbahante and Warsangeeli, convened a large *shir* in the city of Garowe, where, with traditional authorities figuring high in the negotiation process, Puntland was established as a Harti administration in northeast Somalia.²⁹ Even if the administrative framework of this new de facto state did not include a House of Elders as it existed in Somaliland, the traditional authorities still played important roles in further political developments. For example, in late 2001, when the term of the first government of Puntland ended and the acting President, Cabdullahi Yusuf, refused to step down from office, the traditional authorities were immediately involved in holding a *shir* and electing Jamac Cali Jamac as the new President. War between the followers of the former and the newly elected President escalated in 2002. The traditional authorities worked to ease the conflict, which was finally brought to an end by a peace agreement reached in early 2003 under the auspices of Sultan Siciid of the Warsangeeli clan and Boqor Buurmadow of the Habr Jeelo clan of the Isaaq clan-family.

Traditional authorities are not only integrated into internal politics in Somaliland and Puntland—they are also involved in the conflict

between them. Puntland claims to include the regions of Sool and Sanaag that are inhabited mostly by Dhulbahante and Warsangeeli. However, these regions are perceived by the government in Hargeysa as an integral part of Somaliland because they were part of the former British Protectorate. This territorial conflict is related to opposed political programs. Puntland has the explicit political aim of reconstructing Somalia as a unitary state within its 1990 borders. Its policy therefore collides with Somaliland's claim to independence and has led to serious conflict in northern Somalia. In October 2004 military forces from both sides clashed in the Sool region. In the aftermath of the clashes, traditional authorities on both sides met with their respective governments and publicly advocated peace (Höhne 2005: 55–60; Höhne 2006).³⁰

Even from this very brief overview, it can be seen that traditional authorities have acquired enormous powers in both Somaliland and Puntland. In retrospect, it becomes clear that their roles and responsibilities have changed dramatically over the last century. Starting from dealing with matters concerning close-knit communities defined by *tol* and *xeer* in narrow local settings, they arrived at shaping national politics between state failure and state reconstruction. At the end of the twentieth century, their roles were no longer limited to negotiating rights over the use of water, pasture, land and caravan routes. Their additional tasks were to channel international money flows in the form of remittances, to cooperate with a guerilla movement, and finally, to participate in the conflicting politics of the de facto states in northern Somalia that were respectively struggling for international recognition and rebuilding Somalia. Reno highlights this last aspect too: “Leaders in Somaliland and Puntland contend with international laws and norms that hinder the creation of new politics” (Reno 2003: 2).

Here it is important to note that traditional authorities in contemporary northern Somalia were not empowered by a state “suddenly” discovering that, in processes of democratization and economic liberalization, local leaders would be important partners to whom small amounts of power could be delegated (as seems to be the case in some other African countries). This does not mean that Somali traditional authorities would be generally immune to cooptation by the state. In colonial and postcolonial Somalia, as in Ethiopia today, as Hagmann shows (this volume), Somali traditional authorities were incorporated into state structures “from above.” Things developed differently, however, in Somalia in the context of the state's collapse, when “people began to see traditional leaders as one of the best hopes for stability, and the

only remaining reservoir of legitimacy” (Luling 2002: 205). The positions of traditional authorities were strengthened in the absence of the state. At a later date, reemerging state-administrations in Somaliland, and to a lesser extent in Puntland, accepted and partly legalized the already existing power positions of the traditional authorities *ex post facto*. This does not mean that these new roles are unproblematic or without consequences for the relationship between authority and legitimacy.

THE OLD MEN’S BURDEN AND THE DISCONTENT OF THE MASSES

In the following discussion, I will elaborate on the situation of traditional authorities among the Dhulbahante clan. I will not focus on the Dhulbahante sitting in the *guurti* in Hargeysa, but on the roles of some of the *garaads* in wider politics in northern Somalia and how these roles influence their positions and powers in their own community. At the conference in Burco mentioned above, the two highest-ranking *garaads* of Dhulbahante, Garaad Cabdiqani and Garaad Suleiman, were present.³¹ As I have heard in Hargeysa quite often when discussing the recent history of Somaliland, these two *garaads* representing “the Dhulbahante” have “signed” (*way sexeexeen*) the secession of Somaliland, which was a part of the wider peace and reconciliation agreements discussed and approved at this conference. But the majority of the people living in Laascaanood, the capital of the Sool region, which is predominately inhabited by Dhulbahante, told me that these *garaads* did *not* agree to the secession of Somaliland from Somalia. Even if they or at least one of them did, people continued, they did not have the backing of their community to sign the secession. To understand the relationship between traditional authority and legitimacy here, I will focus on the historical point of departure for these contradictory statements and then discuss the more general problems of the traditional authorities of the Dhulbahante clan today.

From interviews with a number of people, including Garaad Cabdiqani and high-ranking former SNM members, the following picture about the situation in Burco in May 1991 emerged. Inter-clan relations in the northwest were very tense when the meeting started. Virtually everybody was armed, and even the peace delegations had to include some armed men who stayed in the background. The SNM, of course, was the superior force. As Cabdiqani recalled, the situation inside Burco town and the atmosphere of the talks were tumultuous.

When the SNM central committee discussed the agenda, consulting with the traditional authorities representing the various clans living in northwest Somalia, everybody could agree on peace. But the issue of secession was controversial even within the SNM itself. Leading figures inside the Isaaq guerilla movement wanted to wait for the fighting in the south to end and then come to a solution together with their allies and “brothers” there.³² But the situation in Moqdishu deteriorated, and in April, as Cabdiqani explained,

We saw that it was impossible to reach an agreement with the people of the southern regions. We decided to establish an administration for the northern region. [. . .] While we were in Burco, big demonstrations happened in the large towns of Hargeysa, Burco and Berbera. There was no other choice than to say, “Yes, we accept.” At this moment we were not convinced about secession, but no one could say “no.” (Interview, Laascaanood, September 2002)

This version of events was confirmed by my informants from the Isaaq side as well. The demonstrations of “ordinary” Isaaq, civilians, and SNM fighters finally forced even the SNM central committee to declare its independence, partly against the will of its leadership.³³ To grasp the situation of the Dhulbahante *garaads* in and after the conference in a more comprehensive manner, it is important to know that Garaad Cabdiqani had been involved in negotiating peace between Isaaq and Dhulbahante since 1989. Garaad Suleiman, however, was involved in organizing the defense of Dhulbahante against the SNM, I was told. When both *garaads* came together in Burco, the issues at stake also included personal rivalries between the two traditional authorities. Cabdiqani was in a better position and finally proved to be *the* Dhulbahante *garaad*, not least by agreeing to secession. Therefore, he “signed” the Burco agreement. About Suleiman, I was told that he finally stayed away from the conference, or at least from the agreement. When he came back to Laascaanod in May 1991, he gave a radio interview and said that the agreement established peace *only*.

The differences in the strategies and positions of Cabdiqani and Suleiman can be interpreted as complementing one another. While the former accepted the “inevitable” and was ready to cooperate with the SNM (the superior force) to build a regional administration, the latter only agreed on peace between the clans, otherwise remaining aloof. This range of positions displayed by the two highest representatives of the Dhulbahante, whether deliberate or not, surely helped

to calm intra-Dhulbahante conflicts and accusations. In 1991 the majority of the community in Sool was certainly not ready to secede. They had just stopped fighting on the side of the last President of Somalia against the SNM and the Isaaq.

I argue that the Burco conference can be seen as the first step taken by two high-ranking traditional authorities toward politics that were beyond their control. Their relations with the powerful guerillas and the would-be-administration of Somaliland, also influenced by events happening far away in southern Somalia, placed them in a dilemma. They had to agree on something, even if it was only paying lip service to peace, which was not acceptable to their constituencies back home. Actually, such situations became more and more common among all traditional authorities, not only among the Dhulbahante but also in northern Somalia in the following years. The process of becoming involved in state politics made many of these authorities, elders, *Aqils*, and sultans “like politicians,” as people often said.³⁴

The opinions I heard and what I observed about politicians (*siyaasi*; pl: *siyasiin*) in northern Somalia highlighted their selfishness and lack of responsibility for the wider community. Politicians are regarded as igniting conflicts rather than working for peace, stability, and social cohesion. By contrast, traditional authorities are characterized as “heads” (*madax*) of their groups, who take the right decisions for their people and work for group cohesion. The latter aspect features prominently in some proverbs, such as *Suldan waa sumad qabiil* (A sultan is [the] sign of [the] clan), or *Ugaas waa ood qabiil*. (An *ugaas* is [the] fence of [the] clan). But over the last fourteen years, instability and conflict have become more and more the hallmark of traditional authorities in northern Somalia. The Dhulbahante alone have about fourteen *sultans* today as compared to four in 1991. These splits are related to the political situation in northern Somalia, especially after Puntland was established in 1998.

Today, with a new Dhulbahante *garaad* to be chosen, the Somaliland and Puntland administrations are both trying to influence the outcome in their favor. Usual strategies in this context are corruption or the sending of “special envoys,” who by descent belong to the local families involved in the process of establishing a new *garaad*, but who also have a stake in Hargeysa or Garowe (the latter is the capital of Puntland). These complex policies and exertions of influence at the national level loosen the bonds between traditional authorities and their communities at the local level. The increasing distance between the people and the traditional authorities who are supposed to represent

them is expressed in derogatory terms for the latter, such as “dictators,” “corrupt persons,” “somebody without value,” or “*suldaan shambo xayraan*,” an idiomatic expression I heard in Ceerigaabo which can be roughly translated as “Sultan for a short time.”³⁵

In interviews, it became clear that the ideal of a traditional authority is that he works for the interests of his people. This was tellingly summarized by a man who was inaugurated as the Dhulbahante *garaad* at the end of May 2004. I asked about his position with regard to Somaliland and Puntland politics. He answered: “*Daanta beesha waan ku khasban ahay*” (“I am bound/forced by the interests of the clan/community”). Then he added: “*Siyasadda wax meel fadhi ah ma aha*” (literally, “Politics is not something sitting in a place”) (interview, Ceerigaabo, June 2004). I understood these statements as a hint that his “program” as *garaad* was not to become involved in the conflict between Somaliland and Puntland. Ironically, his very election clearly pointed to this conflict, because, after almost one year of local meetings and discussions among his descent group, two *garaads* were finally elected on the same day, both close relatives, one was the candidate of Somaliland, the other of Puntland.³⁶ This double election did not follow the logic of the segmentary lineage system, according to which a group would split into two smaller units along clear descent lines, each led by one of the rivals. In the case described here, both *garaads* claimed to be the leaders of the same larger descent group. However, the *garaads*’ followings among the members of this descent group corresponded to their different political positions—pro-Somaliland or pro-Puntland—rather than to genealogical bifurcations.

In the current conflict between Somaliland and Puntland that escalated on to the military level in 2004, the traditional authorities increasingly became politicians in the sense mentioned above. Especially in the contested regions of Sool and Sanaag, they had to side with one of the two parties to the conflict, as Suleiman did, who was widely perceived to be a “close friend” of Cabdullahi Yusuf, the President of Puntland from August 1998 to October 2004. Alternatively, the traditional authorities may become rather passive and disillusioned, as I observed in Cabdiqani’s case. During the 1990s he was at different moments involved with both the Somaliland *and* the Puntland administrations, until finally he found himself in conflict with both of them. When I visited him several times in 2003 and 2004, he just sat in his home most of the time, listening to the news on the BBC Somali service that covered the developments at the Somali peace conference being staged in Kenya between 2002 and 2004. He told me that he hopes Somalia will come back.

In Buuhoodle, a village located in a rather remote area on the Ethiopian border, I encountered a third “kind” of traditional authority among the Dhulbahante. There the elders told me that they just do whatever is good for their local community as a whole, regardless of their individual political preferences. It was clear that this was not just an empty phrase. Unlike Laascaanod, where conflicts are often assumed to have “Puntland versus Somaliland” dimension, Buuhoodle was a much more stable place. The conflicts that I heard of were perceived by the people themselves as the usual conflicts between pastoral-nomads or attributed to the general instability in time of state-collapse (*burburka*). This whole situation was in my view connected to the attitude of Garaad Cabdullahi, the head of the local community in Buuhoodle, who left many of the decisions that had to be taken to the elders. This entailed the “democratic” element that Burton and other early sources had already identified, in the sense that the elders, including the *Aqils*, are closer to the people than the *garaad* due to their position at a lower level of segmentation. Only when they had come to a solution would the elders call Garaad Cabdullahi to “ratify” their decisions. These attitudes and the roles of the traditional authorities in Buuhoodle closely resembled what had been observed previously in precolonial and colonial times.³⁷

To sum up, it became obvious that many people who were supposed to be followers according to tradition (which in this case meant patrilineal descent) were discontented with figures like the two *garaads*, Cabdiqani and Suleiman. This discontent materialized in splits within the community and the frequent creation of new *garaads*, who again became caught up in the political conflict between Somaliland and Puntland. In Buuhoodle, things seem different.³⁸ Here a rather well-functioning regime of traditional authorities was keeping the local situation under control for the benefit of their community. This was appreciated by the inhabitants, who, not without pride, told me time and again, “*Buuhoodle waa meel degen*” (“Buuhoodle is a stable place”). This is to my mind an achievement stemming from collaboration between the traditional authorities and their people in times without a “real” government.³⁹ It can only be achieved when the *claim* to authority matches the *will* to obey, which in its turn is very much related to the legitimacy of authority. At least this seems to be true in northern Somali society, where communities may just split if they are discontented with their leaders, who then end up as “dictators without power,” as one informant put it (interview, Laascaanood, December 2003).

CONCLUSION

This chapter has analyzed how the powers and positions of traditional authorities in northern Somalia have changed from pastoral to state politics over the last 150 years. In particular the developments in the context of the state's collapse in Somalia brought about an increase in political influence, but also—and this is important—new burdens for the traditional authorities. The ethnographic examples I have presented were shaped by the special situation of the Dhulbahante clan stuck between Somaliland and Puntland. Nevertheless, the following central findings can be generalized for all of northern Somalia.

First, the more intensively traditional authorities become involved in politics beyond their control, the greater is the probability that they will have to make unpopular decisions and therefore lose the support of the community they claim to represent. Secondly, if this process, which could be described as one of delegitimization, continues, groups split and the traditional authorities end up “alone,” or supported only by their immediate kin.⁴⁰ Thirdly, in the course of the political conflict in northern Somalia, in which many traditional authorities became involved, their roles sometimes changed completely: from being the “fence” and working for the well-being of their communities, they became “spoilers of social cohesion,” leading their people into conflicts that do not serve the collective interest but only what is construed as the interests of the politicians.

The current situation of traditional authorities in northern Somalia illustrates Englebert's (2002: 16) argument, that “[i]n many cases, rather than existing *sui generis*, resurgent traditional institutions [in Africa] have become contingent structures with their salience dependent on the strategies of local elites vis-à-vis exogenous factors”. In northern Somalia, the most important exogenous factors were the politics of the Somaliland and the Puntland governments respectively.⁴¹ It became also clear that “legitimacy [of traditional authorities] does not necessarily translate into the realm of modern politics and development” (ibid.). If the local constituencies do not share the pace and political aims of their traditional leaders, this leads to a crisis of legitimacy, as exemplified by some of the Dhulbahante *garaads*.

Returning to the more general discussion about tradition and traditional authorities that started this chapter, I suggest that the northern Somali material illustrates the dialectical relationship that constitutes authority. The roles and legitimacy of traditional authorities may change, but nevertheless, as the situation in Buuhoodle revealed, there seems to be a conservative factor involved here, in the sense of tradition

and being bound by tradition mentioned in the introduction to this article. This does not mean that I want to go back to a “since times immemorial” concept of tradition. My point instead is that, despite dynamic social, economic, and political developments, some values are not arbitrarily up for change, and some are important for legitimating authority. Therefore, the ways in which changes take place are not sufficiently characterized by the fact that traditional authorities are participating in the governance of states today. The important questions in the discussion of the resurgence of traditional institutions and authorities are, first, whether the people whom these institutions and authorities claim to represent are prepared to accept certain new roles. If they are, that is fine, since it may lead to “new traditions.” But what happens if the people do not accept the new roles that their leaders proclaim? In northern Somalia, the role of the traditional authorities as participants in state-building is controversial and widely discussed. It became obvious that, at least in some cases, they progressively stopped being legitimate in the eyes of their constituencies and rather became “politicians” or “dictators without power.”

The wider Africanist literature indicates that there are certain limits on traditional institutions regarding their applicability in development and state politics. Regarding recent developments in Mozambique, Buur and Kyed (2005: 27) suggest that “the flexibility of the traditional system has formed an important part of its survival through the years of colonization, war, migration, displacement and natural disaster.” They identify “the question of autonomy of kin-based organization to make its own decisions and follow its own rules for selection of its authorities” (*ibid.*) as a key problem when the state tries to coopt traditional authorities with new laws and by delegating new roles to them. Making a similar point, Lentz (1998: 52) argues that the status of chiefs in Ghana “is regarded as guaranteed by ‘custom,’ not by the grace of the government of the day; hence they should not risk their integrity by bending to the wishes of party politicians.” In this sense, the dynamism and innovative potential of traditional institutions may be limited regarding cooperation with governments or the replacement of state structures.

ENDNOTES

1. Of Weber’s comprehensive remarks, I highlight only those that are most relevant for my point in general and for the Somali case in particular.
2. See Schnepel (1987) for a discussion of the flexibility and systematic ambiguity of some of Weber’s concepts related to domination and authority.

3. Field research in northern Somalia was conducted from July to September 2002, and then again, with brief interruptions, from September 2003 to December 2004. I am deeply indebted to my informants for discussing sensitive topics with me, particularly *Garaad Cabdiqani*, who received me several times with great patience. I was very sorry to learn of his death on February 9, 2006. *Allah ha u naxariistee Garaad Cabdiqani Garaad Jaamac*. I am also grateful for the comments and criticism of Lars Buur, Agnieszka Halemba, Hussein A. Mahamoud, and Martin Doornbos.
4. The corresponding expressions in Somali are *boggaamiye dhaqameed* or *madax dhaqameed*, which can be translated as “traditional leader/guide” or “traditional head.”
5. The main traditional authorities are the *caqil* (pl. *cuqaal*), usually transcribed “*Aqil*” or “*Akil*”; *sultan* (pl. *saladiin*), generally “sultan” in English; *garaad* (pl. *garaado*), *bogor* (pl. *bogoro*) and *ugaas* (pl. *ugaasyo*). The title *garaad* is most widespread among the Dhulbahante. The clan heads among the Isaaq mostly have the title of “sultan.” For various reasons, these titles came to be used in a rather loose manner all over northern Somalia, including *ugaas*, which was in the past the title for Ciisa and Ogadeen clan heads, and *bogor*, which was for a long time used exclusively by the Majeerteen clan. Except where I need to be specific, I will use the term “sultan” as a generic term for all these designations.
6. For a perspective on society and politics in other parts of the Somali peninsula, where more localised and stable forms of rule developed, see Luling 2002.
7. Older accounts did sometimes name clans and genealogies, but only in the second half of the twentieth century did I.M. Lewis (1961) describe Somali society as based on a segmentary lineage system in which individuals take their position according to their (sometimes fictive) patrilineal descent. Lewis differentiates groups according to level of segmentation (from top to bottom) as clan-families, clans, sub-clans and *diya*-paying groups.
8. Here Burton refers especially to a clan called Isa (Ciisa) living in present-day northwest Somaliland and Djibouti. The quotation gained more general currency when I.M. Lewis used it (1961) as a motto for his classic ethnography of northern Somali society.
9. Luling describes a similar process of decision making for southern Somalia (2002: 174).
10. In light of what has been said about sultans etc. above, I would generalize this statement for all kinds of traditional authorities in northern Somalia in precolonial times.
11. I refer here to a very interesting article that unfortunately I have to cite as “Anonymous n.d.” I found it in Ceerigaabo. It was obviously published in a journal, but neither the author’s name nor the journal’s

name and date are indicated. Nevertheless, I take this article as a reliable source, because it fits well with oral accounts of these events I collected during field research.

12. In a similar way, the Italians introduced so-called *capi* (sing.: *capo*) in southern Somalia as lineage heads and limited the powers of the sultans and other traditional authorities (Luling 2002: 185–90).
13. *Egal* is an anglicized version of *Ciigal*.
14. Clanship in the Somali context is based on factual and fictive patrilineal descent. In Somali “clan politics,” however, affinal and matrilineal ties are also of great importance, providing links between different patri-groups, because after marriage the woman keeps her patrilineal identity and affiliation with her father’s group.
15. Due to colonial partition, Somalis lived in Djibouti, Ethiopia, and Kenya, as well as Somalia.
16. In interviews, many older people who have been living in the former Somali capital of Moqdishu at first told me that clan was not important for them in the 1970s and 1980s. Later interviews produced a number of stories that showed that, even in the “old days” (under the regime of Siyad Barre), people had at least a basic knowledge of their personal genealogies and those of others.
17. During field research I realized that people draw a clear distinction between *reer miyi* (literally countryside-dwellers, meaning pastoral nomads) and *reer magaal* (city-dwellers). *Reer magaal* often treat *reer miyi* as “uncivilized” in the sense of uneducated, warlike, violent, and in general rather “rough” people. Nevertheless it became clear from all interviews that the “real” Somali culture is the culture of *reer miyi*. Quite often the life of the pastoral-nomads was idealized by city-dwellers as “healthy,” and people living in the countryside were said to be “honest.” Despite these rhetorical conventions, it is clear that political power had been systematically concentrated in urban centers since colonial times, leading to the lasting marginalization of pastoralists and peasants all over Somalia (Doornbos 1993).
18. The SSDF leader, Cabdullahi Yusuf, was imprisoned by the Ethiopians in late 1985. Subsequently, the SSDF was dissolved. Many of its fighters went back to Somalia, where Barre had promised them amnesty.
19. There were also power struggles within the SNM. However, a comprehensive and critical history of the Somali guerilla movements remains to be written.
20. The Gadabuursi and Ciisa belong to the Dir-clan-family living in the far west of northern Somalia. The Dhulbahante and Warsangeeli are connected to the Darood-clan-family via an ancestor named Harti. They live in the center of northern Somalia.
21. In 1989 and 1990 many of the non-Isaaq clans in northwest Somalia established their own clan militias to defend themselves against the

- SNM in view of the increasing dissolution of the National Army in the region that they had so far supported.
22. The model of the local conferences had just been expanded in scope.
 23. The so-called “Republic of Somaliland” has not yet gained international recognition. Without much help from the international community, basic social and political structures were nonetheless rebuilt in the country (Cabdiraxmaan 2005).
 24. Puntland was established in 1998. According to its charter (constitution), it is an autonomous region of a future federal Somalia.
 25. At a *shir*, for example, reference to culture and tradition is made in the form of proverbs, poems, and the like, which help the speaker to attract attention and win support for his position.
 26. One informant in Sanaag region called the representatives in Hargeysa the “funny members of parliament” (Interview, Ceerigaabo, August 2002).
 27. This Web site is pro-Somaliland, but critical of the government. Its aim is to offer “broad and non-biased information about Somaliland to Somalilanders” (<http://www.somaliland.org/aboutus.asp>). Between May 8, and May 22, 2006 more than fifteen accounts by local journalists, position papers of traditional authorities and organizations, and letters from individuals living in Somaliland and the diaspora were published there, discussing the extension of the *guurti*'s term of office.
 28. *Jamhuuriya* is a leading independent daily newspaper published in Hargeysa. It has also an online version (www.jamhuuriya.info).
 29. Majeerteen, Dhulbahante, Warsangeeli and some other groups belong to the Harti clan confederation of the Darood clan-family as “sons” of Harti. Doornbos has emphasized that, during his visit to northeast Somalia in 1998, the traditional authorities seemed to have played only a subordinate role in the process of establishing Puntland (Doornbos, private conversation June 18, 2006). In 2003–2004, I noticed that elders and other traditional authorities were actually presented as *the* political actors in recent political history of both Somaliland and Puntland.
 30. This was, of course, not the only reason for the suspension of the fighting. However, the involvement of the traditional authorities, who enjoy widespread respect and can therefore bridge political divisions, was crucial in preventing the further escalation of violence immediately after some soldiers were killed and their families were agitating for vengeance.
 31. High rank is constructed according to the number of forefathers of a current traditional authority who have already held the position. With regard to his own line of forefathers (*silsilad*) Garaad Cabdiqani was the most senior Dhulbahante *garaad*.
 32. In 1989 the SNM had forged an alliance with the United Somali Congress (USC), the Hawiye guerilla front fighting against Barre in the

- south. The last SNM chairman, Cabdiraxman “Tuur,” was personally close to the USC leader Maxamed Faarax Caydiid through marriage relations.
33. The claim for secession was partly an outcome of the SNM leadership’s own propaganda in the 1980s to rally support for the armed struggle. It was also connected to fresh memories of atrocities committed by “the southerners” against Isaaq in the north and to news from Moqdishu in these days about massacres, lootings, and so on.
 34. Of course, there are yet other aspects to the work of the traditional authorities in northern Somalia today. Apart from being involved in state politics, many of them continue to deal with pastoral politics and, more or less successfully, to negotiate between the different interests of smaller family groups on the local level.
 35. *Shambo* means “shampoo” or “soap,” *Xayraansan* can be translated as “angry.” *Shambo xayraan* can therefore be translated as “anger without a basis, which does not last long” (I thank Aaden Omar Mohamed in Münster, Germany, for assistance with the translation). Hagmann (forthcoming) reports a similar way of ridiculing of Somali elders who closely worked together with the Ethiopian federal Government from Region 5 in Ethiopia.
 36. They were third or fourth cousins on the father’s side. The relevant kinship terms in Somali are *cilmo adeer saddexaad* or *cilmo adeer afraad*.
 37. “In case of murder, theft, or dispute between different tribes, the aggrieved consult the Sultan, who, assembling the elders, deposes them to feel the inclinations of the ‘public’” (Burton 1987 [1865] Vol. II: 142). “[T]he clan-head is a symbol for and focus of agnatic solidarity of his clan” (Lewis 1961: 205).
 38. The situations I described regarding Laascaanood and Buuhoodle can only serve as rather superficial comparison here, but even without going into details, the differences regarding the roles and the working of the traditional authorities in the two settings are clearly significant.
 39. During my stay in northern Somalia, I heard very often that neither Puntland nor Somaliland are “real” governments, only *waa maamul* (“it is an administration,” in the sense of a regional administration); this contrasts with the phrase *waa dawlad* (“it is a government,” in the sense of a strong government able to implement overarching policies).
 40. Legitimacy and, related to it, the process of delegitimization have to be understood in the concrete context of the case study.
 41. Other exogenous factors, which must be discussed elsewhere, are the politics and needs of international organizations (NGOs and UN organizations), developments in southern Somalia, and the regional (Horn of Africa/Arab Peninsula) and international politics of Somalia’s situation.

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Traditional Authority: Accountability and Governance in Zimbabwe

Everisto Mapedza

INTRODUCTION

Since the passing of the Traditional Leaders Act in Zimbabwe in 1998, the state's recognition and incorporation of traditional leadership in governance has increased considerably. This has coincided with the emerging political and economic crisis in the country, with traditional leaders being increasingly empowered as actors in local governance alongside locally elected democratic governments. Through the prism of natural resource management schemes in the Gokwe area of Zimbabwe, this chapter discusses the contested status of traditional leaders in decentralized democratic governance,¹ as well as relating the specific Zimbabwean context to the wider debate over the relationship between processes of democratization, decentralization, and the recognition of traditional authority. In particular the chapter asks what are the consequences of the increased state recognition of traditional leaders for questions of accountability, governance, and legitimacy in rural areas.

In Zimbabwe, as elsewhere in southern Africa, debates over the role and position of traditional authorities in processes of democratization and decentralization have been dominated by a discussion between two opposing camps, the modernists and the traditionalists.² Whereas modernists have argued that traditional leaders have no place in a modern democracy, traditionalists promote the relevance and profound legitimacy of traditional authority in modern forms of governance (Whitacker 1970; Keulder 1998; see also the Introduction to

this volume). In current debates on the relationship between democratic decentralization and traditional leaders, two main arguments have been put forward.

First, it is argued, the hereditary nature of traditional authority contradicts the principles of democratic governance because it does not allow for the right of citizens to elect their representatives freely and according to their own choice. This is further compounded by the perceived patriarchal nature of traditional authorities that sustain undemocratic forms of control over land and gender inequalities, as well as adversely affect environmental rights (Beall 2005). Secondly, it is argued that traditional leaders contest the principle of accountability in democratic governance, according to which public representatives should be held to account by their constituencies (Wunsch and Olowu 1990; Ribot 1999a, 2001).

Despite the emphasis on the contradiction between traditional authority and the free election of representatives and democratic accountability, traditional leaders in Zimbabwe and in southern Africa as a whole have increasingly been officially recognized against the backdrop of international demands for increased democracy, transparency, and accountability (Keulder 1998; Thomas 1991; Vupenyu 1999; Mamimine and Mandivengerei 2001; Mandondo and Mapedza 2003).³ The questions to be addressed here are why there has been a sudden interest in empowering traditional leaders in Zimbabwe, and what this implies.

The renewed recognition of traditional leadership might be placed within the context of the broader engagement with civil society to which traditional authorities are often seen to belong (see the Introduction to this volume). In Zimbabwe, however, it is argued that the Traditional Leaders Act of 1998 was aimed less at strengthening civil society than at reviving the waning fortunes of the Zimbabwean government led by President Robert Mugabe. Similarly, this chapter argues that, in Zimbabwe, the postcolonial state is in the process of “reinventing” its subordinate version of traditional authority in order to enhance its support base at a time when its legitimacy is increasingly being questioned. Attempts to bolster the legitimacy of the present government are being made by selectively appealing to the past and strategically deploying “established tradition” in order to legitimate current government practices. This tactic is peculiar to the Zimbabwean state’s determination to hide oppressive state policies beneath a veneer of “acting within the law,” that is, despite its arbitrary implementation. As illustrated within the sphere of natural resource management in the Gokwe area, the government’s reconfiguration of

traditional authority in Zimbabwe has actually undermined the accountability and legitimacy of such authorities in rural areas. Chiefs are now largely viewed as localized state despots reproducing the postcolonial state while simultaneously undermining their own local credibility.

Against this background, the chapter questions whether we are not seeing the reinvention of a more sinister form of indirect rule in Zimbabwe. This is a form of rule, one may argue, that is more likely to result in negative environmental outcomes, as it advances the state's interests in the name of "tradition." Such rule makes traditional leaders upwardly accountable to the party-state rather than to their local constituencies or subjects. This result is what Mamdani (1996) has labeled a "clenched fist" rule that is implemented through the reproduction of administrative coercion. In Zimbabwe this also means that the schemes for democratic decentralization and the participatory development planning structures that were introduced in the 1980s after independence are now being undermined.

In this chapter, democratic decentralization is treated as the devolution of power to local-level institutions that are downwardly accountable to their constituencies (Ribot 1999b). This then makes the power wielded by the local representatives legitimate (Weber 1947; Weber 1968). Legitimacy is defined here as the moral acceptance of power at the local level. Local leaders usually use local norms and culture that are legitimate because they are accepted by their constituencies. Norms and culture are always evolving through contestation over time. Authority in this chapter is thus defined as legitimate power (Weber 1947).

The chapter begins with a historical overview of the relationship between traditional leaders and colonial and postcolonial modes of governance in Zimbabwe. The overview provides a background to discussing the contents of and reasons behind the recent Traditional Leaders Act of 1998, as well as to evaluating its impact on the accountability of traditional authorities to the rural population by means of the examples of two specific resource management regimes in the Gokwe area of northwestern Zimbabwe: the co-management of forestry in Mafungautsi under Chief Njelele in Gokwe South Rural District Council; and the management of wildlife resources under Chief Nenyunga of Gokwe North Rural District Council. This chapter assesses the accountability mechanisms that are available within the environmental sector in Zimbabwe, given recent attempts to incorporate traditional authorities within a state that is becoming increasingly oppressive.

THE POSITION OF TRADITIONAL AUTHORITIES, 1890–1980

In colonial Zimbabwe (Southern Rhodesia), the Ordinance Act of 1898 gave the British South Africa Company (BSAC) powers to set up parallel structures of governance based on racial divisions.⁴ Whereas the areas populated by white settlers were ruled through direct governance, the black rural areas were governed indirectly by so-called “Native Commissioners” through traditional leaders (Chambati 1973). These traditional leaders or chiefs who were considered enlightened were rewarded by the colonial government with more elevated positions and given personal rewards. Those considered less enlightened were demoted or undermined. The Native Commissioner had the power to recommend the removal of chiefs who did not cooperate with the department’s activities (Chambati 1973: 33). Chiefs were paid allowances at a rate fixed by the state. Weinrich (1971) points out that the period from 1890 to 1923 was largely one of undermining the chiefs’ capacity to organize resistance to colonial rule.

During the period of internal self-government (1923–1953), the roles of chiefs in mobilizing recruits for labor (agriculture and mining companies) and soldiers for the Second World War and in preserving peace among their subjects were expanded. In 1951 the chieftaincy system was restructured: of the 323 registered chiefs in 1914, 89 were abolished, 11 were pensioned off, and 37 lost their status as chiefs (Weinrich 1971). This strategy was aimed at strengthening colonial rule, as those who lost their chieftainships were largely chiefs who had shown opposition to colonial rule. The remaining chiefs had their salaries increased. Personally rewarding chiefs and not their constituencies, it was believed, would make chiefs more malleable to the interests of the colonial power in terms of local taxation, land administration, and control of the rural black constituencies.

In 1937 the African Councils chaired by Native Commissioners introduced the first form of elected representation in rural black areas. The councils were composed of chiefs and educated Africans elected by the rural black constituency, though under the supervision of the colonial regime. The councils had responsibilities for infrastructural development and conservation. During the period of the Federation,⁵ between 1953 and 1963, the government increased the powers of chiefs in order to undermine the increasing nationalism that was emerging from the educated African elite. The government’s power to reward and punish chiefs won it more support (Weinrich 1971). In the period between 1963 and independence in 1980, the chiefs

acquired an increasingly central role, since the colonial government formed an alliance with them as a way of undermining the nationalist struggle for self-determination. In 1964 the chiefs gave “unanimous support for Government [and this] will probably be [considered] a milestone in the history of this country” (Weinrich 1971: 21). The 1967 Tribal Trust Land Act gave land allocation powers to chiefs, and in 1969 the African Law and Tribal Courts Act returned most civil and limited criminal jurisdiction to them. The 1969 Constitution also made provision for chiefs in Parliament (eight out of sixty-six seats) and the Senate (ten out of twenty-three seats). However, the authority of those who opposed the government continued to be undermined, while for their part most chiefs, for fear of being challenged by educated African nationalists who had little respect for tradition, tried their best to undermine any changes within the colonial political arena.

In sum, the colonial period generally saw a bolstering of chiefs’ role in colonial governance, but at the same time undermined their authority locally. According to Holleman (1968), the “rediscovery” of chiefs by the state was largely due to the declining legitimacy of the colonial government that sought to build an alliance with traditional authorities. Weinrich (1971) further argues that giving more revenue collection powers to councils and traditional authorities increased the revenue collected in tribal areas. In most areas, as far as the state was concerned, this proved to be an effective strategy for both taxation and administration.

SUB-NATIONAL GOVERNANCE IN ZIMBABWE, 1980–2000

At independence in 1980, the role of traditional authorities was extensively undermined by new legislation. The postcolonial modernist state, it was argued, had no room for traditional leaders, who were often perceived as remnants of the colonial regime (Fallers 1955; Levy 1965; Vaughan and Ranger 1993). The Customary Law and Primary Courts Act of 1981 removed the chiefs’ jurisdictional capacity (Mohamed-Katerere 2001) by taking away primary and community courts from traditional leaders and transferring their powers mainly to supporters and sympathizers of the new Zimbabwe African National Union-Patriotic Front (ZANU PF) led government.

Despite legal and political these changes, some traditional authorities still remained *de facto* local arbitrators. In theory, people aggrieved by the judgments of traditional authorities could have these overturned by the magistrates’ courts, though in practice, there were few cases or threats

regarding this use of the magistrates' powers. One rare case where the powers of the traditional authorities were challenged relates to a headman called Nkomo in the Mafungautsi area of Gokwe: the headman withdrew his judgment after being threatened with legal action by one of his subjects (Mapedza 2003).

The 1982 District Councils and Communal Lands Acts that introduced the first form of democratic decentralization in Zimbabwe, further undermined the authority of traditional leaders. It transferred land allocation powers in the communal areas to the district councils, which were largely composed of democratically elected ruling party councilors and technocrats. As regards the courts, the transfer of land allocation powers also faced operational difficulties, with some local residents resorting to local traditional authorities over land issues. The large turnover of elected councilors provided no continuity in land allocation, with communities resorting to traditional leaders who were perceived to be legitimate. Local councilors and technocrats began increasingly to ask traditional authorities to verify long-term boundary and land-ownership disputes. Land disputes escalated due to the government's efforts to introduce land-use planning and to fix new boundaries that differed from the former fluid and at times overlapping boundaries (Drinkwater 1989; Bruce *et al.* 1993).

In 1984, the government introduced the decentralized national and sub-national governance framework that set up Village and Ward Development Committees (Vidcos and Wardcos) as the lowest tiers of governance. These were officially intended to secure participatory development planning and implementation, as well as democratically elected representation at the village level and above (Makumbe 1996). The Vidcos consisted of about a thousand people and in most instances merged two or three traditional villages into one governance unit. This undermined the authority of the former village heads, the lowest tier of the chieftaincy system, which now came under the leadership of a Vidco chairman. The latter was in practice elected mainly from within the ruling party as a way of consolidating the power and influence of ZANU-PF to the detriment of traditional leaders. Although there were some instances of traditional and spirit mediums being elected to these new institutions (Spierenburg 1995; Lan 1985), they were largely dominated by the ruling party, especially as some Vidco positions were reserved for the ruling party's youth wing and the Women's League.

Above the Vidco was the Wardco, chaired by an elected but usually pro-ZANU-PF councilor, who thus replaced the traditional headman (*sadunhu*) in charge of a ward (*dunhu*). Above the Wardco were the

so-called District and Rural Councils.⁶ The District was composed of elected councilors who worked with the bureaucratic staff. Councilors were also democratically elected, but tended by and large to represent the ruling ZANU-PF party. In other words, the new system of decentralized democratic local governance was used as a mechanism to entrench and consolidate the power of ZANU-PF. This severely undermined, at least in legislation, the role of the chieftaincy in state governance. The following sections focus on how this negative attitude toward traditional leaders on the part of the ZANU-PF government changed from the end of the 1990s, but also how this simultaneously undermined the authority and legitimacy of the traditional authorities among the rural population.

GOVERNANCE AND THE TRADITIONAL LEADERS ACT OF 1998

In 1998 the Government of Zimbabwe passed the Traditional Leaders Act, which sought to alter the decentralized local governance structure that had been introduced since 1984. Importantly, the Act provides for a reformed local government architecture that recognizes a profound role for traditional authorities.

The main change introduced by the 1998 Act is that Vidcos were dissolved and replaced by the traditional village as the primary unit of governance. These are placed under the Village Assembly (*dare* or *inkundla*), which includes all people within a village. The Assembly is supposed to elect a Village Development Committee modeled on the old Vidco. The novel element is that the Assembly is chaired by the village head (*sabhuku*), a leadership figure forming part of the wider three-tiered chieftaincy system of chiefs, headmen, and village heads. The next tier is the Ward Assembly, composed of all village heads and headmen, as well as the elected councilor(s). These too are chaired by a traditional leader, namely a headmen elected by the Assembly. The Wardco, by contrast, is chaired by an elected councilor. This implies the direct integration of traditional leaders with local democratically elected leaders. However, a distinction emerges at the third level of governance, the Rural District Council (RDC), where only councilors, not chiefs or their headmen, have decision-making and voting power. Traditional leaders may nonetheless be invited on to RDCs as ex-officio members.

At the fourth level of governance, the provincial level, all the chiefs of the province comprise a Provincial Assembly, whose main role is to elect representatives to the national-level Council of Chiefs. Representation

on the council for the eight rural provinces varies from three to five chiefs per province, depending on the size of the provincial population. In this forum the minister of local government flags issues of national importance for its consideration, while the chiefs are supposed to highlight issues relating to their own constituencies. In practice, however, these forums have largely become a mechanism for top-down agenda-setting by the government and conduits for policies directed centrally to the grassroots level (Mandondo 2000). Finally, the president and vice-president of the national Council of Chiefs and another eight chiefs (one per province) have seats in Parliament. Since the changes to the constitution at the end of 2005, ten chiefs have been moved from Parliament to the new Upper House of Senate (introduced in November 2005).

Apart from these increased representative roles of traditional leaders at the different levels of government, their judicial role has also been increased. The state is again allowing chiefs to try cases according to local norms and customs. This does not include criminal cases such as murder, which have to be referred to the magistrate's court. In the case of appeals against the chief's judgments, the chief's secretary should provide a report on the judgment to the magistrate's court.

The new legislation has also empowered traditional authorities from the chief down to the village head to collect taxes in the form of development levies and dip tank fees. Such levies are increasingly being enforced, as the village heads receive 10 percent of the total revenue collected on behalf of the state as an incentive. Incentives generated through increases in development levies are now being seen as a potential source of income for the traditional authorities.

Added to this, chiefs have also achieved substantial increases in remuneration from the state, unlike elected councilors, who only receive travel and accommodation allowances. One of the major steps toward what can be called the bureaucratization of the chiefs was the reintroduction of the salaries and benefits given to chiefs and headmen in the colonial period. Chiefs initially received Z\$1,500,000 (US\$1,820), headmen Z\$400,000 (US\$485), and village heads Z\$100,000 (US\$121) a month (Maponga 2005),⁷ termed "allowances," as they are tax-free. Chiefs have also been provided with a state-subsidized car loan scheme to enable them to travel comfortably to development meetings. There are currently 177 substantive chiefs, with 91 acting chiefs. Only substantive chiefs qualify for the car loan scheme (Mugari 2004; Herald 2005). In neither of the research sites had the chiefs been allocated the new Mazda vehicle pick-ups the scheme promotes. Village heads are also paid through local government. The benefit

package for chiefs also includes electrification and a telephone connection to their homesteads. Financing chiefs' throughout the country has not surprisingly yielded results for the government. At the 2004 Chiefs' Assembly, chiefs produced a statement unconditionally endorsing the current political leadership (Maponga 2004), a move reflecting the political appropriation of chiefs by the Zimbabwean government.

Overall, I argue that implementation of the Traditional Leaders Act of 1998 clearly demonstrates the desperation of a state that, by the time the act was passed, was becoming increasingly unpopular. From the mid-1990s, Zimbabwe began experiencing economic hardships that were partly attributed to the Economic Structural Adjustment Program (ESAP) and to the mismanagement of the economy.⁸ Five issues characterized the political and economic crisis. First, there was widespread disenchantment with the government in the form of strikes and food riots that challenged the authority of the state. Second, the government made a huge commitment in 1998 by sending the army into the Democratic Republic of Congo to prop up the government of Laurent Kabila at a time when the national treasury could hardly afford such expenditure. Third, for the first time since independence in 1980, the Movement for Democratic Change (MDC) provided a credible opposition. The MDC was a coalition of those opposed to the economic decline revolving around the labor movement in urban areas. Fourth, for the first time since independence in 1980, war veterans were openly challenging President Mugabe for ignoring their nearly destitute status due to the economic hardships. The government offered them each Z\$50,000 (about US\$ 3,448 at that time) and access to a pension. This contributed to the rapid fall of the Zimbabwean currency. Fifth, after losing the February 2000 constitutional referendum, the government decided to embark on the now infamous fast-track land reform program. While the merits of land reform are unquestionable (Moyo 1995; Bernstein 2002), its timing made it a strategy for political survival. Faced with increasing disenchantment with it, the state felt that it would have to consolidate its support, especially in the rural areas, where the chiefs' role would be central. This support largely turned into canvassing support for the ZANU-PF-led government.

Although the Traditional Leaders Act (1998), section 45(2), stipulates that traditional leaders (chiefs, headmen, village heads) should stay out of party politics, reality is another matter entirely. The Act states clearly that traditional leaders are not allowed to stand as political candidates, canvas support for a candidate, or act as election agents

by nominating a candidate for election at either the sub-national or national levels. However, practice on the ground has seen traditional authorities actively campaigning for the ruling party. In reality, section 45(2) seems to be invoked selectively, being mainly intended for targeting traditional authorities who support the opposition party.⁹ Chiefs are therefore allowed into the political domain only as long as this suits ZANU-PF. As a result, in rural Zimbabwe, chiefs are today actively undermining the MDC. In 2005, the government indicated that they were considering introducing chiefs in urban areas in order to reintroduce tradition and cultural norms in urban centers that are the strongholds of the opposition MDC.

The government's control of traditional leaders is also reflected in the fact that the 1998 Act gives the president of the country, upon the recommendation of the Minister of Local Government, the authority to remove "nonperforming chiefs." This greatly undermines the downward accountability of chiefs to their rural constituencies. This has also occurred because of the increased role of the chiefs in collecting levies and taxes on behalf of the state that places them in an awkward situation vis-à-vis their local constituencies, especially as these are facing economic hardships on a scale not seen before. Resentment at the requirement to pay levies and taxes has always been directed against the state at both the national and sub-national levels, but now traditional authorities have become agents in performing unpopular roles on behalf of the state. They are therefore now perceived as the extended arm of the government (Ntsebeza 2005), further increasing ambivalent attitude of rural constituencies towards them. As a countermove the government has proposed that the ruling party youth militias should now be used to protect the chiefs from their subjects.¹⁰

In sum, the Traditional Leaders Act of 1998 illustrates the attempts to make state power all-pervasive and how the Zimbabwean state seems to be pursuing oppressive agendas within the remit of the law. The main change introduced by the 1998 Act is that it recognizes traditional leaders from village heads and headmen up to chiefs, whose roles had been actively undermined at independence in 1980 in favor of the ZANU PF-supported Vidcos and Wardcos. Chiefs are now represented in the new Senate and act as gatekeepers for the rural areas and in mobilizing support for the ZANU-PF government. Corrales suggests (2004) that gatekeepers can help a government remain in power, because it is easier for authoritarian regimes to "maintain the loyalty of the core group during economic crisis than it is for democracies. With fewer favors, they can achieve far greater loyalty among the reduced number of actors that support them" (Corrales 2004: 37). While

Corrales was analyzing the Cuban crisis and how the Castro regime attempted to deal with the economic crisis, I find the importance of gatekeeper roles has resonance with what is happening in Zimbabwe.

Against the background of the controversial role that chiefs are playing on behalf of the state and the ruling party in Zimbabwe, the following section looks at how their powers have impacted on land and environmental resource management. This is done by analyzing environmental co-management (forests) and the Communal Areas Management Program for Indigenous Resources (CAMPFIRE) model (wildlife) in the Gokwe area of Zimbabwe.

GOKWE: CO-MANAGEMENT AND CAMPFIRE

This section discusses the role of traditional leaders through the prism of my research on co-management and the CAMPFIRE models of natural resource management in the Nenyunga area of Gokwe North and the Mafungautsi Forest of Gokwe South.¹¹ In theory, co-management seeks to devolve forest management powers to local communities residing next to forests listed in the Government Gazette. The Mafungautsi co-management initiative was intended to include local communities as joint management partners for forest reserves and to resolve conflicts between the forest areas listed in the Government Gazette and the neighboring local communities. The CAMPFIRE model, by contrast, was conceived in Zimbabwe as a way of allowing local communities to benefit from wildlife resources, and it is largely restricted to buffer zones adjacent to national parks.

The areas of Gokwe North and South, where I studied these two models of natural resource management, are both situated in Midlands Province, which has a mixture of the Shona- and Ndebele-speaking people. Gokwe suffered from a lack of development in both the pre- and postindependence periods (Alexander *et al.* 2000). The postindependence lack of development was mainly a result of the outbreak of sporadic but protracted fighting by ZAPU “dissidents,” who were concentrated in Matabeleland and Midlands Province. This happened at a time when the government of Zimbabwe was trying to introduce a one-party state in line with its declared socialist principles. Residents in the area of Mafungautsi Forest were evicted in 1986 on the pretext that they were supporting dissidents after the latter had allegedly burned down government buildings at Lutope Camp. Some chiefs, including Chief Njelele, were incarcerated, as they were accused of supporting the dissidents. The general perception in Matabeleland

and Midlands Province is that development was then being used as a political tool, with people in the areas affected by and accused of supporting dissidents being punished through a withdrawal of state development funding. The government cited various reasons for withdrawing state funding, not least the alleged lack of security for civil servants (Alexander *et al.* 2000).

Before 1992, these two research sites, the Nenyunga area and Mafungautsi Forest, were a single district, occupying the same agro-ecological region. This means that their biophysical environments are fairly similar. Both areas are largely communal, with no large-scale commercial farming. Nenyunga is one of the “genuine” CAMPFIRE wards, as it has a capacity for a resident wildlife population, rather than being an area through which wildlife passes opportunistically on its way to the habitats. The Mafungautsi area also has a reserved forest. The two areas have similar social, political, and economic histories. This is a frontier region into which a number of residents have migrated from other parts of Zimbabwe in search of land. Gokwe North, specifically Nenyunga Ward A, is largely occupied by the Tonga people, but has become more diverse due to in-migration by other tribes who are commonly referred to as *Madheruka*, while the local ethnic group is referred to as *Shangwe*.¹² Traditional authorities in both areas are considered to be influential in their communities.¹³

Traditional Authorities and Co-management

In the Gokwe South area of Chief Njelele, devolved forestry management entailed the introduction of Resource Management Committees (RMCs) as interface institutions between the local communities and the Forestry Commission of Zimbabwe. Co-management is seen as a partnership between the state department (Forestry Commission) and communities surrounding the reserved forest in order to jointly manage the forestry resources (Borrini-Feyerabend *et al.* 2000). Through co-management, RMCs have been created at levels that bring together a number of villages. Chiefs and the local residents were consulted in a Participatory Rural Appraisal (PRA) exercise carried out to assess their views on co-management. Most people, according to the PRA assessments, were not interested in co-management because Mafungautsi Forest was viewed as offering land suitable for settlement and agricultural activities. The Forestry Commission and its foreign sponsor, the Canadian International Development Agency (CIDA), were not interested in the land resettlement aspect since it did not dovetail with their conservation agenda.

The co-management institutions have had their fair share of difficulties. One of the reasons for their ineffectiveness to begin with was the exclusion of the traditional authorities. Moreover, when they were introduced, the new RMC institutions were supposed to be sub-committees of the then Vidcos, but in most instances they cut across two or three Vidcos. This institutional confusion has tended to undermine the effectiveness of rural development in a number of developing country contexts (see Manor 2004). Despite responsibility for land use and natural resource management being under the RDC, the institution was by and large bypassed. This was especially the case when, later on in the process, traditional leaders were made ex-officio members of RMC institutions. For example, chiefs and headmen in the Mafungautsi area were flown in a chartered plane together with state technocrats so as to be able to “appreciate” the differences in vegetation cover between “communal” and “protected” forest areas. While an overview can be an appropriate technique when differences in the evolution of vegetation are being assessed, the inclusion of the chiefs and headmen was seen by local residents, and some of the chiefs themselves, largely as a bribe and as part of a public legitimation exercise.

Indeed, the Forestry Department seems to have included the chiefs mostly in order to help legitimate a process that has little or no local support. Fraught with misappropriation, the RMCs have been left with little accountability to rural residents. For example, in one RMC, a headmen-led committee misappropriated the RMC revenues (Mapedza and Mandondo 2002).

Co-management was designed by the Forestry Commission to create coherence in how natural resources were managed. Chief Njelele’s chieftaindom was split into two through the establishment of the Mafungautsi Forest Reserve in 1954. Similarly, in chief Nenyunga’s case, it led to his chieftaincy area being split into two when the Gokwe North Wildlife Corridor was created in 1991. The northern boundary of the corridor was demarcated by an electric fence, while its southern boundary was considered to be the base of the escarpment. A settlement of approximately sixteen families within the corridor was forcefully removed by district and local government officials and moved to Chief Nembudziya’s area (Bond 1999). The corridor created a defined area for wildlife management within the district. It also served to link uninhabited areas of Nyaminyami District with two protected areas, Chizariria National Park (191,000 hectares) and the Chirisa Safari Area (171,300 hectares). The total area of the corridor was 360 square kilometers, of which 60 percent was in Nenyunga Ward. Technical wildlife planners were concerned about the connectedness of the wildlife habitat, not the connectedness of the chieftaincies, but, as will be illustrated below, political planners had other agendas.

Traditional Authorities and the CAMPFIRE Model

In the Nenyunga area, the CAMPFIRE model was introduced, devolving both management and benefits from wildlife resources to the producer communities in the communal areas (Murphree 1991).¹⁴ Devolution resulted from an amendment to the 1975 Parks and Wildlife Management Act in 1982. Previously, only private (largely white) farmers were able to manage and benefit from wildlife on their land. The private land experience convinced a wide range of stakeholders that a similar devolution of “proprietorship and benefits” (Jones and Murphree 2001: 41) was essential for sustainable natural resource management on communal lands.

This resulted in the creation of Ward Wildlife Management Committees (WWMCs) in the thirty-six CAMPFIRE districts, including Nenyunga. Despite attempts to undermine traditional leaders, symbolic gestures such as giving the trunk of an elephant to the chief in the Nenyunga area of Gokwe are still being enforced by the Tshabezi Safari operator, who is contracted by the RDC to bring in clients to hunt wildlife in specified areas and pay a fee to the RDC. The RDC then devolves part of the revenue to the local WWMC. Although traditional leaders were not recognized as key role-players in natural resource management, they are still considered legitimate leaders in these areas. Legally CAMPFIRE is devolved to the RDCs.

The RDC still maintains some oversight of the WWMC’s financial affairs and countersigns all the financial transactions carried out by the latter. However, the constraints on resources at the RDC level mean that there is limited effort to monitor the role of the WWMC. More importantly, the WWMC is no longer perceived as being accountable to the residents of the ward. Financial statements are no longer made public. A former CAMPFIRE employee claimed that, if you asked for a detailed breakdown of CAMPFIRE funds, you would end up in “trouble.”¹⁵ This has provided a good opportunity for elite capture of the CAMPFIRE program in Nenyunga that has been hijacked for personal benefits by some committee members, councilors, and traditional leaders using political arguments to exclude and disempower the villagers (Mandondo 2000; Mapedza and Mandondo 2002).

Environmental programs can be used for many different things, including the enrichment of the chiefs themselves. For example, the chief in Nenyunga has been arguing that the CAMPFIRE revenues should be used to build him a modern house, which the government could then electrify.¹⁶ Chief Nenyunga was hoping that electricity

would come to his area if the CAMPFIRE revenues were used to build him a good house, not the round pole and mud hut he had at his homestead. His reasoning was based on how electricity had been distributed in other chiefs' areas. His nearest example was that Chief Njelele's homestead had been electrified and a telephone connected when his house had been built.

The link between receiving benefits from the government and doing favors in return is a direct one. In both research sites, chiefs had undermined the opposition party under instructions from the ruling party. Chiefs have been involved in banning supporters of the opposition MDC in their areas (ZimOnline 2004; Maponga 2005). They have also argued that opposition supporters would not receive benefits from the state such as drought relief if they continued to support the MDC. Therefore, the chiefs' position is precarious. In 2000, Chief Njelele (now deceased) was about to send members of the ZANU-PF youth militia to "discipline" teachers at a nearby school for supporting the opposition party, only to withdraw from this after his secretary reminded him how he had been tortured by the same state during the dissident period from 1982 to 1987.

The chief was placed in a difficult situation because his receipt of the state's rewards meant that he had to respond to its needs. He knew that going against the wishes of the ruling party could possibly cost him his chieftainship, as attempts to depose Headman Ndhlalambi demonstrate. The latter almost lost his position after information had been passed to the ruling party that he was allegedly supporting the opposition MDC. The recognition and authentication of the traditional authorities was no longer a matter of local norms and culture but of their level of cooperation with the state's oppressive agenda.¹⁷

Within resource management, this has meant that traditional authorities must endorse co-management, even when they realize that their constituencies are not deriving any benefits from it. Chiefs such as Njelele felt that co-management promoted the continuation of protected forests, thus taking land away from them. People arrested by the Forest Protection Unit (FPU) were taken to the magistrate in Gokwe instead of being brought to his court. In Nenyunga the chief endorsed the role of the councilor, who had earlier been removed forcibly from the WWMC for misappropriating CAMPFIRE funds, since the latter had used his political power to help see off contenders for the chieftainship.

When the political crisis worsened in 2000, the councilor formed what he called the "Force Committee," whose mandate was to get rid of nonperforming institutions within Nenyunga ward. The Force

Committee targeted those it perceived to be in favor of the opposition. It was also seen as a good opportunity to settle old vendettas. In particular, the councilor who had earlier been expelled from the CAMPFIRE committee for misappropriating community funds found a way of settling old scores with the democratically elected members. Having been elected a councilor, he now presided over the CAMPFIRE committee from which he had been thrown out earlier. As a result, the Force Committee removed the CAMPFIRE committee and set up a new committee. Immigrants were told that there was no room for them within leadership positions—their main focus should be crop cultivation. The CAMPFIRE office was thus hijacked and used as a base by the pro-ruling party youth militia. In addition, the councilor, with the chief's approval, used CAMPFIRE revenue to buy a bicycle for his personal use. In the same manner, the chief and the councilor jointly claimed ownership of a grinding mill that had been donated to the community by the Tshabezi Safari operator as a payment for being allowed to operate in the area.

In terms of the law, powers granted to the chiefs are less relevant within the land and environmental sectors. Legally, natural resource issues in both co-management and CAMPFIRE areas are supposed to be dealt with by the magistrate's courts, not the traditional authorities. Despite this fact of law, in practice, chiefs play a strong role in land issues and have been empowered to act as Commissioners of Oaths. What these practices point to is the role of chiefs as gatekeepers to rural communities, which, as we shall see in the following section, also extended beyond the CAMPFIRE and co-management models.

CHIEFS AS GATEKEEPERS AND POLITICAL AGENTS

Chiefs' many-sided activities place them in a strong position as gatekeepers. For instance, in terms of drought relief and the distribution of food aid, traditional authorities are responsible for compiling the lists used for state food distribution. With most donor organizations having been removed from rural Zimbabwe since 2000, the state remains the main source of food aid, which it can use more or less at will to clamp down on opposition movements. Traditional authorities have been key players in the politics of food aid, as they have been under instructions to exclude the members of opposition parties and their sympathizers from distribution lists. As it was impossible to survive without food aid, especially in the drought years of 2003–2004 and 2004–2005, chiefs have found themselves in the powerful role of gatekeepers in alliance with their main beneficiary, the state. Chiefs and lower level headmen

have been forced to declare their allegiance publicly to the ruling party. If they decline to do so, state allowances can be withdrawn, based on allegations of being sympathetic to the opposition.

The gatekeeper role of chiefs has also been extended to the controversial fast-track land reform program. With the assistance of councilors and war veterans, chiefs have been instrumental in compiling lists of beneficiaries that tend to ignore the claims of those suspected of being members of the opposition parties, who are not supposed to receive their land from the state. It is important to note that land allocation in the communal areas is still at the discretion of the state, with traditional authorities being consulted in the process. The Communal Lands Act of 1982 still vests communal ownership of land in the state. Local authorities exercise their role as advisors on behalf of the head of state. The vetting process also entails the local authority—usually the chief—assessing whether applicants for land have been paying their development levies. Due to the lack of commercial farms near the two research sites, the fast-track land reform program has not been a particularly controversial issue, but even without commercial farms, the scramble for land has had its consequences. The process seems to have been complicated by the fact that some people looking for land apply directly at the district administrator's office that clears applications with the local chief. This alliance was even more pronounced in the Nenyunga area, where the chief was the councilor's uncle. One consequence is that illegal settlements have been set up in Mafungautsi Forest and poaching has increased in Nenyunga.

In this way, local power struggles at all levels of the chieftainship system have been reconfigured and now take place in party political terms at the expense of suspected or imagined supporters of the opposition. Traditional authority succession disputes, for instance, are now couched in political party terms instead of struggles over local tradition and culture being seen as the basis for chiefly legitimacy. These developments all impact negatively on traditional authorities as neutral arbitrators in sectors such as natural resource management, but as indicated, this also goes well beyond the environmental sector. What does this mean for downward accountability and legitimacy more generally, and in the environmental sector in particular?

CHIEFS' POWERS AND ENVIRONMENTAL CONSIDERATIONS

Democratic governance, both in general and within the environmental sector in particular, dictates that institutions that manage natural resources are decentralized to local-level institutions that are

downwardly accountable to their constituency. This is also in line with the subsidiarity principle (Chitsike 2000). Environmental sector institutions must be legitimate in the eyes of local, rural residents, who should take up most of the positions in such institutions. The state's role is supposedly just to provide oversight (Ribot 1996, 1999a). In the Zimbabwean context, the ruling party has gone well beyond the bounds of oversight.

First, one of the key tenets of local-level institutions is that the actors must be elected. This is one of the major hurdles for traditional leadership institutions in environmental governance. The president, in accordance with local ideas about appointment, appoints traditional leaders such as chiefs in Zimbabwe. In the present politicized environment, this leaves less room for local communities to choose their traditional leaders, further undermining the ability of local, rural constituencies to vote traditional leaders out of power for nonperformance.¹⁸ What is even worse in the Zimbabwean context is that chiefs are effectively appointed by the state (see Ubink 2005 on similar experiences in Ghana). It is equally important to note that since repressive councilors are voted into power using party lists, they are not accountable to their traditional constituencies, but to their party constituencies (Mandondo and Mapedza 2003).

Secondly, environmental governance institutions must be downwardly accountable to local communities. This principle is based on the ideal of "a genuine dialogue" between the state and the local community in order to develop a joint vision of co-management and CAMPFIRE. In the event of the failure of this ideal, the community can vote leaders out of office. In Zimbabwe, however, as pointed out earlier (both co-management and CAMPFIRE), the distinctions between chiefs, party functionaries, and bureaucrats are becoming increasingly blurred. The President can remove any chief; and chiefs are also paid by the state, not by their constituencies. This seems to make them more accountable to the state than to their communities. Accountability mechanisms to force them out of office therefore seem to have been seriously undermined, with the state having the final say on chiefly appointments. While the Traditional Leaders Act of 1998 provides a neat bureaucratic approach to the role of traditional leaders in governance, its concrete operationalization by the ruling party seems to have further compromised traditional authorities vis-à-vis the rural constituencies from whom they ideally should receive their legitimacy.

For effective environmental governance to function, local traditional leaders and institutions must have discretionary powers over land. In Zimbabwe, the Traditional Leaders Act has by and large reduced

traditional leaders to being enforcers of national legislation. When it comes to the management of environmental resources such as forestry and wildlife, local-level resource management strategies are often bypassed. The Rural District Council will develop its land use plans, which are then supposed to be enforced by local traditional leaders without tampering with the technical plans.

Legislation such as the Environmental Management Act (2002), Forestry Act (1996), Communal Areas Forestry Produce Act (1987), Communal Lands Act (1982), and Rural District Councils Act (1988) all still empower the state to make decisions on land use and natural resource management. Under the Traditional Leaders Act (1998) this has meant that there has been an increase in the power of the traditional leaders to monitor resource use, thus extending the role of the state to the local level. Strikingly, this seems to have a broader resonance with the role of the traditional leaders under the colonial regime, when legislation such as the Land Husbandry Act of 1951 (Weinrich 1971) catered for exactly this kind of “use” of traditional authorities. This has meant that traditional leaders do not seem to have discretionary powers but simply implement state policies. This further undermines the role of local and traditional natural resource management strategies and practices. In contrast to how conflicts related to natural resource management are usually understood, the balance of power is not tilted in favor of technically sound scientific knowledge promoted by the state (Mohamed-Katerere 2001), but of the ruthless exploitation by the government party of traditional authorities.

Ironically, therefore, chiefs and other traditional leaders in Zimbabwe seem to have traded state-sanctioned power for their own popular legitimacy. Although, in the words of one chief, “If we shall really have to choose between the government and our people, we must, of course, choose our people” (Holleman 1968), chiefs in Zimbabwe actually seem to have chosen the government and ignored their people.

CONCLUSION

Even a genuine dialogue and advisory council roles for traditional leaders seem to have been stifled. The telephone link for chiefs to the state seems to be their only source of “advice” and legitimacy. However, chiefs in the Gokwe area have not simply been pawns in the political game: they have also exploited the state’s weakness to make further demands on it, mostly for the material improvements for the chiefs themselves instead of the rural communities they ideally serve. This has made chiefs political gatekeepers for the rural areas, undermining their

theoretical or potential role as a check and balance mechanism for holding “democratically elected” councilors to account.

The recent reconfiguration of traditional authorities has seen the recycling of some of the colonial traits of traditional authorities, particularly localized and bureaucratized forms of despotism (Mamdani 1996). Chiefs and lower-level traditional leaders are now using their role as rural “community” gatekeepers to exclude opposition supporters from their areas. Threats of expulsion against opposition supporters have become a reality in many instances, though the position of the chief varies from area to area.

Traditional leaders played a very significant role in both the June 2000 parliamentary and 2002 presidential elections, and their alliance with the ruling party was also important for the latter’s victory in the March 2005 parliamentary elections. The two-thirds majority that the ruling party needed to get its proposed legislation passed included chiefs appointed by the president, even though ideally they are supposed to represent their constituencies, not the ruling party. The unholy alliance between the ruling party, the chiefs, and other lower tier traditional leaders has further undermined the latter’s capacity to act as peace brokers in natural resource management and more generally in the governance of communal areas. Environmental resource costs are being externalized, while the benefits are being internalized by the traditional authorities. Attempts to hold them to account are being perceived as a challenge to the localized state and party bureaucracy.

The alliance is a distorted mirror image of earlier alliances between chiefs and the colonial government. Traditional leaders again seem to be extending the state’s reach into rural areas, but now in the name of a ruling party and within, at least officially, a democratic regime. What is alarming is that, in its patriotic history project, neither the state nor the traditional authorities seem to see the contradictions in their present alliance. In reality, chiefs have not been given any meaningful and independent role in jurisdiction over land, but have been absorbed into the patronage system of the territorially based state (cf. Buur and Kyed, this volume). In Zimbabwe, this process is unique in the way the state is seeking to pursue oppressive policies within the remit of the law, while at the same time undermining democratic institutional choice for its rural citizens. This has resulted in a process of centralization via the back door, which has resulted in improved tax-collection rates, policing and the enforcement of partisan justice at the expense of local legitimacy, and the assumption of meaningful land and environmental responsibilities.

ENDNOTES

1. The term “traditional leader” in the context of this chapter refers to chiefs (*madzishbe*) and their subordinates, headmen (*masadunhu*), and village heads (*masabhuku*). Current literature often uses the term “traditional authorities” rather than “traditional leaders.” In this chapter these terms are used interchangeably, since the legal framework in Zimbabwe uses the term “traditional leaders.”
2. This binary opposition is a simplification of a rather complicated view. Some modernists feel that traditional institutions can be modernized, but others claim that they are irrelevant in the current liberal democratic dispensation (Ntsebeza 2005). This results in a continuum, with traditionalists at one end and modernists at the other.
3. Beall (2005) points out that this rearticulation of traditional authorities is the result of strains on democratic governance.
4. Zimbabwe was colonized in 1890 by the British through a charter granted to the British South Africa Company (BSAC) headed by Cecil John Rhodes.
5. The federation was a political and economic union between the then southern Rhodesia (now Zimbabwe), northern Rhodesia (now Zambia), and Nyasaland (now Malawi). The federation was dissolved for a number of reasons, which include the unfair distribution of economic benefits that favored southern Rhodesia, where the Federal Government was based, and the increasing demands for independence from the African population within the three composite countries.
6. District Councils covered communal areas, Rural Councils commercial farming areas. They were merged in 1991 under the Rural District Councils Act of 1988.
7. These are based on the official exchange rate as of January 1, 2004. The unofficial rates are much higher due to serious foreign currency shortages. These allowances are adjusted by the Minister for Local Government as and when he sees fit. Official inflation figures for March 2006 were 913.6 percent. See www.rbz.co.zw, accessed on April 12, 2006.
8. The introduction of the ESAP also had positive results since it helped to liberalize the economy, strengthened the private sector, and increased economic growth. It also helped open the door for devolutionary programs like CAMPFIRE, including community-private joint ventures. On the negative side, some people lost their jobs in both the private and public sectors. One of the ESAP’s main design weaknesses was its failure to provide safety nets to cushion those who lost out from these reforms.
9. There are several opposition parties in Zimbabwe, but the Movement for Democratic Change is considered the main threat to the ruling ZANU-PF.

10. This call was partly a result of the increasing unpopularity of chiefs, but it was also widely seen as an attempt to supervise potentially errant chiefs who might want to support the opposition.
11. This section is based on a longer term research project that explored two well-known and well-established natural resource management approaches in Zimbabwe: the state-forest co-management and CAMPFIRE initiatives. These approaches are important as they hinge on control over land and environmental resources that has been a key role for chiefs. This section will demonstrate how the resurgence of an oppressive version of traditional authority is advancing state interests with the backing of the chiefs.
12. These are both derogatory terms used to refer to immigrants and the “original” settlers respectively.
13. I use the term “community” here fully realizing its contested nature and how, like nationalism in the case of Zimbabwe, it can be used to suppress divergent views.
14. CAMPFIRE is a Government initiative supported by a variety of international donors.
15. Interviewed on September 4, 2004.
16. Interview with Chief Nenyunga, September 4, 2004.
17. Through a different optic, decentralizing resource management decisions to traditional authorities in the Nenyunga area has resulted in a narrow definition of local identity. The chief, in cahoots with the councilor, is now defining as local only Tonga, not *Madheruka*, who are immigrants. The immigrants no longer qualify for positions within the CAMPFIRE committees. Those who tried to contest this narrow definition of local identity ended up on the receiving end of the ruling party’s youth militia.
18. The Ghanaian dilemma of a succession of “bad” chiefs among the Asante people seems to replicate itself in Zimbabwe.

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“Now we are a Town”: Chiefs,
Investors, and the State in
Zambia’s Western Province

Wolfgang Zeller

INTRODUCTION

May 2004 in Mwandi, Zambia: in this small border town on the banks of the Zambezi, the ground is trembling under the road-building machines of the South African and German construction company, CONCOR. The fresh black tarmac band they are creating is three kilometres long and has been paid for by the government of Zambia. It starts at the turn-off from the newly completed Livingstone-Sesheke highway, a 205-kilometer long section of a new major transport artery in southern Africa. This “Southern African Development Community transport corridor” now connects the Copper Belt of Zambia and the Democratic Republic of Congo (DRC) to the Namibian seaport of Walvis Bay. From the turn-off, the feeder road into Mwandi runs past newly built shops owned by various private entrepreneurs and ends on the doorstep of Mwandi’s most important man, Senior Chief Inyambo Yeta of the Barotse Royal Establishment (BRE).

The arrival of the road to Mwandi seems to suggest that the government of Zambia is delivering on its promises of development by responding to the needs of its citizens in an organized and highly visible manner. It apparently demonstrates that sovereignty over this part of the state’s territory is not just a lofty claim, but a fact constituted in its ability to make things happen on the ground in a way that is meaningful to the everyday lives of the local residents. To appreciate

what the Zambian government is attempting to prove here, though, we have to consider the specific context of this area. In past decades, the Western Province of Zambia has been a largely disconnected hinterland and the least developed region, socioeconomically, of one of Africa's poorest countries. It is also an area characterized by the legacy of the precolonial Barotse Empire, which, as we shall see, still represents a powerful cultural and political factor in Western Province in particular and Zambia in general. In this chapter, I will situate the construction of the Mwandu road in the context of the role of chiefs in local and national politics in Zambia and the interests of foreign aid donors and transnational investors in the country's Western Province. I aim to go beyond the reading by Zambian government officials, donor representatives, and the news media of the building of the road as a successful chapter in a coherent story of state-driven development.

Jeffrey Herbst (2000) has drawn attention to the colonial and postcolonial state's difficulties in extending the power and functions of a low-budget central state apparatus over vast and often thinly populated territories. One of the key tools employed by the colonial powers in search of a solution to this dilemma was administration through both existing and invented indigenous power structures and chiefs. According to Mamdani (1996), these frontline representatives of the authority of the colonial state have been reincarnated since independence as "decentralized despots" in what he has called the "bifurcated" state system. As such, they have left their mark on the nature of state authority in the postcolony, and there is abundant evidence from across the continent that they will continue to do so for quite some time to come. In fact, several authors have recently noted a marked resurgence in the importance of chiefs in countries across Africa (Gould forthcoming 2007; Oomen 2000, 2005; Friedman 2005; Koelble 2005; Buur and Kyed 2005; Englebert 2002, 2005), in which African states formally delegate tasks to chiefs, who appropriate new roles for themselves in local and national government in their turn.

The construction of the Mwandu road is a case in point, though it highlights the need to move beyond analyzing the present role of chiefs exclusively through their relation to the central government. In a context characterized by a substantial degree of outsourced decision making, donor dependency, and a sprawling externally funded NGO sector and private investment regimes, chiefs in Africa are just one among many often ambiguously defined players who coexist and cooperate with the state, which they may even incarnate. They creatively

"colonize" state practices (Das and Poole 2004: 8) in a situation in which sovereign power is "dispersed throughout, and across, societies" (Hansen and Stepputat 2005: 3).

In this chapter, I will argue that the Mwandu road cannot be solely understood as the end result of a coordinated effort of development steered by the Zambian government, but neither is it simply part of a supposedly neocolonial project of Western exploitation working through a novel form of Indirect Rule Lite. Instead I see it as the outcome of an alliance of convenience among transnational elites who are speaking different dialects of the same language of development, subscribe to the logic of the market, and operate as part of what Ferguson and Gupta call "transnational governmentality" emerging under the neoliberal paradigm (Ferguson and Gupta 2002; Ferguson 2006: 112). The convergence of interests in this alliance is only temporary and highly unstable, since donor and investor priorities and the personal and political links between chiefs and government that are created can change rapidly. When this eventually happens, it will once again leave the great majority of people in Mwandu to their own devices: chiefs and local entrepreneurs. Despite the current improvements in road infrastructure, the state remains a distant expectation, yet to be realized.

Before we discuss the role of chiefs in development provision in the Western Province of Zambia in more detail, I shall provide some necessary background to the political and economic realities of this region.

A NEW TRANSPORT CORRIDOR

In March 2000, the 130-kilometer journey to Mwandu from Livingstone at the Victoria Falls took six hours on what locals referred to as "the road of death," a hazardous track with deep sand and unpredictable giant potholes that had finished off many vehicles and caused numerous fatal accidents. Zambia's relative wealth and rush to modernization after independence in 1964 had created what then was a major regional asphalt artery connecting a peripheral hinterland to major national road and rail routes. But a lukewarm attitude toward inclusion in the Zambian state by the Lozi leadership in the Western Province of Zambia, the armed struggle for Namibian independence, and the long drawn out civil war in nearby Angola soon put the brakes on whatever momentum the national government could muster to introduce its idea of development into Zambia's Western Province. From the late 1970s, Zambia's copper production and the commodity's

world market price began to decline. Together with the actions of a kleptocratic political and economic elite and the impact of structural adjustment programs, this constituted the fiscal realities under which not only transport and other infrastructure, but essentially every public service in this and other peripheral parts of Zambia fell into disrepair.

In May 2004 the journey to Mwandi took just over an hour, past working crews putting the final touches to the brand new road coming up from Livingstone. The smooth asphalt continued past the Mwandi turnoff and after a further seventy-five kilometers reached the border town of Sesheke. Still in 2002 a sleepy district capital, Sesheke was now experiencing an unprecedented investment boom in anything from large-scale agricultural projects to shops, petrol stations, and luxury accommodation for businessmen and tourists en route to the Victoria Falls. But not only Sesheke was booming with investment projects—Katima Mulilo, on the other side of the Zambezi, was now the sprawling urban center of Namibia's Caprivi Region. Hardware stores, supermarkets, petrol stations, lodges, and a waterfront project were mushrooming there on a scale only comparable to the massive development experienced in the early 1970s, when South Africa turned Katima Mulilo into a garrison town and Caprivi served as a springboard for the apartheid regime's military campaigns in Angola and Zambia (Kangumu 2000: 32; Zeller and Kangumu forthcoming 2007). Where until recently an unreliable pontoon and local youths in dugout canoes used to ferry people, goods, and vehicles across the river between Katima Mulilo and Sesheke, a new bridge now spans the Zambezi. The state-of-the-art concrete structure is 877 meters long and was "Made in Germany." The price tag for the 205-kilometer reconstructed road and the new bridge was altogether €31.3 million. The German Bank for Reconstruction (KfW)¹ paid 95.9 percent of the road and bridge costs as a grant to the Republic of Zambia, which covered the remaining 4.1 percent itself (JBG Gauff Ingenieure 2004: 5).²

At the official opening ceremony on May 13, 2004, the German ambassador to Zambia, Erich Kristof, explained the rationale behind the funding for the new road and bridge. The ambassador read straight from his government's development policy guidelines when he stressed the role of infrastructural development as the basis for bringing "progress," "private sector growth," and "sustainable development" to the rural poor. The ambassador then set out the significance of the new road and bridge as the missing link in the "Walvis Bay to Ndola and Lubumbashi Development Corridor" and explained its importance for trade in the Southern African Development

Community (SADC) countries as a new "access route to the Atlantic" only "five shipping days away from Europe."

Despite the formal ending of colonialism in Africa, certain fundamental economic realities have not ceased to exist. One of these is the logic of extraction of basic resources from African hinterlands via well-developed transport infrastructure to seaports for export to industrial centers and consumers overseas. While regional integration and rural development are concepts that feature prominently in the policy guidelines of the SADC and donors like Germany or the EU, what makes the difference between words and concrete infrastructural development are hard economic facts, such as the Copperbelt. This area, which is shared by Zambia and the DRC, contains the largest known copper deposits in Africa (CDAUK 2004) and its exploitation is the single most important factor in the Zambian economy. Rising world market prices for copper, mining privatisations under the IMF-imposed structural adjustment program for Zambia, and the hesitant transition toward peace in Congo have brought a steady increase in Zambian and Congolese copper output in recent years.³ Zambia is currently moving toward attaining production levels of the 1970s (*Namibia Economist*, July 30, 2004; *Post*, December 27, 2006). How best to get the copper from the land-locked deposit sites to the overseas consumers is therefore a vital question around which the interests of a whole range of parties converge.

Walvis Bay is the only deep-sea port on the coast of southwest Africa, and from the point of view of the Western industrialized nations, has a significant advantage compared to Dar es Salaam (Tanzania) or Durban (South Africa), currently the main ports for exports from the Copper Belt (*Namibia Economist* May 2, 2003). The Namibian port is five to seven shipping days closer to Europe and America. Since the end of apartheid and the handover of this formerly South African enclave to Namibia in 1994, Walvis Bay has been located in a reasonably stable and democratic country with a decent infrastructure. A plan was born in the 1990s for a Walvis Bay-Ndola-Lubumbashi transport corridor. However, copper was not the only consideration in undertaking this project.⁴ Lusaka, the Zambian capital, is a major consumer market and site for manufacturing. Livingstone is the Zambian tourist Mecca. Tsumeb in central-northern Namibia is the location of the country's largest copper mine and a major copper-smelting plant. Walvis Bay has salt refineries, fish factories, and a shipping industry. Altogether, these cities dot the corridor route like pearls waiting for a string. The Namibian section of that string was completed during the 1990s and up until 2004, with various upgrades of the Walvis Bay port and Namibia's road infrastructure. If

we look at who paid the bills for the SADC corridor, we find the money largely came from the EU and some of its individual member states, in particular Germany (German Embassy Lusaka 2004; *Namibia Economist*, December 12, 2004 and February 13, 2004).

Why Germany? As Ambassador Kristof stated, regional integration and rural development are declared goals of Germany's development policy, and infrastructural development is one way in which the country's government expects to achieve them. Germany's diplomatic relations with Namibia are built on the premise that the former colony is entitled to development assistance from the former motherland and the fact that, still today, a German-speaking minority of roughly thirteen thousand live in Namibia, many of them maintaining close personal and economic ties with Germany. German companies⁵ benefit from the corridor development directly through building contracts⁶ and indirectly through improved access to markets and products in and from the corridor's catchments area.⁷ Germany had already assisted Namibia in the upgrading of the 400-kilometer Trans-Caprivi Highway, another major section of the corridor. By financing the bridge at Katima Mulilo and the Livingstone-Sesheke road, Germany completed what had been started in the context of the country's development cooperation with the Zambian state.

On May 13, 2004, 114 years after its inception, the original German colonial rationale of an access corridor into the interior of southern Africa finally came to fruition.⁸ At the construction site of the bridge across the Zambezi, the new infrastructure was officially opened in a grand public ceremony with flags, red carpets, and camera lenses. The presidents of Zambia and Namibia with their entourages, the German ambassador to Zambia, delegates from the KfW bank, and the German project engineers were in attendance. Among the VIP guests was the headman of Mwandi, Senior Chief Yeta, who had been flown in from Lusaka with the Zambian government delegation at the personal last-minute invitation of President Mwanawasa (interview with Senior Chief Yeta, June 14, 2004). The praise dancers praised, the speakers spoke, and the presidents cut the red ribbon. The last stretch in the Walvis Bay-Ndola-Lubumbashi Corridor had officially been opened, and the trucks started rolling along it.⁹

THE ROAD TO THE CHIEF'S PALACE

Mwandi is located on the banks of the Zambezi River. With around five thousand inhabitants, it is only a small town, but several local institutions have put the place on the map and even into cyberspace.

Mwandi has a permanent market and numerous small shops, several Christian denominations have churches there, and there is a large hospital complex,¹⁰ a primary and secondary school, a post office, and a police station able to issue border passes for Namibia. Mwandi also has the status of a "royal village": Senior Chief Inyambo Yeta of the BRE has his palace here, and right beside it are the meeting hall and office of the *khuta* (council of chiefs and advisors), the council of *indunas* (advisors to the chief). A wind of change has been blowing through the town since the completion of the Livingstone-Sesheke road and the recent connection of Mwandi to the grid of the Zambian electric power supplier ZESCO. Postal services and newspapers suddenly became available on a daily basis (interview with Mwandi post office worker Kabanje, May 18, 2004), and several private bus companies have begun to stop at the Mwandi junction on their daily routes to and from Sesheke, Livingstone, and Lusaka.

A few days after CONCOR put down the first layer of bitumen on the three-kilometer feeder road into Mwandi, the long-distance buses from Sesheke, Livingstone, and Lusaka started to come right into the center of the town. Local women took advantage of new business opportunities by selling snacks to the travelers. Others used the buses to transport bundles of dried, frozen, or fresh fish to the Livingstone market (interview with Mwandi market trader Ndebele, May 25, 2004). The new Mwandi road was lined by a dozen brand new small shops, and more were under construction. One inhabitant found these words to describe the change: "Now we are a town. We have electricity, a newspaper every day, a road, shops. We only need cell phone contact here still"¹¹ (anonymous resident of Mwandi, May 29, 2004). Like him, many residents of Mwandi took the new developments as a sign that the government of Zambia was finally, after decades, starting to do something for the area (interviews with Mwandi market trader Ndebele, May 21, 2004; *induna* Sandema, *induna* Mulumemui, June 11, 2004). Development was finally coming to Mwandi.

I have already mentioned that the construction of the Mwandi road was financed by the Zambian government. There is more to say about this fact, but first I must introduce the man at whose doorstep the new tarmac ends. Senior Chief Yeta is the heir of an old and famous royal family lineage of the Barotse-Lozi,¹² an indigenous African empire that existed along the upper and middle Zambezi for centuries before the European colonial intrusion. The Barotse commanded considerable resources through trade, organized labor, and regular raids on neighboring tribes, and ruled through an elaborate administrative

hierarchy of local and district headmen (Mainga 1973). The famous Lozi King Lewanika, Senior Chief Yeta's great-great grandfather, was powerful enough to negotiate agreements with the British colonizers, who conceded to the Barotse leadership a degree of autonomy rarely seen under indirect rule in the British colonies in Africa. Although the Lozi elites' territory, autonomy, and material privileges were gradually restricted by the British and later the Zambian state authorities, the BRE is still today a factor that cannot be bypassed in the Barotse heartland of Zambia's Western Province, nor, to some extent, even at the national political level.

Like many highborn sons of the Barotse royal lineages, Senior Chief Yeta has been groomed into the role and life of chiefly rule by combining a high-quality Western education and standard of living with a sense of responsibility for his inheritance. An ambitious up-and-coming professional of international law in 1977,¹³ the young Yeta was somewhat forcefully enthroned by his ailing father's advisors as the senior chief of Sesheke District. In flawless Oxford English, the chief explains how his loyalty to the family legacy led him eventually to accept his place in the palace, which he refers to as "my prison."¹⁴

However, he also continued to pursue his Western career ambitions and life-style, dividing his time between his official residence in Mwandu and his urban home in Lusaka. Google "Inyambo Yeta," and you will find the imprints in cyberspace of his political career. Senior Chief Yeta became party vice-chairman in Kenneth Kaunda's United National Independence Party (UNIP) after Zambia's first president lost power in 1991. In 1994, under the regime of Kaunda's rival and successor, Frederick Chiluba, Senior Chief Yeta and five other opposition leaders were jailed on what became known as "trumped-up treason charges."¹⁵ The UNIP and Lozi lawyers rallied behind the accused, and eventually the state prosecutors had to withdraw their charges.

Senior Chief Yeta's more recent role on the national political stage has also been significant. On the one hand, he has acted as vice-chairman of Zambia's Constitutional Reform Commission (CRC), on the other, as chairman of the Zambian House of Chiefs. The House comprises traditional leaders from all parts of Zambia, where they meet, debate, issue statements, and lobby the government on key policy issues of national concern. The House aspires to become a kind of upper house of parliament, with salaries and benefits for its members equal to those of MPs. Senior Chief Yeta was directly appointed to both positions by the current president of Zambia, Levy Mwanawasa. He himself describes his relationship with Mwanawasa in the following words: "I enjoy a very, very

personal relationship with President Mwanawasa, because he is a personal friend of mine. We both are lawyers" (Interview with Senior Chief Yeta, May 14, 2005). Senior Chief Yeta is nonetheless cautious regarding the long-term reliability of this access route to the highest halls of government power beyond the personal bond he has emphasized:

That does not necessarily mean that there is recognition of the institution that I represent. [. . .] The minute you get a chief who is not in good books with President Mwanawasa, the President will be justified in just ignoring the Royal Establishment and say: "Oh no, those people there, we don't have any time for them." (interview with Senior Chief Yeta, May 14, 2005)

Still to be added to Senior Chief Yeta's curriculum vitae are his involvements in various business enterprises, including timber production in Sesheke District (see Barotse Development Trust 2005) and his charity work for the mission hospital and United Church of Zambia (UCZ) in Mwandí. It was on grounds of a personal initiative of the chief that the Zambian government decided to asphalt the three-kilometer feeder road leading to Mwandí. Seizing the momentum of the largely German-funded reconstruction of the Livingstone-Sesheke road, Senior Chief Yeta personally approached President Mwanawasa and the Deputy Minister of Works and Supplies in 2003. They agreed to upgrade already existing plans for a cheaper but higher maintenance gravel road and have it tarred instead (interview with *induna* Sandema, June 11, 2004).

In early May 2004 it seemed the promise would be kept, but soon thereafter problems emerged. With road construction in full swing, observant Mwandí residents noticed a marked difference in the quality of the feeder road compared to the way the Livingstone-Sesheke road had been asphalted: the Mwandí road was being tarred directly onto the fine sand that constitutes the natural soil in the area. The sand has been watered and compressed, but the layer of gravel and cement used on the main road to support the asphalt surface had not been applied. The residents started asking questions of the CONCOR workers and their foreman, and soon alarming news leaked all across Mwandí: for a discount price, CONCOR was building a road of inferior quality that nobody could guarantee was going to last. Richard Basson, the white South African CONCOR "Bosman," explained his situation: "the Zambian government had decided to fund an asphalt road into Mwandí, but was not ready to pay the full price" (interview

with “Bosman” Basson, May 23, 2004). With the resources made available to him Basson was trying his best, but to do the job properly would cost twice as much.¹⁶

In the absence of the chief, who was in Lusaka, the *khuta* met on May 20, 2004, for several hours to discuss the situation. Attempts to contact and mobilize the MP representing Sesheke District and Mwandí were unsuccessful. Meanwhile another local resident was working his media contacts, and on May 24 a brief story lamenting the poor quality of road construction in Mwandí appeared in the *Post*, one of Zambia’s major daily newspapers, with nationwide distribution. Senior Chief Yeta and Dominik Sandema, one of his close advisors, were by now also knocking on government doors in Lusaka. A few days later an on-site inspection, involving the Deputy Minister of Works and Supplies, the chief, several of his advisors, and a CONCOR engineer, took place in Mwandí. A settlement was reached: the road would be completed with the funds provided by the Zambian government, but with a better foundation than presently envisaged. CONCOR promised that after one year they would come back to inspect the road and, if necessary, carry out repairs (*induna* Sandema, June 11, 2004). Sibeso Yeta, the son of the chief, was nonetheless dubious of the agreement: “I’ll believe it when I see it” (son of Senior Chief Yeta, June 1, 2004). Like him, many inhabitants of Mwandí remained skeptical and cited a long history of unfulfilled government promises and disappointments.

WHY DID THE CHIEF WANT THE ROAD?

Most of the changes taking place in Mwandí since May 2004 have been made possible by the construction of the Livingstone-Sesheke road and new Zambezi Bridge connecting Zambia with Namibia. In comparison to these projects and the large-scale national political and transnational economic considerations they are related to, the Mwandí tar road is merely a footnote. Its construction nonetheless provides a prism through which key elements of current political and economic developments in Western Province and Zambia can be analyzed. The smooth black tarmac surface leading up to the chief’s palace means nothing less than Mwandí now being connected to the world. The importance attached to this fact was recognized by local residents and those passing through the town in 2004. In securing the construction of the tarmac road into Mwandí, Senior Chief Yeta achieved something of high symbolic and material value, which demonstrates to his

subjects that the institution he represents, criticized by some as archaic, self-indulgent, and essentially useless in present-day Zambia, can deliver tangible benefits for ordinary people.¹⁷

The fact that the chief could directly lobby his personal acquaintance, the president, and produce this major development was the content of much debate among the bystanders who watched the CONCOR machines thundering past. For Senior Chief Yeta, who nowadays is rarely seen in Mwandi performing his "traditional" duties, to have something so tangible to show in his home town was a major success that both derived from and balanced out his relatively prominent role on the national political stage. Like the chief, the institution of the *khuta* was also strengthened symbolically. The road, after all, leads up to its meeting hall and office as well.

Looking beyond status and representation, a host of other hands-on material benefits for the chief and his associates came with the new road. Sibeso Yeta, the adult firstborn son of the Senior Chief, constructed a tourist lodge in Mwandi in 2004. The plot where the lodge was constructed on was located right behind the *khuta* buildings with a postcard view overlooking the Zambezi River. The land on which the lodge was build was technically under communal tenure and some pressure by the chief, combined with the promise of local jobs, had been necessary before the *khuta* would agree to the project (*induna* Sandema, June 11, 2004; son of Senior Chief Yeta, May 20, 2004). By early June 2004, Sibeso Yeta had managed to establish the basic facilities, and his first paying customers arrived, a tourism business from Livingstone specializing in organizing tiger fishing adventures for wealthy South Africans. The new road was good news for the young entrepreneur, who wanted to cater for the needs of tourists en route to or from Livingstone, but he faced numerous competitors up and down the river.¹⁸ While the firstborn son Sibeso was busy overseeing construction work and watering the tropical flowers at the entrance to his lodge in May and June 2004, other hopeful investors were lining up to meet his father and the *khuta*. Competitors for chiefly business nonetheless provided Senior Chief Yeta with new opportunities—in fact he began charging a fee for businessmen requesting a slot in his calendar.

Two such men were Wally Herbst and Neil Rix. They referred to themselves as "Southern Rhodesians" and as victims of Robert Mugabe's white farm expropriations in Zimbabwe. They had been working out various ideas for investment in and around Mwandi, including a petrol station and repair shop at the Livingstone-Sesheke road junction, and a chili paprika plantation with attached cannery in

Mwandi. They also envisaged a timber trading business that would harvest high-value tropical woods from Sesheke District's forests, process them into furniture and window frames in Zimbabwe, and sell the products to Europe and the United States (Wally Herbst, May 24, 2004; Barotse Development Trust 2005). The two men had been in negotiations with the chief and his *indunas* for some time. To demonstrate their commitment, they had recently fixed the roof of the *khuta* meeting hall and renovated parts of the chief's palace and the *khuta's* administrative building in which they wanted to rent office space (*induna* Sikupiso, April 20, 2004; Mrs. Dixon-Thompson, May 24, 2004; *induna* Sandema, June 11, 2004; Wally Herbst, May 24, 2004).

Another entrepreneur visiting Mwandi from Johannesburg on June 11, 2004, told me in a somewhat agitated mood that he was on his "fourteenth" attempt to meet the chief. He could not move ahead with his plans for a major agricultural project near Mwandi until the chief had approved his business plans. By the end of 2005 the list of business ideas involving Mwandi and surrounding areas had further expanded and found its expression on the well-designed Web site of the Barotse Development Trust (www.barotsedevelopmenttrust.com). A museum exhibiting Barotse artifacts, expanding lodge and other tourism facilities, and a bakery were added to the earlier range of projects, and the Development Trust was inviting investors. The Development Trust highlighted "community participation" as the very foundation of its activities, and hundreds of jobs for locals were promised. On the board of trustees we find, among others, Senior Chief Inyambo Yeta, the two "Southern Rhodesian" men, a Botswana-based nature conservation expert and a UK-based business consultant (Barotse Development Trust 2005).

A LONG HISTORY OF INVOLVEMENT

The requirement to negotiate business deals in Mwandi through the chief and his *khuta* is nothing new. It is a manifestation of administrative practices that have a long history, are politically contested, and take place, to a certain degree, in a legal limbo. A fundamental aspect of the precolonial Barotse administration was the role of chiefs as custodians of the land and its natural resources. The elaborate set of practices and institutions regulating land use were formalized,

manipulated, and incorporated into the British colonial apparatus of indirect rule, though to a large degree they nevertheless remained within the hands of the Barotse Native Authority (BNA, the predecessor of the BRE) and became an important source of revenues and therefore the personal wealth of the Barotse elites. Land administration was accordingly a key point of contestation in the three-party negotiations between the BNA and the British and Northern Rhodesian governments that led to the "1964 Barotseland Agreement" just before Zambian independence. The Lozi leadership accepted the incorporation of Barotseland into the independent state of Zambia under the terms of this contract, which guaranteed them the continuation of wide-ranging rights of land management, control of the judiciary, and other administrative functions in the territory of the BNA.

After independence, the first president, Kenneth Kaunda and his government immediately began what the Lozi saw as encroachment on their means of existence. Over the previous decades, the Barotse area had become a major labor reserve, and the head fee that contract labor companies had to pay to the BNA for hiring local men had been an important source of Lozi elites' wealth. That practice was immediately brought to an end after independence by the Zambian central government. In 1966 Kaunda's administration went even further and decided to cancel its side of the 1964 deal altogether, introducing legislation that sought to abolish all the other Lozi privileges and nationalize land administration.

This trend and attitude continued throughout the 1970s and 1980s. But the local power of the Barotse elites was never fully broken after independence, even though the administrative muscle of the Zambian state authorities was weakened by severe fiscal difficulties during the 1970s and 1980s (Englebert 2005). Nowadays, investors who wish to buy land or establish businesses involving land and natural resource use in Western Province must therefore negotiate their way through the parallel bureaucracies of the Zambian state and the BRE (*induna* Sandema, June 11, 2004; Wally Herbst, May 24, 2004).¹⁹ The cracks and fault lines running through and between the BRE and state legislation both require careful and often lengthy maneuvering and all kinds of fees to be paid. With the new roads and the recent scramble of investors for a piece of the action in Mwandia and Sesheke District, the "owner of the land,"²⁰ Senior Chief Yeta, is clearly playing a central role, being able to pick and choose whom he wants to do business with.

THE POLITICAL IMPORTANCE OF THE ROAD

In 2004 President Levy Mwanawasa had a fragile power base, and his party, the movement for multi-party Democracy (MMD) an insecure majority in parliament. The list of challengers to Mwanawasa's MMD administration included members of his own party whom he had alienated after being elected in 2001. He distanced himself from his predecessor and fellow MMD member, Zambia's second President Frederick Chiluba and his associates in a series of court cases. Mwanawasa's government also came under pressure from the powerful and well-organized alliance of civic activist groups called Oasis Forum, whose popular campaign of mobilization for a South African-style constituent assembly stood in direct opposition to the constitutional reform commission that had been appointed by the Zambian executive.²¹ The Mwanawasa administration was also challenged by the IMF, which placed tight restrictions on Zambia's public-spending policy, and with it the government's ability to nurture its political support base by channeling public employment and expenditure to its members. In his search for options to overcome these and other constraints, Mwanawasa's government made three strategic choices that are relevant to the context of this study.

First, the president promoted a public image of himself as a "Fighter of Corruption." The topic ran like a red thread through his government's official rhetoric, attempts at administrative reform, and numerous high-profile arrests and trials of past and present members of Zambia's political and economic elite. While the success and depth of this adoption of the "good governance" development paradigm was difficult to ascertain, it clearly helped Mwanawasa raise his government's international credibility and its ability to attract donor countries' development funds and projects. Among these were food relief for famine victims and large-scale infrastructure developments like the Livingstone-Sesheke road and the Zambezi Bridge. These signs of international support were crucial showcases through which the Zambian government could demonstrate its ability to deliver development and give the electorate a reason to vote for the MMD. The need to live up to the anticorruption rhetoric could also be considered one of the reasons why the status of the Mwandu road came to be discussed at all. Feeder roads like the Mwandu road are in high demand in rural Zambia, and chiefs throughout the country were enviously lobbying the government for funds catering for their respective areas (see *Post*, September 4, 2004; December 7, 2004).

Second, the Mwandu road is important for understanding the rediscovery of traditional authority. To the members and voters of Kenneth

Kaunda's administration, chiefs were elitist collaborators with the British colonial masters and an integral part of the indirect rule setup. As such, the chieftainship system was incompatible with the UNIP's vision of introducing African socialism after independence. Yet, while the government sought to exclude the institutions of traditional authority from all levels of government, selected chiefs and other members of royal families were appeased by Kaunda's careful distribution of government posts. After the downfall of the UNIP in 1991, an institutional vacuum was created in Zambia's vast rural areas, and already during Chiluba's MMD administration chiefs were slowly reemerging as important players in rural governance by claiming many of their old colonial roles.²² In the MMDs 1991 campaign manifesto, the party announced that it was:

Committed to a policy whereby traditional rulers regain the enjoyment of their traditional powers. Accordingly the institution of chieftaincy shall be given its rightful and respectable role, drawing support from government. (Movement for Multi-Party Democracy 1991)

The 1996 constitution prescribed the framework for the legal personhood of chiefs and for the creation of a national House of Chiefs, consisting of twenty-seven traditional leaders (three from each province) to act as an advisory body to the government.²³ Apart from these legal provisions, President Chiluba reportedly secured the support of selected individual chiefs (and thus of their voting subjects) through the distribution of lavish personal gifts in the form of cars and cash (*Times of Zambia*, January 31, 2003).

President Mwanawasa has since been more modest in his efforts to win over Zambia's chiefs. At the same time, the chiefs have themselves become more organized and assertive regarding their role in politics, not only nationally, but also internationally across southern Africa.²⁴ Chiefs in Zambia are increasingly joining forces to realize common goals, trying to carve out official roles in national and local government, and engaging in debates on key issues, such as rural development, decentralization, constitutional reform, AIDS prevention, and security (*Times of Zambia*, May 2, 2005; interview with Senior Chief Yeta, *China View*, September 28, 2005).

In turn, their role as national political actors is being increasingly acknowledged by the government. As mentioned above, the Zambian House of Chiefs currently aspires to gain the status of an Upper House of parliament. The House of Chiefs has been closely watched by the Zambian public, particularly regarding its position on the

constitutional reform debate. A majority of traditional leaders in 2004 decided to endorse the MMD government-appointed constitutional reform commission, a possibly decisive blow against the Oasis Forum's demands for a constituent assembly. The expectations and demands of the members of the House revolve around direct material benefits such as regular salaries, official vehicles, office space and travel allowances (see *Post*, June 10, 2004), but has also been clouded in public controversy.

Third, President Mwanawasa has strategically repositioned himself with regard to Barotseland and the Western Province by courting the Lozi leadership. Mwanawasa and other high-level government members have been frequent visitors at the palaces of the *Litunga* (the Lozi King) and Senior Chiefs like Inyambo Yeta (and vice versa), and significant development projects have been channeled into Western Province in recent years. To appreciate this profound change, one has to recall that former president Chiluba's presidential motorcade was attacked in 1993 in Western Province by outraged Lozis, who rallied around their king at the height of the treason trials. Under the current administration, the MMD has emerged as the strongest party in Western Province, and in December 2004 the president was quoted as telling party cadres:

In the 2001 elections, the party did not do well in Western Province. But now I have an impression that the MMD is becoming stronger than ever. Come next elections, we will scoop all the seats in Western Province. (President Mwanawasa, quoted in *Post*, December 7, 2004)²⁵

Apart from the political potential, Western Province's newfound attraction for the Zambian government is also based in concrete economic interests in the Zambezi floodplains. These are related to the region's relative wealth in natural resources: water and fertile soil for large-scale irrigated commercial agriculture; forests rich in tropical hardwood for timber production; and scenic landscapes, wildlife, and a colorful cultural heritage that is constantly attractive to tourism.²⁶ In addition, the end of the civil war in Angola in 2002 raised hopes for greater political stability than the wider region had seen in decades. In 2004 President Mwanawasa promised nothing short of an economic boom to his new Lozi allies:

The MMD administration wants Western Province to move from the poorest in the country to possibly the richest. This can only be done through upgrading the infrastructure. Government will encourage investment in Western Province in order to create employment and

enhance income to the local community. (President Mwanawasa, quoted in *Post*, December 7, 2004)

One ongoing episode in this supposed success story, however, points to some of the potential pitfalls involved in the newfound convergence of interests between the government of Zambia, the BRE, and the investors who are currently staking out their claims in Western Province. On May 31, 2004, the leadership of the BRE and representatives of the South African-based African Parks Management and Finance Co., with the blessing of the Zambian government, signed a lease contract for the development of the Sioma and Liuwa National Parks into game reserves for tourism (*Post*, June 1, 2004). Both before and after the deal was struck, the plans were disputed by an alliance of local inhabitants from the park areas, activist groups, and a number of Zambian MPs. They argued that the land and its resources had so far been under communal ownership, and that the higher-level BRE leadership and Zambian government had not followed correct procedures, since the local population had allegedly been kept outside the decision-making process. The critics also questioned the trustworthiness of the foreign investors and were concerned that the lease agreement included wide-ranging tax exemptions and allowed African Parks to import 20 percent of its labor force from outside the country (*Times of Zambia*, February 10, 2005). How these new developments will play themselves out it is too early to say, but the scene has been set for possible future conflicts.

CONCLUSION

The development of road infrastructure connecting a place as remote as Mwandu to the national and international transport grids is a direct and tangible form of extending administrative power into the periphery of the state's territory. At first glance, the Zambian government appears to have delivered on its promise to bring development to the people of Mwandu, who recognize that an authority is "out here," caring for their needs with the resources to fulfill its promises. But this is not an adequate representation of the conditions that have led to the construction of the Mwandu road. A more careful examination reveals how a complex alliance brought together by local, national, and international political and economic interests has resulted in the construction of a transport corridor, with the extraction of mineral resources and their shipment to overseas consumers as its material foundation—the Mwandu road only came into existence as a byproduct of all this

activity. Nonetheless, the parties whose interests converged here were all represented at the grand opening ceremony on May 13, 2004: the Zambian and Namibian governments, Senior Chief Yeta and other BRE chiefs, transnational business enterprises, and overseas development aid donors.

If we look beyond the apparent success story of development, we must be skeptical as to the long-term viability of the alliance that produced it, for two main reasons. First, the interests of donors and investors are susceptible to changes in their own fiscal mobility, political priorities, and business cycles, depending on fluctuations of prices and flows of commodities and tourism. The current influx of development projects and investment into Western Province can quickly dry up if political and economic conditions change. A road between Livingstone and Sesheke had been built before but subsequently fell into decay when it became economically unviable and politically redundant for the Zambian central government. This can happen again, because roads, like political alliances, require continuous maintenance. From the outset, residents of Mwandu were as skeptical of the durability of their new discount road as they were of the long-term ambitions of the Zambian central government in Western Province.

Second, the constellation that produced the Mwandu road allows only for fragile accountability mechanisms regarding interactions between the Zambian government and the citizens of Mwandu. For lack of other meaningful options, the key link in this chain is the chief who tells us he is concerned for the aspirations of his subjects. Senior Chief Yeta seems genuinely interested in promoting the well-being of his subjects and is aware of the dangers that neglecting them poses for his own legitimacy and the institution he represents. But past experience and current events suggest that the BRE and other Zambian chiefs are very skilled at promoting their own personal interests. Given the personalized nature of the cooperation between the chiefs and central government, this link is also highly susceptible to sudden changes. As Senior Chief Yeta himself points out, the current MMD government's newfound interest in Western Province may well turn out to be a brief interlude in an already long history of mutual estrangement and political grievances between the BRE and the Zambian political leadership. Future governments might neither want nor need to court Senior Chief Yeta, other chiefs, and the Lozis for their political support.

For the time being, Senior Chief Yeta is in an in-between position that is both favorable and difficult. It is favorable because he is a gatekeeper at the intersection of the political and economic interests that

crisscross Western Province. The politicians in distant Lusaka need the chief to mobilize his subjects and fellow chiefs when the time comes for elections and for approving the new constitution (i.e., when public offices are redistributed). The entrepreneurs need the chief to give a quasi-official and de facto crucial seal of approval for projects that require communal land and resources. The Mwandu people need the chief because he is their only direct link in making claims on the state authorities and in attracting and dealing with the entrepreneurs.

The chief's legitimacy and authority ultimately depend on his creativity and skill in fulfilling each of these roles, and herein lies the difficulty: Senior Chief Yeta has to be careful not to spread himself too thinly and neglect any of the interested parties that lay claim to his time and resources. He must also constantly adapt to the changing constellations of interests and opportunities around him. The fact that Mwandu now has a road proves that the Chief has the necessary skills to fulfill his role. But if the spoils of office as national chiefs with quasi-MP status are going to be forthcoming, Senior Chief Yeta and other chiefs will be in danger of losing ground contact with their support base. The current boom in Mwandu and Western Province is taking place in a get-it-while-you-can atmosphere, and there is great competition for the most valuable land. Is Senior Chief Yeta capable of mediating the massive changes currently going on outside his palace walls? This is the crucial question for the people of Mwandu. The Zambian government will not have much assistance to offer Mwandu, and foreign investors can move swiftly on to greener pastures if the winds of change blowing through Mwandu start to turn in a different direction.

The alliance that put Mwandu on the map as a town is therefore highly unstable and might turn out to be short-lived. The convergence of diverse interests among members of transnational elites who are trying to maximize their benefits and profits is less than stable. In a situation in which the central government's muscle and authority are constrained by so many other players, there seems to be little room for state power to be exercised in a traditional Weberian sense. The road to Mwandu therefore leads to questions regarding the durability and substance of the Zambian state's claim to sovereignty and the actual nature of chiefly rule. All things considered, we can hardly say that the Zambian government is in charge of steering the changes that are currently taking place in the study area. While the logic of the market is providing a powerful impetus, the driver's seat remains, if not empty, then at least for the moment taken up by Senior Chief Inyambo Yeta. It is unclear how long he will last in this role, but at the moment he seems to be the center of everybody's attention.

ENDNOTES

1. The Kreditanstalt für Wiederaufbau (KfW) is the German federal state's development bank.
2. Zambia is in the United Nations' category of Least Developed Countries (LDCs), and therefore meets the KfW's grant conditionality (Dierks 2004).
3. On April 7, 2006, the *Financial Times* reported that the price of copper had hit an unprecedented US\$6000 a ton, double the average price in 2004. The *International Herald Tribune* attributes this price rise largely to the rapidly growing demand from China, which in 2003 passed the United States as the world's main consumer of copper.
4. Other major commodities that the Walvis Bay Corridor Group lists for present and future import to and export from Zambia are Namibian fish, salt, and cold drinks; European and American fertilizer, agricultural and mining equipment; and Zambian timber products, fruit and vegetables, coffee and tobacco (Walvis Bay Corridor Group 2004).
5. Examples include the German engineering company, JBG Gauff Ingenieure, which designed the Zambezi bridge, and CONCOR (until February 2005 44.99 percent owned by the German-based construction multinational, Hochtief), which built the bridge, the Livingstone-Sesheke road and several other sections of the corridor road.
6. A cornerstone of German development policy since its inception after the Second World War.
7. Germany's electrical, engineering, and motor manufacturing industries are major consumers of copper.
8. Establishing such an access route was one of Germany's key strategic considerations when, in 1890, the Caprivi Strip was added to its existing colony of German Southwest Africa as part of the British-German Heligoland-Zanzibar Treaty.
9. Namibia's *Investment Newsletter* reported on June 1, 2004: "The mere 20–30 vehicles per day which braved the pontoon . . . have now been replaced by a traffic flow of over 60 heavy vehicles each day. And these are but early days."
10. The Mwandu Mission Hospital receives major funding from US-based Baptist churches and other foreign donors.
11. His wishes eventually came true: since late 2005 Mwandu has mobile phone coverage.
12. The terms Barotse and Lozi are used interchangeably.
13. Senior Chief Yeta studied law at the University of Swaziland and has a law degree from the University of Edinburgh. He is a lawyer by profession.
14. Though it is a prison with satellite TV and telephone, an impressive library of videos, and an elaborate collection of artifacts handed down through the chief's family lineage.

15. Known as the "Black Mamba" bombing incident.
16. According to Basson, the equivalent of €350,000 in Zambian Kwacha would be needed.
17. This sentiment was expressed by several residents of Mwandia and features frequently in Zambia's national debate on the role of chiefs; see the *Post*, May 21, 2004.
18. Sibeso Yeta sees a future for his lodge in offering para-gliding, water-skiing, and other "Xtreme sports" activities that have proliferated around Livingstone in recent years (interview with son of Senior Chief Yeta, May 30, 2004).
19. The names "Barotseland" and "Western Province" refer to roughly the same territory, but their use is contested along the lines of the political debate over the 1964 Barotseland Agreement.
20. This is the literal translation of the chief's title *mulena*, though this implies custodianship rather than private ownership of the land and its resources.
21. Including several Christian churches, members of Zambia's women's movement and the Law Association of Zambia.
22. At the same time, the massive loss of employment opportunities due to public spending cuts and privatization under structural adjustment programs led to a remigration of many educated men back to their rural homes, where the chiefs put their skills to good use in the local councils of advisors, thus further strengthening the "traditional" institution with "modern" educated manpower (Gould 2007).
23. The draft version of the new constitution currently under preparation by the constitutional review commission will expand the role of the House of Chiefs further.
24. For example, demanding equal status and benefits to those of members of parliament for the members of the House of Chiefs (*The Post*, June 10, 2004), and holding meetings and conferences with colleagues from other member countries of the Southern African Development Community (SADC).
25. In the 2006 elections, the MMD won thirteen out of seventeen constituencies in Western Province (Electoral Commission of Zambia 2006).
26. The annual Kuomboka ceremony, during which the Litunga is transported in a royal barge from his dry-season to his flood-season residence, has attracted foreign visitors in recent years and has the potential to develop into a widely marketed tourism spectacle.

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