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Chapter 13

TRADITIONAL PUBLIC ASSEMBLY (KGOTLA) AND NATURAL RESOURCES MANAGEMENT IN NGAMILAND, BOTSWANA

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ABSTRACT

Public assemblies, where people gather around specific institutionalised places, are common in most African countries. This chapter focuses on the *kgotla* in Botswana as a formal public assembly associated with the institution of traditional leadership. The *kgotla* allows for public debate on development interventions (policy/programs) and contributes significantly to rural livelihoods and natural resources management, and provide free access to justice for rural households, especially the poor. In the past, *kgotla* meetings were held in Ngamiland to inform the public about eradication of the district herd, the Integrated Tsetse Eradication Campaign, proposed dredging of Boro river, identification of biodiversity “hotspots” for the Okavango Delta Management Plan (ODMP), and on the adverse effects of forest fires. Although the *kgotla* thus performs a major function in participatory governance, participation is still determined by several factors such as gender, location, socio-economic status and individual agency. The chapter states that the *kgotla* in contemporary Botswana has at least five functions. Firstly it provides the village-community with the means to come to an agreement on the implementation of specific community development programmes/projects. Secondly, traditional leaders can use the *kgotla* to discuss or solicit views from the village-community on government policy decisions, or any other interest groups. Thirdly, government officials, including members of parliament and councillors, see the *kgotla* as a means of informing various village-communities about new legislations or programmes. Fourthly, the *kgotla* is a judicial institution in which cases are heard by the chief and his advisors. Lastly, the *kgotla* has been translated into a site of resistance or a place where voices clash and strive to reach a compromise.

INTRODUCTION

In Tswana culture, the concept of *kgotla* has several meanings. It is a place where rituals, trials, sentences and punishments and village level discussions are carried out. It also refers to a physical place at the centre of the village where the chief presides in court. In this chapter, we focus on the *kgotla* in Botswana as a formal public

assembly associated with the institution of traditional leadership (Mgadla & Campbell, 1989; Schapera, 1970). Matemba (2005; p.2) refers to the *kgotla* as a powerful community institution where decisions are made. Public assemblies, or people gathered around a specific institutionalized place, are also common in other African countries; examples include *Pitso* in Lesotho, *Shir* in Somalia, *Baraza* in Kenya (Logan, 2008), and *Inkundla* among Nguni-speaking people in southern Africa. The *kgotla* allows for public debate, in a kind of parliamentary set-up, until consensus is reached democratically. Because *kgotla* deliberations are presided over by traditional leaders, the distinction between the functions of this institution and those of traditional leadership is often blurred. Broadly speaking, the *kgotla* is an integral part of the institution of traditional leadership. However the specific functions of the *kgotla per se* are different from those of traditional leaders

The *kgotla* has been in existence since pre-colonial times in Botswana. Although it still exists today, it has been reformed by the colonial government and continues to be reformed by the post-colonial Government (Morapedi, 2010; Matowanyika, 1994). The *kgotla* has been, and still is, a microcosm of socio-political transformation. According to Matowanyika (1994, p.55), “although the role of chieftainship has been attenuated, the tenacity with which the institution of chieftainship has persisted in some modern African states is largely due not to its encouragement by either the colonial administration or its nationalistic successor, but to the fact that ordinary people refused to see it die”. As compared to some of the traditional local institutions, this institution, together with that of traditional leadership, has been more resilient, and this is mainly attributed to its importance in resource allocation (Matowanyika, 1994). According to Odell (1985, p 66), the *kgotla* is “the best understood, most readily accessible, well attended, and effective of all institutions at village level.” Like other local institutions in Botswana such as traditional leadership, community trusts and village development committees, the *kgotla* contributes significantly to rural livelihoods and natural resources management. According to Ellis (2000), local institutions (organisations in institutional economics) mediate access to livelihood resources and activities and hence they are critical for any analysis on rural livelihoods.

In this chapter, the focus is more on the public forum aspect of the *kgotla* and less on its judicial function or its role in the implementation of government policies and programmes. The official characterization of the *kgotla* is that it is a repository forum for government-orchestrated development agenda. The assemblage is summoned by the chief, *kgosi*, to deliberate on diverse political, social, cultural and economic issues whose implications may have local, national or international ramifications. The public assembly often epitomizes the polity (*morafe*), administrative and social hierarchies as well as the authority structures that are centred on the chief and his advisor (Schapera, 1984; Comaroff & Comaroff, 1991).

To date, limited systematic research has been conducted on the historical and contemporary anthropology of the public functions of the *kgotla*. This chapter considers historical and contemporary functions of the *kgotla* as an open forum for participatory democracy in Botswana. The chapter is based on a survey of traditional leaders undertaken in the seven villages of Shorobe, Maun, Sehitwa, Gumare, Etsha 6, Seronga and Gudigwa in Ngamiland District during the period January to February, 2009. A total of 30 traditional leaders were interviewed out of a total of 65. This accounted for 45% of all traditional leaders in the study areas. The specific objectives of the study were as follows: 1) To determine the role played by the *kgotla* as a traditional court, 2) To determine factors that determine participation in the *kgotla*, 3) To determine the role

played by the *kgotla* as a forum for the discussion of issues on natural resources management. The study was mainly based on synthesis of information from secondary sources, a survey of traditional leaders, and informal interviews. The main sources of literature included official documents such as the Bogosi Act of 2008, Chieftainship Act of 1987, the Constitution of Botswana, and Report of Presidential Commission into sections 77, 78, and 79 of the constitution of Botswana (Republic of Botswana, 2008, 1987 & 2000). In addition, journal articles and book chapters were important sources of information.

HISTORICAL CHANGE AND CONTEMPORARY CHALLENGE

The historical agency of the *kgotla* in Botswana has been well documented (Morapedi, 2010). Morapedi (2010) further notes that the proclamation of 1954 gave chiefs “legislative and executive authority” which was exercised through the institution of the *kgotla*. Although the institution handled a number of administrative and legislative issues, it is important to note that the colonial authority had the ultimate power to make final decisions (Morapedi, 2010). In pre-colonial and colonial times, if the social issue under discussion at the *kgotla* was controversial (discussions on major legislations or any crisis dealing with subject communities), the assembly would meet in the open veldt away from the village capital. The assembly was usually preceded by a hunt, hence the name *letsholo* for this special type of meeting. All tribesmen were expected to attend, and also bring with them their weapons (Schapera, 1984). Traditional Tswana speaking leaders used the *kgotla* to placate or defuse forces of internal dissent or secession, to diffuse/combat or external threats (physical or ideological) with colonialists and missionaries (Comaroff & Comaroff, 1991). This was the case when traditional leaders were, for instance, confronted with the missionary and the Boer threats to usurp their powers. According to Morton (1998), the Bakgatla Queen Mother Seigwaeng was publicly flogged at the *kgotla* and exiled for uncouth Zion Christian Church zealotry. In contemporary Botswana, spaces for debate and challenge have also been opened up in the *kgotla* as a place where traditional leaders and their “tribal” communities are intermediaries between individual and the state. The *kgotla* consultation and deliberations continue to play a significant role in the country land appropriation struggles with the Minister of Land and Housing and the Land Boards, for instance among Batlokwa and Balete ethnic groups (Daily News, 2006).

Male primogeniture, (inheritance by the eldest surviving male child), is central to customary law of succession (Obeng, u. d). In South Africa, the constitutional validity of male primogeniture has often been called into question through cases brought to the courts (Obeng, u.d; Cloete, 2010). Women challengers in the majority of these cases failed to secure their claim to succession. In Botswana, the *kgotla*, rather than formal courts, has been central to gendered contestations of chieftainship. Whereas in the past, traditional Tswana customary law barred women from becoming chiefs and only allowed them to become regents. In 2003, Mosadi Seboko I of Balete successfully argued her case and rallied support of *morafe* at the *kgotla* to be appointed as legitimate successor of her late brother (Matemba, 2005). She was crowned at the *kgotla* as chief of Balete, with complete bedecking of a leopard skin on her shoulders (the ultimate symbol of authority), on 3rd September 2003. The ceremony was witnessed by over 33 000 people. There are differences between Mosadi Seboko I of Balete case of challenging male primogeniture before the *kgotla* and cases in South Africa brought before the judges. First public

participation in the *kgotla* in Botswana demonstrates ways in which customary law continues to change and evolve. Secondly, in the case of South Africa, formal courts are likely to apply the principle of male primogeniture rigidly and mechanically without considering the changing contexts of practice (Obeng, u.d).

The public role of the *kgotla* historically and in contemporary society in Botswana, continues to provide a forum that can help to guarantee the chief's security and safeguard public interest, while marginalizing those that threaten them (Morton & Ramsay, 1987; Maylam, 1980). The diversity of *kgotla* deliberations on contemporary public issues includes land and succession issue disputes, religious confrontations as well as cultural revival rituals such as *bogwera* – male circumcision practised by Chief Kgafela Kgafela of Bakgatla in Kgatleng district, a ritual practice that has synergy with the Ministry of Health transmission of HIV prevention strategy. In contemporary Botswana, the *kgotla* also serves as a platform for cultural revival. There are numerous examples of the regenerative capacity of the *kgotla* country-wide. These include inter alia, reinventing *mephato* or age-regiment system such as the Mayakakagang mophato (in 2003 in Mogobane village) among Balete consisting of men and women who went to initiation ceremonies between 1948 and 1953. Although the revival of the age regiment was to commemorate the installation of Chief Seboko I, the message at the *kgotla* was to encourage youth to come up with their own version of mophato to improve livelihoods in the village (Moagesi, 2008). The *kgotla* thus plays a significant role in the quest by various actors at different levels of society, to re-institute good social values (Seleke, 2010)

The *kgotla* allows the rural communities to play a role in policy formulation and implementation by providing a forum for discussing development challenges and prospects, among other things, relating to access to and control over resources. The *kgotla* thus plays a role of facilitating participatory governance (UNDP, 2002). The chiefs have persistently refused to allow the *kgotla* be used in partisan politics (Dusing, 2002). The *kgotla* in this context was (and still is) constructed as a space for consensus building, negotiation and compromise. Consequently, any interest group that is perceived as divisive with limited public good was shunned. As a result, an alternative institution, the Freedom Square arose. ” The Freedom Square is an open public space where politicians can argue and use abusive language away from the *kgotla* (Lekorwe, 1989). In Maun, the capital of Ngamiland in Botswana, the place is generally referred to as “*ko mogotlhong*”(at the acacia *erioloba* tree). Any person can go to the big tree, and say whatever s/he wants to say, but this will not happen at the *kgotla*.

In the context of this chapter, the notion of community agency is used to denote the ways in which villagers collectively use the *kgotla* not only to advocate for access to material and non-material resources, but also natural resource management such as correct times and places for harvesting certain resources, or burning, or grazing. Our interviews revealed that the *kgotla* no longer plays any fiscal functions such as tax collection, as was the case in the pre-independence period (Odell, 1985). However, the *kgotla* indirectly facilitates fund raising since it is a forum for the discussion of development projects. As the next section will show, village development committees, which are a “modern” institutions linked to the *kgotla*, propose, approve and seek funding for village development project through the *kgotla*.

THE KGOTLA AS A TRADITIONAL COURT

In the past, the *kgotla* played multiple roles, and it continues to do so in various ways. Informal interviews have revealed that the *kgotla* is currently used as a traditional court, providing free access to justice for rural households, especially the poor who cannot afford the costs of lawyers. The *kgotla* sessions are presided over by the traditional leaders who dispense customary law. They are recognised as the custodians of this form of law. The *kgotla* is supported by the local police, generally referred to as “*mapodise a kgotla*” (policemen of the *kgotla*). According to Vivelo (1977), the use of local police in the *kgotla* suggests that the institution is nowadays more modern than traditional. Today, the *kgotla* handles over 80% of both criminal and civil cases in the country (Ngamiland District Council, 2009). Table 1 shows the number of criminal cases handled in traditional courts in Ngamiland ranged from 3,910 to 4,340 between 2003 and 2007, whereas civil cases ranged from 4,371 to 5,601 during the same period (Table 13.1). The number of civil cases handled in the *kgotla* therefore exceeds that of criminal cases. The *kgotla* plays a key role in the judicial system of Botswana. Morapedi (2010) contends that without customary courts, the judicial system in Botswana could be under great pressure with a lot of pending cases.

Informal interviews revealed that the *kgotla* provides a number of services, which contribute to the promotion of rural livelihoods. For instance, it plays a role in the prosecution of stock theft cases and in the authorization of sale of cattle in local butcheries.

Table 13.1. Cases handled by customary Courts in Ngamiland

Case/year	2003	2004	2005	2006	2007	Total
Criminal cases	4340	4110	3990	3910	4015	20 365
Civil cases	4470	5001	4371	4501	5601	23 944
Pending cases (both criminal and civil)	400	380	200	180	350	1 510
Total	9 210	9 491	8561	8 591	9 966	45 819

Source: Ngamiland District Council (2009).

Other countries in southern Africa have come to appreciate how the *kgotla* institution works. Recognition of the *kgotla* includes official visits and briefings of members of the Commonwealth Parliamentary Association by the chairperson of *Ntlo ya Dikgosi* (Parliament Bulletin, 2009).

FACTORS THAT DETERMINE PARTICIPATION IN THE KGOTLA

Negotiations for natural resources and services do not occur in a political vacuum, and the *kgotla* plays a key role in facilitating solution of some of the most politically charged issues. Prior to, and during colonial rule, all adult males who had been initiated were required to attend the *kgotla* (Mgadla, 1989). Because tribal law treated women as perpetual minors subject to life under the authority of a male guardian, they were excluded from public assemblies and all political offices (Schapera & Comaroff, 1991). The *kgotla* was, therefore, predominantly a forum for men as women seldom attended the

proceedings. Currently, compulsory attendance of all males is no longer required. Theoretically, any *Motswana* (citizen of Botswana), regardless of ethnicity and gender, can attend *kgotla* proceedings. Despite this, attendance of *kgotla* meetings is mediated by a number of factors such as geographical location, gender, ethnicity and socio-economic status.

To demonstrate how the attendance of *kgotla* meetings is mediated by geographical location, the results of the second round of *kgotla* meetings for the Okavango Delta Management Plan held at the end of 2003 and the beginning of 2004 are used as an example (Bendsen, 2005). These meetings were held in all major villages and remote areas of the Okavango Delta (Bendsen, 2005). A total of 43 meetings were held in order to facilitate the exchange of ideas between policy-makers and communities on issues related to livelihoods and natural resources management. The proportion of the population that attended these meetings decreased as the population increased as shown in Table 13.2. For instance, in villages with a human population smaller than 500, the proportion of the population (2001) that attended the meetings was 19.8%. However, in villages with a population of more than 5,000, this proportion was as low as 0.3% (Table 13.2). In the district capital of Maun, the proportion of the population that attended the meetings was even much smaller at 0.1% .

Table 13.2. Proportion of the population that attended the Kgotla Meetings.

People Attending 2 nd Round ODMP Kgotla meeting, 2005			
Number of villages	Village size		Attendance rate %
15		≤ 500	19.8
14	> 500	≤ 1 000	11.8
10	> 1000	≤ 2000	6.2
2	> 2000	≤ 5000	2.8
2	> 5000		0.3

Source: Bendsen (2005).

In theory, the *kgotla* is a democratic institution, and as such, the community discusses issues in the assembly without any hindrance (Schapera, 1984). However, there is evidence that this is not always the case. According to Wynne (1981), the *kgotla* cannot be said to be the ‘voice of the people’ because certain categories of people such as women, ethnic minorities and young people were and still are sometimes excluded. Our survey of traditional leaders suggested that in the past, women were not free to speak in the *kgotla* as compared to men. According to them, the situation has slightly changed as women actively participate in *kgotla* meetings, sometimes even more than men. The proportion of traditional leaders who said women do not actively participate in *kgotla* meetings as much as men do was only 10%, compared to 77% who said they participate actively. When asked whether participation in *kgotla* meetings was associated with ethnic groups, most of the traditional leaders (60%) thought this was not the case. The proportion of traditional leaders who said there are certain ethnic groups who do not participate actively in *kgotla* meetings was 40%. In general, traditional leaders were reluctant to mention the ethnic groups that did not participate in *kgotla* meetings as they thought the issue was bordering on tribalism. Most of the traditional leaders (62%) also held the view that poor members of society were likely to participate in *kgotla* meetings. However, a significant proportion (38%) of the respondents held the view that the poor did not participate as much as other socio-economic groups (Table 12.3). The reasons

mentioned for lack of participation included: lack of confidence, the belief that other people (especially social workers will speak for them), cultural practices and beliefs of certain ethnic groups (e.g. OvaHerero) that do not allow the poor to speak freely in *kgotla* meetings.

Table 13.3. Participation in *Kgotla* meetings

	Response N=30	
	Yes	No
Participation of the poor in <i>Kgotla</i> meetings	38	62
Participation of women in <i>Kgotla</i> meetings	23.	77
Participation of ethnic groups in <i>Kgotla</i> meetings	40	60

According to Cooke and Kothari (2002), the willingness of people to engage in participation is determined by factors such as gender, age, class and individual agency. In their view, the costs and benefits of participation are differentiated according to households of different categories, such that while some individuals may find it worthwhile to participate, others may not, depending on their social standing in society (Ellis, 2000). On the basis of the above findings, it can be concluded that the *kgotla* does have variable limitations as a forum for participatory governance for some social groups such as women and economic and ethnic minorities. Traditional leaders, who are predominantly males, are mostly of the opinion that there are new opportunities for these groups to express their views in the *kgotla*. The observations of the traditional leaders concur with Matemba's (2005) observation that traditional attitudes that previously barred women from participating in public debates and occupying public offices are changing. Women in Botswana and elsewhere in Africa have not only taken up new roles in government as political leaders and managers, but have also broken the mould in the realm of social development (due to advances in education), as shown by women traditional chiefs in countries such as South Africa, Ghana, Zambia, Nigeria, Lesotho, Sierra Leon and many others (Matemba, 2005). In Botswana, laws that entrenched gender inequalities have either been reviewed or abolished. These include among others, the Marriage Act, Law of Inheritance, Electoral Law and Citizenship Law (Ministry of Labour and Home Affairs, 1998; Government of Botswana, 1986; Phaladze and Ngwenya, 2004). Furthermore, the growth of the number of women in non-government organizations has had a significant impact on the role of women in public office (Somolekae, 1998).

THE KGOTLA AS FORUM INTERFACING LOCAL, NATIONAL AND INTERNATIONAL DEBATES

In this section, we give examples of the role of the *kgotla* as a public forum, particularly in relation to how the government uses it for development consultation with ordinary people, but also as a forum for publicising people's resistance against development programmes as well as facilitate environmental campaigns. The *kgotla* has evolved as part of the central government consultative machinery through which government policies are explained to the populace and through which the community can in turn pronounce on issues (Matemba, 2005). Several *kgotla* meetings were held at various places in Ngamiland in order to inform the public about the following actions: 1)

the killing of all cattle in 1996 in order to eradicate the cattle lung disease (Contagious Bovine Pleuro Pneumonia, CBPP), 2) the ban on the hunting of lions in 2001 and 2003), the Integrated Tsetse Eradication Campaign in 2001 (Bendsen, 2001). In addition, the *kgotla* is used for providing information on conservation/environmental issues, and for advising the communities about sustainable practices of managing natural resources. In Shorobe and Seronga, communities were advised not to set fires on vegetation, and also not to litter as such practices adversely affect the environment. A committee of elders was formed in Seronga to ensure that vegetation was not burnt, and also to assist in the management of waste collection and disposal. In the subsequent sections, case studies of how the *kgotla* has been used as a forum for consultation in the Okavango Delta are discussed. These include consultation about the Southern Okavango Integrated Water Development Project and the Okavango Delta Management Plan.

Local Opposition to Southern Okavango Integrated Water Development Project (SOIWDP)

This example illustrates how the discussions which took place in the Maun *kgotla* in 1991 led to the suspension of the Southern Okavango Integrated Water Development Project (SOIWDP), which aimed at dredging the Boro river in order to increase the production of food, create employment opportunities, improve the use of the land and water resources, and ultimately improve the economic development of Ngamiland (IUCN, 1992). The project, recommended by the Snowy Mountains Engineering Consultants (SMEC, 1989) for the Department of Water Affairs received considerable opposition from local communities, national and international organizations. When the construction began, strong local opposition arose, and the Government had to engage a thirteen member World Conservation Union (IUCN) Review Team to assess the viability of the proposed project. The Team interviewed, among other stakeholders, community elders, chiefs and VDCs who pointed out that dredging would “kill the river” and that the project would have adverse impacts on their livelihoods (IUCN, 1992).

A *kgotla* meeting was convened in Maun to respond to local concerns. On January 11th 1991, Ngamiland citizens, together with other concerned environmentalists, converged at a *kgotla* meeting in Maun to voice their strong opposition. They argued that bunding would impoverish the ecology, reduce the number of species and cause a decline in the production of fish and plant resources, which are important sources of the livelihoods of the local people. The voices of opposition were unanimous, leading the team to conclude that the project was not supported by the various stakeholders (IUCN, 1992). The concerted pressure, therefore, prompted the Government to suspend the construction indefinitely. This demonstrates that the *kgotla* continues to serve as a significant public forum for discussing government intervention which is likely to have negative impacts on people’s livelihoods.

The *kgotla*, as a public forum, is central rather than marginal in negotiating access to community resources, particularly in Ngamiland where conflict over utilization of natural resources by different interest groups (tourists, conservationists, tour operators and indigenous communities) is more acute. But much depends on the ability of community groups to broker access with other institutions or stakeholders (conservationists and tourists), for instance. Sometimes, the communities feel powerless and angry, but are unable to collectively mobilize to demand justice from government institutions. At other times, interests group coagulate, and rally their interests. The *kgotla* serves as an

accessible link between the communities, complexly globalized interest groups from elsewhere, and commercial resource use systems (wildlife and tourism) to challenge the characteristically top-down intervention which is the antithesis of public participation. Clearly, in the case of resistance to the dredging of the Boro River, a “globalized” village *kgotla* was generated. In this context, the *kgotla* animated both local and international anxiety and excitement. Communities in the Okavango Delta, an area with a high incidence of human-wildlife conflict over resources, usually use the *kgotla* to air their grievances, and to raise awareness with authorities. In this scenario, the *kgotla* is translated into a barometer for measuring the level of trust or mistrust between different stakeholders. Mistrust is rife due to the lack of communication channels, within and across, policy/programme implementing institutions.

The Okavango Delta Management Plan (ODMP)

The introductory *kgotla* meetings of the Okavango Delta Management Plan illustrate one way in which the *kgotla* provides a forum for ordinary people to have an input in emerging and on-going national initiatives in the management of natural resources. The following views and issues were expressed during the *kgotla* consultations meetings held between November 2003 and March 2004. A total of 31 *kgotla* meetings were held in a number of villages in the Okavango Delta. Although the issues discussed in the *kgotla* are wide ranging, they were debated with passion, and reflect burning issues concerning access to natural resources in the Delta. The architects of the ODMP made a commitment that community concerns will be incorporated in the final implementable Plan. The excerpts from *kgotla* proceedings in the study area villages of Gudigwa, Seronga, Gumare, Etsha 6, Sehitwa and Shorobe are used as examples.

For instance, the Delta communities accused the Tawana Land Board (TLB) and subordinate land boards of unclear land allocation procedures, which were tantamount to what appeared to be discriminatory procedures played out along “racial” lines. They were accused of expediting land allocation applications to “white people” and giving them “pristine areas of the Delta.” The communities also questioned the TLB for allocating land near the river to tour operators for tourist camps, even though its regulations state that such land (near the river) will not be allocated for residential use. Fears and suspicions are rife that the ultimate goal of the Government is to prevent communities from using the river and the adjacent land in future. It was remarked that the TLB issues licenses for lodges and camps without consulting the communities. They also argued that these camps actually disturb wildlife (noise pollution), and their sewage disposal as currently done is more likely to contaminate water in the Delta. “Racialized” sentiments were also expressed with regard to issuance of game hunting licences. As one speaker put it, “we are nomadic people, the old system of free game hunting licences was fair, but the new system discriminates since licences are only available to English-speaking people.” They also remarked that they “only eat left-overs from lions and government food rations.” Thus, this section shows that some of the community members tend to express their views in the *kgotla* without fear.

Kgotla deliberations can be parochial, catering for specific interest groups, or conversely, they can be transformed into a global-local nexus in complex ways. Resource use conflicts in Ngamiland, in the general sense, globalize the village *kgotla*. The concept of globalization means different things to different people in different socio-political and economic contexts. According to Zeleza (2002), for those who celebrate it, globalization

is progressive. For its critics, it reinforces global economic inequalities, political disenfranchisement, human destitution and environmental degradation. In the context of this study, a “globalized” *kgotla* means different things to different people in Maun, Seronga, Sehitwa and Gudigwa. This includes reasserting their traditional claims for resource access and utilization in the face of conflicting demands in numerous spaces (official and non-official). The *kgotla* constitutes one among others. In the final analysis, the agency of local actors has limits, and the state has the instruments of power to assert its authority to ensure the ultimate course of events.

THE KGOTLA VS. NGOS OR CBOs

According to Kerapeletswe and Moremi (2001), the *kgotla* in Botswana plays a gap-filling role as an alternative forum for public debates, which, in other countries, is largely played by non-government or community-based organizations (NGOs/CBOs). NGOs in Botswana have limited political influence, organizational and human resource capacity. Given these constraints, the *kgotla* system is the most readily accessible forum for discussing policy-making processes in general and community development projects in particular. NGOs in Botswana also tend to have limited presence in districts with a predominantly rural population such as Ngamiland district. For instance, according to the 2004 membership list of the Botswana Council of NGOs (BOCONGO) Ngamiland had 17% of NGOs in the arts and culture sector, 27% of NGOs in the environment and agriculture sector, and no NGOs addressing issues of access to micro-finance, credit and empowerment of women, media and human rights.

The limited role of particularly environment and agriculture-related NGOs and CBOs constitutes a critical gap filling role played by NGOs in other developing countries such as Mozambique, Tanzania, Zimbabwe and Zambia (Burman, 1996, Ngwenya, 2003). One major objective of the Revised Rural Development Policy (Government of Botswana, 2000) is to improve rural livelihoods, establish a viable rural commercial sector, reduce dependency on government, maintain and improve rural capital (labour, infrastructure and natural resources), and increase agricultural productivity. The Agency for Cooperation and Research in Development (ACORD) located in Gumare, an NGO which addressed issues of rural poverty and economic empowerment, has since closed down. Again, NGOs such as ACORD play a gap-filling role in complementing specific government policies such as the Revised Rural Development policy. Since these policies are not often accompanied by well-formulated procedures for guiding implementation, varied interpretation of one policy within and across districts is likely. One unintended outcome of variation in policy or programme implementation is dissatisfaction and mistrust of government intervention intentions especially since these institutions tend to have inadequate human resources capacities and weak monitoring and evaluation mechanisms. These find their expression in the *kgotla* as exemplified by discussions during the ODMP consultation meetings. From the foregoing discussion, it can be seen that there is a limited number of NGOs in Ngamiland, and consequently, the *kgotla* tends to play a gap-filling role as an alternative forum for public debates including those related to environmental issues.

CONCLUSION.

The *kgotla* in contemporary Botswana is a dynamic institution. In this context, it was thus (and still is) constructed as a space for consensus building, negotiation and compromise. It allows households to play a role in policy formulation and implementation by providing a forum for discussing development challenges and prospects. The *kgotla* thus performs a major function in participatory governance, although participation is still determined by factors such as gender, age, class and individual agency. This implies that those who do not participate in *kgotla* meetings are less likely to inform the Government about their problems of access to natural resources and services. The *kgotla* also plays an important role in natural resource conservation. Communities are advised not to set fires on vegetation and litter since such practices have adverse effects on the environment. It also serves as a link between the communities and globalized interest groups. The case of resistance to the dredging of the Boro River in 1991 is a case in point, in which a “globalized” village *kgotla* generated both local and international anxiety and excitement. The Okavango Delta Management Plan constitutes another illustration of the adaptability of the *kgotla* as a forum for ordinary people to have an input in emerging and on-going national initiatives in the management of natural resources. In Ngamiland, the visibility of non-governmental organizations (NGOs) and community-based organizations (CBOs) is even more indistinct. Consequently, the *kgotla* tends to play a gap-filling role as an alternative forum for public debates including those related to environmental issues.

In a nutshell, the *kgotla* in contemporary Botswana could be said to have at least five purposes – firstly it provides the village-community with the means to come to an agreement on the implementation of specific community development programmes/projects. Secondly, traditional leaders can use the *kgotla* to discuss or solicit views from the village-community on government policy decisions, or any other interest groups. Thirdly, government officials, including members of parliament and councillors, see the *kgotla* as a means of informing various village-communities about new legislations or programmes. Fourthly, the *kgotla* is a judicial institution in which cases are heard by the chief and his advisors. Lastly, the *kgotla* has been translated into a site of resistance or a place where voices clash and reach a compromise. Such compromise or consensus could be between the communities and the Government, or between the Government and interest groups and so on. Several commentators have pointed out that the *kgotla*, as a political structure, energizes the cultural focus of the village community. Through the *Kgotla* traditional leaders put weight on the power of public debate, and allow people to articulate their views (Edge & Lekorwe, 1998; Peters, 1994).

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