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RECOGNITION AND DEMOCRATISATION

‘NEW ROLES’ FOR TRADITIONAL LEADERS
IN SUB-SAHARAN AFRICA

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Abstract

Against the background of the European Conference on African Studies (AEGIS), held in London from 30 June to 2 July 2005, where the authors hosted two panels on the 'New roles for traditional leaders in tax collection and rural development: expectations, obstacles and conflicts', this paper outlines and discusses the main points that emerged from a selection of the papers presented at the sessions. The present working paper reviews recent literature on the role of traditional leaders in Sub-Saharan Africa and discusses the potential, often complex consequences of the current waves of democratisation and recognition of traditional leaders in decentralised governance. Despite the ambiguous relationship between traditional leaders and post-colonial states that has characterised Sub-Saharan Africa since the achievement of independence, traditional leaders have been drawn into mainstream processes of state-building and democratisation in various ways. Traditional leaders now officially form part of establishing some kind of bottom-up benign governance based on a variety of different local, national and transnational modalities of power. Although many instances of the state recognition of traditional leaders have been made in the name of democratisation, the contributions to the panels at the London conference question whether recognition in fact implies a serious challenge to the kind of state centralism and/or authoritarianism that have characterised many post-colonial African states. The working paper thus argues for the need to scrutinize official recognition from an empirical perspective and ask how in practice traditional leaders are drawn into local governance through state policies.

An edited version of this working paper and the papers it refers to from the European Conference on African Studies will appear in an edited book or special issue of an international journal. An appendix with the selected paper titles and abstracts are included at the end of this paper.

Introduction

The ambiguous nature of the relationship between traditional leaders and post-colonial states has been a recurring theme in sub-Saharan Africa since the achievement of independence (Mamdani 1996; van Nieuwaal and van Dijk 1999; van Nieuwaal and Ray 1996). This is due in part to colonial forms of indirect rule that used and incorporated chiefs as an extension of colonial regimes, a means to extract human and natural resources and a strategy for curbing organized resistance against the colonial masters (Mamdani 1996; Mbembe 2001). Although some chiefs had assisted liberation struggles across the continent, post-colonial governments saw them mainly as the collaborators of the colonial masters and as impediments to the modernization and nation-building projects of the 1960s and 1970s. While not all governments officially banned traditional authority altogether – as Tanzania and Mozambique did, for example – the vast majority extensively curtailed the role of the chiefs in local governance, which was generally limited to cultural and spiritual activities.¹ Despite the attempts to ban or contain kinship-based institutions, as Ekeh (1975) and Sklar (1999) discuss, since independence most African countries have experienced 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 nationalised territories that the states involved have seldom been able to control fully. As Skalnik points out (2004), chieftaincies or kinship-based forms of governance have never ceased to be important, despite various attempts by states to do away with them.

Since the beginning of the 1990s, a wave of what has been called ‘re-traditionalisation’ seems to have reversed the previous policy of containing the chiefs as negative forces.² In a large number of Sub-Saharan African countries, if not all, this wave has been expressive of a gradual resurgence and enlargement of the formal role of chiefs in local governance and development

¹ Exceptions include Malawi, Nigeria, Zambia and Botswana, where some level of formal recognition prevailed 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 (this was pointed out by Sten Hagberg in his paper).

² The concept of re-traditionalisation is used by scholars working on contemporary Africa (Oomen 2000; Englebert 2002; Geschiere and Nyamnjoh 2000; Ashforth 2001; Ferguson 1999) to describe not a return to the past, but the increased articulation of ‘tradition’, ‘roots’ and ‘belonging’ as part of wider processes of modernisation and / or reactions to these processes within the wider context of globalisation.

(Englebert 2002; Buur and Kyed 2005). In broad terms, this has emerged in the form of three different, but often overlapping, shifts. First, mainly bottom-up, self-assertive organizations, unions or associations of chiefs have been more or less successful in increasing their influence in local and national politics (for example, in Congo, Uganda, Zambia, Rwanda, Chad and Côte d'Ivoire). Secondly, traditional leaders have often asserted their authority informally to execute state functions in local settings (such as dispensing justice, collecting rent and policing), which in some contexts has led to competition with state authorities, while in others this has replaced or complemented state functions. Finally, top-down, formal types of legislation, decrees and reforms have (re)incorporated traditional leaders officially into state hierarchies in recognition of their ongoing influence as local players (as in Ghana, South Africa, Mozambique, Uganda, Zambia, Namibia, Cameroon, Niger and Northern Somalia).³ If not directly restoring chieftaincies that were previously the subject of various forms of *de jure* exclusion, formal state recognition has certainly resulted in a transformation and formal bolstering of chiefs' roles in local governance and national political arenas. It is the latter movement towards formal recognition that this working paper deals with, based on the papers presented to the AEGIS conference on Namibia, Malawi, Burkina Faso, Mozambique, Zimbabwe, Somaliland and Ethiopia.

Over the past decade, scholars have provided a range of explanations for the wave of re-traditionalisation and the numerous cases of formal recognition of chieftaincy in sub-Saharan Africa. The conditions underpinning 'failed states', unsuccessful nation-building and internal conflicts or civil wars have been the predominant explanations for the resurgence of chiefly influence with regard to all of the three shifts mentioned above (see Herbst 2000; Baker 2000; Skalník 2004; Chabal and Daloz 1999). The idea that chiefs have filled the gap left by fragile states and/or continued to contest the monopoly of state authority in primarily rural areas – thus extending rather than curbing the ambiguity of post-colonial chief–state relations – has influenced much rethinking of the role of chiefs. In line with Chabal and Daloz (1999), scholars like Skalník (2004) argue that 'failed' or 'hollowed out' African states, where states have been reduced to merely a shell (in the form of institutions and texts), has led to the dominance of modern informal governance on the one hand and old-new chiefdom-type politics on the other. He suggests that the state's loss of control over its citizens has provided room for the resurgence of chiefly rule based on reference to tradition. As reflected in changes

³ Namibia is usually not included in the list of African countries that have formally recognised traditional leaders, but the Namibian parliament did pass the Traditional Authority Act of 2000 and Community Courts Act of 2003, granting substantial local power to chiefs (Wolfgang Zeller pointed this out in his paper)

in governments' policies, in numerous cases this has led to the conclusion that if the state cannot do away with chiefs, it must recognise and incorporate them in order to (re)gain its own control over both territories and people. Capturing chieftaincy under the ambit of the state is thus viewed as a means of coming to terms with the problem of the failed state: the result is viewed as the solution!

The recent formal resurgence of traditional authority in Mozambique seems to fulfil this prediction (see Buur and Kyed 2005; Kyed and Buur 2006 forthcoming). Banned by the socialist Frelimo government at independence in 1975 and for more than twenty years afterwards, traditional leaders were recognised by government Decree 15 of 2000 and granted the double role of assisting the state and representing rural communities. Since 2002, more than two thousand chiefs have been formally recognised as rural 'community authorities' and delegated an extensive list of state administrative tasks (such as tax collection, judicial enforcement, policing, registration and census, land allocation and rural development) and civic-educative functions (fostering a patriotic spirit, basic hygiene, legal awareness and so forth). Today, they are expected to work closely with local state organs and to represent communities to the state and other external agents, such as donors, NGOs and private business. The change in government attitude towards traditional authority was influenced by the continued role that chiefs were seen to play in the rural areas, both during and after the war, despite their banning at independence and the establishment of new structures of state governance. The fact that some chiefs had collaborated with Renamo rebels, and in numerous areas had governed in opposition to the Frelimo state, clearly had a bearing on the drive to recognise them. To a large extent these factors support the failed-states explanation for the resurgence of traditional authority and the idea that, by incorporating non-state actors, the state can regain its strength and territorial and symbolic reach.

Liberal democracy

On its own, the failed-state thesis cannot explain the resurgence of chiefs and kin-based forms of organisation. In fact, 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 prominent in enlarging the *de jure* status of chiefs. Contesting the failed-state argument, Englebert (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 globalisation, economic liberalisation and, in particular, processes related to 'liberal democracy'. 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 2002). 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, for the establishment of National and Provincial Houses of chiefs, for a code of conduct for them, and for possible service agreements between traditional leaders and municipalities (Tshehla 2005: 16–18). Passed alongside measures to democratise post-apartheid institutions, this act sets out to define the place of traditional leaders 'within the new system of democratic governance' (ibid. 16). Uganda, Northern Somalia, Zambia, Namibia and Ghana provide similar examples. As in South Africa, recognition of the chieftaincy has been combined with the establishment of competing and/or partially complementary local institutions in the form of democratically elected councils or municipalities. Weak or failed states, by contrast, have tended to reduce the potential for the formal resurgence of traditional power, thus running the risk that the informal resurgence of such power will assume a political or even oppositional cast, as in Sierra Leone during the insurgency (Englebert 2002).

Perhaps surprisingly, as Oomen (2002) notes for South Africa, the wave of re-traditionalisation has therefore accompanied the democratisation and liberalisation policies of the 1990s. Directly or indirectly, the adoption of multi-party democracy and decentralisation has opened up new public spaces for traditional leaders, among other local actors.⁴ This clearly demonstrates 'that democratisation in Africa is not a unilinear process, a technical procedure with predetermined means and goals' (Englund 2004: 3). In Malawi, Mozambique and Uganda, it has meant the formal enlargement of the role of traditional leaders in local governance, while in countries such as Niger and Ghana it has opened the way for chiefs to stand as candidates in local government, though in a highly competitive environment (Lund 2001). In Ghana, chiefs are very influential in party politics while, as Ellis (2005) argues, in Sierra Leone and Côte d'Ivoire key national politicians draw considerably on connections to chieftaincies to enlarge their power and/or are themselves paramount chiefs. Gould observes that Zambian chiefs are at present strategically crafting a novel mode of national political agency in the deregulated, pluralist political dispensation of the countries' Third Republic (Gould, forthcoming). Geschiere and Nyamnjoh (2000) alert us to the tendency for multi-party democracy

⁴ Decentralization as used here covers a broad range of interventions, including devolution, deconcentration, deregulation and various forms of privatisation.

to lead to national elites seeking local vote-getting alliances, for example, through traditional leaders, ethnic groups or clan elders (this point was also made by Sten Hagberg in his paper on Burkina Faso at the conference). Another recent example is Zimbabwe, where since 1999 the ZANU-PF government, facing political crises and an increasingly powerful opposition, has increased the role of the chiefs, raising their salaries and the material benefits of assisting the state in a move to retain their allegiance (Mapedza's paper at the conference).

In Mozambique, the resurgence of traditional authority has equally taken place in the context of the overall post-war transition to multi-party democracy and the commitment to decentralisation. Legislation has been directly related to donor calls for 'rolling back the state', localising development and reviving civil society (Buur and Kyed 2005). Following Englebert (2002), this seems to have been a common phenomenon on the continent, legitimised by discourses on 'social capital' and the re-emergence of 'community' as new ways of tapping into the social field (Delanty 2003). First, one could argue, following Laakso (1996), that by cutting public expenditure, economic liberalisation opened up a space for the role of the involvement of local organisations in service provision, health provision, education and judicial enforcement. On the other hand, liberalisation has led to an increased distance between states and their populations. This, Laakso asserts, cleared the way for the resurgence of tradition as an alternative mode of identification. Secondly, the emphasis of donors on grass-roots processes and decentralisation has benefited traditional structures of authority, 'since they appear to outside aid agencies as readily available local counterparts with a substantial measure of authority and capacity to mobilise' rural populations (Englebert 2002: 60). In Mozambique for example, the 'lack' of a vibrant civil society following the civil war caused donors and international financial institutions to look favourably upon traditional authorities as the missing link between rural citizens and the state (West and Kloeck-Jenson 1999).

It should also be mentioned, however, that sceptical voices from some donors and Mozambican intellectuals have emerged, emphasising in particular the potential for undermining the process of democratisation in the rural areas. The warning seems justified, because the recognition of traditional leaders as community-legitimised authorities was used by the Frelimo government to justify the decision not to expand locally elected governments into rural areas, but only to 33 urban centres (Kyed and Buur, 2006 forthcoming). Ruling parties and elites, such as Frelimo in Mozambique and the ANC in South Africa (Tshehla 2005: 10; Oomen 2002), have superimposed one lack on another, reflecting ambivalent compromises as a result of internal splits on the role of traditional leadership in democratic governance, and mirroring earlier conflicts and debates over the respective merits of modernisation and communitarianism (Mamdani 1996). In Mozambique those representing the modernist position argued that

the pre-colonial system of chieftainship had been corrupted by the colonial system of despotic, indirect rule, with the consequence that the *real* tradition had been erased (West and Kloeck-Jenson 1999). The communitarian perspective, by contrast, argued that traditional authority still exists and that it represents a specific African form of democracy and civil society (Blom 2002).

Faith in the role of traditional authority in governance and as a local, civil-society counterpart to the state has been supported within academic thinking especially since the mid-1990s. Some 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 maintained that reliance on chiefs in governance will reduce transaction costs and facilitate collective action (Dia 1996). Chieftaincy has been celebrated as ‘an important vehicle for more or less authentic indigenous political expression’ (van Nieuwaal and Ray 1996:7) capable of contributing to genuine democratisation and development. Skalník (2005: 4) agrees on this point and goes so far as to draw a dichotomy between chieftaincy 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. To him states in Africa should re-introduce a new form of indirect rule or a dual political system where hereditary chiefs are granted the role of watchdogs of democracy, providing checks and balances with regard to elected politicians and state bureaucrats (*ibid.*: 22). ‘The original consensual politics of chieftaincy’, he holds, ‘may also in the future balance the predatory character of imported states’, because, by sheer fact of their smaller size, they are more democratic than states (*ibid.*: 5).

This view of the democratic character of traditional authority was also echoed in background studies supporting the formal recognition of traditional authority in Mozambique (see, for example, Lundin and Machava 1995; West and Kloeck-Jenson 1999). Here, traditional kin-based organisations were presented as ‘authentic’ African forms of democratic governance and as ‘culture cores’ on which genuine nationhood could be built in the aftermath of war. The search for a specifically African form of democracy and nationhood, no longer exclusively building on the philosophy of the Western Enlightenment and/or socialism, has become both an academic and a political preoccupation, as reflected in policies devoted to the inclusion of traditional kinship institutions in governance. 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) and alternative visions of nationhood. In the southern African context, this has also been related to the African renaissance discourse as promulgated by South African President Thabo Mbeki (Oomen 2002).

This discourse has a deep resonance for many ordinary Africans, ‘small’ as well as ‘big men’. The director-general of the Namibia Central Intelligence Services, MP Peter Tshirumbu, said, in defence of the Community Courts Bill of 2003 that granted substantial local power to chiefs: ‘The Bill is indeed a living expression of vast majority of the Namibia people. [...] It is a well-known fact that in Namibia, colonialism and in particular apartheid imposed the so-called civil, liberal or western culture and legal institutions as dominant culture’. Western civil law, whose values underpin the Namibian constitution, was represented as undermining customary law and as shunning it as primitive. The new Bill was therefore addressing more than just a severe backlog of civil and criminal cases in the legal system; it was represented as rectifying decades of disregard for African culture by allowing customary law a harmonious entry into the country’s legal system, through this official recognition. For Mr Tshirumbu, ‘The African communal traditions were neglected and threatened by the unbridled individualism of the West. 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’.⁵

These different justifications for sustaining traditional leadership or chieftaincy speak to discourses on cultural diversity, pluralism, democracy and participation, thus fitting neatly with the democratic transitions of many Sub-Saharan Africa countries. However, as we have suggested, the varied cases of formal recognition across the continent tend to centre on what chiefs can do for the state or for political parties – collect taxes, enforce laws, mobilise voters and workers, carry out government development programmes and so forth. While it is evident that many instances of the recognition of traditional leaders take place within the overall context (and in the name) of democratisation, the contributions to the panels at the London conference suggested that it is pertinent to ask whether recognition does in fact imply a serious challenge to the kind of state centralism and/or authoritarianism that has characterised many colonial and post-colonial African states, and if so, how. We may begin by asking whether the recognition of chiefs 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 decentralisation of powers in the various forms implied by a broad concept of decentralisation to locally vested kinship-based institutions? Suggesting that it is no longer useful to speak of two different systems of government belonging to two clearly demarcated domains of the traditional and the modern state, van Nieuwaal and van Dijk (1999) warn us against seeing chief–state relations as a zero-sum game in which chiefly power waxes when

⁵ All quotes taken from: http://www.gmnnet.gov.na/News/Archive/2001/Nov/Week2/courts_rpt.htm.

state power wanes. Rather, they suggest viewing chiefs and state officials as mutually engaged in ‘converting’ different forms of power in diverse domains. Recognition of traditional leaders may thus provide for a mutual reinforcement of the authority of chiefs and the state. In a similar vein, Engelbert (2002) 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.’

The question of whether the recognition of traditional leaders *de facto* implies a reproduction of centralised or authoritarian state power is a pertinent one and necessarily depends on how the relationship between the local state organs, traditional leaders and citizen-subjects is structured in practice. As several of the conference papers attest, constant reconfigurations of authority emerge from everyday negotiations between local state officials and chiefs when administrative and developmental tasks are being carried out. It is therefore rare for chieftaincy alone to be transformed or re-invented: this also happens to the state in the form of its local-level representatives and everyday practices. This is particularly the case in post-conflict settings, such as in Somaliland, Ethiopia and Mozambique. However, 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. Can we take it for granted that traditional leaders genuinely act in accordance with the interest of their constituencies and that the recognition of chiefs supports the increased inclusion of local populations, as Skalník (2004) and others claim? We suggest that the long history of chieftaincy of adjustment to and co-option by shifting colonial and post-colonial regimes should persuade us to assess critically its 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 recognise, incorporate and, as is often the case, regulate chieftaincy for state administrative and/or party political purposes. Before relating the recognition of traditional leaders to democratisation and to state formation, however, we should begin by scrutinising 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 recognised in present-day Sub-Saharan Africa.

Recognition and benign governance

Common to most discussion 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, in other words, 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, however, the picture is slightly more complicated. This is partly due to the legacy of colonial indirect governance, which sustains patriarchal forms of customary law, family and economic life; as a way of life and form of authority, patriarchy is generally seen as contradicting democratisation and liberal governance (although not all would agree on this point, as we have made clear above).

Sub-Saharan African attempts to install inclusive, elected governments and governmental apparatuses have been long and protracted. The present wave of recognising traditional leaders in governance has therefore been greeted with some ambivalence. The fear is that the gains promised by democracy with regard to equity, human rights and gender equality would be lost by handing over the rudder of development to an indeterminate huddle of unelected community organisations and groups in the name of efficient, localised governance, cultural diversity and the highly valued attribute of localisation. Despite this ambivalence, in countries such as Mozambique, South Africa and Namibia, the recognition of traditional leaders has been officially launched as an element in the democratisation and inclusion of local communities, as already noted. This has taken place alongside an emphasis on 'recognising what already exists' or what 'pre-exists the present' (in other words, tradition or the customary).

Paradoxically, the present wave of recognition of traditional leaders in sub-Saharan Africa is seldom the result of a pure or direct response to collective claims for recognition by self-identified groups or 'communities' from below. Clearly, formal recognition and the less formal resurgence of traditional leaders cannot be separated from varied manifestations of the *de facto* use and thus support of chieftainship structures by local populations. It is nonetheless clear from the papers presented at the AEGIS conference that the recognition of traditional leaders does not necessarily reflect group interests 'from below', nor foster 'public spaces' in Haber-

mas's sense. More interestingly, and also a good deal more controversially, the conference contributions reveal that it is the state and/or the political parties in power who are the driving force behind institutionalising or formalising traditional leaders. 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 emerging from the conference is that the recent wave of recognitions of chiefs, while bolstering local forms of kinship-based institutions, has been accompanied by more or less successful attempts to enlarge the scope of power structures (or powerful agents) external to chieftaincy itself and to local communities.

The recognition of traditional leaders as legitimate community representatives and as partners in development implementation may support a 'benign' interpretation, legitimising development intervention through the approval of projects by chiefs, who then function as concrete access points for outside development agencies. Yet, as we will discuss later, most roles allocated to chiefs revolve around issues of state (re)formation, with chiefs envisioned either as 'bureaucrats' or, as in the Somali region of Ethiopia, as peace-makers. However, the 'benign' interpretation does not always ring true. Several of the papers at the conference gave different perspectives on the use of recognised chiefs as agents to strengthen the position of party politicians and/or governments in power by manipulating ethnic divisions and/or suppressing particular political groups. We therefore suggest that the consequences or 'the price' of recognition should be scrutinised critically and investigated empirically. Recognition should, in other words, not be seen necessarily as a positive or a benign act towards newly included populations, as it is in most promotions of the politics of recognition. This becomes particularly clear when we explore the recognition of traditional leaders from the vantage point of party political competition and the courting of rural votes.

Democratisation as arena and political imaginary

The majority of the papers at the conference (those on Mozambique, Northern Somalia, Uganda, Burkina Faso and Malawi) explored the recognition of traditional leaders as an element of contemporary processes of democratisation, covering the transition to multi-party competition, decentralisation and the increased emphasis on community participation in local governance and development. Democratisation functions as an important arena for formal recognition and the general resurgence of traditional leaders, an aspect that has been widely

acknowledged in the recent literature on re-traditionalisation (see Engelbrecht 2002, Oomen 2002; Geschiere and Nyamnjoh 2000). Because contexts matter and can seldom be separated from the subject at hand, we need to understand democratisation as more than a background aspect that needs to be stated and then forgotten. We suggest that democratisation should be approached as a 'political imaginary' that appears in discourses and acts that try to reconcile the slippage between demands for formal representation by international donors and African populations, and its constantly unfulfilled realisation. In the underdetermined sense used here, 'democratisation' is approached as an imaginary that is enacted in social and political spheres, but is never abidingly instantiated. For the discussion of this paper, democratisation as a political imaginary has the intriguing effect that it animates the representations, as well as the judgement, 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* judgements. As Arendt (1982: 80) has pointed out with Kant in mind, the faculty of imagination provides both schemata for cognition and examples for judgement. As just noted, democracy has become an important imaginary in Africa, allowing for the revised evaluation of tradition, traditional leaders, 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 leadership figure. Similarly, whereas the practices of state and party officials may be strikingly similar to earlier forms of engagement, be they colonial or post-colonial, discursive representations have adopted the language of rights, democracy, representation and participation to an extreme degree.

The papers presented to the conference demonstrated this by approaching the present wave of recognition of traditional leaders as less of a return to pre-colonial forms of governance and organisation than of a *de jure* and/or *de facto* reconfiguration of their role within changing political environments. The fact that we are not speaking of a return to the past does not mean, however, that notions of 'tradition' and 'traditional leadership' are insignificant in current political reconfigurations. Various claims and references to 'the traditional' as locally legitimised forms of organisation and governance are strategically employed as political tools. Tradition has become a strong mobilising metaphor. Our argument is that democratisation as context and political imaginary has increased, rather than decreased, the roles of traditional leaders in local governance, in some cases as a consequence of deliberate national legislation that positions traditional leaders as community representatives and in other cases by way of more informal uses of chiefs as agents to mobilise the electorate.

In other cases, chiefs are used as a link to rural communities in the implementation of development schemes cast in the language of community participation. Lastly, as illustrated by

Chiweza's paper on Malawi, the establishment of locally elected governments and the decentralisation of responsibilities to them have created a space for the engagement of chiefs in local governance and development by default. There are, in other words, different ways in which, both formally and informally, democratisation processes influence and have an impact on the role of traditional leadership. In Mozambique, the formal recognition of traditional leaders and their renaming as 'community authorities' has been cast as the recipe for rural democratisation (traditional leaders as community representatives) in the place, and at the expense, of extending elections to rural constituencies. Thus in 2002 the former minister of state administration held that, by making sure that chiefs were legitimised by local communities, there was no need to establish municipalities in rural districts. As we have seen, such municipalities were confined to 33 urban centres. In practice the notion of community-legitimised chiefs was translated variously by local state officials, and in most instances it meant that chiefs were recognised on the basis not of a wide representation of residents within a given territorial area, but of a small and rather closed circle of people organised around a given chief. The legitimisation process tended to follow different claims to inheritance and the old colonial registers of chieftaincies (Buur and Kyed 2005).

In Malawi as in most other Sub-Saharan African countries, locally elected councils have been extended to rural areas, where they provide the formal democratic institutions. These institutions are not effective in practice, however, and have been superseded by traditional leaders who seem to have more authority among rural constituencies (being 'closer to the people'). The use of chiefs by external agents such as donors, NGOs and state bureaucracies has further sustained this tendency to undermine democratically elected leaders at the local level. In South Africa, where the Traditional Leadership and Governance Act 41 of 2003 has introduced 'traditional councils' that have to operate alongside democratically elected governments, the lack of a clear differentiation of powers and duties between elected councillors and chiefs has created numerous conflicts at the local level (Tshehla 2005). As Peires argues (2000), chiefs and councillors compete for the loyalty of local communities and access to state funds, often to the detriment of councillors who are viewed by the local residents as unpopular because they fail to address social and economic development. The relationship between chiefs and the relatively new institutions of locally elected councils has come at a price and begs the question as to whether the latter perform anything more than a symbolic role. If so, for whom is this important: donors, rural constituencies or new political elites?

In different ways in Mozambique, Zimbabwe, Zambia and Burkina Faso, the transition to multi-party democracy has seen both the implicit and explicit involvement of chiefs in mobilising the rural electorate. The Burkina Faso case illustrates how well-positioned chiefs may use multi-party politics to their own advantage. In Zimbabwe, chiefs are paid by the ruling party for their loyalty and for mobilising votes, while also being given an extensive role in local governance and natural resource management. In the Renamo strongholds of Manica Province in Mozambique, chiefs were informally drawn into Frelimo voter campaigns in 2004, even though this was against the Decree's emphasis on chiefs as neutral political players. State officials and Frelimo secretaries compelled chiefs to mobilise the rural electorate for party meetings and to display a photo of the Frelimo presidential candidate at their homestead (Kyed 2005).

An obvious question to ask is whether the incorporation of chiefs, whose status is based mainly on hereditary succession, within local governance is not a retrograde step in terms of democratisation. There is no easy or straightforward answer to this question. A normative definition of democracy usually equates it with formal elected representation through 'one man, one vote', which a government's accountability to its people. As a first approximation, we will argue that this question cannot be answered merely by viewing chiefs as undemocratic by definition and national regimes (which 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 chiefs, as Mamdani (1996) suggested roughly a decade ago. Mamdani warned against the continued reproduction of the bifurcation of the African state, creating citizens in the cities and subjects in the countryside. Cautioning against the autocratic character of the customary practice of holding sway over vast numbers of Africans, he saw democratic African states as being ambivalent in their response to an old dilemma. The failure to dismantle the rule of part-hereditary, part-appointed aristocracies in the countryside and to extend full democratic citizenship to everybody – rural as well as urban dwellers – he saw as signalling 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 is left in the hands of these rural aristocracies, very much depending on context and histories, but, as Adler and Steinberg have pointed out, Mamdani 'seems to believe that difference *ipso facto* spells division' (ibid.). As the papers from the conference suggest, the form of the state and the mode of governance that rely on chiefs do not seem to prevent the introduction of democracy and neo-liberal ideas about civil society, nor limit their importance. Rather, the continued presence of traditional leaders working with and for the post-colonial state(s) gives rise to 'indigenously hatched hybrids' (Coma-

roff and Comaroff 1999: 27–28), 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 post-colonial encounters only ever give way to non-egalitarian and illiberal forms of public authority.

Like it or not, traditional leaders partake in the constitution of different forms of public authority and are embedded in ways of life that are at odds with liberal norms (individualism, gender, human rights, achieved authority etc.), and they do in fact have deep roots in many African countries. However, being at odds with liberal norms does not mean that traditional leaders have not exerted and relied on downward accountability to their subject populations. An interesting insight emerges from the papers by Hoehne and Hagmann on Somaliland (Hoehne) and the Somali region of Ethiopia (Hagmann) that, so to speak, inverts Mamdani's argument. They show how decentralisation and the state's incorporation of traditional authorities have the effect of rendering these positions less democratic in the sense that traditional authorities become at risk of losing the downward accountability and popular legitimacy that their authority is built on. The tragedy is that it is on these forms of downward accountability that the popular legitimacy of traditional leaders is based *vis-à-vis* the constituencies they represent, as well as in national legislation. In the Mozambican case a similar situation applies, in particular in those former war-zones where state policies are highly unpopular and where state legitimacy is contested due to the long history of militarised governance. Here the obligations placed on chiefs to collect taxes and police rural communities are greeted with discontent by many rural citizens, with the effect of potentially pitting chiefs against the communities from which, *de facto* and *de jure*, they derive their legitimacy. In addition, the prohibitions placed on chiefs to solve criminal cases by enforcing material compensations on perpetrators runs up against rural citizens' expectations that chiefs should enforce justice according to local notions (Kyed forthcoming). In this sense, state incorporation has the affect of creating an ambiguity between upward (state) and downward (community) accountability, thus placing chiefs in a betwixt and between position (West and Kloeck-Jenson 1999).

Processes of democratisation and the particular manner in which democratisation as a political imaginary is enacted are therefore not abidingly instantiated or simply unilinear. The fact that democratisation, as illustrated by the Mozambican, Somaliland and Ethiopian cases, is combined with re-gaining state control over people and territory creates contradictions in practice. As we have argued with regard to Mozambique (Buur and Kyed 2005), although the recognition of chiefs has been represented officially as an attempt to democratise traditional leaders, it seems to function as a thinly veiled excuse for failing to democratise rural areas fully (by not implementing locally elected governments) and for expanding state control over these areas

(see below). The irony is that, far from destroying forms of life build up around traditional leaders and sustained by sometimes deep and old legacies, the present wave of local democratisation can evoke and revitalise chiefly rule, but it does so in a new re-invented form that changes the empirical forms of chiefly rule. This is made clear by Chiweza with respect to Malawi, where, despite access to new elected local government structures, rural citizen or subjects appeal to the chief because in doing so they apparently obtain better and faster access to crucial government services and institutions.

The exploitation of traditional leaders in multi-party competition and modern, 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 democratisation. In particular, we have to examine the formal replacement of post-colonial 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 suppression, where liberal statecraft (in the form of elections, decentralisation 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 papers from the conference do point towards a certain tactical appropriation by African regimes of democratic procedures and rhetoric. As Mbembe (2001) has suggested, the centrality of public spectacle can become all the more important when the state apparatus is weak and less capable of securing control of territory and delivering services and rights to its citizens. State spectacles allow the state and relationships between the state and its subjects or citizens to be reworked within registers of power. That said, we will nonetheless suggest that the 'vexed question of democracy' (Englund 2004: 2) in African states is highly nuanced because its enactment as a political imaginary is neither unilinear nor simple. The point is that the recognition of traditional leaders within the context and political imaginary of democracy and processes of democratisation cannot be separated from the relationship of the chieftainship to the state or to state formation.

The complication of state formation

Herbst (2000) has drawn attention to the legacy of colonial boundary-making, which has meant that post-colonial Sub-Saharan African countries are plural societies. Governments thus

face the daunting tasks not only of moulding nations out of competing modes of belonging and forms of identification, but also of asserting the governmental and developmental state apparatus over vast and often thinly populated territories. Hoehne's paper on Somaliland, Hagmann's on the Somali region of Ethiopia and Zellers' on Namibia all point at the formal recognition of traditional leaders as an element in post-conflict state formation. The same applies to Mozambique (see Buur and Kyed 2005; Kyed and Buur 2006 forthcoming). Lack of state capacity and lost territorial coverage by the state machinery due to protracted war have created both the context and the impetus for co-opting traditional leaders by way of some variant of state recognition. Here, the delegation of a range of tasks with far-reaching responsibilities invites comparison with colonial indirect rule (Mamdani 1996). The current forms of recognition are nonetheless cast in new discourses such as peace-making (Ethiopia); national security (Namibia, Zimbabwe and Mozambique); democratisation, development and community participation (Malawi, Namibia and Mozambique); and national unity (Zimbabwe, Namibia and Mozambique).

The inclusion of traditional leaders in governance in Mozambique should be seen against the backdrop of a view of chiefs as ambiguous 'survivors of the war': they symbolise what 'survived' after a protracted civil war, but under conditions where their loyalty to the Frelimo governing party and the state have been less than clear-cut, if not contested outright. Despite these uncertainties, chiefs have come to be recognised today as the extended arm of the state in, for example, tax collection, policing and judicial enforcement (Buur and Kyed 2005). The underlying idea is that a *de jure* strengthening of the system of chiefly rule will simultaneously strengthen the administrative capacity and authority of the state. While this supports the argument that the formal recognition of chiefs can, at least in some locales, be a symptom of a weakened state apparatus, it contradicts the idea that the bolstering of chieftaincy reduces or challenges state power. 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, but then, through the very act of recognition, the state is itself effectuated or made present anew.

In Mozambique's war-torn rural areas in 2002, the process of recognising traditional leaders went well beyond a symbolic act: it opened up a path for the state's re-encroachment into zones that had been left without an effective state presence. Marked by first-time visits by state officials to chieftaincies after the war, the registration of populations and territories and public ceremonies equipping chiefs with state emblems to wear and a national flag to raise at their homestead, the recognition of the chiefs was simultaneously a manifestation of state authority. Furthermore, since their inauguration, the state has relied on the chiefs as newly

recognised community representatives (*de facto* local authorities) to legitimise government development interventions, approving projects and facilitating access by outside development as well as state agencies (Buur and Kyed 2005).

The application of the concept of ‘community’ in government policies regarding traditional authorities, we suggest, has played a significant role in the ambiguous merger between attempts to regain state control and moves to democratise 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 re-traditionalisation. It is applied to provide a democratic ring to the state’s use of chiefs in governance. In Mozambique, recognised traditional leaders have simply been renamed ‘community authorities’ in the name of community participation and democracy (see Buur and Kyed 2005). In the South African case, populations under the jurisdiction of traditional authorities are conceptualised as ‘communities’ (Tshehla 2005: 18). We suggest that this reliance on the concept of ‘community’ points towards the intertwined existence of a variety of different, partly overlapping discourses that sustain each other. While the concept derives its immediate history from colonial and apartheid forms of governance through customary rulers, the present celebration of ‘community’ is intimately connected to the appearance of neo-liberal discourses that have changed the concept’s value within development thinking. From generally being viewed as antagonistic to modernisation and the domain of state intervention in the period immediately after the dismantling of colonial regimes, ‘community’ has increasingly ‘returned’ as a territory of government, as a concrete ‘means of government’ or ‘government through community’ (Rose 1996: 335; 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 programmes and techniques which encourage and harness active practices of self-management and identity construction’ (Rose 1999: 176). This is possible because community is such a ‘vague term’ that it can be adapted to projects of nearly any ideological mould, whether left- or right-wing (Delanty 2003: 88).

It is important not only to see the potential for exercising control, because ‘positive’ government (to use the Foucaultian lens) can also lead to community empowerment that is capable of ‘producing consequences that are desirable to all’ – or such is the hope (Rose 1996: 335). We suggest, however, that the current, intense focus on traditional leaders is a technical means of producing entities that can engage in government projects and that bear a striking resemblance to what Delanty (2003: 87) calls ‘governmental communitarianism’. As is the case with most communitarian perspectives (see Delanty 2003: 72–91 for an overview), the concept of community rests on a social ontology of unproblematic group ties. Communitarian perspect-

ives seldom scrutinise the concept of community (see van Beek 1999: 446). Instead they maintain a view of community as based on solidarity, as self-contained and structured around attachment to shared values, and of communities as somewhat homogeneous groups capable of co-ordinated agency. We suggest that such notions are unsuited to understanding social reality in general and the present recognition of traditional leaders in governance in particular. This critique is not based simply on the fact that no serious thought is given to differences and potential conflicts within communities, as opposed to the attention given to conflicts between community and state, as in the conventional Tönnies perspective, distinguishing between *Gemeinschaft* and *Gesellschaft* (see Delanty 2003: 32–4 for a critique). More fundamental to our diagnosis is the way in which the recognition of traditional leaders of different types has been presented and justified as merely the acknowledgement of pre-existing local authorities and their constituencies: the (traditional) communities. When the justification for recognising and bolstering the role of traditional leaders is based on the legitimacy of chiefs in discrete local communities, there seems to be little scope for the development of an autonomous sphere of civil society. Instead, the incorporation of traditional leaders in state governance may indicate either an increased effort to become part of the state, or simply to a command to become part, resulting in an even more profound contamination of civil society than is the case today. Official claims to democratise chieftaincy and for that matter state governance in the name of ‘community’ may thus be highly contradictory.

What is the effect of all this on our understanding of the African state and chieftaincy systems more generally? In answering this question, we begin with a critical scrutiny of the frequent official argument that the institutionalisation or formalisation of the relationship between state organs and traditional leaders merely leads to the reproduction of two discrete entities or separate domains of authority: the traditional or communitarian, and the modern or bureaucratic. As the papers from the conference suggest, the very act of recognition is intimately linked to processes of reordering and transforming both the state and traditional leadership formations. As van Nieuwaal and van Dijk suggest (1999), in everyday practice and in their continuous claims to authority, chiefs 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 artefacts such as state emblems, the national flag and state support in sustaining their authority in rural society. As the contributions to the conference showed, focusing on everyday collaboration between, and the different exercise of authority by, local state officials and recognised chiefs or elders challenges the discursive production of a clear-cut separation between the different domains of the state and traditional authority (see also Buur and Kyed 2006 forthcoming). But everyday collaboration with state officials also raises

the question of the consequences of recognition for the popular legitimacy of chiefs and of the character of the state at the local level.

As the Ethiopian case suggests (Hagmann's paper at the conference), recognition by the state has made chiefs less accountable to the population and hence less democratic, which reflects the inherently undemocratic character of local state practices and the quest for control. On the other hand, the state's use of chiefs as peace-makers often provides the channel through which to solve criminal cases outside the domain of the formal justice system, thereby undermining state sovereignty. In Mozambique, the delegation of tax collection to traditional leaders has provided wide scope for a reduction of their popular legitimacy, while at the same time it has been appropriated as a strategy for local state officials to regulate and measure the chiefs' compliance with the state's requirements. From a different perspective, the outsourcing of policing to chiefs moulds the character of the state's security forces and justice system at the level of everyday practice considerably (Kyed forthcoming). It leaves an intermediary domain of informal justice and vigilance to control the conduct of rural constituencies, often following imperatives that, as in Namibia and the Somali region of Ethiopia, contradict or at the very least differ from state law. As Zeller's paper at the conference argued convincingly, the main preoccupation of Namibian chiefs operating in the Caprivi Strip is to retain cheap labour in the form of Zambian herd-boys, even though this undercuts the state policy of 'cleaning' illegal migrants out of the border area. Instead of enforcing state law, these chiefs are successfully forcing the state to change its policies, at least in practice. As Kyed argues (forthcoming) for Mozambique, the articulation between chiefs and the state police in dealing with crime and providing everyday policing not only impinges on chiefly practices by delimiting their exercise of authority (for example, to use corporal punishment and solve criminal cases): it also shapes the *de facto* enforcement of state law and the institutions deemed to belong to the state, as these adjust to local notions of justice. While traditional leaders are being incorporated by the state, the state at the same time becomes localised.

In conclusion: a note on methodology

All the papers referred to from the conference (except Hoehne's) take a cautious approach to the concepts of 'tradition' or 'the traditional' when considering chieftaincy or traditional leadership. 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 closer to a critical realist or social constructivist approach than a substantialist approach to the term). We thus do not use 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'. In other words, with the current variety of manifestations of, and claims to, the traditional, we find it more useful to explore how 'tradition' and 'the traditional' are employed by a variety of actors in contemporary, local, national and international contexts. We propose to examine, first, how the traditional is defined in national legislation and employed for contemporary goals; secondly, how it is defined by local populations regarded as being ruled by tradition; and, thirdly, how it is defined and used by those, such as chiefs, 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 contrasts that are both tactically and strategically employed in everyday practice and at the level of public discourses, national politics and legislation. Since the important 1980s 'invention of tradition' debate, initiated by Hobsbawm and Ranger (1983) and elaborated by Geschiere (1997), 'the traditional' has been widely understood as part of modernisation processes and therefore cannot be regarded as a pure continuation of the past or as a pure domain separate from 'the modern'. The papers from the conference (and other scholarly work) at the same time 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 legitimisation of authority). In practice, there may be no pure domains of traditional and modern, but classifications of traditional and modern as separate domains are constantly being produced.

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 legitimation and de-legitimation 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. 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 and unchanged, seems to be a constant.

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Appendix: Papers referred to from the AEGIS conference

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Between state and community: Tax collection as an index for state and party trust

Abstract

Against the 2002 formalization and official recognition of traditional leaders as ‘community authorities’, the article explores chiefs’ renewed role as state assistants. The article argues that lack of legal clarity and varied localized interpretations have placed chiefs in an ambiguous role as, simultaneously, state assistants and representatives of rural communities. This becomes clear in the formal task of tax collection. The capacity to claim taxes from rural communities and the willingness of rural subjects to pay tax becomes an index for their adherence not only to the Mozambican nation-state, but also to Frelimo, the ruling party.

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Reassessing the role of chiefs in Malawi’s rural decentralisation initiatives

Abstract:

Chieftaincy has been a notable feature of rural Malawi where about 80% of the country’s population resides. Since the colonial period, the conceptualisations, images, and roles of chiefs have gone through several processes of transformation. While their formal roles were being reduced towards the end of the colonial period, the post-independence one-party period demonstrated an ambiguous yet orchestrated position for the chiefs that contributed to a gradual revival of their roles, bounded however within the party’s neo-patrimonial rule. Recent decentralisation and democratisation discourses in Malawi, cast in the language of people’s representation, participation and empowerment, have opened space for more chiefly activity at the local level and have seen these chiefs emerge as powerful actors in development initiatives in the rural areas. This paper examines the circumstances that have contributed to this resurgence and critically analyses whether this reengagement of chiefs implies inclusionary politics and empowerment of rural masses. Although the new Local Government Act places emphasis on democratic participation, centred on elected councillors as the people’s representatives, the architecture and operation of the decentralised structures at the sub-district level places the chief in direct conflict with the formal roles of the councillor. The paper further argues that this position is enhanced by the mode of operation of the bureaucracy, political leaders, and international aid and non-governmental organisations, which appear to have turned chiefly office into an arena of brokerage for many of their functions. In conclusion, while such activities have helped to bolster the chiefs’ legitimacy in community eyes, the chiefs themselves are not engaged in a democratic dialogue with their populace.

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Traditional chieftaincy, party politics and political violence in Burkina Faso*Abstract*

This paper examines the relationship between traditional chieftaincy and party politics in the context of political violence in present-day Burkina Faso. Since independence, national politics have maintained an ambiguous relationship with traditional chieftaincy. Yet in 2000-2001 some chiefs were involved in cases of political violence, in which the chiefs' legitimacy was used to justify serious crimes against state law, such as the assassination of political antagonists. The chiefs or their relatives and/or collaborators were interrogated and taken into custody by the police forces. These cases have been closely monitored by political actors and have generated a lively public debate in Burkina Faso. The paper focuses in particular on the ways in which these violent practices are publicly discussed, from attempts to legitimise violence in the name of 'tradition' to defences of the rule of law. Paradoxically, while the democratic context is the arena of violent practices, the very same context provides a public space for the opposition forces and alternative voices.

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Bringing the sultan back in: Somali elders as peacemakers in Ethiopia's Somali region*Abstract*

This article examines the re-configuration of power between customary and state representatives in Ethiopia's Somali Regional State through the lens of elders' involvement in local conflict resolution. Popular and academic discourse portrays Somali elders as the predominant customary institution of kinship-based governance. Somali guurti ('council of elders') were formally incorporated into regional and local administration in 2000. The nomination of government elders by the ruling political party aimed at expanding state control and security within the region's remote and insecure areas. Salaried elders advise the local government in matters of peace and security and assist in mediating violent clan conflicts. Institutionally, the establishment of the guurti elders reflects an application of the principles of Ethiopian 'ethnic federalism', namely decentralisation and ethnic-based representation, to Somali customary authority. A detailed empirical analysis of the subsequent steps of peacemaking demonstrates that guurti members, state officials and clan elders closely collaborate in containing, settling and resolving violent clan conflicts. The article concludes that the guurti elders make a vital contribution to a peacemaking process characterised by a high level of syncretism, merging kinship contracts with state coercion and blood compensation with administrative sanctions. Consequently, elders and authorities have developed and now implement effective hybrid conflict resolution mechanisms within Ethiopia's Somali Regional State. Although the state documents and formalises the outcomes of peace agreements, the contractual clan agreements (*xeer*) that underlie inter-clan relations are not 'frozen' by state codification. Ultimately, popular recognition of the customary norms orienting the peacemaking process (collective responsibility, blood-compensation and so on) force state actors including the guurti elders to implement customary rather than positive law.

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Between pastoral and state politics: Old and new roles of traditional authorities in Northern Somalia*Abstract*

In pre-colonial times, the position of traditional authorities among pastoral-nomads in Northern Somalia was weak and contested. Legitimacy was related to the skill of family- and clan-heads to satisfy the needs of their own people. The elders, Sultans and other authorities were primarily involved in pastoral politics, concentrated on the access of men and animals to water and pasture. Later, they were incorporated into the administration of the British Protectorate and paid to serve as a link between the government and the local population. This was accompanied by a change of legitimacy, which at least partly shifted to the state. In post-colonial times, the new political elite systematically marginalized traditional authorities, but their influence increased again during the Somali civil war and its aftermath. In the late 1980s, traditional authorities became involved in the guerrilla war and went on to take a leading role in the establishment of the secessionist Republic of Somaliland and the creation of the autonomous Puntland State of Somalia, the two *de facto* states in Northern Somalia. Today, they are firmly incorporated into these new administrations. While this gives them new options and power, it also distances them from their local constituencies. Particularly in a situation in which the political future of Somalia is contested and Somaliland and Puntland are close to war over territory, traditional authorities are sometimes forced to take decisions that are not accepted among the people whom they claim to represent. This leads to divisions within communities at the local level and to the election of opposition leaders. The new roles played by these traditional authorities are therefore connected with the erosion of legitimacy. The example of Northern Somalia puts into question the democratic potential that in other African contexts is often attributed to a similar resurgence of traditional institutions.

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Traditional authority and accountability within the environmental sector in Zimbabwe*Abstract*

The colonial governments 'invented' tradition in order to serve the interests of empire in Africa. This made traditional institutions pivotal in the resilience and perpetuation of colonial rule. In Zimbabwe, the postcolonial state is in the process of 're-inventing' its own version of traditional authority, which has enhanced its support base at a time when its legitimacy is being questioned. This paper looks at how the current re-configuration of traditional leadership will impact on democratic governance in rural Zimbabwe. Traditional leaders have been cast as the 'custodians' of natural resources. Their alliance with the state has resulted in dual accountability – to the state and to their citizens. How will their incorporation into the state's oppressive project affect democratisation and accountability within the environmental sector? In Zimbabwean, the re-configured traditional authorities are more upwardly accountable to the state than to their local constituency, which undermines their legitimacy. This paper will demonstrate how the reconfiguration of traditional authority has undermined the accountability and legitimacy of traditional authorities in the north-western parts of Zimbabwe,

through selectively appealing to the past in order to legitimate current practices – despite the historical contradictions. The Zimbabwean context further demonstrates that this legitimating process is based on two factors. Firstly, the state wants the rural citizens to accept their oppressive version of traditional authorities. Their legitimacy is said to be beyond question since it is based on an ‘established tradition’. Secondly, oppressive state policies are given *de jure* recognition through passing of legislation – mainly, the Traditional Leaders Act of 1998 – reflecting the Zimbabwean state’s determination to hide oppressive state policies beneath the veneer of ‘acting within the law’, despite the arbitrary of the law. Chiefs are now largely viewed as localised state despots who are helping reproduce the postcolonial state, at the costs of their own local credibility.

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Police, Chiefs and Vigilantes in the Margins: ‘Cleaning up’ the Namibia/Zambia borderland

Abstract

The monopoly to control territorial boundaries is a central security concern for state authority and a fundamental aspect of the claim to sovereign statehood. However, in everyday life in Southern Africa, scholars have recently identified a range of vernacular versions of territorial control and administrative practice that defy the simplified dichotomy of in- versus outside the realm of the state. This ethnographic enquiry into the territorial and social margins of the Namibian and Zambian states examines closely the nexus of two such phenomena: The state (and donor)-sponsored outsourcing of policing functions to ‘communities’ and ‘vigilantes’, and the resurgence in importance of local chiefs as lower-tier representatives of state authority. In 2002, the Namibian Home Affairs Minister introduced a policy initiative aimed at ‘cleaning up’ illegal immigrants and introducing so-called ‘police reservists’ to patrol the Namibia/Zambia borderland, a labyrinth of swamps and waterways created by the Zambezi River and its meanders. From the offices of the higher and middle-ranking police and immigration bureaucracy to the everyday realities of border policing in two towns on opposite sides of the international boundary, the paper traces the ways in which personal networks, so-called ‘tradition’ and local knowledge of landscape, names and faces intervene where ID documents and laws fail as tools to monopolize the regulation of the legitimate movement of goods and people in the borderland. Chiefs turn out to be powerful agents on behalf of their own interests, skilfully taking advantage of their positions as *de-facto* state representatives and ruling party members by playing the economic, political, and security interests of other local and state actors against each other. The results suggest the necessity of a more nuanced understanding of everyday forms of state formation in the borderland where local dynamics bear little resemblance to the official claim of two separate and unambiguously defined sets of territory, authority and citizenship.