

CHAPTER THREE

ANALYSIS OF THE SYSTEM OF LOCAL GOVERNMENT IN PRECOLONIAL BOTSWANA

1. INTRODUCTION

The proper starting point for an analysis and assessment of local government in postcolonial Botswana is an analysis and assessment of the system of local government in precolonial Botswana. This will provide a useful background against which an understanding and appreciation of the history, nature and role of local government in postcolonial Botswana can be gained. For local government is not a new phenomenon in Botswana. This is not to imply, however, that the postcolonial system of local government is a product and a replica of the precolonial system. If anything there are fundamental differences between the two systems as will be argued in the discussion of the postcolonial system. The point is that an understanding of the precolonial system will help to comprehend the historical development of the system of local government and the impact this evolution has had on the nature, content and role of local government in postcolonial Botswana.

An analysis of the postcolonial system of local government in Botswana is hampered by the paucity of documentary evidence. Whatever information is available is largely of secondary nature collected by Western anthropologists, missionaries and traders. (Sillery, A. 1965:247). Extrapolation from the existing traditional system is also a source of valuable information.

Classical Western anthropologists, historians and ethnographers saw indigenous African political systems as highly undifferentiated and highly centralized with no exception. (Fortes, M. 1969).

2. PRECOLONIAL DEMOCRACY

Available evidence on Botswana's precolonial system paints a different picture than the one promoted by classical ethnographers and historians. The picture that emerges from a study of the precolonial political system and institutions show a system which was characterized by a highly developed system of systematic decentralization. This system was hierarchical in organization. At the top of this pyramid-like system was the king. He was the centre from which decentralized political units radiated. His power, authority and functions were on the surface quite extensive and unchallenged. He was the chairman of the kgotla (legislative assembly) the high priest of the society, commander-in-chief of the armed forces, the chief executive and the chief justice of the society. Hence he was considered the father of the nation (Schapera 1953).

It was the apparent concentration of power which led to classical ethnographers, anthropologists and historians to conclude that the political system was highly centralized with the king as the embodiment of all state power and authority. In reality, however, the system was highly decentralized (Sillery 1974).

The society was divided into regions, districts and wards. Each region was under the kgosana (chief). Each district was under the leadership of the headman and each ward was under the supervision of a subheadman. Within each ward, each family was responsible for managing its own affairs under the leadership of the family elder. His leadership involved amongst other things, settling family disputes and representing the family at the kgotla. The elder was therefore much more than a social head of the family. He was also its political head (Schapera 1970).

What is important is not so much that the precolonial political system was highly decentralized. The decentralization was accompanied by the devolution of legislative power and authority. The system extended beyond mere deconcentration of administrative functions, thus each region had the power and authority to enact laws rational within its jurisdiction.

The same logic applied to all districts and wards. Schapera (1940:11-12) remarked as follows:

"In certain respects each section, district, community, village, ward, and family-group is independent of the rest, managing its own affairs under the direction of a recognized head whose authority extends over almost every sphere of public life ... the mechanisms through which this is achieved is the administrative hierarchy into which the various forms of local authority are graded ... as we have indicated the elder of the family-groups is directly subordinate to his ward-head. The ward-head, in turn is subordinate either directly or through the headman of the ward from which his own is derived to the headman of the nuclear ward in the same section. The sectional head, finally is subordinate to the chief. In the outlying districts, the ward-head is, either directly or through his village headman, subordinate to the hereditary chief of his tribal community".

As indicated above, it appears as though the chief is the hub centre of all social economic and political activities in the society. He was and continues to be the focus of tribal life. He is seen by society as the maker and guardian of tribal law and the high priest of society. In discharging these responsibilities he was assisted by his close relatives.

This observation gives the impression that the chief was an absolute ruler. It would be incorrect to posit that the chief was both maker of law and judge. In fact, Schapera (Ibid p.33) seems to contradict himself when he observes that political life was organized in such a manner that government could only function harmoniously if there was cooperation between the chief and his people. According to Batswana. "Kgosi Ke Kgosi ka morafe' (The chief is chief by the grace of the tribe). This indicates that the chief was seldom an absolute ruler and autocratic despot.

Authoritarianism, autocracy and depotism were exceptions rather than the rule. Central to the minimization of autocracy, authoritarianism and despotism was the kgotla. The kgotla (people's assembly) was the core and hubcentre of Tswana democracy. It was much more than a mere consultative body.

It was an instrument by which Botswana controlled the chief. It restrained the chief. In fact the chief could only act with the approval of the kgotla. Ngcobo (1984:46) argues that it prevented autocracy and leaders were compelled to rule in the interest of the people. He further argues that the system was not a replication of Greek or American democracy. It was for him, a peculiarly Tswana form of democracy.

The system of the kgotla was replicated throughout the political hierarchy. Each local ward as indicated above, had its own kgotla. It is clear from this statement by Ngcobo that precolonial Botswana had a system of participatory democracy. The ward was the core of this participatory democracy.

Local government institutions therefore played a very crucial role in the political organization of the society.

Chief Tshekedi made this very clear in 1934 in his discussion with the High Commissioner:

"The chief discusses a matter with the headmen of his wards, but can reach no finality until the matter has been brought before the kgotla and discussed freely and publicly. The chief cannot legislate himself, he may not even administer himself, even in such a simple matter as making a law. He has to put the matter before the people ... No law can become law until it is discussed in the public kgotla ... If the majority of the tribe differs from the decision privately reached by the chief and his headmen, he abandons the

decision ... whatever the tribal assembly agrees to is done." (Schapera (1970:190).

Decentralization of political authority meant therefore that the process of decision-making was democratized. Datta, K and A. Murray (1970:190) seem to argue that precolonial democracy in Botswana, in spite of its sophisticated system of decentralization was undermined by the absence of individual rights.

They observe that in precolonial Botswana, rights were accorded to those who were members of the tribe and membership of the tribe was only given to those who were members of the clan. Non members of the clan were therefore excluded from tribal rights.

This clearly reflects a lack of understanding and appreciation of the nature of socio-economic and political rights in precolonial Botswana. What Datta and Murray fail to appreciate is that socio-economic and political rights were differentiated into different categories: group rights, i.e. community rights and individual rights. Rights relating to the means of production such as land were held by the community and administered by the chief on behalf of the community.

This meant that ownership of the means of production resided in the community and the individual had no ownership in as far as communal means of production were concerned. Individuals had rights of access to these means of production through individual rights of possession.

Schapera, (1955:123) correctly observes thus:

"... every member of a tribe enjoys certain rights and privileges in common with his fellow tribesmen. He is entitled to land on which to erect his home, to plough and graze his cattle, and to all other facilities for earning a livelihood ..."

With regard to socio-judicial and political rights, these were held by the individual rather than the community. Hence participation in the kgotla, either at national or local level, was an individual rather than a group or community activity.

Precolonial Tswana democracy had some fundamental weaknesses. In the first place it discriminated against women. In precolonial Botswana women were not permitted to attend the kgotla, the centre of all socio-economic and political activities. Whatever political views they had were to be presented by the head of the family who was invariably male.

In a way, precolonial Botswana practised patriachal democracy, without in any way attempting to justify this discrimination against women, was not a unique feature. Even in the ancient Greek city states, supposedly the cradles of modern democracy discrimination against women was the rule rather than the exception. Sabine and Thorton (1973:22) have argued that in the Greek city states:

"The whole body of male citizens formed the Assembly or Ecclesian, a town-meeting which every Athenian was entitled to attend after he had reached the age of twenty years".

St Paul, (Corinthians: Chapter 14:34-35) echoed this position when he observed with regard to women in church government that:

"Women are to remain silent in the church, since they have no permission to speak, they must keep in the background as the Bible itself lays down. If they have any questions they should ask their husbands at home: it does not seem right for a woman to raise her voice at meetings".

It is clear from the passages quoted above that discrimination was a universal phenomenon. Thus just as in most, if not all ancient societies, women in Botswana were treated as children who had no right to attend kgotla meetings at all levels of the political hierarchy. (De Smith (1973) & Rowbotham (1975)).

Secondly, precolonial Botswana discriminated on the basis of class or social status. For only members of the royal family monopolized political power, from the central government down to the smallest unit of the political organizations, the ward. Mgadla and Campbell (1989:49) observed that the kgosi was a hereditary ruler by virtue of his birth. In short, they posit that a chief was a chief by virtue of having been born a chief.

Political leadership was hereditary and very few outsiders were incorporated into this closely knit and well guarded domain and repository of power. In defence of this monopoly, religion became very central. Hence the notion of the divinity of kingship or chieftainship.

The chief was also the spiritual head of the nation and therefore not incidental to his power but rather an integral component of it. The assertion by James I, king of England that kings "... are breathing images of God upon earth. The state of monarchy is supremest thing upon earth: kings are not only God's lieutenants upon earth, and sit upon God's throne, but even by God himself, they are called Gods", Sabine, G H, & Thorson, T L (1973:368), would probably have found universal approval and support among members of the precolonial Tswana ruling class.

There were however, instances where commoners of high social standing were given headmanship of wards. These were normally individuals who had performed outstanding national services such as commanding the national army to victory against an enemy. These instances were extremely rare (Parsons 1977). Prominent commoners like rich cattle owners could also be coopted into the ruling class domain as advisers. These however, held no formal positions within the formal power structure.

Thirdly, precolonial Tswana democracy discriminated against subject groups such as Botswana, Baye: Kalanga, Bakgalagadi. These groups did not form part of the "Tswana" society. They were essentially serfs whose serfdom derived from their defeat and subjugation by the different precolonial states.

They had no rights and lived outside the democratic process described above. Social and political mobility was therefore almost impossible, because the dividing line was very rigid. In some instances serfdom bordered on slavery, this was especially so with regard to Basarwa (Bushmen). They were to all intent and purposes owned by their Botswanen masters, their lives depended almost entirely on the whims and caprice of their masters.

Commenting on the position of Bakgalagadi, Mautle (1981:22) observes:

"Thus Bakwena, like other Batswana of the same period, regarded other human beings such as the Bakgalagadi in the Kweneng case, as chattels with no feelings. Indeed they, like typical slave societies, used Basarwa and probably Bakgalagadi as commodities of economic transaction ...".

This is the correct position as opposed to the one adopted by Tlou, Campbell, & Hitchcock, who not only do not see the relationship between Batswana and subject groups as reflecting servitude and slavery but rather client status. They seem to argue that the relationship was almost reciprocal and symbolic and non-exploitative (Tlou 1977).

These authors fail to appreciate that the relationship between the Batswana and the subject groups was not a status relationship, but rather a class relationship in

which the Tswana aristocracy appropriated the labour of serfs. This explains why Bakwena prevented Bakgalagodi from growing crops. They also disposed them of their livestock (Mautle 1981:22).

Whilst commoners had access to land and owned livestock, subject groups were prevented from owning livestock or gain access to land, for that would have given them some relative independence. Parsons (1977:115) remarks as follows:

"Given the fact that all subjects underwent common initiation into age regiments, the 'section' system allowed ethnically diverse groups to retain their peculiarities of language, law and culture while identifying with the larger whole of the state. However, 'serfs' malata, from incorporated acephalous societies, like khoisan hunters and herders and Tswapong cultivators and miners, were not granted such civil rights ..."

The fact that these were subject groups, meant that assimilation into the Tswana group was not possible. They did not participate in the political activities of both central and local governments.

3. THE NATURE OF LOCAL GOVERNMENT DURING THE COLONIAL ERA

Technically Botswana was never a colonial subject but a protectorate which came under the jurisdiction and administration of Britain in 1885. According to popular "history" of Botswana, British protection was granted as a result of the request of the Botswana Chiefs Khama, Sechele and Gaseitsiwe (Stevens 1967, Dochs 1972, & Spence 1964).

It is doubtful, however, whether Britain could have been persuaded by these chiefs to offer it protection. Much more substantial reasons, were at play which persuaded Britain to annex Botswana and convert it into what it euphemistically called a protectorate.

In reality Botswana was a colony with all the attributes of a colony. These include amongst others, the transplantation of the apparatuses of the metropolitan state and their implementation in a foreign territory, the destruction or undermining of indigenous political institutions, economic underdevelopment and social emasculation (Dachs 1972).

Available evidence indicate that in fact the three chiefs were not very enthusiastic about the idea of British rule of their country. It would accordingly to (Sillery A, 1965:41) appear that:

"... only Khama was willing to accept the protectorate wholeheartedly and without question. More farsighted and realistic than the others, more responsive to the advice of the missionaries he made no difficulties except to question the northern boundary, latitude 22°, which as he rightly said, cut his country in half. The Ngwaketse were wary and Sechele and his son Sebele suspicious, the latter downright rude, but following Kgama's lead they all came round in the end, though they did not really understand what a protectorate implied."

Chief Sebele, after taking over from his father was even more forthright in his rejection of the imposition of the protectorate on Botswana. He made this clear when he remarked in his correspondence with Assistant Commissioner Shippard in 1890, "I wish to govern my country myself, and not have it governed by white people".

He repeated his rejection of the protectorate status in his letter to the High Commissioner's office,

"... As you know yourself, chief, my wish is to remain independent. I do not want a magistrate, I want only independence ..."

These sentiments represented the general sentiments of other Tswana Chiefs. The argument that Botswana was declared a protectorate at the request of the Tswana Chiefs is not supported by facts. Other factors seem to have been crucial in persuading Britain to colonize Botswana (Parsons 1973, Dachs 1972).

In the first place it would appear that Britain decided to colonize Botswana in order to prevent Germany from taking possession of Botswana. Sillery (1965:39) alludes to the German factor when he remarks that the British government's attitude was influenced by the fear of the presence of German activity in South West Africa.

The settlement founded by Luderitz at Angra Pequena in 1883 increased this fear. The danger seemed to lie in the possibility that Germans might join hands with the then Transvaal Republic or the Portuguese in Angola and Mozambique.

To the factor of German competition was added the fear of the Transvaal Boers actually annexing Botswana. This fear was reinforced by sporadic incursions into the territory by Boer traders and trekboers. Their numbers were very small and they did not pose any serious danger to the autonomy and independence of the Tswana states. Some of these boers trekked as far as Ghanzi and settled there after being granted permission to do so by Chiefs. Others settled in the North East district in Tuliblock and other areas (Dachs 1972).

The missionaries, especially Mackenzie exaggerated the presence of the trekboers and the potential danger they posed to the independence of the Tswana States. What the missionaries were afraid of was the spread of Calvinism and the danger it posed to the activities of the London Missionary Society which was busy establishing mission stations in the area.

The third factor which seem to have played a crucial role in the colonization of Botswana which is closely related to the above, was missionary imperialist and colonialist ambitions. (Sillery, Mackenzie:1971).

The question as to whether their motives were purely Christian, economic or a combination of the two should be left to psychoanalysts. What is clear however is that they put pressure on Britain to annex Botswana and transform it into the so-called protectorate. Their determination to pressurize Britain to colonize Botswana was given added impetus by the reluctance of the majority of Tswana Chiefs to allow them to preach (Dachs 1972:647-658).

One of the methods they used to pressurize Britain was the persuasion of the Tswana Chiefs to go to Britain to ask for British protection. They also used the discovery of gold in Tati in the Francistown area to pressurize Britain (Ibid:650):

"The discovery of gold in the Ngwato in 1868 had already fired missionary hopes of an economic attraction to draw the British government into Bechuanaland. At that time Mackenzie, resident at Shoshong since 1862 had advised the chief Matsheng to appeal for British rule over his Ngwato. He also called on Englishmen to fill the country and exploit its gold for imperial purposes: '... We invite John Bull's attention to this delicious morsel of a gold field; let him spread it like jelly over Transvaal and Free State and Bechuana countries and swallow the lot'".

Mackenzie was echoing the words of Dr Phillips who had earlier clearly enunciated the position of missionaries in the process of colonization and imperialist domination. Majeke quotes Phillips thus:

"While our missionaries are everywhere scattering the seeds of civilization ... they are extending British interests, British influences and the British empire ... Wherever the missionary places his standard among a savage tribe, their prejudices against the colonial government give way, their dependence upon the colony is increased by the creation of artificial wants ..."

Pressure from Cecil John Rhodes was also another important and crucial factor in the imposition of a protectorate on Botswana. For Rhodes the annexation of Botswana was essential for guaranteeing a strategic corridor which would link the British Southern colonies and Northern territories.

He termed the Tswana territory the Suez canal of Africa; which would help to realize his dream of a direct railway link between Cape Town and Cairo. The raillink was considered by Rhodes a crucial ingredient in the complete colonization of Africa (Dachs 1972).

From the above analysis it would appear that Britain would still have colonized Botswana irrespective of whether the Tswana Chiefs had requested protection. Sir Henry Loch (1890:CO 417/43) confirmed this view beyond any doubt when he observed:

" I think, wrote Herbert that the notion that the consent of minor chiefs is necessary as an antecedent to the establishment of a British protectorate over their territories has become out of date through the political developments of the last two or three years. We do not mean to have Boers, Germans, Portuguese or any other foreign filibusters, protectors or rulers (say) in Khama's country; whether Khama agrees with us or not, he must acquiesce in our protection".

The primary consideration therefore in the colonization, termed protection of Botswana was the advancement and protection of British strategic imperial and colonial interests.

3.1 The nature of local government between 1885 and 1934

The fundamental feature of British rule between 1885 and 1934 was the notion of parallel rule or indirect rule. Implied in this notion or doctrine was the assumption that there would be no interference by the British administration in the indigenous political affairs of the territory. Thus the first assistant commissioner of the Bechuanaland protectorate was instructed by the colonial office according to Schapera (1970:51):

"... not to interfere with the native administration (because) the chiefs are understood not to be desirous of parting with their rights of sovereignty nor are Her Majesty's Government by any means anxious to assume the responsibilities of it."

The British were thus contented to concern themselves at least in theory, with defence against external threats, foreign policy and law and order. Hence the establishment of a British administration in the territory. The indigenous political system was supposed to remain intact with the kgotla retaining its democracy, traditions and tenets and the chiefs continuing to implement policies formulated by the kgotla and enforcing the laws enacted by the kgotla.

The indigenous political system therefore retained some modicum of relative autonomy. It existed as some form of local government operating within British hegemony. Thus each former Tswana independent state assumed the position of a local government with some legislative and administrative powers. (Chieftainship Law, 1965 (Law no. 29 of 1965)).

This system of parallel rule within which a kind of local government through tribal areas, was only allowed to exist until 1920. Gradually the colonial administration began to exercise control over legislative and administrative activities previously assigned to local indigenous political institutions. This is evident when Mgadla & Campbell (1989:50) write:

"In 1891 six years after the declaration of the protectorate the British administration promulgated an order in council authorizing the high commissioner for the protectorate to legislate for Bechuanaland by proclamation."

This process of centralization and concentration of power and authority in the colonial administration continued to accelerate so that

"Around the turn of the century the British began to seek more than occasional interventions in the rule of Botswana digosi. They began a process which continued to this day of incorporation of dikgosi into central government structures." (Ibid p.51).

This process began to express itself more clearly by the early 1920's with the establishment of the Native Advisory Council in 1920. Henceforth the colonial administration began to appropriate to itself more and more power which allowed it to not only initiate socio-economic and political changes but also to implement them. The role of the Native Advisory Council which was composed of chiefs, was reduced to advising the colonial administration.

Central to this process of undermining whatever the modicum of local government existed, was the District Commissioner appointed for each district or native area. The District Commissioner had wide ranging powers in the district and was a true embodiment of the colonial administration. He (or she) was not only the most senior colonial public servant in the district but also the chief central government officer in the district. His powers included amongst others, advising local authorities i.e. chiefs and kgotla on local and national issues, acting as liaison officer between the people in the district and central government - a more or less political position acted as marriage officer, judicial officer, social welfare officer, inspector of records of customary courts, development coordinator and prison.

The position and role of the district commissioner in the district resembled that of a paramount chief except in this case he had a higher rank than that of a paramount chief. He therefore could discipline chiefs including a paramount chief. This systematic reduction of the traditional political institutions which had hitherto served as a kind of local government institution created a situation in which they were increasingly becoming deconcentrated units of central government rather than devolved legislative local government institutions (Spence 1964).

It was the gradual but systematic erosion of the power and authority of the indigenous political institutions which had hitherto functioned as local government which made Botswana chiefs uncomfortable. Mgadla and Campbell (1989) observe that:

"In sum, the advent of the Native Advisory Council began a process of transferring policy making powers from the dikgotla to the central government. The council itself exercised little of this power itself, rather serving as forum in which the protectorate, administration could demonstrate that it had consulted the people."

In reality therefore, the council acted merely as a rubber stamp and as such could not be seen as local legislative organ, i.e. an expression of the practice and spirit of local government. These changes heralded the beginning of the end to the system of parallel rule which had formed the bedrock of the incipient system of local government although the British administration did not formally define it as such.

3.2 Local government: 1934 to 1965

The character of the system of local government between 1934 and 1965 were largely defined by the 1934 proclamations which were promulgated in terms of Sir Pim's Report on the system, of parallel rule. In his report Sir Alan Pim (CMD 4907, 1935:49) remarked on a

"... policy of noninterference, of having two parallel governments to work in a state of detachment, unknown in tropical Africa ... there was then (1884) and there is now, no rule either direct or indirect by the British Government. The nation is ruled by its chiefs and the government can merely proffer advice ...",

Although this report focused on Basutoland (now Lesotho) it had far reaching implications for British colonial policy towards its colonies in Africa. Hence it had equal validity for Bechuanaland. For largely as a result of this report the British Government began an earnest assessment and reform of the system of native administration in its territories such as Basotuland, Tanganyika, Swaziland, Nigeria and Bechuanaland.

In 1934 two crucial proclamations were promulgated which had far reaching implications for indigenous political institutions in Bechuanaland. These were proclamations numbers 74 and 75. These proclamations introduced fundamental changes in the system of native administration as well as to the content and form of indigenous political institutions. They also abolished once and for all pretences about parallel rule. They formed the basis of the first attempt by the colonial administration to formally bureaucratize the system of chieftainship. The colonial administration saw these changes as heralding the democratization of the system of local government (Spence 1964).

In terms of these proclamations three major local institutions were introduced. These were the Tribal Council, the Judicial Tribunal and the Tribal Treasury. In the proclamations, numbers 74 and 75, a Tribal Council was introduced. It consisted of a number of councillors designated by a chief subject to the final approval by the kgotla. A chief was compelled to rule jointly with a council thereby drastically reducing the power and authority of a chief. The kgotla was reduced to the level of an advisory body to a Tribal Council.

Proclamation number 75 limited the juridical authority of the kgotla by introducing a system of judicial tribunals which had jurisdiction to hear cases involving whites. Tribal treasuries were set up to control the collection of taxes and their expenditure. Chiefs were no longer permitted to collect taxes, instead they received a fixed stipend paid by the colonial administration. Whilst these changes were allegedly introduced to reform and democratize the indigenous political systems and make them formal local governments, in practice however the changes strengthened and reinforced the centralization process. For "... the chief was legally obliged to obey the instructions of the Resident Commissioner, he was forbidden to demand tribal levies without the Resident Commissioner's permission ..." (Spence 1964:221).

The proclamations therefore not only led to further centralization of power and authority but also bureaucratized the system of chieftainship by making the chief a salaried employee of the central government. It is not surprising that the proclamations invoked a negative and bitter response from the chiefs who rejected them. Such was their opposition that they took the colonial administration to the Appellate Division of the Supreme Court of South Africa where they lost the case with Mr Justice Watermeyer concluding that

"His Majesty has unfettered and unlimited power to legislate for the government and administration of justice among the native tribes of Bechuanaland protectorate". (Parson 1984:22).

The strong opposition by the chiefs and the public caused the colonial administration to compromise. This was expressed in the form of a new proclamation of 1943. In terms of this proclamation Tribal Councils set up in terms of the 1934 proclamations were abolished and the kgotla was re-elevated to its previous position as the main indigenous legislative body and a judicial organ. But Spence (1964:224) remarks in this regard:

"...judicial powers of administrative officers were considerably strengthened by the right to revise the decisions of native courts, either on their own motion or on application."

The cumulative effect of this political and juridical engineering was the consolidation of legislative, administrative and judicial power and authority in the hands of central government bureaucracy. In the end the erstwhile proto system of local government based on the indigenous political institutions had crystallized into district administrations of the central government. The chief had become a mere transmission belt for the political whims and caprices of the colonial administration. It further reduced his status in the eyes of his people. This was especially so as he was required to enforce the collection of the unacceptable hut tax and cattle tax.

By 1947 Britain had begun to rethink its attitude towards a genuine system of local government in its colonies which would go beyond mere modernization and engineering of the emasculated indigenous political institutions which was to be known as native administration. This new direction was enunciated by the then Secretary of State for the colonies. Mr Creech Jones remarked in a speech to the Colonial African Governors in 1947:

"Since I took office in October I have been considering some of the basic problems of African Administration ... I believe the key to success lies in the development of an efficient and democratic system of local government. I wish to emphasize the words efficient, democratic and local ... **local** because the system of government must be close to the common people and their problems, **efficient** because it must be capable of managing the local services in a way which will help to raise the standard of living; and **democratic** because it must not only find a place for the growing class of educated men, but at the same time command the respect and support of the ways of the people". (Hicks 1961:4).

In pursuance of this new thinking, Britain introduced some fundamental changes in the then proto-system of local government throughout British Colonies.

This new policy could be defined as follows:

- (i) Local authorities should be institutionally separate from central government and assume responsibility for a significant range of local services (primary education, clinics and preventative health services, community development and secondary roads being the most common).
- (ii) These authorities should have their own funds and budgets and should raise a substantial part of their revenue through local direct taxation.
- (iii) Local authorities should employ their own qualified staff, who could be seconded from the civil service where necessary in the early stages.
- (iv) The authorities would be governed internally by councils, predominantly composed of popularly elected members.
- (v) Government administrators would withdraw from an executive to an advisory inspectorial role in relation to local government. (Olowu 1988:36).

These laudable innovations were overtaken by uhuru and as such were never implemented by the British government. They however provided the basis for the postcolonial systems of local government in the former British colonies.

Some of the suggested changes were implemented before British colonial Africa became independent. These included amongst others:

- (i) a tradition of elected local councils;
- (ii) a well defined local tax system (ranging from per capita flat rate in most parts to graduated personal tax in Uganda, local tax and wealth taxes in Nigeria, the cess in East Africa and the beginnings of property/land tax in the major urban centres of East, West and Central Africa;
- (iii) involvement of local government in a range of minimal infrastructural activities - notably education, health and agriculture - usually with government grants;
- (iv) involvement of local governments in capital investment in the cities and a positive role in rural cooperatives and community development activities. (Ibid, p.37).

In Bechuanaland the pace of the development of local government was extremely slow and changes such as the ones referred to above never took place until on the eve of independence.

It was not until 1963 that the colonial administration set up a Local Government Committee to assess the status of local government in Botswana and make recommendations for reforming and improving the system and structure of local government.

The motive force behind the new direction towards a formal "Westminster" system of local government was the sharpening of national consciousness which had already led to the birth of political parties. Griffiths (1970:64) refers to this impact of nationalism when he remarks:

"In the early 60's however, the Tswana were just beginning to become aware at least in some degree, that prolonged rule by an authority, i.e. a

chief, who was not constitutionally responsible to them was not likely to be acceptable for very much longer in this highly democratic world. In many quarters there was a feeling that there should be a change and this change included a change in the form of the tribal administration. The tribal administration was not measuring up to the needs and wishes of those who because they were better educated or relatively advanced in other ways, wanted modern services such as better roads, water supplies, etc; ...".

This uneasiness with the continued existence of Tribal administration was not however seen as a rejection of chieftainship as an institution as Griffiths seem to imply, but rather the rejection of the colonially engineered tribal administration which was seen as an adulteration of the indigenous institution of chieftainship. Batswana have continued to respect chieftainship and still respect this institution in the postcolonial period. Hence its parallel existence with the new system of local government (Griffiths 1970:64).

The rejection of the colonially engineered tribal administration had begun to rear its head as way back the early 1920's when chiefs began to represent the interests of the colonial administration rather than those of the people. The spokesman of the new breed of leaders in Bechuanaland who rejected the imposition of a tribal administration manufactured by the colonial administration was the articulate Simon Ratshosa. His main thrust of attack was the intimate relationship between the colonial administration, represented by the District Commissioners and the Tribal administration, represented by chiefs because according to Parsons (1973:102).

There existed a good understanding between the chiefs and magistrates who received presents and bonuses from the chiefs and district commissioners always sided with chiefs in cases of disputes.

Simon Ratshosa did not advocate the abolition of chieftainship but rather the restraining and reform of the system. He considered the then chiefs as corrupt (Parsons, 1974:102). He was therefore not a revolutionary but rather a reformer.

The Local Government Committee which was set up to investigate the possibility and viability of a Westminster system of local government being introduced in Botswana had the following terms of reference (Ibid:103):

- (i) To determine the relationship between local government and tribal administration
- (ii) To determine the structure, functions, finance and staffing of local government.

The Committee was composed of the Chief Secretary, *ex officio*, and chairman, three members chosen by the chiefs, three members elected by the African Council from amongst its members, three members appointed by the High Commissioner and three colonial officials.

In a summary form, the Committee recommended that:

- (i) the system of local administration should become the foundation of the envisaged system of local government;
- (ii) a democratic system of local government should be introduced;
- (iii) a district council should become the main local government authority;
- (iv) the country should be divided into nine district councils, i.e. North West, Central, Kgatleng, Kweneng, Ngwaketse, South East, Kgalagadi, Ghanzi and North East;
- (v) no specific recommendation be made regarding the status of town councils because they did not form the terms of reference;
- (vi) each district council should be composed of:
 - (a) a majority of elected members;

- (b) in appropriate areas, chiefs should become *ex officio* members of councils, after consultation with the then existing local government authorities;
- (c) the Minister of Local Government, Lands and Housing should nominate a few councillors (Bechuanaland Protectorate, Legislative Council Paper, 1964:5);
- (vii) adequate revenue should be given to districts and town councils to ensure their success;
- (viii) the main source of revenue for district councils should be personal taxes;
- (ix) a system of uniform salaries and conditions of service for all local government employees should be introduced;
- (x) a common system of local government service for senior personnel should be introduced;
- (xi) the main functions of councils should be primary education, primary health, secondary roads, trade licensing but excluding liquor licensing, collection of matimela (stray cattle) and rural water supply.

On November 6, 1964, the Legislative Council accepted the recommendations of the Committee. As the Legislative Council Paper No. 21 of 1964 puts it:

"Government fully accepts the basic premises of the report ... government subscribes to the definition of local governments adopted by the committee and agrees with specific recommendations made in the report ..." (Report of the Local Government Committee S. 639/1 :1964).

The acceptance of the report was translated into the following main legislative instruments intended to put the recommendations into practice. Local Government (District Councils Act 1965 (Act No. 35 of 1965)) and Local Government Tax Law of 1965. A Local Government Advisory Board was set up in 1965 which was a successor to the Local Government Committee. It consisted of six members nominated by the Legislative Assembly, two members nominated by the Minister and three nominated by the House of Chiefs which had been set up as a national advisory body. The main and sole function of the board was to consider the proposals for setting up a system of local government. The Board approved them and the first formal system of local government modelled along the Westminster model was set up.

In defining local government, the Legislative Council proposed the definition by the Local Government Committee whose definition was:

"Local Government means a system of local authorities which embodies certain common principles. In this system the central government devolves certain definite powers on local authorities. These authorities represent the people locally; they are responsible both to the people and to the central government and they are legally constituted bodies. The characteristic feature of local government is that local authorities are given under supervision, a measure of discretion, power and financial autonomy in the management of local public affairs." (Bechuanaland Protectorate Legislative Council Paper No. 2 of 1964: 7-8).

As indicated above, town councils did not form part of the terms of reference of the Local Government Committee. This was largely due to the fact that town councils already existed. In the Report of the Local Government Committee (S.639/1, 1964:2) the following was reported:

"In 1955, to provide for the regulation of Townships, the Townships Proclamation empowered the High Commissioner to declare any place in the Territory to be a township, other than a place situated wholly or partly in any Tribal territory. In conformity with the powers vested in him the High Commissioner at various times declared Francistown, Gaberones, Ghanzi, Lobatsi and Tutitown to be townships and defined their boundaries and areas (but) it was not however, until 1962 that the first Township Regulations were made bringing Township authorities into existence in Francistown and Tatitown to be followed in 1964 in the case of Gaberones. No further action was taken to bring a Township Authority into existence in Ghanzi, and Lobatsi awaited the general local government legislation of 1965 ... before a duly constituted local authority was established".

These townships did not truly reflect the tenets of a true system of local government. In the Ministry of Local Government and Lands, Annual Report (1966:7) it was stated that:

"In the case of the three township authorities constituted only one, Francistown, constituted in any way with the modern conception of a democratically elected local authority. In both Tatitown and Gaberones the first constituted local authorities were for various reasons wholly appointed and even in the case of Francistown the elected members as distinct from the appointed members were elected on a restricted franchise."

Qualifications for election into the Francistown council were the following: a member's name had to appear on the voters roll and ownership or occupation of land assessed at not less than R170 in the valuation roll for the township. This property qualification prevented the majority of indigenous people from standing for election because they lived on communally owned land and as such had no individual land title. In addition to that, very few of them owned any land in the towns, and to compound the problem further they owned no other form of fixed property because of the long held colonial policy of preventing Batswana from

owning any businesses or property in towns (Ibid:8).

The result of this was that the elected members were predominantly whites. An important point to raise here is why town councils were introduced earlier than district councils? The main reason seem to have been to appease the agitation by whites to have a say in the running of their local affairs.

Although town councils preceded district councils in the process of introducing a formal and Westminster model of local government in reality they did not represent a genuine system of local government. Best, (1968:590-613) comments as follows:

"At the end of 1965 with the promulgation *inter alia* of the Local Government (District Councils) Law it became apparent that the laws governing the constitution, powers and duties of the then existing township authorities should be amended in order that urban authorities should not lag behind the planned local government developments in the rural areas."

Once this was done a Preparatory Commission was set up to delimit the councils, both urban and rural, into polling districts and wards. The first elections for councils were only held on 13 June, 1966, almost six months after Botswana had become independent. It would therefore be correct to posit that formal and Westminster form of local government never really existed in colonial Botswana.

It is obvious from the above analysis that the process of introducing a system of local government was characterized by reluctance on the part of the British colonial administration to devolve power to local units. The absence of any nationalist movements prior to 1960 also contributed to the slowness with which Britain approached the issue of constitutional and political development in the territory. (Nengwekhulu, 1982: Pula Vol. 2).

The position of chieftainship in relation to local government was defined by the Chieftainship Law, 1965. (Chieftainship Law No.29 of 1965). The Legislative Council has this to say with regard to chieftainship in its comments on the Local Government Committee's recommendations;

" It is considered that the committee has provided a workable solution to a difficult problem. The chiefs, far from being reduced to figureheads, will in important respects be given a larger sphere of influence and of executive action in local government than they have at present, more over their residual powers as traditional authorities are of considerable significance to the members of the tribes. Their direct personal power will necessarily be reduced ... It is true that a chief of indifferent personality might well be overshadowed by the District Council or the Town Council ...".

In practice however, the postcolonial government has systematically undermined the place and role of chieftainship as a component of the system of local government. The chieftainship has become the instrument by means of which the systematic undermining process is undertaken (Sekgoma 1994).

4. SUMMARY

Chapter three begins from the premise that no genuine system of local government existed during the colonial period in Bechuanaland because of the lack of interest in local government by the British Colonial Administration. The study was to evaluate this assumption by undertaking a brief analysis of the nature of British colonial politics in Bechuanaland. It did so by the assessment of the period between 1885 when Bechuanaland was first colonized and 1965 when the colonial rule came to an end. It concluded that the colonial administration made only half-hearted attempts to introduce a system of local government but these only amounted to the conversion of the indigenous political institutions into some form of decentralized units. These did not resemble a genuine system of local government but rather field units of the central government administration for the district commissioner, a

central government official remained the dominant figure in the districts.

The chapter demonstrated that it was only towards the end of 1963 that the colonial administration set up a committee to investigate the feasibility and necessity of introducing a system of local government in Bechuanaland and it was not until 1965 that the country was divided into local government districts.

CHAPTER FOUR

POSTCOLONIAL OF LOCAL GOVERNMENT

1. INTRODUCTION

The objective of this chapter is to assess the emergence of local government in post colonial Botswana. The focus will be to try to isolate and evaluate the reasons motivated post colonial Botswana to introduce the system of local government. An attempt will be made to assess and evaluate the impact or influence of colonial efforts at introducing local government. The chapter will try to assess whether the pre colonial system of local government has had any influence on the post colonial system of local government.

Botswana became independent on 3 September 1966 and became the Republic of Botswana. The dominant political system introduced at independence was the Westminster political system with some minor modifications such as the introduction of an executive president. The system of local government introduced, was the one bequeathed by the colonial administration. In fact the Constitution of Botswana, 1966 (Constitution of Botswana no 83 of 1966) does not make any provision for the establishment of a system of local government. It describes the organs and machinery of central government and various powers to be exercised by each organ of government. The system of local government was introduced in terms of the District Councils Act, 1965, (Act No.2 of 1965) with regard to District Councils Chieftainship Act, 1965 (Act No. 29 of 1965) with regard to Tribal administration; and Township Regulations, 1962 in respect of Town Councils. These Acts and Township Regulations have remained essentially the same, only minor amendments have been introduced. With regard to the Local Government Act, 1965, amendments relate to the removal of the provision which made the chief the *ex officio* chairman of the district council, and the removal of a provision which prevented councils from issuing liquor licences. With regard to the Chieftainship Act 1965, the only major amendment related to the removal of

a provision that placed chiefs under the direct control of the President and transferred this responsibility to the Ministry of Local Government, Lands and Housing.

The first post-colonial local government elections were held on 13 June 1966. According to the Ministry of Local Government and Lands', Annual Report at the close of nominations which took place on 23 May 1966, the following candidates were successfully nominated:

"... 81 Bechuanaland Democratic Party candidates unopposed, 1 Independent candidate unopposed. In contested districts the following were nominated - 82 Bechuanaland Democratic Party candidates, 49 Bechuanaland Peoples' Party candidates, 21 Botswana Independence Party candidates, 7 Botswana National Party candidates - 18 Independent candidates".

When the elections results were declared, they were as follows:

(i)	Bechuanaland Democratic Party -	136
(ii)	Bechuanaland Peoples' Party -	21
(iii)	Botswana Independence Party -	5
(iv)	Independent Candidates -	5
(v)	Botswana National Front -	<u>0</u>

165 seats

(Annual Report, Ministry of Local Government and Lands, 1969)

The results showed the dominant role of the Botswana Democratic Party (BDP) in the local government system. The BDP was to hold this position in subsequent elections. This was the last election to be held separate from the national general election. Tordoff (1973:176) is wrong to argue that elections for councils were held at the same time as parliamentary elections in 1966 and 1969. The first time parliamentary and local government elections were held at the same time was in 1969 as the first parliamentary elections were held in 1965 before independence. These were won by the BDP by 75 per cent of the votes (Tordoff 1973:176).

The poor performance of other parties in the 1966 local government elections could be attributed to a number of factors. For the Botswana Peoples' Party (BPP) the poor performance could be attributed to internal party conflicts and attrition before the elections which ultimately led to its splitting into two factions. (McCartney, W 1971:32-37). As a result the BPP was not in a position to perform credibly in the election (Nengwekhulu 1981).

As for the Botswana Independence Party (BIP) it had just been formed from the splinter group of the BPP and as such not well organized for the elections (Nengwekhulu 1980). The situation with regard to the Botswana National Front (BNF) was almost identical to that which obtained with regard to the BIP. It had just been formed from elements which had previously belonged to the BPP as well as those who had no party alignments. The poor electoral performance of the opposition parties was to become an integral component of Botswana, with the BDP maintaining a superior role in subsequent elections as argued in subsequent analyses.

1.1 Rationale behind the establishment of Local Government in post colonial Botswana

Why did post colonial Botswana decide to introduce a system of local government? What was the rationale behind the system of local government? The following factors seem to have influenced Botswana to introduce a system of local government.

1.2 Influence of political history

As indicated in the chapter 2, a system of local government was an intrinsic component of the precolonial system of government. It formed the basic building block of the whole system of government. The ward was the smallest organizational political unit upon which a district organization was built which in

turn provided the basis on which the national political organization was built. This composition could not be ignored after independence. The elected Batswana are used to participation in the decision making process at a local level. Any political system that undermined this tradition was therefore, likely to invoke resistance from the general public. Hence the retention of the kgotla as the hub centre and legislative organ of the tribal administration.

The ward system is an organizational and political unit on which the kgotla and the whole tribal administration have been based and retained. These two precolonial institutions - the kgotla and the ward still play a pivotal role in village politics. The introduction of a system of local government in postcolonial Botswana was partly a recognition of this fact.

Somolekae (1989:75) argues further than this in her comment regarding the relationship between the traditional and modern systems of government in post-colonial Botswana when she observes:

"What is perhaps true and worth taking note of is the fact that liberal democracy and traditional Tswana democracy are two very different systems of government. In spite of this fact, it appears that the liberal democratic system (which is just over twenty years old) is being built on and continues to find its support and continuity in the foundations of the traditional political system."

The new system of local government is not fully founded on the old traditional political institutions, but takes cognizance of its existence. The new local government system it seems, intended to undermine the traditional political system. Hence it has taken most of the powers and authority which were previously exercised by the traditional institutions as will be demonstrated when the powers and authority of councils are discussed in chapter six.

1.3 Recognition in Local Differences

Recognition of local differences is another factor which seem to have played a crucial role in influencing postcolonial Botswana to adopt a system of local government. The differences referred to here concern differences in subcultural norms, ethics usages and history resulting from Botswana's multi ethnic diversity. There seem to have been a recognition that such subcultural differences could only be adequately dealt with by a local authority.

One of the main roles of the tribal administration, through the kgotla, as a unit of the local government system is the protection and development of local customs, ethnicity and usages as building blocks for a new independent nation (Kgosi, see Papitsolv 1994).

As Kiyaga-Mulindwa (1994:381) puts it although elliptically:

"The architects of Botswana's independence were also quite aware of the cultural and racial differences of the country's population. In his address to the African Advisory Council in 1958, Tshekedi Khama pondered the kind of nation independent Botswana would be, given the strong separate tribal element ... The 1965 Botswana Democratic Party (BDP) election manifesto brings out the dilemma between ethnicity and other sectional differences, on the one hand and national unity on the other. The BDP stood for laws that do not recognize preferential consideration of political, economic or social nature for any tribal or racial group in Bechuanaland. But, on the other hand, the BDP opposed any laws which would destroy any communal associations or bands based on such common interest as language or culture where those associations or bands do not undermine the unity and progress of state".

The system of local government was seen as a solution to the seeming insolvable contradictions. It must be mentioned that tribalism and ethnicity have played a minor role in the struggle of sections within the ruling petty bourgeoisie.

In Botswana no section of the petty bourgeoisie class has so far been able to use tribalism to mobilize the people in order to advance its interest. No political party in Botswana can therefore be termed a tribal party because they have members from the different ethnic groups.

1.4 Leadership and political ambitions of chiefs

The need to pacify traditional leaders was also an important factor in influencing the government into introducing a system of local government. The traditional leaders saw the new system of government modelled along Westminster lines as a threat to their rule. Regarding the role of chiefs during the independence negotiations with the colonial administration, the president, Dr Q Masire, argued:

" The role of chiefs was almost nothing. If anything it was inclined to be on the negative side. They were ambivalent. In the first place they envisaged that when we became independent we would only be reverting to the old times when each one would be a boss in his area. Now we as politicians felt of course, greatly opposed to this relegation of what had become a nation into tribal groups ... they became obviously opposed to political parties". (1978)

The fears and apprehensions of the traditional leaders were to be realized with the enactment of the District Councils Act, 1965, the Matimela Act, 1968 and the Land Board Act, 1969. The District Councils Act, 1965 took away most of the legislative functions from the chiefs (kgotla) whilst the Matimela Act, 1968, deprived them of the right to collect stray cattle and transferred this right to the district councils. The landboards enacted in terms of the Land Board Act, 1969, took away the right of chiefs to allocate land to their subjects. The right to allocate land was perhaps one of the most important rights enjoyed by chiefs for it gave them political leverage with regard to their subjects. For any subject who showed some inclination to challenge the chief could be threatened with deprivation of land and land was central to the survival of individuals. Without land no individual could

exist. The peasant needed land for crop cultivation and animal husbandry.

The enactment of the Chieftainship Act, 1965, as amended, also added to this uneasiness on the part of the traditional leadership. The Chieftainship Act, (1965:4) states that:

"... no person shall hold or assume the chieftainship of any tribe or exercise or perform any of the powers or duties appertaining thereto unless he has been recognized as chief of such tribe under the provisions of this law ... subject to the provisions of sections 6 and 8. Her Majesty's Commissioner (now Minister of Local Government Lands and Housing) shall, by notice in the Gazette, recognize the person so designated as chief of such a tribe."

In terms of the Chieftainship Act, 1965, the chief is appointed by the Government through the Minister of Local Government, Lands and Housing. Legally speaking a chief, is not born but appointed although such an appointment is based on the designation by the tribe meeting at the kgotla and acting in terms of the customary laws of succession. The retention of chieftainship and the kgotla system as units of the system of local government in postcolonial Botswana seem to have been done in order to quell the anxieties expressed by the traditional leaders regarding their role in a new and alien political system.

Why did the new government pursue these seemingly contradictory objectives i.e. the retention of the traditional system of government as a unit of the new system of local government, whilst at the same time systematically emasculating and mutilating it through a variety of laws and other policies? The reason essentially is that the essence of chieftainship and that of the kgotla has changed. In addition to that the system has lost support as a political entity amongst the majority of the people, especially the younger generation.

Somolekae (1989:80) posits that elections perform a crucial role in a democratic system but poses the question as to whether the public is willing to accept whether this should be the process by which their leaders should be selected. She argues that 64% of people surveyed preferred elected leaders over hereditary leaders such as chiefs. Only 27% was found to prefer the system of hereditary leadership. The reason why the government decided to retain chieftainship as a unit is that chieftainship as a historical and cultural institution is still very popular among Batswana, especially among the older generation.

Somolekae (Ibid p.80) states that:

"... among those 65 (years) and over there is a strong tendency to support the chieftaincy. That does not seem surprising since this age group was close to 40 (years) at the time of independence. Even among those between 52 and 65 (years) that is those who were in their late 20's or 30's at the time of independence, two-fifths still prefer the chieftaincy".

As a political institution, chieftainship has lost a great deal of its legitimacy. The majority of Batswana prefer a system of elected political leadership rather than a hereditary one. According to the research results of the University of Botswana Democracy Project, about 64 percent prefer an elected political leadership, and only about 27 percent prefer hereditary political leadership i.e. chieftaincy. (University of Botswana Project, 1989). Support is even bigger for those with education. For instance 95 percent of those with post-secondary education support an elected leadership; whilst 94.6 percent with secondary school education, and 86 percent of those with less than secondary school education supported an elected leadership; 70 percent of those with less than seven years of school education also supported the system. Support amongst those with standard seven education was 27 percent, and amongst those with no education at all was 56.5 per cent. This clearly demonstrates the perpendicular decline of chieftainship as a source of

political leadership. As a cultural phenomenon and part of cultural history of Botswana, its popularity is still very high.

The institution therefore still plays a crucial and unique role in the cultural life of the people. It is thus able to stabilize and solidify the loyalties of the different ethnic groups whose cultural and sub cultural identities it is seen to personify.

Secondly, as a judicial institution chieftainship still enjoys unparalleled popularity amongst Botswana, especially in the rural areas. According to the National Development Plan (1991:447)

"... chiefs preside over customary courts, which handle over 80% of criminal and civil cases in Botswana."

To completely eliminate the chieftainship, would have been politically suicidal. Hence the retention of chieftainship as a unit of the new system of local government. Secondly, because of the cultural charisma of chiefs it was imperative for the government to retain the institution in order to harness them for the political mobilization of the masses, especially the peasants who are the strongest supporters of the institution. So far the strategy has worked successfully for the ruling Botswana Democratic Party which has ruled Botswana since independence. Its success at national level was accompanied by exceptional successes at local government level. According to Molamu (1985:125):

"One can confirm that the expression of a preference for the BDP is more often the case in rural than urban areas. Sixty eight percent of the rural sample as opposed to 53 percent of the urban sample expressed a preference for the BDP".

The third reason why chieftainship was retained and incorporated into a system of local government seems to have been an attempt to minimize class conflicts between the "new" social classes composed of business people, rich farmers and

peasants, professional people and senior officials and the traditional leadership, especially since contradictions had begun to manifest themselves during the independence negotiations regarding the place and role of chieftainship in post-colonial Botswana. At independence the struggle between chiefs and the "new" social classes concerned the inheritance of the state from the colonial administration, which group was to inherit the state as a crucial instrument for the control of the means of production. Chiefs wanted to inherit the state because they had traditionally been the ruling class before colonization and control of the state would guarantee them continued control of the means of production. The "new" class opposed the inheritance of the state by the chiefs and went further by opposing participating in politics by the chiefs as chiefs. The struggle culminated in the victory of the "new" class which was consummated in the passing of the 1965 Chieftainship Act and the District Councils Act, 1965, which established elected councils.

The incorporation of chieftainship into the modern political system as a subsidiary political entity became the only viable option if intra class attrition was to be minimized and intra class harmony and national stability was to be promoted. Commenting on the continued existence of liberal democracy in Botswana, Tsie (1984:19) remarks as follows:

"The stability of multiparty democracy in Botswana is a function of the balance of class forces at independence. The nationalist petty bourgeois struck a unique grand alliance between itself and the chiefs. These two forces coalesced under the organizational umbrella of the Botswana Democratic Party (BDP) 1962 ... With this grand alliance the BDP easily defeated its opponents in the first general election in 1965. This alliance subsequently remained intact although it suffered a serious setback in the Ngwaktse area in 1969 when former Chief Bathoen joined politics as a leader of the opposition Botswana National Front (BNF). Ruling class cohesion unparalleled elsewhere in Africa supported Botswana's stable liberal democracy. The majority of traditional leaders - chiefs and sub-chiefs

- stayed with the BDP correctly realizing that its policies were not necessarily antithetical to their long term interests. The BDP was keen to maintain this alliance for even as it stripped chiefs of their traditional powers ... chiefs and sub chiefs continued to occupy strategic positions in the Land Board and other local government institutions".

This strategy of incorporating chiefs in the modern political system and making chiefs allies of the ruling party was also given concrete expression in the appointment of chiefs as chairpersons of district councils when councils were first introduced although the system was later stopped and today chiefs are mere *ex officio* members of district councils.

The strategy of retaining chieftainship as a unit of local government was motivated by political self-interest and the spirit of self-preservation on the part of the government. It had nothing necessarily to do with commitment to a system of local government. This is of course not to question the personal motives of the members of the government, rather to posit that the primary driving force was the promotion and preservation of class interests.

This strategy did of course minimize contradiction between the government and the chiefs. Like all political marriages of convenience minor conflicts have continued to bedevil the alliance. These are becoming pronounced as size of the national wealth begins to shrink and the ability of government to dish out spoils becomes increasingly constrained. Some chiefs, especially chiefs Seepapitso and Linchwe have increasingly begun to question and challenge government policies towards chieftainship. These appear to be a feeble action of a dying system. For the chances of the traditional leadership assuming a dominant political and economic power in the society are non-existent and chiefs seem to have accepted this reality. Their complaints are thus not aimed at regaining their lost power but rather to stem the tide of reforms and policies aimed at reducing their present limited political space.

The continued existence of chieftainship as a unit of local government will depend, it seems, on its ability and capacity to adapt to the changing socio-economic and political environment. More specifically it will depend on its usefulness to the government, i.e. as a mechanism to mobilize the masses behind the modern fraction of the ruling class as well as its potential in the hands of the opposition parties. Kgosi Linchwe (1994:399-400) has admitted as much when he observes:

"The institution of chieftaincy, which is intertwined with that of the kgotla, has undergone major changes since Botswana's independence in the 1960's. From tense and sometimes antagonistic relationships with the newly established, local institutions of District Council, Land Board and District Administration, the chieftaincy has been articulated into a blend of mutually respecting and coordinated systems with modern institutions of local government. Current developments, however, show that as District Councils grow stronger, Tribal Administration tends to decline in influence".

If chiefs are to continue to play any meaningful role in the society they would therefore need to adapt to changing circumstances. This will entail improving their levels of education and training.

1.5 Extension of democracy and participation

The introduction of local government was also predicated upon the need to extend democracy and participation. This was clearly stated in the Legislative Council Paper which stated that (Legislative Council Paper no. 2, 1994:4):

"It is essential that constitutional development at the centre should be balanced by the growth of democratic institutions throughout the country. Freedom and responsibility in thought and action must be stimulated at every level if they are to be fully understood and given effective expression, and one of the best checks to any tendency to authoritarianism is a widespread cultivation of these habits of mind and the readiness of people at every level

of society to play their part in the conduct of local affairs".

The extension of democracy to all corners of the country and the encouraging people to participate in the decision-making processes was one of the factors behind the introduction of the system of local government in post colonial Botswana. The system of local government was thus seen as an integral and intrinsic part of accountable governance and participation by people.

This commitment has been reiterated and reaffirmed in the National Development Plan 7, (1991:445) where it is observed that:

"... The machinery of local government in Botswana has been designed to facilitate people's participation in development. It reflects a long tradition of democratic contribution and devolved decision-making".

This commitment to extend democracy to the people and encourage participation in decision-making processes has, however, remained largely theoretical. In practice the tendency has been to exclude the people from meaningful participation in the decision-making processes.

At the political level, participation and involvement in decision-making has largely remained at the level of voting for elements of the petty bourgeois class into the council. Little room exists for "ordinary" people to become councillors. Molutsi (1989:124-125) remarks that:

"Class, status and gender have remained important factors in determining access to elected representative roles in Botswana's democracy. Most of those who stand as members of parliament or as councillors are people with some form of status in their communities. Such status is usually obtained from high levels of education and/or substantial property holdings (e.g. a large herd of cattle, a ranch, a tractor, a restaurant, or a general dealership)... Councillors are clearly people of high social and political

status".

According to the survey of elites by the Democracy Project 38 some 66 percent of councillors were farmers, whilst those who own businesses constituted 37,5 percent. Only 23,9 percent of councillors claimed not to own any property. (Democracy Project Survey, University of Botswana, Gaborone, 1989).

Cohen (1974:124) commenting on the results of the 1974 general election in Botswana observed that:

"... the political elite in Botswana is in comparison with the people of Botswana, also an elite of wealth".

This was also confirmed by the 1984 General Elections in Botswana Survey conducted by the University Election Survey Unit. According to this Survey:

"Nearly three-quarters (74.1%) of the sample were members of one or another strata of the bourgeois which are described below. A much smaller proportion (12.3%) were semi-proletarianized wage workers who also engage in direct agricultural subsistence production. Overall then those who ran for office in 1984 were among the wealthiest in the country, a finding which is consistent with the findings in the 1974 candidates survey". (Somolekae, 1984:134).

Parson (1984:83) concurs with this observation. He argues that wealth played a role in the selection and nomination of candidates for election into Parliament and councils. Education and wealth, determine whether one qualifies or not for seats in these institutions. According to him the influence of wealth cuts across party affiliation.

It is clear that the influence of wealth has reproduced itself throughout the successive elections, guaranteeing that political leadership positions and roles circulate amongst members of the elite. The implication of this argument is that Parliament and councils are class institutions which are controlled by those who have wealth. Elections merely serve to legitimize their class character by making them appear to be classless activities. This would mean that councils are not extensions of democracy but rather institutions for the consolidation of class rule.

The introduction of the system of local government has in practice become a mechanism for providing institutional avenues for the incorporation of those members of the ruling elites who could not be accommodated in the national political institutions such as Parliament.

In the light of the above analysis, it is therefore doubtful whether it could be seriously argued that the system of local government is satisfying the demand for extending democracy to the people. Democracy means and should mean much more than the circulation of decision making roles in the hands of the petty bourgeois and thereby reducing the members of "ordinary" members of the society. Democracy as Lively (1975:30), puts it graphically, means:

- "1) that all should govern in the sense that all should be involved in legislating, in deciding in applying laws and in governmental administration.
- 2) that all should be personally involved in crucial decision-making, that is to say in deciding general laws and matters of general policy ..."

The monopolization of political leadership positions, including those of local government by the petty bourgeoisie, is not a unique and peculiar feature of Botswana's political system, rather an inherent weakness of liberal democracy. (Molomo 1989:242).

At the development level participation has been limited to the level of implementation. Active participation in the identification of their development

needs, and the formulation of plans to translate these needs into actual development projects has been replaced by consultation. Even this consultation is somewhat vitiated for in most cases it involves consulting prominent people such as chiefs, a local councillor or a member of Parliament. As Molomo (1989:242) remarks:

"The foregoing discussion of post colonial state of Botswana shows that the dominance of bureaucratic institutions undermines the realization of both participatory and representative democracy. The dominant trend has been that government officials address people to inform them of the range of programmes and to encourage them to participate in development efforts".

Part of the reason for the low popular participation in the decision-making process has been the absence of any serious programme of socio-political mobilization of the people, by local government, authorities, central government and non governmental organizations such as political parties, interest and pressure groups (Etzioni 1961:493-513).

In this analysis, by political mobilization is meant a conscious and deliberate process whereby the awareness and consciousness of the masses of the socio-economic and political conditions of the society in which they live is heightened and sharpened in order to promote and increase their level of political understanding. This enables them to make critical choices whether these are political, social or economic choices and thereby increase and heighten their level of participation. This process may take the form of organizational and educational initiatives. Viewed from this perspective, political mobilization is thus a process of imbuing and inculcating political consciousness and awareness amongst the people so that they may understand the need for their participation in the decision-making. The higher the level of political consciousness, the higher the level of understanding and the higher the level of participation (Rudebeck 1974).

Political mobilization has been lacking in Botswana and as such the system of local government has not been able to sufficiently perform the function of promoting participation in decision-making. Commenting on the results of the survey conducted by the University of Botswana Democracy Project, Somolekae (1989:86) commented on the low level of political mobilization:

"The results of the foregoing analysis indicate the need for all involved in mobilization and education to sensitize people to realities and values that are involved in a democratic system. The structure alone, without working on the cultivation of complementary attitudes to support them, are not likely to be able to strengthen and sustain our still fragile democracy in the public mind".

Thus the commitment by the central government to make the system of local government an instrument or medium through which mass participation in the decision-making process becomes an intrinsic ingredient of Botswana's democracy has so far largely remained at the rhetorical level. Institutions i.e. councils and dikgotla, have a high potential to become vehicles for political mobilization and participation. This would entail, however government officials and politicians abandoning the tendency of using them as mere administrative tools for informing people about decisions already taken. The Village Development Committee (VDC) set up by government to facilitate rural mass participation in the decision-making process have not lived up to expectations. They are dominated by members of the ruling class who monopolize most if not all leadership positions, for instance the VDC's are chaired by the chief or headman. According to the National Development Plan 7, Gaborone (1991:447):

"The VDC coordinates development in a village through self-help efforts and proposing projects for the District Council to consider for inclusion in its development plan. It is estimated that there were about 580 VDCs in Botswana in 1990".

Most of the VDCs are moribund and their input into the decision-making process is almost non-existent. More important also, their participation in the District Development Committees (DDC) is through the District Development Officer (Development) who is an employee of the central government (DDC's) are very crucial in the development of the district.

They serve as planning vehicles for the district. They co-ordinate the work of various central and local government agencies. Their work involves preparing development plans and supervising the implementations of district development plans.

According to Ellison's (1990:25) report commissioned by the Ministry of Local Government, Lands and Housing there is no cooperation between extension staff, forming part of the Village Extension Team and Village Development Committees because the linkage between the two is weak.

The result is that projects continue to be vertically managed from top to bottom. This has weakened the spirit of self-reliance. He argues that extension continue to treat consultations to tell people what to do and not to do rather than listening to what people would like to say.

As a solution to this problem, Ellison recommended that government pay more (Ibid p.27 of 114):

"Attention to a more effective village consultation system combined with a revitalization of extension services and greater district-level control over project coordination should be accelerated ... The methods, planning, approach and delivery system associated with village development ...

Revision of District Planning Handbook should include extensive attention to improving the methods of working with VDC linkages to VETS (Village Extension Teams), kgotla and the community in general".

Government's response to the recommendations of the Ellison report was to commission another consultancy in 1994 to undertake a revision and review the District Planning Handbook. This consultancy has still to submit its recommendation. Participation in the decision-making process is thus still largely a mirage, despite the statement of the National Development Plan 7, (Gaborone 1991:465) that government is committed to the principle of "bottom-up" planning. Whether the government will ultimately translate this ideological commitment to popular participation in the decision-making process into concrete reality is difficult to predict. What is certain, however, according to Julius Nyerere, Finucane (1974:19) is that:

"Leadership means talking and discussing with the people, explaining and persuading. It means making constructive suggestions, and working with the people to show by actions what is it you are urging them to do. It means being one of the people and recognizing, your equality with them. But giving leadership does not mean usurping the role of the people. The people must make decisions about their own future through democratic procedures. Leadership cannot replace democracy, it must be a part of democracy".

Therefore the Botswana government will have to improve its present system of planning. The tendency of the government institutions to define what the needs of the people are and to plan how those needs are to be achieved and only involve the people at the level of implementation would need to be minimized, if not completely removed, if planning and development are to become a democratic process. In a democracy (Ibid, p.1)

"Development brings freedom, provided it is development of people. But people cannot be developed; they can only develop themselves ... A man develops himself by joining in free discussion of a new venture and participating in the subsequent decision, he is not being developed if he is herded like an animal into a new venture". (Ibid, p1).

This kind of attitude towards participation in the decision-making process is still lacking in Botswana. Rhetoric still requires translation into practice in order to create conducive conditions which will transform people from being mere objects of decisions and make them subjects of the decisions which affect them. Viewed from this perspective people cease to be merely targets of decisions and resources to be managed and utilized by "experts". This will entail class suicide on the part of the petty bourgeois class in the sense that it will require distilling the current local government structures and institutions including the village development committees of their class content (Poulantzas 1978).

1.6 Local Government Development

It has been argued that local government is an instrument for development because it facilitates participation by people in the process of development. According to the National Development Plan 7 (1991:445):

"Local government plays a crucial part in the development process: it helps to administer the transformation of Botswana's mineral based revenues into sustainable development for people ..."

Their role is however largely concerned with programmes and project implementation. The formulation and design of development policies, programmes and projects have so far, however been largely the preserve of the central government. In theory, councils should formulate and design development policies, programmes and projects that should form the basis of the national development plans. This is the official "bottom-up" development policy formulation and design

of the government. According to the official policy of "bottom-up" development planning, policy formulation and design, councils, as local governments formulate their own District Development Plans (DDP). This means that district plans serve the same purpose as the national development plans. The assumption is that they are more familiar with the needs of their own districts than the central government. Danevad (1972:122) remarks that:

"In addition to being a guideline for the development at the district level, one official objective of district planning is to incorporate the priorities of the DDPs into the programmes of Central Government. Ideally, the planners in the ministries should have the DDPs at hand when they start the preparation of the National Development Plan (NDP). The national plan might thus have been the aggregation of the planning activities at the district level".

In practice, central government planners invariably ignore district plans, programmes and projects when preparing central government plans. Where they recognize them, they used them as working or reference papers.

As if to emphasise the low priority given to district development plans, programmes and projects, line ministries prepare parallel plans, programmes and projects which are located and implemented in the districts. To make the situation even more bizarre, the preparation of district plans, programmes and projects do not coincide with the preparation of the national development plan. In fact district plans are usually three to four years behind the national development plan. As a result according to Ellison (43:114):

"It is widely assumed by district personnel that planners located in Gaborone never look at DDPs. This view is not without justification. Many planners have never read a DDP and some admit to not even knowing what they are. Some planning officers have candidly reported that even if they did have a district plan, in the end their ministry will proceed without reference to project specific activities".

The central government has admitted that local government's input in the preparation of district plans, programmes and projects described in the National Development Plan 7 (1991:80) is minimal:

"District planning was introduced in the late 1960's with the intention of making the districts more effective instruments of economic and social development. Developments needs identified in the Districts by project and temporal priorities would provide pertinent information for sectoral ministries and feed indirectly into the National Development Plan. Some difficulties with this approach have emerged in previous National Development Plans. District plans have been given inadequate attention in the formulation of most sectoral plans ... as a result sectoral and district plans are often not consistent with each other. Finally, the planning period for Districts is not coincident with the period covered by the National Development Plan: These factors have contributed to the disenchantment of many district planning officers and other district officials with the planning process".

The National Development Plan 7 has attempted to remedy this situation, but the extent to which district plans will form the basis of future National Development Plans is difficult to predict. What is clear however, is that the Government's philosophy of making districts, especially local governments, the bedrock of the process of development has largely remained at the rhetorical level. This has created implementation problems for the councils. Councils have found it difficult to meet their development targets. Egner (1978:186) comments as follows:

"There was an overall implementation rate of 55% on MLGL (Ministry of Local Government Lands and Housing) rural projects in 1979/85. compared with 70% in 1973/76 (NDPIV) and 51% in 1976/79. This result is disappointing in view of the growth of Council recurrent budgets from P10.3 million in 1979 to P70.2 million in 1988 ... There are two versions of why councils did not meet their development targets in 1979/85. MLGL officers take for granted that councils must have failed to organize themselves

properly. Council officers state (a) they were never told what the targets were, so cannot be blamed for not achieving them, and (b) they spent all or almost all the money the ministry allowed them ..."

Although other factors, such as shortage of trained personnel have contributed to the failure by councils to meet their development implementation targets, it is obvious that the over centralization and bureaucratization of the planning process have played an important perhaps crucial role in delayed project implementation as well as complete failure to meet development targets.

Whilst increased involvement of councils in the process of development policy formulation, development planning and programme and project identification will not necessarily be a panacea for development policies, programmes and project implementation problems so far experienced, it would seem however, that it will go a long way in minimizing them. Government seems to be moving towards that direction and with increased pressure from councils for a more meaningful decentralization of district development efforts, the possibility of this becoming a reality seems brighter than before (National Development Plan 7). As the situation presently stands the philosophy of making councils vehicles for development is still largely theoretical.

1.7 Local Government: administrative efficiency and effectiveness

The efficient and effective provision of services have been advanced as one of the reasons behind the decision by Botswana to establish a system of local government. (Legislative Council, Local Government, Legislative Council Paper No. 2 of 1964). Implied here is that because of their closeness to the needs of the people local government authorities are in a better position to identify the real and correct needs of the people and thereby be able to provide the required service at the time it is required.

The question is whether the establishment of local government authorities has indeed led to the improvement in the provision of services. Suffice it to state that in theory, it is true that the nearer the institution of government is to the people, the better informed it is with regard to the needs, aspirations, dreams and frustrations of the people. In practice however, this has not always been the case. There is ample evidence that on a comparative scale with central government departments, local government does improve the management and provision of services by reducing unnecessary delays, by increasing flexibility and general responsiveness by reducing administrative and management costs. (National Development Plan 1991-1997).

The Legislative Council Paper No. 21 of 1964 which laid the foundation stone for the system of local government, describes it as:

"Equally important of course is the efficient and economic provision of services which people today demand even in a rural environment, and which because they vary in kind and quantity from one area to another, should not be provided by the central government".

2. SUMMARY

This chapter was intended to identify and evaluate the reasons behind the introduction of a system of local government in post-colonial Botswana. It came to the conclusion that there were six reasons why post-colonial Botswana decided to introduce a system of local government. These were: the influence of the political history of Botswana; the need to recognize and accommodate local differences; the need to satisfy the political and leadership ambitions of chiefs; the desire to extend the frontiers of democracy and participation in the decision-making processes, the recognition of the role local government plays in development and the impact of local government in the improvement of administrative efficiency and effectiveness.