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Invented traditionalism vs. entrenched informal institutions:  
Viability of Hybrid Governance in Botswana, Lesotho and Swaziland

MASTER'S THESIS

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## Author's Declaration

I have written this Master's thesis independently. All viewpoints of other authors, literary sources and data from elsewhere used for writing this paper have been referenced.

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*The defense will take place on June 8, at Lossi 36, Tartu.*

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## Abstract

Hybrid Governance as a coexistence of state and traditional institutions challenges conventional understanding of state fragility/failure and offers a new perspective for developing states. Being capable of overcoming a modern-traditional dichotomy, hybrid governance represents fluidity of formal-informal institutional setup where the informal actors including Bigmen, chiefs or other traditional leaders complement the state capacity. Botswana, Lesotho and Swaziland as three Southern African states being subject to the British colonial rule are notable examples of different forms of hybrid governance, where the pre-colonial state formation blended with the “imported” colonial state resulted in the institutional dualism. However, the divergent political transition witnessed across the countries questions the viability of hybrid governance and requires a closer analysis of how conducive such institutional mixture can be to democratic transition. This study builds on the premise that higher importance of traditional institutions vis à vis the state can be less conducive to democratization due to inherent incompatibility of the indigenous traditional tenets with democracy and reflects on the role of pre-colonial state and colonial legacy in molding hybrid governance.

## **Glossary and Abbreviations**

ANC- African National Congress

Baraza - traditional institution in Kenya

BCP - Basutoland Congress Party

BNF - Botswana National Front

BNP - Basutoland National Party

Bochaba Sere - “the public says” in SeSotho, used by the Senate members to describe National Assembly as pursuing their own political agenda

BPP - Bechuanaland Peoples Party

DDC - District Development Committee in Botswana

Difaqane - Sesotho word for wars in southern Africa during the period of 1815 and 1840

HCT - High Commission Territories under British Colonial rule

Incwala - Annual ritual of kingship in Swaziland held in Dec/Jan each year

Indlovukazi - Queen Mother in Swaziland (Great She-Elephant in SiSwati)

Ingwenyama - King of the Swazi (Lion in SiSwati)

Kagisano - Tswana concept of unity, peace, harmony and sense of community

Kgotla - traditional institution in Botswana

LDF - Lesotho Defense Force

Libandla - Swazi council comprised of chiefs, community leaders and all adult males

Lifa Fund - National Fund that collected taxes from Swazis

Liqoqo - Council that advises the king in Swaziland

Liretlo - ritual murder in Lesotho

Mafisa - system when herdsmen work for wealthier farmers in Botswana

Morena e Moholo - Paramount Chief in Lesotho

NEPAD - New Partnership for Africa's Development

Ntlo ya Dikgosi - House of Chiefs in Botswana

OECD - Organization for Economic Co-operation and Development

Pitso - traditional institution in Lesotho

PUDEMO- People's United Democratic Movement (Political Party in Swaziland)

SACU- Southern African Customs Union

SADC- South African Development Community

Sephephechana – card-carrying members of the governing party in Lesotho

Shir- traditional institution in Somalia

Sikhulu - local chief in Swaziland

Tibiyo Taka Ngwane- “wealth of the nation” in SiSwati, is a company owned by the royal family of Swaziland

Tinkhundla - administrative subdivision in Swaziland

Umbanga - Conflict/dissent in SiSwati

VDC - Village Development Committee in Botswana



## Introduction

Rethinking African statehood in the light of an increasing importance of the local actors in performing the tasks, which under the normal circumstances the state should be capable of accomplishing, requires a closer look at how the state and non-state actors cooperate for the benefits of society. Research on such cooperation is barely new and is acknowledged by the World Bank, for instance, as an important strategy to aid some of the developing states' fragility. According to Jed Friedman (2014): "When state institutions find it a challenge to deliver services in under-resourced areas, it's common for policy makers to consider leveraging existing local non-state capacity to help." While such cooperation might seem benign and in everyone's interest, we have to acknowledge the possible pitfalls of institutional dualism, especially when weak state institutions are undermined, rather than complemented by the conflicting interests of the non-state actors. Institutional dualism in post-colonial Africa is particularly important as it represents a power struggle between the traditional authorities and the colonial rulers, which can be considered as an inchoate version of traditional-modern institutional setup, commonly referred to as hybrid governance.

Meagher et al. (2014 a) note that hybrid governance in the African context can be best understood as a:

"Process through which state and non-state institutions coalesce around stable forms of order and authority. Instead of focusing on fixing failed states from above, development practitioners and academics are asking new questions about whether more appropriate forms of order are being constructed by 'working with the grain' of local institutions operating on the ground in weak state contexts."

It is crucial to decipher what is meant by the non-state actors in this regional context, since presence of non-state actors in a broader sense is not something exclusively peculiar to the African reality. Holzinger et al. (2016, p. 470) argue that research on dual

governance may also shed light on the parallel governance setups, where church and state coexist, though notion of non-state actors in Africa is primarily limited to the traditional leaders, mostly in the form of hereditary chiefs, Bigmen, vigilante groups etc.

Hybrid governance should be analyzed as a continuum of institutional dualism where the co-existence of the state (formal institutions) and traditional actors (informal institutions) can lead to very divergent outcomes, depending on the strength of the state institutions and the interests of the traditional leaders. Therefore, in the midst of discussion about the failing attempts of democratization in Africa, it is pertinent to analyze the role of hybrid governance in this process with a special reference to the nature of modern-traditional admix shaped in the colonial period. However, it would be misleading to contend that hybrid governance, albeit reflecting the peculiarities of African governance most accurately, can be used to determine/predict democratization per se. A comprehensive analysis of state-traditional institutional development in a historical perspective is instrumental in understanding how traditional leaders can “rescue” inchoate state institutions from a legitimacy crisis, whereas their obstruction to democratization is another important aspect to study. Such ambivalent role of traditional leaders and institutions requires an in-depth probe into the ways these institutions, confined to the local traditional tenets, evolved and reflected major societal changes over the time. Theoretical framework of hybrid governance thus should predicate on a meticulous research on the pre-colonial state formation, where traditional leaders wielded absolute power and the colonial rule, where the chiefs’ hold on power was challenged by introducing a veneer of the Weberian state. Molding hybrid governance on a different premise conditioned by the clash of traditional and modern institutions upon the independence largely defined the extent of democratic transition soon after the 1960s.

This study, dealing with three Southern African countries: Botswana, Lesotho and Swaziland will focus on a complex process of hybrid governance formation and will endeavour to explain how the different degree of institutionalization of traditional governance has led or prevented democratic transition in the first two decades after gaining independence. Epstein et al. (2003, pp. 10-11) rightly argue that: “There are two distinct

types of questions that we want to answer: what makes countries more or less democratic, and what factors help insure new democracies against backsliding to autocracy? The first is a democratization question; the second, consolidation.” This work, covering the transition of three Southern African countries, only one of which had a limited experience of “democracy” in the pre-independence period, endeavors to analyze a complex process of democratization through the lens of hybrid governance. Sharing number of similarities based on their ethnic homogeneity, traditional political institutions and British colonial rule, a substantial question to be scrutinized is why only Botswana managed to embark on the democratic transition and what have prevented Lesotho and Swaziland from pursuing similar path?

Hence the hypothesis (H1): *Higher the significance of traditional governance vis-à-vis the state, less likely the democratic transition will occur.*

Importance of the traditional institutions will be measured by the role of the traditional leaders in the **party system** formation on the eve of independence and **institutionalization** of the traditional leadership by its legislative functions, its role in land allocation and local governance, thus forming a basis of hybrid governance. Democratic transition as a dependent variable will be analyzed based on two indicators: 1) Multiparty electoral competition and response to the electoral defeat; 2) constraints on executive. This work uses an in-depth qualitative data to analyze how the hybrid governance formation, studied from the perspective of historical institutionalism, can be used to evaluate the likelihood of democratic transition. Research on a relatively successful democratic transition of Botswana contrasted to partial democratization in Lesotho and authoritarian, one-party state in Swaziland based on hybrid governance will help us understand how the inherent incompatibility of traditional principles with democratization in the Southern African context requires a subordination of traditional governance to the state institutions. While incorporating traditional narrative into state-building process in the form of indigenous public discussion forums and customary law practice is fundamental for granting legitimacy to the fledgling state institutions, a possible dominance of traditional institutions within hybrid governance will likely jeopardize democratization. Traditional principles of selection and patronage not only undermine the democratic tenets of election

and equity, but they also endanger independence and accountability of the government branches.

The thesis is structured as follows: Chapter I lays out the theoretical framework for hybrid governance and reflects on the formal-informal institutional setup; Chapter II covers a process of pre-colonial state formation across the case studies, thus unravelling the traditional premise of hybrid governance; Chapter III moves to the British colonial rule and analyses transformation of the traditional authority with a special reference to the inchoate modern-traditional merge; Chapter IV studies the independent variable in the context of party system formation and institutionalization of traditional leadership in the post-independence period; Chapter V analyses the role of hybrid governance in the democratic transition and thus, tests the validity of hypothesis; Chapter VI provides concluding remarks and offers venue for future research.

## Chapter I

### Revalorization of traditional authority

African pre-colonial polities, having a distinctive pattern of settlement and migration<sup>1</sup>, did not evolve around central political power, but were rather modelled on the tribal structure. Due to the lack of infrastructure (paucity of paved road still poses a major problem for reaching the periphery), African pre-colonial leaders did not manage to project power to the hinterland which ultimately circumscribed their authority to the political centres of their communities. This tradition continued during the colonial period when the capitals were empowered and periphery remained disenfranchised. The absence of centralized political core triggered a proliferation of kin-based traditional systems in Africa, which contrary to the expectation of many, not only endured colonialism, but also managed to survive in the post-independence era. Traditional authorities mainly in the form of chiefs (paramount chiefs), bigmen and kings were in charge of decision-making at the local tribal level, albeit their leadership was under constant scrutiny. Far from being authoritative rulers, African pre-colonial leaders manifested some degree of transparency and accountability through summoning the informal institutions for discussing community-wide matters.

Traditional leadership which is largely absent in Europe (here traditional leadership should be clearly distinguished from different forms of informal institutions, like clientelism, patronage, patrimonialism which are also common in the developed states) is a deeply rooted political phenomenon in the developing countries. Revalorization of this institution in the post-colonial period was related to rethinking the foundations of African

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<sup>1</sup> Jeffrey Herbst (2000) in his book *States and Power in Africa: Comparative Lessons in Authority and Control* notes that urbanization was a rare occurrence in pre-colonial African polities and that population was mostly scattered in the hinterlands where local chiefs governed on a tribal basis. Author makes an interesting comparison between the African and European state formation and notes that, while European nationhood developed amidst the wars for land which was rather scarce on the European continent, African societies with abundant land masses had never experienced “land war.” Contrary, land was used as a form of dissent towards particular chiefs: in case of major conflicts, land defection and migration to other tribes was used as an effective tool for punishing abusive traditional leaders.

statehood and continent-specific sources of legitimacy. For the sake of convenience, chieftaincy will be used as a synonym for traditional leadership throughout the work since most African countries use this institution as a part of traditional authority both at national and local levels. Though being considered as anachronistic, “Chieftaincy in Africa is not only an integral part but is also a vital element in the social, political and cultural establishment of African communities. It is a dynamic institution that reflects and also responds to the evolving political and social transformations of society” (Kargbo, 2007, p. 5). Rather than being sidelined, traditional leaders underwent a fundamental transformation which allowed them to exist next to the elected politicians. While elected politicians and selected chiefs might offer a new venue for dichotomy, it should be noted that the analytical framework of hybrid governance is not tradition vs. modernity, but rather a process through which these two forms of governance are blended. As an integral part of revalorization, traditional leaders acquired a distinct role in terms of aiding African state fragility. Apart from being the intermediary between communities and state, traditional leaders have a capacity to play a more significant role in terms of providing basic goods and services, ensuring justice through customary law and applying traditional tools for conflict resolution and reconciliation. As Boege et. al. (2008, p. 20) note: “On many occasions, therefore, the only way to make state institutions work is through utilizing kin-based and other traditional networks. Thus the state's ‘outposts’ are mediated by ‘informal’ indigenous societal institutions which follow their own logic and rules within the (incomplete) state structures.”

Pre-colonial traditional authorities in Africa were subject to regular checks and balances through informal institutions, which were summoned on regular basis and were attended by adult males. However, the fact that chiefs were exclusively in charge of land allocation and dispute settlement meant that losing their allegiance would also mean to lose access to grazing land and on certain occasions, would lead to eviction from tribal land.

Pre-colonial African polities’ extensive reliance on the diversity of traditional authority was legitimized by the indigenous political culture. According to Pearl T. Robinson,

“Culture of politics refers to political practice that is culturally legitimated and societally validated by local knowledge. Rooted in a community's habits, customs and symbols regarding power, authority, participation and representation, its mores are readily accessible to elites and ordinary people alike. Moreover (and this is a critically important point), a given culture of may be altered over time through a process of political learning.” (1994, p. 39)

It can be assumed that traditional authority in Africa, which was predicated on the indigenous political culture, facilitated the process of adopting and internalizing such political system. Far from being alienated, Africans felt a personal attachment to such governance since it emanated from their traditions and customs. Legitimizing authority through tradition is something barely new. German sociologist Max Weber differentiated between legal, traditional and charismatic types of authority, whereas traditional one was defined as: “obedience is owed not to enacted rules but to the person who occupies a position of authority by tradition or who has been chosen for it by the traditional master” (*quoted in* Erdmann & Engel, 2006, p. 8). Tradition in this context should not be understood as a static phenomenon, which remains immutable over the time, but as a relatively pliable concept capable of responding to the socio-political changes. Such responsiveness of tradition and its potential of revitalization challenges the cumbersome dichotomy of tradition vs. modernity. From this perspective, tradition is not a timeless vacuum, which once formed in the deeply rooted past and ingrained in the mindset of its followers remains unchanged throughout the time. Rather being rigid, tradition undergoes incremental changes in response to the external influence and endogenous crisis. Relative susceptibility to changes poses one analytical question: can tradition be manipulated for the sake of ensuring the legitimacy of a certain political system? Addressing this question is crucial in identifying the role and importance of traditionalism in the post-colonial Africa.

Traditionalism in Africa and its scope of manipulation will be limited to the British colonial rule as it is of major concern for this study. However, the revival of traditionalism in the post-independence period will be analyzed in detail in the empirical part of the thesis. Authority in the pre-colonial Africa was legitimized by its reliance on tradition, however with the advent of colonialism and an introduction of paid labour, monetary trade and

taxation system, traditional leaders became threatened. British colonial rule in Africa was characterized by non-settler colonies with an indirect rule which was justified on the grounds of cutting administrative expenses (though in its High Commission Territories this method was applied due to the territories' rather insignificant role). The indirect rule itself heavily relied on the already existing pre-colonial traditional authorities since in any other case, like abolishing such institutions or replacing them with their colonial counterparts, Britain would risk losing the allegiance of the ruled. Acceptance of the colonial rule as a legitimate authority required to revisit the indigenous African institutions and to incorporate them into the colonial political system. Thomas Spear (2003, p. 4) notes: "Colonial authorities sought to incorporate pre-existing polities, with their own structures of authority and political processes, into colonial structures, themselves in the process of being developed in response to local conditions." However, it would be naïve to contend that relation between traditional authority and colonial administration was unilateral and aimed to reinforce the latter through supplanting the traditional leaders. Fluidity of tradition between indigenous leaders and newcomers sacrificed a certain part of pre-colonial traditional legitimacy, though such concession was in the interest of both parties. Thomas Spear, while analysing neo-traditionalism in the British colonial Africa refers to Terence Ranger who coined the term "invented traditionalism" implying to the scope of the manipulation of African traditionalism by the colonial administration. Far from being a one-sided process, Spear tends to agree more with Benedict Anderson's term of "imagined traditionalism" as denoting the interactive nature of this process (Spear, 2003, p.5). However, it should be noted that the manipulation of the tradition for power seizure continued well in the post-independence period, which will be demonstrated on the example of Swaziland. Rather than incorporating traditionalism in the modern state-building process, the Swazi political elite invented traditional institutions like *tinkhundla* (regional committees) for reducing the chances of the opposition to win seats in the National Assembly. Therefore, a term - invented traditionalism in this work will be used as a reflection of manipulating tradition (to some extent even inventing one) for the sake of legitimizing authority by the colonial administration and by the post-independence political elite.



Imagined/Invented traditionalism itself cannot jettison the original premise of traditionalism; otherwise desired legitimacy will not be accrued. Patrick Harries, describing the interaction between Zulu and British colonial empire, notes:

“They (traditions) are not created anew, but fractured, or assembled, from an existing body of knowledge unconsciously, includes myth and symbol. For tradition to be accepted as legitimate, it must bear a semblance of repetition. Perhaps more importantly, for an image to take on the sanctity of tradition, people must believe that it embodies an efficacy born of past experience. Traditions may be imposed from above but they will remain impuissant as long as they do not strike a resonant chord in the community.” (Harries, 1993, pp. 106-107)

Incorporation in the colonial political system was not an entirely painless process for the chiefs. They now served more as an intermediary between their communities and the colonial masters and helped the latter in tax collection and labour recruitment. With these newly acquired administrative functions, chiefs risked losing their legitimacy as now they were conceived as mere vote brokers rather than custodians of the indigenous tradition. In order to keep the allegiance of the community members and thus, retain legitimacy, chiefs were supposed to straddle the indigenous political culture and colonial administrative demands in their policies. Therefore, Spear contends that: “The invention of tradition was a perilous process that could both challenge and support colonial hegemony” (Spear, p. 13). Being a blend of indigenous and colonial systems, traditionalism in the British colonies substantially defined the nature of state-societal relations and the legitimacy of traditional authority in the post-independence period

## Hybrid Governance as a new buzzword?

The existence of traditional institutions in the African politics is barely new, however developing a theoretical framework for such institutions will make it possible to analyze the nature of state-traditional (formal-informal) institutional interaction and its role in shaping a particular type of governance in Africa. Informal institutions can be understood as: “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels” (Helmke & Levitsky, 2003, p. 9). Such definition unravels at least two assumptions: first, informal institutions differ from their formal counterparts since the latter are openly codified and thus, more transparently accessible to the public and second, informal institutions, though employing unofficial channels for communication, still use a set of punitive mechanisms in case of deviant behaviour. Informal institutions have a capacity to sanction impermissible actions, albeit via unofficially agreed rules of conduct. Informal institutions, due to their rather ambiguous nature risk being conflated with similar forms of regulated behaviour, which can further obscure their importance in the traditional African context. Some practitioners might be tempted to equate informal institutions to weak institutions, which is an inherently flawed assumption. Circumvented state capacity rendering weak formal institutions does not necessarily imply the emergence of informal institutions. While state weakness can trigger informal institutions to fill the gap left by its weakness, it would be short-sighted to contend that state fragility inevitably leads to the emergence/revival of informal institutions which can be partly caused by the misunderstanding of what informal institutions really stand for.

On the other hand, informal institutions because of their unofficially regulated nature should not be conflated with other forms of regulated behaviour, simply because: “To be considered an informal institution, a behavioural regularity must respond to an established rule or guideline, the violation of which generates some kind of external sanction” (Helmke and Levitsky, 2003, pp. 9-11). Informal institutions are believed to be more persistent to the changes than formal ones since they are deeply rooted in the society's cultural beliefs which usually undergo only incremental changes. Kraushaar and Lambach (2009, p. 6), while

talking about the socio-political role of the informal institutions in the literature refer to Niccolo Machiavelli, who has: “advocated employing informality as a strategic resource for the maintenance of power and warned princes of the dangers of over regulating and over-formalizing state organization.” The importance of complementing formal rule with informal institutions, while being evident in Machiavelli's assumption of ideal ways of maintaining power, can yield very divergent outcomes depending on the underlying motives of the informal institutions.

Besides the nature and scope of formal-informal institutional interaction which will be discussed in detail later on, the emergence of informal institutions should be properly conceptualized. While a “culturalist” view contends that informal institutions are an inseparable part of the cultural context from which they developed (Kraushaar & Lambach, p.3), such assumption risks losing an important role of external factors in shaping the informal institutions. Helmke and Levitsky (pp.17-19) offer two theories related to the emergence of informal institutions. According to them, reactive and spontaneous informal institutions should be distinguished based on their relation to the formal institutional structures. Reactive informal institutions emerge in a direct response to the state weakness/fragility in order to fulfill the functions that state is incapable of carrying out. Referring to the African context, it is an everyday reality that non-state actors (another term used to denote informal institutions) fill the gaps left in public service provision left by the state weakness. Based on example of DRC Congo and Niger, Meagher et. al. (2014 b, p. 2) note: “A surprising array of non-state actors are carrying out governance functions, including rebel militias engaging in taxation and service provision in neglected areas of the DRC, or public health services in Niger depending on bribery and voluntary cleaning services by hospital users.” Informal institutions, especially in the African hinterlands, where the outreach of the state is limited largely mitigate the detrimental effects produced by state incapacity. Therefore, not only emergence, but also actual existence and endurance of reactive informal institutions heavily depend on the effectiveness of the formal institutions. As soon as the formal institutions regain capacity to provide public goods and services and to ensure justice and security, the role of informal institutions will become

marginal which will ultimately lead to three possible scenarios. They will eventually phase out in face of a successful state performance; they will endeavor to regain authority through undermining the state capacity and they will be integrated into the state structures in case of compatible goals. Spontaneous informal institutions are less susceptible to the changes in the formal institutional structures since their emergence is rooted in the local traditions and cultural norms. However, such informal institutions are not immune and can be affected by some fundamental changes in the society. Regime change or cultural evolution can be some of the factors contributing to the modification or phasing out of spontaneous informal institutions, however, this process happens slowly and incrementally.

Informal institutions also vary according to the nature of the interaction between the traditional leader (as the head of certain community) and community. This dialogical framework is characterized by an active reciprocity which, some would argue, displays parochial interests. In such context, traditional leader distributes goods and services among his community members with a hope to retain legitimacy, while on the other hand, community members seek allegiance to such leader who can ensure their well-being. Such interaction is still relevant in many African societies, where informal institutions bridge the gap between state and society. While such exchange of goods and loyalty is largely unacceptable from the Western viewpoint, it constitutes an integral part of the African culture which is less likely to be subsumed by the state without high transaction costs.

Traditional institutions in Africa are characterized by a higher degree of endurance since not only have they resisted colonialism, but they have also managed to survive the surge of nationalism (mostly in the form of cultural nationalism in Africa) concomitant with the wave of independence in the 1960s. The power struggle between the traditional leaders and the state in the right aftermath of independence posed an intractable problem for the newly elected governments, as they had to walk a tightrope trying to strip the chiefs of their power and to legitimize their own tenure. Being aware of the authority of traditional leaders especially at the local level, African leaders basically resorted to two methods: the traditional institutions were either abolished like in Tanzania and Sierra Leone or they were incorporated in the governance like in Botswana and Uganda. While sidelining the

traditional leaders have caused legitimacy crisis of the incumbent governments and in some cases have ushered the countries in a civil unrest, it would be gullible to contend that their incorporation in the state-building process has inevitably pre-empted such clashes. Informal institutions either being spontaneous or reactive discussed earlier endeavor to fulfill state functions in case the latter is unable to perform as it is expected. Though, the interest compatibility/conflict between formal (state) and informal (traditional) institutions can largely shape the viability of such interaction. Therefore, the underlying motivations of informal institutions and the state capacity (strength of formal institutions) are the factors based on which Helmke and Levitsky (p. 12) offer the following typology.

**Table 1. A Typology of Informal Institutions.**

	<b>Effective Formal Institutions</b>	<b>Ineffective Formal Institutions</b>
<b>Compatible Goals</b>	Complementary	Substitutive
<b>Conflicting Goals</b>	Accommodating	Competing

In order to bring clarity to the formal-informal (state-traditional) institutional dualism exemplified by this typology, we should analyze how the possible cooperation can form a basis for different forms of hybrid governance. In case when effective formal institutions co-exist with informal institutions having compatible goals, a complementary nature of hybrid governance is formed, where informal institutions merely fill the gaps left by the formal institutions. Effective formal institutions can be challenged by the conflicting interests of informal institutions, which is considered to be the second best possible outcome. As Helmke and Levitsky (pp. 13-14) note, in the context of accommodating hybrid governance, informal institutions are only capable of violating the spirit, not the rules defined by the formal institutions. When ineffective formal institutions co-exist with the informal institutions having rather compatible goals, we encounter substitutive cooperation when informal institutions basically carry out the functions which formal

institutions were expected to perform. However, when weak formal institutions are confronted with the conflicting interests of informal institutions, supposedly the least favorable outcome is expected. In case of competing informal institutions, the actors of such institutions openly challenge and defy the formal institutions in a way that adherence to one (e.g. to the state institutions) automatically excludes the possibility of another option (traditional institutions).

This typology, apart from pointing out four different possibilities of formal-informal institutional arrangement, also raises an important question: Can a situation when weak formal institutions (state institutions) are undermined by the conflicting interests of relatively strong informal institutions be regarded as a form of hybrid governance or in this case have we to deal with ungovernance? Subsequently, one should also enquire whether the supremacy of traditional governance over the state institutions can be conducive to the democratic transition which is especially important in the African context. Meagher et al. (2014 b, p. 7) note that: “The value of hybrid governance approaches depends on clarifying whether negotiations between state and non-state actors are shaping a social contract, fragmenting formal authority, or empowering illegitimate social forces.” Such statement, apart from resonating with the typology discussed above, also pinpoints that essence of hybrid governance should ideally be a social contract which can be understood as a logical continuation of Weber’s traditional authority paradigm. Englebert (2000, pp. 10-11), discussing the impact of a successful pre-colonial (informal) and post-colonial (formal) institutional coordination on the economic growth in the Tropical Africa, notes that: “Formal institutions such as the state will be more likely to be efficient, in the sense of promoting growth, the more they are congruent with informal institutions and norms, the more they are endogenous to their own societies, and the more they are historically embedded in domestic social relations. In short state legitimacy breeds state capacity.” His assumption of the state and informal institutions having mutually reinforcing nature is particularly interesting as he sees this interaction as a source of lending legitimacy to the state institutions and thus, strengthening their capacity through utilizing the socially embedded traditional practices. Englebert’s assumption resonates with a conjecture

proposed by Holzinger et al. (p. 475) “The less legal integration and harmonization of state and traditional institutions we observe in a country, the more negative consequences will appear.” By harmonization, they primarily mean a closer legal integration of the informal institutions in the state, which will enable the latter to pre-empt : “unregulated parallelism of two systems.”

Albrecht and Moe (2015) contend that introduction of hybridity in the governance and development literature has helped to overcome long-standing focus on state fragility and failure. From the perspective of donor organizations, limited state capacity which has a deleterious effect on the good governance can be best “cured” with a set of good governance indicators, which are backbone of a successful liberal-democratic state. Authors (2015, p. 3) contrary note that: “The notion of a hybrid political order has been presented as an analytical concept that more accurately grasps the empirical dynamics of political ordering in settings characterized by recent conflict and often as a consequence thereof limited reach of a set of centrally governed institutions.” Hybrid governance as a more accurate representation of the post-independence African governance can be understood as a dualism of institutional setup. Holzinger et al. (p. 471) scrutinize the ways formal and informal institutions interact and thus, they distinguish institutional setup from the political consequences. According to them, former deals with the actual methods of state-traditional governance coexistence, while the latter is used for predicting: “political consequences of dualism for democracy, peace and conflict, and development. Authors (p. 472) jettison a state-centric approach towards hybrid governance, according to which what matters is the extent of autonomy exercised by the traditional authorities and the degree of political decentralization pursued by the state. Institutional simultaneity or dualism, while being a powerful tool for overcoming a state fragility/failure narrative, can produce similar dichotomy based on traditionalism vs. modernity binary for hybrid governance. Albrecht and Moe (2015, p. 7) thus propose to shift attention from hybridity as a concept to the hybridization as a process:

“We suggest, instead, shifting the analysis from the ontology of entities and ‘forms of order’ to the ontology of relationships and a focus on enactments of order and authority. The state or tradition never just is, and as has been well

documented certainly never in isolated, uncontaminated spaces. Rather, they are continuously enacted and re-enacted, and in these processes, numerous sources of authority are drawn in and upon at the same time. To further the understanding of processes of hybridisation, we take our point of departure in the concept of simultaneity of discourse.”

Lauer, who openly challenges the popular narrative of bad governance to be blamed for the plight of the African nations, condemns rather oversimplified dichotomous approach when it comes to characterizing the African governance:

“Understood in their normal, loose sense, tradition and modernity independently mark off two generally distinguishable (but not mutually exclusive) knowledge traditions or perspectives, two ways of life rooted in different histories and economics. It would be ridiculous to suggest there are no substantive differences between these ways of life. The difficulty arises, rather, in a general failure to recognize where modern cultural developments have been swiftly subsumed by, and smoothly integrated within, ancient cultural milieus in Africa.” (Lauer, 2007, p. 292)

Lauer offers an interesting insight into the popular attitude towards traditional leaders and elected officials which can be an important point of departure in properly assessing the role and importance of individual stakeholders not only in governance but also in managing and distributing foreign aid: “From within African primordial publics, elected governments of the central state appear epiphenomenal. They come and go. But the traditional chiefs remain accountable to their ancestors - not for 4 years but for life - to serve all the needs and concerns of their communities and of future” (p. 302).

If we agree that hybrid governance has an intrinsically complementary nature it means that effective formal institutions are assisted by the informal institutions (it is crucial that formal and informal institutions have compatible interests) mainly in the hinterlands, where the state outreach is limited to deliver goods and services and to ensure justice and to provide security. In this context, Kate Baldwin (2014) inquires why politicians must be interested in ceding power to the chiefs instead of strengthening their positions which will most likely make the traditional leaders have a marginal say in politics. She assumes that a decision to devolve some power to the traditional leaders is a strategic one which is basically conditioned by vote seeking. Specifically, Baldwin (2014, p. 253) argues that:



“political leaders cede power to traditional chiefs as a means of mobilizing electoral support from non-coethnic groups” and “they [politicians] often devolve power to those traditional leaders whose positions enable them to mobilize support from groups who are ethnically unaligned with the major political parties in a country.” While such observation can be valid for multiethnic countries like Chad, Cameroon, Nigeria, Togo and the DRC Congo, it fails to provide an explanation for relative ethnic homogeneity where society is divided only by tribal affiliations. Devolution of power to the chiefs in the Southern African countries like Botswana, Lesotho and Swaziland which are characterized by a higher level of ethnic homogeneity cannot be attributed to vote seeking purposes only. As experience from these countries show, political elites cede power to the chiefs based on the following grounds: 1) they acknowledge that inchoate state institutions are not fully capable of meeting the societal expectations and thus, they devolve power to the traditional leaders in the periphery while being in charge of their suspension in case of flagrant violation of law; 2) politicians cede power to chiefs who are closely aligned with their interests in order to create an illusion that political power is not entirely centralized and 3) chiefs are entitled to power since they are deemed to be custodians of tradition which is only legitimate source of power. The diversity of underlying motivations renders very divergent hybrid arrangements and also largely defines the effectiveness of hybrid governance which will be discussed later across the case studies.

Based on the examples of vigilante groups and area boys in the Southern Nigeria, Lund (2006, p. 687) depicts how the members of these informal institutions understand their role in such hybrid arrangement: “On the one hand, they portray themselves as resisting disorder, sticking up for ordinary people, and doing the job that the state fails to do. The youth associations ‘screen’ politicians before they are supported to run for office, and they control the work of contractors in the local community.” Such informal institutions like much during the colonial period seem to be straddling between their communities, which ultimately lend them legitimacy and the state which authorizes their actions. Apparently, traditional leaders still have a function of intermediaries between state

and society which goes back to the very essence of national identity formation in many African societies.

Tim Quinlan in his analysis of Basotho identity<sup>2</sup> attempts to analyze the essence of detachment between state and society:

“It is a debate that poses a particular problem for inquiry, namely, the relationship between the state and national identity. I see in the debate a crisis of legitimacy for the state in respect to its citizens, particularly amongst the rural populace. On the one hand, there is a popular perception of a correspondence, in the past, between the state, civil society and national identity that is based on a history which can be read to have produced the Basotho nation with an homogenous population and a common language, and a state which upheld inclusive and indigenous concepts of government and economic practice. On the other hand, there is a popular recognition of a divergence between identification with Lesotho and the ability of the state to meet the needs of the people.” (1996, p. 377)

While the role of traditional leaders in the construction of national identity in Lesotho will be analyzed further in the paper, it is worth noting that the informal institutions both in precolonial and colonial periods have served as a major source of identity (tribal rather ethnic or national) formation. Though some chiefs have capitalized on this advantage and have endeavored to further widen the gap between state and society, their role as identity “custodians” has safeguarded their position in the post-independence period.

Based on the Afrobarometer survey, Logan (2009, p. 101) analyzes the popular perception of traditional leaders vis-à-vis public officials and notes that: “Our data indicate that Africans who live under these dual systems of authority do not draw as sharp a distinction between hereditary chiefs and elected local government officials as most analysts would expect. In fact, far from being in competition for the public's regard, traditional leaders and elected leaders are seen by the public as two sides of the same coin.” Afrobarometer surveys (first round 1999-2001 and second round 2002-2003) include 22

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<sup>2</sup>Collective name for nationals of Lesotho

African countries represented by randomly chosen adults (surveys include data on Botswana and Lesotho, however it does not cover Swaziland).

Logan (2009, pp. 104-105) refers to the traditional institutions like Batswana *kgotla*, Basotho *pitso*, Somali *shir* and Kenyan *baraza* as an example of an enduring importance of traditional decision-making platforms in the modern African governance. She further contends that: "Chiefs and councilors, sultans inhabit the single, integrated political shapes each individual's life. In the seems that democracy and chieftaincy can indeed coexist." Tradition, as a source of political legitimacy in Africa has gained momentum on the eve of independence, since the new political elite acknowledged that their authority would have been constantly challenged if they sidelined traditional institutions. While political elites in some countries (like Swaziland) resorted to the extreme case of traditionalism in order to strengthen their hold on power, others endeavored to pursue a more balanced policy. Contained to this process chiefs revisited their roles as intermediaries between state and communities through integrating local traditional governance within a broader state-building framework. Their responsiveness, or transformative nature thus helped them to retain public allegiance and to gain state trust at the local level. In order to have a general understanding of the public trust in public officials and traditional leaders (assuming that such trust towards both institutions represents a foundation of hybrid governance). Logan (p. 119) offers survey data examining trust in leaders (traditional leaders), President/Prime Minister, Parliament/National Assembly and Local government.

It can be assumed that traditional leaders are generally considered to be trustful and on some occasions, the respective indicator even surpasses that of the president/prime minister. In Botswana and Lesotho, traditional leaders enjoy more trust than Parliament/National Assembly (52% of Batswana trust traditional leaders contrasted to 32% for the Parliament; in Lesotho 58% trust traditional leaders, compared to 49% for National Assembly). Generally, we can see that traditional leaders still play a pivotal role in shaping the daily and political lives of many African societies. They derive legitimacy from their roles as custodians of tradition- presumably most important determinant of African

political culture which has survived colonial onslaught and has safeguarded its position as an integral part of the African-type governance that came to known as Hybrid Governance.

### **Hybrid Governance in the Southern Africa: traditional governance vis-à-vis the State**

Complexity of the hybrid governance in Africa goes beyond a simplistic dichotomy of “ascription and achievement” (Comaroff, 1978, p. 1) and ideally deals with the process through which the hybridity of the political orders are arranged. Boege et al. (2007, p. 46) criticize the tenets of the evolutionary theory being rigid and less universally applicable “What evolutionary theory seems to have ignored, however, is the strength, resilience and persistence of custom and tradition both as a source of identity and as a means of organizing social, economic and political systems in a modern, globalised world system.” Focusing on the South Pacific, authors note that far from high expectations of replicating the OECD model of the state in developing countries, what we witness is limited state capacity for fulfilling society’s basic needs. On the other hand, traditional institutions which had been exposed to the colonial manipulation have somewhat lost their inherent legitimacy and remain in limbo. Therefore, an absence of a single mechanism either state or traditional for providing goods and services and for ensuring security calls for more coordinated work by these institutions.

Other authors, while acknowledging the gap left by state weakness, overlook the importance of informal institutions in “filling the gap” and thus, still cling to the conventional state fragility curing method. Referring to a “sovereignty gap” Ghani et al. (2005) contend that the only viable solution is enhancing good governance which will not only strengthen state capacity, but it will also create conducive conditions for development. However, trust in traditional leaders and institutions in developing countries and especially in Africa - well demonstrated by Logan’s earlier presented data reflect a need to create an

analytical framework through which a robust comparative study of hybrid governance can take place. Hybrid governance, as a simultaneity of institutions, can be considered as a viable alternative to the Weberian state only when the state capacity at minimum allows: “for the provision of security and basic services to a significant portion of their populations” (Boege et al. 2008, p. 17) and when the informal institutions, having compatible goals with the state, complement and extend state functions in the rural areas, where the latter has limited outreach. Such understanding of hybrid governance will help to partly shed light on a highly complex interaction of formal and informal institutions. Transformative changes undergone by the traditional institutions during the colonial period, which mostly served to undermine and discredit them, have long-lasting repercussions in the post-colonial Africa. Relatively disempowered traditional leaders resorted to a vast array of mechanisms for restoring their authority that took place concomitant with the struggle of state to extend its power and legitimacy in the hinterlands.

This thesis will tackle this issue in the context of a comparative study of three land-locked Southern African countries: Botswana, Lesotho and Swaziland. Due to their geographic location, these countries basically served either as a connecting route to North Africa (for example, to Egypt via Botswana) or as buffer zones between Boer (Afrikaner) republics and German expansion (notably in the South-West Africa, nowadays Namibia). Mineral deposits in the form of gold and diamonds were discovered in the later period of colonialism and thus, at the onset of British colonial rule they were far from being high on the agenda. Relative ethnic homogeneity characteristic to all three societies does not necessarily imply an absolute hegemony of major ethnic groups as it is well documented that during the pre-colonial period the indigenous tribes not only accepted refugees from different ethnic groups, but they also endeavoured to integrate them into their communities. They were in constant defensive struggle first with the powerful Zulu tribe under the King Shaka and later on with the Boers, who populated Transvaal and Orange Free State republics. Following their leaders’ continuous plead for protecting their communities from the Boer intrusion, they soon found themselves under British colonial rule as High Commission Territories (HCT).

As British considered these territories rather insignificant, they were subject to the Resident Commissioner to the Union of South Africa (present day South Africa). While the latter expected an eventual transfer of the territories in the Union, Britain was rather sceptical due to number of reasons, which will be touched below. However, a strong economic dependence on South Africa during the colonial period well expressed in a labour outflow to the mines and fields cannot be overlooked. Magagula (1988, p. 30) notes that : “The economies of the HCTs were conspicuously linked to the South African one through the creation in 1910 of the Southern African Customs Union (SACU) whose membership was (and still is) South Africa, Basutoland (Lesotho), Bechuanaland (Botswana) and Swaziland.” While economic dependence on South Africa is still an important issue in Lesotho (to a lesser degree in Swaziland), here it will not be treated as an independent variable. It is well documented that labour migration to South Africa, mostly mediated by the chiefs, took place across all HCTs and the fact that Botswana managed to escape this vicious circle can be ascribed to the sound policies undertaken by the post-independence leaders which was largely absent in other two countries. According to Torrance (1998, p. 753): “In 1913, Khama<sup>3</sup> was forced to rescind his prohibition on labour recruitment, and by the 1930s, the Tswana had become dependent on labour migration for their economic existence.” Seidler (2010, p. 18) further corroborates this statement: “job migration became widespread among Tswana males, because many in the Protectorate looked for employment in South Africa and the Transvaal. By 1943, nearly half of the male workforce between 15 and 45 years were working away from the Protectorate.” Referring to Lesotho, Cobbe (1982, p. 847) notes that: “Since 1930s, roughly half the adult males have been absent from the country working in South Africa at any time. In the 1970s, probably 6 and 8 persons were working as migrants in South Africa for one with regular full-time employment within the country.” Due to widespread sectarian strife in the right aftermath of the independence, Basotho<sup>4</sup> labour migrants opted for overseas work as they saw little economic prospect in their country. Cobbe (p. 856) illustrates that a share of net

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<sup>3</sup>Khama was a Chief of a Bangwato tribe

<sup>4</sup> Basotho is a collective noun for Lesotho Nationals, singular form is Mosotho

remittances in the GNI of Lesotho increased from 19.2% upon independence in 1966 to as much as 45.9 in 1978.

Magagula (p. 234) in his analysis of Swaziland's relation with Britain and South Africa outlines main reasons of Swazi migrant labour. He conjectures that the drought and rampant livestock diseases and a strong wish of the royal Dlamini family to regain the lands lost to the concessions during pre-colonial period incentivized most Swazis to work in the South African mines.

While Botswana, Lesotho and Swaziland do share significant similarities discussed above, a laudable performance of Botswana, sometimes referred as “An African Miracle” compared to a perennial turmoil in Lesotho and an increasingly autocratic rule in Swaziland in the post-independence period requires a closer examination. Thesis will argue that the degree of democratic transition in Botswana, Lesotho and Swaziland was conditioned by the nature of state-traditional institutional framework rendered by the British colonial rule. Indirect rule while introducing taxation, monetary trade and paid labor allowed for the co-existence of the traditional institutions through different legislative councils.

## Research Design

This comparative study will be predicated on a most similar systems design (MSSD) model illustrated below:

*Table 2. Research Design.*

<b>MSSD</b>	<b>Botswana</b>	<b>Lesotho</b>	<b>Swaziland</b>
<b>Ethnic homogeneity</b>	yes	yes	yes
<b>Strong pre-colonial traditional institutions</b>	yes	yes	yes
<b>British indirect rule</b>	yes	yes	yes
<b>Importance of the traditional institutions in the post-independence hybrid governance</b>	Low	Medium	High
<b>Democratic transition (1965-1985)</b>	Yes	Partly	No

Hybrid governance is treated here as an overarching concept, which can theoretically include any type of state-traditional co-existence, however the end result is determined by the nature of such institutional duality. Deciphering hybrid governance and especially its constituents as proposed by the independent variable is pivotal for conceptual and analytical clarity. Furthermore, we should be reminded that in the face of limited quantifiable data on the proportion of traditional-modern arrangement embedded in the hybrid governance, an in-depth qualitative analysis of the role played by traditional leaders in the two decades after independence is especially valuable. It can be argued that party system formation and institutionalization of traditional governance in the right aftermath of independence best captures the dynamic of power struggle between the inchoate state and already entrenched traditional institutions. Since the results of first pre-independence elections greatly influenced the likelihood of democratic transition across the case studies, the role of traditional leaders in this process will be measured by: 1) composition of the winning parties (pre-independence elections) and 2) response to the (possible) power loss after the 1<sup>st</sup> post-independence elections. Power devolution to the chiefs as custodians of local culture and traditions was acknowledged by the new political elite in all three countries, however it had been applied in reality to considerably varying degrees. Concerning a 20-year transition period, institutionalization of traditional governance will be measured by three key indicators: 1) legislative functions granted to the traditional leaders; 2) their role in local governance and 3) right to land allocation. Relevance of these indicators will be further scrutinized in the following chapters dealing all three periods (pre-colonial, colonial and post-independence) of the state formation.

Epstein et al. (2003, pp. 2-3) note that recent studies on democratization focus on number of factors, which can be conducive to democratic transition: higher levels of GDP per capita (Przeworski, Alvarez, Cheibub, Limongi, 2000); levels of inequality (Acemoglu et al. 2002); changes in the stock of capital and size of the workforce (Rosendorff, 2001). However, a robust comparative study of hybrid governance in the democratization context is still missing. Having a relatively short history of academic research, hybrid governance proves to be relevant for studying democratic transition in the regional context for two



reasons: 1) British colonial rule due to its peculiar nature in Botswana, Lesotho and Swaziland allowed for the co-existence of traditional and “modern” institutional admix which can be regarded as a nascent form of hybrid governance; 2) such institutional duality not only preconditioned power struggle on the eve of independence, but it also defined the trajectory of democratic transition. Democratization predicated on the principle of free and fair election seems inherently contradictory to the selection or ascription virtue of traditional governance, which limits equal access to public goods and services (traditional governance, with its conventional understanding is based on a web of patronage and clientelism) and does not allow for an active and direct participation in the decision-making process. However, retaining traditional institutions are of core importance for the newly independent states for at least two reasons: 1) traditionalism, as a broader concept, in the context of Botswana, Lesotho and Swaziland used to lend legitimacy to the rulers, thus abolishing indigenous institutions could lead to legitimacy crisis of the new state; 2) in the transition period, traditional leaders can play an important role in preventing tribal conflicts; forming national identity and assisting the fledgling state in delivering basic goods and services. Therefore, democratic transition in these countries can and preferably, should not bypass the traditional governance, though the way it is incorporated in the state institutions renders divergent outcomes. Democratization across the case studies will be analyzed by two indicators: 1) Multiparty electoral competition and response to the electoral defeat; 2) constraints on executive authority. Following chapters will look at the process of hybrid governance formation in a comparative context and will evaluate its impact on democratic transition for a 20-year period.

## Chapter II

### Pre-colonial State Formation

#### Botswana

Early Southern African polities have developed their understanding of state. Botswana's economic success which will be illustrated in the last section, cannot be ascribed exclusively to the political elite and a ruling Botswana Democratic Party (BDP). Rationale for Botswana's peaceful transition to multiparty democracy traces back to the indigenous political culture based on which inchoate state institutions have developed. According to Robinson and Parsons (2006, p. 113): "The earliest Tswana state in the area of modern Botswana was that of the Ngwaketse in south eastern Botswana, which grew into a powerful military state after about 1750, controlling Kalahari hunting and cattle raiding, and copper production." In the mid-19<sup>th</sup> century Tswana tribes, like their counterparts in Lesotho and Swaziland, were subjected to the Zulu encroachment under their powerful King Shaka, though an active cooperation between the tribal chiefs forged an enduring intertribal unity. Acemoglu et al. (2011, p. 11) argue that a lack of internecine conflict in the face of Zulu expansionism, which was rampant in Lesotho, has served a twofold function: this process contributed to an amicable relationship between the chiefs, which became a cornerstone of the peaceful existence of the Tswana state and it preempted power concentration in the hands of a Paramount Chief. Hjort (2010, p. 692) notes: "Wars with neighboring ethnic groups and Boers strengthened the Tswana states and sparked a tradition of inter-tribal cooperation that proved pivotal in later centuries." Tswana tribes have developed a peculiar culture of integrating minorities followed by the wars in 1820s and 1830s. Even though a process of integrating other tribes in the polities was not alien to other South African societies, local chiefs enabled the newcomers to become full-fledged members through having access to all "state institutions". Institutional arrangement in early Botswana was predicated on a democratic, consensus-based principle, which allowed all adult males to influence the decision-making process. The culture of consultation and consensus-making is best expressed in the form of *kgotla*- a public gathering place which

was available in every Tswana administrative unit. Sebudubudu (2010, p. 5) mentions that: “Historically, the *kgotla*/traditional parliament played a critical role in governance because this is the place where decisions were taken. It is in this sense that the new state retained the *kgotla* and at the same time allowed chiefs to play an important part in governance.” Tswana used *kgotla* as a platform for voicing their opinions and dissent and on special occasions to raise issues regarding the competence and fairness of the chiefs. Unlike Swaziland, where on the similar gatherings commoners felt rather intimidated by the presence of the members of the royal family, freedom of expression constituted an integral part of the *kgotla*. Mitchison (1967, p. 262), analyzing the Tswana tribal values, notes: “Our tribal structure is made up of an elaborate system of checks balances; this again is apparent from the proverbs. It is based face-to-face democracy of the tribal meeting, the *kgotla*, in which spoke out openly and at great length.” Author (p. 262) further elaborates on the role of chiefs: “What is the role of the chief? An ordinary tribesman feels deeply that the chief is not only the leader, but the protector and friend: the wife-that is, the food-giver-of the tribe, the child who comes home to tell the family truly what is going on.” However, portraying chiefs as being susceptible to the decisions made at *kgotla* would be misleading; they were revered not only because of their roles as rainmakers which was an important asset in the drought-prone Botswana, but also due to their land-allocation function. Limited amount of the arable land in Botswana (approx. 4%) makes it especially valuable. Acemoglu et al. (2001, p. 9) contend: “The chief was the central political figure in these societies with power to allocate land for grazing crops and residences. His authority was exercised through a hierarchy of relatives and officials and ward headmen. A special type of ward was for outsiders who the Tswana amalgamated into their tribal structures.” Rather than being a source of power abuse, land allocation was perceived as an act of reciprocity between the chief and his community. Hjort (2010, p. 698) notes that pre-colonial polities in Botswana already manifested fledgling signs of private property which was absent in Lesotho and Swaziland:

“In pre-colonial Botswana land was not individually owned in the western sense of the world. Control of land was vested in the chief, but none of the land was his personal property. All married members of the tribe were

entitled to the homesteads. In fact the existing evidence suggests that the laws and rules governing land rights in nineteenth century Tswana society embraced full modern notion of property rights, except selling rights. Tribesman could not be forced to hand over land once granted to them. Individual Tswana usually took up bigger plots than members of neighboring tribes. Once built, a homestead remained an exclusive property of the household occupying it and was inherited by the later generations of that family.”

One commonly shared characteristic of the early African societies was their settlement strategy. Either all ethnic/tribal groups lived in the rural areas in the vicinity of the grazing land as cattle was their primary source of subsistence, or in exceptional cases the Paramount Chief lived in a town (on in the fortified area like in case of Lesotho), but in this case political center was rather inaccessible for the commoners. Kenneth Good (1992, p. 73) contends that the political party formation in the post-independence Africa: “is usually in the hands of petty bourgeois or policy often has an urban and consumptionist bias”. Having an urban bias in the African context carries a twofold meaning: 1) in the pre-colonial period as mentioned above, there had been little urbanization and even in such case of having an urban center, traditional leaders mostly emerged in the form of the Paramount Chiefs, thus wielding almost absolute power and 2) in the colonial period, political centers were chosen based on their location at the sea for trading purpose which left the rural areas underdeveloped. However, as it will become clear later, such discrepancy between political elite and the commoners was absent in Botswana unlike Lesotho and Swaziland, which can be primarily explained by the pre-colonial Tswana settlements. According to Robinson and Parsons (2006, p. 119): “But this is to ignore the extraordinary nucleation at the heart of low-density zonage, in the towns that have characterised Tswana polities since at least the eighteenth century. Out of the stadt, grew the state. These state capitals may be seen as hierarchical agglomerations of lower level polities.” Maundeni (2002, p. 115) offers an interesting insight into the three-tiered settlement structure of the early Tswana society: “First, there were the residential towns where the adult male population was expected to reside at all times. The Tswana lived in huge towns, sometimes with populations of 200,000 people.” Significance and repercussions of opting for towns rather than villages in

the pre-colonial Botswana will be further demonstrated during the colonial and post-independence policy- making process.

Pre-colonial Tswana society had rudimentary, though unique features of good governance and democracy, which were unseen in any other part of the Southern Africa. Wars with the Zulu and Boers have united rather than pitted the chiefs against each other; this process also prevented Tswana society from having a Paramount Chief and triggered a culture of minority integration, which was pivotal in a peaceful transition to the democracy. Fledgling private property rights, well expressed in the land tenure principles, became more elaborated in the colonial period as will be evidenced later. Power distribution among chiefs, who were subject to the checks and balances owing to the consensus-making *kgotla* system enabled the community to be in charge of the decision-making at the local level (which can be considered as an initial form of the civil society in Botswana). The fact that most African states suffer from limited state outreach in the hinterlands is less relevant issue in Botswana because of the unprecedented urbanization which was characteristic to the pre-colonial Tswana polity.

## Lesotho

The Kingdom of Lesotho, which is an enclave within South Africa, has suffered from a turbulent transition since it gained independence in 1966. Authority of the Basutoland National Party (BNP) dominated by the conservative chiefs was soon followed by repealing of the Independence Constitution and a coup which led the country to the military regime. Party defection, obstruction of decentralization initiatives by the traditional leaders has become a buzzword of Lesotho politics, the reasons for which can be partly found in the pre-colonial state formation and the colonial transformation of the informal institutions. Basotho<sup>5</sup> belong to Bantu ethnic group and have considerable cultural and linguistic resemblance to their Tswana counterparts. As Crawshaw notes (1903, p. 645): “Lesuto, as its people know it- has well been styled the Switzerland of South Africa.”

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<sup>5</sup>Basotho is a collective term for the Lesotho national, singular form is Mosotho

Mountainous landscape not only shaped the nature of pre-colonial Basotho settlements, but it also laid the foundation of the Paramount Chieftaincy, which mostly used inaccessible mountainous parts as a residence for the security reasons. Difaqane wars against the Zule in the mid- 19<sup>th</sup> century had a profound effect on the state formation, since during this period Moshoeshoe I emerged as a Paramount Chief who became the founder of united Basotho nation. In the post-difaqane era Basotho have experienced an: “Absorption of successive waves of political refugees within the nation, regardless of their ethnic origin, [which] became an established pattern at the outset” (Weisfelder R. F., 1981, p. 224).

Minnie Martin (1903, p. 2), who first visited Lesotho in 1891 notes:

“Mosheshue began his "reign" by subduing one or two small tribes, and with these and his original followers betook himself to an almost impregnable mountain in the centre of the Lesuto, called Thaba Bosigo (the Mountain of Night), where he built his village, fortifying it so as to make it a perfectly secure stronghold. Here he established his chieftainship, and, after various wars, reverses and successes, conquered or dispersed all rivals, and soon succeeded in becoming Paramount Chief of the greater part of Basutoland, or, as it ought more correctly to be called, the Lesuto.”

Moshoeshoe I, though being an ingenious leader who managed to unite his nation and forge alliances with neighboring tribes through political marriages, soon started creating a chieftaincy system which in years to come became a major source of Lesotho’s instability. According to Tim Quinlan (1996, p. 383): “The critical factor is that the chieftainship has been a nexus of political conflict throughout the history of Lesotho. The conflict has been, and still is, about the appropriate social order for the prevailing circumstances.” Moshoeshoe initiated a patrilineal model of chieftaincy according to which to be regarded as a Mosotho (national of Lesotho) one had to acknowledge him as Morena e Moholo (name for Paramount Chief in Lesotho). However, as Sanders (1975, p. 121) contends: “The Sotho were not a unitary chiefdom, but a loose confederation” and that “Moshoeshoe's Lesotho survived intact only due to the force of unremitting outside pressure.” Additionally, Quinlan (p. 385) notes: “Once people were congregated together, there was little that Moshoeshoe could do to prevent the subordinate chiefs from leading their followings independently.” Analyzing Botswana’s success in a comparative context,

Acemoglu et al. (pp. 29-30) contend that despite having similar starting points (especially in terms of a consensus-making culture; Basotho used *pitso* as a decision-making platform which is analogous to Tswana *kgotla*), soon after wars with the Zulu and later with Boers, power centralization distorted the consensus-making political culture. Authors note that the Gun War with Boers during 1865-1868 and later during 1880-1881 have not only triggered a perennial conflict among the chiefs, but they have also laid foundation to the culture of factionalism. Earlier evidence of the internecine conflicts in Lesotho can be traced back to Moshoeshe I, who ostensibly having full control over his constituencies experienced first defection from his son: “Indeed, his son Molapo seceded from his polity in 1869, following an offer from the Free State government<sup>6</sup> to define the area which he controlled as a reserve under his authority” (Thompson, 1975, pp. 289-290). This example is particularly interesting in the face of Sanders’ conjecture that the only force that could unite Basotho was “unremitting outside pressure”. War with the Boers, which had a profound impact on the distribution of the Basotho land, also made it clear that chieftaincy as an institution served as divisive force and was mostly guided by the parochial interests. In the reviewed work of Machobane (1990), David Ambrose (1993, p. 351) notes that internecine conflicts in the pre-colonial Lesotho were not circumscribed to the secession attempts discussed earlier. Machobane coins a term “War of the Royal Widows” to denote a complex succession model of the Paramount Chieftainess which became another focal point of the political instability. Such feud which was unseen in Botswana, partly due to the absence of paramount chieftaincy and partly because of a “democratic mentality” entailing checks and balances on the tribal chiefs, played a decisive role in forming a more constructive cooperation between the fledgling state institutions and traditional leaders later on. Only through understanding hybrid governance as a process of trade-off between the state and traditional actors, we can make broader connections why a particular type of hybrid institutional setup was disruptive to the democratic transition in Lesotho.

Maundeni (2010, pp. 130-131) in his analysis of Lesotho’s political instability suggests that factionalism and feud among the political elite in the pre-colonial Basotho polity became embedded in its political culture. While author is right in claiming that

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<sup>6</sup> Orange Free State was one of the Boer Republics, which dissolved in 1902

violent political culture was responsible for a chaotic transition after gaining independence, he somewhat falls short to explain: 1) why formation of a Lesotho nation-state faced formidable challenges; 2) how party defection, originating from the chief placement system introduced by Moshoeshoe, I became an impediment for state consolidation and more importantly, 3) how a higher stake given to the traditional leaders prevented Lesotho from a democratic transition. It would be thus, naive to contend that pre-colonial political culture was immutable in the face of tremendous changes, especially after the advent of colonialism, which is why this work claims that a peculiar nature of hybrid governance, formed by an interaction between Basotho traditional leaders and modern state elements, can explain the political turbulence witnessed after Lesotho's independence.

Another important point comes with the introduction of Christianity and arrival of the missionaries in pre-colonial Lesotho compared to similar experience in Botswana. In his analysis of state culture and development in Botswana in Zimbabwe, Maundeni (2002, p. 120) notes that:

“Thus, the Tswana states established mutual relationships with the Christian Church. After the missionaries had been absorbed into the Tswana states and the Tswana state elite had been Christianised, a mutual relationship developed in which missionaries regarded Bechuanaland<sup>7</sup> as the 'gateway to the defended it as their own, while the Tswana states defended Christianity as their own state religion. The relationship was mutually beneficial both the Tswana and the mission.”

Shrewd Tswana chiefs used Christianity for further entrenching their power and legitimacy, though the latter also played an important role in bringing modern, progressive ideas to the Tswana mostly through missionary education. In Lesotho, rather than being welcomed and integrated, Christianity soon became kind of taboo among the Basotho as completely alien social outcast. Maundeni (2010, p. 129) contends that treating Christianity as fundamentally incompatible with the Basotho culture lead to another wave of friction between community and the traditional leaders.

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<sup>7</sup> Colonial term for Botswana, which came into use when Botswana became a British Protectorate



Land tenure in pre-colonial Lesotho deserves a special attention. Much like Swaziland, Basotho did not acknowledge any kind of private ownership and all arable land was communally held. Chiefs were responsible for land allocation; according to Thabane (1998, p. 7) land ownership was conditioned by the political allegiance, so every Mosotho who wished to retain land tenure should have been aware of his political position:

“An allottee does not really have rights of ownership over the land allocated to him. Rather he has a right over the land as long as he occupies it and continues to owe his allegiance to the chief who allocated him the land.” Leaving land as a form of expressing dissent was not authorized as in Botswana, since : “Migration out of the area was not an option for the Basotho partly because the principal chiefs and their followers were independently heavily armed, making migration out of the area not an option at all.”

Emergence of the Paramount Chieftaincy, internecine conflict fuelled both by parochial interests and the complex model of succession introduced by Moshoeshoe I led to the empowerment of the individual chiefs, who unlike Tswana chiefs were less subject to the checks and balances. Armed resistance of the individual traditional leaders, rejection of tinge of modernity introduced by the missionary schools shaped an entrenched conservatism of the tribal chiefs, which had its repercussions both in colonial and post-independence era. Control over land allocation further empowered the chiefs and when their authority was challenged by the colonial administration, they resorted to the extreme way for retaining power, which will be dealt in detail later in the work.

## Swaziland

Swaziland, as the only absolute monarchy in Africa remains an autocratic, one-party state which is ruled by the royal Dlamini family. Not only the kingship, but every single branch of authority revolves around this family, starting from the royal appointees as Ministers to the nomination of board members in major financial ventures. Cultural nationalism, which was prevalent in many African countries on the eve of independence, gained momentum in Swaziland in a substantially different way. Revalorization of traditionalism and an acknowledgement of the indigenous Swazi authority as a premise of

the state building shaped a distinctive perception of governance in the country. Analysis of Swazi culture and consolidation of political power in the pre-colonial period will give an interesting insight into the unique structure of the Swazi state.

Swazi as a Nguni-speaking tribe with cultural and linguistic resemblance to the Zulu emerged as a nation after the mfeqane wars<sup>8</sup> in the mid-19<sup>th</sup> century. Swazis have consolidated their identity under the aegis of Sobhuza I, who thus became a founder of the ruling Dlamini dynasty. Magongo (2009, pp. 20-21) in her analysis of Sobhuza I notes: “[He] was a great strategist who used a mixture of force, diplomacy and political will to consolidate the Swazi claim to the land. In an effort to keep the peace with neighbouring states, Sobhuza I sought an alliance with Zwide, the Ndwandwe ruler, whereby Sobhuza I married Tsandzile, daughter of Zwide.” Rise of Paramount Chieftaincy in pre-colonial Swaziland (which is called Ingwenyama, denoting Lion in SiSwati) was entirely predicated on Swazi indigenous culture and tradition, which in the post-independence period was used as a major mechanism for power usurpation by the royal family. Sihlongonyane (2003, p. 168) offers a hierarchy of the social structure of the pre-colonial Swazi state: “The king, Ingwenyama, is regarded as the father of the nation, the Queen, Indlovukazi, as the mother of the nation, and the general public, sive, are their children at national level. At a communal and/or regional level, the Chief, Sikhulu (more than 200 in the country), is the father and the principal wife or his mother is the mother, Inkhosikati, of the subjects.”

Tradition not only regulated daily life of an ordinary Swazi, but it also served as a power distribution tool. Rituals emanating from the indigenous culture soon became a basis of the pre-colonial Swazi state:

“The Incwala<sup>9</sup> dramatizes actual rank developed historically it is play of kingship. In the ceremony the people see which clans and people are important. Sociologically it serves as graph of traditional status on which mapped by ritual are the roles of the king his mother the princes councillors priests chiefs queens princesses commoners old and young [...] The major adjustment, the balance of power between the king his mother the princes and commoners is central theme.” (Kuper, 1972, p. 593)

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<sup>8</sup> SiSwati name for the difaqane wars

<sup>9</sup>Annual ritual of kingship held in Dec/Jan each year

Popular opinion about the supremacy of Kingship is well preserved in the Swazi saying: “Without a king we would no longer be a people.” According to Stevens (1963, p. 329):

“This attitude reflects more than a conscious awareness that it was primarily through the leadership of a strong kings that the Swazi nation came into existence and has tainted its identity. In addition to being the symbol of national unity, the minds of the majority of Swazi the king has a direct physical association with the health of his subjects and the fertility.”

Absolute, mystical-like powers attributed to the king largely differs from the understanding of Tswana chiefs, where the popular saying: “Kgosi ke kgosi ka Batho-Morafe” (a chief is chief through the people) succinctly reflects the inherent divergence of the chieftaincy among Tswana and Swazi societies.

As mentioned earlier, pre-colonial Tswana polity was constructed as a consensus-making principle with a powerful set of checks and balances on the tribal chiefs; Basotho Paramount Chief while “legally” having full control over his constituents was far from achieving this goal as evidenced earlier. However, pre-colonial Swazi state evolved from the idea that Ingwenyama had a right to absolute power due to his role as a custodian of tradition and as a rainmaker which was so valued in the drought inclined Swaziland. Proctor (1973, p. 273) notes: “The traditional Swazi polity was a centralized monarchy headed by Ingwenyama, who performed executive, legislative, and judicial functions; the land in trust and allocated it for use; played a central role in the ritual; and served as the symbol of national unity.”

Traditional institutions, which were supposed to limit Ingwenyama’s power and thus, make him more accountable to his people were largely subsumed by him. *Liqoqo* and *Libandla* are two major institutions which can be considered as a Swazi alternative to Batswana *kgotla* and Basotho *pitso*. *Liqoqo* was composed of senior chiefs, mainly affiliated to the Dlamini family and a few commoners who were mostly chosen due to their allegiance to the Paramount Chief. As Proctor (1973, p. 273) notes: “The people at large played no part in their selection.” *Libandla* as a presumably more democratic informal institution was composed of the *Liqoqo* members, all the chiefs, counsellors, headmen and any adult man who wished to attend the meeting. While *Libandla* was designed to be a

platform for expressing one's views and dissent, it hardly fulfilled its function due to two major reasons: 1) it was summoned only once a year without having any formal agenda; 2) the fact that meeting was attended by the Royal family and principal chiefs substantially affected the content of the meeting. It was less likely that commoners would voice their dissent openly as they were aware that land they were attached to could have been easily confiscated if they lost chief's allegiance. Hebron Ndlovu (2005, p. 8) in his analysis of the social dimension of the Swazi kingship focuses on the reign of Mswazti II (1839-1865) after which the country was named Swaziland. According to the author, owing to his reforms political power became more centralized in the royal Dlamini family. It should be mentioned that pre-colonial Swaziland, unlike Botswana and Lesotho developed a standing army based on the age-regiments. These age regiments served twofold functions: in times of conflict, they protected royal family, while during peace they worked on the king's fields, constructed buildings etc. Mswati II also established royal villages headed by the hereditary chiefs, who assumed responsibility for allocating the Swazi land. Thirdly, Mswati made Incwala ritual, discussed earlier, compulsory which served to underline the supremacy of the Dlamini family and the divine nature of kingship. Ingwenyama enjoyed absolute power to the land allocation which became painfully evident during the reign of Mbandzeni (1875- 1889). According to Miller (1907): "Between 1885 and 1889, the whole country was concessioned away, the simpler rights being followed by absolutely ridiculous monopolies for ludicrous industrial enterprises such for instance as theatres and pawnshops, the inventions of a shoal of speculative concession seekers" (*quoted in* Levin, 1990, p. 47). Massive and uncontrolled land concessions profoundly shaped the nature of colonial Swaziland in a way that this period was dedicated to regaining the Swazi land which became a foundation of the royal family dominance. Labour migration to the South African mines was justified and incentivized by the claims that every Swazi was obliged to take part in purchasing the Swazi land given in concessions.

Pre-colonial Swaziland can be characterized as an increasingly traditionalist polity, where Paramount Chieftaincy in the form of Ingwenyama and the royal family assumed absolute power over land-allocation, which during Mbandzeni's reign resulted in the alienation of the two thirds of the Swazi land in the concessions. Even though *Libandla* and

*Liqoqo*, as ostensibly viable informal institutions existed to enable the commoners have a say in the decision-making process, these institutions were gradually subsumed by the royal family and were subsequently used for strengthening their political power. Tradition, as a foundation of Swazi state had interesting repercussions on the eve of independence, when under Sobhuza II several traditions were “invented” for the sake of further entrenching royal hegemony.

## Chapter III

### British Colonial Rule: Transformation of traditional institutions

#### Transfer to the Union of South Africa

British colonial rule, interesting because of its predominantly non-settler colonies or indirect rule as others might suggest, will be analyzed in the context of High Commission Territories to which Botswana, Lesotho and Swaziland belong. Rather than having a purely descriptive function, this part will deal with colonialism as a powerful tool for transforming indigenous institutions for the sake of legitimizing the power of colonial master and in introducing a veneer of legal-rational state, which became a point of departure in the power struggle on the eve of independence. Colonial period is particularly interesting in the context of hybrid governance since the informal institutions which constituted an integral part of the pre-colonial states were now subject to the demands of the High Commissioner in South Africa. Traditional leaders who were the only legitimate source of power were straddling the function of an indigenous leader and a salaried official. Intervention of the colonial administration in land allocation, tax collection and labour recruiting further incentivized the chiefs to retain grip on power at any cost. The way informal institutions and traditionalism were used for mass mobilization and more specifically for thwarting the imported state institutions defined the role of chiefs vis-à-vis the state in the post-independence period.

British colonial rule in Botswana, Lesotho and Swaziland was not colonialism in its conventional sense, but rather a voluntary submission to receive protection against the Boers. Afrikaner freebooters, whose main concern was cattle raiding, became an increasing threat to their territorial integrity when the Boer republics of Natal, Transvaal and the Orange Free State emerged as important regional powers. After a series of unsuccessful delegations to Britain, expansion of the Germans from the South-West Africa (now Namibia) became a decisive incentive for receiving Botswana in 1885 (colonial name Bechuanaland), Lesotho in 1884 (Basutoland) and Swaziland in 1903 under the colonial

protection. Therefore, the status of these three territories, partly due to their limited significance for the colonial master and partly because of the way of being incorporated in the system, was defined as High Commission Territories (HCTs). Following the pattern of the British indirect rule, these territories were largely left beyond the British colonial agenda as they were administered by the Resident Commissioners who in their turn were accountable to the High Commissioner in South Africa. Early dependence on South Africa is important in at least two different ways: this process substantially defined the economy of colonial Botswana, Lesotho and Swaziland as they became labour pools for the South African mines and it altered the role of traditional leaders as now they assumed the role of labour recruiters and tax collectors. Walker and Lord Harlech (1945, pp. 62-64) in their analysis of British South African Territories note that in case of Basutoland, British were interested in expanding their power to the fertile Caledon corn lands; Bechuanaland was appealing due to its lucrative route to the North Africa (primarily to Cairo as a trade route), while Portuguese Delagoa bay adjacent to Swaziland was considered as a possible venue for Eastwards expansion. However, British invested almost nothing in infrastructure and their expenditure in the HCTs was limited to the administrative costs as they believed that these territories eventually would have been transferred to the Union of South Africa created in 1910 as an amalgamation of four colonies (Cape Colony, Natal, Transvaal and Orange Free State). Alan Booth (1969) gives an interesting insight into the initial talks of transferring the HCTs to the Union under the High Commissioner Lord Selborne. The latter was mostly concerned that such decision would have sparked a violent revolt among the Basotho who were not only the most intelligent, but also best armed among other tribes. Booth presents a rather Africanist interpretation of this process, according to which Selborne delayed a possible transfer to the Union primarily because of the pressure from the indigenous leaders (most probably from Basotho). High Commissioner while being sceptical about the issue of immediate transfer, suggested to draw an agreement which would include at least two core preconditions: “(i) the inalienability of the tribal right to their lands and chieftainship; and (2) administration along the present lines instead of by Parliament in which they were not represented, overseen by a High Commission responsible to the Governor-General in Council” (Booth, p. 140).

Torrance (1998, p. 752) offers a broader framework for discussing the issue of transfer, as he believes that rather being explained by exclusively Africanist or dependency theories, this process was shaped by the : “continued retention by Great Britain” and therefore corroborates Hyam’s account that : “the Liberal government in Britain deserves the credit for rescuing these regions from South Africa's clutches.” Victory of National Party in 1948 South African general election eventually ruled out the feasibility of transfer in the foreseeable future.

## **Political developments in the HCTs under the British indirect rule**

### **Bechuanaland**

Colonial rule in Botswana was lightest and least transformative of the indigenous institutions, something that some authors call a “benign neglect” (Beaulier, 2003, p. 7). Bechuanaland was also the only territory which officially enjoyed a status of a Protectorate, while Basutoland was a Crown Colony and Swaziland was never given an official status. Scope of interest in Bechuanaland as a determinant of the indirect rule is perfectly summed up by the High Commissioner in 1885:

“We have no interest in the country to the north of the Molope [the Bechuanaland Protectorate], except as a road to the interior; we might therefore confine ourselves for the present to preventing that part of the Protectorate being occupied by either filibusters or foreign powers doing as little in the way of administration or settlement as possible.” (*quoted in* Picard, 1987, p. 13).

Territorial demarcation and land alienation which was a pressing issue both in Basutoland and Swaziland had been prevented in Bechuanaland since the whole territory was divided in eight major districts allocated for the eight major tribes and five sub-districts for minority tribes. Several key characteristics which contributed to the emergence of the pre-colonial Tswana state, especially peaceful co-existence of newly integrated tribes and a coordinated work among the tribal chiefs, further strengthened the Tswana state. Acemoglu



et al. (pp. 13-14) note that, a joint delegation of three Tswana chiefs in 1895 to Britain on the issue of Cecil Rhodes's aspiration to hold control on Bechuanaland as a lucrative transit route, proved to be a successful endeavour. Another example comes from the year of 1934 when the British administration endeavored to "once and for all establish its authority over the chiefs in the tribal territories", however a peaceful resistance by Tsekhedi Khama and Bathoen have further delayed this process. As noted earlier, private property rights constituted an integral part of the pre-colonial Tswana society, which was unheard of in any other Southern African tribes. Rather than being outdated, this practice continued under colonial rule. Good (1992, p. 72) while analysing the exceptionality of Botswana, mentions:

"The decision to drill boreholes was made by Isang, the acting Chief of Bakgatla, in 1926-7, and by 1932, there may have been over 700 wells in the grazing districts of the Ngwato Reserve. In a move sanctioned by Tswana customary law and prompted by market principles boreholes began to be recognised as personal property in the 1930s and moves towards the private ownership of adjacent grazing lands, a direct and logical extension, soon followed."

Author conjectures that colonialism largely helped the Tswana in providing resources for enhanced cattle production which is an important note taking into account that unlike Lesotho and Swaziland, new political elite emerged from the cattle owners which largely shaped their amicable rapport with population. Balefi Tsie (1996, p. 601) contends that cattle ownership had another profoundly important effect: "In fact, the colonial state promoted a specific form of capitalist development which favoured the growth of a class of cattle accumulators in various parts of Bechuanaland. Most of these cattle accumulators were drawn from the traditional aristocracy (i.e. chiefs, sub-chiefs and headmen) and the new intelligentsia consisting of teachers, senior civil servants and so on." Urbanization as an important part of the pre-colonial Tswana society gained momentum in colonial period and as Seidler (2010, p. 19) notes that it had two distinctive effects: " a) Urbanisation influenced how people managed their working time in a daily and annually. b) Urbanised settlements facilitated contact with British or Boer institutions for a large number of Tswana." Tswana traditional leaders, while having undergone significant changes mostly

in the role of tax collectors and labour recruiters for the South African mines, have remained largely accountable to their communities owing to the persistence of *kgotla* which still played an important role in daily life. Acemoglu et al. (2001, p. 23) note: “Contrary to many other countries in Africa, colonial rule did not strengthen Botswana’s chiefs and did not destroy the *kgotla* and other related institutions.” Another important aspect of colonial rule in Botswana is a nature of nationalism which emerged in the last years of colonialism and which substantially shaped the transition process. Cultural nationalism with varying degree (for example, Swaziland represents one of the most extreme cases of cultural nationalism) triggered independence movements in many African countries, while in Botswana nationalism was modelled on a different pattern. Seretse Khama – a Chief of Ngwato tribe, who later became first president of independent Botswana was barred from entering the country on the grounds of the interracial marriage. Khama was married to a white British woman Ruth Williams which was severely condemned by the political elite in South Africa and Rhodesia. Robinson and Parsons (2006, p. 115) note: “The supporters of Seretse Khama began to organise political movements from 1952 onwards, and there was a nationalist spirit even among older ‘tribal’ leaders”. This process eventually led to the emergence of first two political parties – Bechuanaland People’s Party (BPP) and Bechuanaland Democratic Party (BDP), which is especially important vis-à-vis the party formation in Lesotho and Swaziland which will be discussed later.

The fact that Tswana traditional leaders managed to retain legitimacy amidst colonial “frenzy” of labor migration and tax collection (primarily, hut and native tax), mostly owing to regularly-held *kgotla* meetings, played an important role in forming a peaceful and cooperative nature of hybrid governance. It is important to note that those traditional leaders, who emerged as a new political elite in independent Botswana were most active in initiating borehole private ownership projects and local government reforms during the colonial period, which enabled them to create a highly effective state-traditional dualism later on. We can assume that uninterrupted reliance on *kgotla* as a public participation and decision-making forum made an integration of Tswana traditional institutions into state-building process both viable and democratic.

## Basutoland

Lesotho's incorporation in the British colonial system was a more turbulent one, as it started earlier in 1868 when upon the request of Moshoeshoe I, his territory was brought under the rule of Cape Colony. Machobane notes that first rebellion of the Basotho started in this period as: "When the Cape Parliament betrayed the original intentions of Her Majesty's Government by imposing a disarmament proclamation, seeking to confiscate a fertile southern district of Lesotho for white settlement, and refusing to recognise the inviolability of the country's borders, the BaSotho rebelled successfully and were disannexed by the Cape Colony in 1884" (Machobane 1990, *reviewed work* (Eltredge, 1994, p. 350).

Machobane (1990, p. X) further elaborates on the early colonial attempts at discrediting *pitso* and undermining legitimacy of the traditional leaders which was fundamental in defining the rights of Basotho chiefs :

"Colonial officers turned the all-male public assembly, the pitso, into a forum for declaring unpopular regulations and decisions. That led to a deterioration of the pitso as an institution for policy formulation and the expression of popular opinion. Then, too, put under allowances, in lieu of collecting taxes for the colonial administration, the chieftaincy generally turned its sense of accountability upwards, from their subjects to the colonial officers."

During the colonial period chiefs not only abused their powers, but they also lost their traditional legitimacy as now they, in the position of salaried officials, were serving the interests of colonial administration in recruiting the labour force for the South African mines and for collecting taxes in order to cover some of the administrative expenses. While all three HCTs experienced a high level of economic dependence on South Africa, colonial Lesotho was a major labour pool. Before the onset of a massive labour migration, Lesotho was an important exporter of agricultural products to South Africa and even though in the 1920s working in the diamond mines rose to prominence, it still served as a complementary source of Basotho income. Cobbe (1982, p. 847) contends that overpopulation, losing some

of the most fertile lands to the Orange Free State, exclusion from a modern transport network ,system which was developed in South Africa and almost neglect by the British administration in agricultural extension and infrastructural development are some of the reasons which transformed Lesotho from a net exporter of the agricultural products into a net importer starting from the 1930s. Apart from a vast economic dependence, an uninterrupted labour migration throughout the colonial period also shaped the national identity in Lesotho. Tim Quinlan (pp. 377-380) notes that common language and customs are not powerful enough tools for constructing national identity in Lesotho, since : “there is a popular recognition of a divergence between identification with Lesotho and the ability of the state to meet the needs of the people. Migrant work in South Africa is an integral part of the population's existence.” Parochial interests of the political parties formed on the eve of independence further obstructed the process of molding national identity in Lesotho.

Basotho traditional leaders have undergone fundamental changes both in nature and in functions, which led to the legitimacy crisis and further unleashed factionalism among the chiefs. *Pitso*, as an important consensus-making platform and a viable tool for controlling chiefs' activities, was soon substituted by the Basutoland National Council in 1903, ostensibly aiming to increase popular participation in the decision-making process. Booth (1969, p. 134) notes that the idea of the National Council was pushed forward by the principal chiefs : “ [they were] anxious that they and only they speak for their people in the national deliberation.” Council thus was comprised of 100 members, including the Paramount Chief, ninety-four members nominated by him and other four members appointed by the Government (Dundas & Ashton, 1952, p. 64). National Council, which was clearly over-represented by the chiefs, left little venue to the commoners for public discussion. Commoner attendance at the annual gathering of the National Council plummeted over the years, as unlike *pitso* where all adult males were encouraged to voice the opinion, this right was much curtailed now as chiefs considered to be the only legitimate representatives of the public opinion. Such understanding of representation is also echoed in Swaziland which will be discussed later. Apart from having a fairly undemocratic nature, legal status of the National Council was rather ambiguous. Chiefs in

the National Council and the colonial administration were equally engaged with initiating and passing the laws, which created a complex legal structure and confusion over which laws should have been abided by. Continuous abuse of power by the chiefs, lack of commoner participation and a clash of interests between chiefs and colonial administration resulted in a reassessment of the power balance. Urgency of reforms became more apparent from the 1930s and gained momentum after the Alan Pim's Commission of Enquiry findings of financial mismanagement by the National Council. Colonial administration thus initiated a set of reforms under the name of Native Administration Proclamation of 1938. As Mofuoa (2005, p. 3) notes: "The 1938 reforms had given the chiefs statutory powers on judicial and administrative matters only. The establishment of the Treasury in 1944 further dealt a blow to the chiefs' powers. Finance was brought within the system of indirect rule." However, Machobane (1990, *reviewed work by* Eltredege, 1994, p. 350) contends that : "the reduction in the number of chiefs and courts actually strengthened those who remained in their positions, as it further centralized control and revenues in their hands." While the number of chiefs who capitalized on the process was few, a great number of traditional leaders have resorted as some would claim to the extreme case of regaining power. Since 1940s a so-called medicine murder became rampant throughout Lesotho, which allegedly was a response to the 1938 reforms. Anderson, in the reviewed work of Murray and Sanders (2005) regarding *liretlo* (medicine murder) notes :

"They do consider that the changes to the system of native administration brought a crisis for the Basotho chieftaincy in the 1940s, and that this contributed to an increase in the incidence of medicine murder in very direct ways. Political crises of this kind were likely to stimulate medicine murders, drawing chiefs into conflicts among themselves and greatly accentuating political competition. Murray and Sanders' next question opens this up to consider the broader causes of *liretlo*, drawing chiefs into conflicts among themselves and greatly accentuating political competition" (*reviewed work: Anderson, 2007, p. 225*).

Early protests against the abusive power of the chiefs were organized by the Basotho Progressive Association and Lekhotla la Bafo, though their visions varied considerably. Progressive Association was comprised of educated commoners who defied chieftaincy as anachronistic and parochial institution and called for a genuine popular participation,

whereas Lehkotle la Bafo was characterized as tribalistic, anti-white or communist-tinged which was unable to project its power to different parts of Lesotho, but Mapoteng where it was founded (Weisfelder R. F., 1974, p. 400). Colonial period in Lesotho was thus, characterized by political and legal ambiguity stemming from an unclear demarcation of rights and responsibilities of chiefs and colonial administration. Gazetted chiefs not only lost legitimacy in the eyes of the population, but they also became increasingly obstructive for local development. 1938 Proclamation was fundamental in a way that it drastically changed the source of chiefs' legitimacy, unlike the pre-colonial Lesotho when chiefs ruled on the basis of traditional legitimacy, now they became salaried officials which not only changed their role as custodians of tradition, but it also affected their position in society.

Internal turbulence in Lesotho, marked both with internecine conflicts among the chiefs and between them and colonial administration, was important in two ways: 1) such clash became a defining framework for hybrid governance, where chiefly disputes were transformed into party defection (mostly in a form of junior-principle chief conflicts and 2) A small group of principal chiefs who survived the "onslaught" of 1938 reforms aiming at curtailing their rights, became a new political elite in independent Lesotho, which gave them a leeway to rule based on traditional principles. Therefore, the kind of hybrid governance formed in Lesotho was one of the internecine disputes and dominance of Principal chiefs, who portrayed themselves as only legitimate representative of the Basotho.

## Swaziland

Swaziland came under the colonial control in a more different and rather ambiguous way, which has largely defined the nature of parallel rule. Despite a continuous promise from Britain and Transvaal for Swaziland's independence and territorial integrity as a part of 1881 Pretoria Convention, Swazi-Transvaal border dispute and eventual land concessions to the Transvaal Republic have fuelled public dissent. In the early 1880s,

discovery of a small deposit of gold and diamond in Swaziland attracted British and Boers likewise, which led to a controversial land concession period under the King Mbandzeni. As Magagula (1988, p. 26) notes, territorial interests between Boers and British which became more fierce after mineral discovery, ushered in Anglo-Boer War in 1899. Victorious Britain annexed Transvaal Republic and received Swaziland under its direct protection in 1903. While colonial Botswana enjoyed a “benign neglect” and Lesotho was shaped by the internecine conflicts and power abuse by the chiefs, main characteristic of colonial rule in Swaziland was a land issue which was instrumental in reinstating the role and prestige of the Swazi traditionalism. On the eve of colonialism not only a large portion of land was alienated, but as Levin (1990, p. 47) mentions : “On the ground, the situation was chaotic, with practically the whole area of the country covered two, three or even four deep by concessions of all sizes, for different purposes, and for greatly varying periods.” Stevens (1963, p. 330) further notes :

“White settlers retained almost half of the country’s land. Sobhuza II was still protesting to the High Commissioner in 1954 that ‘the private ownership of land is something unknown among the Swazis’ so it is a wild dream to say that King Mbandzeni sold, alienated or created private ownership of land in the land of his people. Although his legal efforts to repossess the alienated lands were unsuccessful, Sobhuza II nevertheless encouraged the purchasing back of thousand of acres, so that today 2,251,000 acres out of 4,8000,000 are Swazi owned.”

As land issue became a focal point of dissent, British colonial administration issued a 1907 Land Partition Act according to which one-third was given as the reserves to the Swazi, one-third to the white settlers and another third to the Crown (Britain) and the minerals were also brought under the control of the Colonial Administration. (Magagula, p. 18) Such turn of events was especially humiliating and destructive for the Swazi Ngwenyama (which in the colonial period was referred as a Paramount Chief) since an unalienable right to land allocation based on the political allegiance was now undermined. MaCmillan (1985, p. 645) contends that land partition apart from meeting the immediate territorial demands of white settlers and colonial master, served another not less important function :

“The land partition was intended not only to provide labour for settler farmers in Swaziland itself, but was to drive some of the population out as migrants to the mines of the Witwatersrand and the eastern Transvaal. As further encouragement to this end, the inhabitants of Swaziland were consistently more heavily taxed than any others in Southern Africa. As a consequence of these unusually strong pressures of land alienation and taxation the Swazi had become primarily a nation of labour migrants by World War I, and remained so until the large-scale creation of local employment opportunities after World War II.”

Colonial rule in Swaziland can be best described as a parallel one, where colonial administration and the traditional leaders were ruling together, however the latter was almost always subordinated to the former on number of key issues. Walker and Harlech (1945, pp. 69-70) argue :

“Until recent weeks Swaziland was anomalous. Though they have a Paramount Chief who shares authority with a Queen Mother who has a separate court and powers under Swazi law and custom limiting very drastically the powers of the Paramount Chief neither the Paramount Chief nor the rather primitive native courts were legally or constitutionally recognised. The right of the Paramount Chief to command obedience was limited not only in law but in local native customs and practice. The influence of the Paramount Chief is by no means equally universal throughout Swaziland particularly in the South where the native farmers are more progressive and independent than elsewhere.”

Land partition, labour flow to the Southern African mines and curtailed rights of the traditional leaders especially in the areas of land allocation and law making triggered a revalorization of tradition starting from the 1920s. Macmillan (1985, p. 643) contends that triumph of traditionalism in this period served twofold functions: it sought to make sense out of Swazi dislocation and to legitimize the position of elite (Dlamini family). Sobhuza II as the longest lasting monarch in history (he reigned for 82 years) is the most important figure to be analyzed in the context of triumph of traditionalism in colonial Swaziland. Magongo (2009, p. 22) , in her analysis of Sobhuza’s legacy, notes that his emphasis on Swazi traditionalism was not paranoid since he acknowledged the importance of incorporating modern elements in the political system, which can be contested on the grounds of repealing the independence constitution and banning political parties claiming that they were not compatible with Swazi way of life later on. Macmillan (p. 647) rightly



notes that : “The mid-1920s marked a watershed between conservative resistance and the conscious revival and use of 'tradition' as a weapon of mobilisation.” Ethnic mobilization based on Swazi traditionalism was soon materialized in different forms: creating the Swazi National Fund aiming to purchase the Swazi land back from white settlers, establishing Swazi National High School dedicated to teaching Swazi history and language, declaring Swazi Kingship and Liqoqo as the only constituents of Swazi Native Authority. Furthermore, Magongo (p. 45) mentions that :

“Over the years Sobhuza II deliberately began to revive and integrate traditional practices and ceremonies. This is seen in the observance of age-old rituals such as the Incwala, Umhlanga and Umcwasho (a chastity rite), the revival of the Emabutfo (male-age regiments) along with the creation of national institutions such as Tibiyo Taka Ngwane (Royal company that purchased shares in business interests on behalf of the Swazi nation), Tisuka Taka Ngwane, (Royal company that collected mineral royalties and invested the proceeds on behalf of the nation), Tinkhundla (Regional Committees), Lifa Fund (National fund that collected taxes for the repurchase of land from settlers).”

Ethnic mobilization rather than awakening the Swazi from the “colonial dream” served to strengthen the rule of traditional leaders in Swaziland, consequences of which was evidenced soon after gaining independence. Reliance on the Swazi traditionalism in the colonial period goes beyond the revival of Swazi indigenous culture; as Woods (2015, p. 4) notes : “During British colonial rule, Sobhuza II invented an accommodating informal institution – tinkhundla – that he claimed was grounded in traditional Swazi society. In doing so, Sobhuza was able to exercise some political power in a state that was dominated by the British and a small coterie of White settlers.” Reinforcement and in some cases invention of Swazi tradition for the purpose of monopolizing power by the Royal family before the departure of colonialism also introduced profound changes in the already existing traditional institutions: *Liqoqo* and *Libandla*. *Liqoqo*, which was meant to function as a consultative body and possibly constrain the power of the Paramount Chief, became a major platform for internecine conflict, which according to Magongo, has led country to a deep political crisis (for a comprehensive research on the issue see Magongo, 2009, Chapter Four *The Liqoqo Era and the Triumph of a Swazi Traditional State 1982-1988*).

Colonialism in Swaziland was mostly modeled on the land partition issue since a right to allocate land was a foundation of Swazi chieftaincy in the colonial era. Triumph of traditionalism as a means of both thwarting colonialism and monopolizing the power have been conducive to the traditional autocracy which will be analyzed in detail later on.

Power struggle in colonial Swaziland and a concomitant triumph of traditionalism is key to understand how the type of hybrid governance formed in this country was not only less conducive, but also disruptive to democratization. An over-reliance on tradition and its perception as the only legitimate source of authority, helped the traditional leaders to make substantial changes to the very core of Swazi tradition in a way which would eventually sideline any major prospect of democratization. Having used tradition as an effective source of mass mobilization, especially in the context of Swazi national land, Dlamini family and its loyal coterie determined hybrid governance structure, where tradition was given a substantial advantage to any form of state institutions.

## Chapter IV

### Implications of Hybrid governance: Party System Formation

Pre-colonial state formation predicated on the indigenous tradition became subject to the colonial influence and manipulation to a certain degree. Traditionalism not only lent legitimacy to the informal institutions, but it also helped the chieftaincy to survive the colonial suppress which can be conceived as a first attempt of merging the “state” and traditional institutions. British colonial rule, while having divergent effects on the indigenous institutions in Botswana, Lesotho and Swaziland, introduced a veneer of Western model of state, which largely shaped the nature of democratic transition in these countries. This section will test the conjecture that higher importance of the traditional institutions/governance vis-à-vis the state in the immediate post-independence period have resulted in a varying degree of democratic transition across the case studies.

Post-independence political transition pursued by new political elites was defined by the nature of modern-traditional institutional blend forged in the colonial period, which as mentioned earlier was the one of mutual influence and interdependence. Popular claims for independence starting from the 1950s soon siphoned in the inchoate party formation, which was expected to involve the interests of chiefs and commoners likewise. While eve of independence saw a number of parties formed in each country, the outlook of the winning parties in the first pre-independence elections will be closely analyzed.

#### **Botswana**

Political elite of the Botswana Democratic Party (BDP) founded in 1962 was exceptional in two fundamental ways: almost every founding member of BDP was Western-educated and they all envisioned political transition as an inclusive process, integrating the interests of almost every segment of society. BDP leadership capitalized on the internecine fragmentation of the earlier created Bechuanaland Peoples Party, which was

struggling to escape the influence of ANC (African National Congress). Founder of BDP, Seretse Khama was prudent in choosing an inclusive vision of his party which was never witnessed in Lesotho and Swaziland. Acemoglu et al. (2001, pp.14-15) note:

“In contrast the BDP integrated within it not only an emerging educated elite of teachers and civil servants, and also the traditional chiefs. Seretse Khama bridged this gap, being both the hereditary leader of the largest Tswana state, but also European educated. The particular political strength of the BDP coalition was that they could integrate within the party the traditional rural structures of loyalty between commoners and chiefs.”

Unlike other political parties in Botswana, BDP was not an urban-based political formation, but was rather equally appealing to the rural chiefs and commoners (Beaulier & Subrick, 2006, p. 4), especially because it was comprised of the cattle owners. Good (1992, p.73) notes: “The B.D.P. elite has, simultaneously, its social foundations among the poor peasantry dependent upon cattle while not owning any for themselves.” Tsie (pp. 603-605) argues that BDP ties with the poor peasantry dates back to the colonial period when the *mafisa* system of farming out the cattle to the poor commoners and the borehole ownership enabled the peasants to support households without an exclusive dependence on the South African remittances. It is important to note that the same people who years later became founding members of BDP initiated the borehole ownership in the 1930s. BDP popularity among the commoners has increased after a series of Rural Development initiatives undertaken in the first years of independence. Another important aspect of BDP which became a focal characteristic of the party system in Botswana is its responsiveness to the threat of losing power (Acemoglu et al. p. 15). This pattern is an embodiment of a strong tradition of checks and balances imposed on the traditional chiefs both in pre-colonial and colonial period which made them not only accountable, but also highly adaptable and responsive to the changing milieu and public demands. Authors (p. 16) note that : “Another example of political responsiveness is that after losing ground in the 1994 election the BDP responded by introducing popular reforms such as reducing the voting age from 21 to 18 and allowing Batswana outside the country to vote (particularly important given the large number still employed in South Africa).”

Political party formation in newly independent Botswana revolved around three major parties: BPP, BNF (Botswana National Front) and BDP, however James H. Polhemus (1983, p. 402) notes: “a major feature about party ideologies in Botswana has been the absence of acute ideological differences”, which he attributes to the fact that these parties “were formed the sole purpose of mobilizing nationalist feelings and the creation an independent state.” Parties mostly differed on the basis of policy cohesion and thus, he uses BDP as a benchmark since the initial party manifesto “has reflected a consistent of policy and because inevitably its positions have served as a target the other parties” (Polhemus, p. 402). While other parties were positioned on the anti-colonial and anti-chieftaincy lines, BDP leadership managed to overcome the modern-traditional dichotomy through an ingenious way of combining both while overtly giving an advantage of a modern, liberal-democratic state, where traditional leaders would only have a supplementary function.

Party manifesto was succinct about the likelihood that traditional institutions would shortly become appendage to the state: “the Bechuanaland Democratic Party stands for a gradual but sure evolution of a national state in Bechuanaland, to which tribal groups will, while they remain in existence, take a secondary place. This is an unavoidable development, an evolutionary law to which we must yield to survive, or resists and disappear as a people” (Bechuanaland Democratic Party, 1965).

Acknowledging the importance of traditional leadership, Seretse Khama founded his party on the values of *Kagisano*, which on the one hand was in line with the Tswana political culture and on the other hand, represented the tenets of modern liberal-democracy : “We must build a society in which all our citizens, irrespective of race, tribe or occupation can fulfill themselves to the greatest possible extent, and uphold the ideals of enshrined in Setswana concept Kagisano - unity, peace, harmony and sense of community” (Polhemus, p. 403). Willie Henderson (1990, p. 38) argues that it was Khama’s “personal democracy” evident in his openness, defiance of the: “behavior of those aristocratic members steeped in the privileges of kinship” and a spirit of inclusiveness that not only led to the BDP victory, but also laid the foundation of the multiparty democracy in Botswana.

## **Lesotho**

An inclusive nature of BDP was sharply contrasted by the Basotho National Party (BNP) in Lesotho and Imbokodvo National Movement in Swaziland. BNP formed and led by Chief Leabua Jonathan was comprised of principal chiefs exclusively and it did not allow for the participation of junior chiefs and commoners, which in its turn led to the continuation of the political defection practice so deeply rooted in the Basotho society. Obstruction of the principal chiefs soon became apparent when in 1969 District Councils (they were set up in 1943 under the colonial administration) aiming at political decentralization was abolished since the opposition Basutoland Congress Party (BCP) members dominated them (Maundeni, 2010, p. 133). Mofuoa (2005, p. 4) contends that: “Thus the abolition of District Councils by the Jonathan regime saw an end of participatory institutions at the local level, resulting in increasing centralized administrative and planning machinery.” It can be argued that political responsiveness, which substantially contributed to the democratic consolidation in Botswana, was largely absent and ill-perceived in Lesotho. Soon after losing the second general elections to BCP in 1970 Leabua Jonathan repealed the Independence Constitution (which is strikingly similar to the Swazi case of 1973) and banned political parties which not only undermined the prospect of the democratic transition in Lesotho, but it also laid foundation to a series of military coups, most recent of which was attempted in 2014. Transformation of the BNP youth wing into a paramilitary group for serving the parochial interests of the party leadership has challenged the authority and credibility of the Lesotho Defense Force (LDF) which staged a coup in 1986, overthrowing Jonathan’s one-party rule and establishing a military regime. Political instability marked by party defection is not something new taking into account Basotho political culture discussed earlier. However, destructiveness of newly created party system soon ushered in a military regime which was a repercussion of Leabua Jonathan’s irresistible desire to retain power at any cost. Soon after transforming BNP youth wing in a

paramilitary group and using it for suppressing dissent, Lesotho became a country where civilian control of military remains an unaccomplished mission.<sup>10</sup>

Richard F. Weisfelder (1992, p. 653) contends that while originally BNP was a: “bastion of traditional rural, conservative Catholic, and strident anti-communist values”, party leaders were not afraid to put political expediency ahead of ideology. Author refers to the actions followed by the 1970 electoral defeat when Leabua Jonathan established links with A.N.C., China, the Soviet Union and North Korea for securing military support. In his address to the BNP youth rally in 1968, Leabua Jonathan stated that “modern ways” of state-building could have been applicable to Lesotho only if and when “sound traditions, culture and customs, and preservation of the social structures, such as chieftainship, churches, and family units, underpinning these values” would be high on the independence agenda (Weisfelder, 1981, p. 227).

It can be argued that an exclusionary nature of BNP which embraced a pro-chieftaincy stance was important in two major ways: a sharp distinction between the principle chiefs and the others (junior chiefs and commoners more broadly) proved to be conducive to a surge in party defection and a continuous distrust of the electoral results which required a military intervention by the South African Development Community (SADC) on number of cases; more importantly, as Maundeni (2010, p. 133) contends, BNP ideology set a precedent : “in Lesotho, chiefs led parties that ended up ruling the country.”

## **Swaziland**

Triumph of traditionalism in Swaziland starting from 1920s became a point of departure for the political party formation in the post-independence period. It can be contended that a role of traditionalism in the party system has finally entrenched the political power entirely in the hands of the royal family. While Tswana and Basotho political elite acknowledged the importance of incorporating modern state in their

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<sup>10</sup> More about the issue is available in *The Military and Democratization in Lesotho* by T.H. Mothibe, Lesotho Social Science Review Vol. 5 No. 1, (47-63)

governance to a varying degree, Sobhuza II as a leader of newly emerged Swazi political elite: “strongly advocated that divisive party politics should be replaced by a royally supervised traditional political order devoid of the influence of radical urban elements” (Bischoff, 1988, p. 457). Sobhuza II was utterly unsatisfied by the British proposal of 30-30-30 political representation corresponding to the Swazi, British and White settlers which became a focal point in developing a narrative that party system is inherently incompatible with the Swazi way of life (Potholm, 1966, p. 314). New political parties, including Swaziland Progressive Association and Ngwane Liberatory Congress formed before the first general elections, were calling for radical changes in the status quo, end to tribalism, and the nationalization of much of Swaziland's infrastructure (Potholm, p. 314). Despite the popular opinion that Swazi kingship should stand above the party politics, an imminent threat of power devolution led to the creation of Imbokodvo National Movement in 1964 under the auspices of the royal Dlamini family. However, soon after assuming an absolute power, members of the Liberatory Congress as well as other minor opposition parties were amalgamated into Imbokodvo. Post-independence party politics in Swaziland was substantially shaped by Swazi traditionalism which not only defined the concept of representation, but also led to the formation of *tinkhundla* electoral system. J.H. Proctor (1973, pp. 276-277) refers to Sobhuza II who believed that representation could be credible only if it was representative of the nation as a whole, rather than of a particular segment of society, which was also a reason why he discarded parties as a divisive force for the Swazi unity. From Sobhuza’s perspective : “The modern sanction of the ballot box created a situation in which the traditional trustee role for representatives as defined by the Ngwenyama no longer seemed altogether appropriate” (Proctor, p. 278). Sobhuza managed to extend his power “through the transformation of the quasi-traditional institution of *tinkhundla* into an instrument of territorial and political control” especially in the urban areas where royal family was vehemently resisted (Woods, 2015, p. 7).

Imbokodvo National Movement was not a political party with its conventional understanding, since it did not have a founding manifesto, there was no party convention and it basically served as “the operational political arm of the monarchy” (Proctor, 1973, p.



275). Imbokodvo, being dominated by the Dlamini family members, served the only function of monopolizing power through eliminating any political party based on the sacred concept of Swazi tradition. While Imbokodvo has managed to take all the contested seats in 1964 and 1967 elections (24 seats in total), 1972 general election was a turning point in the Swazi political life. Having to “concede” three seats to the Ngwane Liberatory Congress meant a total disaster for the ruling party since it was conceived as a start of diminishing authority of the traditional leaders. Sobhuza II in a same fashion as Leabua Jonathan repealed the Independence Constitution of 1968 in 1973 and declared a state of emergency. As Proctor (1973, p. 287) notes: “Sobhuza undertook to justify the abolition of the existing system by condemning it as an alien one. He asserted that the constitution had brought a 'foreign spirit of bitterness' to Swaziland and that the people wanted one 'created by themselves which will give them full freedom and guaranteed peace and happiness.’” More importantly, 1973 decree banned all political parties and movements in Swaziland, thus declaring it a one party-state. Post-independence Swazi political elite capitalized on the notion of traditionalism as an embodiment of the nation itself which originally emerged in the 1920s-30s. Portraying the political parties as inherently alien and incompatible for the Swazi tradition transformed the country into an authoritarian regime where personal dictatorship of Ngwenyama goes almost unchecked. Members of the currently major opposition party- The People’s Movement for Democracy (PUDEMO) either are in jail or live in exile in the neighboring South Africa and Mozambique.

### **Advisory vs. Statutory: Institutionalization of the traditional leadership**

Traditional governance in post-independence Botswana, Lesotho and Swaziland was substantially influenced by the extent of its submissiveness to the British indirect rule and by the resilience of traditional leaders, who either retained legitimacy through straddling colonial and public interests or endeavored to monopolize power through various means. Power struggle between the colonial administration and traditional leaders have led to an

,era of medicine murders in Lesotho and to the revitalization of traditionalism in Swaziland which became an embodiment of the similar struggle between the chiefs and new political elite in the post-independence period. Being deprived of some of the key functions under the colonial rule, traditional leaders saw independence as a chance to regain their “inalienable” rights to land allocation based on an entrenched web of patronage. As evidenced earlier, new political elite in Botswana, Lesotho and Swaziland was an embodiment of the political dynamics in the late colonial period when the talks about eventual independence has led to the emergence of a relatively educated, cattle-owner class in Botswana, a conservative and rather parochial group of principal chiefs in Lesotho and an exclusively traditionally oriented leaders, loyal to the royal family in Swaziland. This section of the thesis will look at how the institutionalization of traditional leadership has shaped a distinctive nature of hybrid governance across the case studies. This process has been instrumental in forming a dual institutional setup (modern-traditional one) which largely contributed to the degree of democratic transition to be analyzed in a final chapter.

Defining a satisfactory position for the traditional leaders was a key challenge to a democratic state-building, since the tribal chiefs exercised considerable influence at the local level and could serve as vote-brokers when necessary. Institutionalization of traditional governance while entailing a broader process of defining state-traditional legitimacy and a possible scope of cooperation, here will concern: 1) legislative functions of House of Chiefs in Botswana, Senate in a bicameral Basotho Parliament and Libandla-type Swazi Parliament 2) their role in local governance and 3) chiefs’ right to allocate land.

## Ntlo ya Dikgosi

It would be naïve to assume that constitutional talks regarding the role and power of traditional leaders in Botswana was essentially peaceful or less controversial than in Lesotho and Swaziland, however a cooperative “grand coalition” was successfully forged owing to the ingenuity of Seretse Khama and his political coterie. Sebudubudu and Molutsi

(2009) provide an insight into the different strategies used by the post-independence political elite for averting possible detrimental effects of a wide-scale confrontation with chiefs. Authors (pp. 18-20) argue that control and discipline (turning the tribal chiefs into salaried public servants), management by neutralization (appointing several non-chiefs into the chieftaincy), incorporation and integration (Chiefs were included in the local District Councils and they also participated in the newly established institutions like the Traditional Court of Appeal), gradual democratization of chieftaincy (making traditional leaders an integral part of the democratic processes) were some of the strategies which facilitated a smooth disempowerment of the traditional leaders.

Tswana Chiefs reacted to the threat of losing power in different ways, some of them like Chief Bathoen II resigned and joined an opposition party for expressing dissent. However due to the nature of *kgotla*, people were regularly consulted on the key issues which made it less feasible for the principal chiefs to organize any wave of massive protest against Khama's reforms. New political leadership soon identified those pivotal areas where curtailing chiefs' power would curb their recalcitrance and thus, form a state-traditional cooperative framework with the former having tangible advantages. J. H. Proctor (1968) provides a comprehensive analysis of forming House of Chiefs, an advisory body to the National Assembly (Parliament of Botswana) which was a watershed in the democratic transition. Proctor (1968, p. 62) contends that:

“They [new elite] also felt that it would be extremely undemocratic and anachronistic to give delaying power over the whole range of legislation to a small group of men who held their seats merely by the accident of birth. Conflict between such a body and a popularly elected, forward-looking assembly was inevitable and could not be tolerated in the modern world.”

Chiefs were denied any legislative power to enforce or block proposed changes, however their institution was deemed to be “a constitutional channel through which the interests of the hereditary rulers and their more conservative subjects might find expression” (ibid, p. 64). House of Chiefs thus was formed as an advisory body, Chiefs having a right to initiate laws and/or amendments based on the public opinion voiced at *kgotla*. Acemoglu et al. (2011, p.15) argue that one of the most crucial decisions was a

1967 Mines and Minerals Act which vested mineral rights in the national government instead of the Principal Chiefs. This Act was especially important for at least two reasons: right to mineral extraction and allocation was previously vested in the tribal chiefs, which allowed for further expansion of clientelism and patronage and since Seretse Khama was originally from a mineral-abundant Bangwato tribe, his initiative incentivized other Principal Chiefs to overcome personal agenda for the sake of national interest. Mines and Minerals Act allowed the newly elected government to start a lucrative negotiation with De Beers in 1969 which “gave Botswana a major shareholding and a place on the board of De Beer” (Robinson and Parsons, 2006, p. 113).

As noted earlier, land ownership and a right to allocate grazing land was regarded as Chief’s privilege, which acquired additional significance in land-scarce and drought-prone Southern African countries. Managing tribal land and stripping the chiefs of power to allocate land was perceived as a decisive step in fostering state capacity in this regard. The Tribal Land Act of 1968 and Tribal Grazing Land Policy of 1975 have not only reduced chiefs’ control over land allocation, but also have incentivized private land ownership (Sebudubudu and Molutsi, 2009, pp. 20-21). Further decentralization was witnessed through creating District/Urban councils, District Administration, Land Boards and Tribal Administration where traditional leaders rule with elected personnel. However, far from enjoying an unlimited power in these local institutions, Chiefs came under a direct scrutiny of the central government which meant that in case of abusing power or overriding the decisions made at *kgotla*, they would be fired (Dipholo, Tshishonga, & Mafema, 2014, p. 21).

It can be argued that granting solely advisory functions to the House of Chiefs, reducing their hold on mineral rights and land allocation have been conducive to a smooth transfer to political decentralization which is still a key challenge in Lesotho and which is not even on the agenda in Swaziland. State-traditional institutional hierarchy is succinctly echoed in Section 4 of the Chieftaincy Act of 1966: “A Chief is an individual who has been designated as a Chief in accordance with customary law by his tribe assembled at the Kgotla; and has been recognized as a Chief by the Minister” (Government of Botswana,

1966). We can assume that this statement embodies a specific type of hybrid governance in Botswana, where the traditional consensus-making platform is merged with the modern state institutions, where the former complements the state capacity (formal-informal institutional interaction based on Helmke and Levitsky).

### Bochaba-Sere: Whither the Principal Chiefs in Lesotho?

Power struggle in the post-independent Lesotho was different from the similar processes in Botswana and Swaziland, since the emergence of new political elite was obscured by forming Basotho national identity. Weisfelder (1981) takes a closer look at the placement system of chiefs introduced by Moshoeshoe I and a continued economic dependence on the South African remittances, which transformed Lesotho into a state where tribal division and socio-economic disparity were some of the major impediments upon independence. However, as Irving Markovitz (1977, pp. 199-201) argues the “organizational bourgeoisie” where an absence of production instruments leads to the power concentration in the hands of politicians, bureaucrats, traditional leaders, professionals and small entrepreneurs did happen in Lesotho and resulted in the emergence of a handful of principal chiefs, having little contact with the wider population and largely being incapable of steering country’s economy even amidst the wave of international aids. Francis Mako a (2004, p. 85) notes that “mediated deliberation” espoused by the powerful elite institutions which is an important precondition for the independence was missing in Lesotho. Author thus contends that independence constitution (for instance, unlike Lobatse Constitutional talks of 1963 in Botswana which became a defining moment for the national consolidation) was perceived more of an imported phenomenon from the colonial legacy rather than a deliberated discussion about the country’s future.

Political infighting and later on the electoral victory of BNP defined that premise of a newly independent country would be strongly institutionalized traditional governance

which was then enshrined in the Westminster model of parliamentary government. Soon after gaining power, Chief Jonathan as a first Prime Minister of Lesotho abolished District councils as a part of colonial legacy. As for the 1969 Local Government Act, District Development Committees (DDC) and Village Development Committees (VDC) were introduced which ostensibly aimed political decentralization, albeit these institutions further entrenched Chiefs' powers as they were appointed as heads of each committee (Mofuoa, 2005, p.4). Democratic transition in Lesotho was impeded by number of factors including a total neglect of the rural areas and power concentration in the urban political elite, disregard for the independence constitution and banning political parties as anomalous for Basotho politics and absence of civilian control over military. Higher stake given to the Principal Chiefs (22 of them representing major Basotho tribes) through their position in Senate (upper chamber of Lesotho's bicameral parliament) enabled them to ratify, approve and/or reject proposed bills. Moses Daemane (2011, p. 168) offers a comprehensive analysis of the decentralization challenges in Lesotho with principal chiefs having a substantial role to play in this process: "Most of the Ministers are appointed from the National Assembly and the few from the Senate. Some of the Ministers are then appointed to form the ruling cabinet. The monarch system is in such a way that (22) principal chiefs rule over wards,(1200) customary chiefs under the principal chiefs look after demarcated areas in the ward with the help of (506) village chiefs/headmen in the communities." Since decentralization entails administrative, financial and political aspects, chiefs at the local level much like in Botswana would be salaried public servants, whose tenure will depend on their accountability, which inherently contradicts the views of the Principal Chiefs regarding their hereditary "appointment." Daemane (pp. 169-170) further notes: "The senate mainly consists of conservative principal chiefs, this structurally and by default, puts chieftaincy as a legal delaying procedural opposition to democratic reforms. Power struggle is also created between the two houses, whereby the Parliament seeks expedient reforms while the Senate chieftaincy remains conservative seeking to maintain the status quo of concentrated traditional-political power on chieftainship."

Another important aspect of chieftaincy in Lesotho lies in right to land allocation. Regulation concerning the land allocation dates back to the Laws of Lerotholi from the early 20<sup>th</sup> century, according to which land was held in communal ownership and a Principal Chief delegated the right to land allocation to the local chiefs. Thus, the notion of: “Land is vested in the King in trust of the Basotho Nation” was enshrined in the independence constitution. However, it should be noted that during the first two decades of independence, King was mostly stripped of his rights and on certain occasions, he lived in exile (for instance, after electoral defeat of BNP in 1970, King Moshoeshoe II was first detained under house arrest and then lived in Holland in exile for several months) and thus, Principal Chiefs “took responsibility” for decisions regarding land allocation. Land Act of 1972 vested the right of land allocation in Land Committees, which were presided by the gazetted chiefs, who remained in office as long as they were aligned with Jonathan’s BNP.

Senate domination by the Principal Chiefs and their active attempt to promote chiefs both at Districts Councils and Land Boards considerably impeded both political decentralization and equal access to land. Nevertheless, due to the grave consequences witnessed during the state of emergency which lasted for 15 years (declared by Leabua Jonathan in 1970) and external pressure, especially from SADC and Britain, triggered a process of gradually curbing some of the customary rights from the chiefs.

### Suppression of Umbanga

Political transition in post-independence Swaziland can be regarded as a logical continuation of power usurpation by the royal Dlamini family under the guise of traditional narrative. The pervasive influence of tradition on the independent Swazi state requires a thorough analysis in order to understand a rather anomalous nature of power distribution between the state and traditional institutions. Hence, this section gives a more detailed analysis of the issue.

Since the party system formation, discussed earlier was effectively monopolized by the Imbokodvo National Movement under the auspices of Sobhuza II, a real power struggle between the modernists and conservatives had not taken place until his death. However, this process was limited to narrow political elite within the royal family and it had nothing to do with the interests of the Swazi population. Westminster-style Swazi Parliament, commonly referred as Libandla much like bicameral Basotho parliament consists of Senate and National Assembly, whereas the right of Ingwenyama to appoint members in both chambers and a quasi-traditional system of Tinkhundla enshrined in the Swazi constitution offers a significant departure from a democratic understanding of representation. Millard W. Arnold (1984, p. 4) in his analysis of Swazi transition notes: "Sobhuza had carefully steered the country between the siren call of rampant modernization and the hypnotic lull of traditionalism." Magongo (2009, p. 20) further argues: "Political activity in Swaziland is largely the product of interaction between traditional and modern elements and the forces that regulate the content of such tradition. The monarchy occupies a pivotal position that can be likened to a siphon through which all activity is filtered, monitored and controlled." Sobhuza's aptitude for undertaking modern reforms is highly debatable since his decision to repeal the independence constitution and to ban political parties consequently left little space for progressive ideas.

Institutionalization of the traditional authority developed in many different ways in Swaziland, though the controversial role of Likoqo (traditional institution comprised of chiefs and few commoners) was a first important step in formalizing traditional governance which also led to the internecine conflict threatening the Swazi statehood. In June 1982 status of Likoqo was elevated from that of Advisory Council to the Supreme Council of State which made it the only viable decision-making body in the country. Likoqo members were exclusively (s)electd by the King and Queen Mother among the royal chiefs to represent the Swazi nation as whole, since Sobhuza II predicated the concept of representation on the national unity where politicians had to "rescue" people from unwanted consequences (Proctor, 1973, p. 277). Another crucial aspect of the post-independence Swazi politics was land issue which traces back to the White squatter



problem in the colonial period, when an uncontrolled land concessions left Swazi land mostly in the hand of foreigners. Hamilton Simelane (2002) scrutinizes land issue in post-colonial Swaziland and refers to 1972 and 1973 Acts which led to power concentration in the traditional leaders and a new middle class. Simelane (pp. 337-338) notes that 1972 Land Speculation Control Act aimed to: “promote land accumulation by the indigenous leaders and by the new middle class” since the purchase of Swazi land by foreigners and transfer of land between Swazis became almost impossible and the traditional leaders were the only group who had enough capital for land purchase. This act was soon followed by the Vesting of Land in the King Act no.45 of 1973, which is important in two ways: this Act not only granted privilege to land allocation to the King, but it also entrenched a clientelistic network of this process since the loyal Chiefs became the custodians of this Act. Thus, Swazi Nation Land which is ostensibly equally accessible for every Swazi citizen became the exclusive privilege of sikhulu (local chiefs) who allocate land based on the allegiance to the Royal family. Hold on power by the traditional authorities was further strengthened by the creation of Tibiyo Taka Ngwane in 1968, foundation principle of which ironically states: “Tibiyo is owned by the Swazi Nation. Every Swazi National is an owner in Tibiyo - even those born today. All Swazis have the right to know about Tibiyo activities - how it works and what it does. As in all national matters, all Swazis have the right to appeal to the King with any query about the activities of Tibiyo” (Levin, 1990, p. 57). Nevertheless, Tibiyo is the only company in Swaziland which: “is not required to publish its accounts, undergo government audits or pay taxation” (Magongo, p. 30) and is exclusively managed by the traditional leaders appointed by the King. Political transition in Swaziland can be divided between Sobhuza and post-Sobhuza periods: in the Sobhuza era (before 1982) Liqoqo was transformed from a purely advisory body to a statutory one capable of influencing and controlling the activities of ministers and parliament; Swazi Nation Land became an exclusive privilege of Ingwenyama and his loyal Chiefs through two subsequent Acts; vesting minerals in Tibiyo made it a clientelist heaven for the Royal family. Post-Sobhuza period mostly marked by the infighting between the Principal Chiefs and Princes within the Liqoqo resulted in a formation of a triad of King, Liqoqo and Libandla as governing force of the country (Magongo, pp. 37-39). Parliament is reduced to enacting

legislation and conducting debates and it is only with the consent of the King that laws can be passed. Chiefs responsible for land allocation and customary justice at the local level are directly appointed by the King based on their allegiance, which makes them accountable only to the Ingwenyama, thus questioning the prospect of political decentralization and public participation at the local level. Laurence Piper (2011, p. 41) notes :

“80% of Swaziland population live in rural and semi-urban areas. The administration of these areas falls in the authority of the Chiefs, who are traditional authorities and the representatives of the King at the local level. The chief obtains his position by virtue of customary law and hereditary standing to that particular society, they are non salaried and head up law, economic and rituals in the area. This implies that getting into a position to influence policy at the local level in the tinkhundla is conditioned on the hereditary status (chiefs) of elected representatives.”

Such narrative can help to shed light on the degree of political decentralization and local governance accountability in post-independence Swaziland. Hereditary chieftaincy in charge of local governance not only questions the accountability of this institution, but it also challenges “common knowledge” that tradition as an intermediary between state and society can help to increase public participation.

## Chapter V

### Democratic Transition: What it entails in the Southern Africa?

Before advancing to the analysis of democratic transition in the Southern Africa, it is important to bring clarity what political transition largely entails in the regional context. O'Donnell and Schmitter (1986, p. 3) argue that: "transitions are periods of "undetermined" political change in which "there are insufficient structural or behavioral parameters to guide and predict the outcome." Such assumption, which presents transition as rather chaotic and spontaneous process partly jettisons the importance of already existing political culture, institutions and social classes which Bratton and Van de Walle consider to be of utmost importance. As authors (1994, p. 456) contend, such contingent approach to transition developed by O'Donnell and Schmitter implies that: "Political outcomes are driven by the short- term calculations and the immediate reactions of strategic actors to unfolding events." While substantial merit of the contingent approach cannot be discarded, it might prove insufficient to study similar processes in Africa where the post-independence political elite was rather tied up with the colonial legacy and within embedded institutional dualism. Terry Lynn Karl (1990, p. 5) is more cautious about the role of preexisting social norms and institutions and in her analysis of democratization in the Latin America she notes: "Even in the midst of tremendous uncertainty provoked by a regime transition, where constraints appear to be most relaxed and where a wide range of outcomes appears to be possible, the decisions made by various actors respond to and are conditioned by the types of socioeconomic structures and political institutions already present." Karl's assumption is particularly applicable to the post-colonial democratic transition, where the predictability of outcome is largely conditioned by the pre-colonial social structures and their integration into the colonial system.

While social and political changes evidenced in Botswana, Lesotho and Swaziland can be attributed to the post-independence policy trajectories pursued by substantially

different political groups discussed earlier, political dynamics of the colonial period have at least equally important stake in the process. Juxtaposing so-called contingent and structural contingent approaches to the democratic transition makes clear that patrimonial foundation of the African societies where daily issues are managed through a powerful web of patronage requires a hands-on analysis where Western-centric approach might lack validity. Notion of democratic transition is far from being unanimously accepted and it largely varies from a minimalist (competitive elections) to a more inclusive understanding where elections are complemented with a myriad of democratic tenets. Concessions made for the nascent democracies mostly attach exaggerated importance to the multiparty elections, whereas weak opposition and civil society, media censorship, limited funding for the opposition parties can profoundly affect the quality of such elections. Patrick Chabal (1998, pp. 290-292) notes that democratization in Africa is a complex process susceptible to both internal and external changes, however the major reason why most African states failed delivering democracy soon after gaining independence was that governments were increasingly tempted to use “sheer force” for maintaining power. Author (pp. 296-299) further elaborates on the instrumental, institutional, cultural and historic approaches of African democratization, albeit institutional and cultural factors tend to explain the peculiarities of the African democracy most accurately. “Beyond this, it is argued, there must be three institutional mechanisms at work: (i) a structure of representation; (2) a working parliament; and (3) an effective system of direct political accountability” whereas cultural theory entails: “(i) a democratic mentality; (2) a culture of representation; and (3) a notion of accountability.” Chabal’s narrative is important as it enables us to see how democratization is connected with some of the issues we discussed earlier: 1) did the “personal democracy” of Seretse Khama and the public participation through traditional institutions in pre-colonial Botswana and partly in Lesotho facilitate democratic transition across the countries to a varying degree? 2) how much the traditional understanding of representation proposed by Sobhuza II accounts for a limited public participation witnessed for twenty years after independence? 3) can a system of “checks and balances” imposed on the traditional leaders both in pre-colonial and colonial Botswana be regarded as a logical continuation of executive accountability in the post-independence period which was not a

case in Lesotho and Swaziland? 4) how much granting legislative functions to the chiefs in Lesotho and Swaziland undermined the viability of parliament and transformed it into a mouthpiece of government propaganda? Answering these questions is pivotal for understanding the nature of democratic transition across the case studies.

According to Przeworski (1991, p. 10) : “democracy is a system in which parties lose elections”, however as he further notes what matters for a study of democratic transition is focus on competition. However, one might ask how much the electoral competition can account for democratic transition when, for instance, due to lack of public funding opposition parties have limited outreach or when party defection, though being conducive to multipartism, can undermine rather than strengthen democratic transition. Nonetheless, electoral competition in the newly independent states, where competition as a means of effective and accountable governance never existed, primarily because of unquestioned acceptability of the traditional institutions, is an integral part of democratic transition. As this work concerns the role of traditional governance in democratic transition, multiparty electoral competition will include analysis of not only contestant parties, but will also reflect on their pro/anti-chieftaincy stance.

Post-independence political elite in Botswana, Lesotho and Swaziland faced a formidable challenge to give up some of the traditional dogmas, which regulated every aspect of daily life and politics before independence, however now they seemed substantially incompatible with democratic transition. Electoral competition which was initially endorsed by dominant political groups in each country, soon turned out to be a façade of a conservative, pro-chieftaincy narrative. Pule (1997, p. 120) argues that political elite has a profound role to play in democratic transition, through adhering to the Constitution and engaging in the power sharing whenever it is necessary. Author (p. 121) further notes: “The losers must accept defeat, and winners must be gracious in victory.” Once again, having a traditional background in mind which “prefers” ascription to achievement, acknowledging electoral defeat should be considered as another pillar of democratization.

As evidenced earlier, post-independence politics in all three countries was dominated by traditional leaders: Seretse Khama was a chief of largest Bangwato tribe, Leabua Jonathan was a Principal Chief and Sobhuza II was Swazi Inwenyama. Such pervasiveness of traditionalism at higher echelons thus raises an important question: if tradition became so entrenched in the transition process, how feasible imposing constraints on executive was and more interestingly, how viable a concept of traditional legitimacy was in a democratic transition context?

### **Electoral competition and Response to Electoral Defeat**

This section will present all available parties in Botswana, Lesotho and Swaziland which were formed either on the eve of independence or right before the first general elections. As it will become clear, Swaziland had most parties, followed by Botswana and Lesotho respectively, however, what makes this case interesting and arguably distinct from a conventional analysis of electoral competition as a benchmark for democratic transition is that all parties basically revolved around three key models – pro-chieftaincy, hybrid governance and anti-chieftaincy.

#### **Swaziland**

Paradoxically, Swaziland, despite having most number of parties, was the least successful attempt of holding multiparty elections, which was conditioned by ultra-traditionalist narrative espoused by the Royal family.

*Table 3. Parties in Swaziland.*

	Pro-Chieftaincy	Hybrid Governance	Anti-Chieftaincy
Ngwane Liberatory Congress			Yes (radical changes in status quo, end of tribalism ) Potholm, p. 314
Swaziland Progress Party			Yes (end of tribalism, nationalization of much of Swaziland's infrastructure) ibid.
Swaziland Democratic Party		Yes (calling for a qualified franchise and the transformation of the Ngwenyama into a constitutional monarch who would reign, not rule) Potholm, p. 314	
Imbokodvo National Movement	Yes (a conservative-traditional "party" formed and dominated by traditional leaders, which was supported by a web of local chiefs being loyal to Ingwenyama		

As discussed earlier, Imbokodvo National Movement was a quasi-political party which attempted to promote chieftaincy as the only viable form of governance through upholding traditionalism as a primary source of legitimacy. One illustrative example of Swazi "electoral competition" can be drawn from a tribal plebiscite on the eve of independence, determining the authority of Swazi traditional leadership over any other form of governance proposed by the British government: "The essentially illiterate Swazi electorate were given a choice between the symbol of a lion, the crest of the royal house and the symbol of a reindeer, an unknown animal in Swaziland" (Potholm, p. 315). Ironically, electoral results suggested that 102 per cent of the population voted for lion and 3 per cent for the reindeer (ibid.). While this event speaks for itself, long-term repercussion was soon evident when the same practice continued in the first general elections. Support of rural population for Imbokodvo was guaranteed by the local chiefs who as trustees of royal family were in charge of land allocation (Levin, p. 55). Tolerating "electoral competition" though did not last long, as Swazi Ingwenyama soon acknowledged that a possible external

pressure to allow for a multiparty system could have undermined his traditional authority. An inventive came soon after 1973 general elections, when after anti-chieftaincy Ngwane Liberatory Congress won just three seats out of twenty-four, Sobhuza II dissolved parliament, banned political parties and repealed constitution. Incompatibility of the electoral competition with Swazi traditional way of life was used as justification by monarch, which was subsequently endorsed by chiefs and wider population. Short-lived and largely distorted multipartism in Swaziland (1965-1973) was soon transformed into a one-party system which substantially undermined democratic transition.

## Lesotho

Lesotho had a relatively more successful start in 1965 as BCP and BNP took part in a fair electoral competition, however despite popular expectation, a conservative, chief-dominated BNP won.

*Table 4. Parties in Lesotho.*

	Pro-Chieftaincy	Hybrid Governance	Anti-Chieftaincy
Basutoland Congress Party		Yes (their pro-chieftaincy stance hanged when they started to advocated that local governance should be dominated by elected representatives since as they party members argued : “most chiefs did not protect the national interest.”) Weisfelder, 1999, p. 11	
Basutoland National Party	Yes (BNP led by Leabua Jonathan was exclusively dominated by Principal Chiefs. As he argued: “the unity of the nation depends on the Chieftainship”) (Weisfelder R. F., 1999, p. 27)		



While elections results was contested by BCP and High Court also overlooked some of the grave violation on the election day, it can be still argued that during first five years (1965-1970) Lesotho was a “fledgling democracy” (Monyane, 2015, p. 14). Being dominated by urban chiefs, BNP leadership soon abolished already existing district councils and empowered its loyal chiefs at local level. Analyzing a need of BNP to find its support among the traditionally-oriented, rural population Weisfelder (1999, p. 51) explores a “ruralizing variable”: “the flexibility of the urban-based party leaders in playing down modernizing objectives to appeal to the traditional sector.” First post-independence election in 1970 was seen by BNP as an inevitable victory and as one of the party leaders noted with confidence: “How can we lose the match? The ball is ours, the jerseys are ours, the field is ours, the linesmen are ours, and more important, the referee too is ours” (Khaketla, 1972, p. 206). Such confidence was shaken soon after election results, when BCP victory was seen as an open attack on the Basotho traditional institutions and the only way to rescue chieftaincy was through repealing independence constitution and banning political parties. 1970 was a watershed in Lesotho’s embryonic democratic transition since it ushered country in a 15-year one-party state. Leabua Jonathan’s decision to suspend multi-party democracy was soon followed by an open attack on former opposition and civilian population: “BCP candidates for parliament were caught and severely beaten by the police. In the end some of the victims died or lost sound health as result as of the severe beatings. Among those who went to prison were 37 students of the University of Lesotho Botswana, and Swaziland” (Machobane, 2001, p. 26).

Leabua Jonathan’s attempt to move to a one-party state under chieftainship seriously impeded country’s democratization for several decades to come. Leeman (1985) summarizes Jonathan’s politics as an attempt to create a one-party state, where government would be exclusively filled with his loyal followers and which would be backed up by Basotho traditionalism (*quoted in* Monyane, 2005, p. 23).

It can be argued that Lesotho’s transition for a 20-year period was divided into a “fledgling democracy” between 1965 and 1970, which was followed by a one-party rule for 15 years dominated by Leabua Jonathan’s traditional-conservative politics. Such admix of

post-independence transition had a profound effect on the way democracy developed in Lesotho (Monyane, p. 12).

## Botswana

A success story of Botswana in terms of democratic transition, an uninterrupted cycle of electoral competition and political responsiveness to the electoral defeat has been a focal point of academic research for several decades already. Political elite ingenuity, economic surge after exploring vast diamond deposits, neutrality to the apartheid South Africa are some of the issues which were studied in democratization context.

*Table 5. Parties in Botswana.*

Party	Pro-chieftaincy	Hybrid Governance	Anti-Chieftaincy
Bechuanaland Peoples Party	Yes (Radical Nationalist; Pan-Africanist; mostly dominated by urban-based chiefs)		
Botswana Democratic Party		Yes (composed of chiefs, educated Africans and leaders of the white settler communities; advocating for an evolution of Botswana nation-state with chiefs having a secondary place)	
Botswana National Front	Yes (conservative party, a “shelter” of conservative-traditionalist chiefs, like Bathoen II who fought against BDP “moderate” policies (Sebudubudu & Molutsi, p. 15)		

Role of neatly balanced hybrid governance pursued by Botswana Democratic Party is acknowledged, though under researched. BDP victory in 1965 general election was partly determined by the fact that unlike conservative BPP and BNF, Democratic Party was the only one which had representative offices in every constituency across the country. “A grand coalition of the strategically well-placed and privileged leaders” (Sebudubudu &

Molutsi, p. 14) proved to be most appealing to the wider population because of its inclusive nature. However, the fact that Seretse Khama was a chief of biggest Tswana tribe and was ready to make concessions to the traditional leaders in terms of their role in local governance and customary law, attracted most of the chiefs, though some disgruntled traditional leaders either resigned and became public servants or joined opposition parties. Roger Charlton (1993, p. 332) notes the importance of BDP leadership in straddling traditional and modern state elements for guarantying electoral support:

“Centered on Seretse Khama, regarded as a rightful chief of the numerically important Bamangwato of Central District, this grouping made astute use of both ascriptive status and Tswana cultural chauvinism and imperialistic tendencies to cement a following that was both genuinely national in its scope- drawing support from all parts of the country- but also regionally concentrated in specific strongholds within the tribal heartlands of rural and village in Botswana.”

Electoral competition which was never questioned in Botswana’s 20-year transition period can be well traced back to Tswana culture predicated on consensus, non-violence and serenity. As mentioned earlier, *Kagisano* – a Tswana term for unity, peace, harmony and sense of community was embraced by BDP leadership mostly because of its compatibility with democracy. Such understanding of tradition becomes especially important if we make clear comparison how this concept was used in Swaziland and Lesotho for banning political dissent. A consensus-making nature of *kgotla* became an integral part of democratization, since it was a major platform of voicing political dissent and rural problems. Taking into account that BDP won all general elections between 1965 and 1985 (five in total), it is particularly notable that opposition parties never questioned the validity of electoral results or resorted to violence like in Lesotho. It can be argued that such peaceful democratic transition was mostly due to BDP ingenuity to walk a tight rope between a modern, democratic state and Tswana tradition, during which the latter was acknowledged as an integral part of forming Tswana nation-state and strengthening state legitimacy, whereas the former was hailed as a right path to embark on:

“The success of BDP’s strategy can be gauged by the fact that the party has gained a tacit political support of the majority of this politically crucial

grouping [traditional leaders] without making any substantial concessions in its aim markedly to reduce chiefly political powers.” (Charlton, p. 335)

Considering the fact that BDP never lost elections, we can only talk about a threat of losing power in order to assess the behavior of political elite. Referring to the period between 1969 and 1984 is especially relevant as it marked a high opposition success in National Assembly Election (in 1969 combined opposition won 34% of the votes, compared to only 18% in 1965). Acknowledging a decline of support in the rural areas, mostly due to the chiefly patronage and poor infrastructure, BDP undertook “Accelerated Rural Development Programme, which involved extensive investment in infrastructure in the rural areas” (Acemoglu et al, p. 15). An assumption that BDP found a way to strengthen its support even under the least optimistic conditions owing to its swift response to the changing political dynamics is corroborated by Charlton (p. 339):

“The outcome was an electoral strategy with an overt rural infrastructural spending bias matched by the award of selective and targeted benefits to the growing urban, and largely government-employed, electorate. Consequently, BDP cruised through the next two elections by dint of increasingly effective exploitation of the advantages of incumbency.”

It can be concluded that Botswana’s democratic transition was espoused by rather tolerant, consensus-seeking Tswana culture which allowed for the formation of a competitive electoral system. BDP ingenuity in appealing to a wider population through balancing traditional-modern approach and its adaptability to the changing milieu was instrumental in shaping a political culture where electoral success of a party depends on its past and current performance, rather on patronage and clientelism.

## Constraints on Executive

Constraints on executive authority is one of the six components used by Polity IV for assessing democratic/autocratic transition,<sup>11</sup> however some authors argue that this variable is single most important one while analyzing democratization (Gleditsch & Ward, 1997, p. 369). It is of core importance to decipher how the political leaders having emerged from a context of hybrid governance were held accountable and to what degree tradition was (mis)used for this purpose. This part of work will look at the institutionalization of constraints imposed: on the office of President in Botswana, King Sobhuza II in Swaziland and Prime Minister Leabua Jonathan in Lesotho and will assess its importance in democratic transition.

### Botswana

Democratic transition in Botswana, though laudable in many aspects and especially in the Southern African context, was somewhat compromised by enormous constitutional powers conferred on the President. According to section 47 of the Independence Constitution 1966:

“In the exercise of the powers conferred on him by the constitution, unless otherwise provided, the President acts in his own deliberate judgment and shall not be obliged to follow the advice tendered by anybody. The President controls the key apparatus of the state such as the Army, Police, Broadcasting and Information, Directorate of Public Service management, Directorate of Corruption and Economic Crime, and Printing and Publishing. The President not only appoints cabinet ministers but also chairs its proceedings” (Government of Botswana, 1966).

Considerable executive powers vested in president is highly contested by some and, for instance, Kenneth Good (1996) refers to democratizing Botswana as “Authoritarian Liberalism” and talks about elitist nature of this process, though I argue that such approach

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<sup>11</sup> The Polity Project, Center for Systemic Peace <http://www.systemicpeace.org/polityproject.html>

can be rather one-sided and flawed. While it is true that power balance between the governance branches and a viable system of checks and balances on executive is an integral part of democratization, we have to be reminded of a specific socio-political conditions inherited by Botswana upon independence. Being one of the poorest countries in the world with only two secondary schools and 12 kilometers of paved road (Acemoglu et al. p. 2), an outstanding record of economic success,<sup>12</sup> democratic transition and state formation without any major incident of violence can be largely attributed to a strong presidential system. Seretse Khama's prudent policies have helped the country not only to avert dampening effect of tribal conflict, traditional-conservative milieu espousing patronage and patrimonialism and the plight of one-party rule, but it also shaped a trajectory of a developmental state. While measuring economic success goes beyond the scope of this work, it should be acknowledged how Khama's direct involvement in the management of mineral wealth made it possible to avoid a "resource curse"<sup>13</sup> and secured his country a lucrative deal with De Beer - one of the biggest companies in the diamond manufacturing sector (Seidler, 2010, pp. 3-4). President's power to transform chiefs into salaried public servants through Chieftainship Act and Tribal Land Act was instrumental in democratizing local governance, increasing accountability of the traditional leaders and making land accessible for every Tswana without a "requirement" to have chief's allegiance. Reforms undertaken by Khama are well researched and considered to be an important precondition for Botswana's exceptional democratization and thus, will not be covered here. Khama's personal democracy, backed up with his traditional legitimacy as a Bangwato chief allowed for a continuation of public participation through traditional platforms and it also kept his government accountable:

"Khama was able to establish a government that relied on a way of governing based on consensus. This derived from the pre-colonial institutions – which were not disrupted by the British colonizers- and have maintained the

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<sup>12</sup> World Bank Data for Botswana, <http://data.worldbank.org/?locations=BW-XT>

<sup>13</sup> "Resource curse also called Dutch Disease,( term was coined after the decline of the Netherlands' manufacturing sector after the discovery of a large natural gas field in 1959.) The term resource curse generally describes the negative effect of resource abundance on economic growth. A resource led boom can lead to appreciation of the real exchange rate of the currency which in turn reduces the international competitiveness of other sectors." (Seidler, 2010, p. 3)

*kgotla* , a community meeting, which aims at determining the majority opinion about specific issues. The same kind of community consensus has been used by the Khama government to decide on social and politically sensitive issues.” (Andrews, Khalema, & Assié-Lumumba, 2015, p. 248)

While constitution granted extensive executive power to the president and it could have been equally abused and misused for meeting the interests of a small elitist coterie, Seretse Khama’s leadership ingenuity in dealing with politically key issues was pivotal for Botswana’s democratization. As the work concerns a 20-year period of transition, we have all evidence at hand to note that not only was Khama’s government accountable and effective, but also instrumental in defining country’s democratic path.

## **Lesotho**

Shift from a short-lived multi-party democracy to an authoritarian rule in Lesotho considerably affected executive accountability and further widened the gap between state and society. Even though King is a Head of State, here tenure of PM Jonathan will be scrutinized since soon after 1970, King Moshoeshoe II was first under house arrest followed by his exile in Holland, thus his involvement in politics during that period was marginal. While constraints on PM between 1965 and 1970 was guaranteed by the independence constitution, it changed soon after 1970 elections. As Khaketla (1972, p. 206) notes, after Jonathan refused to hand over governmental power: “The executive organ of the government suppressed the independence of the judiciary for testing the validity of the elections, as the allegations of ballot rigging were never tested in the courts.” Monyane (2005) offers a comprehensive analysis of how Jonathan gradually undermined the independence of judiciary and legislative branches of government, albeit it can be argued that it was an overt politicization of military that profoundly influenced Lesotho’s political instability. Providing that constitution was no more in place to regulate a relation between the state institutions, Jonathan issued Lesotho Order N1, which aimed at vesting absolute power in PM and as Machobane (2001, p. 29) notes, after King Moshoeshoe II returned

from exile, he had to take an oath to the BNP government backed-up Order N1. According to Monyane (2005, p. 19):

“The order vested the executive and legislative powers in Tona Kholo and the Council of Ministers... Tona Kholo was "the person holding the office of Prime Minister under the Lesotho Independence Order immediately before coming into operation of this order."

As mentioned earlier, King played a marginal role in Lesotho politics between 1970 and 1985 and after introducing the Order, Moshoeshoe II publicly stated that he would not get too much involved in the politics or let any political party manipulate his office (Machobane, 2001, p. 30). After getting a “full consent” of King and judiciary to work close with his party, Jonathan transformed BNP youth wing in a paramilitary group which regularly attacked BCP leaders and supporters and damaged their office infrastructure. Another important aspect is politicization of police which started from 1970s in response to violent clashes between BCP and BNP supporters. This process was carried out by introducing a “*Sephephechana*” system, which meant that only card-carrying members of BNP were recruited in the police and by the late 1980s this structure was almost dominated by BNP members (Guzman, Das, & Das, 2013, p. 38).

Having repealed the independence constitution, Jonathan gradually undermined all possible constraints on his office, which was further “legalized” by Order N1 in 1970. During Jonathan’s rule, ascription and selection became entrenched in every aspect of governance, especially at the local level where his loyal chiefs were acting on a whim at the expense of community well-being. *Pitso* as a traditional institution, arguably the only one of democratic nature, fell into disuse and was hardly used for voicing discontent. It can be assumed that during one-party state for a 15-year period, constraints on executive were almost non-existent in Lesotho which gave Jonathan and his conservative BNP an unlimited power to rule.



## Swaziland

Democratic transition in Swaziland, in case one will refer so to an ill-conceived electoral democracy between 1965 and 1973, had distinctive signs of loose constraints on the King who was hailed as a symbol of national unity. Already before abrogating constitution, Swazi Land was wholly vested in King, he was granted a right to appoint twenty out of total thirty members of the upper chamber of Swazi *Libandla*, though no decision could become legally binding without his approval. Traditional perception of Ingwenyama as a foundation of Swazi social fabric and national unity, whose power should never be questioned, was used astutely by Sobhuza II. Following the abrogation of independence constitution in 1973, he started to rule by Decree until 1978 which was supposed to substitute constitution before a better version of it would be accepted. As Magongo (p. 49) notes : “During that time [1973-1978] detention without trial, the banning of political parties along with the repression of trade unions became tools for depoliticising Swazi society and crushing the opposition forces.” Soon after, Sobhuza II created a quasi-traditional institution- *tinkhundla*, owing to which local governance was successfully brought under his control. Swazi parliament, as a possible remnant of democracy was overruled by the laws of the Decree; any meeting of political nature, including peaceful demonstration or procession had to be authorized by the Commissioner of Police (Dlamini, 2005). Lomakhosi Dlamini (2005, p. 2) notes:

“The Swazi monarch then assumed all executive powers previously granted by the constitution to the prime minister and the cabinet. From that day onwards, the king has been able to act wholly at his own discretion, consulting whomever he wished, not bound by law. The decree quoted above gave him the power to detain without charge, and for a renewable 60 days, any person deemed to be a threat to public peace. In addition, the courts lost all jurisdictions to deal with cases of detention.”

Tradition, as an ostensible source of state legitimacy in Swaziland, was embraced and one might argue radicalized by Sobhuza II for his own benefit. Through acquiring legislative functions, replacing independence judiciary with customary law, appropriating Swazi land and vesting an exclusive right to land allocation in his loyal chiefs, subsuming local governance via *tinkhundla*

administrative system and banning all kinds of political dissent either through parties or peaceful demonstrations, Sobhuza II unilaterally lifted all kinds of executive constraints. Nkonzo Hlatshwayo (1984, p. 34) argues that: “the King’s Decree of 1973 banned political parties, killed the whole concept of the separation of powers, weakened the role of the electorate and parliament, undermined the development of an engaging civil society and stunted public participation in governance.”

Having analyzed democratic transition through multiparty elections and executive constraints in the Southern African context, can we see any significance of traditional institutions/governance in facilitating or hampering this process? We have to be reminded that tradition is a continuum, reflecting the socio-political changes that certain society is undergoing, therefore while talking about “indigenous” culture or traditions, we picture a process through which tradition both affects and is affected by the changing milieu. A peculiar nature of state-traditional institutional development which took place in Botswana, Lesotho and Swaziland both in pre-colonial and colonial periods substantially shaped the nature of hybrid governance upon independence. Historical narrative of how such institutional dualism was forged is instrumental to understand: 1) why and how Botswana’s democratic transition and political stability can be traced back to consensus-making *kgotla*, a peaceful and non-violent co-existence with the minority groups reflected in *kagisano* concept and an unprecedented system of checks and balances which prevented traditional leaders from abusing their powers; 2) why and how Lesotho’s ambivalent political transition, roughly divided in embryonic democratization between 1965 and 1970 followed by an authoritarian one-party rule, can be explained by the co-existence of rather democratic *pitso* next to the corrupt, power-thirsty and unaccountable chiefs; 3) why and how triumph of tradition as a powerful means for mass mobilization against colonial rule entrenched political power within the royal family and subsequently legitimized a personal dictatorship. It would be misleading to talk about tradition as of something inherently bad or good, since as it evolves over the time, tradition

absorbs a dynamic of societal change which makes it especially relevant for studying major political processes. Therefore, it is not tradition per se which determines the likelihood of democratic transition, but the way and extent it is integrated into the state institutions. Can deciding on an “optimum” proportion of state-traditional admix help us both evaluate and predict democratization and furthermore, can we thus design a hybrid governance in a way that it is more conducive to democratization? These questions, though relevant amidst a concerted effort to democratize African countries, might fall short to provide a general trend across the continent, even in a relatively concentrated regional context. Rather than obscuring already multifaceted concept of democratization, this work offers an alternative way of studying the issue from a relatively new perspective. An in-depth qualitative analysis of hybrid governance formation across the case studies shows that tradition as an innate source of legitimacy can contribute to democratic transition only when traditional institutions are sufficiently integrated into and subordinated to the state institutions. Since traditional governance operates on a basis of patronage and ascription, which inherently contradicts democratic principles of equity and election, we can assume that unless such institutions are transformed into competitive, merit-based and equally accessible social platforms, they are likely to dampen the democratization prospects. Referring to the case studies, can it be contended that modernizing traditional institutions would have prolonged Lesotho’s democratization and prevented Swaziland from becoming an authoritarian state? The fact that tradition was used as a “legitimate” excuse by the political elite in post-independence Lesotho and Swaziland for abrogating independence constitution and for undermining some of the most core values of democracy could warrant such conjecture. Domination of the traditional narrative in party formation enabled the new political elite to entrench patronage through chiefs in local governance structures and in land allocation process. Furthermore, reliance on tradition as a primary source of legitimacy disrupted executive accountability, as now the political elite was not liable to the results of the “ballot box”, but to a coterie of chiefs who secured that only acceptable voices would be heard through institutions like *pitso* and *Libandla*. Can an innate

nature of traditional institutions as being prone to patronage and selection warrant a conjecture that higher importance of traditional institutions in relation to the state is less likely to render democratization?

An in-depth study of political processes amidst the state-traditional institutional dualism in Botswana, Lesotho and Swaziland enables us to make several important conclusions: 1) Hybrid governance, though capturing characteristics of African governance most accurately, cannot be used for determining/predicting democratization per se. Co-existence of state-traditional institutions is a historical “offspring”, thus a thorough understanding of how tradition evolved in certain society is an important point of departure for analyzing its compatibility with democracy. 2) Deciphering political leverage gained by traditional leaders on the eve of independence can help us determine a likely nature of political transition and the role tradition will play as a rent-seeking tool. Empowering traditional leaders can be seen as conducive to democratization only when and if they are subordinated to the state, i.e. when they become salaried public servants. However, their legitimacy as custodians of tradition is to be preserved through indigenous platforms of public discussion and practicing customary law in order to prevent legitimacy crisis of inchoate state institutions. Democratic transition in Botswana compared with partial democratization of Lesotho (it is safe to assume partial democratization, as before 1970 Lesotho had promising signs of multiparty elections) and Swazi authoritarianism (period between 1965 and 1973 cannot be deemed as multiparty democracy, since as discussed earlier political parties were given substantially unfair conditions to compete) enables us to make several conclusions. Domination of winning political parties, local governance structures, land allocation mechanisms and legislative bodies by the traditional narrative dampens the likelihood of democratic transition for following reasons: 1) Traditional leaders can tolerate electoral competition only as long as their parties win and in case of electoral defeat their response will most likely be justified by “election is incompatible with our traditional way of life” argument; 2) Having traditional leaders in charge of local governance

and land allocation helps to entrench patronage, where chiefly allegiance is the only “merit” for having access to basic services; 3) Traditional leaders dominating executive and/or legislative branches of government will likely endanger democratization, since selection as a tenet of traditional governance “legitimizes” lack of accountability (or we could say accountability to a small group of loyal followers).

## Chapter VI

### Conclusion

Democratic transition in Africa is often transformed into a generalized quantifiable data (Epstein et al. 2013) which risks losing substantively important information about the social fabric, indigenous culture and traditions that are instrumental in understanding not only how these societies are undergoing democratization, but also how receptive they feel about democratic principles. This work attempted to find an alternative venue for studying democratic transition in the Southern African context, where tradition as an innate source of legitimacy is coupled with legal-rational authority. Hybrid governance, being predicated on such institutional dualism, rose to prominence in the 2000s, however a robust comparative study in this field is still missing. As an important and effective tool for overcoming state fragility/failure narrative, hybrid governance should be understood as a fluidity of dual institutional setup where traditional institutions operate along with the fledgling state institutions and in the best possible scenario, state capacity is gradually strengthened. While the end result of such co-existence is largely conditioned by the strength of formal (state) institutions and the compatible interests of informal (traditional) institutions, this work studied a possible relation between the different levels of hybrid governance and democratic transition in Botswana, Lesotho and Swaziland. Tradition in the framework of hybrid governance is understood as a continuum, rather than an immutable phenomenon, which reflects major societal changes and thus, is an useful way of studying institutional development embedded within the local tradition. Pre-colonial state having collided with the colonial rule, substantially influenced the political processes upon independence and more importantly, such collision embodied a power struggle witnessed in newly independent states.

This work, apart from providing a thorough analysis of hybrid governance formation across the case studies, endeavored to open a new research venue in the field of

democratization. Using historical institutionalism to explain the likelihood of democratic transition, the thesis tackled an important analytical question: how much can the prevalence of traditional institutions within the hybrid governance dampen the prospects of democratic transition? This research, based on a most similar systems design (MSSD) model and covering a period between 1965 and 1985, analyzed independent variable, i.e. higher importance of traditional institutions vis-à-vis the state through the role of traditional leaders in party system formation and the institutionalization of traditional leadership predicated on the traditional leaders' role as legislators, land allocators and local governors. Dependent variable - democratic transition was measured by two key indicators: multiparty elections and response to the electoral defeat and constraints on executive.

Traditional governance in the democratization context entails a certain degree of ambivalence: it cannot be jettisoned altogether, as fledgling state might risk losing legitimacy, though if the state is subsumed by traditional institutions, we will face a continuous practice of candidate "placement" instead of merit-based election. Straddling between those two ostensible extremes is a major responsibility of political elite and what makes such decision more menacing is an unpredictable nature of tradition. Pliability of tradition, evidenced by the example of Swazi *tinkhundla* creates favorable conditions for manipulating public opinion, especially in the rural areas where general level of education can considerably differ from the urban centers. Hybrid governance pursued by the post-independence Tswana political elite, which clearly stated supremacy of modern state institutions over traditionalism enabled the country: to enjoy uninterrupted regular elections; to increase transparency of land allocation and local governance through transforming chiefs into salaried public servants; to vest executive and legislative powers in elected officials, which considerably increased their accountability. Dominance of conservative-traditional BNP in Lesotho undermined short-lived democratization attempt through granting unlimited powers to the local chiefs; minimizing the possible constraints on executive via subordinating legislature, judiciary and military to the ruling BNP. Triumph of traditionalism in every aspect of post-independence transition in Swaziland is a most illustrative example of how an overreliance on tradition can be used to concentrate

power in a small group of political elite. Such disproportion of state-traditional institutional setup within hybrid governance provides a daunting prospect for democratization, since the traditional way of selection overwhelmingly supersedes a fundamental democratic principle of election.

This work aimed to contribute to an increasingly important field of hybrid governance in the developing countries, where institutional dualism (beyond the scope of these case studies such dualism might entail a wide range of informal institutions) is an everyday reality. Ideally, this piece of research on the Southern African countries will make a modest, though useful step towards understanding a relation between hybrid governance and democratization prospects, which will be especially helpful for international donor organizations in distributing aid most effectively among local stakeholders. As a possible venue of future research, we can further look at how traditional institutions can be best used for strengthening state capacity at the stage of democratic consolidation and/or how educating/training traditional leaders might genuinely help to bridge the gap between state and society in the democratizing countries.



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