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Traditional Authorities in African Cities: Setting the Scene

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Abstract

This special issue on the role of traditional authorities in African cities highlights critical debates about governance and urban development on a fast-urbanising continent. The six articles in this issue focus on the following: (1) the roles of traditional authorities as custodians of the values of society; (2) the roles of traditional leaders as moral authorities; (3) the modern chieftaincy as an invention of the colonial state; (4) the ‘unrelenting co-optation and appropriation’ of traditional governance structures by the state; and (5) the stretching of pre-colonial narratives to justify the legitimacy of traditional leadership and its control of community resources. The special issue features contributions from Burkina Faso, Senegal, Ghana, South Africa, Botswana and Eswatini, providing a rare comparison between cases from Southern and West Africa.

Keywords: traditional authorities; African cities; governance; chieftaincy; urbanisation.

This special issue offers insight into the role of traditional authorities in African cities by comparing cases from Southern and West Africa. The cases come from countries more readily associated with rapid urbanisation, including Ghana, South Africa and Senegal, as well as countries with urban stories that are more surprising and less explored, including Burkina Faso, Botswana and Eswatini. The contributions of the special issue challenge normative narratives about traditional authorities, first and foremost that their primary purview is that of the ‘traditional’, positioning them as removed from the modern and as static rather than dynamic and relevant, and secondly that they are predominantly a rural phenomenon. This special issue shows that urban traditional authority has relevance across the continent, and by acknowledging the role of traditional authorities in the urban fabric, pulls together a spectrum of cases representing different regions, exploring the different and evolving positionality of traditional authorities in contemporary African cities. The authority

and powerful roles of traditional actors are often absent from accounts of African urbanisation and urban governance. It is not possible to build a sensible picture of urban Africa without including traditional authorities. This has perhaps contributed to the continued exceptionalising of African cities as confounding and chaotic. By centring them here we can begin to acknowledge and better account for the complex yet ordinary everyday specificities of urban contexts in sub-Saharan Africa.

Contemporary African cities

There is a broad and long-standing literature on traditional authorities in the African region. This literature originates in the social sciences particularly in anthropology, African studies, history and law (Delius 2008). Focusing on customs and legitimacy, this literature has increasingly concentrated on the administration of community resources and customary rights by traditional authorities in the post-colonial eras (Mamdani 1996). Using these lenses, the position of traditional authorities has evolved from a fixation on the symbolism of ritual and heritage to that of public authority with unregulated influence and power in post-liberation states (Berry 1993; Lund 2003; Mamdani 1996). This characterisation of course omits the fact that prior to colonialism, chieftaincy was a pervasive and widespread institution that shaped societal relations and served as the most basic form of governance (Comaroff & Comaroff 2018). Despite efforts to diminish and co-opt the institution in the colonial era and later in newly independent African states by casting chiefs as an ‘impediment to modernisation and nation-building’ (Ubink 2007, 124), this institution and its power has remained intact. In the past 25 years the focus on chiefs has widened to answer the question of how they have retained power and re-asserted their positions in contemporary society (Logan 2009; Ntsebeza 2005; Oomen 2005). While this work has contributed to an understanding of the institution of chieftaincy and its reach, the analysis has been limited to

mostly rural spaces. What has been lacking is an examination of their influence in the context of African cities.

Urbanisation on the African continent is occurring faster than in any other region of the world (Forster & Ammann 2018). Estimates from the United Nations predict that the region's urban population will more than double by 2050 (Cobbinah, Erdiaw-Kwasie & Amoateng 2015; ECA 2017; United Nations 2014). Correspondingly, there is a broad and critical scholarship on the growth and development of African cities that has increased significantly in the last decade (Myers 2017), but the focus has been uneven with larger cities, such as Lagos, Nairobi and Johannesburg, receiving disproportionate attention. Nevertheless, scholars based in the Global South largely focus on analysing and critiquing the consequences of rapid urbanisation in the absence of concomitant economic development and appropriate urban planning regimes (Obeng-Odoom 2015; Turok 2014; Watson & Agbola 2013). African urbanism scholars have drawn attention to the need to understand and document complex urban phenomena that represent opportunities as well as challenges, such as growing informal practices linked to the deficits in infrastructure delivery, and limited access to adequate shelters and basic services (Pieterse & Parnell 2014; Watson & Agbola 2013) in order to develop evidence-based management responses. However, one aspect that has not received consistent attention is the continuing role of traditional authorities in urban spaces. Indeed, they often get subsumed under discussions of informality when, at the very least, informal and customary practices need careful differentiation. Traditional authorities have long been features of African cities (Beall, Parnell & Albertyn 2015), despite efforts to reduce, remove and curtail their power (Baldwin 2016). However, as Franklin Obeng-Odoom (2015) and other scholars have explained, the influence and status of traditional authorities has endured and does not end where cities begin (Oldfield & Parnell 2014). Our contribution is to bring into dialogue these two threads of literature and make visible the messy and, at

times, clumsy integration of traditional authorities in contemporary African cities. In addition to the status of traditional authorities as stewards of local customs and norms, as the articles in this special issue demonstrate, we bring attention to traditional authorities as central to managing and distributing urban resources and as existing in complex tension with the formal aspects of the state.

Traditional authorities and ‘tradition’

The roles of traditional authorities as custodians of the values of society (Simelane and Sihlongonyane), of custom and tradition (Marrengane), and as moral authorities (Pinard) are still vitally important, lending traditional authorities social legitimacy. These claims are often rooted in precolonial history, however some of the authors make the point that this can be easily over-romanticised into a nostalgic rendering (Marrengane; Pinard). The contributions clearly show that the impact of colonial and successive postcolonial governments on traditional institutions cannot be underestimated and have had transformative effects.

Hloniphile Simelane and Mfaniseni Sihlongonyane go so far as to argue that in South Africa, modern chieftaincy is seen as an invention of the colonial state, and Chadzimula Molebatsi and Seabo Morobolo refer to the ‘unrelenting co-optation and appropriation’ of traditional governance structures by the state in Botswana (this issue). Issahaka Fuseini, via Janine Ubink and Kojo Amanor (2008), also notes that some aspects, such as customary land tenure, were created and established during colonial rule. In this way, precolonial narratives are often not what they seem, but have been manipulated for political expediency to justify the authority of traditional title holders over custom and land, and the legitimacy of those claims.

This highlights a number of key points that are reflected through the contributions. Firstly, that there is not a simple, static narrative of history and custom – it is actively produced, constantly in process and can be manipulated for the personal gains of those claiming

authority. Secondly, traditional institutions and leaders have been anything but static, and have been extraordinarily tenacious, adapting over time to assert and maintain their positions of authority. Lastly, while it is still a pertinent project to acknowledge and trace the duality of traditional and formal state institutions, it is crucial to recognise that these have not been coexisting in a parallel fashion, but have instead been deeply intertwined and mutually co-constitutive throughout the urban histories of these contexts.

Hybridised systems: Traditional authorities and the state

Through various means, traditional authorities have been able to assert and maintain their authority over time. This has only been possible through deeply intertwined relationships with the formal arms of the state, creating hybridised systems of governance, authority and land that are the subject of this special issue. The dynamics of these relationships are highly context specific and shaped by their histories and their political and legislative landscapes. What is seemingly consistent across all the different urban contexts is that the dynamics are unresolved, and as Simelane and Sihlongonyane put it for Eswatini, there is a ‘perennial struggle [...] to establish an integrated system of governance between municipal and traditional authorities outside of the dual logic of colonial practice’. In the West African hybridised systems, customary land management practices often cater for the majority. Gabin Korbéogo gives examples of the tensions that exist between customary rights and state management of land. Emilie Pinard notes, however, that in Senegal state actors remain the central point of reference because it is not possible to entirely circumvent the state. This is very much also the case in South Africa. Ntombini Marrengane highlights that traditional authorities have become significant political actors through these hybrid configurations. Again, the state can tap into the social legitimacy of traditional authorities (even if they are based on those shaky historical narratives), and in turn they are bolstered by political connections. Crucially, these connections allow them greater access and control over how

resources are distributed, resources such as land (Marrengane), roads (Yakubu, Spocter & Donaldson), and general development opportunities (Pinard). Being able to bring these resources to people on their land or under their 'jurisdiction' further consolidates their positions as moral authorities (Pinard).

Customary land management systems as part of ordinary governance

These contributions demonstrate that customary land management systems are far from marginal, and it is questionable whether they are marginalised, or rather the implications of being located in discursive margins cannot be assumed. Korbéogo provides examples of the centrality of traditional authorities and the associated networks that relate to urban land distribution and governance. Even if they fall outside of official narratives, and often outside of academic analyses, traditional authorities and customary land management remain powerful forces of contemporary urbanisation. These forces are part of processes that have produced large swathes of the urban fabric that house millions of people and confer similar levels of tenure security to those found through formal, statutory practices (see Karaman, Sawyer, Schmid & Wong 2020). Pinard sees these ambivalent, dynamic everyday interactions that adapt over time, especially with regards to land, as constituting a more real picture of governance in African cities. What the implications then are is a question that deserves much more thought and analysis, and one that the contributions of this issue begin to address.

Traditional authorities and the flow of resources

Marrengane highlights the crucial issue of funding allocations, which affect each of the contexts. Depending on the level of devolution of local government, and the level of official recognition that they have been given, traditional authorities may be allocated certain funds

from the central government. However, as much of their roles extends far beyond their official remit, these funds are largely inadequate. Korbéogo gives insight into ways that traditional authorities raise revenue through fines and fees often radically increasing the value of land that these authorities have power over. These are often a mixture of official and unofficial tithes, but in either case, traditional authorities have the authority to demand them and they are widely understood and adhered to (if they are seen as fair, and by whom, is another important question to address). Land is an incredibly important resource as it can generate a significant amount of revenue. Gaining and maintaining control over it is extremely contentious – for both state and traditional actors – and of course has huge impacts on urban development. In this way, the ambivalent implications of a lack of official recognition are demonstrated – on the one hand there are insufficient allocations and budgets for traditional authorities to undertake their varied roles, including land management, and on the other this provides motivation for traditional authorities to capitalise on their authority in other ways, and use their official obscurity to set their own terms. Further, in the three contributions from Senegal and Ghana, the authors emphasise the ways in which traditional authorities manipulate their positions for personal gain, or for the gain of their networks, by distributing the resources they have privileged access to. Once again, land plays an important role as traditional authorities seek to maximise land under their control for rents through subdivision and the sale of use rights alongside other fees, taxes and tithes or fines.

Lack of transparency and accountability, and the changing relationship of traditional authorities to the people

Importantly, there is often little to no accountability as to how allocated funds or raised revenue is spent, feeding into observations about broader issues of lack of transparency and accountability regarding traditional authorities. This has several important effects. Firstly, it is difficult for people to seek recourse to justice (Pinard). Secondly, those who are ‘in the

know' are the ones privileged with power (Fuseini), and this often excludes marginalised groups such as women and young people (Pinard). This speaks to a wider and very important issue – that of the changing relationship of traditional authorities to the people. The intrinsic accountability that was an element of the relationship between chiefs and their constituencies has now been impacted by the existence of a powerful and well-resourced administration with which chiefs must also engage.

Colonial and postcolonial urban governments have consistently leant on the legitimacy of traditional authorities both to fill in the gaps left by their inadequate governance regimes, and to confer legitimacy on their own governments. As traditional authority is so often rooted in claims over land ownership, the people living where such leadership has jurisdiction effectively form a constituency, over which traditional authorities have a significant influence. Urban governments exploit this in what can be seen as a form of vote bank politics where traditional authorities are relied upon to mobilise their constituents in favour of one or other political platform and party. However, it is consistently noted that election promises are rarely kept, and again there is little accountability for the actions and promises of state or traditional actors.

If, as has been noted, traditional authorities often act for personal or network gain, and there is little accountability for how they receive or distribute resources – how is their social legitimacy with the people maintained? Are the claims to historical, cultural and moral custodianship still enough to maintain their authority? Put another way, what is the nature of the civic or social contract between the people and traditional authorities? Residents must pay fees, fines and tithes and satisfy hierarchies of respectful custom, and traditional authorities can use their influence to negotiate on their behalf (Pinard; Yakubu et al.), and as above, bring some resources and maintain good political connections. There seems to be little

demand for increased accountability, but it is also important to note that it is often very difficult for ordinary people to openly contest the authority of traditional leaders (Pinard) and there is often lack of access to impartial justice. South Africa is an important exception here, where traditional authorities are treated with suspicion for their historical relationship with the colonisers, and they do not enjoy the legitimacy of traditional authorities elsewhere and they are held to higher account. This question has important implications as we begin to understand the role of traditional authorities in the development of African cities, and understanding the nature of their authority and legitimacy is vital for imagining more just and equitable urban futures.

The contributions

This has been just a short reflection on some of the most pertinent themes to be raised by reading across the varied cases. These and many more are explored in the contributions to this special issue. Molebatsi and Morobolo's article explores the role of traditional authorities in the Southern African nation of Botswana. In this work, the authors foreground a decolonial framework in exploring and reinterpreting the role of traditional authorities in modernist physical planning. Molebatsi and Morobolo discuss how two traditional institutions namely the *bogosi* (chiefs) and the *kgotla* (traditional decision-making structures), which value the communal resources and collective leadership, are at odds with postcolonial urban governance systems. In the face of expanding urban villages, as are found in Botswana, questions around land and resource redistribution traditionally the purview of *bogosi* (who are accountable to the nation) are now taken by institutions that are fundamentally different in orientation and organisation. Molebatsi and Morobolo highlight the debates and practices which upset Eurocentric definitions of governance and call for a rethinking of governance options in this specific urban landscape.

Simelane and Sihlongonyane offer a comparative lens on the stature and treatment of traditional authorities in two neighbouring Southern African states within the context of cities. Focusing on the Kingdom of Eswatini and the Republic of South Africa, the authors lay out distinctions and similarities between one of Southern Africa's remaining monarchies, which expressly prohibits multiparty democracy, and the post-apartheid state of South Africa, which labours to put into effect its human rights ethos in everyday governance. Comparing the roles and functions of traditional authorities broadly in both nations, the authors offer an evaluation of the influence of these traditional leaders with a focus on urban development and management in a post-colonial environment. The authors give concrete insight into the ways that in the era of decolonisation, the lingering legacy of dual governance systems at the city level is emblematic of African urban governance and offers a provocation for policy reform.

Pinard's article is one of the contributions to this special issue that focuses on a region outside of Southern Africa. Pinard's work offers a contrast to many of the works in this special issue as it is one of two articles that presents research on Francophone Africa.

Through a case study of two peri-urban communities in Pikine, Senegal, Pinard demonstrates the fluidity of urban governance in an African context and the contest to maintain influence and legitimacy. The work elaborates on ways that local administrative authorities and traditional authorities work together to deliver urban management services over which they both have a domain, such as the allocation of land and permissions for land use. This article contributes to the larger goal of this special issue of making visible and explicit the power and authority that exists beyond the municipal council at city level.

Korbéogo's article on traditional authorities in Ouagadougou, Burkina Faso is the second contribution from Francophone Africa. In his article, Korbéogo provides critical observations

of the political and legal complexity that are central to the participation of traditional authorities in urban land management in Burkina Faso generally and in Ouagadougou in particular. Presenting empirical data, Korbéogo explains the nature of relations between the state and Moose chieftaincies, which originated in the fifteenth century, offering a direct challenge to the idea that governance was a colonial invention and absent but for the imposition of *la mission civilatrice* of the colonial agenda. Korbéogo's work aligns with the other contributions to this issue in presenting the origins of a bifurcated system of urban governance that continues to be visible in contemporary Ouagadougou. His work further highlights that in a rapidly urbanising context state institutions must consider enduring traditional systems to enable ideas of governance to evolve.

Ibrahim Yakubu, Manfred Spocter and Ronnie Donaldson contribute one of two articles on tensions between traditional authorities and local government actors in Tamale, Ghana. Yakubu, Spocter and Donaldson lay out the difficulties and constraints experienced by urban residents in seeking residential mobility in an environment where there are two urban management systems. Growing populations and increasing demand for housing are the catalysts for unplanned and unsanctioned extensions of housing structures or compounds. The authors explain that these structures became the focus of the expansion of urban services, therefore requiring demolition of active systems of authority. The article articulates the tensions between residents, traditional authorities and local government actors as solutions – and considers the needs and perspectives of each party as negotiated.

Fuseini's work presents the second contribution to this special issue on the city of Tamale, Ghana. Fuseini focuses on the responsibilities of traditional authorities in spatial planning and the incentives – negative and positive – that determine how urban residents navigate traditional and administrative institutions at the city level. This article argues that competing

governance systems can become vehicles for the commodification of communal resources for personal enrichment. The resulting hybrid system is explored by Fuseini in the Dagbon Kingdom in Tamale. Fuseini contends that even as traditional leaders actively engage with the administrative systems in an environment with a clear emphasis on decentralisation, there is not always alignment between community needs and chiefly desires, thereby exacerbating spatial inequalities and urban governance challenges.

Marrengane's article is on the tensions between administrative local governance and traditional authorities in the Kingdom of Eswatini. Marrengane frames the examination of the dual system of authority by focusing on the overlapping layers of governance in place in the Swazi urban context. Presenting an overview of the sophisticated system of traditional authority and its evolution in the face of urban policy reform, Marrengane underscores that attempts to patch the gaps between the two systems has not resulted in effective urban governance. To enable effective urban management and by extension transformative urban governance, more than adaptations to colonial paradigms are required.

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