FROM INCLUSIVE GOVERNANCE TO PEACE: EXPLORING AFRICAN GOVERNANCE SYSTEMS

by

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ABSTRACT

This dissertation defines and explores the concept of inclusive governance, highlighting linkages between inclusion in governance, legitimacy, and peace. Focusing specifically on the inclusion of traditional, local systems of governance in state government, I explore the unique role traditional institutions have as a bridge between the communities they serve and the government. I examine the relationship between governance, quality of inclusion, legitimacy, and sustainable peace through case studies, challenging prevailing narratives and conceptualizing inclusive governance through a reflexive analysis of existing literature, theory, and empirical evidence.

I offer a case study analysis of Uganda highlighting the relationship between state government and traditional governance structures with the aim of understanding governance systems, further placing this analysis within the context of the relationship between governance and peace, using two other African states – Botswana and Zambia – which, unlike Uganda, have not experienced violent conflict post-independence. The case studies offer insights into the importance of formal, legal integration, as well as the informal, soft powers of traditional institutions. I offer a perspective defined by context and historical and cultural circumstances, discussing inclusive governance as a spectrum in which the goal is meaningful participation and quality inclusion which would allow traditional institutions to have influence in shaping policy. Finally, I look at implications and critical points at which change might be possible, both for national and international actors working toward inclusive governance for the sake of sustaining peace.

My work contributes to the literature on governance and inclusion, filling two significant gaps in scholarly literature: the study of inclusivity in governance, especially as an avenue to understanding how governance has developed in sub-Saharan African states and how this might impact the maintenance of peace; as well as the concept of inclusion itself, which remains understudied, often referred to by policymakers in passing, but rarely truly explored or explained.
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CHAPTER I: Introduction

“Theory follows reality. It also precedes and shapes reality.”

Robert Cox (1992, 133)

In June 1999 at his inaugural speech as President of South Africa, Thabo Mbeki said “we are an African nation in the complex process simultaneously of formation and renewal.” This quotation rings true not just in South Africa, but also in many other sub-Saharan countries. African states are both new and old, they are being built and rebuilt. Initial post-independence efforts focused on burying the past and modeling states on Western examples, using inherited governing structures that have proven largely ineffective. In the 1990s the focus on nationbuilding gave way to the revival of traditional authorities. Today, most African state governments are a combination of the old and the new, expending efforts to include chiefs and other traditional leaders to boost their own legitimacy. There is a delicate and politically challenging dance of power relations between two centres of power, as they form new, contextually relevant systems of governance.

This dissertation is a study of the concept of governance in the African context with the aim of understanding governance systems that do not easily fit into existing Western models of state governance. As Englebert and Dunn (2013) suggest, scholarship on comparative politics and international relations theory is rarely well placed to explain African politics, as it is biased toward Western ideologies or frameworks. African politics differ from the Western ideal. Each state has its unique political climate, but by broad comparison, politics on the continent are more informal; that is, there are plural and parallel systems of political authority (Englebert and Dunn 2013), and loyalties are often divided. In the absence of applicable political paradigms and theories, to better understand African politics it is necessary to observe the networks of power within states, as well as the interactions between these networks. By
necessity, these must include ethnicity and traditional governance, both critical on the African political stage.

Following on a trend of decolonization of knowledge, the work presented here strives to reform the understanding of governance in the context of sub-Saharan Africa, and Uganda specifically. I argue that formal inclusion of traditional institutions into state governance promotes peace. Using concepts of governance and inclusivity in scholarly literature, this dissertation offers a case study analysis of Uganda highlighting the relationship between state government and traditional governance structures. It further places this analysis within the context of the relationship between governance and peace, using two other African states – Botswana and Zambia – which, unlike Uganda, have not experienced violent conflict post-independence and therefore have seen minimal international intervention in peacebuilding. The argument being made is that the cause of conflict in Uganda is the lack of formal inclusion of traditional institutions in governance and that, should the state move toward a more inclusive system of governance, sustainable peace would be more likely. The research presented here examines whether and how traditional authorities are legally and practically integrated into state government in these countries, both to broaden our understanding of the concepts of governance and inclusivity to include functioning models in sub-Saharan Africa; as well as to identify gaps in the mainly Western defined state- and peacebuilding literature and policies.

The Thesis: Integrated and Inclusive Governance

“To seek to build peace is to engage with people’s sense of history, identity and community – with a shared sense of how to approach the past and future, and what stands as the context for inclusive participation” (Brown and Gusmao 2009, 68)

The thesis for this dissertation is based on the thinking that countries which formally integrated traditional systems of governance into state government – and that did so in ways that acknowledged the historical and cultural roots and governing systems of various ethnic groups in the country - are more
likely to have maintained peace since independence. I had wondered for some time why countries like Botswana and Zambia were able to avoid violent conflict even as neighbouring countries in the region were experiencing wars. Unfortunately, scholarly literature on the topic has been sparse, with causes of conflict, rather than causes of peace, leading the charge (Gleditsch, Nordkvelle, and Strand 2014).

It seemed likely, or at least feasible to me that governance would play a leading role in shaping how (and how well) the state developed and maintained peace or managed potential conflict. Furthermore, inclusive and integrated governance was needed in order to ensure that all parties (core and periphery) were represented and identified within the state more broadly, thus maintaining a stake in preserving peace. Such inclusion would mean that all ethnic groups would feel invested in the maintenance of peace and development in the entire country, not just their own community.

However, in order to achieve such inclusion, mere recognition of all the groups in the state is not enough. Representation and meaningful participation in decision-making, formally embedded in the laws of the country is necessary. For the government, inclusion represents a chance at increased legitimacy, thus making governance and policy implementation easier. Furthermore, it contributes to social cohesion as traditional communities become more firmly invested in the development of the state as a whole. For traditional institutions, inclusion represents both an additional (legal) source of legitimacy, and a way for them to incorporate the values and traditions they represent and are symbols of, into the governance system of the state.

Englebert (2000) argues that rather than the common social capital and ethnic heterogeneity theories which prevail in attempts to explain Africa’s difficulties with good governance and development, it is the historical legitimacy of states which influences their developmental capacity. He proposes that the colonially imported instruments of governance are in conflict with preexisting political institutions, norms, and traditional sources of authority, rather than being embedded as they would be if they had
developed endogenously. He focuses on power as the central issue in that where legitimacy is stronger, leaders are inclined to choose policies and support institutions that support development, as they come with a larger pay off in terms of power and a further increase in legitimacy. Where the state has less legitimacy, leaders have no loyalty to the state, and instead distrust it. This leads to neopatrimonial behaviors. In other words, if the government was seen as more legitimate it would be more likely to act in the best interests of its citizens, not only contributing to the development of the state, but also to long-term peace. I propose that inclusive governance is one way to achieve such increased legitimacy.

In order to explore these ideas further I needed to test this theory and to contrast peaceful countries with ones that had experienced conflict. I decided to focus on Uganda. It offered enough similarities to Botswana and Zambia historically, while also being a ‘donor darling’ and as such relatively well developed for a post-conflict country. Importantly, unlike Botswana and Zambia, shortly after independence it had made traditional institutions illegal, and only reinstated them as cultural institutions in 1993. While Uganda formally recognized traditional institutions, it has made no further efforts toward formal inclusivity beyond that. By comparison, Botswana and Zambia not only recognized traditional institutions, but also created forums for representation (Houses of Chiefs) and participation (primarily advisory) in policy debates. While in each of the three countries the relationship between state and traditional institutions is extremely complex and primarily informal, the formal steps Botswana and Zambia have taken to integrate traditional structures into state government have resulted in fewer gray areas on the role of these institutions and an increase in formal legitimacy for both sides. This in turn has created an environment in which grievances by ethnic groups can be formally addressed based on an established system of regulations. Furthermore, these rules can be adjusted or adapted as needed, since
the laws are already primed to favor inclusion. As in Zambia, where incremental changes to increase the quality of inclusion of traditional institutions have been made by adapting the constitution. Or in Botswana, where minority groups which have been excluded have chosen to address the issue through legal channels. The analysis of the case studies has therefore led me to conclude that inclusive governance can increase the legitimacy of the state government, thereby increasing the likelihood of successfully sustaining peace.

I define inclusive governance as the systematic, systemic, and structural inclusion of representative groups into the system of governance of the state. These groups can include youth, women, traditional indigenous institutions, civil society groups, and others representing various communities and perspectives. Because governance is socially constructed, it integrates the values and priorities of those actors which are included in it. The omission of certain groups in turn, creates marginalization and delegitimizes the system in the eyes of the excluded. Even when perceived priorities of excluded groups are acknowledged in the governance system, the exclusion itself creates a gap in which these values are artificially inserted (the ‘add and stir’ method), and do not evolve in ways that represent the excluded group’s priorities. For example, a state cannot speak of the role of youth in development or peace, without engaging them in governance, and allowing them to be a significant part of forming policy and driving these agendas. Through meaningful inclusion in governance, the goals of various groups are taken into account and become part of the priorities of the system, thus legitimizing the process and

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1 I want to acknowledge here, that this is by no means an easy process and depends largely also on the strength of the rule of law in the country. However, the presence of these regulatory tools means that there are ways to address these issues.

2 The meaning of peace is contested, with definitions spanning from negative peace, or the absence of physical violence, to the ideal of positive peace, in which all forms of violence, including structural, are absent (Galtung 1969). Inclusive governance is a key factor in achieving and maintaining positive and sustainable peace, although throughout this dissertation I limit myself to the notion of negative peace during the case study analysis, only theoretically addressing the connection between inclusive governance and positive peace.
creating a unique, context-specific, system of inclusive governance\textsuperscript{3}. Furthermore, this promotes the view that grievances of included groups have been seen and are being addressed, or at the very least, due to their inclusion, they have the possibility to bring these issues to light. It is the feeling of being heard, having a place at the table, a role in forming governance priorities, and an avenue to address grievances, that makes sustainable peace possible.

The connection between inclusive governance and peace is supported by various theories in peace and conflict literature. For example, Gurr’s (1970) relative-deprivation thesis, in which he argues that collective violence is triggered by the discrepancies between what people believe they deserve and what they actually get, can easily be applied to traditional institutions and inclusive governance. This is especially relevant when we take into account the sources of value expectations Gurr (1970) uses: past conditions, abstract ideals, standards of a leader, and reference groups. Due to the history and cultural significance of traditional institutions and their leaders, it is not surprising the groups would have expectations of being included in governance. Lack of such inclusion, again unsurprisingly, can lead to frustration and, possibly, aggression. As Akhtar (2018) notes “a challenged, deprived or marginalized group identity can be a precursor for politicization and violent manifestation in form of aggression and political violence by the challenged group or community” (2018, 176). Another theory which highlights the positive effects of inclusive governance is Azar’s theory of protracted social conflict. He argues that the prolonged and violent struggles by communal groups within states were a result of the lack of “security, recognition and acceptance, fair access to political institutions and economic participation” (Azar 1991, 93). Here again social exclusion from basic aspects of political life is key. Inclusion addresses the lack of recognition, acceptance, and importantly, access.

\textsuperscript{3} Throughout the dissertation I refer to a ‘system of governance’, or ‘system of inclusive governance.’ While governance is a process, it is enacted through the creation and implementation of systemic structural changes, including legal frameworks and institutions, which result in a governance system.
Although the concept of inclusive governance is broad, for the purposes of this dissertation I specifically refer to the inclusion of traditional, local systems of governance in state government thus increasing the likelihood that governance is tailored to the local values and cultures it serves. Holsti (1996), whose work on legitimacy is cited in the next chapter, wrote once that wars are “not about foreign policy, security, honour, or status; they are about statehood, governance, and the role and status of nations and communities within states [emphasis mine]” (1996, 20-21). My focus on the inclusion of traditional institutions is based on their unique role as a bridge between the communities they serve and state government. Using this aspect of inclusive governance, I explore the relationship between governance, inclusion, legitimacy, and sustainable peace through case studies, challenging prevailing narratives and conceptualizing inclusive governance through a reflexive analysis of existing literature, theory, and empirical evidence.

I begin the current chapter by outlining the questions that guided the research presented in this dissertation. I then offer an overview of the historical context and theoretical concepts relevant for the undertaking of this study, and a background summary for the case studies chosen. In the second half of the chapter, I present the mixed qualitative research methods that were used and a brief synopsis of the remaining chapters. The chapter ends with a section on the impact and contribution to knowledge made by the work presented here. As will become clear, the premise of this work is that there is a knowledge (and practice) gap present in our understanding of governance, inclusion, and peace. As such, I argue that states which legally include and integrate traditional authorities, giving them a role in the governance system, are more likely to be able to sustain peace.

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4 Holzinger et al (2016) offer an overview of how limited the current scholarly literature on the topic of integration of traditional institutions into state government is.
Research Questions

With policymakers and scholars increasingly calling for change, we are at a critical point where empirical discussions and theory need to meet with practical considerations in order to allow for constructive change. The research resulting from this project will be important in identifying the options ahead, both for national governments in Africa, as well as international actors engaged in the region. Data gathered from desk research and interviews and observations in Uganda (and to a lesser degree in Zambia) will allow for an in-depth analysis of inclusive governance in these states, as well as a better sense of the legal methods of integration used to create their unique regimes. This in turn will help identify aspects of localized understanding of governance conducive to, or prohibitive of, support efforts in the promotion of peace.

Thus, the main argument advanced by this dissertation is: *Inclusive governance, through the integration of traditional governance systems, promotes state legitimacy and sustains peace.*

Due to the broad nature and complexity of the topic, several supporting questions have guided the research, including:

- How are traditional institutions legally integrated into state government?
- How are these institutions’ roles understood by government officials and by traditional authorities themselves?
- What does inclusive governance mean in this context?
- How inclusive or exclusive are these governance systems?
- Do answers to these questions identify relevant gaps in peacebuilding and statebuilding literature and policy?
A Crisis of Governance or a Crisis of Statebuilding?

In a 1989 report the World Bank (1989) proclaimed that Africa is in a crisis of governance. Since then, the West has struggled to support African states in achieving good governance through various forms of peace-, state-, and institution-building. Not only has this focus on building democratic states in post-conflict regions resulted in deploying international resources to support the establishment of governments dominated by their executive branch, with weak public sectors and pre-war economies (Zaum 2012), it has also garnered criticism as a neo-imperialist effort to impose Western political, economic, and social practices. The international community has had little success in establishing sustainable peace and good governance (Said 1993), instead inadvertently perpetuating cycles of fragility and conflict by creating contested states (Autesserre 2014b).

In many ways, observers in the West tend to be ignorant of how governance works in African states. The democratic framework is one that is familiar, comfortable, and commonly accepted as a worthy goal. Thus, it is generally supported through various internationally funded programs even while there are ongoing debates about how best to achieve such democratic governance. Yet, it is increasingly clear that the assumption that a well ‘built’ state will ‘fix’ any issues plaguing a country is misguided. The framework being used is not compatible with the local conditions, because the way governance is understood in the West is not the same as in the African context. One can therefore not speak of a failure of governance, so much as a failure of statebuilding, or more specifically, international statebuilding policy.

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5 I am aware that generalizing to the West and African context is also misleading as each is comprised of multiple nations with their own local contexts in which nuances of governance and democracy will differ. These generalizations are used here as sparingly as possible to emphasize the points made, while remaining aware of the complexities involved.
Making matters worse is the fact that, according to African scholars such as Ayittey (2006) from Ghana, and Ugandan historians interviewed as part of this dissertation, many African leaders are also ignorant of, or unconcerned with, the various cultures, histories, and motivations of their own people, thus working on faulty assumptions themselves. For many, even when they recognize their lack of knowledge, there is little to encourage them to study and understand the diversity of their countries, when political, financial, and other personal goals are met without such an investment. They use the confusion and uncertainty so prevalent in African politics to maximize their profits in what Chabal and Daloz (1999, xviii) have called the “political instrumentalization of disorder.” Thus, many policies implemented by African governments are not representative and do not respond to the needs of the people. In Uganda, which is extremely diverse both ethnically and linguistically, it is not uncommon to hear people refer to other ethnic groups as foreigners. This is hardly surprising as over 40 languages from four different language families are spoken in the state. Combined with the cultural and historical differences between the groups, Uganda is one of the most diverse countries in the world (Alesina et al. 2002).

These realities on the ground make the discussion of inclusive governance all the more relevant, both for local and international actors. Despite the largely ambivalent attitude of African elites toward traditional institutions, these structures are experiencing a revival around the world (Oomen 2005). This revival is happening hand in hand with democratic transitions in states. As a result, scholars have been discussing the potential advantages and disadvantages of regimes combining local institutions and liberal democratic models, dubbing them hybrid (Boege, Brown, and Clements 2008; Meagher, De Herdt, and Titeca 2014; MacGinty and Richmond 2015; Goodfellow 2013; Belloni 2012). While local, traditional institutions and democracy in sub-Saharan Africa are both popular topics, few studies look at the
combination of the two in depth. Those that do, typically focus on the tension between the ‘modern’ and the ‘traditional,’ following along imperial lines of thinking about civilizing traditional cultures by injecting modernity (read European/Western-style governance models) into their political structures. Yet what is often found in African countries are unique systems, which like in the West, have borrowed from various models to create an arrangement that responds to the particular needs of the state. Like most Western governance systems, these systems are not perfect, and each country is continually redefining and adapting them to its own needs and experiences.

Because the government models implemented in sub-Saharan Africa have followed the European mold, it is easy to draw parallels and borrow from theories such as hybridity, which focuses on the integration of the global and the local. The state government can be seen as the proxy for the external actor in these theories, especially since the state government is often seen by its own citizens as foreign. Yet, at the end of the day, these governments are local, even if they are modeled on foreign examples. And so inclusive governance is a study of two local systems integrating and creating a system of governance that is uniquely adapted to the country in question. It acknowledges and moves past mixed government (Sklar 1999), to focus on how a single, non-binary, governance system has evolved from this mix. It highlights the messiness and complexity of the evolution of governance in ways that support either conflict or peace.

What makes this adaptation complicated is the fact that rather than integrating Western governance institutions and concepts into familiar local, traditional structures, African states are doing the opposite, and in many cases only hesitantly. Following the dismissal of traditional systems as primitive by colonial powers, and the artificial implementation of Western systems on the continent, doubts (and fears) about the usefulness of traditional structures remain common. Both Western and African leaders

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6 Baldwin (2016) and Logan (2009) are examples of the few scholars to publish on the topic recently.
often point to the detrimental effects of traditional authorities on democracy (Mamdani 1996), as a reason for not engaging with the traditional community representatives within their countries. Yet a recent study has undermined this view, proposing evidence of a positive effect of chieftaincy on democracy (Baldwin 2016). According to Baldwin (2016) countries where chiefs have been more integrated into the administrative governance structures of the state show higher levels of democracy, in part due to the chiefs’ abilities to act as facilitators for participatory democracy and as development brokers who ensure a level of accountability vis-à-vis the government. In my view, this is not the only positive aspect of chieftaincy and traditional institutions. As the work presented here will show, the inclusion of these structures into the governance framework of the country is also relevant for peace.

The African State

In order to understand the influence of history and Western frameworks on the contemporary state and its governance structures it is necessary to explore how the African state was created and the statebuilding policies in place which guided the development of these, now independent, countries. A more robust discussion of statebuilding, particularly from a historical point of view is undertaken in the next chapter. However, some basic points are presented here to highlight the influence of these processes.

There are areas of the world where the Weberian/Westphalian state did not develop as a result of a long, often violent, historical process such as occurred in Europe. As in some other regions of the globe, on the African continent new states were created in very short time frames by colonial powers in the image of the European state, but with the primary goal of enhancing the colonial occupiers’ ability to administer the territory and exploit it economically and/or strategically. Some boundaries were formed based solely on lines drawn on maps to divide the continent in ways that seemed profitable and convenient for the colonizers. This resulted in borders cutting across trade routes and paths traditionally
used by nomadic tribes, as well as dividing whole tribes between two or more states. The colonizing states, even if democratic on their own soil, were decidedly authoritarian in their governance of colonized lands (Bayart 2010). Western states continue to be accused of similar behavior, as *illiberal* methods are employed to enforce *liberal* peacebuilding (Belloni 2012). Adding a layer of complexity is the widespread belief throughout the international community that states can only remain peaceful and successful if they are liberal democracies (with market economies).

It is unclear how African governance systems would have developed had they been left to do so without violent European intervention. It is possible that states in the image of the modern Western state would have emerged eventually, but likely based on alliances and thus more in line with the tribal governance structures already in place. Western institutions of governance would be integrated into traditional structures rather than the opposite. Somaliland may provide a glimpse of such an arrangement where an inclusive political order has emerged, combining local, traditional authorities with Western characteristics of states (Boege, Brown, and Clements 2008). Regardless, the ‘cohesive’ state entities on the continent, formed by these accepted geopolitical divisions, continue to struggle to reconcile the artificial boundaries and democratic state apparatus that is required to suit ‘global’ standards rather than local conditions and interests. Statehood is sought after despite the fact that it offers little in terms of guaranteed authority internationally and domestically, and in many cases, particularly in fragile and conflict affected states, is no more than a “façade of statehood” (Strange 1996, 6). However, even a façade allows predatory elites to garner power and enrich themselves as much as possible, typically at the expense of the rest of the population. The autocratic systems and governing behaviors of the imperial powers have become the precursors of autocracy and authoritarianism in African states today, as colonial governments are taken over and reused to maintain statehood.
The colonial origins of the current governments have meant that in African societies loyalty to the state is scarce. In his seminal work on the African political sphere, Ekeh (1975) contends that unlike in Western countries where there is one private and one public (political) realm, in Africa there is one private realm and two publics, mimicking the parallel governance structures of state and traditional institutions. In the West both the private and public realm are governed by the same moral standards. In African states one public is associated with primordial or traditional ties individuals have to their ethnic groups, and one is associated with state government, or the civic realm of popular politics. While the first public is on the same moral plane as the private, and members remain loyal and invested in it, the second – the civic public – is a remnant of the colonial powers, engenders little loyalty from its members, and is typically abused and exploited for the benefit of powerful individuals. The moral standards of the private realm do not apply. The challenge in this type of combination, is what is often perceived as an ongoing competition for power between what are considered formal state mechanisms – or “civic public” - and the localized, informal authorities – or “primordial public” - which are seen as legitimate by their community.7

As a result, localized, traditional, informal, patronage governance and ‘global’, liberal, state governance co-exist here to varying degrees, like in many other places where the lands of indigenous populations were invaded. This has created unique circumstances, both culturally and politically. Acknowledging the differences between these ‘publics’ or governance structures, rather than suppressing them through exclusion or subordination to the state, is the first, critical step in overcoming global coloniality (Escobar 2008, 2004). It is here that the concept of inclusive governance is particularly relevant.

7 Ekeh’s argument remains relevant today, although his use of the term primordial is outdated. While today primordial implies static and unchanging, traditional systems are by no means frozen in time. They have developed and adapted to the contemporary environment and continue to engender the loyalty of their people.
Conceptual Framework

“Theory is always for someone and for some purpose.”

Robert Cox (1981, 128)

In order to study governance, and establish a theory of inclusive governance more specifically, I have taken inspiration primarily from critical theory and constructivism. I believe that the two theories offer useful and relevant lenses through which governance can be viewed and analyzed. By identifying certain aspects of the two theories to inform my own conceptual framework, such as historicity, the potential for change, and the construction of social orders, I seek to unpack the concept of governance, relating it to inclusion, legitimacy, and ultimately, peace.

According to Cox (1996) theory can be either problem solving or critical. Problem solving theory proposes solutions within existing structures, smoothing the function of the whole; critical theory uses diachronic understanding, seeking to find sources of contradiction and conflict in accepted structures, and assessing their potential for change (Cox 1996). Critical theory may identify points of change where power shifts from one form to another. It stands apart and calls into question the prevailing order, questioning the institutional and relational parameters in place. The analysis presented here seeks to do just that, calling into question accepted frameworks in state and governance models. Critical theory looks at the larger picture seeking to understand the processes of change both in the whole and its parts, examining change through a historical perspective. Accepting that social and political order is not static, critical theory offers possible alternatives, based on an understanding of the historical processes (Cox 1981). The research and analysis presented here focuses on critical theory to identify possibilities and evaluate the potential for change. It offers an overview of the critically important historical development of the state

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8 Throughout the dissertation, I have made an effort to use Western theories sparingly, choosing various aspects to illustrate my points, while discarding others. While I recognize that both critical research and constructivism originate in the West, they offer the flexible framework I needed to explore perspectives which do not fit within the mainstream.
in sub-Saharan African, and the case study countries in particular. It then interrogates the concept of governance and inclusion to identify aspects that conflict with the empirical data collected on the ground, exploring the potential for a more robust understanding of inclusive governance on the African continent. Furthermore, it identifies critical points that allow for the development of peace in the context of integration and inclusivity in governance. In addition to the critical perspective taken here, the conceptual framework in which the work is presented adopts aspects of a constructivist view, which holds that human perception is culturally, socially, and historically constructed (Klotz and Lynch 2007). The very premise of this dissertation is based on questioning the validity of the hegemony of Western theoretical frameworks on governance, it therefore cannot proceed without accepting that perspectives on governance can, and should differ, depending on the context they are found in. Social constructivism acknowledges agency and it takes into account the role of ideational factors as they shape identities and interests. It concerns itself with the nature, origins, and functioning of social facts (Ruggie 1998). According to this framework, meaning, which is intersubjective and relational, shapes the way we see or understand the world, providing a basis for social orders. Governance is one such social order, or pattern in which we understand, see, and engage with the world.

Much like critical theory, constructivism emphasizes change. Meanings can be contested, as even stable structures evolve (Klotz and Lynch 2007) albeit slowly and with great difficulty due to path dependence. It is the notion that meaning is not static, and that structure and agency are mutually constitutive, that allows me to explore an alternative framework for governance, inclusion, and peace. The constructivist approach further emphasizes the need for more awareness and respect of the agency and knowledge of the peoples under study. In order to innovate, we have to evolve our thinking on concepts that seem to be well understood, delving deeply into the cultural, social, spatial, and historical contexts of the regions and communities in which these practices are employed (Klotz and Lynch 2007). As such, one aim of this project will be to remain aware of the trappings of the familiar Western discourse
and institutionalization of governance, and to open myself up to the norms and cultures of the communities under study, thereby shifting the focus from looking at the problematic aspects of integrating governance systems, to actively searching for transformative and innovative ways in which these activities can align with and reinforce positive peace.

Beyond the Familiar Discourse

Inspired by the work of French scholar Didier Bigo (2002) on alternative discourses to securitization and migration, I approach the subject matter by looking for possibilities beyond the relatively narrow notions and practices of governance that are the focus of Western-led peace- and statebuilding. Like Bigo (2002), I theorize that the reason alternative discourses on governance and institution-building have failed to break through the dominant discourse, despite ample evidence that the current methods often do more harm than good, is because they are being couched within a liberal framework. Bigo (2002) suggests that elites which are benefiting from the Weberian system of states, control the securitization discourse. Using the discourse, they create emergencies and ‘exceptionalities’ in order to continually increase their powers and ensure their survival. In fact, Bigo goes as far as saying that securitization and liberalism are the same process. Liberalism remains viable only due to the fact that it is necessary to control these artificially created (by liberal elites) emergencies and exceptionalities, acting as a safety net. A similar argument is made by Tripp (2010), who discusses the ability of a regime to liberalize, while at the same time clamping down on any threats to its power, thus retaining its autocratic character even while adopting a pro-liberal approach to certain activities. Both scholars argue that elites use liberalism to maintain their positions of power, either engaging in a discourse in which the liberal system is designed to save the population from certain dangers (Bigo), or by undercutting ostensibly liberal actions by quietly implementing autocratic ones (Tripp).
I propose that rather than using a liberal democratic framework to continue to enforce existing governance systems, it is the endogenous political institutions, norms, and traditional sources of authority that should be examined and leveraged, both by national governments and external actors, promoting a more inclusive system of governance which leads to sustainable peace. Perpetually built up through discourse in policy and academic circles, some narratives prevail over others. Their hegemonic representation has become so ingrained that it seems to be the only valid worldview, a universal (Strange 1996), making alternative discourses difficult to accept. By highlighting the marginalized discourses on traditional authorities, governance, and inclusion, I analyze the consequences of such marginalization, identify gaps in scholarly literature, and indicate avenues for challenging the prevailing discourse in ways that can affect policy. As context shapes the order that exists (Cox 1996) and each is unique, I explore the inherent complexities of the cultures involved and offer multi-causal and tailored explanations where possible.

Echoing Mamdani’s argument that Africanists should stop studying African history “by analogy” (Mamdani 1996, 9), the politics and governance of African nations should also be studied not just by analogy or comparison to the West, but in their own right. Theoretical concepts used to describe political phenomena inevitably acquire normative and universal characteristics, from loaded terms such as ‘good governance’ to the equally contested and near impossible to define ‘peace’. Mamdani (1996) argues that these terms frequently are seen as binary – good governance is the opposite of bad governance for instance, modern is contrasted with traditional, global North with global South, developed with developing. The normative and analytical value that the ‘positive’ terms acquire is contrasted by the “residual” value the second term carries. Mamdani (1996) eloquently explains the relationship between the two:

“Making little sense without its lead twin, it had no independent conceptual existence. The tendency was to understand these experiences as a series of
approximations, as replays not quite efficient, understudies that fell short of the real performance. Experiences summed up by analogy were not just considered historical latecomers on the scene, but were also ascribed a predestiny. Whereas the original term had analytical content, the residual term lacked both an original history and an authentic future.” (9)

In opposition to the established discourse of binaries and pre-emptive, normatively loaded terms, this dissertation seeks to redefine governance in more context specific terms, allowing for more than one understanding of what a functioning governance system might look like and how it might be evaluated. Working off the premise that inclusion boosts legitimacy, thus ensuring that governance is both acknowledged and accepted by people, the argument made here is that the meaning of governance changes as it travels from one space to the next, but that inclusivity remains key in each setting, if it is to encourage peace.

Key Concepts

While in the next chapter a number of relevant concepts are explored as part of the literature review, the four key ideas on which this entire body of research is based, are briefly outlined here. This includes traditional institutions, governance, and inclusion; and to explain the interaction between these three concepts, legitimacy also is included.

Throughout the dissertation I use the terms traditional\(^9\) institutions and cultural institutions (when speaking about Uganda) interchangeably to mean identifiable socio-political structures which are

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\(^9\) I use the term traditional, even though it carries connotations which I do not necessarily endorse. I do not use the term to imply that traditional is the opposite of modern, or to imply that it is primordial and unchanging. I also use the term ethnic group sparingly, and have decided against a ‘new’ term such as communal, or a possibly more accurate, but complicated term, such as nation, for various reasons. I have decided to use traditional primarily, because it is the most commonly used term in the literature on this topic (like chieftaincy, which is also inaccurate), making the work easier to find.
deemed to be legitimate by their constituency and created around culture, custom, and shared historical narratives of a group of people, often from the same ethnic group. The role of traditional institutions typically is to govern over their people, administer land, and adjudicate disputes, among other forms of governance. These institutions are not static, and do not all stem from historical, pre-colonial times in Africa, although the large majority can trace its roots to this past. They also differ in their structure, with some being highly centralized, and others decentralized, segmentary, or acephalous.

Two key concepts underpin the work presented here. The first is governance, taken to mean patterns of rule, or the process of collective decision-making and implementation of activities within the political, social, and economic realms. Going beyond just government, governance includes other non-state actors such as traditional institutions and civil society that influence this process. It is a process which refers to activities guided by shared goals of the actors involved (Rosenau 1992). The definition of governance is further explored in the next chapter, but it is important to note that the focus here is on domestic governance within states, and traditional institutions, rather than the broader, global context.

The second concept used throughout this dissertation is inclusion. While inclusion has found its way into scholarly and policy literature in recent years, the concept is still evolving and has yet to develop a clearly Western discourse, with its applicability broad also in non-Western cultures. This offers an opportunity to engage with the concept with limited reliance on analogies (Mamdani 1996). Thus, inclusion in the context of governance, can simply mean recognition, or - if it is to be meaningful - representation, participation, decision-making, and roles in policy implementation. In short, a fully engaged and equal role in shaping governance. Clearly, inclusion is not easily measured or defined by either being present or absent, but rather has to be understood as a continuum along which the quality and depth of inclusion is either lower or higher. For example, basic, formal recognition offers little in terms of inclusion other than symbolic acknowledgment, maintaining a duality of institutions, such as in Uganda;
the fully functional, ideal version of inclusion in governance on the other hand would be full integration, and the normalization of the participation of all actors as equal.

As already noted, I am especially interested in the inclusivity of the governance system toward traditional institutions. Traditional institutions can be seen as exclusive, since they are formed around, and cater to, a specific, often ethnically defined group of people. However, they are also representative of the diversity of people in each country, as well as often the only institution physically accessible for populations living in periphery areas. As such, their formal integration into governance is an important vehicle for the inclusion of these marginalized, peripheral societies. The case studies undertaken here offer a snapshot of inclusivity at different levels of quality. None of the examples are perfect, and therefore this prompts a broader discussion in the final chapter of this dissertation, of what quality of inclusivity might mean for the achievement or durability of peace. It is also an acknowledgment of the fact that governance, inclusion, and peace are complicated and messy.

As will become clear in later chapters, legitimacy is also an important and relevant concept for the argument made here. Weak state legitimacy encourages contestation of the state (Englebert 2000) potentially prompting conflict. According to Finnemore and Sikkink (1998, 903) legitimacy is as simple as the belief that the existing political institutions are better than other alternatives and therefore deserve obedience. Legitimated power results in authority (Strange 1996) and local legitimacy in turn is the key to achieving and sustaining peace (Roberts 2011). Legitimacy remains an important aspect of peacebuilding. It cannot be generated by building institutions that do not take into account the priorities and needs of the population (Roberts 2011). The significance of traditional institutions in Africa is due largely to their continued legitimacy. For many people, particularly in rural areas in sub-Saharan Africa, this is not only true because Western-style institutions are harder to access, but also because they are often not familiar or well understood. There is a perception on the other hand, that the actions of traditional institutions are desirable and appropriate within the socially constructed system of norms and values they find
themselves in (Koppell 2010, 44). They are seen as legitimate both due to their familiarity and due to their ability to function and deliver desired services to their community.

Several scholars (Cederman, Gleditsch, and Wucherpfennig 2018; Birnr and Waguespack 2011) note that excluded and disadvantaged groups are more likely to rebel against the state than politically privileged groups, and that inclusion creates a positive impact on development and policy implementation. Supporting this, Toohey (2013) notes that the exclusion of different actors from decision-making or the construction of peace, can be seen as structural violence, making a direct link between inclusion and positive peace. Accordingly, the concepts outlined above are relevant as they reinforce each other in positive ways. Governance, when inclusive, is seen as more legitimate, thus supporting the maintenance or achievement of peace.

The Case Studies

The primary case study focuses on Uganda, a country which is distinct in its ethnic make-up when compared to the other countries highlighted here – Botswana and Zambia – and thus requires an in-depth study which takes into account this unique context. The data on Botswana and Zambia, the two supplementary cases, offers insights from both desk research and a field trip to Zambia during which interviews were undertaken. The data on Uganda is gathered through long-term field work and over 50 in-depth interviews. These three cases were chosen for the historical similarities, the strength and persistence of traditional institutions, as well as contemporary experiences with peace.

Botswana

Botswana and Zambia have both avoided violent conflict since independence. Both were British colonies, like Uganda, although with different histories of exploitation. Botswana was a British Protectorate, in which Tswana dikgosi (kings, singular kgosi) largely maintained their positions of authority as part of the indirect rule Britain established in what was then called Bechuanaland. While the dikgosi
were initially mostly left to rule as they saw fit, colonial administrators interfered when traditional laws contradicted British laws and objectives, and progressively curtailed their powers, increasing tensions between the two authorities (Vaughan 2003). The role dikgosi played in the governance of the Protectorate following independence diminished, despite the fact that the first Prime Minister and President of Botswana, Seretse Khama, was the Western-educated heir of one of the largest Tswana kingdoms. However, the way in which their role was adapted with a new vision for political power within the country was seen as part of a conversation and acknowledgment of traditional structures and hierarchy, with Khama rightfully (by tradition) claiming a position of power. The 1966 Independence Constitution was the basis for the creation of the Ntlo ya Dikgosi (House of Chiefs), which remains a forum where all eight major Tswana groups as well as a small proportion of ethnic minority leaders can debate issues of government policy. Despite government pressures over time to limit the role of dikgosi they remain a significant part of the political landscape, backed by the people as evidenced by the support they receive both in political and legal endeavors against the government (Morapedi 2010). Over time, the incorporation of chieftaincy into the modern state has defined the meaning of governance in Botswana, and the country has emerged as one of Africa’s most stable and developed states. (Vaughan 2003).

Zambia

Zambia was a British colony known as Northern Rhodesia. While Southern Rhodesia (contemporary Zimbabwe) was an area of white settlement, and thus some development, Northern Rhodesia was primarily exploited economically to support the colonial power (Taylor 2006). Although this meant that the country remained underdeveloped, it also meant that the British applied their system of indirect rule, relying largely on traditional leaders to continue in their roles. Following independence, unlike in many other countries in the region, the government led by Kenneth Kaunda did not abolish chieftaincy. Yet much like in Botswana, the powers and rights of chiefs were curtailed.
Like Botswana, Zambia currently has a system of traditional rule that is integrated into the state. Chiefs retain significant power over land and some influence in law enforcement, along with various more traditional sources of influence such as traditional courts to settle disputes, although these are not officially recognized (Baldwin 2010). There is also an active House of Chiefs. That being said, much like in Botswana, the House has little *de facto* power, and access to financial resources is held by the state centrally, thus maintaining the neopatrimonial hold on power by the elite (Leiderer 2011). Zambia and Botswana can be considered hybrid regimes, although ones that are more democratic than Uganda.

Despite sharing a colonial past, established systems of ethnic and traditional authorities, as well as a history of patronage, Botswana and Zambia did not suffer from violent conflict post-independence as Uganda did. Thus, if governance and inclusion, which are clearly linked to peace, are under study, an analysis of Botswana and Zambia provides the perfect counterweight to Uganda, a post-conflict state. Each area brings a unique set of elements, allowing for comparative analysis rich in potential causal inferences and interaction effects.

Uganda

Like Botswana, Uganda was a British Protectorate. Uganda has a history of post-independence conflict in which ethnic politics, exclusion, and competition for authority have played an important role. The international community has been involved extensively in peacebuilding interventions at multiple levels (Edgar 2011). The various ethnic cleavages, particularly between the northern and southern areas of the country, exacerbated by discriminatory colonial politics, have led to tension and conflicts within Uganda, including one of the longest running conflicts in Africa, the Lord’s Resistance Army (LRA) insurgency led by Joseph Kony. In addition, the restoration of four Ugandan kingdoms (Buganda, Bunyoro, 

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10 I use hybrid here to mean the regimes are a combination of democratic and authoritarian.
Busoga, and Tooro) as cultural institutions in 1993\(^\text{11}\) created tensions between the state government and the political orders represented by the kingdoms, despite their expressly ‘cultural’ status (Goodfellow and Lindemann 2013). Particularly in Buganda, the largest kingdom in Uganda, the restoration resurrected a fully functioning government with a king, parliament, prime minister, ministers, and clan heads, which continues to wield significant power over the Baganda (the people of Buganda) (Goodfellow and Lindemann 2013).

In an effort to reinforce government power through patronage and to weaken ethnic loyalties through the division of kingdoms and ethnic groups into several districts, the government has broadened its influence in rural and remote areas by instituting local leaders loyal to the current regime (Goodfellow and Lindemann 2013), and continually campaigning to convince people to vote for the party rather than the individual in rural communities. The complex interlinkages between state, traditional, and local governance in Uganda, as well as its history of conflict and patronage politics in the spirit of the “political marketplace” (De Waal 2014) make it a perfect case study for this research project.

**Research Methodology**

Statistical methods, long hailed as preferable due to the perceived lack of bias and greater potential for generalizability across larger populations, are not always ideal for understanding the increasingly complex causal interdependencies studied within politics. Thus, this project is based on case studies, focusing on informal process tracing, causal inferences, context, strategic interactions, and path dependence (Hall 2003). In order to analyze the integration of traditional institutions into state government and determine the potential effects it may have on promoting peace and good governance,

\(^{11}\) The restoration of the kingdoms was enacted by the new government of Yoweri Museveni in 1993 through amendments to the constitution (via the Traditional Rulers (Restitution of Assets and Properties) Act (1993)), in large part due to the support he received from Buganda in particular during the guerilla war he led in 1981 and later (Goodfellow and Lindemann 2013).
the abovementioned three case studies are analyzed, with two providing the backdrop for an in-depth analysis of the primary case. Bennett and Elman (2006) argue that case studies are detailed, holistic, and allow for studying variable interactions within cases, thus being sensitive to the complexities involved. Using deductive analysis (Hall 2003) and inductive process tracing (Mahoney 2010; Bennett and Checkel 2015) to test my hypothesis, the case studies selected for this research project will allow me to elucidate both observable implications of integration, and targeted, non-comparable ones. Using elements of process tracing allows for establishing causal linkages through a more detailed analysis of the political and historical processes within cases, using elite interviews, historical and legal documents, and other sources (Tansey 2005; George and Bennett 2005).

My methods feature a mix of qualitative tools, which are sensitive to context and random variables, including extensive secondary source study, discourse analysis, literature review, as well as semi-structured interviews with elites (particularly political, academic, community, and organizational leaders), community members in Uganda and, to a lesser extent, in Zambia. The resulting analysis provides a more complete understanding of the role of localized, traditional governance structures and their integration into state government, allowing for the recognition of a regime construct that differs from the traditional democratic template, yet can nevertheless function in ways that promote peace and inclusion. It further illuminates causal mechanisms and critical junctures in the integration processes where policy changes might be most effective and desirable.

The interviews performed were supplemented by direct observation of village meetings organized by district government, kingdom events, and visits to cultural sites. Participant observation allows researchers to see processes more clearly both in terms of agency as well as the understanding of the people who make up the social and cultural context (Klotz and Lynch 2007). This in turn helps pinpoint how practices manifest themselves based on the institutions, bureaucracies, and discourses that help
create them (Bennett and Elman 2006). Focusing on the causal mechanisms that arguably have led to the current system, both historical and contemporary political tensions are explored. In order to ensure that the information presented is reliable, every effort was made to ensure that where necessary and possible, data was triangulated using interviews, official documents, media, and scholarly publications.

Overall 51 qualitative interviews were carried out in Uganda over a three-month period in February 2018 and July through August 2018. Interviews were done primarily in Kampala, Entebbe, Gulu, Mbarara, Fort Portal, and Soroti with some undertaken in villages neighbouring the larger cities and towns. I made an effort to visit a number of regions to speak with traditional leaders from a variety of institutions. Throughout the dissertation I have chosen to not identify my interview sources by name, but only by title for those who agreed to this for the sake of consistency. The large majority of informants chose to not have their names revealed, and spoke more freely when I suggested that the interviews were anonymous. During my time in Uganda, I was affiliated with the Human Rights and Peace Centre at the Makerere University in Kampala. I obtained ethics approval for my study both at my home university and at Makerere University, as well as obtaining the required research permit from the Uganda National Council for Science and Technology.

In Zambia I performed nine qualitative interviews over a two-week period, all in Lusaka. During my time in Lusaka, I was affiliated with the University of Zambia.

The specific data collection tools used were:

Desk Research: Comprehensive investigation and analysis of available published sources as a primary means of obtaining baseline information on the latest research, projects, and theories; as well as for the purpose of identification of research sites, formation of questionnaires, and other guidelines for the research project. Reference materials included peer-reviewed articles; journals or texts; government documents; books; and research papers.
Interviews: Unstructured and semi-structured interviews with individuals, as well as narrative or oral accounts were noted and analyzed during the time spent in each setting.

Snowball sampling: A technique by which new participants for interviews are identified by information provided by current participants (Noy 2008), was used frequently.

Environment Observation: Passive observation adopting a multi-sited ethnographic approach, focused particularly on cultural, social, and authority networks in the community, was used where possible.

Critical Discourse Analysis: Was used to better understand the intersubjective understanding of governance through the study of the language of norms and rules, particularly through the analysis of sections of the constitutions and Acts relevant to traditional governance structures in the states under study.

Process tracing: Within the Ugandan case study, using informal, inductive process tracing methods, causal processes were examined through legal and historical texts and elite interviews to determine the political circumstances and variables which have led to the current system of governance, examining its potential for change.

Comparative Analysis: Patterns, similarities, and differences were identified both across the case studies under research to assess policies and activities which may trigger potentially similar, although contextually tailored solutions for the other cases.

Limitations

The complexity of the proposed topic is reinforced not only by the uncertainties caused by the intersecting events, actors, and cultures affecting them, but also by my own and other Western scholars’ predisposition to categorize and compare governance systems or regimes according to accepted (in the
West) models, formulas, or normative preferences. The norms and values we have colour everything we see, thus prompting a comparison of what we have come to expect with what we see in the real world. Nothing we perceive or study is done in a normative vacuum. When new norms emerge, they enter a space of contestation in which they are weighed against those already in existence (Finnemore and Sikkink 1998). These norms and debates clearly affect my own positionality as a researcher.

Unfortunately, it was impossible to fully immerse myself in the culture and life of each of these countries for an extended period of time due to financial and personal constraints, although I was fortunate to spend a total of three months in Uganda. Despite these constraints, throughout this study, I have attempted to limit as much as possible my cultural, historical, and social biases as a white female from a developed country, and open myself up to the knowledge shared by the people interviewed and events witnessed during my time in the field. Furthermore, I have paid special attention to ensuring that particularly the work of African scholars is used throughout this dissertation. I remain aware of the difficulties of an objective analysis, by identifying, where possible, some of the gaps in knowledge created by the competing norms of international or Western(ized) scholars, and local understandings of politics and governance. It is my research and analysis of these gaps that might provide insight into the critical junctures of policy in statebuilding and peace.

Dissertation Structure

In an effort to answer the research questions identified above and add to the scholarly debates on governance and peace, this dissertation offers a systematic analysis of the issues in five chapters. The current chapter introduces the theoretical assumptions and methodology used in addressing the research questions introduced earlier. It lays out my hypothesis and supporting arguments, and provides an overview of the three countries used in the case studies, along with the theoretical justification of the need for a more expansive exploration of the integration of traditional systems into state government
through inclusive governance. It highlights the links between inclusive governance, legitimacy, and peace, arguing that lack of inclusion promotes conflict.

The second chapter is a historical review and analysis of trends in scholarly literature pertaining to governance in sub-Saharan Africa. It includes an overview of colonial and post-colonial effects on governance, the creation of the African state, and a discussion of theories related to governance and inclusion. Based on the available literature, the chapter identifies gaps and offers insight into the nuances of the research presented in this dissertation.

In the third chapter, two of the three case studies are presented – Botswana and Zambia. The two are used as examples of countries that have integrated traditional structures into the formal state government. Both are former British colonies, which have not experienced any post-independence conflict. The chapter offers an overview of how the integration developed, the changing role of traditional leaders, and their renewed and increasing importance in the political landscape of the two countries. The current relationship between the government and cultural leaders, is highlighted in an effort to compare and contrast with the third case study presented in the following chapter. Conclusions are drawn on whether, and how, the integration through inclusion, and the relationship between state and traditional institutions have contributed to peace in the two countries.

The fourth chapter focuses on the main country case study – Uganda. The integration of traditional governance and state government is analyzed in detail, focusing specifically on the relationship between cultural institutions and the government. Based on extensive field work in Uganda, this chapter offers insight into how governance functions and is understood in the country. It analyzes the lack of inclusion in the governance framework and the fragmentation of the country. It highlights how the tense relationship between culture and politics has slowed development and hindered peace in Uganda.
Finally, in the fifth chapter an analysis of the empirical data from the previous chapters is presented, contrasting and comparing the cases. Specifically, a discussion on changes in institutional structures, gaps in government and traditional interactions, as well as the quality of inclusion is presented. The research questions that guided the work in this dissertation are addressed and answered as fully as possible based on the data available. The chapter addresses important aspects of national and international policy related to peace and statebuilding.

Impact and Contribution to Knowledge

The research proposed here has two primary goals: one is to stimulate and push forward the conceptual debate on governance from the critical theory perspective, and to assess the influence of inclusive governance on peace, using the data on the states under study to empirically substantiate my contributions. By offering in-depth insight into the Ugandan case, I limit as much as possible the influence of Western norms and concepts on my analysis by focusing on amplifying the voices of those interviewed and where proposals for change are made, to reach for examples from the continent rather than the West. Following on this analysis, the key contribution of this work is the move beyond theory and criticism, to practical and policy-relevant observations and recommendations for national and international actors.

Scholars and policymakers are in need of theories that can shape our thinking and policies in ways that are unexpected, which look outside of the box for solutions, if we hope to address some of the difficulties apparent in governance and liberal peacebuilding. The system we have now continues to be faithful to a theory of democratic and commercial peace (Deudney 2007), if not specifically to the methods it employs to achieve it. We have achieved a form of path dependence in which despite some signs of awakening and disagreement by scholars and policymakers, it is difficult to envision change. For an extended period of time, the focus has been on problem-solving theory. From an international point of view, we have essentially simplified our approach to “bad states lead to war” (Waltz 2001, 122). In this
vein, we are instituting democracies and markets in places that are not equipped or eager to handle such foreign governance systems. Instead what we may need is a new approach to understanding governance that is equally valid, but different from Western models. Building on research on governance and inclusion, it is possible to discern the unique system of localized, inclusive governance being created in the region. As such, the analysis and findings in this dissertation add to both the international and in-country debates on governance, in Uganda in particular.

The work presented here also offers new insights into governance, statebuilding, and peacebuilding from an international perspective, by assessing the need for the inclusion of institutions thus far marginalized. The debates to which this work will contribute, are vital for managing and forming policy on issues related to post-conflict countries, donor involvement, governance, and state (re)building, particularly as policymakers search for viable alternatives to replace the limitations of current peace and statebuilding techniques (Autesserre 2014a).
CHAPTER II: Exploring Governance: A Literature Review

Introduction

This chapter builds on the arguments presented in the introductory chapter, making a special effort to review and analyze the existing literature on governance, inclusion, and the state, and to deconstruct the various paradigms and theories, with a careful and critical view of their relevance to Africa. Throughout this review, I use social, postcolonial, and structural perspectives (Richmond 2013) to understanding the state as a socio-political enterprise. Keeping with the critical theory perspective of the importance of historicity (Cox 1996), the chapter begins with an overview of literature introducing the historical context within which the African state was developed. This is necessary, because a better understanding of governance in sub-Saharan Africa cannot be accomplished without a detailed grasp of how the state came to be. By examining statehood in Africa, this section analyzes the available literature on political regimes, traditional governance structures, as well as statebuilding. It identifies unique cultural and historical aspects affecting African politics and the ideas and practices of governance on the continent, through the discussion of colonialism and nationbuilding. Furthermore, an analysis of the philosophical understanding of politics and governance by African scholars is consciously used as the basis for much of the discussion. It then proceeds to review the literature available on the key concepts already introduced - governance, inclusion, and legitimacy – as well as, hybridity, traditional institutions, and modernism. Each of these concepts is discussed to highlight its relevance to sub-Saharan Africa, discarding those aspects and theories which are irrelevant or have overgeneralized and grown to ignore the unique realities on the ground. By doing so, I situate the concept of inclusive governance in the regional context, finishing the chapter off by linking inclusive governance to peace.

The review of literature presented here feeds into the case study chapters as a basis for the analysis of the integration of traditional structures into state government. As Bagayoko et al. (2016) argue,
'informal', traditional institutions complement and contradict formal systems of governance in many ways. In some countries dual systems of power are clearly visible, in others integration is better, but some tensions and discrepancies remain. The study of the relationship between the formal and informal which is presented in the case study chapters, thus requires an understanding of the historical development of discourse and alterity which has created the binary view of Africa so typical in most analyses of the continent.

This review highlights both, gaps present in the field of governance, statebuilding and peacebuilding; and the critical perspectives underpinning my own work. Aiming to go beyond what the literature already offers, I identify critical junctures where national and international statebuilding policy goes astray, whether in terms of how the state is defined or the types of institutions which are recognized, and build on governance, inclusion, and finally peace literature to identify cases where the local has been integrated (not because of statebuilding, but despite it) thereby enhancing the social contract and contributing to peace in the country. I argue that traditional institutions often have primarily informal roles in governance due to the fact that they are frequently omitted from national and international policies for various reasons. Yet at their foundation, they are governance institutions, although naturally focused on their own communities. This means that the formal integration of these structures is an

12 Throughout the text I use various words to identify governance systems that are not specifically state government. These include traditional, informal, cultural, and non-state. Each of these terms comes with its own set of issues of which I am keenly aware. I try to avoid using informal, since as Sklar (1993) correctly points out, these institutions are in fact legally recognized, and thus formal. Using the term traditional suggests unchanging and primordial, neither of which I feel reflects the dynamic nature of these institutions (as noted in footnote 9 in the previous chapter). I use the term cultural mainly when discussing Uganda, as that is the title legally enshrined in the Constitution, however, it too does not denote the actual political role and reach of the structures discussed. Finally, I use non-state, which might be the least problematic, as it simply differentiates these governance mechanisms from those which are part of the state. However, here too we run into the problem of them being integrated into the state, and as such, becoming part of it while also being apart from it. Despite these concerns, and for lack of clear alternatives, I continue to use these qualifiers as sparingly as possible as I discuss the issues in the text.
important aspect of inclusive governance, as it increases their stake in developing and maintaining peace in the state as a whole, rather than just for their own people.

Governance and the State

Governance

Scholte (2005) defined governance as the “processes whereby people formulate, implement, enforce and review rules to guide their common affairs” (2005, 140). While this is a very broad understanding of the term, it offers some insight into its complexity. Based on Scholte’s definition, governance is a process, one that is constantly being reviewed by the people it serves, based on their needs. Rosenau (1992) offers a little more nuance in the way he distinguishes governance from government. In his view, governance “refers to activities backed by shared goals that may or may not derive from legal, formally prescribed responsibilities and that do not necessarily rely on police powers to overcome defiance and attain compliance” (1992, 4). He argues that governance encompasses more than government, which is characterized by ‘formal authority’ and the implementation of policy enforced by police powers. His definition of government is very similar to that of the Weberian state, and its monopoly on the legitimate use of force. Governance on the other hand is both the formal and informal. Although Rosenau defined these terms for the purpose of discussing global governance, they can be applied to the discussion of national governance as well. This is particularly true in countries in sub-Saharan Africa, where many peoples or kingdoms with their own systems of governance are united under (or divided between) an overarching national government.

Two significant points are made in Rosenau’s definition that are relevant to the work presented here. The first is that governance is not restricted to the state but can also be an informal process. It is clear then, that traditional institutions, with their ability to mobilize people and their role in maintaining and creating shared values and goals, even when not formally recognized by the laws of the country they
are in, engage in governance. The second is the specific reference to shared goals. Unfortunately, it is often the case that traditional institutions engage in governance while representing only a section of the people that belong to the country in which they govern, primarily because they are often not fully integrated into state government and hence have no loyalty toward those outside of their group. This causes fragmentation and increases the likelihood of tension and conflict, both between traditional institutions and between traditional groups and government. If, on the other hand, traditional institutions are included in governance of the country, they not only are able to represent their own people more effectively at the national level, but also are more likely to feel ownership and be invested in building the state as a whole, forming shared goals. While their focus remains on their own people, being privy to, and engaged in, policy debates at the national level means that they can contemplate and adapt their own policy plans to align with those of the rest of the state. Furthermore, they can also align themselves with other groups to work on common goals at the state level.

For example, Birnir and Waguespack (2011) argue that an increased number of state cabinet members from various ethnic groups improves policy legitimacy, quality, and stability, noting that “divergent populations are more likely to aid in the implementation of the policy if they believe the policy benefits them because they were represented in its making“ (Birnir and Waguespack 2011, 246). This holds true for traditional communities as well. Inclusive governance can thus enhance government and policy legitimacy through the integration of traditional institutions, as well as unite the state by ensuring that all the groups have a stake in the success of the country, thereby increasing the chances for sustainable peace.

Both the formal and the informal systems have their institutions, each playing a specific role in the established system of governance (Finnemore and Sikkink 1998). In many states, they function in
concert, with the core often relying more on the formal, and the periphery on the informal.\textsuperscript{13} Despite the lack of legally sanctioned enforcement, many of the informal systems enjoy a high degree of domestic legitimacy\textsuperscript{14} that at times exceeds that of the formal system.\textsuperscript{15} This legitimacy is what allowed the informal governance systems to survive through the post-independence period in sub-Saharan Africa, when most of the newly formed governments outlawed traditional authorities in an effort to centralize their power. Despite the perseverance, legitimacy, and authority these governance mechanisms have displayed, they often remain an afterthought in the process of statebuilding, both in the minds of external actors, and the current elites of African states, who either dismiss them completely or view them as competing centres of power which need to be marginalized. This marginalization and manipulation of traditional institutions complicates governance in the state, as groups are pitted against each other, or refuse to cooperate with the implementation of government policies (Interview, scholar and policymaker, Kampala, August 2018).

According to a study done by Englebert (2000) “when there is minimal conflict between precolonial and postcolonial political structures, leaders find greater power payoffs from choosing policies and forging institutions that foster development (...) and their existing legitimacy is further enhanced by the efficiency of their policies” (2000, 6). Michalopoulos and Papaioannou (2011) in turn, find that strong pre-colonial institutions, rather than contemporary post-colonial ones, correlate with regional development. Cross-boundary areas belonging to one kingdom or centralized ethnic group show signs of development above the level seen in either of the two (or more) states they straddle. Davidson (1992) offers examples of such regional development in Guinea, where some regions were more aligned with centres of economic development outside of the newly formed state (areas in Liberia and Senegal for

\textsuperscript{13} For more on core and periphery see Cox (1992).

\textsuperscript{14} According to Finnemore and Sikkink “domestic legitimacy is the belief that the existing political institutions are better than other alternatives and therefore deserve obedience” (Finnemore and Sikkink 1998, 903).

\textsuperscript{15} For more on the trust and legitimacy informal institutions enjoy see Logan (2008).
example), which obviously created complications when the state became a single unit politically and economically. These findings are significant considering that many African states suffer from diseconomies of scale, and other complications augmented by the uneven distribution of the population (Englebert and Dunn 2013; Herbst 2000; Herbst and Mills 2003). Furthermore, studies indicate that the arbitrary boundaries created by colonial powers have had a negative effect on governance quality and economic development (Englebert and Dunn 2013, 57). These negative effects are likely caused by a lack of cohesion in states where borders have split ethnic and religious groups between countries; combined several independent groups without their consent; or, ‘presented’ one group with the territories of another (Alesina, Easterly, and Matuszewski 2011).

The evidence from these studies aligns with my own findings. It underscores the importance of integrating these traditional governance systems into state government in order to foster inclusive governance, legitimacy, and peace within the state, rather than fragmented development. There are clear advantages for the state in integrating traditional institutions for the sake of increasing its legitimacy and thereby its own powers. This in turn makes the state more likely to foster development, which increases the chances of achieving and maintaining peace as the integration of various groups into the process means their voices are heard, thus lowering the chances of violent civil conflict by marginalized communities; and more policies focused on development (even if incremental) mean that there is a decrease in structural violence, whether in terms of poverty, education, or employment.

Inclusive Governance

In order to theorize that inclusive governance increases the legitimacy of the state, thus making it more likely to remain peaceful, I have to briefly engage with the concept of good governance and address how inclusive governance is differentiated. Good governance has a myriad of definitions, many of them either too technocratic or too idealistic to offer a useful and context sensitive definition. There is
no consensus on whether it refers to solely economic factors or includes political content. Even if it were to include political content, it is not clear how such content would be defined (Nanda 2006).\textsuperscript{16} As such, I have chosen to avoid the term and instead focus on inclusion and governance.

While the term governance with no other qualifiers could be used here, in an effort to be more precise and highlight the relational aspects of the governance systems discussed, I have chosen to use ‘inclusive governance.’ As mentioned in the previous chapter, I take governance to mean a process of collective decision-making and implementation of activities within the political, social, and economic realms. Like Rosenau (1992), I believe that governance does not only include formal government, but other non-state actors such as traditional institutions which influence the process.\textsuperscript{17} It is here that

\textsuperscript{16} Originally coined by the World Bank in 1989, the concept of good governance remains influential particularly in development studies (Davis 2016; African Good Governance Network 2010; Doeveren 2011). Despite analysts’ tendency to use the term ‘good governance’ broadly, and often focus policy recommendations on the establishment or maintenance of such a phenomenon, the term is difficult to define and has been used loosely to mean various things and has therefore become near meaningless (see Sartori (1970) for more on stretching terms to the point of them becoming meaningless). In 1992 the World Bank defined good governance as “sound development management,” meaning the technically sound “manner in which power is exercised in the management of a country’s economic and social resources for development” (World Bank 1992, 1). The definition used here implies that achieving ‘good’ governance requires a certain knowledge and experience possessed only by technocrats. Good governance is therefore far removed from the regular citizen and can be measured and judged by outsiders often using economic (or other ‘hard value’) indicators. This is a very clinical and Western liberal perspective on what governance should look like, with a clear preference for specific institutions and laws.

According to the United Nations, good governance is “participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law” (UNESCAP 2009, 1). While this definition is less technical, the assumption here is that these terms mean the same thing to everyone around the world. Yet considering the differences in cultures, values, and histories of each state, and the varied nations and peoples who inhabit them, it is highly unlikely that such a universally acceptable agreement exists. Despite this, there is a dearth of research on the differences in what (good) governance means in various states. Nowhere has this blind spot been more damaging than in sub-Saharan Africa, where politics, history, and culture form an extremely complex and volatile environment which does not lend itself well to accepted theories and definitions or to the institutionalized structures of Western-defined and imposed states which might adhere to the principles of the World Bank definition.

Whatever the strengths and weakness of good governance, this dissertation will not interrogate the concept in greater detail other than arguing that its broad and difficult to define meaning renders it unsuitable for the purposes of the work presented here, despite inclusivity being one of the characteristics mentioned in some definitions.

\textsuperscript{17} Traditional institutions might be seen as civil society actors by some observers. In 1996, while visiting Princeton, Kabaka (king) Mutesa of the Buganda Kingdom in Uganda argued that traditional institutions are “part of an effective civil society which counterveils and enriches the state.” In some definitions of civil society traditional institutions are included although rarely specifically identified and studied. Increasingly, civil society is becoming depoliticized, as donors are reluctant to engage with organizations that are politically active, fearing that their
inclusion becomes a prominent feature. If governance extends beyond government, particularly in societies which have historically been fragmented, inclusivity and cooperation in governance between the various actors in a state would be key to creating shared goals and maintaining peace. In many countries in sub-Saharan Africa the socio-political space in which governance happens is held tightly by the central government, which fears any competing sources of power. Thus, traditional institutions participate in governance but in very limited spaces of their own ethnic groups, reaching out further only sporadically. A more inclusive governance system would mean the integration of these institutions into the state, offering them a role in policy debate, policy-making, and implementation.

As already noted in the previous chapter, inclusion in governance is not an all or nothing concept, but has to be viewed on a spectrum, from the minimal, formal recognition of the fact that the other actors exist, to a slightly more prominent, perhaps advisory role in governance, to meaningful participation in decision-making. Most governments and international actors limit themselves to either formal recognition (like in Uganda) or to offering advisory roles to traditional institutions (like in Botswana and Zambia), reaping what benefits they can from this level of inclusion, fearing the loss of power and control over the state.

The concept of inclusivity has become increasingly popular in recent years. It has appeared both in scholarly literature and peacebuilding policy, assumed to be a necessary condition for sustainable peace and development. From the Sustainable Development Goals (especially SDG16), to the Sustaining Peace resolutions (A/RES/70/262 and S/RES/2282), and the New Deal for the Engagement in Fragile States, the international discourse has highlighted the need for inclusivity, meaning the acknowledgement of the relationships with host governments will be at risk (Verkoren and van Leeuwen 2013). Unfortunately, due to their nature traditional institutions cannot help but be political and governance institutions, as such it is no surprise that they are rarely scrutinized and engaged by international scholars, donors, or policymakers. As such they have been marginalized in discourses around civil society and peacebuilding.
presence and legitimacy of non-state actors (Donais and McCandless 2017). Yet literature on what inclusivity means, and how it might look in various settings, is sparse. Although not in the context of governance, Ferdman (2017) defines inclusion as a “process in which individuals, groups, organizations, and societies – rather than seeking to foster homogeneity – view and approach diversity as a valued resource” (2017, 238). In an inclusive system, everyone is a full participant and contributor, feeling connected to the larger group, without losing their identity and individual uniqueness. Acknowledging the complex and contradictory nature of inclusion, Ferdman (2017) highlights the paradoxes inherent in the concept. Two of these paradoxes are especially pertinent to the discussion on inclusive governance. The first paradox, is that inclusion has to accommodate both the need to belong, and the need to remain unique and separate. The relationship between these needs changes, and is constantly renegotiated. The tension between the two however is important, as the unique identities of those included provide added value to the larger group. Traditional institutions offer access to, and knowledge of, their people which benefit the larger group (the state) by increasing its legitimacy and power, thereby easing policy implementation.

The other paradox identified by Ferdman (2017) is one of managing tensions between the need for clear and well defined rules versus permeable and even shifting boundaries and limits, including norms and process for addressing and holding difference and managing change. This is particularly important for the argument made here regarding the need for formal integration of traditional institutions. Ferdman (2017) notes that inclusion “requires stable and well-defined collective boundaries” (2017, 251) and that the collective or system needs to be clearly defined, while at the same time requiring capacity and willingness to open and shift collective boundaries and norms. This means that states which do not have defined rules, or clear legal frameworks which integrate traditional institutions, focusing instead on the informal, are potentially less successful at inclusion of these groups. When there is an already existing legal framework within which traditional institutions are recognized and have formal roles in governance,
it becomes easier to negotiate changes and argue for further inclusion of marginalized or overlooked traditional groups using the existing framework.

However, creating a legal framework is often complicated as the acknowledgement and inclusion of non-state actors such as traditional institutions, is seen as threatening to the powers of the state which, particularly in neopatrimonial systems, are jealously guarded. In addition to the local political dynamics which make such inclusion difficult, international state- and peacebuilding actors further exacerbate this by shying away in practice from actually recognizing and working with traditional institutions, despite the rhetoric of inclusion. Yet, even with the fears of loss of power by national governments, there is a visible trend toward inclusion in governance, even if only hesitant in some states. There are some misconceptions around inclusivity causing inefficiency in decision-making as the number of parties involved multiplies. Yet studies on peace processes in particular have shown that this fear is unfounded and that sustainable peace agreements are predicated on an inclusive process (Paffenholz 2015). Furthermore, as noted by Birnir and Waguespack (2011), there are real benefits to increased diversity in state-level policymaking organs, as policy quality increases and implementation becomes easier.

While specific research on inclusivity in governance is lacking, based on the findings presented here, I argue that inclusive governance is a key component of how sustainable peace is achieved and that inclusion of traditional institutions in governance specifically, makes the maintenance of peace more likely in countries where such institutions exist and continue to hold sway over their populations. Although inclusive governance is a broader concept which extends to other groups within the state, as defined in the previous chapter, throughout this dissertation I remain focused on the importance of inclusive governance in relation to traditional institutions. As such, I examine the political systems developed in each state specifically based on the integration of informal and traditional governance authorities, institutions, and other structures into formal government, exploring the resulting unique, context-specific, localized systems of governance.
The case studies presented in upcoming chapters offer insights not only into how inclusive governance operates in various states and what effects it has had, but also on the degree of inclusivity, both in terms of breadth (who is included and who is not) and depth (how meaningful their participation is). The argument here is that how inclusion is practiced matters - the more meaningful and formally prescribed inclusion in governance is, the more likely a country is able to maintain peace.

Colonialism and the State in Africa

“Whenever those states which have been acquired as stated have been accustomed to live under their own laws and in freedom, there are three courses for those who wish to hold them: the first is to ruin them, the next is to reside there in person, the third is to permit them to live under their own laws, drawing a tribute, and establishing within it an oligarchy which will keep it friendly to you. Because such a government, being created by the prince, knows that it cannot stand without his friendship and interest, and does its utmost to support him; and therefore he who would keep a city accustomed to freedom will hold it more easily by the means of its own citizens than in any other way.”

Niccolo Machiavelli, The Prince (1515)

Both, colonial influences and the way the state was created in Africa, have been critical in allowing governance in the region to develop in ways that exclude rather than include. In this section, I offer a historical review of colonialism and statebuilding in sub-Saharan Africa in an effort to provide the necessary background for understanding the origins of current systems of governance. A discussion of nationalism and pre-independence politics is undertaken to highlight both nationbuilding and statebuilding policies and effects. The notion of the state is interrogated, and the juxtaposition of tradition and modernity is briefly introduced.

Defining the State

“States are far from the only unit or level of politics in Africa or elsewhere, but they are everywhere the essential container of it, the prize cause of political action”

(Englebert and Dunn 2013, 17)

The fields of political science and international relations make the core assumption that only a formal (legal) authority, which uses violence or exclusion as an enforcement mechanism is a legitimate
authority (Lake 2010). Yet Weber (1968), in addition to his oft cited requirement of a monopoly on the legitimate use of violence in defining a state, offered three “pure types of legitimate domination”: the rational, traditional, and charismatic.

While most definitions of statehood focus on the rational and legal definition, which Weber considered specifically a characteristic of Western developed states (Lottholz and Lemay-Herbert 2016), the others are rarely expanded upon or mentioned. It is appropriate however, to consider the traditional and charismatic types more closely, as it is here wherein normative principles and internal legitimacy are likely to be generated, thereby creating meaningful social action. If we follow the lines of traditional and charismatic types of legitimate domination, as alternative sources of social order (Weber 1968), we are likely to find that they are a more accurate reflection of how all states actually function, with the traditional and charismatic aspects more prominent in sub-Saharan Africa. In fact, without them, meaningful social action would be absent and thus according to Weber the state would essentially cease to exist (Lottholz and Lemay-Herbert 2016). Inclusive governance is an acknowledgment of the co-existence of all three types of domination through the formal integration of traditional institutions into state government.

Yet, it is primarily the legal-rational (neo-)Weberian concept of state that has defined our understanding of the world for decades. International relations have become dependent on the existence of these states and the principles of sovereignty and monopoly on the legitimate use of violence they embody. The Peace of Westphalia further crystallized the roles and rights of states as the main actors in the international system, and the idea of the state is rarely interrogated or questioned. The effect has been that most international activities and programs reinforce the Western, rational legal idea of the state, with the prevailing wisdom being that a stronger and better functioning democratic state will act to alleviate any persisting problems, including conflict, environmental degradation, and poverty to name a
few. Yet both, the idea that there is only one type of ‘good’ state; and the assumption that the existence and characteristics of the state are unproblematic taking them as a given, as many scholars in political science or international relations do, is a mistake.

Held (1995) argues that nation-states became the standard in Europe not only due to the wars they won and legitimacy they accrued from their population, but also due to a number of enabling factors, including: a crisis of traditional governance structures, allowing for the creation of new, secular institutions and a related system of governing; the increasingly state-focused monopoly on violence and the creation of a professional army thus further concentrating power in the state; a strong civil society; and finally, the political climate and events of the time (72). In Africa on the other hand, the imperial scramble for land has defined its countries’ borders, a process that was meant to exploit and support empires, not build and develop the region.

African states in their current geopolitical form were products of colonialism, with Ethiopia being the only example where the development of a cohesive unit similar to a European state was endogenous (Englebert 2000), although several other well developed state-like units pre-dated colonialism such as the Asante Kingdom, the Zulu Kingdom, and Great Zimbabwe (Amoateng 2007). In order to entrench their power over the territory they seized, the colonial powers removed or appropriated already established authority centres by making them part of the colonial administration. These traditional governance structures were often poorly understood by the colonialists, with much of the nuance inherently present in such institutions discounted and ignored. Pre-colonial identities, loosely formed groupings, and lifestyles were categorized, entrenched, and identified as ethnic groups (Ranger 1999). Those groups with centralized structures resembling European kingdoms were more readily accepted and used as interlocutors between the administration and other groups in the colony. In some situations, the Europeans imposed these structures on the smaller and more decentralized and segmented peoples; thus
what is today seen as a traditional system, was in some cases invented by colonial powers to ease administration and contain communities (Mamdani 1996). In several countries this created long lasting feuds between groups, such as in Uganda where many begrudgingly see the kingdom of Buganda as retaining its special status of the strongest and politically most powerful kingdom in the country due to its relationship with the British during colonialism.

The colonial endeavor was much like a business. The priority was to make the new territories profitable and fill the colonial coffers, not develop the region. In line with Marx’s definition, the state in Africa truly became ‘an instrument of capitalism’. Institutions created by the Europeans were largely superficial, governance was focused on maintaining order and executing the economic mission. This led to the destruction of many local elites and to the “process of underdevelopment of dependencies” in all colonized states, resulting not only in the lack of development but also in specific structures of dependence under which African countries entered into the international economic system (Mudimbe 1988). These developments created the conditions which later resulted in the exclusion of traditional authorities from most independence governments, not only turning many people against traditional rulers due to rising despotism, but also fueling the need for a new generation of educated elites who were familiar with the international, not just the local.

Using what resources were already available, including chiefs and other traditional leaders as administrators, the invaders sought ways to lower cost and control areas in which Europeans were unable, or unwilling to settle (Englebert and Dunn 2013). Such political expediency warped the existing governance systems in some cases supporting the creation of “decentralized despotism” (Mamdani 1996) by turning chiefs into despotic rulers, who with time, felt little or no accountability toward their people (Rugege 2003).
According to Medard (quoted in Gazibo 2012), when Africans won independence and took ownership of their states, the ordinary logic of the governance system was disrupted by the fusion of the colonial state and established systems of clientelism, creating confusion between the public and private sphere, thereby making it less effective. Much like the colonial institutions which were shallow and haphazard, an equally superficial and rushed adoption of the European state model at independence followed (Englebert and Dunn 2013). Despite long-term plans for a ‘transfer of powers’ from the colonial administrations to national government, due to international political circumstances and internal pressures within imperial states, the withdrawal was sudden and chaotic, without negotiated agreement or cooperation from the newly independent states. It is no wonder then, that logic was disrupted, and that African states once again found themselves in political turmoil. The African state became a tool for the elite to maintain its status, rather than a legitimate entity working for its people, evoking patriotism, unity, and loyalty. At that point, neither traditional nor colonial system was inherently familiar. Colonialism destroyed and disrupted many traditional institutions, whereas the imported colonial state was foreign, its laws encoded in a language most of the population did not speak. The colonial powers effectively created “territorial-states” rather than nation-states (Osterhammel 1997, 68). Their boundaries were clear, and for all intents and purposes, set in stone. The society however, was largely fragmented, held together only by the fight for independence and escape from repression.

As Englebert and Dunn (2013) point out, post-colonial independence came in the form of states created by the colonial powers and entrenched in international law by them. Lack of international recognition was a threat to the new leaders, whom Ayittey (2006, 8) goes as far as calling “black neocolonialists,” since it appeared as if colonial governments were simply taken over by black Africans

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18 It is unclear whether a more orderly and controlled process of de-colonization would have had allowed for the creation of stronger states. Some respondents interviewed have argued that this would have likely had a positive impact.
with little change. Once independence was achieved, unity quickly dissipated, exposing the fragmentation and exclusion of various groups from power.¹⁹ The relationship between the rulers and the ruled lost all meaning.

With the United Nations General Assembly guaranteeing automatic membership to ‘new’ states which accepted the colonial territories as their political unit, the organization tipped the scales in favor of the existing arrangements (Ahmed 2015, 63) despite the fragmentation within. For the newly independent peoples the limbo of not being recognized as a state, and therefore having no voice on the international stage, was likely too uncertain in a period in which uncertainty was already writ large. The maintenance of colonial borders thus was politically expedient, both to be heard, and for the elites in power to maintain their privileged status. On the part of the international community, the view that people were categorized and belonged to states was well entrenched (Davidson 1992) and advantageous, as despite independence, links to imperial powers remained, in many ways maintaining the global coloniality²⁰ already in place.

Despite the euphoria that came with achieving independence after years of colonialism, the imprint left behind by the long repression and political engineering by imperial powers was much more transformative for the continent and its systems of governance, than the long-awaited independence (Englebert and Dunn 2013). Governments and institutions have stayed much the same since pre-independence, following the European model of state government, both due to international pressure and because it allows current elites to maintain the power they have achieved. Many other colonial practices remain, from official languages which alienate particularly those in the periphery who do not speak the language fluently enough to engage in political discourse, to small traces such as the recent

¹⁹ A similar pattern can be seen in South Sudan today.

²⁰ For more on global coloniality please see Escobar (2008).
discussion in the media regarding the absurdity of purchasing expensive wigs in England for Zimbabwean judges, a custom imported by the English.

Change is complicated and incremental in situations where path dependence has set in and alternatives seem to be too costly to implement. Despite the fact that many of the institutional trappings of colonial states have remained, and seem to be here to stay for the foreseeable future, our conception of the state and governance can, and should, change, depending on the context. Even within familiar (to Western scholars) structures or institutions, culture and values within these institutions can be different. Clearly the way African states came into being was disruptive, and created confusion around how governance functions, and how the state is conceived of. However, as argued by Dunn (2001), the state is a “discursive construction”, and therefore it is challenged, and reconstituted continually. This is true both internationally and domestically. The way the state is perceived and functions, in turn impacts the systems of governance within it. Even though change is slow, and the effects of colonialism loom large, African states are continually adapting in small ways, to satisfy both international and national goals in pursuit of power, economic growth, and peace. It is therefore paramount that the notion of state and the discourses around it are contextualized, and that the varied ’languages of politics’ (Badie 1992) present in the regions are acknowledged by politicians and scholars, so that they can be analyzed and incorporated into their work. The case studies presented in the next two chapters will do just that, delving into the local political languages or discourses and contexts of Botswana, Zambia, and Uganda.

Nationalism, Legitimacy, and the Promise of Independence

“(T)he claims of no people are respected until they are presented in a national capacity”

Martin Delany, abolitionist and first proponent of black nationalism, 1850s,
quoted in Davidson (1992, 48)

Nationalism, and thus the nation-state, was, and presumably still is, the ultimate goal of all peoples wanting recognition on the world stage. No other options seem viable or practicable, with states
being the only political unit recognized by the international community. It was therefore logical that post-
independence, nascent state governments in all African countries sought to be recognized as independent
and embarked on the process of nationbuilding. It is also logical that attempts were made to discredit and
abolish all traditional authorities, to create a more cohesive, civic nationalism, rather than ethnic
nationalism which effectively divided these new states into separate ethnic communities working against
the vision of a united nation. Thus, exclusion of traditional institutions in governance became entrenched.

Nationbuilding also went hand in hand with development in the eyes of the colonial powers. Nationalism was the catalyst for state formation in the nineteenth century in Europe (Richmond 2013), and it was therefore assumed to be the logical option in Africa. In order to be free, nation-states were not only desirable but also required. In addition, such nationbuilding, it was thought, could only be modeled after the European experience if it was to be successful, therefore technical aid and capacity building were necessary to teach Africans how to build their nation-states and develop. There had been a long history of delegitimizing concepts of sovereignty outside of the European version (Herbst 2000). As such, development, institutions, states, and governance were all defined and studied using ethnocentric (and in this case specifically Eurocentric) epistemologies (Mudimbe 1988), excluding any local concepts and knowledge.

Despite their rich sociopolitical history, the unchallenged assumption was that local, African knowledge and experience was of no value. Africans across the continent fought for nation-states, seeing them as the only way to freedom. Only a few saw the paradox – in accepting and fighting for nationalism, they were in effect accepting the legacy of the colonial partition, along with its political and institutional dimensions with little regard for, or understanding of, the implications (Davidson 1992, 162). According

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21 For more on this please see Davidson (1992 particularly Chapter 2), who discusses in greater detail the rise and political character of the Asante nation before the colonial period.
to Fanon (2004), African nationalism in its decolonization phase was an impoverished ideology founded on the hollow idea of a non-existent national identity. This can hardly be denied considering the fact that each state was made up of multiple groups with distinct languages and cultures, and the fact that the imperial powers did little to engender a national identity in many of the areas they colonized. The focus of the nationalists however, was exclusively on the fight for freedom from the yoke of colonialism. Much like democracy and liberalism today, nationalism was seen as a solution to all the problems faced by the people. Yet, despite fighting for freedom, Fanon (2004) argues that the nationalist parties never aimed to radically overthrow the system. Their goal, rather, was to take over the existing system, and this they accomplished.

Maintaining and integrating the broken (by colonialism) traditional institutions was not a priority. As civic nationalism became the dominant trend on the African continent, the variety of ethnic groups and cultures became problematic for those longing to remain in power and create more homogenous nation-states. While nations were the primary vehicle of culture and history in Europe, and thus contributed to nationbuilding, ethnicity played (and continues to play) a similar role in Africa. However, since there were so many ethnic groups present in each state, they not only distracted from the goal of uniting people under the banner of the new nation, but they were also hard to absorb (Davidson 1992, 99). Thus, no acknowledgment of their role in potentially supporting nationbuilding was made, and ethnicity was largely ignored or suppressed in the effort to create new nation-states. However, their power and legitimacy, for most rooted in a history of popular acceptance, was difficult to overcome. Almost all newly independent state governments attempted to eliminate traditional leadership, viewing it as a competing source of power. The fact that these governance structures had been co-opted by colonial powers and used to do their bidding made their abolition easily justifiable. Yet it was already clear to Eisenstadt in 1973 that “the mere destruction of traditional forms of life does not necessarily assure the development of such a new, viable, modern society, and that very often the disruption of traditional
settings [...] tends to lead more to disorganization, delinquency and chaos rather than to the foundation of a new viable modern order” (Eisenstadt 1973, 9). And so, nationbuilding was rarely successful. Particularly states in which colonial rule strengthened certain societies over others through indirect rule like the Buganda Kingdom in Uganda, state government was weakened, exhibiting lower quality contemporary governance, and only with difficulty imposing its rule over the centralized and powerful group, by fostering special relationships with them to the exclusion of others (Migdal 1998; Englebert and Dunn 2013). This further fragmented the state.

Paradoxically, the abolition or marginalization of traditional institutions did not achieve the desired effect of limiting fragmentation and supporting the creation of a cohesive, civic national identity. As the case study of Uganda will show, the exclusion of traditional structures from governance entrenches fragmentation and stalls the achievement of social cohesion and peace. Without inclusion in governance processes, traditional institutions have no stake in the development or implementation of policies in the country, thus focusing exclusively on their own priorities, needs, and grievances. They see the state as an obstacle to their own development, rather than a source of potential support and civic community which complements their traditional identity, instead of erasing it. People, particularly the older generations, often continue to favor clan, or familial connections, over comparatively recent national identities. In many cases these loyalties have formed as protection against abusive state powers (Davidson 1992), and build on clan allegiances, which in the past were a source of identity, reputation, and pride (Ayittey 2006).

Following the elation and hope after independence, grim reality set in as it became clear that the state lacked capacity to mobilize and provide basic services, with predatory elites usurping much of the power, more interested in their own success than working toward the broader success of the country (Davidson 1992). Thus, loyalty to the state was, and is in many cases, non-existent, while traditional institutions continue to function and engender loyalty (Ekeh 1975). International recognition meant that
the states did not require internal legitimacy and capacity to continue their rule and many African states have survived since independence solely due to the international support provided to them (Englebert and Dunn 2013). Their powers were beholden to the support of the international community, creating an outward dependence (Badie 1992), and as such there was little incentive to seek the loyalty of their population (Alesina, Easterly, and Matuszewski 2011). The government only needed to comply with international norms and rules to demonstrate that they belonged to the international community and were able to take an active role in it (Finnemore and Sikkink 1998). Internal legitimacy and governance were less scrutinized. This was politically expedient for the state governments, as they focus on their international reputation. Yet in the long run, this became unsustainable for many African states. As already noted, without internal legitimacy, contestation of the government became more likely, and the imported governance institutions began to clash with preexisting political norms and sources of authority (Englebert 2000).

While post-colonial states on the continent can claim juridicial statehood, they are acknowledged by many as lacking true empirical statehood (Englebert and Dunn 2013; Jackson and Rosberg 1982), which has meant that their citizens continue to see them as distant and irrelevant to daily life. Most of these states lack the internal legitimacy and capacity of states formed endogenously, through a unification of peoples and establishment of common order from within (Davidson 1992; Englebert 2000). International recognition and a focus on “stateness’ first”, as Fukuyama (2005) puts it, have not resulted in the true legitimacy of the state which establishes norms and meaningful social action (Lottholz and Lemay-Herbert 2016). In fact, Herbst (2000) argues that there is a significant gap between what the West sees as the role and operation of the state, and what actually happens in African states. The state-society links in sub-Saharan Africa are either extremely weak or non-existent, which decreases accountability. They are largely unable to deliver basic services or security to remote areas, and citizens often rely on traditional authorities to perform key governance functions.
It is important to note that while colonialism can, and should be blamed for many of Africa’s ills, its leaders are by no means passive bystanders or innocent victims, but often have chosen to manipulate and create an advantageous niche for themselves within the system (Bayart 2010; Herbst 2000; Ayittey 2006). African leaders have not lost their agency or ability to manipulate the system, whether international or regional. As Ayittey (2006) points out: “the primary and ultimate responsibility of developing Africa and feeding its people rests with African leaders or governments, not Western donors” (2006, 7). As such, it will become clear in the case studies that historical and contemporary local power dynamics play an important role in how inclusive or exclusive the governance system is.

A parallel could be drawn between the situation in which post-independence leaders found themselves, and that of traditional leaders during colonialism. Much like the theory that traditional leaders became despots as they felt no accountability to their community (Mamdani 1996), post-independence leaders lacked local legitimacy and accountability to their populations as they took over from the colonial administration. Recognition of the state and government came from the international community, rather than from within. The diversity of peoples these states brought together meant that internal recognition could only be achieved through inclusion in governance of the various groups, so that each felt represented. However, the new elite either saw this as a threat to their newly acquired powers, or did not believe that traditional systems were capable of contemporary governance, thus excluding these legitimate institutions from state governance.

The “Paralysis of Perspective”

While it is understandable that potentially power-hungry government elites would strive to avoid integrating traditional institutions in a bid to keep control over as much of the power and wealth they

22 This is a quotation from Mamdani (1996, 3).
accumulated as possible, even scholars have lost themselves in the belief or assumption that the traditional and the modern cannot co-exist. Mamdani (1996) argues that we are paralyzed by the binary views of tradition and modernity, unable to move past one perspective or the other. It is difficult to deny this, as the scholarly debate on modernity and tradition has a long history. Typically, the modern is seen as better, more efficient, fairer, and thus a goal worth pursuing. Most discourses on state modernity clearly align with the Western understanding of a modern state, or one that offers a unique blend of science and technology with bureaucratic efficiency (Chabal and Daloz 1999). Tradition in turn is seen as unchanging, anti-democratic, illiberal, and antiquated. Thus, the two seem incompatible, where one cannot exist with the other. In fact, scholars seem to think of modernity and tradition as if in a tug of war, with only one clear winner. Inclusive governance explicitly denies this. Modernity and tradition can, and should, exist together. In fact, I argue that if we view modern as progressing and adapting to new circumstances, then it becomes clear that traditional institutions have been changing accordingly and continue to do so. Critical scholars such as Dunn (2001) argue that incompatibility is not the issue, but the concept of Western modernity itself, which fails to meet the needs of all societies and cultures. While this might not be the objective of modernity, it is certainly pertinent if it is imposed on these societies.

According to Mudimbe (1988) colonizing structures led to the marginalization of various societies, cultures, and people. By creating a binary system of organization and understanding, the ‘preferred,’ ‘modern’ culture overshadowed and even trivialized the ‘traditional’. Modernity offered the illusion of development, but there is no smooth transition from the traditional to the modern on what is often imagined to be an evolutionary track. Rather, the break or space between traditional and modern “has been a great problem since the beginning of the colonizing experience; (...) it has been the locus of paradoxes that called into question the modalities and implications of modernization in Africa” (Mudimbe 1988, 5). But it is now no longer clear that a break in fact exists, rather it seems that the two are
intertwined, continuously changing and adapting, informing a completely new discourse and understanding of what state and governance means.

Chabal and Daloz (1999) assume that multiple versions of modernity exist, and that it is not a static condition, but rather a dynamic process. This argument acknowledges the fact that change is ongoing and that in adapting to contemporary circumstances, there is no end. There is no universal template to reproduce and achieve a quantifiable ‘modern’ status. States are both modern and traditional in different ways, and while there is a proliferation of Western technological instruments, no evidence points to a subsequent Westernization of the cultures which import them. In fact, Chabal and Daloz argue that if anything, “the reverse seems to be true - as though Western modernity is being Africanized”(1999, 146). It is this type of approach that allows for innovation, although the debate is rarely framed this way. Much more common are exclusionary scenarios in which Mamdani’s paralysis becomes evident and either one or the other has to dominate.

The push to ‘modernize’ Africa by having it model itself after Europe has brought to the forefront the binary nature of modernity (Escobar 2008), as each aspect of governance and state is compared against the Western ideal. Success was dependent on modernizing these states according to European standards (Davidson 1992; Ahluwalia 2010), with ‘development’ often being used as a euphemism for ‘modernization’ (Chabal and Daloz 1999). As Davidson (1992) puts it: “Africa would prosper upon condition of rejecting itself” (199). Rather than developing and shaping its own future, Africa needed to import its solutions and plans from the West, if it was to succeed. African culture was of no value, only a completely new Africa could succeed and be worthy (Young 2012). Africans who returned to the continent after being educated in European institutions supported such a vision as the only possible escape from colonial domination. They saw themselves as the obvious new elite, and the colonial powers in turn encouraged their rise, hoping to install leaders sympathetic to European, and eventually American,
interests (Davidson 1992). Little was said about alternative ways of inclusion, society, or governance, which did not fit the liberal norms of the West.

The discussion of tradition and modernity is relevant here as it exemplifies the duality of ‘us versus them’ in which many scholars and policymakers view African states. Despite an increasing acknowledgment of the forced subordination of non-European culture and knowledge in discourse, this imperialistic tendency continues to permeate both world and state politics. Escobar (2008) argues that these Eurocentric views have been systemically covering up ‘local knowledges’, creating a global coloniality (2008, 3). Cox (1996) uses the label ‘world hegemony’ to describe how the hegemonic influence of the West has affected the international system, and thus the definition of the role and structure of the state. He also notes that the role of these universals is to support the “dominant mode of production” (Cox 1996, 137). In short, complexities of localized cultures, knowledges, and history are ignored in favor of the implementation of practical and measurable outputs based on ‘modern,’ hegemonic understandings of the state. Often little attention is paid to actual outcomes of these outputs or the ongoing development of potentially new paradigms.

**Contextualizing Post-Independence Politics**

“Forced westernization generates both order and entropy: it imposes universal rules without being able to make them work; it enunciates a unification of worlds without unifying meaning. (…) Entropy offers chances for protest; but it clears only the smallest of paths to innovation.” (Badie 1992, 234–35)

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23 Cox argues that there are three spheres – social, political, and economic - which define world hegemony, all of which are working to maintain a certain order of states, identifying dominant and subordinate modes of production, and defining international social relationships (Cox 1996, 137).

24 For example, a measurable output could be the purchase and installation of a certain number/length of water pipes in an area where there is no running water available. Ideally the outcome would be that several households in that area are subsequently equipped with taps and running water. Yet, due to the focus on outputs, in many situations the outcomes do not actually come to fruition. In the example provided, while pipes would be installed, none of them are connected to households and taps providing the water to the intended beneficiaries. The intended development thus does not materialize. For more on this please also see (Ayittey 2006, 9–10).
If colonialism disrupted the development of states and governance systems on the continent by forcefully creating them in the image, and for the benefit of, imperial powers, then independence did little to change this. Political institutions in these states “straddle the historical divide between the stark discontinuity of alien conquest, with its imported civilising mission or hegemonic project, and the continuities in the history of their conquered peoples, each with their own civilising mission” (Lonsdale 1989). The legalistic and capitalistic character of colonization continues to define the African state, maintaining global coloniality. Imperialism lingers, particularly in the political sphere. In the words of Edward Said:

As Michael Doyle puts it: “Empire is a relationship, formal or informal, in which one state controls the effective political sovereignty of another political society. It can be achieved by force, by political collaboration, by economic, social, or cultural dependence. Imperialism is simply the process or policy of establishing or maintaining an empire.” In our time, direct colonialism has largely ended; imperialism, as we shall see, lingers where it has always been, in a kind of general cultural sphere as well as in specific political ideological, economic, and social practices. (Said 1993, 9)

As Badie (1992) notes, forced westernization meant that there was no ‘unification of meaning,’ and instead that traditional systems of governance and understanding were excluded as they threatened the new order. But in the new order there was also entropy and thus a chance for protest, change and innovation, albeit small. This section offers a brief introduction to the political and societal aspects of early independence in African states. It highlights transformations in governance which gradually occurred post-independence, examining both the change in scholarly literature as neopatrimonialism has given way to hybridity, and changes on the ground in African states, as governance became more, or less, inclusive.
The Independent State and its Society

Pre-colonially, the political landscape of the continent was dynamic, with the rise of several empires such as the Asante or the Zulu, although each only extended as far as its coercive capacities. Instead of adhering to a template of what a state should be, multiple forms of political units were developed and accepted on the continent depending on the political, economic, and geographic setting (Herbst 2000). In some ways, this precolonial attitude toward land and the understanding of politics rightly continues to affect the way sovereignty and the state is viewed in Africa today. Citizens passively support the existence of contemporary states despite the governments’ inability to extend its power evenly across their entire territory – an important state function in Europe. At the same time, particularly those further removed from the centre of power actively support their traditional institutions.

Pre-colonialism, it was typical for community to be placed above the good of the individual, with entire legal systems built around restricting personal conflicts and ensuring positive social relationships, to avoid broader tensions between groups, rather than focusing on notions of justice (Ayittey 2006; Ake 1993; Tieku 2012). Kinship, clientelism, or vassal type relationships have a long history on the continent, where such ties, rather than control of land, enabled the functioning of larger tribes, kingdoms, and empires. This communal responsibility for the well-being of the group permeates social and political relations particularly in rural areas, where it is clear that the government cannot provide services or even pay for the development of service centres. For example, in rural Uganda, particularly in the North, it is relatively common for the local government to request that villagers donate large swaths of land to the government so that schools and health clinics can be built. In many ways it is up to every village to help itself, offering some insight into why traditional institutions, even cross-border ones, are able to fill a governance gap.
The uncertainty various African communities face in terms of access to employment, services, and other basic necessities such as water, reinforces in many ways the need to rely on such networks. Thus clientelism\textsuperscript{25} is a valid and often crucial means of ensuring one’s security and well-being, and a platform on which elites can build their success. Sklar (1979) argues that clientelism continues to act as a form of class action with class being determined by distance from, and relations of, power rather than production. Due to the informality of politics, Chabal and Daloz (1999) point out that the formal (state) structures of power in Africa do not determine the relationship between the ruled and the rulers. The relationship is extra-institutional, based on the links between patrons and their clients rather than the formal structures. The state thus becomes an “instrument and resource for promoting subnational” (Englebert 2000, 96) or personal interests (Ekeh 1975) rather than a leviathan. This disconnect between state and society has weakened the already limited loyalty and trust in formal institutions. By abolishing or marginalizing traditional institutions during the post-independence period in fear of their potentially divisive nature, the new central governments were further weakened, losing the legitimacy these structures brought with them. Taking into account the importance of community and traditional modes of exchange, the re-integration of traditional institutions into government increasingly became an attractive political option for states, as a way to relieve tensions, thereby avoiding potentially costly (both in resources and reputation) and violent conflict triggered by the exclusion of these structures.\textsuperscript{26} Through re-integration,

\textsuperscript{25} Clientelism, and more broadly the nature of politics in sub-Saharan Africa, are closely linked in the minds of many people to corruption. I chose not to explicitly identify corruption here as I believe that it has been used by academics and policymakers in ways that imply that the developed world has little to no corruption in contrast to the developing world. Yet, corruption is frequent in politics in developed countries, but in a different form from the traditional funneling of state funds to personal accounts or ‘money in exchange for favors’ understanding. Between the powerful lobbies, the increasing political influence of transnational corporations, and ‘negotiations’ politicians undertake to have their preferred laws passed in exchange for voting for the preferred bills of their colleagues, corruption is less clear cut than we would like to think.

\textsuperscript{26} If the goal of the government was to remain in power, then the surest way to do so was to maintain a relatively quiet and unremarkable existence, free of violent conflict which forces the government to continue defending itself militarily and draws international attention.
the government’s legitimacy increased in the eyes of the people whose traditional institutions were recognized, even if in many cases such integration is symbolic. However, where inclusion is symbolic, legitimacy remains tenuous, like in Uganda.

The (Insert Preferred Adjective) State

“This normative state however cannot simply be imported. Rather its institutional forms and political operation need rooting in the cultural heritage of a given society to be legible to the citizenry. Finally, the lived experience of a given polity enters the picture. “History cannot be erased; societal memory, even its negative and painful dimensions, supplies instructive lessons in statecraft.”

(Young 2012, 83)

This section examines common theoretical explanations of how post-independence states have functioned on the African continent. The four concepts highlighted in this section – neopatrimonialism, the transplant state, mixed government, and hybridity – all have elements in common with inclusive governance, but fall short of offering an explanation which allows for a cohesive view of the system, each reinforcing the duality of the governance system they seek to explain. While there are aspects of each of the concepts with which I agree, I believe they stop short of seeking to articulate the possibilities for change. Using a critical lens (Cox 1981), inclusive governance offers an alternative order, a paradigm which transcends the current theories, and seeks potential points of change and development.

Englebert and Dunn (2013) define neopatrimonialism as a mix of “elements of formal institutionalized statehood with more informal and personalized dimensions” (8). The neopatrimonial approach focuses on the fact that politics are informal, with the public and private sphere intermingled. At the centre of the system is an all-powerful president whose personal rule typically overshadows any laws of the country. Clientelism and patronage networks give the system a level of complexity which is difficult to penetrate. The state is a redistributive mechanism, where redistribution trumps representation as an essential function of politics. Neopatrimonialism is based on co-optation of elites and groups,
therefore the more heterogenous the state, the more pressure there is to ‘buy’ the support of various groups. The exclusion of certain regions or groups creates factions, which either await their acceptance into the ring of power while displaying their own power and usefulness to the government to hasten their endorsement, or actively work to undermine the state. This causes instability and can trigger conflict. African states however, have remained surprisingly stable at least externally, arguably because they have the institutional character and outside projection of a state which follows a Western template, while only internally exhibiting typically patrimonial behaviors such as clientelism (Chabal and Daloz 1999; Englebert and Dunn 2013). Yet, despite their outward stability, internal tensions and conflict have had a significant impact on these states. As will become clear from the case studies, the increase in inclusive governance by integrating traditional institutions into government is a clear response to the factional and uncertain character of these states. Many regimes have recognized over the years the benefits of such inclusion, if only in limited ways, nominally distributing powers to take advantage of the added legitimacy while not losing ultimate control.

While empirically and theoretically neopatrimonialism continues to be a popular category for defining regimes in sub-Saharan Africa, due to its negative normative connotations some scholars have moved to other terms while exploring the local context and effect of Western influences on regimes. Badie (1992) for example in his theory of the failure of transplanting the Western state to Africa, argues that importation of the Western state has failed, largely because of cultural factors. Elements of the transplanted state either cease to function or are removed; it acquires different roles and meanings in ways that obscure and damage its ability to deliver services and development to the population. It is this importation which contributes to weak institutionalization of politics that Chabal and Daloz (1999) suggest leads to the “political instrumentalization of disorder” from which elites profit. While this is a useful perspective and one with which I largely agree, it focuses on the importation of Western governance, whereas inclusive governance moves past this by theorizing how governance systems today can become
more integrated and inclusive with states adapting and changing the way the systems function based on their histories, cultures, and contemporary circumstances.

Another Africanist scholar, Sklar (1993), coined the term ‘mixed government,’ using it to describe the dual nature of political authority in Africa. Although a state is governed by a unified sovereign authority – the state government – there are also readily identifiable traditional governments which govern over the same communities, creating a second, complementary, dimension within the country’s political space. Sklar (1993) further argues that these traditional governance structures are by no means informal, but are in fact legally recognized by most African constitutions as having a role in the public domain. This dimension cannot be explained away or ignored if we are to be serious about understanding politics and governance in these states, since whether we acknowledge it or not, the power it wields and exerts on the communities it governs is real (Sklar 1993). Sklar’s arguments resonate clearly with my own, probably more so than any other theories. While I build on his work, I shy away from using the term mixed government, seeking to avoid its implied duality and focus on government, rather than governance. I believe that, much like mixed government, inclusive governance is a form of recognition that there is a second political space within African countries, one that is dominated by traditional institutions. As such, I go beyond the mixed government focus to acknowledge the existence of a unique system of governance and understand it through the lens of inclusion and, by extension, legitimacy and peace.

Following Badie and Sklar in studying states and political orders, scholars have recently begun to explore combinations of governance systems dubbing them ‘hybrid’ and have focused on the positive emergence of a unique African state which has adapted the Western model to its context (Chabal and Daloz 1999). Among other topics, hybridity has been used to analyze peacebuilding and statebuilding processes in areas such as Somaliland. The literature focused on the relationship between local and Western liberal approaches to peacebuilding (Bagayoko, Hutchful, and Luckham 2016). Many other
scholars currently use the term ‘hybrid’ to describe regimes which combine Western and traditional governance structures. In many ways this can be seen as very similar to the inclusive governance approach presented here, however there are several issues with hybridity which I address below.

The debate on hybrid political orders is an important acknowledgment by academia of the importance of the local and the possibility that traditional authorities and democratic institutions can co-exist, despite the tension between modernity and tradition, or the largely negative views on African neopatrimonialism, past and present. However, while the term hybrid regime implies that the various political orders are somehow combined or integrated to create a distinct order, there remains a duality of the local and the external. Peterson (2013) suggests that hybridity has been a way for scholars to move away from binaries, with some universals challenged in the process, but it has not been a complete shift. Especially in peacebuilding literature, the notion of hybridity is seen through the lens of hybrid interventions, of how the external actors can engage with the local to create these hybrids. Peterson (2013) notes that “hybridity allows both for the recognition of hegemony (the external liberal model, which can be characterized as homogenous to a degree) alongside the contextual, heterogenous specificities of the locale” (12). This is precisely the problem. Yes, there is a focus on the agency of the subaltern, but the duality of the dominant external and the subordinate and limited internal is not erased. My view differs here primarily in the acknowledgment that both internal and external are context specific and thus unique to each state. One shapes the other in ways that both underscore the complexity and dynamism of governance systems in the countries under study. Using hybridity limits my thinking by focusing on the duality of the system rather than its cohesiveness.

Some aspects of hybridity remain attractive. For example Mac Ginty (2010) identifies it as the fluidity of human societies, which by definition change borrowing from each other as they evolve. But the term remains contested, with much discussion on the definition of hybridity, particularly as (Western)
scholars are faced with cultural values and traditions that are seemingly incompatible with the Western version of a democratic state. Some authors such as Belloni (2012), suggest that hybridity is a “condition of tension and even antagonism” between the various actors. Mac Ginty (2013) again argues that “hybrid governance amounts to a process of negotiation and contestation of different styles of governance” (447). This interaction of the external with the local creates ‘friction’ as approaches evolve and are reappropriated to fit the agendas and priorities of those involved. The outcome of these hybrid interventions is typically hard to predict, sometimes aligning itself with local and external goals better than other times (Verkoren and van Leeuwen 2013). While the description of hybridity as a conflict between styles of governance is not inaccurate, it continues to imply two systems, a stronger, more dominant one which has integrated aspects of a weaker, subaltern system, rather than a completely different, third system.\footnote{See (MacGinty 2013) for more discussion on hybrid governance.} In addition, it has come to imply a combination of the external and the local, which is not what is the focus of this dissertation. Rather, as already noted in the previous chapter, it is the integration of local systems that is under study.

Thus, I turn to inclusive governance to better support and explain the phenomena discussed here, while borrowing aspects of theories such as hybridity and Sklar’s mixed government. These issues are especially timely, since despite the bans or limits set on traditional leaders following independence from colonial powers, in many African states there has been a ‘resurgence’ of traditional authorities since the 1990s (Goodfellow and Lindemann 2013). While inconsistencies in terminology remain, the discussion of hybridity has refocused the debate on the importance of localized governance, signaling an unsettling of the Western category of state in academia. The dominant discourse tends to juxtapose fragile or conflict-affected states with the Western model of the state, which is considered the ideal. This hegemonic representation has become so ingrained that until recently, it has seemed to be the only valid worldview,
a universal (Strange 1996), making alternative discourses still difficult to accept. The current shift in discourse that emphasizes hybridity (of regimes or political orders) rather than fragility is a powerful reminder that there are other options beyond the model we have come to expect. However, this is not enough. As scholars acknowledge the existence of hybrid political orders (Boege, Brown, and Clements 2008) or mixed governments, much work remains to be done to better understand how they function, as each state is unique in its response, culture, history, and acceptance of the co-existence of localized community and state authorities. It is here that this dissertation can make a difference, in offering both theoretical and empirical data to explore these governance systems.

Reviving Tradition

As already noted, many governments across Africa have been moving toward a more inclusive style of governance as they recognize and re-establish traditional institutions. The majority of these governments have now legally acknowledged these structures but their integration into state government and governance more broadly has been uneven. This section addresses the reemergence of traditional institutions within states, briefly discussing both their positive and negative aspects. It also engages with the discussion on defining the historical origins of these institutions, and their re-emergence, adaptations, and contemporary creation. By acknowledging their shortcomings and ongoing questions surrounding their origins, I anticipate critiques of romanticizing the traditional, and argue that inclusion remains not only a viable, but necessary option for the long-term goal of peace.

28 While I use the words ‘tradition’ and ‘traditional leaders/authorities’ throughout the text, I am aware that some of these authorities are creations of the colonial powers to aid in the governance of ‘the natives’. As already noted, I am also aware that even those governing bodies and institutions that can be traced back to pre-colonial times have by no means been frozen in time. Culture and tradition change with time, they are not static or immutable, they may be rooted in custom, but they adapt with the changing of values and goals of the people.
Following independence, most governments legally abolished traditional institutions of governance. Mamdani (1996) argues that the bifurcation of the state during colonialism meant that there was a divide between citizens and subjects. Colonial governments privileged white settlers giving them citizenship rights, while the native population lived under the traditional system as subjects. As already noted, this duality led to despotism in many traditional communities where accountability to the population was lacking. The effects of this dual system contributed to the negative view of traditional governing bodies in sub-Saharan Africa, thus sustaining the almost singular focus on states, both in research and policy.

Despite their marginalization post-independence, these institutions remained relevant in two ways - in weak and collapsed states like Angola, Somalia, and DR Congo traditional leadership filled a governance gap created by dysfunctional (or non-functional) formal government institutions; in other states traditional authorities were recognized in an attempt to gain legitimacy and reach (Oomen 2005). Based on the work presented here it is clear that in many cases it is a combination of both governance gaps and the need to boost state legitimacy which made these institutions relevant and allowed them to be reintegrated. A network of patron-client relationships was formed, with the traditional supplementing the formal political system (Englebert 2000) in various ways, both formally and informally.

While the view of despotic, undemocratic traditional institutions has persisted in many African state governments (not least because it is a convenient way to guard themselves against sharing power), with time national politicians were forced to build alliances with non-state leaders and authorities to extend their reach and capacity, as well as build a support base as traditional leaders retained much of their significance and legitimacy within the local communities despite their formal abolition. Because, as Sklar (1999) notes, “traditional institutions do not exist as a consequence of their recognition and appointment by the governments of sovereign states. On the contrary, they are recognized and appointed
to traditional offices, in accordance with customary laws, because those offices are legitimated by the beliefs of the people, who expect them to exist in practice.” (1999, 169).

Thus, African states experienced both a resurgence of traditional leaders and a wave of democratic transitions in the 1990s. Oomen (2005) argues that in some cases their revival unleashed forces that were hard to contain and developed into a threat to the state as traditional structures gained power and began competing with the state. As such, conflicts have arisen between traditional and formal state authorities, including the Dagbon regicide in Ghana in 2002 (Afolayan 2010) or the armed intervention by the Ugandan government in the Rwenzururu kingdom in 2016. Yet Sklar (1994) and Baldwin (2016), as do I, argue that a combination of formal and traditional government is complementary, increasing legitimacy and stability. Englebert (2000) also agrees, stating that “if the postcolonial state is to be legitimated, it cannot afford to destroy, repress, or even ignore these repositories of political legitimacy” (2000, 191). According to Baldwin (2016), even though traditional institutions of chieftaincy are thought to clash with democracy, the more democratic states in Africa are those in which chiefs currently have more administrative power. Thus, she theorizes that the empowerment of localized, traditional governance systems improves the responsiveness of democratic governments. Ghana, South Africa, and Lesotho offer good examples of such empowered traditional authorities.

Many traditional authorities remain strong and well organized. For example, both the Buganda in Uganda and the Mandara of Cameroon and Nigeria maintain a unified political authority in parallel to the formal state government. The Mandara do so despite living under two different monetary, educational, and administrative systems (Englebert, Tarango, and Carter 2002). However, as Oomen (2005) points out, these structures are typically seen by the government as rivals to the formal institutions, and thus a threat to the authority of the state. This delicate relationship between the state’s recognition of the need to integrate these systems to boost legitimacy, and the fierce longing to protect the powers it has
accumulated, has meant that inclusion has been varied in terms of depth and breadth. These differences between states have meant that even in countries where traditional institutions have been recognized legally, they are excluded from participating in the governance of the country, like in Uganda. In other states, such as Botswana, inclusion has been the basis of the formation of the independence government, although with significant caveats in terms of actual political powers assigned to traditional leaders. History, culture, and local power dynamics all factor into the differences between the levels of inclusion in these two states.

Despite the turn to the local in scholarly peacebuilding literature in particular, traditional institutions and their effect and role in governance have not been studied in any systematic or consistent manner. Research and policy remain behind the times as unique changes in governance mechanisms and structures continue to happen on the continent. Internationally these institutions are also frequently omitted or ignored in the design of new policies, even while local community engagement is increasingly acknowledged as an important aspect in any international intervention. They are often seen as outdated by international actors especially due to their reputation for despotism and particularly gender discrimination.

These are important caveats, and the issues of gender discrimination and the hereditary status of chiefs have been rightly questioned (Mokgoro 1996), as has been the fact that they are often dominated by a local elite which reinforces the inequalities within the community (Bagayoko, Hutchful, and Luckham 2016; Ntsebeza 2005). However, as Verkoren and van Leeuwen (2013, 164) state, “groups that are most deeply rooted, completely trusted, and experienced as legitimate on the ground, are often not the same as those most in step with Western norms. There is tension between what might be termed ‘international legitimacy’ (...) and ‘local legitimacy’.” As a result international actors are much more likely to engage with organizations which are familiar to them and seem ‘professional,’ rather than traditional institutions for
example, which not only do not align with certain international norms, but also have fewer capabilities to engage in the type of accounting, evaluation, and programming oversight required by donors.

In addition, some of the criticism aimed at these organizations is too generalized. While in many cultures chiefs inherit their titles, raising questions of legitimacy and transparency, and leading to calls for a more democratic form of local governance via elections (Mokgoro 1996), in many groups elections take place for the position of chief. Authors such as Mokgoro (1996) argue for the inclusion of women and democratically elected chieftaincies, although they also acknowledge that most traditional leaders, while potentially not elected, have in many instances governed in ways that are transparent and democratic due to the involvement of a broader community council in decision-making. In their article on the Acholi in Uganda, Amone and Muura (2014) describe the reign of Acholi kings, during which important decisions were not taken by one individual, but always through a consensus of elders representing each clan in the chiefdom. Thus, the Acholi king was considered one of the clan heads, as well as head of all the clan heads in his chiefdom. This model is similar to many other ethnic groups.

Not everyone agrees. Ntsebeza (2005) notes that chiefs derive their authority from their control over the allocation of land, rather than their accountability to, or representation of, the will of the people. He therefore argues that traditional authorities can only be integrated if they abandon their hereditary status and allow for the democratic election of leaders, marrying their participatory democratic features with representative democracy, thus becoming more accountable to the people they serve. Clearly, both African and foreign scholars have rather wide-ranging views on the subject. However, any view that holds that these institutions are either completely bad or completely good cannot be accurate. Like with any political institution, traditional authorities have both good and bad sides. It is my contention that overall,

29 The Buganda or Bunyoro, kingdoms in Uganda, have more complex governance structures, where the king has much more absolute power than the Acholi chiefs (Amone and Muura 2014).
the good outweigh the bad when looking at the benefits of inclusive governance. I also believe that these institutions are changing and adapting to the new norms and values of their populations.

There is however no denying that while these changes are happening, change is slow. Despite built-in safeguards to hold chiefs accountable to their communities, these do not always function perfectly. The broad majority of elder councils continue to be made up exclusively of men. Although many traditional authorities, for example in Zambia, are increasingly allowing women to become chiefs, this is not happening everywhere. Excluded in the past, women’s and youth groups are now routinely represented in the community and at meetings, but cultural perceptions of women and youth persist, much like in the rest of the world. Thus, even when in a position of access and some power, women are less likely to speak up or argue for issues important to them. None of this completely satisfies the need for inclusion and equality, but all are steps in the right direction, which the rest of the world is also struggling with or has just recently completed.30

Another ongoing scholarly and political debate on the merits of these organizations, particularly within African states, is related to the origins of certain traditional institutions. As noted earlier in this chapter, during colonial occupation various ‘traditional’ institutions and leaders were invented by the colonizers in an effort to standardize administration throughout their colonies. For some groups, the drastic changes have meant that elements of their pre-colonial history have been lost. Other groups have actively recovered their histories going as far as possible to establish their right to be identified as an ethnic group, even if their integration into another group happened prior to colonization as part of

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30 I am by no means trivializing the importance of gender, youth, or any other marginalized group here. I believe that it is important that we focus our efforts on including everyone. As a woman myself, I feel particularly strongly about this. That being said, I am not prepared to entirely dismiss traditional institutions due to their shortcomings, because I believe that there is no system or country in the world that is perfect in this regard, and so no matter which institutional system of governance we believe would be best, this is an ongoing fight.
historical battles between kingdoms and clans on the continent. It is therefore difficult to judge which groups, if any, are more valid than others. The question then is, at which point does being taken over by an empire (African or European) mean that you no longer belong to your ethnic group but have been subsumed into the new one? Despite what various primordial approaches to ethnicity claim, African societies have been fluid in that people were accepted and integrated into different groups. Yet today, the differences between groups seem stark, and in many instances some groups prefer to not acknowledge others.

Thus, invention of these traditional groups continues, but now, like in the pre-colonial past, by the people within the groups themselves. These inventions respond to the way people imagine the role of their ethnic group and its leaders to function. Increasingly this means that the role of the group and chieftaincy is changing as the political environment changes. Van Rouveroy van Nieuwaal and van Dijk (1999) call this a ‘mutation’ of the chieftaincies’ original purpose and role, as the latter adapt to the new circumstances. In fact, they argue that we can no longer call them traditional, as they are increasingly turning into new and complex sociopolitical phenomenon, as they establish themselves within the contemporary political landscape of African states. This is both understandable and necessary, if chiefs are to remain relevant. Yet, these issues also make inclusive governance more complicated. For many countries, identifying traditional institutions to include can be difficult, making exclusion and inequalities in treatment, particularly of minorities, an ongoing issue.

All the issues noted above are valid concerns and unavoidable in any setting. They make inclusive governance complicated, but also necessary. None of these difficulties mean that traditional institutions can be ignored. There is a clear need for greater integration and inclusive governance if countries are to sustain peace. While changes do not happen overnight, culture is not static and political systems can adapt over time, as is clear from the ongoing transformation of many systems on the continent and outside. The
understanding of democracy itself has changed since its inception as well. The original Greek concept referred to making decisions by *demos*, or by the people; although ‘the people’ was a very selective term and not everyone had a vote. For a variety of practical reasons, over time this understanding of democracy was replaced by representative democracy, yet even then in many countries not everyone had the right to vote. It was not until relatively recently that some countries allowed women to vote. Despite the limitations pointed out earlier, I therefore argue that the acknowledgment and incorporation in theory, and in practice, of these traditional African systems offers potential for positive transformation and development of governance on the continent.

Such transformation is already underway. Out of necessity African governments have in a variety of ways, progressively been undoing the bifurcation of the state - although not in the way Mamdani (1996) has called for, but by incorporating traditional authorities into formal state government through inclusive governance. While I agree with those who argue that such integration is a positive development, there has been little consensus on how it should look (Ntsebeza 2005). Von Trotha (1996) suggests that it is necessary to incorporate chieftaincy into formal governance, specifically at lower, local levels in judicial and development matters. Skalnik (2004, 119) sees traditional governance systems as “elements of direct democracy complementing representative democracy.” Other scholars, such as Mamdani (1996), are against an integration of the two systems arguing that its despotic tendencies remain. Yet, as argued by Ayittey (2006), it seems impossible for African states to develop by ignoring the traditional and informal sectors of which most Africans are part. There is no ‘one-size-fits-all’ solution to integration and inclusive governance. Rather, each state has to undertake context specific, tailored approaches. However, inclusion and a cohesive system of governance that resonates with the population is necessary. Based on the

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31 Saudi Arabia only granted women the right to vote in 2011, Switzerland in 1971, USA in 1920. Women continue to be discriminated against in a variety of ways, from salary levels to appointments to leadership positions.
evidence gathered from the case studies, I suggest that while the informal relationship between traditional institutions and government is extremely important and informs the formal arrangements, the formal, top-down, legal integration of traditional structures is key in allowing for the evolution of inclusive governance in a way in which traditional leaders are able to meaningfully participate in policy debates, increasing their stake in the development of the state as a whole.

It is now common for traditional leaders to be officially recognized by governments, and in many cases to have some input into the governance of the state through bottom-up institutions (Buur and Kyed 2007). Some states, such as Zambia and Botswana, have recognized traditional leadership and legally integrated it into formal institutions such as the House of Chiefs, practicing a form of inclusive governance. Others, such as Uganda, keep traditional authorities at arm’s length, acknowledging exclusively their cultural status amidst tensions between the formal and informal. Different states have integrated and included traditional leaders in governance in different ways. In Zimbabwe for example, traditional leaders were welcomed to parliament and customary courts were reinstalled, while traditional leaders have received strengthened recognition in Ghana and Nigeria. The list is long and diverse, but indicative of a trend - one that leads to increased integration and the formation of inclusive governance models across the continent. It seems to me that these changes are a result of state acknowledgment of the fact that traditional institutions increase the legitimacy of the government, thereby promoting peace and development. While peace may not be the primary interest of some governments, the increase in legitimacy is certainly desirable and sought after to ease governance. The question however remains: how does inclusive governance in countries differ, and do differences in depth (or quality) account for lack of peace?
From Inclusive Governance to Peace

I have argued that inclusive governance leads to peace but have given little attention to peace so far. Since the focus of my dissertation is on inclusive governance as a vehicle to achieving peace, it is necessary to discuss both what I mean by peace, and how the concept of inclusive governance fits within the literature on peace and international peacebuilding (and by extension statebuilding). I believe that inclusive governance is necessary to achieve positive peace, particularly in terms of limiting structural violence, by triggering systemic, structural changes, as it engages and integrates the various groups into the state allowing them to meaningfully participate in the governance system.

As noted in the previous chapter, inclusion makes social conflict less likely (Azar 1991), while also contributing to the effectiveness of policy implementation and quality (Birnir and Waguespack 2011). Gurr (2002), in addition to his relative deprivation theory mentioned previously, has argued that mutual accommodation in governance systems of groups which claim separate identities, rather than their suppression or forced assimilation has led to more peaceful outcomes. In addition, Cederman et al (2017) find that granting group rights and including ethnic groups in governance significantly decreases the chances of conflict, concluding that inclusive policies “constitute the safest path to peace” (Cederman, Gleditsch, and Wucherpfennig 2017, 271). More recently, the same authors (Cederman, Gleditsch, and Wucherpfennig 2018) found that there is broad agreement among scholars that inclusion begets peace, and that inclusive practices have become more common over time, especially in sub-Saharan Africa.

In line with these findings, it is my contention that inclusive governance leads to peace, by increasing the legitimacy of the state government by allowing traditional leaders who represent large sections of the society to formally engage in the governance of the state. Peacebuilding has long grappled with the issue of legitimacy both in terms of legitimate forms of intervention, as well as the need for legitimacy in establishing and maintaining peace. Here, local legitimacy of the government is particularly
relevant. Clements (2014, 13) argues that legitimacy is greater where “high levels of political inclusion” are present. Without a certain level of both vertical and horizontal legitimacy (Holsti 1996), peace is near impossible to achieve. Groups represented by the traditional leaders are more inclined to identify with the government, if local leaders within familiar and legitimate institutions are seen to be a part of the state. The more inclusive the system of governance is of these traditional institutions, the more legitimate and unified it becomes, creating a common framework within which the various actors work together, thus making the maintenance of peace more likely. Even if the powers of the traditional leaders within government are limited, the act of including them is an important step for people to feel seen and their grievances and needs acknowledged. This is especially true for those groups that are in the peripheries and are both isolated from, and unfamiliar with state government institutions.

In addition to the clear link between legitimacy and peace, my thinking on inclusive governance was informed by the work of peace scholars on the local (MacGinty 2015; Hellmuller 2013; de Coning 2013; Donais 2009, 2012; MacGinty and Richmond 2013; Randazzo 2016; Miller 2014). As Mac Ginty and Richmond (2013) note, ‘the local’ represents a “dangerous and wild place where Western rationality, with its diktas of universality and modernization, is challenged in different ways” (MacGinty and Richmond 2013, 763). Along the lines of my own thinking on inclusive governance, the turn to the local has been influenced by critical approaches to peace and postcolonial scholarship. Scholarship on the local turn in peacebuilding is significant because it is an acknowledgment of the fact that peace is built at a the local level, it is context-specific, not led by the international, and that the local level is equally (if not more) important, yet poorly understood. The same can be said about governance systems. Admittedly, in some ways, the call for the local has bordered on romanticism, a critique which has been taken up by academics in recent years (Richmond 2009), this does not however diminish its importance. African politics did not start during or after colonialism, and the local is in fact extremely important, if not infallible. The sociopolitical development of the continent, while tragically interrupted and nearly broken by European
invaders, continues to have significant impact on how politics and the state are viewed, and has resulted in a complex mixture of ‘political languages’.

Lonsdale (1989) argues that one cannot understand the politics of the region without understanding its political languages. Ideally there is only one political language in each state, so that the population can have a coherent conversation using the same value systems and keywords. Yet the majority of states in sub-Saharan Africa have no common political language. The official political language is historically removed from the core values of the various nationalities that make up the state, as it belongs to the colonizer, not only because the actual language, like English for example, is imported and foreign, but mainly because of the value systems and standards inherent in these imported political systems, or ‘political languages’. One way of addressing this multiplicity of political languages is to integrate the various traditional governance systems into government, practicing more inclusive governance thereby unifying, making the political language more cohesive.

Despite the dysfunction of the state, the rejection of the transplant, and the well-established reasons for elite networks to maintain the status quo, there have been some attempts at ordering the disorder.\(^{32}\) This is not meant to imply that there are clear ways in which ‘order’ might appear, but only to acknowledge that change is happening, and to study this process, to better understand the effects it is having on governance on the continent. Governance is being continually redefined and perfected within African polities in complex ways, as governments attempt to gain legitimacy and power, while avoiding costly conflict. These changes inform both our understanding of politics and peace more broadly, and the political development of Africa specifically.

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\(^{32}\) I allude here to the Chabal and Daloz’s (1999) theory of disorder.
As Sklar (1999) notes “This idea (of a mixed polity), derived from ancient political wisdom, fosters cross-cultural respect, rather than condescension, on the part of those who presume to mentor others in the arts of government” (176). If foreign scholars and policymakers are to show this respect, there is a need for the study and consideration of the steps taken by some countries toward a more inclusive mode of governance, acknowledging their agency and knowledge. Without acknowledging the effects of the longue durée of African political development, even if in minor ways, any theories or understanding of the current sociopolitical state are flawed. There is a need for scholars and practitioners to be more aware of the necessity to decolonize their thinking and to approach the study of the African political sphere without using analogies from the West, but rather as their own unique systems.

Inclusive governance offers a different paradigm or lens through which the realities of politics in sub-Saharan African states can be empirically observed and analyzed. It tracks the integration of governance systems and change from multiple political languages, to one predominant and inclusive one, which allows for meaningful debates about the future (Lonsdale 1989) and by extension, peace. This view proposes a contextualized assessment of governance by identifying localized, inclusive governance frameworks. Without this understanding it is impossible to analyze and support peace in the region in a respectful and inclusive manner, which acknowledges the primacy of local actors and local legitimacy in driving the process.

Accordingly, the chapters which follow will highlight some of the supporting evidence I have gathered from fieldwork, laying out my vision of how inclusive governance has been implemented in various settings. The empirical data and theoretical framework offered will contribute to the field of governance and peace by offering new perspective through which to analyze, understand, and develop

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33 Much like Mamdani (1996) decries the study of African history by analogy.
governance on the continent and beyond. The next chapters examine inclusive governance systems in three countries in sub-Saharan Africa, focusing on the style, degree, and quality of inclusion. In Chapter 3, governance in Zambia and Botswana is explored, offering insight into two countries that have both been able to maintain peace since independence and have integrated traditional structures into formal government. In Chapter 4 the post-conflict country of Uganda is analyzed in great detail, including a historical overview of the role of traditional institutions in the country’s governance, as well as their current formal and informal relationship with state government, which underscores the low-level of inclusivity of the governance system in the country. Finally, in Chapter 5 a concluding discussion and analysis is offered, situating the work within both the national and international context. In addition, I will present some comparative analysis of the cases, while also offering an international policy perspective.
CHAPTER III: Peace by Integration: Botswana and Zambia

Introduction

For many scholars and policymakers in the 1960s and 1970s the idea that traditional rule on the continent would somehow disappear or dissipate once the democratic state grew and was strengthened, was a given (Boone 2003). These traditional systems seemed outmoded; it was inconceivable that they would survive once people realized the benefits offered by the ‘modern’ state. In fact, the first president of Guinea, Sekou Touré, is quoted by Young (1976, 6) as saying in 1959 that “in three years, no one will remember the tribal, ethnic or religious rivalries which, in the recent past, caused so much damage to our country and its population.”

However, the strength of traditional, local community and identity groups was underestimated by these scholars and policymakers, as the case studies presented here will show. Traditional leaders continue to hold the trust of their communities, as can be seen in table I. Over time, the two layers of traditional community and national belonging have endured and most citizens of contemporary African states carry dual political identities, recognizing the legitimate authority of both the sovereign state and the traditional institutions to which they belong (Sklar 1999; Interviews). Scholars are finally beginning to acknowledge that the co-existence of these two sources of authority and belonging is possible, persistent, and even desirable. As already noted in previous chapters, I argue that the formal integration of these dual political identities through a more inclusive system of governance is a positive and constructive method of creating and adapting governance to the needs of the country and the broader maintenance of peace.
Table I. How much do you trust traditional leaders, or haven’t you heard enough about them to say?

<table>
<thead>
<tr>
<th></th>
<th>Not at all</th>
<th>Just a little</th>
<th>Somewhat</th>
<th>A lot</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botswana</td>
<td>10.5%</td>
<td>16.3%</td>
<td>15.1%</td>
<td>54.3%</td>
<td>3.8%</td>
</tr>
<tr>
<td>Uganda</td>
<td>7.9%</td>
<td>11.9%</td>
<td>26.5%</td>
<td>42.7%</td>
<td>11.1%</td>
</tr>
<tr>
<td>Zambia</td>
<td>8.4%</td>
<td>14.8%</td>
<td>15.8%</td>
<td>48.5%</td>
<td>12.5%</td>
</tr>
</tbody>
</table>

Source: Afrobarometer R7 (2016/2018)

As a result, the next two chapters study the innovative methods of integration of these two systems by African states. In Botswana and Zambia, incoming independence governments chose to engage with traditional governance institutions and integrate them into the system primarily in ways that limited their powers, but nonetheless recognized their importance and status. Other governments which forcibly disbanded all traditional structures, hoping to leave them in the past, are now formally recognizing and integrating them into their governance framework to varying degrees. Uganda is one such example where kingdoms and chiefdoms alike have once again become entrenched in the formal politics of the state, albeit in a much more limited role than Botswana and Zambia. While such integration continues to present some difficulties, it acknowledges the existence of these communal identities within the state and attempts to reconcile them with the broader, national identity thus addressing one of the paradoxes of inclusion (Ferdman 2017). It is the inclusive nature of this governance model and its acknowledgment of cultural and historical influence on identity, belonging, and political power, which makes sustainable peace more likely.

In this chapter governance in two countries, Botswana and Zambia, is explored from the perspective of inclusive governance, and specifically inclusion of traditional systems into state government as a foundation for peace. It will examine how these two states have implemented inclusive governance in different ways. By exploring and identifying potential questions with regards to
implementation, political relationships, as well as motivations for the inclusion of traditional systems into state governance, the chapter will serve as background for the main case study of Uganda. The questions raised and methods of integration discussed here will then be analyzed in the final chapter to offer some suggestions in terms of potential avenues for Uganda’s further development of inclusive governance.

It is important to keep in mind throughout this chapter, that while in all three countries under study here the informal relationship between state government and traditional institutions is well established, if extremely complex and oftentimes messy, Botswana and Zambia have a much more evolved formally established legal relationship between government and traditional structures. As will become evident, this formal integration is key in inclusive governance. Not only is it a formal acknowledgment by the government of the governance role traditional institutions play, but it also allows for an established framework within which traditional leaders can address any conflicts that might arise in a manner free of violence. For example, in Botswana minority tribes are choosing to engage with the government through legal channels to be recognized and included in the House of Chiefs. Furthermore, through formal integration traditional institutions become invested in the functioning and success of the state government in development and peace, as this translates into the successful and peaceful development of their own communities.

The chapter is broken down into three main sections, with the first focusing on Botswana, and the second on Zambia. The third offers a discussion and concluding remarks on the nature and state of inclusive governance in the two states. The analysis of the two countries offers some insights into Uganda’s history of conflict and potential for future development towards inclusive governance. Like Uganda, they were British colonies and share similar historical roots in terms of the relationship between colonial governing structures and traditional institutions. All three found themselves under a form of indirect rule typical for the British colonizers. They all had certain larger kingdoms with whom the British entered into treaties, and which enjoyed a privileged relationship with the colonizer. In Botswana these
were the eight main Tswana tribes; in Zambia, it was the Barotse (also called the Lozi); and in Uganda it was the Baganda. The historical development of these relationships between the colonizing power and the traditional structures is significant, mainly because they set the stage for post-independence governance and the integration of traditional institutions into state government. Thus, for each case the historical setting is introduced to trace the circumstances that have led to their unique contemporary governance systems. This includes both political developments pre- and post-independence, and an overview of selected traditional societies and their role in shaping governance in the state. This is necessary to understand the context and nature of governance in each case. An analysis of both the formal and informal relationship between traditional institutions and the state is presented, to explore changes and ongoing challenges and complexities inherent in a system of inclusive governance. In conclusion, a brief discussion of how the two states compare is undertaken, highlighting gaps and areas of successful integration, as well as remaining questions, setting the stage for the next empirical chapter in which the main case study of Uganda is investigated in greater depth.

Botswana

*Kgosi ke kgosi ka morafe (A chief is a chief by the grace of his tribe)*

A Tswana proverb

Botswana as a Peaceful State: History and Circumstance

Botswana has long been hailed Africa’s sweetheart: a developmental and democratic success, it has managed to remain economically relatively independent, although disproportionately reliant on

34 The prefix Ba indicates plurality, thus Barotse are the Rotse people (Lozi can also be spelled Lotse or Rotse), while Baganda are the people of Buganda.

35 Due to funding imitations my field work was undertaken primarily in Uganda, with only a short trip to Zambia and exclusively desk-based research on Botswana. Therefore, the two cases presented in this chapter are meant only to offer a contrasting background for the study of Uganda. Due to the minimal number of interviews and lack of time in the field in these two countries, there remain several unanswered questions which are addressed in the next chapter in the context of Uganda. A more in-depth study of Botswana and Zambia would enable a better comparative study and empirically enrich the findings and analysis of this project in the future.
revenue from its diamond mines. Unlike many states on the continent, Botswana achieved its independence peacefully. In 1885 three Batswana chiefs (Batheon, Khama, and Sebele) entered into a treaty with the British, creating the Bechuanaland Protectorate, to protect their lands against the invasion of the Boers from the south and the Rhodes British South Africa Company (BSAC), which had plans to annex Botswana along with Northern and Southern Rhodesia (contemporary Zambia and Zimbabwe). As part of the agreement the colonial government recognized the eight main Tswana morafe (tribes), with their land marked as a native reserve, and the remaining as crown land (Sharma 2005).

Traditional Leaders as Heads of State: Building Contemporary Botswana

According to Vaughan (2003) the success of Botswana can be attributed to the Tswana elite’s ability to impose a sense of homogeneity and cohesiveness which aligned with the ideology of national unity. In this sense, the illusion of homogeneity was used to promote nationbuilding in a way which allowed the elite to create a system of inclusive governance. This seems to have given Botswana an important advantage, which arguably was mainly possible due to the fact that its independence leader was also heir to the largest traditional kingdom in the country.

Seretse Khama, the political leader of the Botswana Democratic Party (BDP), and the first president at independence, stemmed from a long line of dikgosi (plural of kgosi, the Setswana word for king), being the grandson of Kgosi Khama III (the Great), heir to the largest of the eight Tswana tribes, Bangwato. His lineage made him a popular candidate, more readily accepted by traditionalists36, while his education and political leanings made him acceptable to those seeking to democratize the state based on the Western model. Khama offered a combination of traditional roots and a Western education, skillfully integrating and appropriating indigenous governance ideas with democratic ones within the evolving

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36 In fact when he passed away in 1980 and the vice-president, a Ngwaketse commoner, took over as President of Botswana, there was some discussion of the lack of his royal lineage (Gulbrandsen 1995).
system of constitutional republicanism in Botswana. The new government adopted and reinvented the Tswana concept of societal harmony (*kagiso*) to support the democratization of the state, replacing the proverb *kgosi ke kgosi ka morafe* (the king is the king by the grace of his people) by *puso ya batho ka batho* (government by the people for the people) (Gulbrandsen 1995). In contrast to the more radical Botswana Peoples Party (BPP), the BDP from the beginning realized the influence of the traditional institutions on Botswana society and by extension, their importance as a source of votes. As such, not only did the BDP at independence have the support of the colonial government, but it had also managed to garner the support of the *dikgosi* (Morapedi 2010) focusing on creating an inclusive system of governance. Traditional authorities became an important source of power and legitimacy for the government, ensuring a smoother and more peaceful transition from colonialism to independence.

Despite the outward signs of acknowledgement and integration of the institution of *bogosi* (chieftainship) into the governance of Botswana, Khama was not known for being pro-chieftainship. As such, there was a delicate balance between creating an inclusive system for the sake of maintaining legitimacy and accruing votes, particularly from the rural sections of the population where traditional institutions remained strong, while also limiting the powers of these structures. Khama thought the *bogosi* was autocratic and needed reform to become more ‘modern’ and accountable. As a result, the independence government was largely set on diluting the powers of the *dikgosi* as much as possible (Ifezue 2015). Van Rouveroy van Nieuwaal (1999) argues that the independence government in Botswana sought to achieve internal legitimacy based on the collaboration with traditional rulers, finding a balance between state, chiefs, and citizens. While the state allowed for the devolution of powers to a certain degree, it maintained its superior position by, for example, ensuring that the 1965 Chieftainship Law gave government the power to appoint and dismiss chiefs. Yet it could not function without the cooperation of traditional leaders and therefore has had to compromise, for example by including chiefs on land boards as ex-officio members (Vaughan 2003).
While there was significant push back from traditional leaders themselves who saw their independence and powers dwindling, many decisions taken by Khama were seen by the broader population as legitimate and acceptable even if they countered tradition, as he was the rightful traditional heir and leader, and therefore born to lead and make these difficult choices. There was also some acknowledgment, even among traditional leaders, that change and adaptation to the new situation in which the country found itself was needed, and Khama’s birthright was to lead the state into this new era (Vaughan 2003). That being said, neither Khama nor the heads of state that followed, ever made any attempts to abolish the institution of bogosi altogether. This in and of itself is significant as it both shows the government’s commitment to the pursuit of measured inclusion in governance despite its misgivings and inherent paradoxes, and it underscores the firm hold and influence traditional institutions had, and continue to have, on governance in Botswana.

Seretse Khama died in office in 1980, leaving his vice president, Quett Masire, as acting president. Masire won two terms, stepping down in 1998 when Festus Mogae was elected as the third president of Botswana (Young 2012), continuing the government leadership of the BDP. From 2008 to 2018 Khama’s son, Sereste Khama Ian Khama, served as the fourth president of Botswana, stepping down in April 2018 ahead of the 2019 elections. His leadership was particularly emblematic of the interplay of traditional and state powers. He maintained ties with both, embodying the duality of political identities in the state. Before his political career in state government began, in 1979 he was installed as kgosi of Bangwato. After retiring from the army, Ian Khama joined the BDP and was appointed vice-president after the 1999 elections. The landslide victory for his party was largely attributed to his appeal as kgosi (Nyamnjoh 2003). He ran for president without resigning from his post as kgosi, arguing that he had not in fact taken up the duties of chieftainship as he appointed a family member to perform them in his stead (Holm and Bothale 2008). Despite these claims, he officiated at various kgosi coronations as paramount kgosi (kgosikgolo) of Bangwato. Throughout his presidency, he was known to blend and cross lines between official party
politics and his role as a traditional ruler. During this time, very few criticized his actions, considering it his birthright to rule (Morapedi 2010). Ian Khama was able to use his position as traditional leader to help increase his powers and legitimacy in the eyes of the population. This further enhanced both the practice and perception of inclusive governance in Botswana.

The current (fifth) president of Botswana is Mokgweetsi Masisi, a former vice president in Ian Khama’s government of the same party. He was appointed when Ian Khama stepped aside and will remain in office as acting President until the elections in October 2019. The BDP has been in power since 1966, and while elections are largely seen as fair and free, both internally and externally, there are some who question the lack of true competitive electoral races in the country (see for example Mogalakwe 2015).

A Marriage of Two Governance Systems

Despite the long tradition of inclusion, the relationship between state and traditional institutions is not without strain. The BDP continues to use the discourse of inclusion, reassuring the population and traditional rulers that the dikgosi have a role under the democratic political order, but they need to adapt to the new system. Recognizing the complex, symbiotic, and manipulative relationship between the government and traditional authorities, Holm and Bothale (2008, 74) aptly point out that the government has perfected the use of chieftainship as “a mantel they wrap themselves in in order to anchor their regime’s legitimacy in the past.” Although the power relationship is uneven, with the government clearly holding most of the coercive powers, the institution of bogosi is far from powerless. Due to the influence held by the bogosi, the government is unable to implement many policies without the cooperation and support of the dikgosi. It lacks linkages to rural communities, and therefore needs the traditional rulers to help mobilize the masses.

As such, traditional rulers in Botswana have also adapted and reimagined themselves in ways that allow them to endure despite the various challenges to their powers. As Vaughan (2003) argues, to their
credit, “the chiefly class retained their significance because they adapted the legitimating attributes of tradition, culture, and custom to the discourse on modern political and economic development of the late twentieth century” (2003, 171). This adaptation has taken place both at a formal and informal level, and at various levels across the traditional societies that make up Botswana (as well as in other states); and is what makes the system of inclusive governance relatively successful. Inclusivity means that the system of governance is tailored both to the context and the changing nature of the state. Although not perfect, it offers a legal framework within which inclusion is formalized, and allows for the continued renegotiation of the boundaries of the framework, and airing of grievances through formal channels, in ways which offer an alternative to violent conflict, while also stabilizing the political environment and making policy implementation easier and more effective (Birnir and Waguespack 2011).

The Kgotala as a Foundation

One of the key pillars of governance integration in Botswana is the kgotla. A public meeting convened by a traditional ruler, the kgotla was a forum through which the kgosi ruled, and a venue for discussion of public affairs. Today, the tradition of discussion at the kgotla continues, and attendance and participation has expanded to include women and minority groups. The integration of these traditional forms of political participation, particularly as they include chieftaincy structures, shapes the meaning of governance (Vaughan 2003) in ways that are based on Botswana’s unique culture and history, and offer continuity between tradition and the contemporary order. They provide a platform for the promotion of traditional values and communal cohesion, while also recognizing the importance of public debate in policymaking (Vaughan 2003). Sklar (1993, 91) notes that the kgotla signifies a “distinctively African synthesis of double majesty with mixed government.” Without infringing on the terrain of the state, it allows traditional rulers to maintain authority within their communities, creating what Sklar (1994) calls a mixed government, and resulting in a form of inclusive governance. This marriage of the new and the old
has benefited the state precisely because it can be seen as “an organic growth rooted in Tswana historical
culture” (Young 2012, 367).

While the tradition of public meetings to debate policy remains strong, unlike in the past when
the kgotla was central to policymaking and rule, the powers currently vested in the kgotla are limited.
There is no question that the government retains all legislative and administrative authority. Dikgotla
(plural form of kgotla) also meet less frequently in urban settings, where political meetings, often of a
partisan nature known as ‘freedom squares,’ are more typical (Sklar 1993), although both freedom
squares and dikgotla take place throughout the country. Dikgotla are non-partisan and no organized party
activity is allowed to take place during the meetings, and politicians often choose to speak at the kgotla
rather than the freedom squares, seeing it as more significant (Gulbrandsen 2012). Both forms of
community meetings in which citizens actively participate in the political life of the country are crucial to
the functioning and maintenance of Botswana’s democratic system. The significance of these public
meetings is mostly visible when the government wants to garner support for grassroots programs and
projects. Evading the kgotla seriously impacts the legitimacy of such initiatives, and in the past, policies
have had to be reformulated to meet the demands of the kgotla before buy-in from the community was
achieved, and implementation made possible (Sklar 1993).

The functional implementation of the kgotla and its widespread use as part of the acknowledged
system of governance is one dimension of inclusive governance practiced in Botswana, and has
contributed to the successful development of the state. While the tradition of public meetings is not alien
to other countries on the continent, including Zambia and Uganda, Botswana has been purposeful in
maintaining the kgotla, with dikgosi as the chairs of the meetings, thus integrating and entrenching their
role in each public forum. While community meetings are common in villages across Zambia and Uganda
as well, these are not always led by traditional leaders, but rather district or other local government
officers, with local chiefs or kings either purposefully or sometimes unintentionally sidelined, particularly when matters of government policy are under discussion.

This is not to say that governance in Botswana has been perfect. The dikgotla are suffering from declining participation in some areas, with people feeling that the public forum’s importance in decision-making is diminishing as government uses the meetings to legitimize actions that have already been decided upon in the capital (Holm and Bothhale 2008; Sharma 2005). Yet, according to the latest round of Afrobarometer surveys (R7 2016/2018) in Botswana, well over 50 percent of people continue to attend public meetings like the kgotla or freedom squares. As such, the kgotla remains an important symbol of inclusivity of traditional governance and one cannot understand the system of governance in Botswana without understanding the role of traditional structures within the system, both formal and informal.

Formal Integration

While the formal integration of the kgotla into governance establishes an ongoing role for traditional leaders as part of local governance, there are several other acts of parliament and bills which determine (and in many cases limit) the role of traditional institutions at the national level in Botswana. Although integration was clearly a goal for the post-independence government, in line with the paradoxical nature of inclusion, so too was the marginalization of traditional rulers from as early as 1962. Despite calls by the dikgosi to build a Westminster style of government in which traditional rulers would co-exist with the incoming government, the BDP and the British were not convinced (Vaughan 2003). This was primarily because both the nationalists and the British colonial powers saw the dikgosi as uneducated and lacking the insight needed to embrace the rapid changes which independence would bring with it, or to tackle the challenges that would inevitably arise. Therefore, they set upon ensuring that the dikgosi’s powers were limited to local, community issues. This is a view held by government officials in many countries, including Uganda, as will become clear in the next chapter.
Although the *dikgosi* were able to negotiate a House of Chiefs (now officially called the *Ntlo Ya Dikgosi*), the powers of the House were limited to serving as an advisory body. The government hoped that the House would function as a bridge between the new government and rural communities, with minimal interference in policymaking. Right from the beginning however, due to the restricted powers of the House, there was some tension between the government and the *dikgosi*, with Kgosi Batheon calling for a vote of no confidence, only a few months after its establishment in 1965 (Vaughan 2003). 37

The role of the House of Chiefs is much like a second chamber to the parliament. It can consider draft legislation and pass resolutions on it. Any minister can consult the House, but the Parliament does not have to take its advice, and has in fact often ignored House resolutions (Rugege 2003). Despite this marginalization, based on reports of meetings from the House, the quality of debate and resolutions have increased, as has the relationship between the *dikgosi* and ministers over time. Public perception of the House has also changed for the better over the years (Sharma 2005).

The *dikgosi* frequently use the *Ntlo Ya Dikgosi* to magnify their voices on the national arena. Participation in the House has allowed for rural communities to feel represented at the highest level of national government, and have their voices heard via their traditional leaders, even if in the end their demands might not be addressed in a satisfactory manner. The *Ntlo* has emerged as an important venue for chiefs to meet and freely discuss affairs of the state. It is seen as significant within the Botswana society (Vaughan 2003), and has been reformed since independence to be increasingly inclusive and functional, 38 thus confirming the trend toward further inclusivity in governance.

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37 The Chief called for the dissolution and reconstitution of the House, to have six elected members of standing outside of the chieftainship, and that a parliament for Bechuanaland be constituted with two houses, a house of chiefs and house of assembly. These calls were rejected by both the nationalist politicians and the British colonizers (Vaughan 2003).

38 Both the *bogosi* and the *Ntlo ya Dikgosi* continue to be reformed to adapt to the changing role they have in society. In 2002 following the Balopi report, the number of seats in the House was increased to a total of 35 members, and included an additional four chiefs as ex-officio permanent members from minority groups added to
While the House symbolizes a more inclusive system of governance, it clearly is not without issues in terms of the quality or depth of inclusion. The fact that the dikgosi perform an advisory role offers insight into the limits of inclusive governance in Botswana. In many ways, inclusion is symbolic rather than substantive at the national level. It highlights the struggle of the government to both include and benefit from integrating traditional institutions, while also guarding against the diffusion of its powers. As the relationship is renegotiated and adapted to the needs and comfort levels of the parties involved, the degree of inclusion changes. Even low levels of inclusion, which are primarily symbolic, offer some benefits, although these tend to dissipate over time as the marginalized actors become disillusioned. In order to avoid the mounting of grievances, as such disillusionment sets in, the Botswana government continues to use the discourse of inclusion and integration. By progressively making very small and guarded steps toward greater inclusion, the state is able to avoid potentially violent conflict as disillusion gives way to unaddressed grievances and needs.

The independence government over time also implemented a number of policies which severely eroded the powers of traditional rulers, while at the same time continually relating back to the traditional method of governance, using it as a base for support for the implementation of these new policies. The 1965 Chieftainship Law and the 1966 Independence Constitution brought the dikgosi firmly under the control of the central government, and definitively excluded them from partisan politics, much like in other countries on the continent (although interestingly, the current constitution does not include a section on dikgosi and partisan politics). As in other states, exclusion from partisan politics has been

the already permanent seats of the eight Tswana tribe representatives although this was a compromise between what the report recommended and the status quo (Holm and Bothale 2008). In addition to the 12 permanent members, there is a maximum of 20 dikgosi elected for five-year terms and five persons appointed by the President. While this has increased the number of dikgosi with seats in the Ntlo, there continues to be an unequal relationship between the Tswana who have permanent seats, and those who do not, in a conundrum echoing the debate regarding the format of the UN Security Council in which permanent members veto any significant change to the Council’s make up.
argued to be beneficial to the traditional leaders as it places them above the petty disagreements between parties or politicians, underscoring their role as unifying leaders of their communities. This however has effectively excluded them from any legislative or executive roles in the government, conveniently limiting them as a potential political threat or opposition. Even though the constitution no longer explicitly forbids engagement in partisan politics, dikgosi rarely do so, ostensibly to maintain their neutrality.

Since these initial regulations, many other limitations have been placed upon traditional rulers, including the Tribal Land Law of 1968 which removed the dikgosi from the land commissions (Rugege 2003); the African Courts Amendment Law of 1968, which limited their judicial role; and the Chieftainship Law of 1970, allowing a state-appointed judicial commission to recommend the deposition of chiefs. In 1977 an Amendment to the Chieftainship Bill was passed allowing the president to appoint successors to vacant chieftainship titles; and significantly in 1979 the Matimela Bill was signed into life, passing the last of the bogosi privileges to Local Government - the ability to commandeer stray cattle. In 1987 an Amendment to the Chieftainship Bill was introduced transferring the powers of the president to remove a chief over to the Minister of Local Government, Lands and Housing (Ifezue 2015) further decreasing the importance of traditional leaders symbolically.

Despite these developments and knowing the limitations and various tensions present between government and traditional authorities, I argue that the Ntlo Ya Dikgosi, remains significant and contributes to the success of Botswana as a peaceful country. I agree with Rugege (2003) who notes that the inclusion of the dikgotla and the House in the governance of the country has meant that the rural population in particular has a better understanding of state policymaking, as it includes elements of the traditional system. This in turn means that the government is seen as more legitimate and that traditional institutions and by extension their communities, identify with, and are more invested in the peaceful development of the state.
At the district level, the *bogosi* and the traditional administration remain particularly important and influential. They form one of four pillars of local government at the district level, in addition to the District Council (elected councilors for five year terms); District Administration (headed by the District Commissioner); and the Land Board (some members elected at the *kgotla*, some appointed by Minister) (Sharma 2005). *Dikgosi* sit on the District Development Committee, acting as a bridge between the government and the people on issues of development (Sharma 2005). Furthermore, the *kgotla* is where Local Council and the Village Development Committee members are elected - two key governance institutions at the village level, supported by the *kgotla* and *dikgosi* (Holm and Botlhale 2008; Sharma 2005). They are also involved in most other grassroots forms of civic engagement, from Parent and Teacher Associations to village health committees, and crime prevention committees. Much like in Zambia and Uganda, *dikgosi* play an important role not only in mobilizing their people, but also in sensitizing them to various issues and encouraging participation in government programs once they are underway (Morapedi 2010). Clearly, they are an important part of local governance, and remain extremely active. One of the clear advantages *dikgosi* have over politicians who work for the state government, is their commitment to their community, in which they live throughout their rule, and as such are very much invested in its success. They are also seen as legitimate by the population, in part due to the fact that they are locally engaged and that the success of the community is closely associated with their own success.

*Dikgosi* have retained powers as arbiters of traditional courts primarily in marital law and small crimes. The structure is hierarchical with a respected traditional ruler sitting in the final court of appeals. Many people choose to use these traditional courts as alternatives to magistrate courts as they tend to be more time and cost efficient (Holm and Botlhale 2008), while also more familiar and comprehensible.
As such, customary courts handle an estimated 80 percent of criminal cases and 90 percent of civil cases in the country (Sharma 2005). Despite the commonly accepted thinking that these institutions are resistant to change, these courts increasingly offer examples of dynamic transformation and adaptation by traditional authorities to more contemporary trends and societal developments, including women’s rights with judgements giving land rights to widows for example (Sharma 2005). As new generations of dikgosi ascend to power, views not just on land rights, but on issues such as marriage and on the role of women and youth are changing, driven both by the vision of change brought by incoming young dikgosi, as well as pressures from their, primarily young, constituencies (Nyamnjoh 2003).

The latest Bogosi Bill (2008) further standardizes and regulates chieftainship, including listing a retirement age of 80, explicitly noting that women can become chiefs (although the first woman paramount chief kgosi Mosadi Seboko was appointed in 2002 predating this Bill), as well as reinforcing the ability of the minister to depose chiefs at will. It replaces all English references to chiefs and chieftainship with their Setswana counterparts, dikgosi and bogosi; adds the “performance of tribal ceremonies” to the functions of the dikgosi; and requires dikgosi to possess an undefined, minimal level of education\(^{39}\) in order to be recognized (Ifezue 2015). Interestingly, like the current Constitution, it does not explicitly exclude dikgosi from taking political office. As such, Ian Khama is not the only kgosi to take on a political role, with some dikgosi appointed as ambassadors by the government,\(^{40}\) and a few taking on elected positions (Letsididi 2015). However, despite the fact that neither the Constitution, which refers only to members of the Ntlo ya Dikgosi as being barred from partisan politics, nor the Bogosi Act, exclude

\(^{39}\) Specifically, the Act says a kgosi has to “possesses such minimum educational qualifications as may be prescribed from time to time.” (Bogosi Act 2008, Part III, 4(a))

\(^{40}\) This is a role seemingly often award by governments to various traditional leaders, despite legislation against such appointments.
traditional leaders from taking political office, partisan politics continues to be viewed by the population as compromising the neutrality of traditional leaders, and thus is entered into only hesitantly by dikgosi.

While many of these laws can be seen as bringing the institution of bogosi further under the heel of the government by aligning them more with typical government civil servants, they are also a sign of innovation and integration in response to the circumstances and context Botswana finds itself in, continually blending and creating new ways in which the state develops its own national governance system and identity. Botswana offers a clear example of the importance of legal integration of traditional institutions, despite the ongoing marginalization of their roles. By establishing and continually adjusting a legal framework for the inclusion of traditional structures, both sides are able to benefit from the relationship while making incremental changes to it as their needs change.

The promise of such change and adjustment is what keeps the relationship relatively functional and peaceful. Therefore, the government maintains its discourse of inclusion further acknowledging the role of both the bogosi and the kgotla system in its Vision 2036, noting that even more integration will be sought to ensure a meaningful role for the traditional institutions in Botswana. A review of the Bogosi Act is currently underway, and the Department of Tribal Administration has developed a strategic plan for 2018-2023 as part of integrating the dikgosi further into the governance system. Whether these discussions result in more integration and increased recognition of the role of traditional institutions remains to be seen. However, particularly minority traditional groups which feel marginalized and left out of the framework, continue to push (through legal channels) for more inclusivity in governance in an attempt to gain recognition and a seat at the table.⁴¹

⁴¹ In one of the examples of traditional rulers seeking to remedy a situation in which the government is seen as treating them unfairly, the Wayeyi tribe brought suit against the government, challenging the provisions of the Chieftainship Act, the Tribal Territories Act, and the Constitution, as being discriminatory and unlawful (Ifezue 2015). It took the government three years to amend the constitution in 2005 and a further two years for
The dikgosi themselves continue to be vocal in challenging the government and its failures when needed, and the image of being non-partisan fits with their role as leaders of a cohesive community on behalf of which they act (Holm and Botlhale 2008). As argued by Sklar (1999), the system of dual authority works, because the traditional institutions act as checks and balances on the powers of state government allowing for public debate. This increases government legitimacy and is an important aspect of inclusive governance. Both the tradition of the kgotla, and by extension the Ntlo Ya Dikgosi, exemplifies the idea of debate and open government in Botswana. They are recognized by the government and the population, as playing an important part in communal cohesion, and their deliberations have some influence on policymaking at the national level. The formal, legal integration of traditional institutions into the state government has the dual effect of giving both government and traditional leaders additional sources of legitimacy (government from traditional institutions, and traditional institutions from the formal/legal recognition by the state), as well as a stake in the welfare of the other. In keeping with the discourse of inclusion and tradition of debate in the country, a number of Presidential Committees and special reports have addressed policy issues of importance to the population, particularly on matters of traditional governance.

amendments to the Chieftancy Bill, which came into life in 2008 as the Bogosi Act (Ifezue 2015). Since the suit, the Wayeyi have been recognized as a tribe (2016, with their chief recognized in 2017).

42 Sklar (1999) argues that dual authority is compatible with the idea of a constitutional government and that democracies have relied on a certain level of oligarchy to be present in the system to alleviate the less desirable effects of popular power. As such, power is often devolved to unelected institutions such as a Supreme Court, Federal Reserve (in the US for example), or House of Lords, to check the powers of the elected government. A similar arrangement can be seen in African states where traditional communities offer such a balancing factor. While it does not manifest in the same way as Western models, the complex relationship between power, authority, and institutions is present everywhere. Thus, maintaining these dual political identities does not necessarily limit the development of a national identity and governance order for all citizens.
For example in terms of community development projects, the Local Government Commission reported that bogosi and headmen were the critical links in mobilizing communities and serving as interpreters for government initiatives, and should be integrated into the process (Vaughan 2003). Another taskforce on governance, chaired by Baldezi Gaolathe in 1996, which laid out the vision for Botswana for 1996 to 2016 (also called Vision 2016) argued that traditional leaders were a critical link in the democratic process, especially in rural areas, and preserved local values and grassroots governance. The report recommended a clearer definition of their roles and cautioned against an adversarial relationship between the state and the dikgosi. A summary of the document called for traditional leaders to be:

an important part of the democratic process through which the long lasting “kgotla” system will pass from generation to generation. They will play a significant role as custodians of our culture and tradition, which will be dynamic in response to changing conditions. The role of the House of Chiefs and other traditional leaders will be clearly defined to suit the changing circumstances of Botswana. The co-operative relationship between traditional leaders and elected political leaders will promote social tranquillity (sic) and orderly governance. By the year 2016, the various institutions of Government will complement each other at both national and local levels, and will promote the full involvement of everyone in the social and economic transformation of the country. (Presidential Task Group on a Long-Term Vision for Botswana 1997, 12–13)

The Vision recommended the raising of the status of chiefs, increased remuneration, and more judicial powers. It also recognized the marginalization of minority ethnic groups, an issue which was not addressed until the groups themselves engaged in a judicial battle with the government to address inequalities inherent in the constitution. Clearly Vision 2016 was a source of significant aspirations and
goals for an even more inclusive system of governance, in which traditional leaders enjoyed a greater role. Unfortunately, while the government endorsed the panel’s recommendations (Vaughan 2003), few of them were implemented, and traditional leaders were only scarcely consulted or involved in related projects (Seretse 2012).

The new Vision 2036, which picks up where Vision 2016 left off, takes on the criticism of unequal representation, stating that the government will work to ensure that all ethnic groups have equal recognition and representation at the Ntlo Ya Dikgosi by 2036 at the latest, again offering hope to minority groups that greater inclusion is underway and their voices have been heard. It remains to be seen whether this will in fact happen, since as of now, there does not seem to be significant buy-in from the Tswana dikgosi to implement such a change, and allow their counterparts from minority tribes equal recognition.

The Presidential Commission on Local Government Structure (Venson Commission) in 2001 made recommendations to increase funding, human resources, and facilities for traditional institutions. These recommendations were only partially accepted by the government in 2004 (Sharma 2005). In a different instance when a commission on land administration recommended in 1992 that dikgosi be more involved in the administration of communal land, the BDP did not implement the portion of the report which suggested granting additional powers to the chiefs, arguing that their level of education and training was too low to allow them to handle cases of land tenure which involve complex legal regulations, and instead only allowed them minimal representation (Vaughan 2003).

These task forces, committees, and reports indicate an active and ongoing conversation nationally on issues of governance and particularly on the further integration of traditional structures. From the upgrade of the post of dikgosi and tribal secretaries, to the increase in the number of customary courts, a more active use and acknowledgement of the kgotla, and the reorganization of the Ntlo ya Dikgosi
following the Balopi report (Sharma 2005), all these actions clearly show that the state government is investing in traditional institutions and ensuring that they remain a firm part of the governance system in the country. In this way, the government both gains legitimacy and avoids potentially violent conflict as a result of exclusion by creating a system in which grievances can be addressed without violence. Even in cases where traditional institutions are criticized, there is no action taken by the government to abolish them, as the state recognizes that such an act would not only leave a power vacuum, but also potentially lead to a violent uprising particularly by people in rural areas who rely on traditional leadership for many basic services (Sharma 2005).

Worth also noting, is that the conversation is by no means one-sided, as the dikgosi themselves take an active role in negotiating and renegotiating their role in society, and have been able to wrangle a number of benefits and concessions from the state which is dependent on them for political and administrative expediency (Morapedi 2010). It is clear that the dikgosi have a history of fighting back and with time, have increasingly met and challenged the government on its own turf. As early as in 1934 when a new Native Administration Proclamation and Native Tribunal Proclamation were introduced, kgosi Thsekadaei Khama and Batheon II brought a case against the British High Commissioner arguing that the proclamations were illegal, since they did not align with the verbal treaty the dikgosi had with the Queen, nor did they respect customary law, leaving the kgotla with no powers and only acting as a place to announce decisions rather than debate (Ifezue 2015). This example highlights the importance of the formal legal framework within which the traditional leaders were able to appeal to the colonial power to change its decision. Had there been no such legal avenue, violent conflict might have been the only way of being heard. While the final judgement went against them, the proclamations were delayed by 12 years and when they were put in place they were largely toned down, allowing the dikgosi limited powers to

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43 Although once again, not all recommendations made by the Balopi Commission were implemented (Sharma 2011).
create laws with agreement of the kgotla (Ifezue 2015). This result offers some insight into the soft powers of the dikgosi, with the government only hesitantly implementing policy that might offend a traditional leader.

Although Botswana has made many encouraging steps, and traditional institutions are clearly formally entrenched and part of the governance system, as already noted in earlier chapters, inclusive governance is a spectrum, and Botswana is by no means a perfect example. While it is seen as a country in which rule of law is strong, and as such, many of the examples of formal integration and legal dispute resolution characterize the development of inclusive governance in the country; as will become even more clear in the section on Zambia, and the chapter on Uganda, the formal integration of traditional institutions into state government continues to be plagued with gray areas, gaps, and informal arrangements in all the countries under study. Thus, inclusive governance despite being implemented in a precise and purposeful fashion in Botswana, is also continually in flux, as the informal relationship between state and traditional communities builds, changes, and adapts. It is therefore extremely important to understand the context of this relationship and the soft powers of traditional leaders, to better gauge the importance and effects of inclusive governance on maintaining a peaceful state.

Examining the Informal: The Soft Powers of the Dikgosi

Although technically the dikgosi are civil servants under the direct supervision of the District Commissioner who answers to the Minister of Local Government (Holm and Bothale 2008), the relationship is much more complex, and in practice, the regular government hierarchies do not apply. Since any community project needs to be sanctioned by a kgosi, he or she can make such approval difficult for a state official to achieve. The District Commissioner has little de facto power over the chief or headman.
Despite a multitude of legal frameworks and regulations which allow the government to interfere in appointing or deposing a kgosi, the state rarely takes any action on the matter other than approving the choice made by the people in the community. Deposing a sitting kgosi is difficult, particularly if he or she enjoys the support of his/her morafe.44 The people of Botswana have held onto the institution of bogosi and the state has come to appreciate the need for it (Morapedi 2010). Most important for the government, dikgosi remain key in garnering votes, despite complaints that their role is oftentimes that of a ‘rubber stamp’ (Morapedi 2010). The government continues to court traditional leaders during electoral campaigns to gain their approval and thereby increase the likelihood of winning more votes. Traditional leaders on the other hand have been able to use their position as guardians of local values, culture, and traditions, in order to maintain their relevance.

While the dikgosi have been marginalized and excluded from many of the duties and activities of the past, they remain powerful leaders in their communities. It is a testament to the flexibility and adaptability of customary law, as well as the careful awareness of the rulers themselves, who have found new roles and ways in which they can influence governance, continuously reimagining custom (Morapedi 2010). The dikgosi retain the respect of the community and are believed to speak for it (Holm and Bothale 2008; Sharma 2005; Morapedi 2010). The government, on its side, recognizes the soft power of the dikgosi by making certain concessions and ensuring that they are never entirely erased from the governance structures of the country, for fear of creating a power vacuum, and triggering instability and retribution.

44 The case of Kgosi Seepapitso is a good example of the power and support dikgosi have. In 1994 the Ntlo Ya Dikgosi chairman Kgosi Seepapitso was suspended for criticizing government policy and lack of compliance with important official matters. His eldest son Leema Kwena Gaseitsewe was appointed acting chief. In addition to the immediate reaction by other chiefs denouncing the government’s actions, Kgosi Seepapitso filed a legal motion in court, which he won first by having his son removed, and then again, when an appellate court ruled his suspension unlawful (Vaughan 2003). He maintained his legitimacy by engaging with the government, effectively using their own political institutions while retaining his traditional political authority, thus proving that they are not mutually exclusive. Throughout the debacle, the kgosi retained the support of his people. In 2001 the government appointed the kgosi Botswana’s ambassador to the United Nations. This was seen by many as an attempt to keep an outspoken critic away from national politics and engaged in other matters (Nyamnjoh 2003).
from the rural population in particular. As in any relationship where roles are vaguely defined, at times tensions can mount, with government regularly arguing that the dikgosi are unproductive and inefficient, while the dikgosi call the government anti-democratic and authoritarian, blaming their own short-comings on the limited funding and resources they receive from government. Small incidents nonetheless continue to underscore to the government the importance of maintaining a cordial relationship with the traditional rulers. These range from political setbacks such as the loss of votes at election time, to the lack of cooperation by the community in project implementation. Headmen have in the past evaded their responsibilities as intermediaries in community development projects, local levy collection, or enforcement of law and order, during disagreements between government and the local kgosi. With the rural population being the largest influencer in the national assembly (31 elected members compared to only four representing the urban population), the government has to balance its policies against the dikgosi to ensure that it does not lose power in the Assembly and is able to implement the policies it hopes to advance. This was illustrated by a humiliating defeat of a BDP candidate in 1969 against kgosi Batheon of Bangwaketse, who ran for the House Assembly under the Botswana National Party (BNF), winning by 70 percent of the popular vote (Vaughan 2003).

Yet, as already pointed out earlier in this chapter, these tensions can be seen as positive, with traditional leadership acting as a check on the government, which has long had little competition from opposition parties. The government in turn balances out the powers of the dikgosi working to ensure that despotism (Mamdani 1996) is less likely. Thus, the dikgosi maintain their position as bridge between government and population, despite ongoing tensions. Somewhat resigned to the fact that their roles

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45 For example, arguing that the local government has limited knowledge of traditional laws and is not fit to review cases that fall under it; and that government tax collectors are not as effective as Headmen who know the population well. Vaughan (2003) offers an example of a council wanting to build a storeroom, which the kgosi insisted be on his compound, however the council refused. As a result, the kgosi did not support the project and people in the community would not work on it. However, when the kgosi endorsed another project, the community mobilized to complete the work.
have changed and are limited, they understand that firm opposition would not only endanger their position, but potentially turn their subjects against them if they are seen standing in the way of ‘progress and development’. In addition, it is important to recognize that the dikgosi are themselves elite players (Nyamnjoh 2003), and while they have been bureaucratized (Morapedi 2010) and manipulated by the government, they are not without agency and have been manipulating the system as well. The legitimacy of the state has never been challenged by them, instead they have engaged in an intricate dance with the state in which power and control are continuously being renegotiated, forming a relatively successful marriage between the republican state and its “traditional hereditary principalities” (Gulbrandsen 1995).

Zambia

Historical background

By comparison, Zambia is on a slightly different road toward inclusive governance. The state was colonized between 1890 and 1891 when British South Africa Company (BSAC) which established control over the territory by convincing the Lozi Litunga (king) Lewanika, to sign treaties giving the company mining concessions in exchange for protection. The Barotse (Lozi) of Western province, were heirs to an expansive, highly centralized political kingdom, which in the pre-colonial years extended to include several language groups forming a multi-lingual state (Ranger 1999). The Litunga presided over an array of chiefs affiliated with the royal house. They offered an entry point for BSAC into the region, as the Litunga represented a large territory and people. Litunga Lewanika signed treaties with the British in 1902 giving them suzerainty over the Barotse. As such, the traditional Lozi structures were left largely unfettered by colonialism, with the British administering the territory through indirect rule as a protectorate under the name Barotseland. Much like in Uganda where the Buganda kingdom negotiated a treaty with the British, the centralized structure of the Barotse allowed the BSAC to enter into an agreement with a king representing a large territory and population, establishing a foothold in the region. While their territory
and people were abused by the colonial power much like other areas, both the Barotse and the Baganda retained a position of some influence, negotiating on the behalf of their people, both during colonialism and at independence to maintain their special status.

The BSAC, once entrenched, grabbed lands beyond the Litunga’s influence, accumulating more territory. The company abused the land and population in an effort to make a return on their investment, until in 1923 the administration of Northern Rhodesia (named after Cecil Rhodes the BSAC magnate), was ceded to the Colonial office. The territory was neglected and little infrastructure outside of mines and rail routes for transportation of minerals was established; as such, few Europeans had settled there (Taylor 2006).

The Barotse remain one of the most politically significant ethnic groups in Zambia. Having enjoyed the privileges of a protectorate throughout the colonial period and at independence through the Barotseland Agreement, they were seen by the government as a more lasting threat to national unity. It was only in 1969 that Barotseland became simply the Western Province, administratively and constitutionally in line with the other provinces in Zambia, with the Litunga more aligned in powers with the other kings and chiefs in the country (Baldwin 2016).

Although today the Litunga’s powers are limited legally, like those of other traditional rulers in Zambia, the Lozi king and chiefs retain considerable authority and influence within their communities, and claim a privileged and respected position. Furthermore, the Litunga remains the only king specifically mentioned in one of the legal instruments documenting the role of Chiefs in Zambia, the Chiefs Act (Chapter 287), which notes that no person will be recognized as the holder of a chiefly office in the

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46 Since independence there remains a moderately active faction within Barotseland which calls for secession from Zambia, adding some tension to the relationship between the government and the Barotse.
Western Province without the recognition of the Litunga. This has been a source of some tensions and conflict, particularly between the Nkoya and the Barotse.

The Zambian population is composed almost entirely of the Bantu linguistic groups, although there are over 70 sub-groups within this general categorization, including the four largest: Bemba, Tonga, Chewa, and Lozi (Aregheore, 2009, 6; McColl, 2005, 1007). Zambia’s ethnic groups, like in other countries in sub-Saharan Africa, can roughly be divided into two types: small, decentralized communities with a chief or clan leader as head; or centralized kingdoms with a hierarchy of chiefs who fall under a king or paramount chief. The Barotse people of the Western Province are an example of a centralized people with the Litunga as king. The Tonga on the other hand are clan-based and as such are much less centralized.

_Shraping Governance Post-Independence_

The independence movement in Northern Rhodesia was largely peaceful. Negotiations for transfer of power were endorsed both by local leaders and the British, and took place between 1961 and 1962, thus avoiding a violent transition. Northern Rhodesia achieved independence on October 24, 1964 and became known as the Republic of Zambia. The UNIP won the elections with Kenneth Kaunda as first President of the Republic of a nominally multi-party government. Since independence, Zambia has remained an “island of peace” (Interview with NGO representative, Lusaka, July 2006) in a region were conflict is the norm. Burnell (2005) argues that it is the traditional institutions which act as a glue which hold the country together by maintaining the links, or acting as a bridge, between the population and political elites. By practicing inclusive governance, the Zambian government has ensured that this bridge continues to offer support in reaching the population and helps legitimize the government’s activities.

Recognizing the importance of traditional governance systems in the country, along with the extensive role they played in governing particularly rural areas during the colonial period, a House of
Chiefs was established in 1965, detailed in the Independence Constitution (Chibomba 2004).\(^\text{47}\) As van Binsbergen (1987) notes, the position of chiefs in Zambian society post-independence was significant, despite the scant attention it garnered from political scientists and other scholars interested in studying the Zambian state. Particularly the initial decade of the existence of the House was important in that it was chaired by one of the more prominent chiefs, Paramount Chief Undi of the Chewa (van Binsbergen 1987). Proceedings from the House of Chiefs’ meetings were regularly published and publicly available. However, after 1981 the House of Chiefs lost some of its prestige, as a new, less prominent chief took on the position of chair. Yet the government continued to court traditional leaders, increasing their powers in another sector of the political arena, with UNIP engaging the two most powerful Zambian chiefs – the Litunga (the Lozi king) and the Chitimukulu (the Bemba king) - in partisan politics by making them a part of the party Central Committee (van Binsbergen 1987; Chibomba 2004).

Kenneth Kaunda and his UNIP party ruled post-independence Zambia from 1964 to 1991. In 1964 UNIP won an overwhelming victory by promising political reforms that seemed to indicate the restoration of power to chiefs. When this did not happen, in 1968 traditional leaders became estranged from government, and UNIP lost the Western province to opposition, in a similar reminder of the power of traditional leaders as had taken place in Botswana in that same year (Chibomba 2004).

Zambia ceased to be a multi-party democracy in 1972 following consultations by the National Commission on the Establishment of a One-Party Participatory Democracy in Zambia chaired by Vice President Mainza Chona, members of which included two traditional chiefs. A considerable part of the commission’s proceedings concerned the role of chieftainship in post-independence Zambia although the

\(^{47}\) The nationalists who formed the independence government relied on traditional leaders in a variety of ways, including for the purpose of translation, without which they would be unable to gain the support of the various communities in Zambia (Englund 2013).
findings of the National Commission were largely ignored by the Kaunda government since the report indicated public opposition to the creation of one-party rule.

Unlike Khama, Kaunda could not trace his lineage directly to chiefs or kings of one of the ethnic groups in Zambia, but he worked to appeal to traditional leaders nonetheless. Like Khama, Kaunda’s philosophy of humanism used discourse related to traditional parts of Zambian heritage to try to legitimize the One-Party Participatory Democracy. He sought a model of internal debate leading to consensus, without the formalized opposition inherent in the North Atlantic model of political parties (van Binsbergen 1987). Kaunda argued that his humanistic view of governance was more consistent with African values and traditions, rather than the pluralist version the West offered. He firmly opposed violence, creating institutions for conflict resolution, and took great care in ensuring that government appointments were made in a way that did not exclude any ethnic groups (his method was commonly referred to as ‘tribal balancing’) in line with the motto ‘One Zambia, One Nation’. Furthermore, his mixed lineage (his father came from Nyasaland (Malawi)), meant that he could either stress his ties to the Bemba, based on where he grew up, or portray himself as someone with no tribe, and therefore neutral (Lindemann 2010).

In the 1980s Kaunda’s government began facing increasing opposition following the implementation of austerity measures (Baldwin 2016). The state reverted to pluralism adopting a multi-party democratic system in 1990, and the elections that followed in 1991 saw the Movement for Multiparty Democracy (MMD) emerge as the winner, with Frederick Chiluba at its helm. Kaunda stepped down as president, but UNIP remained as the main opposition party (Diakonia 2013).

Since 1991 Zambia has held a number of general elections with the majority seen as legitimate and encouraging signs of democracy.48 However, there have been clear advantages for the incumbent in

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48 The elections in 1996 and 2001 were perceived by international monitors as either fraudulent or rigged (Taylor 2006).
each electoral process, as each president’s office has spent large amounts on campaigns. When in 2001
President Chiluba was ineligible to stand for a third term, his successor Levy Mwanawasa won the election,
and MMD held the presidency again following the 2006 elections. In 2008, when President Mwanawasa
unexpectedly died, former Vice President Rupiah Banda replaced him (Baldwin 2016). It was not until 2011
that the MMD lost power to the Patriotic Front (PF) with Michael Sata taking the presidency. Sata passed
away in 2014 following an undisclosed illness. Vice President Guy Scott was acting president until the 2015
election in which Edgar Lungu, also of the PF, became president. He is the 6th Zambian President since
independence.

Like in many other African countries, traditional authorities in Zambia retain significant powers
particularly in governing in rural settings further removed from the capital city. Retaining a form of indirect
rule, the post-independence system maintained a structure of four paramount chiefs, 35 senior chiefs,
and 234 chiefs, although the relationship between the state and chiefs changed significantly, limiting the
powers they had during colonial rule. Chiefs enjoy significant power over land, and some say in law
enforcement, along with various more traditional sources of influence such as traditional courts to settle
disputes, although, like in Uganda, these are not officially recognized (Negi 2010; Baldwin 2016).
Furthermore, according to Baldwin (2016), their power has been increasing since the introduction of
multi-party elections in 1991, despite a short period during which the House of Chiefs was suspended
between 1991 and 1996 (although chiefs continued to be paid allowances and perform their duties at
local levels).\(^{49}\) This happened when the MMD came into power, and the House of Chiefs was left out of
the new 1991 Constitution, ostensibly as a measure to allow for the creation of a House of Representatives
with legislative powers which would include chiefs (Andreassen, Geisler, and Tostensen 1992). However,

\(^{49}\) It is important to note, that unlike in many other countries in sub-Saharan Africa, such as Uganda, traditional
institutions were never abolished in Zambia. The removal of the House of Chiefs did not mean that chiefs were no
longer allowed to perform their duties or that the institutions were dismantled.
the changes allowing legislative powers to chiefs through the House of Representatives were controversial, and Article 74 which referred to it, was never fully articulated, leaving a gap in policy regarding the role of chiefs in government. In response to this, chiefs across the country attempted to create their own forum, establishing the Royal Foundation of Zambia, which continues to act as an informal forum for chiefs today (Carm 2017). The Foundation was never integrated into government, and the House of Chiefs was reintroduced in 1996 as an amendment to the Constitution. It became more active again in 2003 under Mwanawasa’s government (Chibomba 2004), although with limited powers. The House of Representatives was never introduced.

Integrating tradition for localized governance

*Pushing Boundaries: Formal integration*

Zambia has a highly integrated system of traditional rule, including a House of Chiefs, a ministry dedicated to traditional institutions, and key constitutional provisions offering traditional leaders formal roles in governance. According to van Binsbergen (1999), the movement toward integration was triggered by a growing awareness among Zambian politicians since the 1980s, that a “controlled expression of ethnic identity” (1999, 115) might result in a more cohesive and integrated state. In recent years the Zambian government has moved toward an even greater degree of integration of traditional governance structures. In 1996 under the presidency of Chiluba, the government gave *de facto*, but not *de jure*, recognition to traditional courts in matters of land dispute. Chiluba’s successor, President Mwanawasa in turn, increased the role of chiefs in rural development. Ensuring a positive relationship with chiefs became an important political advantage (Baldwin 2016), like in Botswana, when positive relationships with traditional leaders led to an increase in support and votes from their communities.

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50 Article 74 of the 1991 Constitution of Zambia reads: “The National Assembly may by a resolution passed by two-thirds majority of its members establish a House of Representatives to perform such functions as may be prescribed by the Constitution.”
In 2011, following demands by chiefs, the incoming PF government created a new Ministry of Chiefs and Traditional Affairs (MoCTA). With the House of Chiefs previously falling under the Ministry of Local Government and Housing, it was often overlooked and disorganized. The MoCTA is responsible for the overall planning, coordination, and implementation of policies related to chiefs and traditional or heritage programs. Their mission, according to the Ministry website, is “to administer and promote Chief Affairs, Traditional Governance Systems and preserve Zambia’s heritage, culture and arts for sustainable development and national identity”.\(^{51}\) The House of Chiefs falls under the ministry and it is headed by the Clerk of the House of Chiefs, a public servant appointed by the President as per Article 171 of the Constitution. Five chiefs from each district are elected for five-year terms to the House of Chiefs, forming a total of 50.\(^{52}\) The Chairperson and Vice-Chairperson are elected annually by members from amongst their own ranks.

An amendment to the Constitution in 2016 expanded the basic legal framework around chiefs and the House of Chiefs. Part XII of the Constitution of Zambia guarantees the existence of chieftainship and traditional institutions in Zambia. While chiefs cannot hold other political appointments during their reign, except if they abdicate (section 168), they now can become councilors in local government, as section 153 requires that three chiefs sit on the Town Council. This continues to limit the political role of chiefs much like in the past, but the wording is more amenable to potential political involvement than the previous clause which explicitly forbade chiefs to have any role in partisan politics. Although there is clearly a double standard, as Chibomba aptly notes “When the chiefs rally behind the party in power, it is not partisan politics. It only becomes partisan politics when the chiefs support or rally behind opposition” (Chibomba 2004, 9).

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\(^{51}\) For more information see www.mocta.gov.zm.

\(^{52}\) In the past the House of Chiefs was comprised of 27 Chiefs elected for a period of 3 years.
Much like in the case of the proposed House of Representatives, it is likely fear by the government that traditional leaders will become too powerful and win the popular vote in elections, that drives these policies. For example, both scholars and the press have speculated that the original insertion into the Constitution of the limitation against chiefs running for elected positions was made by President Chiluba in 1996 in reaction to the growing popularity of Lozi Chief Inyambo Yeta, then president of UNIP (see for example Mbao 1998; Mwanangombe 2009).

In addition to their right to participate in local government the new Constitution offers more functions to the House, including recommendations of issues related to customary law that need to be codified (Act 169, section 5). In the 1996 Constitution the House of Chiefs was conceived of as an “advisory body to the Government on traditional, customary and any other matters referred to it by the President” (1996, article 130), with limited powers to consider and discuss mainly matters either referred to it by the President, or specifically related to customary law and practice. The 2016 Constitution avoids defining the House as an advisory body, including new wording on the role of the House in initiating discussions on socio-economic development advising the National Assembly, and the welfare of communities, making recommendations to local authorities (Act 169, section 5). This is significant because it identifies a role (albeit a consultative one) for chiefs in socio-economic development issues, something for which the traditional authorities have long argued. Furthermore, it allows the House to approach the President and National Assembly, as well as local authorities with subjects of interest, rather than having to wait for them to request consideration or advice from the House. Finally, the most recent Amendment to the Constitution removed the power of the government to appoint or remove a Chief, leaving such matters in the hands of the House (Act 165, section 2). Unlike in Botswana where the most recent Bogosi Act (2008) made kgosi removal even easier for the Minister of Local Government, the changes enacted in the Zambian Constitution are significant and point to a trend of increased integration of traditional governance structures.
These changes provide the House with a much more active role than in the past when it had to wait to be consulted, and rarely, if ever, was. Furthermore, it confirms the important role of traditional leaders in local and national development, as representatives of their communities. This renegotiation of the status of traditional leaders within the legal framework of the Constitution reaffirms their formal status and inclusion in the governance system of the country. By binding the various actors together, it increases the buy-in of both traditional and state leaders in the success of the system.

In addition to the Constitution, a second legal instrument detailing the role of chiefs in Zambian governance is the Chiefs Act.\textsuperscript{53} It specifies that Chiefs and Deputy Chiefs receive subsidies from the government as determined by the President (section 8). It notes that the kapasu, part of the retinue of a chief acting much like local police officers, are appointed by the President and the President holds disciplinary and monetary control. Therefore, enforcement of laws and security of chiefs remain under the exclusive purview of the President. Much like in Uganda, where the safety of the traditional leaders is seen to by special members of the national army, this arrangement is both a recognition of the power and importance of these leaders, as the government is using its resources to offer them protection and support, and a check on their independence, with government forces at the ready in case of any treasonous threats.

Understanding Context: Informal Integration

Like in Botswana, inclusive governance in Zambia is not only formally prescribed, as extensive informal relationships between traditional institutions and the state have evolved, further defining the

\textsuperscript{53} Interestingly, section 15 of the Act further refers to the Bartose Native Authority Act, Chapter 159 of the 1965 Edition of Laws (Litunga) and the Native Authority Act, Chapter 157 of the 1965 Edition of Laws for other Chiefs as being deemed equivalent recognition under the Chiefs Act, thus recognizing pre-independence structures stemming from colonial treaties.
system in context specific and dynamic ways. Zambia currently has a total of 288 Chiefs. In addition to being represented by the House of Chiefs, which meets at least twice a year, traditional leaders around the state are relatively well organized in small groupings in which they meet regularly, through provincial sections of the Royal Foundation of Zambia or others, such as the Copperbelt Royal Council of Chiefs. In every chiefdom, a royal establishment made up of the chiefs, headmen, and elders meets regularly to discuss community issues and concerns (Negi 2010). The chief is beholden to the establishment. These traditional structures are seen by the population as legitimate forms of government for the community and on that basis enjoy considerable moral authority (Negi 2010). They also frequently use the press to magnify their voice and to argue their case before a wider public audience. Chiefs have also developed relationships with non-governmental organizations in their areas to increase their influence and work toward development (Interview with Scholar, Lusaka, July 2016).

Land remains an important aspect of traditional governance in Zambia. The majority of land is held under customary tenure, without time limitation, and is administered by traditional authorities such as chiefs and allotted to community members. There is often no formal documentation, and no land tax is paid. All other land is considered state land. Based on the 1995 Land Act for the state to allow for land conversions to leasehold, the chief and any other affected parties have to give their consent. Once leasehold is granted, customary rights are extinguished, and the land is administered by the state. Discussions on changes to land policy have been contentious, with the House of Chiefs arguing that there has been little to no consultation with traditional leaders (Musenya Manda 2018). The administration of the land by chiefs is not regulated by law, and as such, is seen as a source of much of their power (Interview with Scholar, Lusaka, August 2016). Chiefs have to balance the potential enrichment and development opportunities against the loss of land, and thus authority.

Again, much like in Botswana and - as will become clear in the next chapter – Uganda, the political relationship between government officials and traditional leaders is a delicate dance. The maintenance of
a cordial relationship is extremely important to both sides. In Zambia, many MPs and district staff work hard to establish a rapport with chiefs in order to ensure that community development projects are successful, as chiefs and local kings are the ones who are most effective in mobilizing the community (Baldwin 2016, Interview with Scholar, Lusaka, July 2016). Disagreements often emerge as to who is charged with the overall ‘governance’ of sites, including tax payments, land, and regulatory enforcement. That being said, access to financial resources is held by the state centrally, and the government has been known to overturn chief decisions when it determines that doing so is in its best interest, thus maintaining the neopatrimonial hold on power (Interview with community leader, Lusaka, July 2016; Davidson 1992, 85).

Chiefs see themselves as part of the wider governance structure which comprises the state and have long since accepted the realities of incorporation into the structure, much like the dikgosi (van Binsbergen 1987). They are by no means out of place or at odds with the state. These traditional institutions have been part of the state since its creation (van Binsbergen 1987). They continue to “control an indispensable part of the ideology that defines social order, legitimacy and power (...) not just by reference to a distant past, but also to values, norms, procedures and cultural forms that are still very much alive” (van Binsbergen 1987, 192). As such, despite being dependent on the state, traditional leaders are able to maintain some of their powers and traditional standing. At the community level they are important leaders with direct influence on judicial matters, customary land laws, development, and keeping order in the community. They have the unique ability to mobilize their communities and to deal with rulebreakers in ways that politicians cannot (Baldwin 2016). Like in Botswana and Uganda, chiefs in Zambia are more rooted in their communities, forming local organizations, performing traditional ceremonies, and supporting community activities, and as such are seen by their constituencies as more likely to make decisions that benefit their community than politicians who live and work far away and have few ties at the village level (Interview with Scholar, Lusaka, August 2016). Despite being legally
apolitical, traditional leaders and institutions are an important part of the governance system in the country, and particularly around elections their approvals and backing is actively sought out by politicians (Baldwin 2016).

Their symbolic importance is also maintained through traditional ceremonies in which state officials often participate and bow or perform other forms of ritual greeting which recognize the chief’s special status, offering subjects some reassurance and confirmation of the continued power of the traditional ruler (van Binsbergen 1999). His or her membership in the House of Chiefs, and regular travel to Lusaka to participate in the forum’s meetings, further supports the view that they are an integrated part of the governance system.

Despite their resurgence in Zambian governance, at the national level chiefly powers remain largely symbolic (Baldwin 2016), much like in Botswana. The government views the chiefs as unable to participate in the more complex legal and political activities, due to the fact that some chiefs have only minimal levels of education (Interview, NGO representative, Lusaka, July 2016). Thus, despite the increased integration of traditional institutions, their functions remain primarily advisory at the national level, although participation in policy debates regarding socio-economic development and culture at the national level through the House of Chiefs builds and enhances the relationship between traditional structures and government. Like in other states, they wield more soft power and influence, than hard power. Yet, on balance, much like in Botswana, traditional leaders in Zambia have managed to create a niche for themselves, entrenching themselves in the governance of the country. They continue to play an important role not only in terms of land access and as guardians of traditional values and customs, but also, increasingly, as middlemen and gatekeepers in areas where development is ongoing (Negi 2010).

Despite some integration the is relationship between traditional leaders and central government in Zambia is a balancing act. There are many gaps and gray areas as few examples of inclusive governance
systems are available to emulate on the continent or beyond, and governance is continually defined and redefined to fit the context and actors involved. What is clear in both countries, is that the traditional institutions act as a bridge between the government and the people. This bridge is what helps hold the states together and legitimize their existence in the eyes of the population. Zambia is a particularly interesting example as it is taking important steps toward increasing the formal integration of traditional institutions into state government. As already noted, while the informal relationship between state and traditional leaders is significant, as it offers context-specific insights into how governance and the state function, and how the relationship might develop further, formal integration is necessary for inclusive governance to move forward. As per Ferdman’s (2017) paradox, a legal framework needs to be in place with clear rules and boundaries, in order to make changes and push those boundaries and renegotiate the rules peacefully as governance becomes more inclusive.

**Nobody is Perfect: Inequalities and Exclusions**

While I argue that inclusive governance has a key role in the maintenance of peace in Botswana and Zambia, the political landscape of any country is complex and so there are other theories that have been developed over the years. For example, Rugege (2003) contends that the fact that Botswana remained peaceful post-independence was a consequence of the British indirect rule policy, which meant that traditional rulers remained largely legitimate and continued to rule in accordance with customary law and practice throughout the colonial period, thus maintaining their legitimacy at independence. While this might have had some impact on how the role of traditional institutions developed post-independence in the country, it was not unique to Botswana. Zambia and Uganda were similarly placed under indirect rule by the British, but scholars have argued both that it empowered and disempowered traditional structures. Mamdani (1996) for example thought that in many cases indirect rule resulted in the bifurcation of the state and despotism on the part of traditional leaders.
Another common theory focuses on the ethnic or linguistic homogeneity of the state, which I argue is illusory, both in Botswana and Zambia. By some measures, Botswana is one of the most homogenous countries on the continent, with over 90 percent of the population said to belong to the eight main Tswana tribes – the Bakgatla, Bakwena, Bamalete, Bamangwato, Bangwaketse, Barolong, Batwana, and Batlokwa (Vaughan 2003; Englebert and Dunn 2013). The Batswana share a similar language, all belonging to the Bantu linguistic group. While this (and the earlier mentioned ability of Khama to maintain the illusion of homogeneity) might offer some insight into why Botswana has managed to remain peaceful, it is by no means the only possible explanation, as the example of war-torn Somalia, whose largest ethnic group are Somalis at 85 percent (Englebert and Dunn 2013), clearly shows. It also cannot be taken at face value.

Although Botswana is typically seen as homogenous, the percentages noted above are estimates, as a full national census which includes ethnicity has not been carried out for several decades, and these figures are often disputed. A 2014 Afrobarometer survey showed that only 49 percent of respondents identified as being from one of the eight Tswana tribes, while an almost equal number of 46 percent identified with one of the minority groups (three percent identified as other, and two percent did not think of themselves as belonging to an ethnic group) (Lekalake 2016). It is also somewhat misleading to group all the Tswana tribes into one, since despite their shared ancestry and language (some have different dialects), they have been careful to maintain their unique identities as tribes and have struggled against amalgamation. The differences in the estimates are in part based on the fact that it is difficult to determine at which point ethnicity might switch from one group to another, as clans, tribes, and kingdoms were subsumed by other, stronger ones historically. As such, like in the above results of the Afrobarometer surveys, as much as half of the population can be classified as ethnic minorities, if ethnic groups which were brought under the Tswana tribes either voluntarily or by force, are accounted for. As will become clear in the next chapter, this is a common complication, and highly relevant in Uganda as
well, as clear delineations between ethnic groups are impossible, and arguments of historical origins difficult to reconcile with contemporary policies of inclusion.

In the case of Zambia, a related argument is that it is less diverse than countries like Uganda, since almost all its ethnic groups are part of the Bantu linguistic family. As such, many respondents in Uganda have argued that inclusive governance is easier to achieve there. Yet, as Lindemann (2010) argues, “the main source of social cleavage in post-colonial Zambia has arguably been language [emphasis in original]” (87). As a result of colonial rule and missionary education, four main languages developed – Bemba, Nyanja, Tonga, and Lozi - and have remained significant as groups have aligned themselves along language divides even more so than along ethnic lines. In addition, while Zambia might be predominantly Bantu, it boasts 73 ethnic groups. Although such diversity has caused significant fragmentation in Uganda as will be shown in the next chapter, Zambia has seemingly benefited from Kaunda’s ‘One Zambia, One Nation’ motto and ‘tribal balancing,’ avoiding civil conflicts through inclusion of various elites, particularly traditional leaders, in governance (Lindemann 2010). As Burnell (2005) points out, while Zambia is both diverse and has suffered from significant economic decline over the years, it has managed to avoid conflict due to its political culture and institutions. I would argue that it is this inclusive nature of governance which has enabled the country to weather the challenges it has faced, such as the decline of democracy in recent years.

Battling for Equal Rights and Representation

Despite the success of the two countries in maintaining peace through inclusive governance, there continue to be significant areas in which improvements can be made. As argued in the first two chapters of this dissertation, quality of inclusion determines the effects of inclusive governance, particularly in terms of positive peace. While Botswana has a long history of inclusive governance, especially at the local levels through dikgosi engagement in the dikgotla; Zambia is increasingly surpassing Botswana in formal integration, as its House of Chiefs accumulates more powers, including the appointment and dismissal of
chiefs, as well as broader involvement in development issues. These changes affect the perceived and structural inequalities in both countries. In Botswana this is particularly salient as minority groups continue to fight for inclusion, equality, and representation.

Due to the dominance of the Tswana, minority groups have been relegated to second place as ethnic entities. According to the most controversial sections of the Botswana constitution (77, 78, and 79) only the eight Tswana tribes are given pride of place, allowing them for example to have land referred to as tribal territory or to have a chief elected to the *Ntlo Ya Dikgosi*. The Chieftainship bill of 1987, before the amended *Bogosi* Act of 2007 was implemented, also mentioned only the eight Tswana tribes, making it impossible for the Minister to recognize any chiefs from tribes outside of the main eight. The secondary status of these minorities has been perpetuated by the colonial and postcolonial governments through various statutes on land, local governance, and language. They continue to be discriminated against in education, justice, and administration, where the government privileges the use of the Setswana language and culture, to the exclusion of minority languages and customs (Nyamnjoh 2003). For example, the Bushmen (or San) remain the most underprivileged, disempowered, and unorganized group (Solway 2011). They are the only ethnic group in Botswana which does not belong to the Bantu family of languages, and have been largely unsuccessful in entering the country’s elite (Solway 2011).

As such, it is clear that inclusive governance in Botswana remains a work in progress. The exclusion of these groups from governance has not interfered in the maintenance of peace however, despite the tensions it has created. This is likely because there is a formal route to addressing their marginalization through legal recognition and integration of their groups into the state, much like the Tswana groups.

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54 It should be noted here that the term Bushmen or San (also Baswara in Botswana) are externally ascribed and can be seen as derogatory, and typically used indiscriminately despite distinctions made within the group. Despite its origins, the negative connotation may be changing as the groups to which the term is applied are beginning to embrace and destigmatize it (Solway 2011).
Particularly since the government continues to use rhetoric which regularly invokes culture and tradition as its foundation, as a way to legitimize its actions. For those minorities who are excluded, trust in government and legitimacy of its institutions are likely lower than for those who are included, that being said, even partial inclusivity can be significant, considering those who are included are the majority. It is also encouraging that the government continues to, albeit slowly, acknowledge and include minority groups. Therefore, marginalized groups continue to be hopeful that equal recognition and inclusion is within reach.

What is significant in understanding these battles for inclusion however, is as Nyamnjoh (2003) argues, that the way minority groups choose to pursue recognition and escape from marginalization, is by fighting to have their paramount chieftaincy acknowledged and represented. This exemplifies the central role and value of traditional institutions in governance, and is an important insight into why inclusive governance is a foundation for unity, legitimacy, and peace. While citizenship is appreciated and accepted, the legal recognition of an ethnic community by acknowledging its right to have a paramount chief, on equal standing with, for example, the Tswana in Botswana or Barotse in Zambia55, is seen by excluded or minimally included groups as a necessary step toward full inclusion. In terms of governance, the formal recognition of their cultural identity is by no means antithetical to the enjoyment of their rights as citizens, but rather offers significant additional recognition and representation equal to those of the major groups. It is also clear that citizens see national and ethnic identities as supportive rather than mutually exclusive,
with the majority identifying as equally Motswana or Zambian and with their ethnic group (Lekalake 2016).

In contrast to the school of thought which argued that ethnic groups would become irrelevant, the continuing efforts of various peoples for recognition and inclusion of their group underscores the important role they play in peoples’ sense of identity, particularly in terms of rights, privileges, and obligations. It is the reason why inclusive governance is so critical, and why it leads to a more peaceful nation in which citizens feel recognized and are invested in maintaining peace by resolving conflict peacefully, within an established, national framework.

Conclusion

This chapter provided an overview of the two supplementary case studies in my dissertation – Botswana and Zambia. As countries which have not experienced violent conflict since independence, they act as background cases for the primary study of Uganda presented in the next chapter. By tracing the historical processes which allowed for the creation of inclusive governance in these two states, I set the stage for a more detailed discussion of the formal and informal relationships between traditional institutions and government.

As is clear from the material presented in this chapter, while both countries have embraced the integration of traditional structures into government, they have done so in different ways and to varying degrees, based on historical and cultural circumstances, as well as local power dynamics. Both the state and the traditional institutions have few models of such integration to emulate. Each country in sub-Saharan African has struggled to find its own system of governance, one that accounts for both the desire to democratize and the need to preserve historical and cultural institutions which offer stability and order, symbolizing the continued existence of communal values and traditions. I argue that in both cases, the inclusion of these institutions into the governance of the country, has had a positive effect on the maintenance of peace. Spears (2013) argues that informal integration is common in African countries, in
which governance, as argued in the second chapter, has long been based on communal systems of patronage and clientelism. He says that

“inclusion can be an effective means of maintaining power. For those in power, aspiring ethno-regional groups are accepted or excluded according to their value in advancing individual or regime interests. To the extent that there is a lack of institutions to manage political life, inclusion is a strategy of building power by integrating one's enemies or reducing the potential or actual threats ethno-regional groups represent. A willingness to accept an inclusive arrangement can also be a last-ditch strategy utilized by rulers whose power is in decline” (Spears 2013, 44).

His argument is that this inclusion is informal due to weak institutions, and thus constantly in flux due to manipulation and patronage politics. Furthermore, Spears (2013) is of the opinion that formal inclusion in governance is unlikely in African state as it is difficult to sustain and limits the coercive powers of the government. I disagree, and argue that not only are the informal relationships significant to understand the context of how governance works in each country, but that African states such as Botswana and Zambia have already embarked on a road toward inclusive governance through formal integration of traditional institutions, and that they are successfully forming new, permanent institutions and frameworks as they develop this formal relationship.

The inclusive practices I describe have successfully managed potential sources of conflict by establishing a formal framework within which governance integration and roles are established and continually renegotiated. With scholarly work focused more on the study of conflict than the study of peace, the work presented here and in the next chapter is a step toward a better understanding of the conditions necessary (although not sufficient) for achieving and maintaining peace.
There is no doubt that the House of Chiefs in both Botswana and Zambia remain advisory institutions with little de facto power or access to financial resources. Yet despite their shortcomings, they offer a forum for chiefs to meet, discuss, and push for issues of importance to their communities. The chieftaincies also offer a visible, easily understood, and accessible avenue for remote populations to have their voices heard centrally, through their own leaders, as traditional leaders are seen by the population as invested in their communities and are valued as important actors in pushing for community development. Chiefs continue to hold significant sway over their subjects, and the central government is aware of their soft power. This has led some governments in sub-Saharan Africa to fear creating spaces and forums for traditional leaders to meet and exert their influence as a unit, such as in Uganda.

In stark contrast to this, Zambia continues to increase the role of traditional institutions by further integrating them. Botswana too continues to support and develop its own system of governance in which the House and chiefs play an important role. Rather than posing a threat to democracy and political stability, or to the regime, the traditional institutions are integrated into public administration, supporting the state since independence (Sharma 2005). Holm and Bothale (2008) argue that democracy in Botswana is being shaped by the role of chieftaincy, and chieftaincy in turn adapts to the democratization processes that the state undergoes, each becoming more effective and inclusive. The same can be seen in Zambia. This is very much in agreement with the arguments being made in this dissertation, particularly in terms of the need for a broader, more inclusive view of how governance is understood. Despite shortcomings and arguments against the integration of the two systems, both countries have continued on the road to creating a unique and tailored political system of inclusive governance that offers both a formalized, and bureaucratically structured gateway to the international arena through institutions familiar in the West, as well as a culturally relevant, locally legitimate, and familiar system of national governance. While it is by no means perfect, traditional governance has an important place in the political space of the two countries.
As discussed, neither Botswana nor Zambia is without its own political, social, and other governance challenges. While they have maintained peace, both countries continue to experience high levels of inequality and poverty, with development slower in reaching rural areas in particular. Botswana has been significantly more successful in alleviating poverty particularly in recent years (approximately 20 percent of the population lives below the poverty line of $1.90 a day as of 2010), but more than half of its population still remains vulnerable, and its economy is overly reliant on its diamond trade. Botswana is one of the most unequal countries in the world in terms of income disparity (World Bank Group 2015). In Zambia approximately 58 percent of the population lives below the poverty line as of 2015, and it is only marginally less unequal in terms of income distribution compared to Botswana (World Bank 2018). Its reliance on copper has meant that poverty levels have fluctuated as the economy bears the effects of global price changes on commodities. It is impossible to speak of positive peace in either of these countries, as structural violence, both economic and social, continues to fuel inequality and poverty. Neither has moved entirely beyond the tensions and difficulties of fully integrating and creating a governance system in which sustainable development and peace are achieved; however, it is clear that chieftainship remains a key symbol of identity, equality, and freedom, as well as an important right, which offers belonging and enhances the privileges of citizenship in both states. Furthermore, it offers important recognition of people as members of a specific sub-national community, which is a key part of the inclusion dynamic. The inclusivity of the system translates into greater legitimacy for the government, helping the state maintain peace despite various pressures, such as poverty.

Interestingly, despite the long-term conflicts that have affected Ugandans, the country lies somewhere between the Botswana and Zambia in terms of statistics, with extreme poverty levels falling in recent years to approximately 41 percent (as of 2016) and a lower income disparity than both Botswana and Zambia (World Bank 2018). Perhaps part of the explanation lies in the fact that Uganda has also received the highest amount in Official Development Assistance (ODA) of the three countries over the last
decade - almost double that of Zambia, and twenty times more than Botswana in 2016 (World Bank 2018). Clearly economic statistics are unable to fully explain how and why countries are peaceful. Whenever a comparison is made between states on issues as broad as politics, peace, or development, the complexity and number of variables involved is enormous, and it must be understood that each case has to be seen as unique in its own right. This is the reason why this dissertation focuses on the inclusivity of governance by exploring the political culture of these countries. The next chapter digs deep into the culture, history, and governance of Uganda, as the main case study. It offers an analysis of Uganda’s struggle with inclusive governance and posits that one of the main reasons the country has struggled with conflict is its exclusion of traditional institutions from state governance.
CHAPTER IV: Uganda

Introduction

This chapter provides an in-depth examination and analysis of governance in Uganda, which is the primary case study in this dissertation. Much like Zambia and Botswana, Uganda has a complex history of colonial influence on its traditional systems of governance. It also has a similar history of initial British colonization through a protection treaty with a strong kingdom in the region. Unlike the previous cases however post-independence, traditional institutions in Uganda were abolished in 1967 by state government and only reinstated in 1995 as cultural institutions. There is therefore a very limited legal framework for inclusion of traditional institutions in Uganda, based primarily around recognition, rather than meaningful participation in governance. Due to the length of abolishment and the general lack of formal acknowledgment of the role these institutions play in governance of the country, they have remained on the sidelines of both scholarly research and policy. Yet, like in Botswana and Zambia, traditional institutions continue to retain moral authority and hold significant sway over their people.

As such, the importance of their integration into government to boost unity and inclusion seems obvious in a country which is already seen as deeply divided (Byarugaba 1998; Muhereza and Otim 1998). As previously noted, Uganda has well over 60 ethnic groups, including the Acholi, Baganda, Banyankole, Batoro, Banyoro, Basoga, Itesot, and Karamajong to name only a few. Importantly, the various groups are also diverse ethnolinguistically, which means that there are stark differences in culture, value systems, and language. The majority belong to the Bantu (primarily in the South and West) and Nilotic (primarily in the North and East) language family, with Sudanic peoples also represented in smaller

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56 Due to the fact that Ugandan law describes traditional institutions as cultural, throughout this chapter I will use the terms traditional institutions and cultural institutions interchangeably.

57 The Third Schedule to the 1995 Constitution recognizes 56 ethnic groups as of 1926, although respondents have noted that more exist and the 2014 census lists 65 ethnic groups (Republic of Uganda 2016, p. 71-72).
numbers (Byarugaba 1998). The government however, has done little to include the diverse values and traditional structures these groups represent into its governance system, exacerbating the fragmentation and incidence of violent conflict by playing on these divisions to boost its popularity with one or another ethnic group as required.

Uganda’s relative success in terms of development and peace following the long-term violent civil conflicts in the state, has likely more to do with its status as an aid darling and President Museveni’s skill in ‘negotiating’ with donor states,\textsuperscript{58} than with an increased focus on peace, inclusion, and development policy. Furthermore, Uganda’s informal system of multiple layers of governance institutions in which the traditional overlaps with government in unpredictable and perplexing ways has resulted in a system of governance which is equally chaotic. Unlike in Botswana for example, where traditional justice mechanisms are integrated into the judiciary system, in Uganda in cases where citizens are faced with the need for intervention, forum shopping (or choosing between available government and traditional institutions) is common, and based on the perceived chances of success by the person in question. In more remote rural communities, traditional authorities are often the only choice available, as government representatives are either too far away or their role is poorly understood and thus underutilized. Rather than fostering an inclusive system in which the two structures work in tandem, with a formal framework specifying the inclusion of traditional structures like in the previous two cases, there is an overlapping and ambiguous relationship between traditional and government institutions, which has fueled tensions, as well as negatively affected the legitimacy of both parties.

\textsuperscript{58}Initial funding was largely due to the need to rebuild following decades of civil war, and the popular and hopeful perception that Museveni would establish a democratic government in Uganda, ending the horrors of the Obote and Amin regimes. More recently, as Uganda’s democratic outlook decreases and Museveni clings to power for yet another term, donors would likely limit the funding to Uganda if not for the fact that Museveni skillfully uses his leverage with the international community, for example in the guise of Ugandan troops in Somalia.
Based on three months of field work in Uganda and over fifty interviews with government officials, traditional authorities, and scholars, this chapter discusses and analyzes the governance system of Uganda and the complex relationship between state government and traditional institutions. Like in the previous case studies, a historical overview is included to provide context for the development of the governance system in Uganda, along with a discussion of the current understanding of governance and the role of traditional institutions. Points of integration of the two systems (and lack thereof) are analyzed by looking at the formal and informal relationship between them, to better understand the degree and quality of inclusivity in governance. Throughout, fragmentation of the country is highlighted as a source of tension and a challenge to inclusive governance. In conclusion, the complexity of the Ugandan case is discussed, identifying key difficulties and areas of potential growth for inclusive governance.

By examining the Ugandan case in detail, this chapter identifies how the fragmentation and lack of formal inclusion of traditional institutions has contributed to violent conflict in the state, arguing that incremental changes to the legal framework to include traditional leaders in governance more formally are needed to maintain the peace Uganda has enjoyed in recent years. Furthermore, the context-specific understanding of governance presented here highlights the complexity of both the formal and informal integration of traditional institutions, offering some insights into why change will likely be slow, but is imperative for sustaining peace.

**Historical Background and the Creation of a Fragmented State**

In order to better understand the development of governance in Uganda, a historical overview of colonial and post-colonial roles played by several kingdoms and traditional societies are highlighted here. As in the background cases in the previous chapter, understanding the cultural and historical circumstances of how the Ugandan state was built, and the role played by traditional institutions throughout this period, offers some insight into the level of agency these structures enjoyed in ensuring
that their values and goals were represented in the newly formed state. As will become clear, the inclusivity of the system of governance in Uganda has been negatively affected by the entrenched fragmentation of the state due to government manipulation of traditional institutions, with tension and conflict resulting from the lack of inclusion and low levels of legitimacy of the government. While all states are on some level fragmented, in Uganda fragmentation is more pronounced and has become an obstacle to a formal framework for inclusive governance. As will become clear in this section, this fragmentation became entrenched already during colonial rule, only to be reinforced by the successive post-independence governments’ relationships with traditional institutions.

Colonization of Nations

“I have never been able to pin down precisely the difference between a tribe and a nation, and see why one is thought so despicable and the other is so admired. Whichever we are, the Baganda have a common language, tradition, history and cast of mind. While we stood alone, we were accepted as the most civilized and powerful of the kingdoms.”

Kabaka Mutesa II (quoted in Young 1976, 226)

Before the British colonized the region, there were several kingdoms and clan-based societies present in the territories of what is contemporary Uganda. The largest, centralized kingdoms were Bunyoro, Nkore, Buganda, and Tooro. However, there were also many decentralized, clan-based groups such as the Acholi, Basoga, Itesot, and Karamajong. Small scale wars were waged between them, and particularly the kingdoms often subsumed smaller groups either integrating them or forcing them into serfdom.

The Kingdom of Buganda already had a well-developed government when the Europeans first arrived. The kabaka (king of Buganda) held considerable power over the clan leaders, levying taxes,

59 Today known as Ankole.

60 Although the Busoga clans decided to centralize in the early 1900s under one leader called the Kyabazinga.
appointing chiefs and other subordinates, judging legal cases, and waging war (Johannessen 2005). His government was run by the katikiro (Prime Minister) and a parliament of chiefs called the lukiiko. Upward and downward social mobility was possible (Johannessen 2005), and the kabaka was both the administrative and the spiritual leader of the clans thereby accumulating political and social powers.

When the British first arrived in the region they were seeking control of the Nile River basin. The Baganda in turn were interested in a military alliance against the other large and powerful neighbouring kingdom at the time, the Bunyoro-Kitara. As such, an agreement was reached between the two parties with the alliance ending the long-standing local conflict between the Baganda and Banyoro with a victory for Buganda. This allowed Buganda, with the help of British forces, to nearly double its size at the expense of Bunyoro (Young 1976), which in turn led to lasting animosity between the two kingdoms regarding the so-called ‘lost counties’ – Bunyoro territory, which included precolonial royal burial grounds (Lwanga-Lumyiigo 1987), bequeathed on Buganda by the British after the Banyoro were beaten back in a clash in 1893.61

As a result of the alliance, in 1894 an agreement was signed between Kabaka Mwanga and the British establishing the Uganda Protectorate, which initially only encompassed the Buganda Kingdom. Shortly thereafter however, relations between the Kabaka and the British began to deteriorate, initially triggered by religious differences between the Catholic Kabaka and Protestant British leadership and a growing divide within Buganda along the same lines. By the time the Uganda Agreement of 1900 was

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61 The issue of the lost counties continues to be salient to this day, and is often brought up as a reason for continued tensions.

62 While this agreement is entitled the Uganda Agreement originally, it is often called the Buganda Agreement of 1900, and in later agreements it is referred to as such, since it was relevant to Buganda specifically.
signed, *Kabaka* Mwanga had been deposed by the colonizers and his one-year old son, Daudi Chwa, installed as *kabaka* with three regents chosen by the British to guide him.\(^{63}\)

The British engaged the Baganda as their agents in annexing neighbouring territories, and modeled the administrative structures in these newly acquired territories after Buganda. Baganda chiefs were initially installed in various posts to provide oversight, working as intermediaries in the colonization process, and engaging in a form of “contractual colonialism” (Interview with scholar, Makerere University, Kampala, February 2018), or “sub-imperialism” (Amone and Muura 2014). With the exception of the Buganda Kingdom which remained relatively autonomous under the leadership of the *kabaka* and his regents, each district was governed by a British District Commissioner (Johannessen 2005). As such, despite the diversity of ethnic groups which were brought together under the aegis of Uganda (the Swahili form for Buganda), the Protectorate was essentially built from and around the Kingdom of Buganda (Young 1976).

The Protectorate was systematically expanded and agreements signed with neighbouring kingdoms, starting with Busoga in 1900 due to its strategic proximity to the Nile (Mutibwa 2016). The Basoga, whose territory lies in eastern Uganda, were one of the original territories recognized by the British, despite their decentralized, clan-based structure. The Basoga changed their structure to a more

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\(^{63}\) Two issues important to the erstwhile leaders of Buganda were raised in the Agreement. The first was that the *Kabaka* was recognized as the “native ruler of the province of (B)Uganda under Her Majesty’s protection and overrule” (Art. 6 Uganda Agreement 1900). Second, as part of the changes in land ownership laws, private land allocations were made to all chiefs and high-level members of the kingdom. As a result, the estimated 19,600 square miles of the Protectorate were divided, with 9,000 square miles becoming Crown land, and the rest divided among the Baganda elite (Art. 15 Uganda Agreement 1900). Due to the fact that the British had little knowledge of the area at the time, the Baganda leaders were given free rein in choosing their lands, leaving only what was considered the least fertile land, to the British (Mutibwa 2016). These land allocations continue to be significant as the Ugandan government has only partially returned the land to Buganda following the reinstatement of the kingdom. Consequently, this remains a point of contention between the kingdom and the government, with ongoing litigation being pursued in the matter.
centralized form, and since 1906 a kyabazinga (king\textsuperscript{64}) has been elected from two royal lines to represent the approximately 300 clans that Busoga is now comprised of (The Cross-Cultural Foundation of Uganda 2011). Following an agreement signed in 1901 between the Nkore leader and the British, the kingdom of Nkore in the south-west doubled in size and became Ankole by absorbing the minor kingdoms of Igara, Kajara, Buhweju, Bunyaruguru, and Buzimba. The absorption of the smaller kingdoms was largely done against their will and remains a point of contention today (Interview with historian, Kampala, July 2018).

The Northern region of Uganda where the polycephalous Lango and Acholi peoples lived was brought under the Protectorate with difficulties (the Acholi offered some resistance) by 1913, with a District Commissioner appointed in 1910 (Amone and Muura 2014). The clan-based Acholi from the northern region were one of the peoples for whom British influence meant significant changes to traditional structures. Deemed uncooperative as they would not allow land to be given to the Crown, the colonial powers worked to install new leaders replacing the existing rwodi (singular rwot, ruler or king, although commonly translated to chief\textsuperscript{65}) by so called chiefs of the pen, rwodi kalam, who were loyal to the British. Furthermore, they attempted to centralize the governance system by installing a paramount chief, Lwadi Rwodi (Interview with Pageya Patiko Rwot, For God village, June 2018).

By 1919 the British had quelled resistance in the West Nile and the whole Ugandan Protectorate was under British control with the exception of Karamoja. Due to their nomadic nature, the area the Karamajong occupied was not brought into the Protectorate until 1921. Karamoja remains one of the least developed areas in Uganda. The Karamajong are known to maintain strong ties to their cultural roots,

\textsuperscript{64} Typically translated as king, but like other traditional titles is better translated to mean the one who unites or brings together.

\textsuperscript{65} While many English sources translate the word rwot to chief rather than king, based on several interviews with rwodi, I was told that it should be correctly translated to king. A rwot might have chiefs who are administrators, unlike the rwot himself who is both a ruler and spiritual leader.
with local governance primarily undertaken by traditional institutions (Interview with NGO representative, Kampala, July 2018). The final agreement signed between the British and an ethnic group within the Protectorate was in 1933 with Bunyoro (Mutibwa 2016; Quinn 2014). The Western kingdom of Bunyoro famously fought against the British invasion until it was defeated, and forced to sign an agreement with the colonial power to officially become a part of the Ugandan Protectorate.

As the Protectorate encompassed both Bantu peoples with centralized kingdoms, and Nilotic peoples with segmentary, decentralized systems of governance, the British were faced with a similar dilemma to what the contemporary Ugandan government faces today – uniform integration of the two was complicated. The British opted to impose the Buganda model of rule throughout the territory. Where kingdoms existed, agreements similar to those with Buganda were made, although with less internal authority given to the groups. In areas where decentralized groups lived, loyal ‘chiefs’ were appointed, often from the civilian population or from Buganda, deriving their authority solely from the legalities associated with the appointment (Mutibwa 2016). Buganda remained a ‘special case’ throughout the colonial period, acting very much like a state within a state. This special status which the kingdom was able to maintain even after independence, has become a lasting political issue in Uganda to this day.

Furthermore, the effects of the initial system of governance by the British in which the Protectorate was divided into distinct and largely independent districts also linger to this day. The colonial administration did not emphasize national unity, but allowed for each district to remain isolated and each kingdom to retain its own system of governance, as such Buganda in particular focused on its own narrow interests, at the expense of national aspirations (Mutibwa 2016; Lwanga-Lumyiigo 1987). According to Mutibwa (2016) “the absence of policies that engendered national, political and constitutional

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66 This delay was due to the fact that the kingdom was considered a conquered territory, and so no agreements were signed before this time.
consciousness, coupled with policies that created uneven economic and social development among different parts of the country, were to create lasting problems for the country, stretching well beyond independence” (2016, 75). Mutibwa (2016) further argues that Uganda remained divided, unlike in other colonies where supra-ethnic, civic nationalism grew along with new institutions, while traditional structures weakened as a result of colonial manipulation. There is no question that the Protectorate, and later the state, were weakened by these divisions, and inclusive governance became harder to achieve. Kasozi (1994) also argues that such social fragmentation was at the root of many of the conflicts that Uganda experienced. However, while other Protectorates like Botswana (and Zambia as well) may have exhibited a more unified front, as already mentioned, there were several special circumstances which meant that the state embarked on a more inclusive road to governance right from independence. This included the fact that the post-independence government was able to maintain an ongoing relationship with traditional institutions (unlike Uganda where they were abolished), as well as establish a legal framework within which this relationship has grown.

**Toward an Independent African State**

Following the 1900 agreement and the expansion of the Protectorate, there was a period of relative peace as the British ruled over the land. It was not until January 1945, as World War II drew to a close, that the first disturbances by Africans against British rule in Uganda began (Mutibwa 2016). In the aftermath of these disturbances, African representatives were appointed for the first time to sit on the Legislative Council which until then only had European and Asian members, but any attempts to create ‘inter-tribal’ forums were blocked by the British (Lwanga-Lumyiiigo 1987). Although the Council continued to expand until independence, it remained a distant and largely irrelevant institution for most Ugandans, and the fragmented nature of politics based on districts and ethnic groups continued.
The subject of creating an East African Federation first discussed in 1926, which would encompass Uganda, Kenya, and Tanganyika (Tanzania) resurfaced over the years, increasing fears, particularly in Buganda, of falling under the influence of Kenya where a large number of white settlers supported the union. This fear pushed the topic of Bugandan independence and secession once again to the fore in 1953 (Mutibwa 2016). It resulted in the temporary exile of the Kabaka in 1953, and subsequent reinstatement and a new Buganda Agreement of 1955. As part of these negotiations, assurances were made by the British that Uganda would develop as an African state, rather than a partnership between Europeans, Asians, and Africans (Mutibwa 2016), and the possibility of a federation without Lukiiko agreement was explicitly rejected (Buganda Agreement 1955). The 1955 agreement further allowed for Buganda to enjoy a status more akin to a federal relationship with central government, with a transfer of administrative services from the Protectorate government to the Kabaka’s government (Buganda Agreement 1955 art. 38); as well as saza chiefs collecting taxes instituted by the Buganda government, and the role of the Resident of Buganda (the Governor’s representative for the Buganda kingdom) merely advisory (Buganda Agreement 1955 art. 34-35).

In these turbulent times for Buganda, the first political parties in Uganda were formed. All were created by Baganda with their activities often centred around the political grievances of the kingdom. The first was the Uganda National Congress (UNC) formed in 1952. While it had a pan-African agenda and slogan of ‘self-government now,’ its attempts at national coverage were frustrated by a lack of funds and

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67 It should be noted that the kabaka was by no means the only traditional leader to be exiled by the British. For example the famous Omukama of Bunyoro – Kabalega was exiled in 1899 never to return to his kingdom; and the Omugabe of Ankole who died in exile and whose son remains unable to take up his position as leader of the kingdom.

68 In the same year, the British signed a very different agreement with the Omukama (king) of Bunyoro-Kitara. The only kingdom to repeatedly rebuff British advances. Known as the Bunyoro Agreement 1955, the document did not include a constitution for the kingdom like the Buganda agreement, but treated the kingdom in a more hostile fashion, clearly emphasizing the Protectorate Governor’s oversight and precedence in all matters.
relevant nation-wide program to unify the fragmented peoples of the Protectorate (Juma Okuku 2002). During the Buganda crisis of 1953, the UNC was seen as focused primarily on Buganda and thus lost much of the limited support it managed to garner from other groups. In 1954 the Democratic Party (DP) was formed, in response to the perceived inequities between religious groups, particularly the discrimination of Catholics at the hands of the dominant Protestants, but this party again was established and focused on the ongoing battle between the Protestant Mengo Establishment (Mengo is the location of the Lukiiko and buildings of the Kabaka’s government) and the Christian Baganda minority. Finally, a third political party emerged in 1955, the Progressive Party (PP), but it was short-lived, failing to attract any support beyond Kampala (Mutibwa 2016).

In 1958 the first non-Baganda party was formed, the Uganda People’s Union (UPU), and in the same year, the first elections for the legislative council were held. Buganda’s position was for the first time being threatened by the political developments in the country. Anti-Buganda sentiment rose and in 1960 the UNC and the UPU merged forming the Uganda People’s Congress (UPC) led by Milton Obote. Their primary goal was to force the Protectorate government to cease political negotiations which affected all of Uganda, solely with Buganda; as well as preempt any potential secession by Buganda from the Protectorate (Mutibwa 2016; Juma Okuku 2002). Based on their goals, the newly formed political parties were all focused on exclusion rather than inclusion. Particularly the initial parties formed by the Baganda did not garner support and had little legitimacy in the eyes of other Ugandans, as they did not offer a plan for inclusive governance of the country. The UPC appealed to more people, as it united them against the Baganda. However, it continued to support the fragmentation of the country and focused on exclusion rather than inclusion.

In 1959 a constitutional committee chaired by a senior civil servant of the Protectorate, J.V. Wild, was set up. It focused on government composition, elections, and other relevant constitutional issues in preparation for Uganda’s independence (Mutibwa 2016). Following its work, a report was published and
elections scheduled for 1961, despite the ongoing turmoil and lack of clarity around the specific form of the government and standing of each district. The Western kingdoms continued to demand federal status, much like Buganda; in many of the territories around Uganda, district boundary disputes between groups were ongoing, including the issue of the ‘lost counties’ between Buganda and Bunyoro. Buganda in turn, remained steadfast in arguing for secession, and in 1960 the Lukiiko passed a resolution making the kingdom independent on 1 January 1961. In a significant blow to the kingdoms pride and reputation, the Protectorate government completely disregarded this development and established a Relationship Committee headed by the Earl of Munster, to work on integrating Buganda with the other groups (The British Colonial Office 1961; Mutibwa 2016; Young 1976).

As a result, the Baganda boycotted the 1961 elections, with only three percent of the population in Buganda participating (Johannessen 2005; Byarugaba 1998). The DP and UPC, the only nation-wide parties were elected, with the DP taking the majority of the seats in the House. Subsequently, Obote and the UPC entered into a partnership with Buganda, in the hopes of winning a majority in the next elections prior to independence. As part of this, in 1961 the Kabaka Yekka (KY) party was formed with the backing of the kabaka and his government, and the primary objective of taking power from the DP. For the first time, an inclusive governance plan was presented by the parties, although Buganda was the main partner. It appeared that the UPC and KY alliance would unite the various peoples of Uganda. However, at the same time, tackling the considerably complicated issue of lack of integration of Buganda into the Protectorate, the Munster report was published, recommending that Buganda maintain its federal status, while other kingdoms in the West be given semi-federal status (Byarugaba 1998; Mutibwa 2016). In 1961 the Lancaster House Conference spent several days grappling with the same issue of how to create a unified country out of the independent kingdoms and clan-based groups. At the end, Buganda was granted federal status, its own police force and high court, while the other kingdoms got semi-federal status, entrenching inequality and fragmentation further. The issue of the lost counties was relegated to
a later date. The *Lukiiko* endorsed the agreement and the date of independence was agreed on for October 9, 1962 (Mutibwa 2016). No clear road to inclusion, cohesion, or unity was visible.

When the first elections marking Uganda’s self-government happened in April 1962, the UPC and KY won majority and formed a coalition government. Apollo Milton Obote became Prime Minister, Buganda a federal state, while the Kingdoms of Tooro, Ankole, Bunyoro, and the Territory of Busoga were granted semi-federal status. All other areas were deemed local governments with oversight from central government. Despite the political alliance formed by the UPC and KY, and its potential to unite the country politically, the differences in federal status of various communities would remain a point of contention, continuously underscoring the special place held by Buganda.

**Entrenched Fragmentation: The Politics of Buganda**

In Botswana the first president was himself a traditional leader and maintained an ongoing relationship with traditional institutions creating a formal framework for the engagement of traditional leaders in governance, including creating a House of Chiefs based on the example of the *kgotla*. Similarly, in Zambia the government adopted a House of Chiefs, and the president espoused a policy of tribal balancing to ensure that each group felt included, increasingly integrating traditional institutions into the country’s system of governance. By comparison, from the brief overview of the colonial history of Uganda, as well as the early stages of political party formation, it is clear that fragmentation rather than unity and inclusion, was entrenched in the Protectorate through colonial, and later post-independence, policies. Buganda remained the centre of both colonial and pre-independence politics, with political agendas formed either around strengthening the kingdom and achieving/maintaining federal status or limiting Buganda’s influence. The other kingdoms and nations were an afterthought. Seeing as development and education were centred in Buganda, and the kingdom enjoyed special status with the British, the Baganda maintained an aloof and superior attitude vis-à-vis other groups within Uganda. The Protectorate
government maintained a close relationship with Buganda and engaged in extensive political negotiations with the Kingdom, while for the most part ignoring the rest of Uganda despite the widespread effects any agreements made with Buganda had on the rest of the country (Mutibwa 2016). This also fueled any separatist feelings that the Baganda may have harboured since the original agreement with the British in 1900. It is thus not a coincidence that Buganda gave birth to the first political parties, while at the same time precipitating their demise as Mengo remained uninterested in any plans for unification of the Protectorate.

It is clear throughout colonial and post-colonial history, that Buganda played a key role in the creation and development of Uganda as a state. In fact, many scholars interviewed made a point of arguing that to understand Uganda, one had to understand the history of Buganda and the decisive role it played. This special status that Buganda has enjoyed over the years has remained unchallenged in many ways, and has been a source of some political tensions and in some instances even violent conflict (Byarugaba 1998). Cemented and entrenched since the 1900 Agreement, which in the eyes of the Baganda was seen as a coming together of two equals (the Kingdom and the British), the balance of power between cultural institutions in Uganda today remains skewed toward Buganda. Furthermore, the Baganda maintain some advantages as historically the most educated group. With the British investing primarily in the Kingdom initially, formal education began there and in the 1920s almost 80 percent of Ugandan students entering Makerere University were Baganda, in the 1950s, still over 50 percent were from Buganda (Young 1976, 239).

The Baganda remain the strongest group and most developed kingdom in Uganda. They are the only cultural institution which does not accept funds from the government, but through its businesses and fundraising activities is able to support itself. This allows the kabaka to remain somewhat independent and aloof when it comes to the government. Furthermore, Young (1976) argues that the special status Buganda enjoys has pushed other groups to emulate the kingdom by demanding similar
status and establishing single, paramount rulers even when historically the group was clan-based, acephalous, or segmentary. Whether this is in fact to emulate Buganda or simply because the contemporary political environment necessitates such centralization to better represent the group vis-à-vis government is debatable. However, several respondents did argue that one could observe a love-hate relationship between Buganda and the other cultural institutions, where emulation is as much a factor as resentment and suspicion. Some resentment of this special status is justifiable, as following in the footsteps of the colonial government, the current Ugandan government (despite Museveni’s convictions regarding the divisive nature of tribalism (Museveni 1997)) maintains a more exclusive relationship with the Kingdom, bowing to their demands for individual meetings and lack of recognition of the status of other leaders as equal to the kabaka (Interview with Minister of State, Entebbe, February 2018).

This need for equal standing and recognition by the kingdoms and other nations in Uganda in some ways echoes the situation of minority groups in Botswana, which are seeking to have their traditional leaders formally recognized by the government, in order to not only be equal in citizenship, but seeking equality for their traditional institution as well. The difference here is that the Tswana tribes, as indicated in the last chapter, do in fact represent a substantial majority of the population with about 50 percent identifying as such. The Baganda are the largest ethnic group in Uganda, but comprise only approximately 17 percent of the population (Englebert and Dunn 2013). By comparison, they are a relatively small group with a rather significant impact on the governance of the state.

Clearly colonial and post-colonial policies in Uganda have contributed to creating a fragmented state, in which inclusive governance can only be implemented with great difficulty. While language and cultural differences made unification and integration difficult, the historical differences in status between the various kingdoms and districts complicate the relationship between central government, local government, and traditional institutions in Uganda to this day. The abolition of traditional institutions further fueled tensions and created a power vacuum in which violent conflict was perceived as the only
way to have grievances heard and addressed. For example, the roots of the Lord’s Resistance Army (LRA) conflict in Northern Uganda discussed later in the chapter can be traced back to exclusionary government policies. Self-government and independence did little to unify the fragmented country. In my initial review of the Ugandan situation, I did not appreciate the importance of this, focusing mainly on the abolition of traditional institutions as a contributor to conflict and lack of inclusive governance. As my research developed, it became clear that both are significant. While colonial indirect rule policies in Uganda were not unusual, the context and relationships which developed between governments (colonial and independent) and traditional institutions were.

Uganda’s diversity of languages and cultures, along with the unique status of Buganda; path dependence tracing back to colonial times; the abolition of traditional institutions; and the ongoing manipulation by government make inclusive governance particularly complicated to implement, yet potentially transformative for the state, strengthening the legitimacy of the government, and leading the country to a more sustainable peace. Not only is inclusion necessary, but the quality of inclusion is key here as well. As discussed in previous chapters, formal inclusion beyond the perfunctory recognition of cultural institutions is needed. While it is unlikely that the current government will implement an extensive new legal framework to ensure that the relationship develops more formally, incremental changes can be made to ensure that the peace Uganda has enjoyed in recent years is maintained and develops sustainably.

The following sections detail the role of the independent Ugandan government in maintaining the fragmented nature of the country, even in times when unification seemed to be the goal. They offer a more nuanced view of how and why the Ugandan government did not implement inclusive governance strategies initially, and why when it did, it was only in a limited fashion and when in need of political support from traditional institutions.
Independence and the Abolition of Traditional Kings

Despite achieving a short-lived peace by employing principles of inclusivity at independence, specifically by ensuring that traditional leaders were represented in government in leadership positions, the relationship between government and traditional institutions deteriorated rapidly, resulting in the abolition of kingdoms and widespread violence. This section provides an account of the historical and political circumstances that led to the abolition of traditional leaders and the ensuing conflicts. It also offers insights into why the reinstatement of traditional institutions has been hesitant and minimal, taking only a few initial steps toward an inclusive governance model.

As already alluded to, the 1962 Independence Constitution provided for a semi-federal system. Buganda was given full federal status while Ankole, Bunyoro, Tooro and the territory of Busoga were granted semi-federal status (Johannessen 2005; Mutibwa 2016). The rest of the districts were given unitary status with the central government. This mix of federalism, semi-federalism, and unitarism underscored the differences between the ethnic groups within the country. It offered a unique solution which accommodated the powers between groups at the time but was likely not practicable in the long-term.

The constitution further called for a ceremonial president as head of state and a prime minister. Following Obote’s rise to the position of Prime Minister, in 1963 Kabaka Mutesa II became President of Uganda, as part of the agreement between UPC and KY. While the symbolism of the Kabaka being chief of state and thus having no one above him was key in this arrangement, it was not enough. Accustomed to being a king, the ceremonial title of president was not sufficient for the Kabaka and Obote’s habit of running the country with little to no consultation with the President created tension between them. The
ongoing conflict over the lost counties\textsuperscript{69}, trigger further disagreements and led to a break-up of the alliance between KY and UPC in 1965. The seeming stability of the independence government in the first years of its rule was additionally rocked by a brief mutiny of the army which put Idi Amin in a position of power (although he would not actually take over until 1971); as well as divisions within the UPC (Mutibwa 2016).

In 1966 tensions reached a high point as internal government and party disagreements came to afore. Between February and April of that year, Obote first abrogated sections of the 1962 constitution on the powers and rights of the president, then abolished the offices of president and vice-president, and presented a new, interim constitution to the National Assembly. The new constitution reformed the government with Obote sworn in as Executive President (Mutibwa 2016; Johannessen 2005; Byarugaba 1998). Buganda naturally opposed the change, with the \textit{Lukiiko} calling for the Obote government to be expelled from Bugandan territory. This resulted in an armed intervention by a military force led by Amin in which the \textit{kabaka}'s palace was attacked, the traditional regalia of the kingdom were destroyed, and while the \textit{kabaka} managed to escape, several were killed in a display of unnecessarily brutal military power (Mutibwa 2016). It is unclear whether the brutality of the attack was sanctioned by Obote or originated from Amin, but it irreparably damaged the relationship between the Baganda and the Obote government.

Finally, and significantly for the topic of the research presented here, the 1967 Constitution was passed abolishing the institution of kingship (Uganda 1967 art 118). In line with Obote’s slogan of ‘one country, one parliament, one government, and one people,’ the President ensured that any rival centres

\textsuperscript{69} The 1962 Independence Conference decided that a referendum would be held on the lost counties within two years of independence. In 1964 Obote called for such a referendum, with a ruling that only those who were registered in the counties before independence eligible to vote. The result of the November 1964 referendum was for the return of the counties to Bunyoro. The President refused to sign the documents transferring the counties and they were signed only by the Prime Minister.
of power (particularly the Kingdom of Buganda which, to weaken it, was divided into four districts) were abolished (Mutibwa 2016). While the abolition of kingdoms was met with a backlash from traditional leaders and many of their people, particularly the Baganda, the increasing brutality of the two Obote regimes and the Amin regime over the next years overshadowed these concerns.

Interestingly, Obote’s vision of one country and one people echoes Kaunda’s slogan of ‘One Zambia, One Nation’. The resulting policies toward traditional institutions however were very different. Obote viewed Buganda in particular, as a rival power, especially following the unsuccessful attempt at co-leadership with the kabaka. In addition, the kingdom was powerful enough to thwart any political plans Obote had, with his original success in elections based primarily on the alliance between UPC and KY. Thus, rather than incorporating the Buganda Kingdom and other traditional institutions into the governance system of Uganda, Obote chose to eliminate them. Unfortunately for Obote, he underestimated the importance of these institutions to the political identity of Ugandans. While the policy was largely aimed at Buganda, it obviously affected all traditional institutions, further fueling the fragmentation and tense relations between them, resulting in a loss of legitimacy for the government.

The balance of power in Zambia was very different. While the Lozi Kingdom enjoyed some special status, the Bemba were numerically larger and stronger politically, thus balancing out any favoritism the Lozi might have enjoyed. No one group was singled out and at the centre of each political decision, like Buganda was in Uganda. The various apex leaders of traditional institutions in Zambia were less divided, as such Kaunda was able to lead the government while relegating traditional leaders to the House of Chiefs and local government as a way of including them in the governance system, without reinforcing inequalities between them.
The Amin Years and the Second Obote Regime

In the lead up to the 1971 coup in which Obote was overthrown and Idi Amin took over the presidency of Uganda, relations between Obote and Amin began disintegrating. Having created a substantial base of loyal men in the army and garnered the support of many Baganda who were ready to stand against Obote, Amin took advantage of Obote’s departure to attend the Commonwealth conference in Singapore in January 1971, and overthrew the government, becoming president on January 25, 1971 (Mutibwa 2016).

While the change in power was welcomed by the people of Buganda in particular, the Northern areas of Acholi and Lango where Obote’s support base was strong were less enthused. Amin garnered further support from Buganda by returning Kabaka Mutesa’s body from London to be buried at the traditional Kasubi Tombs burial site in Kampala. Amin, spoke of unification and peace as missions for his regime, in the background however, supporters of Obote and more broadly Acholi and Lango were actively excluded by being removed from positions of power, persecuted, and killed, laying the groundwork for grievances which would later spark the Holy Spirit Movement and the LRA conflict.

Following a failed coup by Obote in 1972, Amin’s regime became exceptionally brutal, continually on a witch hunt to dispose of any opposition. Dissolving the parliament, the president ruled by decree, suspending large sections of the constitution. Although Amin instituted an election of chiefs at local levels, the government retained the right to remove any it found unacceptable. As a result, soon after the elections, Amin rejected the majority of chiefs elected and appointed low level soldiers in those roles.

70 Amin’s relationship with the West, particularly Britain and Israel whose help he sought during the coup, soured soon after his rise to power (Mutibwa 2016). In 1971 Amin announced the expulsion of British subjects of Asian origin from Uganda, apparently in an effort to Africanize trade, which was dominated by the Asian community. In the days following the announcement Amin continued to add to the list of expulsions, first citizens of India, Pakistan, and Bangladesh were asked to leave, and later all Asians, including those who were Ugandan citizens (Mutibwa 2016). While Amin later backtracked and allowed Ugandan citizens to remain in the country, the majority (a total of 50,000 Asians) left the country rather than endure the intimidation that followed.
(Mutibwa 2016). This action only further degraded the traditional position of chief creating a situation similar to the one during colonialism where the British instituted outsiders as chiefs (also known as chiefs of the pen, since they were appointed by an administrative decree rather than due to their lineage and heritage).

While Obote waited in Tanzania for the right moment to overthrow Amin, the young Yoweri Museveni, as one of the leaders of the Front for National Salvation (FRONASA), was also already preparing to fight to free Uganda from Amin’s brutal regime (Mutibwa 2016). However, it was not until 1979 that the joint forces of Obote, Museveni, and Tanzania were able to win against Amin. Unfortunately for Obote, a conference at Moshi was held prior to the overthrow to determine new leadership for Uganda, and it was agreed that Obote had too many enemies, primarily in the form of the Baganda, to be accepted as president again. Thus a new government led by Yusuf Lule was instituted, but while initially welcomed by Ugandans, it was unable to establish rule of law and Uganda entered a chaotic period during which violent conflicts and massacres continued, and successive governments (first Lule and then Binaisa of the Uganda National Liberation Front, followed by the Military Commission led by Paulo Muwanga) were not elected but took power by force. During each period, exclusion of certain groups from power was a defining part of political rule, with Buganda or Acholi and other northern groups excluded (Lindemann 2010).

It was not until December 1980 that elections were held in Uganda again. The race was mainly between the UPC (Obote), and DP. While initially it seemed that the DP would win, Muwanga (leader of the Military Commission and Obote supporter) intervened in the work of the Electoral Commission and when official results were announced, it was the UPC which won majority and Obote was elected as President (Lule 1982). As Obote’s second term began, the fraudulent elections did nothing to bring peace to the already conflict-weary country. Almost immediately post-elections, liberation movements formed. One of the main ones was Museveni’s Popular Resistance Army (PRA) which merged with Lule’s Uganda
Freedom Fighters (UFF) to form the National Resistance Movement (NRM). With the NRM base in Buganda, Obote once again saw the Baganda as his enemies refusing to reinstate traditional institutions as a measure against empowering the Buganda kingdom. In response to the guerilla warfare undertaken by the resistance, the government allowed the army brutality to go unpunished, especially in Buganda. Arrests, killings, and torture were widespread.

The Road to Reinstatement: Museveni and the NRM

“Recognition is political”
Scholar interviewed in Fort Portal, July 2018

After years of slow guerrilla warfare by the National Resistance Army (NRA), Obote’s regime was weakening and losing support both abroad and in Uganda. Finally, in July 1985 Obote was overthrown by a military coup initiated by his own army, and a Military Council headed by Tito Okello Lutwa took over. The short-lived regime encountered various problems, not least of which was the fact that Museveni refused to recognize and join them. Despite peace talks between the two parties, the agreement signed in December 1985 had several weaknesses, and neither side was ever fully committed to its implementation. By January 1986 the NRA had taken Kampala and the NRM administration took over with Museveni as President. Initially as an interim government for four years, the NRM set about establishing a more inclusive, broad-based government with participatory democracy through its Resistance Councils, in an attempt to unify the country, fractured by religious, political, ethnic, and social

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71 The NRM included a National Resistance Council (NRC) and the National Resistance Army (NRA). The NRC later formed the basis of the new government along with the famed Resistance Councils at village, parish and sub-county levels (Mutibwa 2016).

72 Many scholars refer to the surprising lack of looting as the NRA descended on Kampala. Unlike previous armies, the NRA was extremely disciplined, with a strict code of conduct (Tripp 2010; Mutibwa 2016). That being said, the NRA did loot, ravage and rape in the North (Dunn 2007)

73 There were five levels of Resistance Councils – RCI - village, RCII - parish, RCIII- subcounty, RCIV- county, RCV - district.
schisms (Muhereza and Otim 1998). There was much hope that the government would reinstate traditional institutions as part of its plans for inclusive governance through broad-based participation. Yet, despite delivering some vague promises in this regard during the war, following its rise to power, the NRM refused to reinstate the kingdoms, with Museveni arguing that such an action would promote sectarianism in Uganda. In order to placate Buganda the NRM did however, appoint several known Buganda royalists to the government. After the first four years of rule, the government extended its interim status by an additional five years to 1995 as it became apparent that it was unable to complete the tasks it set itself in the first four years (Mutibwa 2016). The goal was to create a national constitution before the second five-year term was up.

On the surface, the new government was taking positive steps toward healing the conflict weary state. In 1988 the NRM created the Uganda Constitutional Commission which was meant to tour the country, create awareness, educate, and gather views from citizens on the creation of a nationally acceptable constitution. However, on the issue of kingdom restoration, the Commission found that the majority of the population was against such reinstatement, with only people in the territories of Buganda, Bunyoro, Tooro, and Busoga overwhelmingly for their restoration (Mutibwa 2016; Interview with Community leader, Kampala, July 2018). This again highlighted the fragmentation of the country, as different groups saw the state developing in different ways. The people belonging to decentralized ethnic groups were likely concerned that a federal system would be created similar to the district-based governance system during colonial times, in which the kingdoms would have self-government, while the others would be lumped into federal states based on geographic proximity, with a governor chosen by the state. The 1992 report of the Commission ultimately recommended the restoration of the kingdoms

74 While the Commission may have found that the majority of the population did not want the kingdoms restored, scholarly literature cited in this dissertation, the Afrobarometer surveys noted referred to in tables I and II, as well as responses by the informants gathered in interviews throughout my time in Uganda indicated otherwise.
if people within the group so desired, but with cultural and developmental roles only. One interviewee (Kampala, July 2018) suggested that this recommendation was made due to its political expediency - it allowed Museveni to keep his promises of restoration, while at the same time limiting the amount of power these institutions would wield. Despite years of abolishment, traditional institutions, and Buganda in particular, remained politically relevant, and as such the NRM regime could not afford to lose the votes and other support the kingdoms brought.

A Constituent Assembly was elected and opened in 1994 to debate and finalize a new constitution, with the main issue being the style of government and political system Uganda should adopt. Since the issue of reinstating kingdoms was already resolved by the aforementioned Commission, federalism and the return of properties and symbols of the monarchy were foremost on the agenda of kingdom representatives, particularly the Baganda. However, while federalism or federo, as it is frequently called in Uganda, may have been the preferred style of government for the kingdoms who hoped to regain some of their independence as federal states, as already noted, other groups were not as convinced. The NRM-style decentralization through Resistance Councils (RCs) created opportunities for people to participate in politics at various levels and entrenched a desire by these newly appointed politicians to remain independent from the oversight of the monarchy. As such, the Constituent Assembly voted against incorporating federalism into the 1995 Constitution (Mutibwa 2016). The government has also shown little inclination toward seriously considering a federal system.

The issue of whether the political system adopted should be no-party or multi-party was also a contentious debate. The NRM styled itself as a no-party movement, arguing that a multiparty system encouraged sectarianism in the country (Tripp 2010; Museveni 1997). Thus, the broad-based government and councils the Movement instituted were at least initially meant to be independent and open to all. The NRM no-party style order won Constituent Assembly approval in the end, although with an agreement
that a referendum would be held in five years to decide on introducing a multiparty system (Mutibwa 2016).

In May 1996 the first elections were held under the new constitution. Yoweri Museveni secured the majority of votes (75.5 percent) (Mutibwa 2016). These attempts at creating a participatory democracy were broadly hailed as a success, and thus hopes were high that Uganda would develop into a peaceful and democratic leader in the region. However, there were significant issues as well, particularly in the North where economic and political development was lagging as the government ignored the region. While the NRM worked to implement open dialogue and transparency in some of its activities, strain was put on it as various opposing groups mounted attacks to wrest power from them. The most notable of these began in 1986 when a rebellion broke out in Northern Uganda first led by Alice Lakwena and then by Joseph Kony’s Lord’s Resistance Army (LRA). This conflict became one of the longest standing conflicts in post-independence Africa spanning from 1989 (with roots of the conflict dating back to 1986) to 2006 (with sporadic attacks continuing until 2010) (Tripp 2010). Its origins can be traced back to the exclusion and brutal treatment of the Acholi by the government, initially of Amin, and later Museveni (Okumu 2018). While there are several theories about Kony’s goals which were never clearly stated, according to interviews given by Alice Lakwena in 1987 the Holy Spirit Movement, fought to depose the Museveni government and unite the people of Uganda (Behrend 2000), clearly focusing on reintegrating the Northern people into government. Despite the lack of clarity around the goals of the LRA in the region, it seems likely that those who supported the rebels or chose to join them felt aggrieved due to the continued marginalization, both political and economic, of the Acholi (Dunn 2007). The marginalization of

75 The other long-term conflicts in the country engulfed the Teso region in the east from 1986 to 1992, and the West Nile are by various groups intermittently from 1980 to 2002 (Tripp 2010).
the Acholi was one of the first signs of the regime’s lack of commitment to its discourse of broad-based participatory democracy and inclusion.

The mid-1990s saw the NRM moving away from its broad-based model to a more patronage-based system. Despite declarations of no-party rule, the NRM increasingly acted like a party, working against those who did not agree with its ideology. It became almost impossible to run for office without the approval of the NRM, as any meetings, sponsorships, or fundraising for non-approved activities was banned (Tripp 2010). Power sharing also became impossible as government representatives were chosen from pro-NRM areas, particularly the West. When in 1996 the North overwhelmingly voted against Museveni, the President openly declared that they would not share in the “political cake” as a result of their vote (Tripp 2010, 51) highlighting the exclusionary practices of the state. At the same time, the government began to use its relationship with the kingdoms, to manipulate various royals and families against each other, further entrenching fragmentation and competition.76

Despite promises to the contrary, multiparty politics would not be introduced until 2005, with Uganda being one of the last on the continent to make this transition. To counteract the potential shift in power which would leave the NRM weaker, powers of the executive were expanded at the same time, lifting presidential term limits (Tripp 2010). These type of one step forward, two steps back arrangements have been typical for many actions taken by the government. While on the surface compromising to offer more power to the opposition, behind the scenes mitigation for the loss of potential power is addressed by effectively eliminating any advantages of the initial compromise. The same can be seen in the

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76 Museveni is currently one of the longest serving presidents on the continent (33 years as of writing) and the 74 year-old has recently been allowed to stand for the upcoming elections in 2021 following a recent constitutional amendment to remove age limits for presidential candidates. Government has become become a patronage-based institution what began as thirty-three ministers and ministers of state in 1986 now rising to eighty. Furthermore, the President has appointed well over 100 presidential advisors, and according to one respondent, rarely listens to any of them (Interview with historian, Entebbe, July 2018).
relationship between cultural institutions and the government. In an attempt to garner favor and support, the government restored traditional institutions, offering them however only a cultural role, leaving any development or governance functions off the table. As will become clear in the next section, this has meant that the role of these institutions in governance is informal, ambiguous, and minimal.

Reinstating Cultural Institutions

“I am Ugandan, because I am Muganda; I am Muganda, because I am Ugandan.”
Muganda scholar, Kampala, February 2018

One of the critical decisions confronting the NRM upon its coming to power in 1986 was the issue of traditional kingdoms. In exchange for promises of restoration, Museveni received the backing of the Baganda, who even while their kingdom was abolished maintained enough of a presence to establish a relationship with the Movement and support its five-year guerilla war against the second Obote regime. This support legitimized the NRM (and National Resistance Army (NRA)) in the eyes of the Buganda population (Interview with Makerere University Professor, Kampala, February 2018).

In the 1990s political pressure on the NRM grew as a Constitutional Commission was convened to discuss multipartyism and constitutional amendments. Museveni refused to entertain the idea of a multi-party political system, and so, as Mamdani (2001) argues, the government allowed for the restoration of the kingdoms as the lesser of the two evils they were confronted with. In a show of opening and liberalizing the system, while at the same time creating more obstacles and increasing authoritarian powers, the NRM stood fast on maintaining the no-party environment, passing instead in 1993 two constitutional amendments: first, restoring cultural institutions; second, returning properties confiscated at the abolishment of traditional institutions to the kingdoms. Once the restoration was approved by

77 See Tripp (2010) for more on how hybrid, semi-authoritarian systems liberalize while clamping down on power.
78 Arguments surrounding the return of lands and properties continue to this day as not all properties were returned, due to the fact that various institutions of the state government had already taken residence on certain buildings and continue to do so. Land issues, much like in other countries in the SSA continue to be a complicated
the constitutional amendment, the Buganda Kingdom did not waste time, with *Kabaka* Mutebi II crowned a mere few months after.

Despite being restored as solely cultural institutions, the newly crowned *Kabaka* Mutebi II promptly reinstated a full Buganda government, including a *katikkiro* (Prime Minister), various Ministries (such as Justice and Foreign Affairs), and the *Lukiiko* (Parliament). President Museveni in turn attended, and thus legitimized, the coronation and the kingdom’s right to reestablish its government. Since reinstatement, the Kingdom has maintained an elaborate and fully functioning government akin to a nation-state, and it has also managed to remain relatively independent of the government in creating effective financing mechanisms and institutions\(^7^9\). Much like in the colonial past, Buganda can in many ways be considered a state within a state. Other cultural institutions followed suit.

While the restoration of traditional institutions might have indeed been a compromise to avoid installing a multi-party system, it is also likely that Museveni recognized the significant boost in legitimacy the government would receive in the eyes of the population when these institutions were reinstated. Eventually the rhetoric of inclusion would not suffice to address grievances of excluded groups, as was the case with the conflict in the North. In order to maintain power without engaging in a country-wide war once again, the NRM had to offer its citizens tangible proof of inclusion in the form of recognition of traditional institutions. As a scholar interviewed (Fort Portal, July 2018) noted, the act of recognition of part of the debate between government and traditional institutions. Land that in the past might have been overseen by the *Kabaka*, today is sometimes seen as the *Kabaka's* private property, and sometimes as kingdom land. At this time, in an unprecedented move, the *Kabaka*, who traditionally would not lower himself to such actions, is in court arguing a land issue.

\(^7^9\) Maintenance of the Kingdom is an expensive endeavor, and while the Buganda Kingdom is much more effective at creating income opportunities than other kingdoms in the country, it’s financial status in one of the main reasons it is pursuing the federal option. As it stands, the Kingdom is not allowed to collect taxes to maintain itself, and the majority of officials working for the kingdom do so on a voluntary basis in addition to their regular jobs.
A case in point – the government has refused to reinstate Ankole Kingdom. While cultural institutions are now commonplace in Uganda, and the government by and large does not refuse to recognize any groups who request recognition, the Ankole kingdom remains unrecognized. There are several theories as to why the Kingdom of Ankole has not been reinstated. One argument is that there is no political gain from such restoration, and on the contrary, it might detract from the popularity of the president, who is himself a Munyankole. It would be potentially untenable for the President to have an Ankole omugabe (king) to whom he would owe allegiance. Furthermore, the current heir to the throne would have been one of the most educated traditional leaders in the country, which would make him a potentially powerful foe for the government (Interview with Ankole Royal Historian, Kampala, February 2018). Others argue that there is a split within the kingdom, with only a minority requesting a reinstatement, and as such the President has refused to recognize them until they become a majority (Interview with Munyankole Clan Head, Kampala, February 2018; Interview with Ministry of Foreign Affairs official, Kampala, February 2018); others still noted that due to the nature of the Ankole kingdom and the incorporation of other groups into it, there is much disagreement as to who actually belongs to the Ankole kingdom and who doesn’t, hence a number of groups within Ankole territory are arguing for the recognition of their own ethnic group independent of Ankole. Organizations working toward the restoration and those in opposition to such reinstatement are equally active (Quinn 2014; Interview with Makerere University Professor, Kampala, August 2018). The Ankole question is an interesting example of how politically significant the recognition of traditional institutions has become, while also highlighting the internally divisive views of Ugandans themselves.
Another example of using recognition as a political instrument can be seen in the negotiations between the government and the Bunyoro Kingdom with regards to royalties from the oil discovered in the lands belonging to the kingdom. According to one respondent (Interview with scholar, Kampala, August 2018), in an effort to get the Kingdom to agree to its terms, the government is threatening to recognize an ethnic group which resides on the land where the oil was discovered and is currently under the Bunyoro Kingdom, as its own cultural institution. Such recognition would mean that the Banyoro would be completely bypassed, receiving no profits from the oil, as it would no longer be in their territory.

Minimal Inclusion through Half Measures and Ambiguity

Although reinstatement was by no means a full step toward inclusive governance, at least on the surface, it offered recognition and hope for more inclusion in the future. However, reinstatement has remained in its limited form, and there has been no movement on the part of the government to implement further policies to encourage a more inclusive system of governance, preferring to use a carrot and stick approach with the cultural institutions. However, continuing to play the various groups against each other by excluding or marginalizing them can only offer peace for a short period of time. Furthermore, the relationship between government and traditional institutions remains tense, and due to the manipulation by government, traditional institutions themselves are not united in pushing for a more inclusive system which might benefit them all.

In addition to the limitations placed on traditional institutions in Uganda, as will become clear in the next section, the legal framework which defines the role of these structures is extremely ambiguous. According to Ferdman (2017), to manage the paradoxes of inclusion, stable, and well-defined rules of taking groups in are required. He notes that a group or person “need[s] to be included into [emphasis in original] something, with confidence that the system I am joining has and will have norms and processes that ensure my continued inclusion” (Ferdman 2017, 250). The fact that the Ugandan framework is not well-defined, means that it is not very inclusive leaving much room for manipulation and wrangling for
power. This is not helped by the fact that the cultural institutions themselves are unsure of their own history, role, and place.

During the time when traditional institutions were abolished, some were completely dismantled while others went underground to keep their culture and traditions alive, but between the loss of knowledge due to colonialism and the extended period of abolishment (almost 30 years), following their reinstatement many continue to struggle to reconnect with their own history and heritage (Interview with researcher, Gulu, February 2018). When they were reestablished in 1993 and then officially in the 1995 Constitution, few people were left who understood traditional systems of governance (Interview, NGO representative, Kampala, February 2018). Since much of the knowledge was orally transmitted, when royal historians passed, little was done to keep the new generation informed (Interview with NGO representative, Kampala, August 2018). Kingdoms, especially Buganda, retained more significant portions of their histories, but decentralized ethnic groups which rely more on clan structures lost much of their histories, as there was no primary royal historian like in the kingdoms, who was able to pass knowledge on to his heir.\footnote{The Royal Historian is typically a man.} This means that many clan leaders and other traditional rulers who did not feature prominently in histories which survived the abolishment continue to struggle with understanding their role, both past and present (Interview with NGO representative, Kampala, August 2018). Despite these complications, these traditional institutions survived even without their physical manifestations, as they remained part of the spiritual belief system for many (Interview with Ker Kwaro Acholi Prime Minister, Gulu, February 2018). Naturally the circumstances they find themselves in today are markedly different from the past, and so their role in the community has necessarily changed. This is clearly understood by

\footnote{The Cross-Cultural Foundation of Uganda is the only NGO which seems to specifically target cultural institutions in their work (Interview with the Busongora Omukama, Kampala, July 2018). They have worked with traditional leaders to develop, among other things, a code of conduct for clan leaders (The Cross-Cultural Foundation of Uganda 2011).}
many of the respondents interviewed, with most emphasizing that culture and therefore cultural institutions cannot be seen as static, but rather changing with the times and needs of the people, making it even more important to understand these changing roles and how they might influence governance in the country.

Thus, despite reinstatement, the role of cultural institutions in governance is mixed at best. There is no common ground between traditional leaders themselves, or between the government and traditional leaders. The lack of an inclusive governance system in which cultural institutions have a legally defined role in governing the state has contributed to ongoing fragmentation and conflict within Uganda. The government continually seeks favor from one traditional institution or group to garner votes or support, while losing favor with another due to the fact that gains by one institution are seen as a loss by others. In other instances, the government purposefully ignores or punishes a traditional institution in different ways to strong arm them into submission. This fosters a culture of suspicion and jealousy in which the political pie is finite, trust is lacking, and maintaining one’s status requires taking part in the manipulation and political games set by government, which itself is caught in the same trappings of the ongoing power games. The vague legal framework which defines the status of cultural institutions does not help, as tensions have no formal and peaceful way of being resolved, making violent conflict more likely.

The Legal Framework

While Uganda has not integrated traditional institutions as much as Botswana and Zambia, there are several legal instruments that regulate the relationship between these institutions and government. Legally, the institutions fall under the purview of culture, and are thus referred to as cultural institutions and leaders. Following an amendment to the Constitution in 1993 which reinstated cultural institutions, the first legal act introduced by Museveni’s government was the Traditional Rulers (Restitution of Assets
and Properties) Act of 1993, which returned assets and properties to traditional rulers. Shortly thereafter the NRM government created the Constitution of 1995, the main document providing for the broad protection and promotion of Ugandan cultural rights.

The Constitution allows for all “cultural and customary values that are consistent with the fundamental human rights and freedoms, human dignity and democracy” to be incorporated into daily life (Government of Uganda 1995, Objective XXIV). Chapter 16, Article 246 of the Constitution is dedicated specifically to the institution of traditional or cultural leaders. The article ensures the right of existence, of any cultural institution in Uganda, in “accordance with the culture, customs and traditions or wishes and aspirations of the people to whom it applies” (Government of Uganda 1995). It further designates the Parliament as responsible for solving any issues of conflict regarding the choice of traditional or cultural leader, where it has not, or cannot be resolved by the community itself. It confirms that the leaders will enjoy such benefits as conferred on them by the government or as they are entitled to by tradition. It assures the lack of compulsion to pay allegiance to a cultural leader, and, most importantly, specifies that cultural leaders remain apolitical, with no administrative, legislative, or executive powers granted to them, and no resources available for them with the exception of a small monthly stipend given to the apex leaders of cultural institutions. The Constitution further defines a cultural leader as “a king or similar traditional leader or cultural leader by whatever name called, who derives allegiance from the fact of birth or descent in accordance with the customs, usage, or consent of the people led by the traditional or cultural leader” (Government of Uganda 1995, Article 246, 6).

Uganda also has a detailed National Cultural Policy (2006) which defines culture as:

“socially transmitted behavior patterns, arts, beliefs, institutions and all other products of human work and thought. Culture includes the intangible and tangible heritage, which is varied, complex, and in constant evolution. The tangible heritage includes monuments or architecture,
art and crafts, sites, manuscripts, books and other objects of artistic and historical interest. The intangible heritage includes language, oral traditions, performing arts, music, festive events, rituals, social practices, traditional craftsmanship, knowledge and practices concerning nature. There are various definitions and perceptions of culture. However in this Policy, culture will be defined as; the sum total of the ways in which a society preserves, identifies, organises, sustains and expresses itself [emphasis in original].” (Government of Uganda 2006, 2.1)

Although the definition lists several important aspects of culture, it fails to discuss governance other than the one reference to culture as a way of organizing society. Therefore, the definition leaves the matter of cultural institutions as governance mechanisms ambiguous since they remain based on the informal relationship they have with the state, making the role of traditional structures difficult to discern considering the complexities involved in the coexistence of the ‘modern’ and ‘traditional’ systems in the country.

The document further identifies cultural institutions as kingdoms, chiefdoms, clans, and the family, which are to support culture and use it for mobilization of the people. The Policy identifies several government ministries responsible for supporting, promoting, and expanding cultural institutions, with the Ministry of Gender, Labour and Social Development bearing the overall responsibility for cultural affairs in Uganda. While this Ministry is charged with primarily supporting and seeking funds for cultural institutions, the policy document has an ambiguously formulated section on Funding of the Culture Policy Article (10) in which it notes that it is the responsibility of all Ministries to fund culture, and it is therefore up to them to identify and fund cultural activities within their mandates. It also makes the private sector, civil society, faith-based organizations, individuals, and the cultural institutions themselves responsible for mobilization of further funding. As such, there is no actual budget assigned to the Ministry of Gender, Labour, and Social Development for the cultural institutions, with only a Minister of State and Commissioner overseeing the portfolio.
An additional legal document, The Institution of Traditional or Cultural Leaders Act, 2011, further clarifies the role of cultural leaders as per the Constitution. It specifies that the public declaration of the existence of a cultural leader has to be communicated to the Minister, who will then publish it in the Gazette. This presumably offers the State the opportunity to deny the validity of such a leader if it so decides. The Minister also is responsible for publishing any abdications or other cessations. Focusing on the restrictions on cultural leaders in Part V of the Act, the document specifies that cultural leaders cannot participate in partisan politics, including allowing persons in their employment to do so. It also lists the charges faced by any person who knowingly involves a cultural leader in such activities.

In addition, the Act specifies that cultural leaders are entitled to benefits from the government, which in some cases include allowances, vehicles, and security by a dedicated group of military officers (see Schedule 2 of this Act). These can create additional tensions whereby the government effectively pays the individual leader isolating this person from the institution he or she represents and undermining their accountability to the people they serve. In acknowledgment of this and in a show of some independence, the kabaka does not accept the stipend (Interview with historian, Kampala, July 2018). However, not all cultural leaders are able to do the same. With limited funds available, any support from the government can be seen as a positive. For example, the Emorimor of the Iteso Cultural Union accepts this payment and it is seen by the Union as a form of acknowledgment by the government of the importance of cultural institutions (Interview with Iteso Minister, Soroti, July 2018). Another issue that is frequently brought up regarding the Act is the fact that, by design, it only discusses traditional leaders, not the entire institution, adding to the internal fragmentation of these structures (Interview with scholar and policymaker, Kampala, July 2018). Furthermore, some argue that the Act has not been implemented in its entirety and needs to be further operationalized to ensure that all its clauses are being enacted by the government (Interview with Emorimor Papa, Soroti, July 2018).
The law recognizes some other roles for cultural leaders in a few areas, but it is very issue and context specific. For example, customary land administration, especially in the North, and arbitration of related conflicts is recognized. More recently, there is new legislation on petroleum requiring written consent from cultural leaders for areas under their jurisdiction (The Petroleum (Exploration, Development, and Production) Act, 2013). Unfortunately, as new areas with natural resources are discovered in the north-west, tensions between the Bunyoro Kingdom and the government have surfaced. The kingdom has not returned to its past glory as one of the strongest kingdoms in the region pre-colonially, and it is currently seen as weak and corruptible (Interview with Banyoro man, Kampala, August 2018), but there are hopes that it will rise again, now that oil has been discovered on its lands.

Despite Uganda’s push to relegate traditional institutions to function solely as cultural establishments, their systems of governance are broadly developed, often maintaining a state within the state, and they retain a large and loyal following in many cases. Although they are not recognized as a political institution by law, their ability to sway views, mobilize their population, and maintain a common value system means that they influence political issues and participate in the governance of the country, if not overtly, then under the cover of ‘culture.’ Culture is ill-defined, with the National Cultural Policy offering a rather vague description which is regularly pushed to its limits both by government and the traditional institutions. Where convenient, government delimits a small area within which traditional institutions can act, and often looks the other way when these limits are broached on issues that save the government time and funds, such as small judicial matters (like in Zambia), land tenure, or management of and mobilization for development projects. Despite clear regulations around participation in politics (1995 Constitution article 246, 3(e) and (f)), exceptions have been made when convenient. Most recently for example, the President appointed the Kyabazinga of Busoga as Ambassador in the Office of the
President in 2017. This lack of clarity around the role and contributions of their leaders and governance systems creates situations in which traditional organizations push the envelope, by engaging in political dialogue or activities only to be brutally reminded of their place when the government feels they have overstepped. This is not unlike the delicate dance which happens in Botswana and Zambia, although with fewer established rules. This lack of rules means that when conflict does happen it is often violent. A recent example is the Rwenzururu conflict, where in 2009 the Obusinga bwa Rwenzururu cultural institution was recognized, with the Omusinga as king. In November 2016, the Omusinga was placed under house arrest in Kampala, with several killed in the conflict, and his royal guards arrested by the Ugandan national army in a show of deadly power, as government responded to rumors and threats of rebellion and secession. The kingdom government was officially disbanded as the state is quietly working to reestablish it with new ministers who will be more central government-friendly (Interview with scholar, Fort Portal, July 2018).

Local Councils and Cultural Institutions: Duplication or Collaboration?

In addition to the legal instruments indicated in the previous section, the entire structure of the government, particularly at the district and local levels clearly shows how confusing and inefficient lower levels of government are in Uganda due to the duplication of efforts on the part of government and cultural institutions.

Each district has a Chief Administrative Office (CAO) who heads up the technical and administrative staff at the District office. At the district level there is a parallel silo of elected political officers from Local Councils (I - village level, II – sub-county, III – county, IV currently not in use, V – district). Initially stemming from the NRM Resistance Councils, they represented a non-partisan community

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When speaking to members of the government about this appointment, the argument made is that this is not a political position.
institution where participatory democracy was used to reach decisions. Over the years, the LCs have been transformed to act more like an arm of the state. Rather than substituting local chiefs and other traditional leaders, which was their initial role when traditional institutions were abolished, LCs now exist in parallel with these structures offering similar services. This duplication of efforts has led to inefficiencies. LCs are not solving the problems they are meant to solve and corruption even at the lower levels has been an issue (Interview with retired justice, Kampala, July 2018).

The LC V, the Chairperson for the district, is locally elected, and works with the CAO to implement programs in the district. While the LCs have long been hailed a success both in Uganda and internationally, in practice they have lost most, if not all, of their substantive powers. The CAO retains all power over funding, which in turn is strictly meted out by the central government, making LCs completely reliant on the centre. CAOs around the country meet regularly in Kampala for quarterly meetings, while LC Vs have no such opportunities, relying solely on mailing lists, WhatsApp groups, or NGO organized meetings (Interview, Ministry of Local Government official, Kampala, February 2018). There are also no regularly mandated meetings between LCs and traditional leaders, leaving the impression that LC Vs are in fact of little power and consequence for the government.

Unlike in Zambia where chiefs sit on town councils, in Uganda traditional leaders are excluded from LCs. LC representatives belong to political parties, despite initially being non-partisan, and after a 10-year gap in elections, when these were finally held in the summer of 2018 President Museveni travelled to various communities to support NRM candidates, arguing for people to vote for the party, not the individual.83

83 “That is why it is important to elect representatives who sit in the NRM caucus where decisions are made and who can lobby for projects for you.” Yoweri Museveni, Twitter, 20 July 2018.
Various respondents had differing views on the effectiveness and importance of LCs as compared to chiefs. Afrobarometer survey results (Table II) show marked differences in trust by the population in traditional leaders versus local elected government officials, with over 40 percent trusting traditional leaders a lot, versus only 22 percent trusting local government officials a lot. Despite this large gap, at a minimum, respondents agreed that the LCs are well known and central to all administrative matters, such as passport and identification card applications for example. One high-level minister interviewed thought that LC I and LC IIs “keep the peace”, but have no real significance in court or politics (Kampala, February 2018). In an interview with the Minister of State for Gender and Culture (Entebbe, February 2018), the Minister argued that one of the roles of the LC is to consult with cultural leaders on behalf of the government. While this does not seem to always be the case in practice, the two maintain a relationship to the extent that both sides are inclined to work together for the common good of the community. In addition, on every local council there are representatives for various areas of interest, including gender and culture. One of the common arguments against the LC councilors is that, as elected politicians, they have limited terms and therefore their focus is on getting re-elected, unlike chiefs and other traditional leaders who remain with their communities throughout their life and thus are theoretically more inclined to focus on what is best for the community rather than pursue their own career goals (Interview with Munyankole man, Kampala, February 2018).

Table II. How much do you trust traditional leaders/local elected government council, or haven’t you heard enough about them to say?

<table>
<thead>
<tr>
<th></th>
<th>Not at all</th>
<th>Just a little</th>
<th>Somewhat</th>
<th>A lot</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traditional leader</td>
<td>7.9%</td>
<td>11.9%</td>
<td>26.5%</td>
<td>42.7%</td>
<td>11.1%</td>
</tr>
<tr>
<td>Local elected</td>
<td>13.0%</td>
<td>27.6%</td>
<td>30.8%</td>
<td>22.9%</td>
<td>5.5%</td>
</tr>
<tr>
<td>government council</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Afrobarometer R7 (2016/2018)
Naturally none of this is so clear cut. Much like in the case of parallel governments between state and centralized kingdoms, LCs and clan-based traditional structures are duplicates. For example, while the government has LCs, Acholi clans under their rwodi have their own councils. These councils are structured almost exactly like the local town councils and are comprised of several clan members who represent different areas of interest, such as education, women, youth, and health, with an elected chairperson who leads the nine-person council (Interview with Alero Rwot, For God village, June 2018). Thus, for some of these positions people overlap between clan-based structures and LCs creating an ad-hoc integration of the two, thus complementing the work of the two in some small measure.

These examples clearly show that there is no formal, institutionalized system of inclusive governance in Uganda, but rather overlapping, parallel systems which at times collaborate and at other times compete against each other. The duplication creates confusion and aids forum shopping. It also creates situations in which exclusion is more likely, as each governance structure, traditional and governmental, competes for power and avoids involving the other. Since governance is not inclusive, both also suffer from a loss of legitimacy, with population loyalties and support divided.

**Co-existence: The Reluctant Relationship Between State and Tradition**

As a result of the lack of clarity around the powers of cultural institutions and their leaders, the co-existence of the state and traditional actors is tenuous and non-committal. Reinstatement has happened, but no formal integration leading toward inclusive governance. This has created a system in which whole sections of government, such as the district level for example, are excluded from political relationships.

Civil servants in local government, such as county administrative chiefs in Northern Uganda, often have close and friendly relationships with the Acholi rwodi, although higher ranking district officials are less likely to regularly interact with traditional leaders. In fact, many apex leaders of cultural institutions
bypass the district when possible, bringing their concerns and requests directly to the Ministry in charge of the issue. Interestingly, in an interview with the Ministry of Local Government (Kampala, February 2018), officials clearly stated that communication with cultural leaders is done exclusively through the district. Yet, it would seem that the district leadership is in fact the most by-passed institution in this configuration of the informally cooperative relationships between state and cultural institutions.

Thus government knowledge and effectiveness is limited and leaders of traditional institutions are left to find their own way by either playing the system or finding individuals in the government with whom they interact to push their own agendas. In line with Ferdman’s (2017) paradox of inclusion, without a formal framework or institutionalized system which defines the roles, inclusion in governance is difficult to achieve even when the state and traditional institutions co-exist relatively peacefully like in Uganda.

The thinking at the highest levels of state government is that traditional leaders are a relic of the past, which worked well in a pre-industrial society, but have no real place in the modern state of Uganda (Interview with high-level minister, Kampala, February 2018). Outside of leveraging cultural institutions economically to showcase Uganda’s heritage for tourism for example, and some perfunctory acknowledgment of their role in uniting the country (Interview with Minister of State, Entebbe, February 2018), the role of cultural leaders in governance is dismissed by government. As a high-level government official argued, “chiefs are not up for the political challenges of today. Many do not understand the demands of modern politics” (Interview with high-level minister, Kampala, February 2018). If this sounds much like the arguments the British and some nationalists touted during colonial times and immediately pre-independence, no wonder, as they are much the same. While higher level government virtually ignores the traditional structures, apart from the odd engagement with the overall leaders typically to garner support for a program or policy; at the lowest levels of local government officials acknowledge the
need to connect and maintain a good relationship with chiefs, clan leaders, and elders in their communities, as their day-to-day work depends on it.

Although most government and traditional officials approached agreed that local government maintains a cordial relationship with traditional leaders at the lower levels, there is no acknowledgment of such a relationship officially and openly. For example, while traditional leaders are invited to village meetings, they typically do not attend. There is no tradition of a kgotla like in Botswana, where policies might be discussed in the presence of traditional leaders. Government officials are invited to certain traditional ceremonies, meetings, and events in villages, but they rarely attend. Yet, the two systems are dependent on each other. For projects and programs implemented by government in villages, local government officials on the ground go through great pains to ensure that traditional leaders are engaged and present to ensure that the program is seen as legitimate by the people (Interview with sub-county chief, Gulu, June 2018). The government needs the support of the cultural institutions to help mobilize the population. In an interview with a town clerk in a rural area (Kigumba, February 2018), the official pointed out that the town council would not be able to work without the cooperation of local traditional leaders, who mobilize the community both during and after projects. For example, when a new road is built, the land has to be made available, and the road needs to be maintained by the community after it is built. In another example, a district official (Gulu, February 2018) pointed out the need to work with cultural leaders when youth alcohol consumption became a dangerous issue. Overall the relationship is confusing and in many instances based on ad hoc decisions by those involved on who to approach for the best possible outcome. As such, the relationship between state and traditional institutions mirrors the relationship of the population with the two—since both are informal and have no defined legal framework there is extensive forum shopping.

Furthermore, cultural institutions see themselves as key figures in reconciliation and peacebuilding. Particularly in the North, there is broad acknowledgement that traditional leaders have
played an important role in conflict resolution following the LRA war. Many others have also had a role in peacebuilding, for example the Itesot and Karamajong leaders negotiated the Magoro Peace Accord (Quinn 2014). This has certainly helped to rebuild and strengthen their position. In many areas, cultural leaders are now increasingly involved in land conflict issues, where their experience is especially sought out when customary land is in question. For example, the Iteso Cultural Union has developed a detailed handbook to help solve land conflicts within its communities, and hopes to offer training in this regard if funding becomes available.

However, as already noted much of what the cultural institutions do is not codified in any way. It is thus not binding and easily overturned by any court of law (Interview with Ker Kwaro Acholi Prime Minister, Gulu, February, 2018). In another act of contradiction, this has not deterred judicial institutions from referring cases back to traditional courts. One Acholi rwot lamented that traditional structures have lost respect, with government law always available to appeal any decision they make (Interview with Acholi Rwot, village in Gulu district, June 2018). In other cases they act in ways that are complimentary - both courts and traditional structures are involved in different ways, with the courts meting out punishment, while traditional leaders work to heal the broken relationships and torn social fabric.

Despite some wiggle room, the balance of power is skewed toward the state, and like in Botswana and Zambia, traditional institutions have not argued against the relationship, but rather for greater powers within it, accepting the state’s prominence.\footnote{Castells (2009) argues that in any power relationship there is a certain degree of compliance and acceptance by those subjected to power.} However, the lack of an inclusive governance system in which they have a more defined role has created ambiguity and tension. While the recognition of cultural institutions offered some measures toward integration and aided in the achievement of peace in
Uganda, the uncertainty and tensions which continue to permeate the political environment due to the unacknowledged co-existence of two governance systems, mean that peace will remain tenuous.

As such, although cultural institutions often work to further agendas of their own, they have to work within the parameters of their current environment, maintaining a cordial relationship with the government to ensure that their community is not penalized, and continues to receive funds and projects beneficial to them. The government on the other hand, has taken great pains to be seen as benevolent and cooperative to ensure that it maintains the support of the traditional institutions when it needs them, while also taking advantage and manipulating. For example, in a show of respect toward cultural leaders, government officials ensure that any meetings with them include the singing of the local groups anthem, and cultural leaders are met with the appropriate ritual greetings. The government also funds projects which are ostensibly for the benefit of cultural leaders, such as the building of houses for *rwodi* in northern Uganda, although these are rarely done in consultation with their ‘beneficiaries’. As a result, excessive sums of money are spent on building houses for local *rwodi* without their approval, in places they did not choose (Interview with sub-county chief, Gulu, June 2018; Interview with Pawel Rwot, village in Gulu district, June 2018). These good will projects are used as examples of the generosity of the government.

I was able to witness a clearer example of manipulation of the population by the government, as well as the silent influence of cultural institutions on governance and decision-making, when attending a community meeting led by the LC V Chairman (Awach village, June 2018). As part of its ongoing decentralization policy the government is creating new districts, counties, and sub-counties in various areas. In this case, a large district was to be divided further into several smaller counties and sub-counties. The population is typically in favor of creating these since each district is required to have an elementary school and basic health clinic. For many remote villages this means easier access to such services which in a large sub-county could be 10-15 km away. The meeting was not only an opportunity for the LC V
Chairman to entice the community with the potential services they would finally have more access to, but also to request that the villagers donate a minimum of 15 acres of land to the government, so it can build the school and health clinic on this land. The Chairman chastised the attending community members at length for their apparent hesitation, arguing that access to health services and schools was in their best interest. He noted the government’s promises of job opportunities in the area if land is donated and how other communities already donated land for this purpose. During the meeting, several families donated the land required. I was later told that these donations were made by prior consultation with the local rwot who was not in attendance.

While it is my understanding that this would not be possible in some areas of Uganda (in the south in particular private land ownership is more typical than customary land tenure), it is this type of manipulation of the populace by the government that allows for the regime to save money and take advantage of the fact that the cultural institutions have little power to argue against such tactics. In fact, weighing the good of the community the rwot agreed to such a donation. This is in line with the communal values of many African groups. Yet, the community both loses and gains in this scenario. The government, whose responsibility it is to offer these services to its citizens, should not take land from the poor without giving proper compensation. Yet the poor are in dire need of these basic services and have to weigh the value of land, that likely is not being cultivated, against easier access to health care and education for example. There is no simple solution here, and with government and cultural institutions working in parallel rather than together, viable solutions will be harder to find.

The relationship here is clearly complicated and confusing for everyone involved. The uncertainty does not allow for alliances to form or for meaningful participation, as collaboration can easily change to manipulation or indifference at any time. There are no formal rules of engagement, and as Englebert and Dunn (2013) argued, politics are indeed largely informal in Uganda. While using a discourse which
promises peace and development in an environment of uncertainty may buy the government time, especially since it has delivered on a few of its promises (such as reinstatement of traditional institutions), without formalizing the way the state interacts and works with traditional leaders, the risk of violent conflict increases as unaddressed grievances rise and established traditional institutions are disregarded.

Cultural Institutions: The Good, the Bad, and the Uncertain

Almost 80 percent of the population of Uganda is considered rural, well above the average 60 percent for sub-Saharan Africa (World Bank 2018). If, like Mengisteab (2017), we use the rural population as a proxy for the segment of the population which continues to operate primarily under the traditional system of governance in the country, it becomes clear how important cultural institutions are in Uganda. In addition, looking back at table I in the previous chapter, Uganda is on par with Botswana and Zambia with over 60 percent of people trusting traditional leaders either a lot or somewhat.

Despite abolishment, lack of funds, and a very limited legal role, there can be no denying that cultural institutions in Uganda remain significant. Their popularity and importance are underscored by the fact that the majority of officials representing these institutions, both at higher and lower levels, are volunteers. The kingdoms have managed to create entire governments, including ministries and parliaments, despite a lack of funding to provide salaries. With the exception of the apex leaders who receive a stipend from the government, clan leaders, kings, elders, and traditional council representatives all offer their time and efforts to maintain the institutions at no cost. Such loyalty and engagement can only be commended and must surely indicate that cultural institutions are an extremely important part of life for many Ugandans. Thus, their formal exclusion from the governance system is both ill-advised and futile.

This does not mean that cultural institutions are without their own problems. Since they rely almost exclusively on volunteerism has meant that primarily wealthy Ugandans fill these roles, typically
either retired, or working in a profession that allows them to take time to attend to their cultural roles. Furthermore, a common thread in conversations with cultural institution officials revealed attempts at glorifying volunteerism and demonizing work for money, and thus the government. Accordingly, the belief is that cultural institutions, given that they are volunteer-based are comprised of people who are passionate about their work and therefore incorruptible (Interview with Tooro PM, Fort Portal, June 2018), unlike government officials who only work for the state to receive their salaries, and thus have no loyalty to it. This of course is not always true, as there are clearly some government officials who are passionate about their jobs and believe in the work they do. It is also not true that cultural institutions are incorruptible. What is more likely the case, is that with government, there is more transparency, and thus corruption tends to be more obvious than in cultural institutions where questioning authority is tantamount to treasonous behavior against your spiritual leader and kin. The symbolic status of cultural leaders often means that the institutions are not questioned by the populace even when irregularities might appear (Interview with Busoga minister, Kampala, July 2018; Interview with scholar, Kampala, August 2018).

Despite their popularity, Ugandans are by no means all fully engaged and invested in cultural institutions. Common arguments against cultural institutions that surface in scholarly works were also mentioned by respondents, including the lack of a democratic elections process for leaders, and the lack of female representation. Both these criticisms should be qualified, by considering the fact that several of the traditional leaders are in fact elected, although primarily by elders in their communities; and by acknowledging that women have in the past played important roles in traditional institutions in the position of queen mother, king’s sister, or others, and are increasingly included in the political life of communities. Unfortunately, there is still some progress to be made to ensure that women are fully engaged in traditional institutions. There is also some internal criticism of cultural institutions. Issues
pointed out by respondents included lack of capacity, accountability, professionalization, and transparency, with the younger generation often at odds with the older, more traditional core.

This was underscored by a common observation by traditional leaders interviewed that it has been increasingly difficult to entice youth to engage with the institutions. In a country where 75 percent of people are below the age of 30 (Government of Uganda 2018), there can be no conversation about governance and development which does not involve the views of this majority. One respondent (Interview with Ker Kwaro Acholi Prime Minister, Gulu, February 2018) lamented the fact that cultural institutions had failed to find answers to the contradictions in today’s society, and thus are unable to answer the questions youth have. As a result, young people have been turning away from tradition. Yet at the same time, for those who choose to engage with their cultural institution, there is much to learn. The Tooro Prime Minister noted that kingdoms are often “incubators for future leaders” (Fort Portal, June 2018). Opportunities to engage with others within the kingdoms, to take on leadership roles, to establish relationships with government where needed can only be beneficial for many of these young people as they learn about their culture and go about representing it to others.

While there are most definitely areas upon which cultural institutions could improve, they have managed to deliver various services to their communities in innovative ways with little to no funds. With the lack of funding from government, many institutions have taken it upon themselves to find organizations to come and do projects in their region. For many officials involved in cultural institutions, their own personal funds are frequently used to support the work of the organization, when fundraising becomes difficult (Interview with Busongora Omukama, Kampala, July 2018). The Ker Kwaro Acholi Prime Minister (Gulu, February 2018) estimated that 50 percent of community services come from cultural institutions. “Welfare is embedded in the culture” he noted. While it is difficult to quantify the actual percentage, it was clear from speaking with various officials from cultural kingdoms, as well as community
members that cultural institutions in Uganda do in fact offer a number of services to their communities. Such services seemed more centrally organized and more often mentioned in kingdoms (for example the Tooro Kingdom has a mobile medical clinic which visits various remote areas in the region (Interview with the Tooro Prime Minister, Fort Portal, July 2018); the Iteso Cultural Union is working to offer training on customary land laws, but lacks the funds to implement it (Interview with Emorimor Papa, Soroti, July 2018)), but in clan-based institutions services such as marriage, counselling, mediation, basic medical care were often also mentioned as available through traditional structures. The argument here is that while unacknowledged by the government, the services provided by cultural institutions save the administration large sums of money, and the government does not hesitate to take advantage. One of the most common complaints by representatives of cultural institutions was lack of funds to perform the various services they offer to their peoples. Only Buganda has been largely successful at generating revenue from its various business as well as organizing fundraisers thanks to which it is relatively independent. Accordingly, others like Busoga, are attempting to create a similar business model (Interview with Busoga minister, Kampala, June 2018). Clearly cultural institutions are engaged in governance, offering services at the local level, despite the lack of a formal framework.

By remaining relevant to their populations, they maintain their legitimacy, but also support the fragmentation of the state by focusing exclusively on their communities. Without a stake in the governance of the broader state, there is no incentive to work together for the success of the whole country. As a result, despite seeking similar solutions to their problems, cultural institutions are not known for collaborating. While there is a Forum\textsuperscript{85}, it rarely meets and has no real funding to support a regular secretariat and annual conferences. Most of its activities, when they happen, are government-driven (Interview with NGO representative, Kampala, February 2018), which does not allow the cultural

\textsuperscript{85} The Uganda Kings and Cultural Leaders Forum
institutions to promote an independent program. Furthermore, the Buganda Kingdom is not part of the Forum, which undermines its legitimacy and ability to influence.

A common argument is that each institution is different, not only in the way it is organized – centralized or segmentary – but also legally through their land management system for example. Some are even spread across two countries, like the Iteso Cultural Union which has approximately 3 million Itesot residing in Uganda and 500,000 in Kenya (Interview with Iteso Emorimor, Soroti, July 2018). Every respondent from a cultural institution who was questioned about a common forum for the cultural organizations, and the possible advantages of working together, was dismissive of the notion. Some noted that a Forum already existed, others were not aware of one. Despite the obvious challenges of working together, the lack of interest in working together to promote common interests continues to puzzle me. Here too a system of inclusive governance would be a unifying force, providing common ground between traditional institutions themselves, and between traditional institutions and the government.

The Role of Cultural Institutions in Exclusion

Ensuring that the cultural institutions do not get too strong allows the government to retain influence over them, continually manipulating and fragmenting the country, dividing the people, instead of working with the institutions in complementary ways (Interview with Acholi scholar, Gulu, February 2018; Interview with historian, Entebbe, July 2018). “Cultural institutions are instruments of political control to the government; they are part of the framework of propaganda and manipulation” argued a scholar interviewed in Kampala (February 2018). The government keeps them in line by threatening to take certain privileges away, in the case of Buganda for example this is land. Another example is the threat of recognizing another kingdom in the Bunyoro lands where oil was discovered. When cultural institutions move to consolidate, the government recognizes new institutions to further fragment the potential new
centres of power. For example, in order to weaken Buganda, groups like the Barwli and Bayala annexed by Buganda before colonialism, were recognized by the government.

The difficulty is that not only has political manipulation by the government contributed to these divisions, but there has also been a lack of cohesive, state-wide social policies which would unify Uganda. Several respondents argued that the government does not understand the people and their culture (Interview with Ker Kwaro Acholi Prime Minister, Gulu, February 2018; Interview with Ankole historian, Kampala, February 2018). Rather than consider which type of society certain demands come from – centralized (kingdom) or segmentary (clan-based) – political leaders make decisions based on their own personal experience and instinct. They do not take the time to learn about the different societies in Uganda and understand their goals and values (Interview with Ankole Royal Historian, Kampala, February 2018). In centralized Bantu societies, such as Buganda, Bunyoro, Ankole, or Tooro, clans exist, but are suppressed by the powers of the monarch. Clan ties to land are weaker, communities are more dispersed, and in return for their allegiance, protection is offered by the king. The society is united by its allegiance and spiritual connection to the king. Land is owned by the kingdom rather than clans. Yet here too misunderstanding when it comes to land abounds, and the Kabaka is currently engaged in a legal battle regarding land ownership.

Segmentary societies, such as the Nilotic Acholi, Lango, or Karamajong, are clan-based. Blood relationships are paramount, and land belongs to the clan. The life and success of the clan is the primary concern – “the clan is the horizon” (Interview with Ankole royal historian, Mbarara, July 2018). Land ownership issues are particularly pertinent today, as the understanding of how land is owned changed during colonialism, with the British introducing private ownership in societies where clan ‘holdership’ (Interview with Ker Kwaro Acholi Prime Minister, Gulu, February 2018) rather than ownership was practiced. No one owned land indefinitely and privately, rather the stewardship of land was more
common. Even when others, for example nomadic groups temporarily settled on the land, there was an understanding that the land was held by the particular clan in the region. As such, contemporary Ugandan law recognizes customary land tenure in these areas, which only adds to the confusion since not all areas have customary land. Despite regionally specific regulations regarding land ownership, the government does not approach clan-based societies in a way which would allow for collaboration on land use, but rather prefers to negotiate the purchase of such land, which the clans are opposed to (Interview with Ankole royal historian, Kampala, February 2018; Scholar, Kampala, February 2018; NGO representative, Kampala, February 2018). This is often a source of some tension and limits the ability of the area to develop. For example, plans of developing land to create an industrial park in the North were abandoned when Acholi clan leaders and government could not come to an agreement on the sale or lease of the land (Interview with Ankole royal historian, Kampala, February 2018). In the East, plans for the development of land were canceled when Iteso cattle herders refused to release traditional grazing grounds (Interview with Iteso Emorimor, Soroti, August 2018).

As a result of the differences between traditional institutions, and the government’s inability, or ignorance of them, all cultural and societal activities have been left to cultural institutions thus uniting people under the banner of their culture and ethnicity not that state. This has contributed to the ongoing fragmentation of Uganda as traditional institutions by definition exclude those who do not belong. As a result, the divisions which remained prominent throughout the colonial era, continue to plague Uganda today. Commonalities, inclusivity, and joint values are frequently not emphasized as manipulation and power games are played by the government and the institutions to maintain what little powers they can. Without a legal framework within which to negotiate the integration of traditional institutions into the governance of the state, inclusion has not happened.

The relationship between the cultural institutions themselves is often strained. Some institutions are more politically inclined than others. There is suspicion and fear, as government favor and narratives
of historical differences continue to stoke tensions (Interview with academic, Uganda Martyrs University, Kampala, July 2018). There is also a certain lack of respect by some of the larger, more established institutions, toward the smaller, newer ones.

When it comes to the political positioning of cultural groups, the government has managed to play cultural institutions against each other enough to maintain tensions between them. As a result, the traditional institutions have also made no real attempts at advocating for a second chamber to parliament like a House of Chiefs, because there is no unity between them. One respondent argued that cultural leaders are “afraid to rock the boat” now that they have been restored by the government (Interview with Ankole Royal Historian, Kampala, February 2018). This seems certainly to be the case for some, particularly the newer cultural institutions which maintain a much more favorable and respectful attitude toward the government. These traditional leaders interviewed noted that the current system of governance is working well, and that in the future there might be some need for more formalized engagement in parliament or other government for traditional leaders via special interest groups possibly, but at this time they are satisfied (Interview with Ker Kwaro Acholi spokesperson, Gulu, June 2018; Interview with Emorimor, Soroti, August 2018). The older, stronger institutions are also not in a position to argue. Buganda remains focused on its own priorities, Busoga was leaderless for several years following the death of the previous kyabazinga, succession arguments weakening the kingdom. Bunyoro-Kitara has been unable to mobilize with both king and government seen as weak, and the Ker Kwaro Acholi is just recovering from the long term conflict in the region and is also experienced internal struggles. Although this is not an exhaustive list of cultural institutions, these examples clearly show how unlikely it is that these groups will unite in the near future.

There can be little cooperation and unification under the circumstances, with social and cultural development left to disparate institutions and minimal incentive to come together. Without a formalized
framework of inclusive governance, in which the state and all cultural institutions officially work toward shared goals, the population of Uganda will remain divided.

Conclusion

In this chapter, I have argued that despite taking initial steps toward inclusive governance by reinstating traditional institutions and achieving a tenuous peace, the Ugandan government has in fact engaged in a game of cat and mouse with traditional institutions. Abolition of these potential rivals contributed to the turmoil and violent conflict within the country. Reinstatement of traditional institutions not only boosted the legitimacy of the government, but increased the likelihood of peace as recognized groups more willingly participated in transitions of power and aided development projects. Furthermore, where conflict did erupt, recognition of traditional societies meant that the government had more allies and support from them to deal with the violence. Unfortunately, Uganda’s half measures in implementing inclusive governance have meant that such support was limited, especially when traditional institutions realized that no further integration was forthcoming. While conflict was much less widespread in the years after Museveni came to power and reinstated traditional institutions, the country was by no means violence free, as the long-lasting LRA conflict in the North showed, and several other shorter-lived insurgencies.

Rather than including these structures by integrating them into the governance system, the government has allowed them to participate in governance informally, while at the same time severely limiting their ability to contribute in a formal, coordinated, and positive fashion. This has further imbedded the fragmentation of the country, encouraged tensions and conflict due to the low internal legitimacy of the government, unaddressed grievances, and ongoing competition for influence between groups. In times of conflict, fragmentation and exclusion have made grievances harder to address as each group
engages only if they are directly impacted, seeing no value in working toward the betterment of all groups within the state. As such, sustainable peace is harder to achieve.

Based on the research presented in this chapter, it is clear that Uganda would benefit from implementing an inclusive governance approach, helping unite the state by integrating traditional institutions into the government formally and institutionalizing them at the national level. This would increase government legitimacy, allowing traditional institutions to shape the governance system based on their values and goals. Furthermore, creating a House of Chiefs for instance, would acknowledge the existence and importance of these ethnic societies, their needs, and grievances, by giving them a voice at the national level and keeping them invested in the development of the state as a whole.

That being said, this chapter has also illustrated how complicated implementing inclusive governance would be in Uganda. As already noted, the relationship between state and traditional institutions is complex. Arguing that no integration whatsoever has happened is as misleading as saying that cultural institutions are not political. Without some form of cooperation, the two systems would not be able to function in the ways they do currently. While this cooperation is almost exclusively informal, there are people on both sides who see the value in this type of relationship. The cultural institutions are prepared to accept such limitations in hopes of moving ahead and building up to more significant roles and resources for themselves in the future. The government in turn allows for rules to be stretched and gray areas to be explored to gain support and influence in the various regions (Interview with scholar and NGO representative, Kampala, February 2018). However, as pointed out by a sub-county chief (Gulu, June 2018), without trust there cannot be any progress. If the government wants (or needs) cultural institutions to stay, they need to trust them. “Restorative learning and intellectual humility are needed to create a system which is based on local governance structures, but government is about accumulating power, not about learning from local institutions” (Interview with scholar and NGO representative, February 2018).
At this point, whatever policy exists in Uganda with regards to traditional institutions is vague and thus largely unhelpful. It has created an environment in which traditional leaders find themselves in a gray area in which many of the functions they perform are ignored by the government until an outcome infringes on government plans or is seen as threatening in any way by the government, at which point their rulings or overturned, or more specifically ignored, as their rulings in fact have no legal backing.

In addition, there is no clarity around when and which groups might be recognized. One of the issues encountered throughout this study was that not all traditional institutions can actually trace their history back to precolonial times, some have significantly morphed, others have been created, or recreated in a new image. As such there are significant inequities, differences in goals, values, and powers between the various cultural institutions. These differences have meant that the more established, older kingdoms have treated the younger, newer, or morphed groups with less respect. The newer groups in turn show more deference to the government considering that it recognized them and all their power stems from this recognition. The question is whether it matters how long an institution has been around, and again, where does one delineate which can and should be recognized and which should not. If they work, and have the respect of their communities, does it matter? If they are being used by the government to further fragment the society, should there be a strong and clear policy which would exclude certain groups from being recognized and limit the number of new groups in the future?

While it is critical to acknowledge the attempts to use the recognition of smaller communities by the government for its own benefit, as already noted it is also difficult to say where the line should be drawn in terms of awarding such recognition. Here again the Constitution and the Cultural Institutions Act are vague and leave a lot of leeway for the government to decide which ethnic group it will choose to recognize and when. Furthermore, drawing such a line would by no means be easy. In a country as diverse as Uganda where large kingdoms and small chieftaincies co-exist, any attempt at listing requirements a group would have to fulfill in order to be recognized would evoke difficult debates. Yet vagueness and
uncertainty are not the solution either. The first step might be to foster engagement and establish a legal framework which allows for inclusion, even if not perfect, and renegotiate the rules and boundaries as the relationship develops.

One respondent interviewed (Interview with Chairman of Elders Forum, Kampala, July 2018) labeled the current generation as transitionary, both of the past and of the present, neither well understood. As such, the country is going through a transition, always experimenting and changing, this in turn results in turmoil, uncertainty, misunderstanding, misgovernance, and overgovernance. While in many ways this is understandable, there are some areas on which clearly the government has managed to focus. President Museveni was hailed for achieving significant results, and continues to be successful in garnering international praise for the impressive growth of the Ugandan economy, most recently listed in a World Bank publication by Easterly and Pennings (2018) as one of the best leaders (benevolent dictators) in the world. Donors are often willing to overlook the autocratic and repressive governing of the regime in light of the high growth rates it achieves (Easterly and Pennings 2018). But a growing economy has not been sufficient to unite a fragmented country. The President uses a divide and rule tactic, offering favors to one group or traditional institution while ignoring another. He recognizes fringe cultural institutions continuously fragmenting the country further, with what seems to be an ongoing strategy to keep them divided and unable to form a unified front vis-à-vis the government. The fragmentation is intended to make the government stronger, but it also results in unintended and unexpected consequence which make governance more difficult (Interview with scholar and policymaker, 86

While the study looked specifically at dictatorships and the influence these leaders have had on economic growth, the media and government broadly ignored the details of autocratic and dictatorial rule, focusing on the fact that Museveni was listed as 12th in a ranking of the best leaders, ahead of Lee Kuan Yew (13th), and others (for an example of media coverage see (New Vision 2019)). Khama of Botswana was also listed on the best dictators for economic growth list in the second spot. 
Kampala, July 2018). As more cultural institutions are recognized, expectations on the government are also increasing, yet there has been little forthcoming.

Despite all this, Uganda is slowly working toward becoming a more unified state. Luganda is increasingly recognized as the predominant language, and while this continues the dominance of Buganda, it also means that the perception of what a state is, is changing. As road networks, mobile communication, and transportation have improved there has been increased movement internally, people travel more and trade in-country. Ethnically homogenous communities are increasingly difficult to find (Interview, NGO representative, Kampala, August 2018) and inter-marriage is common. This natural movement toward the creation of a unified state should be supported by the integration of traditional governance into the governance system of the state, lessening the risk of conflict and increasing the potential for sustainable peace and development. Based on the actions of the current government, it is unlikely that such a framework will be developed in the near future. However, incremental changes which increase the number of formal rules around the role of traditional institutions in governance should be considered by the current government, if it is serious about maintaining peace. By allowing for such integration, Uganda can transform its governance system from an *ad hoc*, inefficient, uncertain, and for many, foreign system, to an inclusive and more easily identifiable one that offers the best of both, the current state government, and allows traditional governance to have a place in the political environment of the country.
No Clear Way Forward

As with any matter, there are differing views among Ugandans regarding the relationship between the government and cultural institutions. For many, the current situation, despite the tensions and uncertainty it undeniably exhibits, is acceptable. When asked how the two systems might be reconciled and integrated, one respondent argued that there is no need to reconcile them, as there is no conflict (Interview with scholar, Makerere University, Kampala, February 2018). According to the Minister of State for Gender and Culture (Entebbe, February 2018) the role of the central government is to administer the state, while traditional institutions focus on culture, or the “way of life”. As such, she argued that there is no friction between the two, the current framework is enough for government and cultural institutions to work together while not infringing on each other’s territory. Although the Minister went on to discuss the economic benefits of the “cultural industry” and the employment opportunities this presents, the framework she referenced within which the government and cultural institutions interact was, unsurprisingly, less well-defined.

With the cultural institutions acting akin to NGOs, they are able to lobby for certain policies to a degree, but are not involved in partisan politics (Interview with Busoga minister, Kampala, July 2018). However, the line between lobbying and politics is unclear, with government often reprimanding even regular NGOs for political activism. Yet in a country where conflict loomed large for generations, even inefficient governance and duplication of roles, accompanied by negative, tenuous peace are understandably seen as a positive. As Ugandans like to point out, they are a patient people. Particularly for the older generation, there is no sense that change has to be rushed.

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87 One of the leaders of the NGO Forum quoted in Tripp (2010) says of the government: “They say, ‘But some of you are using this for a political agenda.’ I wish they would define politics, because for me it seems that whatever we do is politics. Our political agenda is to advance the status quo in this country and we cannot stop talking. But they said ‘You are being a political party.’” (Tripp 2010, 105)
For some however, it is clear that cultural institutions are getting stronger, and government increasingly nervous about them. One respondent thought that as the government becomes more educated and sophisticated, cultural institutions will become less of a threat and be accepted (Interview with Ankole Royal Historian, Kampala, February 2018). If the government were to employ an inclusive governance approach, this would result in the acceptance of traditional institutions as partners in development and governance by the state, creating a predictable and cooperative framework within which state and culture could not only co-exist, but work toward a more unified and peaceful Uganda. However, if an inclusive, more culturally acceptable way of governing cannot be found, another interviewee worried that Uganda will become more unstable (Interview with NGO representative, Kampala, August 2018). Unfortunately, despite several years of international praise for economic growth, inclusion of women in government, modernizing health care policies, and a good human rights record, Uganda remains a semi-authoritarian country in which many government institutions and policies, while democratic on the surface, in fact serve to maintain the current president and his party in power (Tripp 2010). Opposition to the government is already increasing as elections are nearing. If the government continues to exclude or marginalize certain groups based on a policy of divide and rule it is possible that the upcoming elections are more likely to be violent.

Questions and opinions abound, what is however clear is that politics, culture, and identity are closely tied together. Each one informs the others, and cultural institutions are a manifestation of all three. It is the recognition of the importance of culture in governance that helps create a more inclusive and sustainable governance system. Despite some calls to the contrary, tradition remains an important part of life for many Ugandans. Kings and other traditional leaders often evoke more respect and trust than politicians, who are seen as corrupt and too far removed from the communities they are supposed to serve. While it is true that traditional authorities can also be corrupt, and that they may be somewhat protected by the unquestioning faith their subjects have in them, they are also endogenous, easily
identifiable, and therefore much better understood by the people, more connected to their communities, and invested in their development. The Western system of governance on the other hand remains far removed and foreign (Interview with Buganda minister, Mengo, Kampala, July 2018).

The co-existence of the two systems puts a strain on both sides. With power distributed unevenly, favoring the government, tensions within cultural institutions are also visible. The manipulations and fragmentation encouraged by the state have resulted in an environment in which the various cultural institutions do not meet to create a united front on issues of common interest and to advocate on their own behalf as a group vis-à-vis the government.

The complexity and divisive nature of these relationships is underscored by the seeming lack of any coherent plans by the cultural institutions for the country as a whole. At this time, they are all inside looking and preoccupied with their own issues of funding, struggle for power, and influence. Even the Buganda Kingdom which maintains its close relationship with the government on the issue of federo, has yet to present a workable plan for all of Uganda in this regard. Most respondents, particularly from other ethnic societies, acknowledged that complete federalism would be an unlikely solution for Uganda due to the differences between regions. Although it may seem to be an easy answer considering the precedent, such a “hodge-podge” (Interview with historian, Entebbe, July 2018) system would not be workable.

Should federalism indeed be implemented, Buganda hopes to become a federal state governed by the Kingdom. Most other cultural institutions in Uganda would likely not agree to this, as they are either too

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88 Despite the fact that the mixed system provided for by the independence constitution was unequal, Buganda officials continue to argue for either a similar solution, or complete federalism today. In speaking with higher level Buganda Kingdom officials, it was clear that the priority is to gain federal status for Buganda, with little to no thought of how this might affect other regions. The response most commonly heard to a question of how this might affect the rest of the country, was that semi-federal status could be reinstated much like what was immediately implemented post-independence. The argument here is that while it might seem like an odd arrangement, for the few years it was instituted for, it worked (Interview with Buganda minister, Kampala, July 2018).
small or too decentralized to govern their own federal state, and as such would be relegated to being governed by government representatives much like during colonial times.

The distance between cultural institutions and the lack of a true forum to discuss topics of common interest means that there are few ongoing conversations between cultural leaders on the matter. Although opinions are aplenty, there is little in terms of workable plans and as one respondent noted, it seems unlikely anything will actually happen (Interview NGO representative, Kampala, August 2018). Despite this lack of clarity around federalism however, it has played an important role in Ugandan politics as opposition parties and the government use it, when votes from Buganda are needed, using culture “in an instrumentalist fashion” (Interview, NGO representative, Kampala, August 2018).89

89 For example, federalism was on the agenda in most of the recent elections (Johannessen 2005).
CHAPTER V: Conclusion

The Inclusive Governance Argument

This dissertation began by asking the question of how inclusive governance, through the integration of traditional governance systems, might promote state legitimacy and peace. By analyzing the formal and informal relationship between government and traditional structures in Botswana, Zambia, and Uganda, I explored how traditional institutions have been integrated into governance in each context and how this integration was molded by the history and culture of each state, paying particular attention to the differences between the peaceful states of Botswana and Zambia, and the conflict-affected Uganda. By using a constructivist lens in my work, I made the assumption that governance is shaped by people’s experiences and perspectives, and that meaning is not static. As such, I made a conscious attempt to view the governance system in each case study with fresh eyes, focusing on its historical development and how the social and cultural dynamics of each country have influenced the inclusivity of the governance system and thus the contemporary situation of each state. The theoretical and empirical results of my work support my thesis that inclusive governance promotes legitimacy and peace, although the empirical results highlight the messiness and complexity of each case.

It is clear that there is no easy template to follow for conflict-affected states, and even for those which have been successful in maintaining peace, there is much to learn and work on to achieve positive, sustainable peace through inclusive governance. However, it is equally significant that states which have included traditional structures in their system of governance, have been more successful in maintaining peace, mainly because inclusion has allowed traditional societies to contribute and feel heard, while also making the governance system more familiar to them as they are represented and their leaders engaged. As noted by authors such as Dia (1996), government institutions not rooted in culture generally fail to engender loyalty, facing a crisis of legitimacy and difficulties in enforcing their laws. Traditional institutions
on the other hand are based in local culture and are well understood and firmly embedded in the life of many communities. Ekeh (1975) famously wrote about the two publics in African states. By acknowledging the differences between these ‘publics’ or governance structures, rather than suppressing them through exclusion or subordination to the state, a government can take the first, critical step in overcoming global coloniality (Escobar 2008) and focusing on creating its own unique system of governance. It is here that the concept of inclusive governance is particularly relevant. When no structured approach to integrating local traditional institutions into governance exists, discord between traditional institutions and government is difficult to address and contributes to institutional and policy fragmentation. This in turn undermines governance and can lead to violent conflicts (Mengisteab 2017; Vaughan 2003). In this way, traditional leaders and their communities are alienated and excluded from the political process.

Filling the Gap

There has long been broad acknowledgment by scholars of governance in sub-Saharan Africa that traditional institutions and culture have a significant role to play. Chanock (1985) argues that the “way in which a society conceives its traditions is fundamental to its understanding of itself. Traditions symbolise continuity, cultural identity and orderly existence” (xi). Ethnicity has been acknowledged by Chabal and Daloz (1999) as the basis of the moral social contract and central to the development of accountable politics. Dia (1996) suggests that formal (state) and informal (traditional) institutions in African countries need to be integrated, creating new, relevant, and sustainable institutions in order to avoid what he sees as an institutional crisis, or what the World Bank called a crisis of governance in its 1989 report (World Bank 1989). What I suggest is that the crisis is rooted in the misunderstanding of how governance

While Dia (1996) argues that traditional institutions are too static and need to be more open to changing with the times, as already noted in previous chapters, I disagree. Based on the research done here, it is clear that traditional institutions have changed and continue to change dynamically as new circumstances require them to.
functions by Western scholars and policymakers in particular, and the dearth of scholarship on the innovations that have been implemented in various countries on the continent, from Houses of Chiefs, to dedicated Ministries, and other frameworks for the engagement of traditional institutions. It is these innovations which allow for more formally prescribed inclusivity of traditional institutions in governance.

But there is a significant gap in the scholarly literature when it comes to the study of inclusivity in governance more broadly, especially as an avenue to understanding how governance has developed in sub-Saharan African states and how this might impact the maintenance of peace. While several scholars have focused on inclusivity in peacebuilding activities and post-conflict mediation (Paffenholz 2015; Donais and McCandless 2017; among others), inclusion remains an understudied concept, often referred to by policymakers in passing, but never truly explored or explained. Furthermore, as already mentioned, scholars have overwhelmingly studied the causes of conflict, but far fewer have focused on studying peaceful states to determine the causes of peace. The work presented here has begun to fill both these gaps.

In this final chapter, I will review various aspects of inclusive governance, focusing in particular on the role of traditional institutions, as well as on the concepts of legitimacy and peace. I will then return to the case studies, drawing conclusions from each, in an effort to discuss potential changes Uganda can make to create a more inclusive governance system. Furthermore, I will offer some general lessons learned for national governments in sub-Saharan Africa and elsewhere, and for international statebuilding and peacebuilding policy. As you will see throughout this chapter, some sections identified by subtitles will respond directly to the supplementary questions I originally identified in chapter I as part of my thesis. Wrapping up this chapter, I will include some final conclusions.

91 With notable exceptions already mentioned in chapter two, such as Sklar (1999) and Badie (1992).
The Why and How of Including Traditional Institutions

This section highlights some of the key takeaways from the previous chapters in terms of how and why inclusive governance might lead to increased legitimacy and peace. It focuses on four themes: the importance of traditional institutions; the delicate balance of power between government and traditional institutions; the quality of inclusion; and finally, legitimacy and peace.

The Importance of Traditional Institutions

As must be evident from the preceding chapters, I firmly believe that traditional institutions are extremely important, but frequently overlooked, actors in the governance of countries, not just on the African continent. The case studies and other examples from the continent have proven that, in stark contrast to the expectations of many policymakers and scholars, traditional institutions have not only not disappeared, but are increasingly active. Even in other countries such as Tanzania where they are not legally acknowledged, they remain in existence, and in countries where they have re-emerged or been re-instated, they have often prospered (Morapedi 2010).

Some African governments, having recognized this, are building new governance structures and institutions based on traditional as well as modern foundations (Sklar 1993). As was presented in the case studies, traditional leaders are recognized by various state governments (such as Botswana and Zambia, but also Ghana, South Africa, and many others) through the codification of their roles in legal frameworks, and they play a significant role in the public domain, recognized and appointed to their traditional offices in accordance with customary rules and legitimated by the beliefs of the people (Sklar 1993). Those like Botswana have been able to consolidate the two relatively well, using the traditional to enhance authority and legitimacy of the government. This has led to more peaceful outcomes, as the legitimacy of both government and traditional institutions increases through representation, even when traditional institutions are being used as a resource to boost government powers rather than an equal partner (Sklar
1993), stopping short of meaningful inclusion and integration. In other countries, like Uganda, the system is clearly dual, rather than inclusive. Traditional institutions are ceremonial, and have no formalized role in governance, despite their political foundations. Chiefs are hailed as custodians of all cultural and traditional issues, and often specifically rejected as political figures by their governments. Yet an institution which is based on a long history of governing a people, which has a following, legitimacy, and respect of its population, cannot help but be a political entity, whether formally recognized as such or not. Young (1976) argues that identity is at the core of communal culture, and that belonging and self-esteem are all pursued through communal group affiliations. These institutions are the embodiment of such communal cultures. Culture is part of identity, and thus inexplicably tied to politics. Even when a state like Uganda creates a new discourse around traditional institutions, dubbing them ‘cultural’, there can be no escaping the symbolic and pervasive powers of these structures. It is the reason they are seen as rival centres of power by politicians. Yet, as noted in the case study chapters, traditional institutions have accepted the legitimacy of the government and its constitution, and do not aim to take the state over, but rather to maintain sufficient powers to sustain themselves and develop their communities (Gulbrandsen 1995). However, in order to do so peacefully, and in a way that benefits state development, rather than further fragmenting the country, these institutions have to be formally included in national governance. Without such inclusion, they have no stake in the overall success and unity of the state, and remain exclusively inward looking.

Morapedi (2010) identifies three reasons why states recognize traditional institutions: (1) the belief that they should be recognized due to their cultural significance; (2) recognition that traditional institutions can help legitimize the nation-state; and (3) that they cannot be wished away (217-218). Of these three, the last two are likely the primary reasons governments legally acknowledge traditional structures. The second potentially increases state powers due to an increase in legitimacy, and the third is an effort to exert some control over these institutions. Holm and Botlhale (2008) on the other hand
argue that by acknowledging traditional institutions, governments can create an escape valve for ‘tribal feelings’ which might prove disruptive. As can be seen from the case studies presented in earlier chapters, it is typically a combination of reasons which lead governments to recognize or re-instate traditional institutions. Hidden within these arguments is the fact that without integration, both the government and the traditional institutions remain exclusionary. The government by continually dividing and ruling, or hedging and betting against various groups depending on whose support it needs more at the time; and the traditional institutions by focusing on their own communities to the exclusion of all others encompassed by the state, thereby potentially negatively affecting them. Both these scenarios increase fragmentation and lead to uncertainty and potentially violent conflict as groups are pitted against each other and grievances remain unaddressed. A formal framework which regulates the relationship between state and traditional institutions offers each party an incentive to work together and continuously refine the parameters within which the relationship evolves, because fostering inclusion means remaining open to redefining the nature, norms, purpose, and boundaries of the relationship (Ferdman 2017). Thus, tensions and potential conflict can be addressed and ameliorated through peaceful and structured channels.

Ignorance or limited recognition of traditional institutions does not nullify their role in governance. Traditional leaders retain moral authority and have skillfully managed to combine both the traditional and modern, displaying remarkable dynamism and adaptiveness, not only reinventing themselves as key agents in the process of delivering modern development particularly to rural communities, but also shaping the system of governance in various countries by bringing to the foreground the values and priorities of their people. Van Binsbergen (1999) argues that traditional leaders have been adeptly manipulating, crossing, and even denying the boundaries between traditional politics and the state. This is clearly substantiated by the findings presented in the case studies. Even when legally recognized like in Botswana or Zambia, the lack of full integration and inclusivity means that they operate
largely outside of the confines of the institutions of the modern state (Vaughan 2003), stretching their roles and taking advantage of their position as a bridge between state and people. There is no denying that traditional leaders are important actors in their own right, and push boundaries as much as possible to establish their powers and retain relevance. The lack of formal integration however, increases the chances of violent conflict in the long term, as these institutions push the boundaries further.

A couple of decades ago, speaking of Zambia, van Binsbergen (1987) made an observation on the intertwinement of state and chieftainship. He argued that an “illusion of separate worlds, of boundaries between the modern and the neo-traditional, is carefully maintained – almost as if the raison d’être of chieftainship in postcolonial Zambia is to evoke a political and cultural focus that appears to be outside of and independent from the state, yet is an effective part of the state’s hegemonic apparatus” (van Binsbergen 1987, 147). Zambia has changed significantly since then, and has embarked on the route of increased integration as discussed in chapter III, however, this quote continues to ring true both in Botswana and Zambia, as traditional institutions are kept at arm’s length never completely integrated into the governance system. This illusion can be seen as beneficial for both sides. The government always maintaining its status of the dominant actor, opening its doors to include traditional institutions, but with clear limitations to ensure that its dominance continues; and the traditional institutions which maintain a degree of separation, ensuring that they are never seen as ‘just’ civil servants, but always as more, both symbolically and substantively. They paint themselves as fairer, more representative, and more culturally appropriate than the government.

Despite this, the co-dependence is clear, and the two countries have managed to integrate traditional leaders in ways in which these institutions can now be viewed as part of the state’s hegemonic
apparatus. According to Holm and Botlhale (2008), Botswana is similarly an example of the potential for bringing traditional authorities into a democratic state to support a second, traditional, dimension through which people can mobilize for political action.

While the maintenance of the separation is similar in Uganda, it is less of an illusion as cultural institutions are unlikely to be seen as ‘effective parts of the state hegemonic apparatus,’ unless one counts their sporadic support in response to manipulations and favors given out by the government. There are significant differences between how traditional institutions are viewed in Botswana and Zambia, and how they are viewed in Uganda. This is due in no small part to the historical and contextual differences between the three states. The colonial legacy of fragmentation, intensified by the abolition of traditional institutions in Uganda, has created an environment in which government and traditional leaders are wary of each other and engagement is difficult. By contrast both Botswana and Zambia have managed to create, maintain, and continually adapt formal frameworks of inclusion. While in all three cases the position of traditional institutions vis-à-vis the government is murky, since the quality of inclusion is low with meaningful participation in governance elusive, in Uganda cultural institutions are explicitly not governance institutions. As already noted however, in practice cultural institutions are political institutions, whether acknowledged as such or not. Ignoring this fact, has led to tensions and uncertainty in Uganda which should be addressed if they are not to result in violent conflict in the future.

Viewing traditional institutions as an “effective part of the state’s hegemonic apparatus” may seem contradictory to the ongoing argumentation that they are important actors in their own right. This can be read as the state using the traditional authorities as an ‘effective’ tool (which they surely do). However, I choose to also read this in a way that implies that inclusive governance can have the effect of making traditional institutions a meaningful, and thereby effective, part of the governance system. While the implication is that the state is dominant and bringing the traditional institution into the fold, as argued earlier, traditional institutions have accepted the dominance and permanence of the state, and it should therefore not be surprising that they might in fact seek to become part of it, to preserve their cultural and historical roots and better represent their people.
Traditional Leaders as a Bridge

Underscoring the importance of traditional institutions was the fact that throughout my study of the literature on the three countries and during interviews with various informants, a common theme emerged which confirms their key role in governance. Traditional leaders were continually identified as a bridge between the people and the government. Van Binsbergen (1987) notes that it is “hardly surprising the bridge [emphasis in original] constitutes the dominant metaphor to describe the chief in Zambian politics. (…) The image of the chief as bridge had become a cliché of Zambian political expressions. It combines a sense of continuity with the admission of a qualitative difference: a gap to be bridged.” (173). Others use the word ‘auxillary’ or ‘go-between’, but the sentiment is the same. There is a gap between the state and the people, and traditional leaders play an important role in linking the two. Their role as a bridge between the two ‘worlds’ means that they have two bases of power, the traditional and the bureaucratic. This is by no means an easy position to be in. As van Rouveroy van Nieuwaal (1999) points out, a chief is expected to be loyal and responsible to their people, while also giving his or her full loyalty to the state. Traditional leaders walk a fine line in trying to ensure their political survival through careful diplomacy on both sides.

Or is it all about Socio-Economics?

“If you are in a rush to get to work you won’t be kneeling to greet your uncle”

High-level Minister, Kampala, February 2018

Naturally not everyone sees traditional institutions as important or permanent. A common argument alluded to in earlier chapters is that when economic emancipation happens, chiefly powers will wane. Popular participation will conflict with the traditional systems, since chiefs are not elected, and traditional structures will disappear. There is some agreement among respondents that people who are engaged more with cultural institutions and trust them, are more likely to be poorer, illiterate, and from rural communities (Interview with scholar, Kampala, February 2018).
Some traditional rulers interviewed in Uganda lend credence to the socio-economic argument, with one rwot interviewed (Gulu, June 2018) noting that the individualism that comes with the capitalist system clashes with the clan system. People increasingly are focused on their own needs and aspirations, ignoring the traditional system. Community projects do not receive enough support and traditional leaders are losing the power to mobilize their peoples. Others also acknowledge that socio-economics play a role, but in the likelihood of people engaging in violent conflict on behalf of cultural institutions. A scholar interviewed (Fort Portal, June 2018) pointed out that while wealthy subjects might maintain a relationship with their traditional institution, it is poverty and desperation which drives others to support more radical views and conflict in the name of their traditional institutions, such as in the case of the Rwenzururu conflict for example. Interestingly, while there are marginalized groups in Botswana as well, violence has not been an issue, with those affected either seeking legal means to better their situation (minority tribes seeking equal recognition), or highlighting their plight through the media or NGOs (San Bushmen) (Olmsted 2004).

Those who argue for the socio-economic argument note that once the country develops and poverty levels are lower, the salience of traditional governance will be reduced, as people will have access to central government and government services more easily, and will choose to use them. The question is then, if socio-economic differences between urban and rural communities in particular were to diminish, is the conversation about integrating traditional governance even necessary? It would seem not. Yet the argument put forth here, is that sustainable socio-economic development cannot be achieved without such integration. Without an inclusive governance system, fragmentation and tensions will continue, with group grievances unheard and unanswered. A system based on exclusion and denial of history and culture can hardly support positive social development and peace. It is therefore necessary that inclusive governance take place for socio-economic development to happen. While there is no perfect example, and each state resides somewhere in between, including some groups and excluding others, I
argue that in order to move toward further inclusive governance for the sake of maintaining peace, the relationship between state and traditional structures has to be institutionalized to allow for a formal framework to develop.

The Balance of Power (or How are these institutions’ roles understood by government officials and by traditional authorities themselves?)

As inclusive governance happens, the balance of power between state and traditional institutions changes. Castells (2009) argues that society is defined by values and institutions, and “what is valued and institutionalized is defined by power relationships” (2009, 10). In a truly inclusive society, the values of traditional groups would be taken into account and institutionalized, relieving the need for ongoing struggles for power between government and traditional authorities. This, however, is not the case. If we understand power as a relationship in which one actor influences another by means of coercion or by the construction of meaning through discourse (Castells 2009), it becomes clear that the state is the predominant actor. Despite the fact that some African governments have taken actions which suggest that they acknowledge that traditional institutions can be useful when recognized, primarily as a way to increase legitimacy and rally support from traditional communities, they do not appear to trust these institutions. As such, they continue to exercise their power through coercion and through discourse, creating a distance between state and traditional institutions, to ensure state dominance.

Equally reluctant, traditional institutions do not seem to trust the government. Although they have accepted the dominance of the state,93 they are by no means secure in their powers, and as such, are continually forced to navigate the uncertain political space in which they find themselves. This is

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93 According to Castells (2009) in any power relationship there is a certain degree of compliance and acceptances by those subjected to power (11).
especially visible in Uganda. While they have no coercive capacity particularly vis-à-vis the government, their power lies in the discourses they create and maintain, as well as the values they represent.

The lack of trust between government and traditional institutions, as well as the inherent powers the traditional structures wield mean that there is an ongoing push and pull in which a balance is difficult to achieve, and unity through complete inclusion seems improbable. There is a mutual dependence between the state and traditional leaders, with the state seeking to boost internal legitimacy, while traditional institutions are keen on ‘external’ (to them) legitimacy which might help garner political and economic favors from the state. In addition to mutual dependence, there is competition as each side attempts to consolidate their authority and use their position of indispensability to achieve certain goals, whether political or personal (van Rouveroy van Nieuwaal 1999). Van Rouveroy van Nieuwaal (1999) argues that it is only possible for one to expand its power at the expense of the other. While I agree that there is some competition between the two, based on the observations and interviews performed, my impression is that this competition is more due to distrust and confusion, than actual struggle over a limited number of slices of pie, even in countries like Uganda where inclusion is limited. The two can in fact work together, if they were to create a formal framework within which tensions could be addressed, by working within defined channels, continuously adapting the rules to focus on more meaningful inclusion and integration. As Van Rouveroy van Nieuwaal (1999) points out, when traditional leaders are integrated in the governance system through a House of Chiefs for example, in the eyes of their people, there is a blending of powers, creating a more unified picture of the two potentially competitive structures. Inclusive governance means that people can be both citizen and subject without feeling disloyal to one or the other. As such, there is the possibility of complementarity.

The Quality of Inclusion (or How inclusive or exclusive are these integrated governance systems?)
There can be no discussion of inclusion without the mention of the quality of inclusion. As already noted in the first chapter, inclusive governance is not an all or nothing phenomenon, but rather a spectrum upon which various governance systems might find themselves on. Some, like Uganda, are less inclusive, others, like Zambia, are more inclusive, or at the very least each has approached inclusion in different ways. Both have an informal and formal dimension, but in Zambia the formalized role of traditional institutions in governance is much more robust, making the system more inclusive. Uganda represents a state which has offered recognition as an incentive and promise of inclusion, without actually being inclusive. It acknowledged the existence of traditional institutions, made changes to the constitution and created bills to address the role and existence of these institutions. Politicians regularly interact at events with traditional leaders, publicizing their engagement, and legitimizing the relationship. On the surface, the government seems to have integrated traditional structures, taking into account their importance, and the values and priorities they represent. But the approach is one of ‘add and stir’ rather than true inclusion, bolstering only vertical legitimacy (Holsti 1996). The values and priorities of traditional institutions are artificially inserted into the governance space, but are unable to evolve and meaningfully interact with government priorities, as traditional leaders are neither represented at the national level nor included in decision-making.

As discussed in previous chapters, symbolic inclusion can initially offer some of the same benefits as more formalized inclusion, such as legitimacy and smoother policy implementation, and in the short term, peace. However, over longer periods of time, as traditional institutions are left almost exclusively in the realm of informality and uncertainty, fragmentation is further entrenched and tensions between traditional groups, as well as between government and traditional groups are likely to mount, making violent conflict more likely. Furthermore, even in the short term when symbolic inclusion leads to peace, the peace might not be state-wide as original grievances and needs are ignored (Spears 2013), like in
Uganda where the LRA conflict in the North continued while other parts of the country remained relatively peaceful.

Substantive input and influence on decision-making are the hallmarks of meaningful participation and quality inclusion (Paffenholz, Potter Prentice, and Buchanan 2015). As research on peace processes suggest, meaningful and influential participation through quality inclusion of affected groups results in a higher likelihood of reaching agreements and sustaining peace (Paffenholz 2015). A similar line could be drawn between inclusive governance and peace. Botswana and Zambia represent an evolution of inclusive governance in which traditional institutions have more influence through a combination of formal institutions such as Houses of Chiefs and soft power methods. This has meant that they have been more successful in maintaining peace (albeit negative peace), than Uganda, which through the long-term abolition and exclusion of traditional institutions created an environment conducive to violence and conflict.

Inclusive Governance as a way to Increased Legitimacy and Peace (or What does inclusive governance mean in this context?)

If, like Cox (1996), we believe that context shapes the order that exists, then the significance of inclusive governance becomes clear. The three countries analyzed in this dissertation each offer a unique context determined by history and culture. There are many differences between the states, but some key variables remain the same: traditional institutions play an important role; the balance of power is delicate and continually redefined; and the quality of inclusion varies based on the approach of the government, affecting the likelihood of peace.

Based on these broad common features, and the more in-depth analysis of each case study, it becomes clear that without the inclusion of traditional institutions, peace would be difficult to achieve. Paffenholz and Ross (2015) note that “one of the principal reasons groups resort to violence and protest
is to contest their exclusion from social, political or economic power” (28), whereas inclusive societies enhance the stability and harmony of the state, making sustainable peace an achievable goal. Therefore inclusive governance plays an important role in closing the gap between the formal, legal authority of the state, and the symbolic, moral authority of traditional institutions (van Binsbergen 1999). The formal inclusion of traditional authorities in governance enhances the system’s legitimacy, particularly in the eyes of the people who belong to these groups, as they perceive the involvement of their leaders as a direct representation of their grievances and needs to the central authority of the government. Furthermore, there is the perception of, and potentially meaningful participation in, the shaping of policies based on shared goals. Both, the concept of a social contract is better understood, negotiated, and represented, and all groups are included in the political process. The paradox of inclusion (Ferdman 2017) – a clear, formal set of rules which defines how groups are integrated, and the ongoing push and pull of such a relationship in which these same rules are continuously being redefined and the boundaries changed as needed – is addressed. In short, inclusive governance boosts both vertical and horizontal legitimacy (Holsti 1996). In terms of peace, inclusive governance counteracts exclusion and marginalization of groups. It minimizes relative deprivation (Gurr 1970), and makes protracted social conflict (Azar 1991) less likely. Ideally, as it reaches the more inclusive side of the spectrum, it ensures that groups are meaningfully engaged in policy-setting agendas, basing governance on shared goals and priorities.

Positive peace is not only a lack of violent conflict, but also the elimination of structural violence (both direct and indirect) in the form of exclusion, discrimination, or other social injustices (Galtung 1969). Therefore, inclusive governance is key in ensuring negative peace by limiting violent conflict between groups, but also in achieving positive peace, through the meaningful inclusion of various groups which make up the state, thereby ensuring that their values and goals are incorporated, and their grievances and needs heard and addressed. In achieving inclusive governance, positive, sustained peace is possible.
While inclusive governance and positive peace should be goals for all states, there are no perfect countries. The countries examined in this dissertation have also not achieved positive peace, but Botswana and Zambia have shown to be more inclusive and, by extension, more peaceful than Uganda. Therefore, some lessons might be drawn from the two peaceful cases to consider future options for Uganda.

What Uganda can Learn from Botswana and Zambia

In addition to the broad themes identified in the preceding section, this section offers some general lessons for Uganda based on the experience of Botswana and Zambia. While any comparison of states is limited in its capacity to fully engage with every unique aspect of the countries it scrutinizes, an analysis of relevant characteristics from the case studies presented in this dissertation is useful for a fuller analysis and understanding of the case study of Uganda. I suggest below potential options for Uganda and briefly consider the current political and social environment in the country to debate the feasibility of implementing changes for a more inclusive governance system.

I have already alluded to broad differences between Uganda, Botswana, and Zambia throughout this chapter and the two case study chapters. The key differences all stem from the historical development of the states. Botswana and Zambia were less divided both during the colonial period and at independence. Uganda on the other hand entered the independence period already fragmented, with Buganda clearly favored by both colonialists and national political actors. The initial period of government formation was also significant. Botswana and Zambia both were able to integrate traditional institutions at the national level through Houses of Chiefs. Even though Botswana’s House discriminated against minority tribes, it offered traditional representation to at least 50 percent of the population. In Uganda, no House of Chiefs was created, but rather the king of Buganda was given the position of the ceremonial president, and the king of Busoga became vice president, leaving all other traditional leaders out of the
political arena. Not only did this alienate other traditional leaders, but the government structure did not last long, since in 1967 all traditional institutions were abolished by Obote as a means of dealing with Buganda.

As a result of these actions, Ugandan politics have been defined by the relationship of the government to the Buganda Kingdom. The distrust and competition inherent in the relationship between the government and cultural institutions, as well as between the cultural institutions themselves, can also be traced back to this. By contrast, the governments of both Botswana and Zambia, despite harboring some suspicions toward traditional institutions, have managed to establish legal frameworks and have as a result offered some role in governance of the state to traditional leaders.

The distrust between institutions in Uganda is further complicated by the fact that the state is highly diverse. As such, both government and traditional institutions use this to justify the lack of organization and collaboration between them. Unlike in Botswana and Zambia, traditional leaders in Uganda have no common forum to meet and discuss plans, strategies, or policies which might impact their communities. In many ways, there seems to be little interest on the part of many leaders to either create a forum or to change the status quo, as they are so focused on the concerns of their own people. Even for those who did express the need for change and desire to be more engaged at national levels, the sense was that this is unlikely and only a possibility in the distant future. This low level of enthusiasm I believe is due to the fact that there are no formal mechanisms and no legal framework within which traditional institutions might pursue such change. Unlike in Zambia, where the legal integration of traditional institutions has progressed to the stage of institution-building (the creation of a dedicated ministry), and in Botswana, where marginalization is addressed through legal channels within the inclusive framework, Ugandan traditional leaders have little recourse. Most people are still weary of conflict in Uganda, and therefore content to wait and enjoy what peace they can, although this is unlikely to last
much longer. If there is no (at least incremental) progress toward a more inclusive framework in Uganda, the only alternative to have their needs addressed will be for traditional institutions to engage in or support violent conflict.

While neither country has a perfect record, by looking at Botswana and Zambia, Uganda has the opportunity to learn about potential options and consider adapting them to its own circumstances. The first consideration might be the creation of a House of Chiefs. Each recognized cultural institution might designate or elect a representative to participate in meetings of the House annually. There is however some considerable resistance to such an idea. When asked why Uganda would not consider a House of Chiefs similar to the ones in Botswana or Zambia, the response from a high-level official of the Ugandan government was crisp and decisive – a House of Chiefs is dangerous. Clearly there is fear on the part of the government that somehow cultural institutions would usurp its power. It seems that in many ways ignoring that the institutions exist is what the government is most comfortable with. However, while feigned ignorance and informal acknowledgments have been sufficient so far, in the long term they are unlikely to suffice. Uganda is already experiencing tensions and even some violence against opposition leaders as the 2021 elections near. Since there are such variations in the types of cultural institutions in Uganda, establishing who would be elected to be on the House of Chiefs, and whether the big kingdoms would consider sharing the spotlight with the smaller groups, would all have to be discussed as well. No easy task by any means, yet one which would seem worthwhile in achieving a sense of unified purpose, at least for the cultural institutions, if not the government.

As a temporary measure, the government could consider offering regular support to the existing Kings and Cultural Leaders Forum mentioned in chapter four. Although the Forum exists, it lacks funds and other resources to meet regularly. While this Forum is by no means an integrated part of the governance system, it would at least allow traditional leaders an opportunity to meet and discuss common
issues at regular intervals. It might also help unite traditional leaders as they get to know each other and work together. While this seems like a small change to make and potentially easily implemented it is also something the Ugandan government would likely only encourage hesitantly.

Another consideration might be the creation of a Ministry for Cultural Institutions similar to the one in Zambia. The current arrangement under which the cultural institutions fall under the Ministry of Labor, Gender, and Social Development is clearly not ideal. Not only does this Ministry have a portfolio that is too diverse, it also does not have a clear role (or budget) other than gazetting changes in leadership. It offers no assistance to traditional institutions, and is largely of no consequence to them. This is likely by design, as the government jealously guards its powers against any potential challengers, especially consider the sway and legitimacy the traditional institutions continue to hold.

By creating a Ministry with its own budget, dedicated to culture, the government would both acknowledge the importance of traditional institutions in Uganda, as well as create a centralized institution which could advocate for cultural leaders, their role in the state, and offer services to cultural institutions such as a forum for knowledge exchange, educational courses and seminars, and a central repository of historical knowledge for example. While such a change should be relatively easy to implement, it would only be meaningful in terms of inclusive governance if the Ministry actively represented and engaged with traditional leaders.

Uganda could also consider reshaping its village and community meetings to be more inclusive, basing them somewhat on the Tswana idea of the kgotla. Currently there are separate meetings which are organized and attended by government officials, and separate ones by traditional leaders. While there is no clear rule against the attendance of government meetings by traditional leaders, chiefs and kings often avoid them. More effort on the part of the government to include traditional leaders, making meetings non-partisan and more community focused could help in building the feeling of inclusion and
legitimacy as all voices are heard and considered. This is a relatively simple way in which the government can take steps toward inclusion.

A key question in terms of moving forward is how to potentially limit the fragmentation and manipulation that has resulted in the recognition of a large number of cultural institutions in Uganda. The difficulty here is how to make the decision of who is recognized and who is not. In the argument over Tororo municipality, the President and cultural leaders both argued that colonial maps would resolve the conflict and each side would abide by these historical documents. As such, it would seem that it is the final colonial configuration of 1956 that would offer a definitive conclusion to this issue. Should the same principle be applied to the recognition of cultural institutions? Whichever ethnic group existed immediately before the Europeans invaded has the right to be recognized? What about those which existed previously and were forcefully combined by the British into one large kingdom, like the Ankole? And what of very small, clan-based groups with acephalous structures? Should the number of people determine whether a group is eligible to be recognized? Questions abound, with few easy answers. A national commission of inquiry might provide some answers as to what the population deems fair, however considering how fragmented the state is, this would likely result in a broad range of views and achieving consensus on how to move forward would be a complicated task. That being said, such a commission, which includes representatives from all relevant groups, might at least offer an initial, formal framework for inclusion – the critical step toward successful inclusive governance.

More than anything else however, the key seems to be the acknowledgment of the role of traditional institutions in governance, even if only perfunctory at first. The Ugandan government’s insistence at keeping these structures within a box labeled ‘culture,’ is the source of much tension between government and traditional leaders, as the relationship continues to be undefined and uncertain. Furthermore, it continues to imbed fragmentation and emphasize difference. By leaving all cultural and
social development to cultural institutions, statewide social cohesion becomes more difficult to achieve and the social contract more tenuous between state and the population, as cultural institutions build their own societies to the exclusion of others. As already noted earlier, traditional institutions are by definition exclusionary, they are focused on their community, and the maintenance of their own values, language, and history. While there are some fears that further recognition and integration into government will lead to more fragmentation, it is by not including traditional institutions in the governance system that Uganda remains fragmented. Without bringing these institutions together by formally integrating them into government, by their very nature, they will continue to maintain the fragmentation, creating opportunities for further conflict and making sustainable development and peace unlikely. As indicated throughout the preceding chapters, there is also a significant benefit from integration in terms of legitimacy for the state. As resources are dedicated to inclusion, the state is increasingly invested in making the inclusive system work. This means increasing legitimacy and by extension power, especially when the government supports development policies which benefit the population (Englebert 2000).

In the unlikely event that the upcoming elections in 2021 in Uganda result in the election of a new president, such as Bobi Wine⁹⁴, the popular, young, musician-turned-politician opposition candidate, there may be some chance for a more inclusive governance system in the future. Wine’s message of People Power and unity, as well as his close relationship with the Buganda kingdom (he has popularly been called Omubanda wa Kabaka - Kabaka’s hustler), as well as general support of traditional institutions might translate into more inclusion. It is however too early to tell, as Wine has yet to announce any clear policy objectives or plans.

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⁹⁴ Bobi Wine is the stage name used by Robert Kyagulanyi Ssentamu.
Implications for National Governments

There are multiple governments around the world which struggle to reconcile Western-style governance with the traditional, pre-colonial governance structures which function within their state borders. The focus here has been on sub-Saharan Africa, but countries in the Middle East, Asia, and even North America face similar challenges. Some are only now embarking on a more inclusive governance path, others continue to make changes to increase the level of inclusion of traditional societies. For example, the government of Canada has recently made significant efforts to apologize to indigenous societies for various crimes against them and engage in nation-to-nation, rights-based negotiations with them to establish a better relationship and a more inclusive governance system.

Despite significant differences in history and circumstance between these various countries, there are lessons to be drawn from the experiences of Botswana, Zambia, and Uganda. For one, clearly a more inclusive approach to governance in which traditional institutions are integrated into the state legitimizes the actions of the government. Furthermore, it has the potential to diminish the structural inequalities and violence experienced by communities which are included. Yet the path to inclusive governance is not easy, especially for countries whose governments are filled with ambitious elites whose goals are not to develop the state, but rather to enrich themselves. Despite indications that in their political climate the institutions transplanted from the West are lacking, and need to be adjusted, the elites in many African states continue to endorse and create them, reaping benefits without correcting their course to adjust for their context (Badie 1992). In some cases, they are trapped in a cycle of patronage and familial obligations, in which their own success requires that they spread their wealth to others in their extended families.

Arguably the pressures to create and maintain a liberal democracy reinforce the inequalities between elite and subaltern groups. The capitalist character of liberal democracies inherently feeds into the culture of exclusion. In newly independent states’ elites gain rights and protections for their private
properties and businesses, while poverty remains unaddressed (Afolayan 2010). The separation of economy from politics has created a paradoxical situation in which people are ‘liberated’, without addressing economic grievances which prevent them from true liberation (Cox 1992). Both vertical and horizontal legitimacy are lacking, with states only minimally able to extend their reach over peripheral communities.

However, in endorsing inclusive governance, the elite and the state more broadly can also make significant gains. The primary advantage is in the increased legitimacy of the state, which translates into more power. It is power with checks and balances, but power nonetheless. Inclusive governance also means more peace and development, as all the parties are more invested in the success of the state as a whole, and not just their own communities. This potentially decreases the need for patronage as a way to secure ones livelihood and enhances the social contract between state and society, making life less uncertain for the communities within the state.

While most countries consider inclusive governance only when there is an undisputed need for support from the communities in question, such as in Uganda when Museveni was seeking Buganda’s support, this does not diminish the positive effect it has. The initial steps toward inclusion are relatively easy and small – formalizing or institutionalizing the relationship so that a framework is created to manage its development. Again, Uganda can serve as an example, where government re-instated cultural institutions. This action maintains a clear division between state and traditional institutions, but offers some of the advantages of inclusion. However, as argued previously, this is not a long-term solution, and in order to achieve peace and promote social and economic development, a more inclusive system of governance is needed, in which traditional institutions are represented, and able to participate in decision-making. Thus, if the goal of a government is to promote socio-economic development and maintain peace, integrating traditional institutions, creating Houses of Chiefs, relevant ministries, giving
meaningful roles to traditional leaders in policy debates and creation is crucial to ensure the feeling of legitimacy, cohesion, and inclusion. For the most part, traditional institutions do not want to take over like governments seems to think. They have accepted the fact that the country they find themselves in will remain, and that state government will continue to be the overarching power in the state. They want representation in the parliament and a voice in the governance of the country, because for them, this is the way they are able to represent their own communities better. For the state, this increases its legitimacy, and more broadly, as argued by Birnir and Waguespack (2011), benefits policy cohesion, stability, and implementation. In the longer term, this translates into a more sustainable peace.

Implications for International Policy (or Do answers to these questions identify relevant gaps in peacebuilding and statebuilding literature and policy?)

In addition to insights gained for Uganda and other national governments in which traditional or indigenous institutions exist and function in parallel to the state, the information presented in this dissertation has clear implications for international peacebuilding and statebuilding policies. Statebuilding, and therefore peacebuilding which is inextricably tied to the former, is based on certain norms, institutions, and apparatuses which have been accepted by international institutions and donors as universal despite their European origin and often minimal relevance to the state in which they are implemented. Imperialism and colonial ambitions have been cited by critical scholars and leaders of recipient states as the veiled motives behind peace- and statebuilding, prompting scholars to compare it to a mission civilisatrice, acknowledging the problematic nature of statebuilding. As statebuilding and peacebuilding are closely intertwined, peacekeeping and liberal peacebuilding missions have in the past been identified as a conduit for the promotion of the Westphalian state (Paris 2002; Amrith and Sluga

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95 Although Paris (2002) argues that compared to colonialism, liberal peacebuilding is in fact an altruistic form of interference which does not aim at material or human extraction; promote racial superiority; and is only done at the request of the parties, with international approval. Each of these points is debatable.
According to Paris (2002), we are spreading our vision of a Westphalian state, by “transmitting a set of internationally-approved norms of domestic governance into the internal affairs of war-shattered states” (650). While Paris views this positively, this is concerning, particularly if we take into account that not all states are ready or willing to accept this type of governance system. It further seems to follow the abrupt and chaotic nature of the end of colonialism, in which imperial powers in many African countries retreated hastily, leaving political confusion, power vacuums, and ill-prepared independence governments to pick up the pieces (Interview with Ankole royal historian, July 2018).

Therefore, from an international perspective the issue of inclusive governance is equally pertinent. Most international interventions begin and end with the state. The existence and definition of the ‘state’ is rarely questioned – it just is (Dunn 2001). Inherent practices in state- and peacebuilding assume that the state and its institutions need reforming and strengthening in order to help sustain peace and development, even when there is general agreement that it is the state which can be the main source of insecurity (Englebert and Dunn 2013). Furthermore, the only institutions within the state which need such strengthening are those which are internationally recognized. Legitimacy is seen through the eyes of the international, rather than the local even when the local is increasingly taken into account. Governance institutions which do not easily fit into the Western governance model are often ignored, because they are more difficult to understand and thus support due to their more informal nature.

Institutional reform is a part of statebuilding policies, with the role of institutions in the development of the state-society relationship typically viewed through a technical lens. The relevant technical knowledge and capacity building in turn, is broadly seen as an area of expertise for international actors and organizations. Yet, as North (1990) argues, while institutions shape economic performance

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96 While scholars are increasingly recognizing this, there has been little change in policy.
(which is more technical), they also shape the nature of social interactions. What follows is an institutional trap for many countries. Even where the local is addressed, there is no incentive for those in power to transform the institutions or work with non-state institutions to build loyalty and social cohesion, as the current system allows them to maintain power and resources, albeit at the expense of the people. As economics is divorced from politics (Cox 1992), economic aid and programs are used as a guise under which the state maintains its ‘good’ standing with the population and international community, while the state operates as if its citizens did not exist (Kalu 2017).

Despite an increasing awareness over the last decade or so of the importance of bottom-up peacebuilding and the turn toward the local, in practice there is rarely time for the agency, history, and knowledge of the people to be considered and to truly allow for an inclusive process to take place. When these are considered, they frame the statebuilding and peacebuilding process in ways which justify an even more stringent adherence to ‘international’ standards as a means of avoiding further conflict or fragility (Richmond 2013). The fact that these are “internationally approved norms” does not mean that they are actually global, but more likely stem from the Eurocentric bias inherent in much of international relations literature and practice (Barkawi and Laffey 2006). Even in those states where democratic institutions have been (relatively) successfully established, despite experiencing some economic growth, the effect on the lives of the majority of the population is minimal or non-existent in terms of service provision and quality as well as poverty reduction (Pereira 2009). By “transmitting” or attempting to transplant these norms of governance, we are assuming that the people who are receiving them have no history of their own, no knowledge, and no agency (Tickner 2011). In fact, Richmond (2013) argues that the political agency, culture, and history of the society, rather than positive, is seen as disruptive and even supportive of the groups responsible for violence and terror, and thereby something that needs to be done away with, while uncritically supporting the Western-defined state and taking it as a universal.
If we look back at the Weberian definition of state, and the almost singular focus on the monopoly on violence, it becomes clear why statebuilding has largely failed. As state legitimacy and power are questioned, the solution to building a stronger state is focused on ensuring its ability to (legitimately) strong arm its citizens, keeping them in line. Thus statebuilding missions focus on securitization and militarization (Lottholz and Lemay-Herbert 2016), the priority being on capacity building, the building of formal institutions, or training of the police force for example, rather than inclusion and knowledge sharing. Statebuilding has largely been a technocratic enterprise, and legitimacy was assumed to be a by-product of the monopoly on violence (Lottholz and Lemay-Herbert 2016). Such priorities ignore the two other forms of domination, crucial to the creation of a sociologically relevant and successful state, rather than empty shells recognized by the international community but not by their citizens. Although scholarly and policy literature recognizes the importance of state-society relations in theory, rational-legal capacities and economic development are given much more weight (Richmond 2013).

State- and peacebuilding, have garnered criticism over the years for their inflexible and template driven, top-down management by external international actors. Unfortunately, even when there is some acknowledgment of the knowledge and expertise available on the continent, external actors often assume that their unique insights are necessary to ensure effective implementation of governance systems.\footnote{One could argue that this dissertation is doing just that – acknowledging expertise but offering a unique, outsider point of view on how to ‘fix’ what is wrong with the countries studied. My hope is that in reading the text it will become clear that rather than offering clear answers and solutions to the governance difficulties these countries might be struggling with, the work presented here is a culmination of learning and admiration for the extensive traditional governance structures, and an attempt to accumulate, amplify, and make sense of the voices gathered while in the field. While there are lessons learned, these are meant to further discussion on policy both nationally and internationally and are by no means definitive.} In essence, we are attempting to ‘fix’ them rather than recognizing the potential need for an alternative approach. However peacebuilding scholars have increasingly called for local ownership, perspectives, and engagement in recognition of the fact that many contemporary cases such as Somaliland, suggest that the
most successful examples of statebuilding have taken place in sub-state or non-state contexts (Lottholz 2016) rather than as a result of international statebuilding policies.

In understanding this, my approach assumed that traditional governance systems - often believed to be part of the problem - are a critical ‘missing piece’ of the governance puzzle, and therefore in fact, part of the solution. Based on the work presented here, the focus on countries as a homogenous unit, to the exclusion of non-state governance institutions, distorts our understanding of the continent and its development (or lack thereof). Rather than seeking exclusively to empower state structures in support of an externally defined and imposed liberal democratic agenda, both international and national actors might do better identifying and engaging or supporting alternative, integrated, and broadly accepted governance structures which are already in place, employing a more inclusive view of governance and institutions. This in turn might foster a better understanding of how governance works in these settings and an increase of positive, sustainable peace outcomes. Furthermore, it may prompt a formal clarification of governance structures and roles within the state in a way that is more locally focused and understood.

International support for the evolution of formal frameworks of inclusive governance would be inherently complex, messy, and unpredictable. However, if the international community is indeed ready to take international policy beyond the theoretical use of inclusion as an empty term, it will need to commit to supporting local frameworks of evolving inclusive relationships, including those involving institutions unfamiliar or somewhat controversial. This commitment will no doubt need a significant amount of resources dedicated to understanding the political context within which and inclusive system might be developing, identifying the key local actors, and the types of institutions and legal frameworks which might require support. Without acknowledging this, international actors cannot continue to speak of inclusivity.
Conclusions

Traditional institutions remain critical in understanding governance in sub-Saharan Africa. As Nyamnjoh (2003) argues so eloquently:

No one, it seems, is too ‘citizen’ to be ‘subject’ as well, not even in southern Africa where there have been the most ‘expectations of modernity’, nor in Botswana as Africa’s best example of liberal democracy. Invented, distorted, appropriated or not, chieftaincy remains part of the cultural and political landscapes, but is constantly negotiating and renegotiating with new encounters and changing material realities. The results are chiefs and chiefdoms that are neither completely traditional nor completely modern. Being African is neither exclusively a matter of tradition and culture, nor exclusively a matter of modernity and citizenship. It is being a melting pot of multiple identities (233).

This dissertation drew on critical and constructivist ideas to look at governance and change, a change that promotes inclusion and peace. Badie (1992) argued that entropy offers a chance for change, albeit a small one, and in the case studies entropy is evident, as is the path toward inclusive governance undertaken at various points in the development of the state. Rather than looking at governance by analogy (Mamdani 1996), it offered a perspective defined by context and historical and cultural circumstances. It discussed inclusive governance as a spectrum in which the goal is meaningful participation and quality inclusion which would allow traditional institutions to have influence over shaping policies and determining priorities. Finally, it looked at implications and critical points at which change in the future might be possible, both for national and international actors, arguing for the need to focus on inclusive governance for the sake of sustaining peace.

However, there is never a theory that is applicable to all situations and contexts, and so there remain many unanswered questions with regards to inclusive governance as well. I have attempted to
show a link between inclusion, legitimacy, and peace in the countries I studied in greater detail, although I acknowledge that governance is complex, messy, and unique to the circumstances of each state, and thus often unpredictable. This is the reason why statebuilding and peacebuilding are so complicated. There is always the need for more information, more context, more time, more money, more flexibility. It would be comforting to have a template that works for all cases and circumstances, but that is impossible, and therefore I can only claim to offer the above conclusions, which reach beyond the case studies, as a new perspective on the issue of governance and peace, one which contributes to the ongoing conversation on how states can achieve peace.
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