

**BUILDING LEGITIMACY AT
THE LOCAL LEVEL**
GOVERNANCE AND DEVELOPMENT IN
BOTSWANA

Louisa Cantwell

University of Cambridge

INTRODUCTION

The idea of ‘good governance’ has become part of the vernacular of the global development agenda in recent decades, as a key guiding principle of the post-Washington consensus.¹ It is widely held to be essential for sustainable human development, and the two factors are often said to be interdependent. What ‘good governance’ actually means, however, is less easy to determine. The scope of different definitions and interpretations is wide, and the inherent flexibility in the term is in many ways an advantage to its utility as a wide-ranging concept. Yet it is clear that the amorphous, diverse and adaptable nature of ‘good governance’ must be fully recognised in order to reduce difficulties at the operational level that result from a context-blind, one-size-fits-all approach to development – for which there are a number of notorious ‘white elephant’ schemes and failed ventures to serve as cautionary examples.

Nowhere has this blanket approach to development been more of a feature and a failure than in sub-Saharan Africa. Development programmes have consistently failed to take into account local specificities and historical realities that have later been identified as key determinants in their failure and/or unexpected impacts. Perhaps even more critically, international organisations and the global development community have forcefully espoused a rigid model of ballot-box, electoral democracy as the only acceptable form of the representative government and decision-making that lies at the heart of most interpretations of ‘good governance’. Whilst this model undoubtedly has its merits and a history of demonstrated success in many locations and contexts across the world, my research findings suggest that other ways of creating legitimate institutions are possible and appropriate for achieving human development, and have as yet not had the recognition they deserve.

¹ For discussion and examples see: Office for the High Commissioner on Human Rights, ‘Good Governance and Human Rights’, (<http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>); D.F. Runde & C.M. Savoy, ‘Good Governance as a Post-2015 Millennium Development Goal’, Center for Strategic and International Studies, (March 2014), (<http://csis.org/publication/good-governance-post-2015-millennium-development-goal>); B.C. Smith, *Good Governance and Development*, (New York, 2007); J. Graham, B. Amos & J. Plumptre, ‘Principles for Good Governance in the 21st Century’, *Institute on Governance Policy Brief No. 15*, (Ontario, 2003); D. Craig & D. Porter, *Development Beyond Neoliberalism: Governance, Poverty Reduction and Political Economy*, (New York, 2006).

Institutions that do not fulfil the criteria of election-based democracy have been labelled autocratic, assumed to be fundamentally unrepresentative, and viewed as inimical to human development in the bulk of both scholarly and policy-orientated

studies that have focused on governance in sub-Saharan Africa.² However, my research demonstrates that the general dismissal of virtually all existing and indigenous institutional structures is both unnecessary and lacks foresight, and has obscured cases where local institutions are afforded a high degree of legitimacy and are considered both representative and participatory by those governed by them, yet operate in an entirely different manner to that which is considered appropriate for democratisation and development in post-colonial states.

Labelling institutional structures based on hereditary chieftainship as 'traditional' is problematic and has contributed to the criticisms that have been levelled towards them in recent decades. The term carries with it implications of personalised and autocratic hereditary power, anti-modern and anti-democratic tendencies, and outdated emphasis on the status of old age in society, and an unchallengeable and un-responsible form of leadership that restricts human rights of individuals as citizens by maintaining a subject status in society. A more useful understanding of 'tradition' is to see it as a historical process, in which ideas and conceptions of what is considered 'traditional' are constantly evolving and changing in light of the different contexts within which they operated. Thus the 'traditional' aspect is understood as a marker of their institutional structure and the nature of the way in which power is articulated, rather than signifying a form of authority that has remained unchanged since preceding centuries.

Furthermore, the histories of colonial manipulation, distortion and appropriation of pre-existing power-bearing institutions for exploitative and extractive purposes in order to maintain colonial rule across large territories and on small budgets. As a result, in many cases chiefly institutions were changed beyond all recognition by the colonial experience, and fundamentally lost their legitimacy because the responsibility to populations under their control that had formerly underpinned their right to rule had been bypassed by the new configuration in which their authority was derived instead from the colonial state and dependent upon their power to control the extraction of economic resources and the behaviour of subject populations.

² M. Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, (Princeton, 1996); . Ntsebeza, *Democracy Compromised: Chiefs and the Politics of Land in South Africa*, (Brill, 2005); Human Rights Watch, ' "Traditional Dictatorship": One Party State in Kwazulu homeland', (1993).

THE CASE STUDY

This research project is centred on Botswana – the country in sub-Saharan Africa most often held up as an example of the success of this model of development, to which the implementation of a Westminster-style governmental structure and regular, free and fair elections, alongside consistently low levels of corruption, is seen as both the context and driver for the meteoric economic and concomitant human development in 1966. There has undoubtedly been a dramatic trajectory of transformation since independence.

My research shows that this causal relationship is not necessarily so straightforward. In this case, there are indications that although the electoral institutions have been imported from the United Kingdom and directly mimicked in today's Botswana at the level of national government, there is a different narrative at play at the level of local governance, where entirely different conceptions of what representation and participation mean – indeed what democracy itself means – operate in a functional and legitimate system of political decision-making. As the developmental successes are undisputed, these findings present an alternative picture of what 'good governance' means in Botswana.

My research suggests that in the Bakgatla community in south-eastern Botswana, the institutions that constitute and are underpinned by the *dikgosi* (chiefs) have consistently played a critical role in local governance across the colonial period, through independence and up to the present day. This is potentially surprising given the dominance of the idea that such institutions are counterproductive for the processes of development and democratisation that have been shown to have taken place in Botswana, as well as for the parallel assertion that predicted that as human development increased and democracy was consolidated in postcolonial contexts so-called 'traditional' institutions would 'fade into insignificance' as their legitimacy declined alongside their relevance and significance to people on the ground.

In the Kgatleng – the district of Botswana that was the focus of this study – my research found that the central government is to a large extent still reliant of the institutions of *bogosi* (chieftainship) for the functioning of governance in the localities. A syncretic and incorporative relationship exists between the various power-exercising bodies on the ground, including the *dikgosi*, the office of District Commissioner, the District Councils, the land board, local development committees, the police and members of parliament. There continues to be a high degree of interdependence between these institutions in local decision-making and in the design and implementation of development programmes. This incorporation of what is seen as 'traditional' into the contemporary system of local governance has been encouraged by integration at the national level of

politics. The institutions of national government continue to draw upon ideas and motifs of chiefly authority as a key part of their legitimacy in today's Botswana. Despite legislative attempts to strip the *dikgosi* of their powers immediately after independence, the continued salience and significance of the legitimacy of chiefly institutions has led to a reversal of policy decisions at the national level that have begun to strengthen their official position to match the significance and authority that they legitimately exercise at the level of local government.

The research suggests that the institution of the *kgotla* lies at the heart of the retained legitimacy of chiefly institutions in the Kgatleng. Literally meaning 'court' in Setswana, the *kgotla* is a public meeting space for public consultation. A *kgotla* exists in every sizeable settlement in the *Kgatleng*, at ward level, town level and headed by the central Bakgatla *kgotla* in Mochudi. Each *kgotla* falls under the authority of a representative of the institutions of chiefly authority in the Kgatleng. The *kgotla* is a public forum in which anybody is permitted to speak. The role of the *kgosi* or representative, along with a group of advisors, is to articulate the consensus view that summarises the full extent of public discussion. The legitimacy of any individual in this role is largely determined by their ability to successfully determine a fair and acceptable summary of the consensus view.

This arena of public assembly continues to form the basis of local government and has been recognised an example of 'direct democracy' in action.³ It has been fundamental in the dissemination of information for development programmes throughout this period, and remains an essential means by which government policies are explained, debated and put into practice. It is a crucial means of two-way communication between the central government and the population, and serves a representative and democratic purpose, whilst firmly under the authority and control of the institutions of chiefly power. The *kgotla* has been recognised and accepted by elected politicians as vital for governance in the context of Botswana's local politics. Indeed, Botswana's national politics has been characterised by an emphasis on consultation and consensus-building within the framework of Westminster-style government, to which has been attributed the dominance of the Botswana Democratic Party since independence and the weakness of opposition parties – if not individual voices – at the national level.

POLICY IMPLICATIONS

³ P. Englebort, *State Legitimacy and Development in Africa*, (Boulder, 2000), p. 113.

The findings of this research highlight the importance of context-specific policy choices. The case of the Bakgatla in Botswana suggests that the incorporation of institutions of chiefly authority – though they run counter to conventional ideas of participatory democracy – does not necessarily preclude rapid economic and human development as has been experience in Botswana’s first half-century of independence. The dominant model of democratisation for development may not be universally suitable for implementation across the globe. Other interpretations of democracy understood as representative and participatory governance are also possible, and have the potential to be hugely successful.

The case of the Bakgatla community also demonstrates the way in which the recognition of the significance and legitimacy of so-called ‘traditional’ institutions can be harnessed in the formulation of more effective and sustainable development programmes at the local level. In 2009, an international NGO, the Harvard Aids Partnership, used the Bakgatla chiefly administration through the *kgotla* to implement a pilot programme of HIV/Aids prevention in a setting with one of the highest prevalence rates in the world.⁴ Success was achieved through using the *kgotla* to more effectively disseminate HIV information, which was afforded an alternative degree of legitimacy through its perceived sanction from the Bakgatla authorities. It also incorporated the recently rejuvenated initiation schools, which included the practice of ritual male circumcision, and located it in a medically safe environment. The global medical community has recently identified male circumcision as a significant factor in the prevention of HIV transmission, and increasing its uptake is a pressing concern for many international organisations and national governments. Similar public health campaigns to combat major pandemic diseases such as HIV/Aids and malaria that involve collaboration between national governments and/or international organisations and chiefly authorities exist elsewhere in the region.

This alternative model for successful governance at the local level offers a fresh consideration of what ‘development’ is, and how it could and should work. Just as the Bakgatla-ba-Kgafela case provides an alternative system of participatory local government that is in part but not solely reliant on elections for democracy, the incorporation of chiefly institutions into wider programmes of development, particularly in the field of public health, is a new innovation that could have a very significant impact on future campaigns to effect change in critical situations at a local level.

⁴ ‘Kgafela: Looking Forward and Back’, *Spotlight Newsletter: Harvard School of Public Health AIDS initiative*, (Fall, 2009), at http://www.aids.harvard.edu/news/spotlight/archives/v6i3_kgafela.html (accessed 23/11/2013).

Botswana's experience demonstrates that the amalgamation of 'traditional' and 'modern' institutions of governance can create legitimate power structures that function well on the ground. This contradicts many of the assumptions within the development agenda that view traditional institutions based on structures of hereditary authority such as chieftainship, as fundamentally inimical to both economic and social development, and representative local politics. The case of Botswana prompts a series of important questions as to how existing systems in postcolonial societies can be integrated into a cohesive state structure to form a legitimate system of governance, why this process has worked in Botswana, whether it can be applicable to other contexts in sub-Saharan Africa and beyond, and the potentials of decentralisation for increasing representation in governance at a local level.

