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Persistence and Decline of Traditional Authority in Modern Botswana Politics

*John D. Holm[§] and Emmanuel Bothale**

Abstract

This paper explores the role traditional authorities have played in post-independence Botswana and their likely future impact. Three overarching themes run through the analysis. First, this illiberal institution is facilitating the integration of traditional political morality and interests within Botswana's emerging modern, semi-democratic, polity. Second, the chiefs and the headmen keep local party organisations, which often have little opposition competition and are subject to manipulation periodically by national party leaders, attentive to local developmental concerns. Finally, while traditional authorities find themselves marginalised in terms of legal authority, they may, if they choose, remain a significant force in their communities through the use of their symbolic authority.

Introduction

At a Southern African Development Coordination Conference (SADCC) legislative conference held in Gaborone in 1987, a member of the Mozambican delegation proudly explained to his colleagues that his government had abolished the chieftaincy immediately after independence in 1975. In his view, this was a key part of the country's nation-building revolution. A number of legislators from other countries, led by then Lentsweletau Member of Parliament, David Magang, proceeded to lecture the Mozambican on the error of his government's ways. According to Magang, himself no lover of the chieftaincy (BOPA, 2002a), the building of modern government structures requires the continued presence of the chieftaincy, albeit greatly reduced in its powers and carefully managed by government.

For Botswana's modernising leaders, the chieftaincy is a mantle in which they wrap themselves in order to anchor their regime's legitimacy in the past. Many would like to live without the problems this most illiberal institution creates for them; however, they recognise that some costs must be paid for the stability which the chiefs and headmen provide. In the government's thinking, these costs are minimal compared to those other regimes, such as Mozambique, have paid for abolishing traditional authority. Botswana's leaders believe that such revolutionary transformations will, at a minimum, create widespread instability at the grassroots level.

Traditional Authority in Botswana: A Brief History

In the pre-colonial period, the chief and his headmen were the locus of political power for the various peoples living in what is now Botswana.¹ They allocated almost all economic resources including land for grazing, crop farming and housing. They had considerable herds of cattle which were often on permanent loan to their key supporters. They were the ultimate decision-makers on all judicial and political questions.

Augmenting this multifaceted authority was great popular respect arising from the mass perception that the chiefs and headmen had very powerful ancestors who stood ready to intervene in temporal affairs. Also, the social structure of Tswana society was built around traditional authorities. Their relatives had the most status and provided much of the leadership for age groups which provided the basis for much socio-political action. Conflicts within the royal families were endemic, but most factions united to support the persistence of the existing Tswana political structure.

While the chief, or the headman in the case of an individual community or ward, was the final

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authority in the making and enforcement of rules, there was room for communal advice. Most powerful were the chief's or headman's uncles and brothers. Also important were subordinate traditional authorities (sometimes composed as a council) and elders. On important political decisions, the chief went to the *kgotla*, a public assembly of all adult Tswana males. This forum excluded from communal discussion women, "minority"² tribes and younger adult males (see also Lekorwe, 1989, p. 219 and Mompoti and Prinsen, 2000, p. 629). In *kgotla*, the elders and a few of the chief's relatives tended to do most of the talking. At the conclusion of a consultation process, the chief announced his perception of the communal consensus; hence, there was no popular vote. The more effective chiefs were able to forge and, and when necessary, modify community opinion-formation on a regular basis.³

British colonialism brought 'parallel rule' and 'indirect rule' (1885-1966). For the most part, the chiefs and headmen continued as relatively uncontested autocratic rulers. The colonial government expected that traditional authorities would collect hut taxes, keep order in their reserves and, in the later years, promote local economic development. Ten percent of the taxes went to the chiefs as a salary and to pay for a small police force, the operation of local courts, and a few book-keeping activities. The chiefs obtained some additional funds from commissions they received for recruiting labour for South African mines. The chiefs cut operational costs by conscripting labour (often in the form of age groups) for public projects. The more progressive chiefs supported notable development projects in their areas including schools, wells, water reticulation, road construction, and health clinics.⁴ The chiefs also had to cope with upgrading their laws to deal with social and economic problems which came with modernisation. Thus, they laid down new tribal rules related to such things as divorce, the sale of liquor and establishment of retail stores.

Public input through the *kgotla* forum was minimal. In all of these activities, the chiefs (less so the headmen) found themselves having to maintain a delicate balance between local interests and the demands of the colonial government. Botswana chiefs opposed colonial policies on a wide range of issues from freedom of religion and mining concessions to reduction of their own powers.

Until the last years of colonial rule, the chiefs, their headmen and their royal relatives remained at the centre of local politics. Ultimately, it was the chief who made most important decisions, being rarely overruled by his Resident Commissioner. On a few occasions government did suspend or remove a chief or headman. Given the fact that the colonial government never employed more than 100 expatriates to govern a territory the size of Texas, it was imperative that the authority of the chiefs be sustained, albeit in a somewhat modernised form for purposes of maintaining order.⁵

The nationalist movement in Botswana in the early sixties was as much opposed to the traditional authorities as it was concerned to take over the reigns of government from the British. Some parties, for example the Bechuanaland People's party, were openly anti-chief. In the negotiations over the new constitution, the colonial government accepted a document which relegated the chiefs, over their vociferous protest, to membership in a second legislative house, the House of Chiefs. The chiefs preferred having some veto over legislation of the elected house but the politicians resisted for this would have impeded their modernisation objectives (Proctor, 1968:62). The House was only given the power to review legislation relating to 'tribal' affairs. In the year before independence, the Bechuanaland Democratic Party (BDP) government quickly moved to further downgrade the chiefs and headmen. Their powers related to taxes, development and rule-making at the local level were transferred to elected councils on which the chiefs were given *ex-officio*, non-voting status. After independence, the Tribal Land Act (1968), one of the first pieces of legislation passed by the National Assembly, transferred the traditional land allocation powers to Land Boards on which the chiefs were *ex-officio* members and given one vote (see Sharma, 2005).

More important, over the next two decades, the national government proceeded to staff both the local Councils and the Land Boards with increasingly well-trained specialists to deal with local government issues ranging from water and education to land allocation and social welfare concerns. In the process, the chiefs and their headmen were marginalised as significant actors in terms of supervising the administration of local government. Even after the chiefs had lost the legal power to allocate land, they and their headmen

were able to have *de facto* influence on land allocations in their areas because they retained the right to tell the land board staff which parcels had already been allocated and what the boundaries were. By the nineties, the Land Boards had developed a fairly effective computerised record system so that even this informal influence was of little significance. The chiefs no longer serve in Land Boards, they only give minimal advice to the Land Board in regard to land issues.

The only major power the traditional authorities retained after independence was administration of traditional courts for purposes mostly of dealing with marital law and small crimes. Traditional courts even exist in the urban areas where they handle many minor crimes. There is central supervision in that chiefs' courts are organised into a national structure with a respected traditional authority sitting as a final court of appeals. The chief's judicial authority is circumscribed in that the magistrate's courts can take over cases if one party so requests. The advantage of the chief's court is that it can hear a case relatively quickly and the litigants do not have to hire a lawyer, which is attractive to the poor in a judicial system with little in the way of free legal services. The police also like the traditional courts because almost all criminal cases end in conviction.

Other than the traditional courts, the duties of the chiefs and headmen are largely ceremonial. They call *kgotla* meetings in their areas and, if they choose, preside over the discussions. They also greet visitors to the district, especially officials from government, foreign embassies and researchers.

In summary, while the chieftaincy was the most important locus of power in the Tswana governing structure until the end of colonial rule, traditional authorities have been stripped of most of the formal authority since political independence. In spite of this transformation, traditional authorities; particularly, the chiefs, remain a force to be reckoned within their areas. Their new role in their communities is a complex one. This paper examines three particularly important roles: community leadership, government administration, and participation in partisan politics.

Community Leadership

Chiefs and headmen are looked upon in their local communities as among the most respected persons, if not the most respected person, in the community. They are still believed to speak for the community in a number of regards. The three most important are as public greeter of visitors, as moral leader of the community, and as spokesperson for the tribe in ethnic disputes. As in most African communities, no public visitor should come into the local area without first meeting and greeting the chief. All that is involved is a courtesy call, but it must be performed, whether the visitor is a student doing a local survey or the President visiting a development project. Furthermore, the traditional authority has a duty either to announce the visitor to the community in some way or to accompany higher status visitors during their stay. In carrying out this function, traditional authorities have been known to make their respect, or the lack thereof, for the visitor well known. A number of incidents are well known. A particularly graphic example occurred in northern Botswana. The chief of the Batawana at the time of Sir Seretse Khama's Presidency went so far as to announce to those assembled in *kgotla* on the occasion of a visit by the President that as chief, he was glad that Sir Seretse Khama had come to Maun because many Batawana thought that Zambia's then President, Dr. Kenneth Kaunda, was the President of their country.⁶ In a not so indirect manner, the chief was telling the national government that his tribesmen felt neglected by government officials up to and including the President. The more usual way a chief or headman shows disrespect for a visitor is to be conveniently absent from his village. The implication is that the traditional authority has something more important to do. The visitor can do everything he or she would otherwise do including speak in *kgotla*. However, whatever the visitor says or does may be overshadowed by the fact that the chief is not present, particularly, if the visitor is an important person such as a Cabinet Minister.

Members of a community still look to their traditional authorities as moral leaders of their communities. In addition to being the adjudicator of marital disputes and other minor criminal activities, traditional authorities can advise members of the community on family or business matters. As

exemplification, a chief may call on parents to monitor their children's behaviour, ask a bar owner to keep the noise of his patrons down, urge the family of a young man who is not making child support payments to insist that their son begin paying, and persuade a family whose house needs repair to put it back in shape. Importantly, those appealing for the chief's moral intervention do not have to hire a lawyer and go to the magistrate's court and obtain a legal order. In short, it is much less costly and may still lead to a productive outcome.

A chief's moral leadership also extends to the transcendental. He can be very effective in calming a village down when some members have been agitated by the possibility of witchcraft being employed in a conflict. At times, when cases brought before the chief involve accusations of witchcraft, he may call traditional doctors to throw their bones at the *kgotla* in order to help the court reach a verdict. In a more positive vein, traditional leaders can be instrumental in facilitating rain-making activities. In times of a drought, the chief may assemble the people to pray for rain from either the Christian God or tribal gods. With regard to the former, he liaises with church groups to hold prayers at the *kgotla* to beseech God to bring rain. In the latter case, he liaises with emissaries to help him invoke the powers of the rain-making gods as happens particularly in northern Botswana where there is a belief in the rainmaking-powers of *Ngwali*.

Traditional authorities who perform these various moral leadership functions gain widespread respect from their subjects. This respect comes from the fact that the traditional authority mobilises the community to conduct activities believed to satisfy popular needs arising from long-held customs related to dealing with ancestors, spirits and other forces outside normal human control. In essence they exercise religious as well as political authority.

Most important for contemporary Botswana politics, the chief is perceived by his people as the leader of their tribe vis-à-vis the other tribes in the country. It is he, above all, who gives legitimacy to any claim that the tribe has been unfairly injured by a policy or program or actions by certain persons in his territory. As an example of the latter, the chief of the Batawana, Kgosi Tawana Moremi, unsuccessfully contested attempts by Bayei⁷ to establish a traditional authority which does not have a subservient status to him (see BOPA, 2002b). Relatedly, almost all chiefs have protested the national government's attempts to allocate tribal land to those not belonging to the tribe.

The importance of the chief as the primary symbol of the tribe cannot be overestimated. In the last few years, there has been a movement to expand the number of new chieftaincies with permanent seats in the *Ntlo Ya Dikgosi* (formerly called the House of Chiefs).⁸ This issue has been raised by opposition politicians beginning with Mr. Motsamai Mpho of the Bayei as a means to win votes away from the ruling BDP.⁹ More recently, RETENG, an ethnic minority rights organisation, has aggressively pushed for various minority tribes to have chiefs in the *Ntlo Ya Dikgosi*.

As long as the BDP refuses to respond in a substantial way by making more minority chiefs equal to the eight recognised in the Constitution, members of ethnic groups in the north and east of the country may be induced to vote for the opposition party on this issue. Without question, most rural voters make a choice of party based on their ethnic identification. The demand for a permanent chieftaincy position in the *Ntlo Ya Dikgosi* is a way of symbolising that a heretofore suppressed ethnicity is more important than the loyalty the people show to the dominant grouping. Mpho's and, in more recent times, RETENG's objective is to have people think of themselves as not members of some of the larger Tswana tribes and thus supporters of the BDP, but rather committed to smaller communities and thus to another party which will give them their own chief. This appeal could be particularly devastating in the Central District. Approximately eighty percent of the Bangwato tribe is actually composed of ethnicities which are non-Ngwato. Most prominently, there are Kalanga, Babirwa, Batalaote, Batswapong and Bakhurutshe.

Starting in the 1999 election, the Botswana Congress Party (BCP) adopted such an approach among the Babirwa where the party's candidate based his campaign on gaining independence from the Bangwato chief in Serowe. In 2004, this approach was used more extensively in the Central District where the BCP came close to winning a number of seats. In short, the chieftaincy, as a primary symbol of ethnicity, has become a critical component of the struggle for political power.

The BDP leaders are keenly aware of the subtleties of sub-ethnic politics. In the immediate post-independence period, the party ran parliamentary and council candidates who were from the dominant Tswana group in the area rather than persons having the same ethnicity as the majority of the local population. Under the second President, Sir Ketumile Masire, the BDP moved the old elite out. To accomplish this goal, they instituted party primaries to choose candidates. All members of the party organisation in a constituency could vote. Very quickly, most areas selected a person who was from the majority local ethnic stock. The BDP has in turn made sure that the party leadership and cabinet membership includes a substantial number of persons identifying with other than the largest tribes. For instance, the cabinet usually includes at least two Kalanga, which is the most numerous non-Tswana ethnic group in Botswana.

While the chiefs as community leaders for their people can be a nuisance to government, they can also be an advantage. The chiefs, as the top community leaders, tend to keep the expression of tribalism in the local community where they have legitimate platforms.¹⁰ At the national level, they are marginalised to the *Ntlo Ya Dikgosi*. And they have no opportunity in the cities, which are melting pots for members of various tribal groups and the most likely places for ethnic conflicts to explode. In contrast, politicians are less likely to speak for tribal groupings given the pan-ethnic nature of their districts and parties. Moreover, the chiefs can effectively challenge them as ethnic leaders. Politicians are inclined to look for other issues to mobilise votes. The chief in effect becomes the primary escape valve for tribal sentiments, but he has little ability to take this expression outside of the community or to introduce ethnicity in National Assembly debates. Indeed, when MPs try to raise ethnic concerns, they almost inevitably face a volley of criticism for being 'tribalists.' Thus, the chiefs are relatively unchallenged as a local spokespersons for ethnic groups, but have no national forum.

Government Administration

In the government administrative structure, the chief in any district is subordinate to the District Commissioner (DC) who is the direct representative of the Minister of Local Government. However, chiefs often resent the fact that, hierarchically, they are below the DC. When the resulting conflicts get out of hand, DCs may be transferred.¹¹ As a subordinate of the DC, the chief is classified by law as a 'civil servant' and his job is to help the DC implement policies in the village.

When officials from government ministries present plans in a local *kgotla*, their objective is to win community acceptance. The item on the agenda may be placement of a new school or health clinic, seeking approval of a trek route for cattle, or the launching of a new crop assistance program. Or a ministry may request election of a local committee to advise it on development of programs within the area. As long as the ministry obtains the necessary approval in *kgotla*, its future actions are likely to be perceived to have community sanction.

Since the chief or headman is in charge of calling the *kgotla* and setting the agenda, he can give the civil servants a certain amount of trouble if he so desires. The DC has little power to command a chief or headman to support government policies. As such, traditional authorities do not fall within the normal government hierarchy. Thus, they can needlessly delay meetings. They can recognise opponents of a given project and give them considerable time to speak. They can even announce that the consensus of a discussion is that the ministry must rethink a project or give more recognition to certain concerns.

Shrewd civil servants who face community opposition often seek to have the chief or headman on their side. When they succeed, the chief shapes the discussion to support the ministry's plans. Some of the stronger willed chiefs; most particularly, those in the Kgatleng and Southern Districts, have been known to dress down top civil servants in *kgotla* in order to emphasise a particular concern. However, such an approach is likely to be less attractive as a result of a recent court case. Then acting District Commissioner in the Southern District, Mr Khumo Keeng, is suing Kgosi Seepapitso for defamatory remarks he made concerning the DC during a *kgotla* meeting in Kanye on 12 April 1999 (BOPA, 2000a). The case is yet to

be decided, but regardless of the way in which it is resolved, traditional authorities are likely to be careful for it has been established that civil servants have a right to sue for defamation.

One reason the *kgotla* has become the place where public servants and local communities hold dialogues on policy implementation is that at the time of independence, the chiefs of the major tribes refused to allow the political parties to hold rallies at the *kgotla*. The chiefs did this in part because they were fearful of the anti-chief orientation of the new political parties. The chiefs have subsequently continued to insist that their *dikgotla* be non-political. By non-political, the traditional authorities mean that the *kgotla* is not to be a place where any sort of organised party activity takes place. For the civil servants, such an environment is a perfect place for them as 'non political' civil servants to 1) reach members of local communities directly; and 2) keep the politicians from interfering in the discussions.

In some cases, the civil servants use *kgotla* approval as a way of circumventing a local elected official seeking to stop or otherwise manipulate a project. With the community's traditional authority on their side, the use of the *kgotla* by civil servants becomes much easier. Moreover, many a chief or headman has little compunction about embarrassing elected officials. The politicians may find it hard to fight back because they cannot use the local party organisation in the non-partisan context of the *kgotla*. In effect, the chief offers an alternative way for the bureaucracy to be democratic instead of obtaining approval from the Village Development Committee or an elected local council. To be sure, the preferred option is to obtain the approval of both politicians and *kgotla*.

The centrality of the *kgotla* as a consultative forum notwithstanding (District Planning Handbook, 1980), it is an acknowledged fact that low attendance often compromises the utility of these public assemblies for government (Robert, 2003). Lekorwe (1989, p. 220) comments that "issues relating to development projects often draw little more than those who are community activists of one type or another." Some constituencies, especially the youths (30 and under), are habitually absent during *kgotla* meetings. For the most part, youth have little interest in development issues and some are often absent from the village looking for jobs in urban areas. Hence, input from a critical constituency is often missed at the *kgotla*.

The Ministry of Local Government has long realised that *dikgotla* may only be used to mobilise minimal popular support from local communities for government projects. Thus, they have set up two alternative means. One is the elected local council and the other is the Village Development Committees (VDCs)¹², a 10-member committee popularly elected at the *kgotla*. The chiefs and headmen are often loath to attend the meetings of either body, let alone support their decisions. It is not unusual for them to frustrate and impede the plans of Councils and VDCs.¹³

Party Politics

The relationship between traditional authorities and party politics is also complex. The rule is simple; chiefs and gazetted headmen are civil servants and, therefore, they are not to be involved in party politics at any level. This means most importantly that they cannot run for office unless they resign their position. Until recently, only one paramount chief has resigned his position to contest an election. This was the former chief of the Bangwaketse, Bathoen II. He joined the Botswana National Front (BNF) in 1969 and, in the next election, led his party to victory in three Ngwaketse Parliamentary seats as well as a number of additional ones at the councillor level. Most impressive, Bathoen himself defeated the then Vice President of the country and future President, Mr Quett Masire. In short order, Bathoen became both the leader of the opposition and the President of the BNF, effectively silencing the party's socialist message for the rest of the 1970s decade.

Short of resigning and running for office, powerful chiefs have found a number of other means to make their influence felt in partisan politics. This was most effectively demonstrated by Kgosi Linchwe (deceased) of the Bakgatla tribe.¹⁴ From the beginning of electoral politics, he delighted in showing up the often weak politicians who gained political office in his area, the Kgatleng District. He took up a myriad

of issues to challenge the government, ranging from poor maintenance of roads and the slow building of schools to various aspects of the central government's land use plan for the district. Opposition politicians in the district also suffered by comparison. At least until recently, when they have won office, they have found the Chief much more articulate than they in pointing out government failures or calling on a particular ministry to address problems of policy implementation in the district.

That a number of chiefs are perceived as playing this spokesman role for their constituents can be seen from the results of a survey conducted by the Botswana Democracy Project in 1987. A quarter (25%) of the rural sample thought their chief would be the 'most...responsive to solving a problem in this local community.' The chief beat out the MP (21%) and civil servants (4%) and only lost to the local Councillor. In another question, respondents were asked whether they had attempted to contact the Councillor, the chief, the MP or civil servants about a local problem. The difference between the local Councillor and the chief was marginal. Twenty-two percent said they had done so with the former and twenty percent mentioned the latter. The MP was third with sixteen percent. Since there is considerable overlap in terms of contacting all three by the same person, this would seem to indicate that most respondents still look at all three local leaders - the chief, the MP and the local Councillor - as credible sources of influence in local problem solving.¹⁵

Many traditional authorities also work behind the scenes in dealing with party politics. One ploy is to have one or more of royal relatives become active supporters of a particular candidate. In Kanye, for instance, Kgosi Seepapitso supported a breakaway opposition party candidate, Leach Tlhomelang, by having his mother campaign on Tlhomelang's behalf in the 1994 elections. Tlhomelang did not win; rather, the seat went to the ruling BDP for the first time in 20 years. While the chief was not able to put his man in office, he did demonstrate that he could by himself make a difference in the outcome since the BNF had won the seat for the previous two decades.

The image of the traditional authorities as non-political fits in with the Tswana notion of the community as a cohesive political actor under the leadership of the headman or chief. Many villagers perceive the primary political conflict in modern Botswana to be ethnic; that is, between their tribe and others in the country. In this context, perceptions of tribal leadership roles become important. The chief, headman, elected MP, and local Councillor all have as their primary duty the defence of the community against other tribes. The chief and headmen have a big advantage in performing their role in the national tribal struggle; they are unrestrained by loyalty to a political party which must seek electoral support from competing ethnic groups.

Lt. Gen. Seretse Khama Ian Khama, the current President of Botswana, has since the late 1990s introduced a new dimension to the role of the chiefs in party politics. He has run for election without resigning his chieftaincy. In so doing, he has attempted to create an image for himself as a politician who functions as a non-partisan authority figure. As a young man, Khama joined the military as an officer, rising to be commander of the entire Botswana army in 1988. Since he is the first son of Sir Seretse Khama, who would have become chief of the Bangwato except for the colonial government's objections, Ian Khama was, by primogeniture, the preferred candidate for chief of the Bangwato. He decided to be initiated as chief in 1979. However, he did not take up his formal duties, preferring to have a member of his family perform this role. When Sir Ketumile Masire retired as President in 1998, Khama resigned from the military to take up politics. He contested a bye-election on behalf of the ruling BDP in one of the Serowe constituencies, winning overwhelmingly.

To the surprise of many, Khama did not resign from his position as chief. The then Attorney General, the late Moleleki Mokama, ruled that Khama did not have to do so since he had never taken up his duties as chief. To say the least, the Attorney General's logic was questionable.¹⁶ Khama proceeded to take advantage of his dual status in the next year's general elections campaign. He attended campaign rallies where he repeatedly presented himself as a '*Kgosi Kgolo*' (Paramount Chief) and not as a politician. This claim was surprising given the fact that when he entered politics, he alleged that he had not served as a chief and thus did not need to resign. Thus, his underlying objective was to appear as a candidate who

was non-political. He took this approach even further in a campaign swing through the hotly contested constituency of Nkange in the Central District where he was speaking on behalf of the local BDP candidates. Khama arrived at freedom squares accompanied by an entourage of local traditional authorities and several top civil servants, including the District Officer (Motlaloso, 1999). This was something no other politician had ever done; namely to attend explicitly political events with an entourage of non-political civil servants and traditional authorities. He was clearly trying to burnish his image as a non-partisan Tswana traditional leader even further. A number of top BDP politicians, as well as opposition partisans, voiced their displeasure with this attempt to infuse the chieftaincy into election politics. Subsequently, Khama restrained himself in this regard. Nevertheless, Khama still occasionally behaves as if the normal rules of government do not apply to him. For many, he can do this because he is a chief. When he does this in an election, it is a way to nullify elections as a contest for citizen votes and turn them into a process for restoring traditional leadership. It should be noted that most of the opposition to Khama comes not from those opposed to the chieftaincy as such but to Khama's belief that he is not accountable to anyone, as has been the case traditionally with Tswana chiefs. His resistance to accountability becomes most apparent in the fact that as Vice President he rarely attended Parliament even though he was a member of the assembly (Setshogo, 2007) and, thus, denied the house the opportunity to be briefed on progress regarding government project implementation initiatives that he headed (Setshogo, 2008).

The passage from chieftaincy to politics is by no means problem-free as the examples of Kgosi Tawana and Nelson Motsewapuo sufficiently demonstrate. In May 2003, Kgosi Tawana wrote a letter to the Ministry of Local Government seeking indefinite leave from the chieftaincy on June 22. Later on in mid July, during the official opening of Maun hospital, he announced to his tribe that he desired to contest the BDP primary elections in the Maun West constituency in 2004. He was proposing to do exactly what Ian Khama had done. The BDP was not favourably disposed to his candidacy and, therefore, then President Mogae flew into Maun to meet with party officials and the royal house to dissuade Tawana from his political ambitions (BOPA, 2003a). Apparently, Tawana could not be persuaded because; subsequently, he took leave of his job and his sister, Ms Kealetile Moremi, was appointed as the regent (BOPA, 2004a). Demonstrably lacking experience and savvy as a politician, he made a number of ill-advised remarks regarding the BDP and its leaders, including Ian Khama, and promised 'to fix things' (Mooketsi, 2005:3) within the BDP. Tawana soon faced the opposition of the party in the primary elections and this signalled a quick end to his political career for he was not vetted to stand for primary elections. Had Tawana been more circumspect, he would easily have won the Maun West constituency because nobody identified themselves as contenders for the constituency as soon Tawana indicated his desire to stand for primary elections.

Nelson Motsewapuo illustrates another problem for traditional authorities seeking political office. If they lose, they may not be allowed to return to their former position if they resign to go into politics with the opposition. Until November 2003, Motsewapuo was a ward headman of arbitration in Tsabong. He resigned his post to contest the BNF primaries in the village's North ward. Upon losing the primaries, he requested that the tribal authorities return him to his former position (BOPA, 2003b). However, the tribal authority regarded his resignation as irreversible despite the willingness of his subjects to welcome him back to the *kgotla*.

In summary, while the traditional authorities are supposed to be non-partisan, they in fact have found numerous ways to participate in party politics by supporting government or the opposition. A very few who are shrewd political minds, like Bathoen and Ian Khama, can become party candidates who quickly challenge even the most experienced politicians. For most traditional authorities, their most important impact on the parties is to constrain the extent to which partisan politics define issues. They limit popular demands on Botswana's nascent democratic government by keeping discussion of issues in the *kgotla*. Finally, those few traditional authorities, most exemplified by Linchwe, who succeed in promoting local issues may establish an independent power base which provides the citizenry with an alternative channel of influence.

The Effectiveness of the Chieftaincy in the Modern System

The effectiveness of chiefs and headmen in adjusting to and participating in modern democratic politics varies greatly in Botswana. Three factors seem to be most critical to their effectiveness: their personality, political strategies of party leaders and the character of the issues on the political agenda. Most important is personality. Some chiefs see themselves as part of the modern political system. They view their role as one of preserving the traditions of their ethnic groups within the changing political context. Participating in politics is just one part of a larger process and, to this end, Kgosi Linchwe stated that a chief is a "social engineer who provides leadership as the community decides whether to modify, develop or abolish certain organisations or practices" (Kgafela, 1989:99).

Most impressive recently was former Bakwena regent, Kgosi Kgosiqwena Sebele. He sought to gain popular support for his election as chief by organising *mophato*, traditional age groups, to counter criminal gangs which were destroying property and terrorising Molepolole residents (*Mmegi*, 2001a). The most powerful BDP politician in Molepolole, Daniel Kwelagobe, cast aspersions on Sebele's endeavour (BOPA, 2001a). This move backfired as his constituents blamed him for rejecting traditional Kwena means of dealing with crime (*Mmegi*, 2001b).

In contrast to Linchwe and Sebele are the vast majority of traditional leaders who function as preservationists. They seek to continue the traditions which remain in place. Thus, they are likely to be involved in dispensing justice in their *kgotla*, calling *kgotla* meetings for the civil servants to address the community and greeting visitors to their village. Otherwise, they are little seen or heard. Most important, they do not address the problems which are facing their people. Thus, the public has little alternative than to seek help from elected officials. In effect, such traditional authorities yield political leadership to their competitors. To be sure, they usually support their activist peers in the House of Chiefs, such as Linchwe and Sebele, especially when the latter have a popular cause.

Also impacting the role of the traditional authorities is the prevailing thinking of party leaders on working with headmen and chiefs. As a general principle, politicians work with traditional leaders when their parties are politically weak. A classic example was the opposition BNF in the 1970's. It found itself as a new political party unable to develop a grassroots organisation outside of the urban areas. The ruling BDP had already established itself in most of the country's rural areas. In addition, where there were opposition parties (e.g. in the North and the Northeast), they were unwilling to form any sort of coalition. In desperation, the BNF courted and won the traditional leaders of Ngwaketse as supporters. Most important, Kgosi Bathoen resigned his position to run for Parliament. The strategy paid off in that the BNF obtained its only three seats in the Parliament in 1969 and 1974 by this means. Moreover, it has been competitive, if not victorious, in all subsequent elections in the Ngwaketse areas.

Another significant example of a political party seeking traditional support is the case of the BDP in the 1999 elections. The leadership feared a strong challenge from the BNF, which had quadrupled the number of its parliamentary seats in 1994. A further increase seemed likely in 1999. Sir Ketumile Masire stepped down as President in 1998. He had been an effective campaigner in the three previous elections. The new president, Festus Mogae, was much less effective, having spent most of his career as a civil servant. Party leaders felt they needed to revitalise the BDP's appeal in the rural areas, especially since Mogae's appeal was largely to the educated and urbanised parts of the population. The solution was to invite Ian Khama to resign his commission and become active in the BDP's leadership. After the election, Khama was made Vice President under Mogae so as to meld traditional and modernising images at the top of the new BDP government. The election results demonstrated the prescience of this approach to overcoming a potential electoral weakness. Thus, the BDP regained seven of the thirteen seats it lost in 1994. This was also due to a major split in the BNF in 1998.

A final factor which affects the role of traditional authorities in politics is the character of the issues on the public agenda. Traditional leaders become important when the issues relate to traditional culture and politics. For instance, changing land policies, as has been legislated with regard to privatising 'communal grazing areas' and, furthermore, it should be reflected that same communal grazing areas' were

privatised under the Tribal Grazing Land Programme (TGLP) in 1975. They can speak authoritatively as to the impact on the local community's land allocation rules. Also, traditional authorities can speak on issues related to family and marriage law. On the other hand, in matters concerning economic development, health and education chiefs and headmen are much less likely to be taken seriously. They have never had authority in these realms.

The demand of minority tribes, both Tswana and non-Tswana groups, to be represented on a permanent basis in the House of Chiefs placed the chieftaincy at the heart of probably the most explosive political issue since the 1999 general elections. In effect, all tribes which have been subordinated to the ruling eight major Tswana tribes demanded that their chiefs be given autonomous status. The number of groups identified varies (including the eight major Tswana tribes) from 23 to 56.¹⁷ Thus, some felt that the Constitution gave the minority tribe citizens a second class status relative to those from the eight major Tswana tribes. Sensing political danger, the government established a commission of inquiry headed by Patrick Balopi, a former MP of Kalanga descent to find an acceptable solution (*Mmegi* Editorial, 2006). Although the commission recommended three models, the government adopted the less controversial one. This model provides for the expansion of the House of Chiefs from twelve to thirty three members but the chiefs of major tribes are to be *ex-officio* members while the others from the minority tribes continue to be elected. The minor tribes, led by their chiefs rejected this solution, complaining that they still had a second class status (BOPA, 2002c). On the other hand, the eight major chiefs and their supporters complained that their power and status were being massively denigrated (BOPA, 2000b; 2002d). In the end, the government sought to push the issue off the agenda by adopting the model which brought little change except to expand the number of chiefs in *Ntlo Ya Dikgosi*.

The Chieftaincy in the Long Term

In the long run, the importance of the traditional authorities in Botswana politics is bound to erode in the face of modernising forces impacting society. Their constituency is declining with urbanisation (12% increase per annum between 1970 and 1995). Their areas of authority will be increasingly depopulated. The UNDP predicts that Botswana will be 89% urbanised by 2015 (Human Development Report, 1998). Eventually, even traditional marriage and family law will fall completely within the modern court and bureaucratic systems. Government and business are moving their employees around the country, thus increasingly populating the rural areas with persons originating outside existing tribal areas. The result is that the rural population has many persons with little historical knowledge of the local tribe or loyalty to the local traditional leader.

Supporting these modernising forces in undermining the chiefs is the overall transformation of the nation's political culture. It is gradually becoming more democratic. People are more and more questioning the authoritarian behavior of the traditional authorities. For instance, in July 1999, hundreds of people had thronged the Kanye *kgotla* to see the then reigning Miss Universe, Mpule Kwelagobe. The assembly was so crowded that a good number had to stand. Kgosi Seepapitso reasoned that their conduct was disrespectful to him since subjects cannot be standing while a chief speaks. He ordered them to sit down. Instead, many disaffected attendees walked out (BOPA, 1999). A hundred years or so ago, his order would have elicited compliance. However, in modern times, Botswana expect traditional authorities to respect their dignity and not ride roughshod over them.¹⁸

The government is also democratising traditional authority by insisting that communities elect their chief or headman. While the senior son of the previous ruler is often chosen, communities sometimes deviate. Most dramatic was the installation of Mosadi Seboko, the sister of the late chief of the Bamalete, as Paramount Chief in 2003.¹⁹ More unsettling to traditionalists, the government is acceding to requests from communities which want to be allowed to establish their own chief or headman. Even the chiefs' role as authorities on tradition is being marginalised in the legislative process. For instance, on 26 July 2002, the House of Chiefs rebuffed the then Minister of Labour and Home Affairs Minister, Daniel

Kwelagobe, when he presented the Marriage Bill to it. The Chiefs refused to consider the bill, contending that it lacked an interpretation clause. Government lawyers retorted that this was not a problem, but the Chiefs could not be moved (BOPA, 2001b;c). In the end, Parliament passed the bill unaltered. Thus, even when the House of Chiefs contested changes in the marriage law, the elected politicians did not fear going against the authorities on Tswana tradition.

Parliament went even further in 2005 in relation to the Abolition of Marital Power Amendment Bill (BOPA, 2004b). For some reason that is yet to be explained to the nation, it chose not to consult the House in relation to the bill, even though some MPs admitted that the House of Chiefs should have been consulted as per the law. The bill was passed into law in the ultimate.

One of the foremost acts of modernisation and democratisation of traditional authority is the Bogosi Bill (No. 13 of 2007). Overall, the bill seeks to modernise and democratise the institution of chieftainship. Important clauses relate to the following: the Minister of Local Government can recognise tribal communities, chiefs must retire at 70; government can depose chiefs with little cause and the Minister has the right to order chiefs to take a specific action. Importantly, the bill explicitly says women can become chiefs (*ibid.*:2).

Predictably, the bill generated a lot of heat from the members of the *Ntlo Ya Dikgosi* (Piet, 2007; Mooketsi, 2008). They accused the government of lack of consultation when the bill was drafted and demanded that the Minister of Local Government should embark on a nation-wide tour and consult the nation on the bill. The members read malice on the part of government by contending that it was undermining chieftainship by, largely, giving the Minister of Local Government powers to depose a chief and approving the chief's choice of deputy. While Parliament was divided on the issue, the Bogosi bill passed (BOPA, 2008).

Conclusions: Resurrection and Decline

Botswana's experience over the last forty years provides some important insights into the role of traditional authorities in democratising an African state. Some are fairly specific and related to the chieftaincy and its changing political role. Others relate more to the overall operation of democratic politics. Traditional authorities have not faded into insignificance as the modern Botswana state has expanded both in political and bureaucratic terms. They have taken on a number of new roles and they have become the centre of important political struggles. Some of these authorities, particularly the more activist ones, add an important and potentially autonomous voice to Botswana's democracy. Many help the civil servants reach the people and a number serve as a means for mobilising local communities for self-help projects. They are almost always a voice for the rural interests, though not necessarily the complete community, in a context where urban populations have much more leverage to exercise on the central government. The traditional leaders give at least the older generation a sense of the continuity of community in a period when massive change is the order of the day. While the chiefs and their headmen often speak for the *status quo*, in some instances they can be a force for change which clearly benefits the rural areas. Particularly important, they serve as alternative voices to local elected officials by speaking up on issues neglected by these officials.

Leaders of the modern Botswana state do not fear that chiefs and headmen will mobilise the public to support a counter revolution. They need not abolish the chieftaincy as the Mozambicans did. The Botswana experience demonstrates that traditional authorities can be brought within a democratic state where they support an additional, more traditional, dimension in which citizens can mobilise for political action. Moreover, the extensive urbanisation, economic specialisation and mass media expansion are resulting in a society in which many aspects of the legitimacy of the traditional authorities are being undermined. The changing and eventually declining role of these figures from the past is an indication of government's success.

Persistence of the chieftaincy can serve to reduce the intensity of national ethnic conflict. In Botswana, the chiefs and their headmen have provided a significant escape valve for tribal feelings. They

keep the focus of ethnicity at the local level, thus reducing the need to take the issue to Parliament. While this result may sometimes delay resolution of political conflicts with a tribal dimension, such a constriction of the national agenda also serves to reduce the burden of demands on a nascent democracy which needs time to become institutionalised.

The experience of the last 40 years demonstrates that the chieftaincy can become a key focus of minority rights movements. The debate has largely been over whether each ethnic group should have a chief who is equal to all other chiefs. In the long run, resolution of this issue will require that Botswana's heretofore fairly homogenous ethnic structure be more balkanised. Such a change is likely to weaken the significance of ethnicity in that it will be tied to a social role, i.e., the traditional authority which has little formal power.

Botswana's experience suggests that democratisation may well be shaped by the role the chieftaincy plays. Democracy manifests itself in different forms in every society. Traditional authorities in Botswana have had to fight for survival within Botswana's democratisation process. They have few models to provide guidance for them. In a very real sense, they are seeking a way to preserve their institution in a context totally at variance with their historical experience. Traditional authorities have had to accept democratising their procedures including the way they are selected, who is eligible to serve and the way in which community decisions are made. Also, they have sought to become more representative by unifying the community and speaking for it rather than administering and allocating resources. As such, at least the more effective ones have become more inclusive and competitive with other political actors. Democratisation is often said to involve liberalisation of a polity. There is an increase in freedom to organise political activity, to speak and publish ideas and otherwise oppose government policies without fear of sanction. Overlooked in this regard is that liberalisation often brings disorder, confusion and alienation. Illiberal institutions such as the traditional authorities in Botswana serve as a much needed force for stability and order in this process. They symbolise that the community still exists and has a voice; they challenge the modernisers to respect traditions related to family, land and religion; they provide a means for political action to shape the modern institutions to maintain traditional values.

The question for the future of Botswana is whether the decline of traditional authority can be reversed by a political movement coming from *within* the country's democratic politics. One possible option in this regard is that being explored by President Ian Khama. He would seem to have some notion of creating a neo-traditional movement within the BDP wherein chiefs, headmen and their supporters are mobilised to defend a strong bureaucratic state operating in an autonomous fashion from the rest of society. Another possible variant is that of the minority rights movement, most reflected in RETENG, which is seeking political independence through the establishment of their chiefs as equal to the formerly dominant eight Tswana chiefs. Both movements involve a traditional revivalism which could stall the emergence of a more active civil society wherein a wide variety of interest groups promote and debate public policy issues. In the Khama variant, the state attempts to reduce the input of societal interests and with RETENG such groups are weakened by ethnic distrust. The way in which the Botswana state deals with these challenges will have a defining impact on its character at the end of the first decade of the twenty-first century. The next elections in 2009 and 2014 could provide the possibility for a breakthrough in any one of these dimensions.

Notes

1. The one exception is the San (or Bushmen) who led a relatively equalitarian existence. In so far as they were within Tswana society, the San were virtual slaves. See Hitchcock, R.K. & Holm, J.D. (1993). 'Bureaucratic Domination of Hunter-Gather Societies: A Study of the San in Botswana'. *Development and Change*, 24 April, pp. 305-338.
2. "Major groups" are the eight Tswana tribes mentioned in the Constitution. They were also the key groups through which indirect rule was implemented during the colonial period. The others are termed "minor", even though several have larger populations than the small "major" tribes.
3. For an extensive discussion of traditional political structures, see Schapera, Isaac. (1955) *A Handbook of Tswana Law and Custom*. London: Frank Cass.

4. Schapera, Isaac. (1970) *Tswana Chiefs and Social Change, 1975-1940*. London: The Athlone Press.
5. For a general discussion of the role of the chiefs during the colonial period, see Morton, F. & Ramsay, J. (1987) *The Birth of Botswana: A History of the Bechuanaland Protectorate from 1910 to 1966*. Gaborone: Longman Botswana.
6. This incident was reported to one of the authors by Dr. Steven Morrison who was in attendance at this *kgotla* which took place in 1979.
7. The Bayeyi are considered a minority tribe in the domain of the Tawana territory.
8. Only the chiefs of the eight major tribes, as per the constitutional amendment of sections 77-79, are permanent members of the House of Chiefs (renamed *Ntlo Ya Dikgosi*). The remainder are elected for a fixed term from among a regional group of their peers.
9. For a statement of his case, see Mpho, M. (1989). Representation of Cultural Minorities in Policy Making. In Holm, J.D & Molutsi, P., eds. *Democracy in Botswana*. Athens, OH: Ohio University Press, pp. 133-138.
10. See Horowitz, Donald L. (1985) *Ethnic Groups in Conflict*. Berkeley, CA: University of California, pp. 601-652.
11. Subsequent to Kgosi Seepapitso's restoration to the chieftainship, Mr. Gaewetse Koketso, the DC, who had had running battles with the former, was transferred to another district.
12. The VDCs were created as a result of a Presidential Directive in 1968.
13. This information is based on interviews one of the authors conducted with Council employees, politicians, villagers, headmen and VDC members between March 08 and May 09, 2006.
14. In 2000 Kgosi Linchwe II took up the position of President of the Customary Court of Appeal.
15. The rural sample for the 1987 survey was 1048. It was a stratified random sample. Subsequent surveys have not asked these questions; however, the concern civil servants regularly voice for the importance of the traditional authorities would seem to indicate that little has changed.
16. In private some of the country's foremost legal and customary authorities have voiced their criticism of the Attorney General's ruling. Relatedly, in reference to Khama's decision to join politics, former President Masire in his book, *Very Brave or Very Foolish: Memoirs of an African Democrat* (2006) asserted that existing practice never allowed people to be both a chief and a politician. See also Setsiba, T. (2006) 'Masire Explains decisions of founding fathers'. Mmegi, 13 March: p. 4.
17. See Report of the Presidential Commission of Inquiry into Sections 77, 78 and 79 of the Constitution of Botswana (Gaborone. Government Printer, 2000): pp. 160-162. Government White Paper No. 2 of 2002 (Presidential Commission of Enquiry into Sections 77, 78 and 79 of the Constitution of Botswana). Gaborone: Government Printer.
18. Relatedly, in mid August 2004, the Pandamatenga chief, Rebecca Banika, ordered women to leave the *kgotla* because they had come clad in trousers. She was roundly criticised by the women attendees for upholding anachronistic cultural values.
19. A number of prominent royal family members fought her succession; see "Succession dispute rocks Balete royal family," Mmegi. September 14-20, 2001, pp. 7, 17.

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