

## **CFP: A History of the Constitutionalisation and Dynamics of African Monarchs in African Republics since Independence (University of the Free State, International Studies Group)**

Discussion published by Dr Hlengiwe Portia Dlamini on Tuesday, September 27, 2022

This call for paper focuses on the constitutionalisation and dynamics of African Monarchs (Kings, Queen Mothers, and Chiefs) since independence in the 'Africa of Republics' and 'African monarchies.' With the ascension of African nation states to independence, a continental replication of republicanism followed except for Morocco, Lesotho and Eswatini which emerged from the colonial mould as sovereign constitutional monarchies. Out of Africa's 54 fully recognised sovereign states today, 51 are constitutional republics which still contain traditional monarchies which stand out as sub-national entities (see Iddawela & Rodríguez-Pose 2021) while three are sovereign monarchies. Prototypes of sub-national entities within African sovereign states include, but are not limited to, the Yoruba kingdoms (Nigeria), the Buganda kingdom (Uganda), the Ashanti kingdom (Ghana), the Zulu kingdom (South Africa), the Ndebele kingdom (Zimbabwe), the Gaza kingdom (south-eastern Zimbabwe stretching down to the southern part of Mozambique), and the Lozi kingdom (Zambia).

Traditional monarchies/chiefdoms still flourish in African republics today as sub-national entities and special constitutional provisions have been enacted to recognise them and increase their relevance in contemporary governance (Iddawela & Rodríguez-Pose 2021). Traditional authorities in post-colonial Africa are important players in a single, integrated modern political republican system, rather than opponents in a sharply bifurcated state (see Muriaas 2011; Logan 2009). African traditional authorities have been gradually given a stamp of constitutional recognition in the African post-colony.

The constitutionalisation of African monarchies simply refers to the recognition and inclusion of Kings, Chiefs and Queen Mothers into African republican constitutional frameworks as relevant political actors in the

overall governance processes in Africa. This is done despite the chequered past of traditional rulers as collaborators of slave dealers and oppressive colonial regimes. The politics of inclusion and the dynamics of African Monarchs in the new political dispensation have not been critically historicised and contextualised within the political dynamics of the post-colony and on a comparative continental basis to fully appreciate the trajectory of these phenomena. This lacuna needs to be urgently addressed.

We intend to bring together a coterie of scholars from different parts of the continent to brainstorm on the trail of the constitutionalisation and dynamics of African traditional monarchs within and across African states since independence. The terms 'Monarchs', 'Traditional Authorities', 'Traditional Leaders', 'Kings' and 'Chiefs', Queen Mothers, and the Rain Queens of Balobedu are synonymous in this *Call For Papers*. Monarchs or traditional authorities refer to the historically rooted indigenous African leadership. Nonetheless, Ubink (2008) quickly posits that the current traditional leaders in Africa do not all have pre-colonial roots. Instead of referring to historic roots, 'traditional leadership' refers to leadership whose legitimacy is rooted in history-either real or invented-and culture, often combined with religious, divine, or sacred references. Ubink therefore provides a more encompassing concept for African traditional rulers.

Africa's monarchies have survived the post-colonial wind of change. Globally the pendulum has been swinging between monarchism and republicanism as alternative constitutional regimes since modern times. In 1793 the republic was presented as the mortal enemy of the monarchy with the beheading of the French royal couple in Paris (Finnsson 2018; Langewiesche, 2017). But monarchism remained entrenched in continental Europe until World War I unleashed the final *coups de grâce* on it following the defeat of monarchical regimes. It was soon the turn of Africa to attempt to uproot and destroy its monarchies which were so entrenched in the culture and tradition of the peoples. Was this an achievable and a desirable

task? Why have the sovereign African monarchies of Morocco, Lesotho and Eswatini survived as alternatives to republicanism?

There are two identifiable phases in the trajectory of African monarchs in Africa since independence. The first phase starts from the eve of African independence to 1989 and was characterised by the caricaturing, demonisation, criminalisation and eclipsing of traditional authorities. The second phase was triggered by the Huntington's third democratic wave in Africa and was marked by the resurgence and revalorisation of African monarchs and their integration in the republican constitutions of African states.

African traditional institutions and mechanisms were henceforth being employed to provide more content to the nation-building. They assumed their roles as dynamic and influential local political structures that the rural population easily identified with as the crystallizing socio-political agency. The effort of the post-colonial state to constitutionalise traditional institutions was a way of arguably reforming and re-traditionalising chieftaincy and re-engaging them in nation-building (Momoh 2004).

### **PHASE 1: The Era of the Caricaturing, Demonising, Criminalising and Eclipsing of Traditional Monarchs from the eve of independence to 1989**

Traditional authorities were generally subjected to virulent criticism as relicts of the feudal order and colonial collaborators who simply had to be discarded in the new independent African republican governments. They were seen as impediments to modernisation and nation-building and accused of operating on principles that were antithetical to democratic ideas and values. For example, a chief was not elected into office by popular vote, but through lineage, and is thus in office for life. This system was patriarchal and largely excluded women from the office based on repugnant customary laws that were oppressive to women (Logan 2009; Beall & Hassim 2005).

Some countries, such as Guinea Conakry, Uganda and Tanzania ventured to formally abolish traditional leadership as competitors to the modern state (Suret-Canale 1966; Oloka-Onyango 1997; Crutcher 1969). Other countries entered a path to curtail chiefs' powers. For instance, the first independent government of Ghana, headed by President Kwame Nkrumah, abolished the formal judicial function of the chiefs, and tried to break their economic power base by depriving them of any role in land management and eventually of ownership and their claims to have the right to collect land 'rents' (Rathbone 2000). The Botswana government in the first years after independence transferred the responsibility for local health, education and public works, the levy of local taxes, and the impounding of stray stock from the chief and his tribal administration to the newly created District Councils, and the right to allocate tribal land to executive tribunals, known as Land Boards (Denbow et al 2006). Julius Nyerere's Tanzania abolished the chieftainship institutions and replaced them with a modern administrative system. In Mozambique, the socialist Frelimo government upon gaining its independence in 1975 banned chiefs and set up new governance structures to undermine them.

In some other African countries, the state administration ignored chiefs and left them to their own devices and expected them to either thrive in the locality or to slowly wither away. This did not happen because during the first decades of independence, Chieftaincy institutions did not disintegrate. They continued to be relevant to their constituencies because of the important roles they played in their communities.

## **Phase II: The Third Democratic Wave, the introduction of Multipartyism and the Collapse of Apartheid and the fate of Traditional Monarchies**

The "third wave" of democratisation" that "swept through the African continent since the 1990s (Huntington 1993) unleashed in its wake some sort of epidemic of constitution-making" (Fombad 2007: 1). New or substantially revised constitutions were introduced in most African

countries that “contained provisions that “purported to recognise and protect most of the fundamental human rights that are associated with constitutionalism and Western liberal democracy, with one of the most significant developments being the recognition of political pluralism and the legalisation of previously banned political parties” (Fombad 2007: 1) It was in this context of competitive political pluralism that traditional rulers resurfaced and reasserted themselves as forces to reckon with (Tom Goodfellow and Stefan Lindemann 2013; Englebert 2002; Foucher & Smith 2011; Ubink 2008; Chimhowu 2019). Many African countries reviewed their republican constitutions and integrated African monarchies.

The Ghana Constitution of 1992 guaranteed the institution of chieftaincy and restricted the state from appointing or refusing to recognise chiefs (article 270) (Alden Willy and Hammond 2001; Ubink 2008). In Uganda the powerful kingdom of Buganda, abolished by Uganda’s 1967 Constitution after the Buganda king had been exiled in 1966 was largely restored in 1993 by President Museveni. Despite the negative role of traditional authorities during the Apartheid period, South Africa worked towards collaboration with traditional rulers and entrenched their positions in the post-apartheid constitutions. The South African Parliament passed two pieces of legislation in 2003 that clarified the position of traditional authorities in South Africa’s democracy (Claassens 2006; Ntsebeza 2003; 2005; Ntshona and Lahiff 2003; Oomen 2002). Many African countries have established House of Chiefs in recognition of the importance of traditional authorities (Ubink 2008). The trajectory of African traditional rulers in post-independence Africa is emblematic of dynamism as captured in Professor Nyamnjoh’s incisive article on Chieftaincy and democracy in contemporary Cameroon and Botswana (Nyamnjoh, 2014). This general trajectory in Africa deserves scholarly investigation.

We invite paper abstracts of 600-1000 words that will analyse these issues within individual countries, comparatively, and/ or through the lenses of different case studies. The abstracts should focus on, but not limited to, the following themes:

- From exclusion to inclusion of Traditional Rulers in post-independence African Politics
- The trajectory of Traditional Authorities through the politico-constitutional mould
- A Comparative Study of the constitutionalisation of Traditional Authorities in Africa
- A critical analysis of the constitutional basis of the enthronement and destitution of

### Traditional Rulers in specific African counties since independence

- Extra-Constitutional Formation and Evolution of the League of Traditional Rulers (i.e. the North-West and South West Chiefs Conferences) in Cameroon in the era of political liberalisation.
- The Zulu nation in South Africa and the Making and Evolution of the 1994 South African post-apartheid Constitution.
- The Birth, Evolution and Achievements of the South African Provincial Houses of Traditional Leaders
- The inclusion and exclusion of the modern state in political transition in African kingdoms after the demise of a King/Queen Mother since independence.
- Critical Perspectives of Challenges of Reconciling Traditional Rulers and African Democratic Governments based on Western European Models.
- Post-independence political positioning of Traditional Rulers in modern politics
- A Comparative Study of Queen Mother Institutions in Africa since independence
- A History of African Female Chiefs in the House of Chiefs

### **Conference Coordination: University of the Free State Call for Paper Deadline: 30 November 2022**

Please send 600-1000 words abstract of your paper and a 150-word bio in an MS Word document. Abstracts will be accepted in **English** or **French**. The abstract should clearly reflect the (i) aims, (ii) research questions, (iii) methodology, (iv) innovative potential/originality and (v) relevance of the paper.

Notification of accepted proposals will occur by **20 December 2022**. Final manuscripts should be due on **20 January 2023**.

**Expected outcome of conference: Selected papers would be published in a book**

If you have any questions, please feel free to email the convenors. Please send your submissions to:

Email address: [africacostit399@gmail.com](mailto:africacostit399@gmail.com)

Email address: [constitutionindepe@gmail.com](mailto:constitutionindepe@gmail.com)

**Tentative Conference Dates: 2-4 February 2023**

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International Journal of Politics and Good Governance Volume XI, No. 11.1 Quarter I 2020 ISSN: 0976 - 1195.

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December 19, 2022