Ensuring each other’s post?
Exploring Personal Ties between Politicians and Traditional Leaders

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Abstract

In my dissertation “Ensuring each other's post? Exploring Personal Ties between Politicians and Traditional Leaders” I examine the role of traditional leaders in modern states relying on a cross-sectional study, a quasi-experiment, and a comparative case study.

As heads of ethnic groups, traditional leaders take on important governance functions within their communities, some of which are primarily state tasks. While almost two billion people worldwide live in dual polities, the relation of state and traditional sphere differ tremendously across states.

Using country level and group level data, I show that many traditional leaders aim for a formally acknowledged role in the modern state that limits the legal means of abolition. In states with limited capacity, developing democratic regime, and a significant share of population under traditional governance, politicians have incentives to accommodate these wishes, although they limit their own governance space and consolidate traditional leaders as potential political antagonists. Yet, politicians hope to win the political support of traditional leaders in return. Using their authority among their ethnic group, traditional leaders can substantially influence electoral results in favour of their allies. With good state-traditional relations, traditional leaders can prevent unfavourable legislation and achieve to legally safeguard their role. In this way, both politicians and traditional leaders profit by ensuring each other's post.
Zusammenfassung

In meiner Dissertation untersuche ich die Rolle von traditionellen Führern in modernen Staaten mittels einer länderübergreifenden Studie, eines Quasi-Experiments und eines Fallvergleichs.


Introduction: Relevance, State of the Art, and Outline

Presumably more than 1.7 billion people worldwide live in dual polities. While being citizens of a modern internationally recognised state, they are at the same time members of ethnic groups, which have their own institutions based on the groups’ customs. For their internal social organisation these groups often rely on customary law, which is usually unwritten and orally transferred, and on traditional leaders as their heads. Depending on the customs of the groups, traditional leadership can take various forms. There are authoritative bodies, such as the customary village councils in India or the Fono of Matai in Samoa, which consists of heads of extended families and constitutes the executive and judicial authority of the village. Other groups are governed by a monarch like the Lozi in Zambia, who are subject to the rule of their king, the Litunga.

Traditional leaders are often responsible for important governance functions, such as compliance with customary law and dispute resolution, the security of the community, the construction and maintenance of infrastructure, and family matters, like marriage and funerals, but also social assistance. Most often traditional leaders also administer land and natural resources, which yields them with enormous power, when their subjects are subsistence farmers and reliant on land allotment by their leaders. Whereas people under traditional governance only constitute small minorities in some states, such as the United States, Canada, France, and Australia, there are also states in which the majority of the state population lives under the rule of traditional leaders, as for instance in India, Afghanistan, and most sub-Saharan states. The authority of traditional leaders and their governance functions stand in contrast to modern states’ claim on the monopoly of the legitimate use of physical force. Whereas some states tried to formally abolish traditional leaders, for example Tanzania, some authoritarian regimes informally co-opted traditional leaders in order to secure their power, which could be observed in Zambia and Malawi until the 1990s. Some states formally regulate the role and jurisdiction and thus elevate traditional institutions into the sphere of formality (e.g. Skalník 2005; Oomen 2005a; Englebert 2002; Ray 1998). Hence the question arises: what is the contemporary role of traditional leaders in modern states?

1 Based on data collected within the Reinhart Koselleck Project “Traditional Governance and Modern Statehood” (grant no. HO 1811/10-1); TradGov group dataset and TradGov constitutional dataset, see https://www.polver.uni-konstanz.de/holzinger/research/third-party-funded-projects/traditional-governance-and-modern-statehood/.
In my dissertation, I examine the interaction of traditional leaders and politicians as the main actors of dual polities (Sklar 2005). Taking an actor-based perspective, I argue, enables to trace the legal status of traditional governance back to the state-traditional relations in practice. To that aim, I define traditional leaders as heads of ethnic groups and/or custodians of territories and their inhabitants on the basis of the commonly recognised communities’ customs of governance.

The existing literature, as reviewed below, shows how much state-traditional relations can vary. Yet, it turns out that there is neither a comprehensive overview nor causal explanations for this variance. I aim to address this gap by arguing that in states with limited capacity, developing democratic regime, and a significant share of population under traditional governance, politicians and traditional leaders have incentives to ally for mutual benefit. By trading political support against legal safeguard, they ensure each other’s post. Traditional leaders use their authority both to support state governance and to mobilise votes for their allies. Politicians, in return, grant legal safeguard, thereby providing traditional leaders a formally acknowledged role in the modern state that secures them against abolition aspirations.

Due to my theoretical focus on individual actors, I test my argument on both country and individual level. For the country level analyses, I rely on data collected within the Reinhart Koselleck project “Traditional Governance and Modern Statehood”. I describe below how we collected data on traditional governance and informal state-traditional relations on group level and constitutional acknowledgement on country level. Thereafter, I provide an outline how the three papers that constitute the core of the dissertation address the various hypotheses within the common theoretical framework.

1 A Definition of Traditional Leaders

This dissertation deals with the relationship of two kinds of actors. First, politicians, defined here as members of parliament, the government, or candidates for such offices. Second, traditional leaders, for whom there is not yet an established understanding. Some regions of the world explicitly use the term traditional leaders, yet, others refer to them as indigenous authorities, kings, chiefs, headmen, elders, or by a group-specific term, such as matai or kgosi.
In an attempt to delineate traditional leaders from other political agents, some definitions rely on the way they come into office (e.g. Logan 2009: 104). Traditional leaders are said to gain their position by some form of inheritance instead of being elected. However, this definition is problematic. Although it seems that many traditional leaders inherit their position, there are also elected traditional leaders, such as among the Mbundu in Angola, the Toma in Guinea, the Ocuilteco in Mexico, and the Cree in Canada. Thus, the way of selecting their leaders seems to depend on the communities’ customs.

Other definitions refer to the informality of the traditional sphere in contrast to the formal state system (e.g. Baldwin 2014: 254). However, there are also traditional leaders who are recognised by state administrations or even appointed in a procedure appertaining to the formal state system, such as the Zambian chiefs. In addition, some states created second chambers to parliaments, often called “House of Chiefs” (e.g. in Botswana, Ghana, Marshall Islands, Palau, or Zambia) or other committees, in which traditional leaders have a formal role in the state system. Thus, traditional leaders are not necessarily informal actors.

Another branch of definitions links traditional leaders to the local level (e.g. Smoke 2003). Although village or town chiefs have their basis on the lowest level of governance, this definition is too narrow. It does not cover all types of traditional organisation – there are hierarchical systems of larger groups, in which a paramount chief or a king governs a huge territory, e.g. the Buganda king in Uganda, the Kabaka.

Throughout my dissertation I rely on the understanding of traditional leaders as heads of ethnic groups and/or custodians of territories and their inhabitants on the basis of their communities’ customs of governance (see also Holzinger et al. 2016; Baldwin 2016; Logan 2009). Consequently, the legitimacy of their position of governance is based on the popular recognition of the traditional character of this leadership institution.

In contrast to many other definitions, the core of the one proposed here combines governance with traditional legitimation. Therefore, the term of traditional leaders is more widely applicable and allows to cover the whole range of traditional leaders. In contrast to previous definitions the one proposed here also focuses on the function. Thereby it demarcates traditional leaders from purely religious leaders that do not have any governance functions, despite their customary legitimacy and sometimes enormous political and societal influence. Still, traditional leaders might have a spiritual role for their community in addition to their governance functions.

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Based on TradGov group dataset.
It is a convention to denote leaders as traditional if their legitimacy is grounded on a reference to history and customs (Förster & Koechlin 2018: 3; Baldwin 2014: 254), although the term “traditional” might evoke misleading connotations. I use the term tradition in the style of Zartman (2000: 7) as being “practiced for an extended period and having evolved within [indigenous] societies rather than being the product of external importation”. It is important to note that tradition as it is used here does not mean archaic or primordial, but is subject to change, flexible, and adaptable. On the contrary, “[t]radition is likely to have been updated, adjusted, and opened to new accretions in order to stay alive through changing times” (Zartman 2000: 7).

In many communities there have been changes to the institution of traditional leadership as well as inventions and artificial creations at various points of time (see in particular Ranger 1993; Hobsbawm et al. 1983; Keulder 2000). Independent of how old or authentic the legitimising reference of leadership is, I understand leadership to be traditional if it is validated as such in terms of procedures or narratives by its constituents. This means that the reference to tradition is widely accepted by the people living under its authority, leading to “basic legitimacy” (Krämer 2016: 136), although the institution itself might still be seen critical.

Traditional leaders often consciously claim to be traditional to emphasise the legitimacy of their role (Förster and Koechlin 2018). However, self-claimed leaders are not traditional as long as this claim is not shared by the constituents. Also state agents that are given traditional names without substantial and recognised reference to practised customs are no traditional leaders. An example for the upholding of traditional names without existing traditional leadership structures are the khokims in Uzbekistan (TradGov group dataset).

Due to conquest and colonisation, most traditional leaders lost their full sovereignty in the past and their territories today constitute sub-parts of larger states or are even divided by borders. Some heads of ethnic groups however, such as the kings of Lesotho, Swaziland, and Tonga, succeeded in maintaining full sovereignty and now rule as heads of state like the European or Arab monarchs. However, most traditional leaders’ subjects only constitute a part of a state’s population and traditional leaders are themselves ordinary citizens of a state. Their role depends on the customs of their community but also on the role the respective state assigns to them and to which degree their state is capable to enforce this role. Besides social and cultural functions, common functions of traditional leaders are the
enforcement of customary law, dispute settlement, administration of land and natural resources, and security provision (TradGov group dataset; Ubink 2008; Van Rouweroy van Nieuwaal 1996: 41). Hence, they take on governance functions that are genuine tasks of states which is why the constituents of traditional governance are considered to live in dual polities (Sklar 2005). Both qualitative (Ntsebeza 2005; Oomen 2005a) and quantitative evidence (TradGov group dataset; Logan 2013, 2009) suggest that such traditional leaders are still important for people who are subjects of traditional governance. However, there is hardly any knowledge what exactly determines traditional leaders’ influence.3

This dissertation focuses on the main actors of dual polities: politicians as representatives of the central state and traditional leaders who govern over parts of the state population. In the following, I provide an overview of the state of the art in the field of traditional governance.

2 Literature overview


When scholars observed a resurgence of traditional leadership, especially in sub-Saharan Africa (Ubink 2008; Ntsebeza 2005; Oomen 2005a, 2005b; Englebert 2002), a big academic debate evolved on the virtues and dangers associated with the role of traditional leaders in politics. Thereby some scholars evaluate traditional leadership as mostly positive, original, and legitimate (Hoehne 2007; Hagmann 2007; Oomen 2005a, 2005b; Osabu-Kle 2000; Keulder 1998; Owusu 1992; Fallers 1955), whereas other scholars are more critical and see traditional leaders as overcome, an impediment to modernisation, and as illegitimate (Chiweza 2007; Ntsebeza 2005; Zack-Williams 2002; Mamdani 1996; Kilson 1966).

3 An exception is the study of a natural experiment in Lesotho by Clayton (2014).
Finally, some scholars take a position in between the two, arguing for hybrid regimes comprising both state and traditional governance (Brown 2010; Boege et al. 2009; Sklar 2005; Van Rouweroy van Nieuwaal 1996; Skalník 1996). Yet, with this dissertation I do not aim to directly engage in the normative debate on the role of traditional leaders, but draw more on the emerging empirical literature on traditional governance, which I describe below. That being said, my empirical insights may contribute to objectify the debate, which so far seems to be based on arguments mostly inducted from very different individual cases.

Legal scholars investigate the parallelism that stems from the governance of traditional and state authorities on the same territory denoting such potentially incoherent institutions as legal pluralism (e.g. Larcom 2013; Berman 2012; Pimentel 2011; Benjamin 2008; Tamanaha, 2008; Griffiths 1986; Bennett & Vermeulen, 1980). Whereas there is consensus that negative consequences of legal parallelism can be mitigated by formally integrating customary law into state law, the debate revolves around the question on the exact arrangement of the integration (Otis 2014; Bennett 2009; Benjamin 2008; Levy 2000; Morse & Woodman 1988; Daniels 1964; Read 1963). The focus of most scholars in the field of legal pluralism lies on descriptive insights into cases of integration and non-integration and on classification, such as the provision of typologies of the state-traditional legal relationship (e.g. Muriaas 2011; Ubink 2008; Forsyth 2007). Causal explanations for different state-traditional relations are, however, not addressed by these scholars.

More recently there has been growing interest by economists and political scientists in the role of traditional institutions. Scholars who emphasise the importance of institutions assess the effect of pre-colonial institutions on current outcomes (Wig 2016; Michalopoulos & Papaioannou 2015; Osafo-Kwaako & Robinson 2013; Gennaioli & Rainer 2007). They use data from the Ethnographic Atlas (EA) compiled by Murdock (1967). The EA provides detailed ethnographic information on about 1,200 ethnic groups across the world before they were exposed to European rule; it describes the family organisation, the type of agriculture, the number of jurisdictional levels, class structure, etc. Gray (1998) updated the EA, by adding some more ethnic groups and revising some of the collected data from 1967. Hitherto, the EA is unprecedented in its efforts of providing detailed information on the pre-colonial organisation of many ethnic groups around the world. Yet, it is not without its shortcomings. First of all, data on the pre-colonial organisation of ethnic groups was collected in the mid-1960s probably not making use of the full range of sources

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4 See Holzinger et al. (2016) for a good overview on the academic discussion on traditional governance.
that are now digitised and available. Particularly since traditional institutions were reshaped during colonial times and after countries gained independence in the mid-1960s, the EA might not have been able to account for these changes. Furthermore, there is large heterogeneity in the date of observation since ethnic groups were sampled in different time periods (Fenske 2014).

The kind of interaction of state and traditional institutions has been found to be associated with violent conflict (e.g. Wig 2016, Wig & Tollefsen 2016; Eck 2014; Goodfellow & Lindemann 2013; Williams 2010). Wig (2016) merges the EA data with the ethnic power relations (EPR) data (Cederman et al. 2010) and finds politically excluded groups with centralised traditional institutions less likely to be involved in civil wars. He explains this finding with the presumably better bargaining power of groups with a centralised organisation. Eck (2014) illustrates that the conflictive co-existence of state and customary law bears risks of legal insecurity and inefficiency and can lead to violence.

Furthermore, scholars highlight the importance of traditional institutions for development and public goods provision (e.g. Magaloni et al. 2018; Wilfahrt 2018; Michalopoulos & Papaioannou 2015; Acemoglu et al. 2014; Baldwin 2013; Osafo-Kwaako & Robinson 2013; Gennaioli & Rainer 2007; Lenski & Nolan 1984). Acemoglu et al. (2014) find the performance of traditional leaders to be associated with rates of educational attainment, child health, non-agricultural employment, and asset ownership. Michalopoulos and Papaioannou (2015) relate regional development to political centralisation of traditional institutions. Likewise, Gennaioli and Rainer (2007) find a positive effect of centralisation on public goods provision. According to Baldwin (2013), Zambian politicians seem to be better able to provide local classrooms if they collaborate with their local traditional leaders.

Traditional institutions and their relation to state institutions seem to also matter for democratisation (Seeberg 2018; Baldwin 2016; Pur & Moore 2010; Logan 2009; Bratton & Walle 1997; Van Kessel & Oomen 1997). Baldwin (2016) argues that sub-Saharan traditional leaders can contribute to increase state responsiveness by holding elected politicians accountable. Logan (2009) uses data from the Afro Barometer public opinion surveys, encompassing information from over 35,000 face-to-face interviews in 15 African countries, and finds that positive orientations to both traditional leaders and democracy seem to be

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5 The Standard Cross Cultural Sample (SCCS) and the Human Relations Areas Files (HRAF) comprise subsamples of up to 400 groups. Whereas the EA only contains pre-colonial information, the SCCS and HRAF provide very comprehensive, detailed information also for the contemporary status. Yet, this focus comes unavoidably with a rather limited coverage in comparison to the EA.
no contradiction for most individuals. In line with that finding, Pur and Moore (2010: 604) observe that customary village councils in rural South India are changing their character becoming “less hierarchical and exclusive, and more representative and pluralistic”.

The presented literature on conflict, development, and democracy emphasises the effect of state-traditional relations, but seldom examines the role of traditional leaders in policy-making or explicitly considers individual actor relations.

At least in terms of taking an actor-centric perspective, a growing branch of literature deals with the role of traditional leaders in electoral mobilisation (De Kadt & Larreguy 2018; Kramon 2017; Krämer 2016; Baldwin 2014; Koter 2013; Tronvoll & Hagmann 2011; Cammack et al. 2009; Lal & Fortune 2000; Callahan & McCargo 1996; Minikin 1973; Scott 1972; Lemarchand 1972). However, the consequences of the involvement of traditional leaders are unclear. Whereas Côté and Mitchell (2015) and Koter (2013) observe a reduced emphasis on ethnicity and hence lower risk of ethnically based electoral violence, Tronvoll and Hagmann (2011) and Van Rouveroy van Nieuwaal (1996) point to the risk of societal segmentation if traditional leaders act as “vote banks” (Fisiy 1995) and observe an aggravation of ethnic tensions.

Also, in networks of political clientelism, traditional leaders might act as vote brokers due to their outstanding role within their community (e.g. Scott 1972). Traditional leaders can exploit the authority, trust, and respect they enjoy in order to sway the votes of their subjects. De Kadt and Larreguy (2018) and Baldwin (2013) claim that there is a measurable effect of the support by traditional leaders on electoral success. Yet, it remains unclear how large that effect actually is and whether traditional leaders are distinct from other vote brokers.

In sum, there is a growing scholarly interest for traditional governance and its interaction with the modern state. Yet, many questions remain unanswered. First, the field of legal pluralism has pointed to potential problems of incoherence of state and traditional institutions, but so far there is no comprehensive overview how states deal with traditional governance. Furthermore, it is so far unclear why states deal differently with traditional institutions. Second, scholars have shown that the institutional state-traditional interactions affect important societal outcomes. However, the role of traditional leaders for the preceding phase of policy-making has hardly been studied. In general, the arena of actors is sel-

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6 An exception is on co-management of fisheries by Chuenpagdee and Jentoft (2007).
domly explicitly considered. Third, the role of traditional leaders for elections has been illustrated for many cases. Yet, it remains unclear how large the effect of traditional leaders’ engagement is and whether traditional leaders are different from other vote brokers.

I hope to address these questions by taking an actor-based perspective that links the status of relations between state and traditional sphere of governance legally and in practice. To that aim, I explore the state-traditional relations worldwide and in case studies. Below I describe the overall theoretical framework for this approach.

3 Theoretical Framework
My main argument is that in states with limited capacity, developing democratic regime, and a relevant share of population under traditional governance, politicians and traditional leaders are likely to form mutually beneficial alliances trading political support for legal safeguard. Traditional leaders enjoy great respect and authority within their communities, which yields an enormous mobilisation potential. Due to this, politicians hope to win traditional leaders as allies in order to exploit the outstanding role of the latter, both for effective governance as well as for electoral mobilisation.

The motives for traditional leaders to mobilise their subjects in favour of politicians might be those of classic clientelist network brokers. Responsible for the distribution of goods on behalf of their political patrons, traditional leaders might benefit in the form of the goods they keep for themselves and the power tied to that role. Yet, there is some evidence for another motive that is distinct for traditional leaders: traditional leaders claim formal rights from their government (De Kadt & Larreguy 2018; Krämer 2016; Baldwin 2014; Boone 2009; Beall et al. 2005; Jacobs 2000). I interpret this as a motive akin to office-seeking. However, in contrast to politicians, traditional leaders do not run political campaigns in order to come into office, but try to safeguard their posts against the state.

Traditional leaders might perceive formal legitimacy to be necessary in face of socio-political changes, such as a trend of democratisation. In democratising states, there are efforts of legalisation and formalisation to establish the rule of law. Processes within the political system are bureaucratised and specifically regulated by law in order to ensure fair and equal treatment of citizens. Thereby, legality and conformity with democratic ideals is established as a new form of legitimation. Accountability of those in power towards their

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8 See also More Power to Tribal Chiefs. *Financial Mail*, 6 August 2012.
constituents is supposed to be established through elections. With their most often hereditary claims to the leader positions, traditional leaders are at risk that their traditional legitimation might no longer be sufficient in the future, if democratisation advances. As soon as the role of traditional leaders is publicly questioned, it is likely that politicians seize this claim out of a rational calculus to eliminate influential political actors. The role of traditional leaders might be reduced to cultural matters and thus limited power. In order to counter that risk, traditional leaders aim to achieve a formal role that guarantees their power. They demand from politicians to provide the necessary legislation that prevents their marginalisation and binds politicians by their own laws.

At the same time politicians are willing to accommodate the claims of traditional leaders in order to achieve the political support of traditional leaders. This support can be crucial for effective governance in the face of lacking capacities of the state. First, traditional leaders often possess local information that the state administration does not have, such as about the existence of natural resources and the usability of land, land property structures, demography, or the condition of infrastructure. Second, with their inherent authority, traditional leaders can assure the abidance by laws and sanction delinquents. Third, traditional leaders have the ability to mobilise human resources both for the implementation of state projects and during elections. Especially their engagement in elections helps traditional leaders to be heard, when politicians owe their electoral success (partially) to their support.

Hence, politicians and traditional leaders are “mutually dependent” (Krämer 2016: 122) and have incentives to establish a quid pro quo alliance (De Kadt & Larreguy 2018). Thereby the form of alliance does not necessarily have to be explicit but can take the form of a common awareness of politicians that they are reliant on the support of traditional leaders and equally of an awareness on the side of traditional leaders that they need formal state representatives to achieve legal safeguard.

This explicit or implicit alliance, I argue, leads individual politicians to address traditional leaders in order to gain their support (Context Hypothesis, see Figure 1 below). If they do not so, they might lose against their political competitors who rely on traditional leaders and have the same means of mobilisation otherwise. Traditional leaders will grant support to politicians of their choice increasing the winning chances of their allies in elections. They expect that in return, the successful politicians – aware of their dependence on the traditional leaders – are willing to accommodate their legal claims (Individual Hypothe-
Thereby traditional leaders do not necessarily act as a collective player. They might support politicians of different parties.

Yet, with enough politicians of a country depending on the support of traditional leaders, it is likely that there is a majority of politicians in favour of legislation that benefits traditional leaders (Aggregation Hypothesis). In consequence, I expect alliances of traditional leaders and politicians in a country to make legal safeguards for traditional leaders more likely and hence perceive the legal status to be a consequence of the relationship of state and traditional actors (Country Hypothesis). The assumed mechanisms on the country and individual level are visualised in Figure 1.

**Figure 1: Theoretical framework**

In the following I describe my strategy to empirically assess the presented hypotheses on country and individual level. I rely on two relevant datasets that were built within the “Traditional Governance and Modern Statehood” project in order to address the lack of systematic data on the role of traditional leaders in modern states. Since I refer to this data throughout my dissertation, I describe the data collection process below.
4 Data Collection within the Traditional Governance and Modern Statehood Project

Within the Reinhart Koselleck project “Traditional Governance and Modern Statehood”, Katharina Holzinger, Roos van der Haer, Daniela Behr, Clara Neupert-Wentz, and I collected group level data on traditional governance resulting in the TradGov group dataset and state-level data on constitutional acknowledgement of traditional governance in UN states’ constitutions for the TradGov constitutional dataset.

In order to compare traditional governance of groups at a global scale, we conducted an expert survey to achieve contemporary information on the group level. As a first step, we compiled a list of 3,297 potentially traditionally organised groups in 152 UN countries. This list was informed by provisions in constitutions, the Ethnic Power Relations (EPR, Cederman et al. 2010) project, and the All Minorities at Risk (AMAR, Birnir et al. 2015) project.

Next, we constructed a web-based survey, which we adjusted following pre-tests with scholars from different disciplines and with a small set of pre-selected experts. The final version of the survey comprised 25 questions. These questions were dissected into two major blocks: First, we wanted to know whether or not certain ethnic groups are traditionally organised or not. In addition, we were interested in information about the ethnic group itself, what (if at all) kind of leaders they have, what role these leaders play within the society, how these leaders are installed, whether there are accountability mechanisms, and what kind of influence ordinary village members have on the decision-making of these leaders. Second, we constructed a block of questions on the relationship of these institutions and the state. Questions related to ties between traditional leaders and politicians, and whether or not there are any bodies at local, regional, and/or national level that interrelate state and traditional authorities.

Thereafter, we identified experts for all groups based on their (academic) publications, their association with a certain ethnic group, and their affiliation with a non-governmental organisation (NGO) working in the field. Most of the experts are scholars from disciplines as diverse as political science, anthropology, economics, or public administration (59 per cent), but also employees of national and international NGOs (12 per cent) and in the public sector (7 per cent), group members (12 per cent), and group leaders.

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9 Some countries like Malaysia, Uganda, or Croatia have an extensive list of national ethnic groups within their constitution.
(3 per cent). In total, we invited almost 7,000 experts to participate in our web-based survey. In addition, we also distributed our invitation through the UN Expert Mechanism on the Rights of Indigenous peoples (EMRIP) and other umbrella organisations for indigenous peoples. Further, we relied on snowballing. Participants to our survey were encouraged to recommend other experts for the same or a different ethnic group and experts were also allowed to fill in the survey multiple times for different ethnic groups.

In order to make the survey available to as many experts from as many regions as possible, we offered an English, French, Spanish, Portuguese, and Russian version of the survey. All experts were invited with a personalised email in their language that explained the project goals in detail and that provided a link to our website for further information. We also provided survey participants the opportunity to reply to our personalised invitation. Surprisingly, a large number of invitees replied to our email providing additional information on ethnic groups, which did not fit into the web survey. Our final dataset, the TradGov group dataset, covers 1,701 distinct groups in 147 UN countries.

As a last step we searched for the population size of all potentially traditionally organised groups relying on different sources. Our preferred source was a recent public census. In the absence of such data we also relied on encyclopaedias or secondary sources, such as CIA fact book, UN Stats, World Bank, and web research. For some groups, however, there is no topical data or no data available at all. In case of larger groups, more often there is data available for the whole group but not for each of its sub-groups. The data are hence not comprehensive and have to be handled with care as even public census data might be politicised in some countries. Yet, we use the data to get a rough idea of the prevalence of traditional governance and estimate the share of the traditionally organised population in the total population for each country.

The second dataset depicts how traditional governance is integrated in constitutions. For this, we collected the most current versions of all UN member states’ constitutions (193 countries). This includes the latest amendments that have officially been enacted, promulgated, or put into force. We considered all amendments, new or re-installed constitutions until July 2014. In order to obtain the constitutions, we consulted official government websites and other research projects on constitutions, such as the Political Database of the Americas of Georgetown University10 or the Comparative Constitutions Project.11

For those countries that historically do not have a codified constitution, as for example the United Kingdom, Israel or San Marino, we used a collection of legal documents, which are considered as having constitutional rank according to a number of legal experts. All constitutions that were available in an official translation were used in the English version. For some countries, authorised translations of the current constitution were not publically available. If this was the case, we used the available constitution in its original language (e.g. Spanish, Dutch or French).

We used a thorough coding scheme with precise coding questions and documented each decision in a separate file. Thereby we coded in 221 dichotomous variables whether certain provisions regulating traditional governance are present in the constitutions or not. The variables reflect whether traditional leaders are acknowledged in the constitution and what rights traditional leaders are granted. These rights encompass provisions on the functions of traditional leaders, e.g. in dispute settlement, means of representation in state organs or special organs, social, cultural, political, and economic rights, e.g. the right to state subsidies, but also constraints for traditional leaders.

Every constitution was coded twice and selected variables were checked across all countries. Furthermore, we coded the dates when the provisions regulating traditional governance entered the constitutions. The resulting TradGov constitutional dataset encompasses the recognition of traditional leaders and bodies for all 193 UN states.

5 Research Design

My dissertation consists of three independent papers, which address the different hypotheses within the presented theoretical framework (see above). In the first paper titled “Quid Pro Quo: Traditional Leaders’ Alliances with Politicians”, I provide a systematic analysis of the relations of state and traditional actors across all 193 United Nations (UN) states. For this cross-sectional analysis on the country-level, I make use of the data collected within the “Traditional Governance and Modern Statehood” project (see above). I argue that traditional leaders ally with politicians for their mutual benefit. Politicians seek to exploit the authority of traditional leaders over their groups while traditional leaders hope to achieve legal safeguard. As formulated in the Country Hypothesis, I expect to observe the presence of alliances to be positively associated with legal safeguard for traditional leaders. Thereby I further hypothesise that the involvement of traditional leaders in electoral mobilisation
increases the incentives for politicians to provide beneficial legislation because they are more dependent on traditional leaders to come into office as formulated in the Aggregation Hypothesis. Furthermore, I hypothesise an ongoing democratisation to increase the incentives for traditional leaders to strive for legal safeguard. I estimate negative binomial regression models for the provision of constitutional safeguard for traditional leaders in order to test my assumptions.

The second paper is titled “Office-holder by grace of the Chief? Exploring the Role of Traditional Leaders in Electoral Mobilisation in Zambia”. Therein I examine the phenomenon of traditional leaders providing support to politicians in winning votes. I assess the role of traditional leaders in the Zambian parliamentary elections in 2016. Zambia constitutes an ideal case because the population is predominantly organised according to traditional institutions, state office-holders are selected in competitive elections, and traditional leaders are not allowed to run in elections themselves. Using original data collected in 147 interviews with politicians and traditional leaders, I follow a quasi-experimental approach based on matching in order to estimate the causal effect of traditional leaders’ support on electoral results. Thus, I test the Individual Hypothesis that traditional leaders have substantial influence in elections and thus politicians have incentives to consider the claims of traditional leaders.

In the third paper titled “Comparing the Involvement of Traditional Leaders in Land Policy-Making in Malawi and Zambia”, Daniela Behr and I examine the current land reform processes in Zambia and Malawi, drawing on documents and 203 semi-structured interviews. The comparative case study serves to study the role of traditional leaders in policy-making and how politicians do or do not accommodate the legal claims of traditional leaders. Traditional leaders in sub-Saharan Africa draw much of their power from their responsibility in administering customary land and from the dependence of their subjects on land allotment by their leaders. Therefore, the land reforms are suitable to illustrate the fight of traditional leaders for legal safeguard in their attempt to withstand marginalisation. The paper thus addresses the Country Hypothesis on the correlation of actor relations in practice and the legal status of traditional leaders. Furthermore, we provide closer insights into the legislative process and address the Context and Aggregation Hypotheses when describing the state-traditional relations.
Quid Pro Quo: Traditional Leaders’ Alliances with Politicians

Axel Bayer

1 Introduction

Today, people in many post-colonial states live in “dual polities” (Sklar 2005). While governed by a modern state system, which has usually been imported by the colonisers, they are also subject to a traditional governance system, which is based on the customs of ethnic groups. In dual polities, traditional leaders, customary heads of ethnic groups, typically rule over sub-state territories enjoying “basic legitimacy” (Krämer 2016: 136). The duality of governance systems stems from the change of borders through colonial rulers. Apart from those few cases where the pre-colonial territory of an ethnic group was conserved,12 the subjects of a traditional leader usually constitute a sub-group of the population of a modern state and their leader is formally an ordinary citizen.

With their authority based on the popular recognition of the traditional13 character of this leadership institution, traditional leaders often fulfil important functions regarding the socio-cultural life of their ethnic community, but also regarding the provision of security, dispute resolution, and administration of land and natural resources (De Kadt & Larreguy 2018; Ubink 2008; Van Rouveroy van Nieuwaal 1996: 41). Their governance functions and authority over their ethnic groups make traditional leaders potentially powerful political actors (Logan 2009; Ntsebeza 2005; Oomen 2005a).

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12 Examples are Tonga, Lesotho, and Swaziland.
13 Although the term might evoke misleading connotations, it is a convention to denote leaders as traditional if their legitimacy is grounded on a reference to history and customs (Förster & Koechlin 2018: 3).
In literature on traditional governance, extensive descriptions of single cases prevail aiming for a deep understanding of groups’ individual customs of social organisation (e.g. Marlowe 2010; Gamble 2008; Howell 2000; Wiessner et al. 1998; Evans-Pritchard 1940). Furthermore, scholars highlight the pivotal role traditional leaders play in regard to democracy (Seeberg 2018; Pur & Moore 2010; Bratton & Walle 1997; Van Kessel & Oomen 1997), development and public goods provision (Magaloni et al. 2018; Wilfahrt 2018; Baldwin 2014; Acemoglu et al. 2014; Osafo-Kwaako & Robinson 2013; Lenski & Nolan 1984), and conflict (Wig & Tollefson 2016; Eck 2014; Goodfellow & Lindemann 2013; Williams 2010).\(^{14}\) The observation of the authority and power of traditional leaders over their subjects has given rise to an ongoing debate about the virtues and dangers associated with the role of traditional leaders in politics (Boege et al. 2009; Mengisteab 2008; Chiweza 2007; Hoehne 2007; Hagmann 2007; Ntsebeza 2005; Lutz & Linder 2004; Englebert 2000; Mamdani 1996; Ayittey 1991). Scholars also investigate the legal pluralism that stems from the governance of traditional and state authorities on the same territory (e.g. Larcom 2013; Berman 2012; Pimentel 2011; Benjamin 2008; Griffiths 1986) and provide typologies of the state-traditional legal relationship (e.g. Murias 2011; Ubink 2008; Forsyth 2007).

Despite this growing interest in traditional governance around the world, there is a lack of comparative knowledge on the legal status of traditional leaders as previous studies focus only on a few cases. Furthermore, scholars of legal pluralism seldom address causal relations and hence do not study why states deal with traditional governance differently in legal terms. At the same time there is also little systematic knowledge on the role of traditional leaders in practice. That is how traditional leaders use their authority and what their potential power means for the interaction with modern state actors.

In this paper, I argue that traditional leaders and politicians ally for mutual benefit. I assume that traditional leaders aim for constitutional safeguard of their position in order to counter potential risks of delegitimation and marginalisation. At the same time politicians have incentives to accommodate traditional leaders’ wishes because they aim to exploit the great authority traditional leaders have over their ethnic groups. Therefore, I expect that the personal relation of traditional leaders and politicians is reflected in the legal status of these traditional leaders.

In order to explore both whether such alliances exist and whether there is such a pattern of alliances and legal status of traditional leaders worldwide, I make use of novel

\(^{14}\) Holzinger et al. (2016) provide an encompassing overview on the state of the art on dual polities.
data on traditional governance at group level and constitutional acknowledgement at country level. I find evidence that traditional leaders are more likely endowed with constitutional safeguard in states where they ally with politicians. Furthermore, the reliance of politicians on traditional leaders in electoral campaigns seems to increase the incentives to grant constitutional safeguard. At the same time traditional leaders seem to have stronger incentives to strive for formal legitimation in democratising states.

This paper makes an important contribution to the literature on traditional governance but also more generally to the field of comparative politics. First, I show the relevance of traditional governance on a global scale and explore the variety of constitutional safeguard of traditional leaders. Second, I point to a potential link between the personal relationship of traditional leaders and state actors and their legal relation. In this way, the paper contributes more generally to our understanding of political systems where traditional governance continues to play an important role and emphasises the need for an academic focus beyond governments and parliaments in post-colonial countries.

2 Political Support in exchange for Legal Safeguard

Approximately 35 per cent of the people worldwide belong to an ethnic group which is governed by an individual or a group of traditional leaders (see also Figure 2 below). Traditional leaders often possess great influence over their subjects. They are the recognised authority within their community and are granted respect and trust (Logan 2009). Customary law as the legal basis for the social organisation of these communities often endows traditional leaders with important powers. Due to common abidance by the groups’ rules, traditional leaders can discipline delinquents through social exclusion (Cammack 2009: 35). Their decision-making power also has important consequences for the economic situation of the community members. Traditional leaders most often have the responsibility over customary land and determine its allocation and use (Wily 2008; Hinz 2008). Especially subsistence farmers rely on land allocation by their traditional leaders because in many countries large shares of arable land are under customary rule and there are no formal registration procedures. Finally, traditional leaders are perceived pivotal in public goods pro-

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15 Data collected within the Reinhart Koselleck Project “Traditional Governance and Modern Statehood” (grant no. HO 1811/10-1): TradGov group dataset and TradGov constitutional dataset.

16 In sub-Saharan Africa 80-90 per cent of the arable land is under customary rule (Colin & Woodhouse 2010; Boone 2007; Deininger 2003).
vision by their ethnic groups (Baldwin 2013; Logan 2009). Due to their important role within their community, the relationship of traditional leaders and modern state actors can be ambivalent.

Considered as competitors for sovereignty and power, many governments tried to formally abolish traditional leaders, especially after becoming independent (Logan 2013). Some states pursue a strategy of ignorance and do not acknowledge the existence of traditional institutions in their constitutions despite their societal relevance, such as Azerbaijan. Yet, other states generously grant important formal rights to traditional leaders. For example, Botswana and Zambia have representative organs for traditional leaders on the national level, whereas Burkina Faso and Cameroon grant guaranteed representation in state organs. On the Marshall Islands traditional leaders even have a veto right in national decision-making in instances where customary rights, traditional practice, or land tenure are concerned. In Colombia traditional authorities do not only receive state subsidies but are entitled to levy taxes independently. How can this variance in legislation on traditional leaders be explained?

Holzinger et al. (2018) suggest a market model of supply and demand to explain the provision of indigenous rights in constitutions. There is evidence from South Africa for such a demand: traditional leaders, confident in their societal indispensability, seemingly claim formal rights from their government (Lund 2012; Beall et al. 2005; Jacobs 2000). While this evidence from South Africa is a good indication for these claims, it remains hitherto unclear why traditional leaders would aim for legal recognition by the state although they draw their legitimacy from the customs of their community.

I argue that traditional leaders in most countries assume that their politicians would prefer to abolish them in order to eliminate influential political actors and increase their own power. Indeed many sub-Saharan African states tried to abolish traditional governance more or less successfully (Logan 2013). By achieving constitutional recognition of their role, traditional leaders set the highest possible legal hurdle to their abolition and bind politicians by their own laws.

Many people currently seem to perceive no contradiction in appreciating both traditional governance and democratic values (Logan 2009). Yet, socio-political changes going along with democratisation processes might in fact constitute a potential threat to tradi-

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17 A prominent example is Tanzania.
18 See TradGov group dataset.
tional leaders’ roles in a country. First, democratic principles require accountability often provided through elections. Traditional leaders’ most often hereditary claim to the position might become questioned and provide the chance for politicians to limit their power. Democratisation further means stronger legal formalisation and rule of law, which usually refers to state law and not to the unwritten customary law, which is the basis for traditional governance. Therefore, I argue, democratisation tendencies might increase the incentives for traditional leaders to aim for a formal and legally guaranteed role in modern states.

On the other hand, politicians in some states seem to be willing to respond to traditional leaders’ claim for legal safeguard and grant rights to traditional leaders (De Kadt & Larreguy 2018; Baldwin 2014; Boone 2009). In consequence, politicians perpetuate the shared governance power in their country. I argue that politicians are willing to accommodate traditional leaders, when they hope to win their political support and profit from the authority of traditional leaders.

In countries where traditional leaders (still) matter for the everyday life of larger shares of the population, politicians can make use of the traditional leaders’ mobilisation capacity, if they win them as allies. As a Zambian government report states: “chiefs/chieftainesses have absolute traditional authority over their subjects, thus they wield the potential of being listened to, respected and obeyed”. Traditional leaders enjoy the trust of the majority of the people and “they have the capability to mobilise human, financial and material resources” (ibid.).

This mobilisation capacity is crucial when projects have to be implemented in rural areas and the government is reliant on the support of traditional leaders in the face of lacking own resources. In contrast to governments, traditional leaders often have local information, such as on the existence of natural resources and the usability of land, demography, or the condition of infrastructure (e.g. Baldwin 2013). With their inherent authority, traditional leaders can assure the abidance by state laws and sanction delinquents. Finally, traditional leaders have the ability to mobilise human resources often necessary for construction works, such as for simple roads.

Politicians might not only depend on the collaboration with traditional leaders for effective governance. They might also seek the support of traditional leaders for their electoral campaigns as has been shown in several cases (De Kadt & Larreguy 2018; Krämer 2016; Baldwin 2014; Tronvoll & Hagmann 2011; Cammack et al. 2009; Callahan & McCar-

Traditionally, leaders are considered crucial in the mobilisation of voters for elections as they are able to sway the votes of their subjects in favour of a certain party and/or candidate (De Kadt & Larreguy 2018). This can be the result of their ultimate authority or just a rational calculation of the voters who expect the best outcome from the collaboration of their traditional leader with the favoured candidate (Baldwin 2013).

Hence, I assume that politicians and traditional leaders might have incentives to establish a quid pro quo alliance (De Kadt & Larreguy 2018). In such alliances, traditional leaders use their authority over their ethnic group to support state governance and to mobilise voters during elections. In return, politicians provide constitutional safeguard of traditional leaders and their systems of governance: traditional leaders are for instance granted autonomous governance for their areas of operation or certain functions are determined as their responsibility. Although they limit their own governance space and consolidate traditional leaders as potential political antagonists, politicians are willing to accommodate these wishes because they know that otherwise traditional leaders might refuse their support for the implementation of policies and projects or, even worse, withdraw their support in favour of other parties. I expect alliances to be reflected in constitutional provisions that safeguard the role of traditional leaders, which is my first hypothesis:

**H1: If there are alliances of traditional leaders and politicians, the country's constitution is more likely to contain safeguarding provisions for traditional leaders.**

Yet, alliances are not necessarily explicit but might take the form of a common awareness: politicians know that they are reliant on the support of traditional leaders, whereas traditional leaders are aware that they need politicians to achieve constitutional safeguard paired with the self-confidence of their power. While the existence of alliances might be unobservable, I assume that the existence of such alliances in a country can manifest itself in two ways: in a network of many personal ties between politicians and traditional leaders and in the involvement of traditional leaders in electoral mobilisation.

When they aim to benefit from traditional leaders’ authority, politicians might show their closeness to traditional leaders as often as possible in order to profit from the reputation and authority that traditional leaders enjoy within their community. As such they might publicly emphasise their collaboration with traditional leaders and provide for public en-
counters. The implementation of projects and the enforcement of laws might be announced to be realised with the help of traditional leaders. In addition to the public demonstrations, politicians might also organise private encounters, for example by invitations to receptions. By maintaining close personal links politicians hope to secure themselves the support of traditional leaders. Alliances that matter for both broad mobilisation of support and for legislation need to encompass many actors. Therefore I only expect to observe an effect from a relevant network of traditional leaders and politicians and refine hypothesis 1 into 1a:

**H1a:** If personal ties between politicians and traditional leaders are common in a country, the country’s constitution is more likely to contain safeguarding provisions for traditional leaders.

Besides close personal ties, I assume alliances of traditional leaders and politicians to be observable through the involvement of traditional leaders in electoral mobilisation. By using their authority in swaying votes of their subjects in elections, traditional leaders fulfil their part of the deal. Traditional leaders might have a particularly effective leverage to incentivise politicians to grant constitutional safeguard in return, as they can threaten to support another party if the politicians in office do not respond to their claims. Hence, the involvement of traditional leaders in electoral mobilisation is an alternative to observe the link of alliances with constitutional safeguard for traditional leaders and therefore constitutes hypothesis 1b:

**H1b:** If traditional leaders are routinely involved in electoral mobilisation, the country’s constitution is more likely to contain safeguarding provisions for traditional leaders.

Whereas politicians are supposedly incentivised to enter alliances by traditional leaders’ ability to mobilise support, traditional leaders are incentivised by the threat of delegitimation. As argued above, traditional leaders might fear that democratisation processes erode their legitimacy through the introduction of elections as a mode to ensure accountability and through the formalisation of law. On the other hand, democratisation might also increase electoral competition and therefore strengthen the position of traditional leaders.

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20 I assume the process and the uncertainty of potential consequences to be crucial. This is why I consider democratisation and not level of democracy.
towards politicians. Confident in their power to influence elections, traditional leaders might successfully claim legislation from their political allies that safeguards their role in the face of democratisation:

**H2:** If a country has recently undergone a process of democratisation, its constitution is more likely to contain safeguarding provisions for traditional leaders.

Since so far there is only evidence from a few individual cases (see above), I aim to examine the assumed *quid pro quo* alliances of politicians and traditional leaders more systematically in a cross-sectional approach. In the following, I describe my empirical strategy and provide descriptive analyses on the existence of alliances as well as constitutional safeguard for traditional leaders.

### 3 Data

The aim of this paper is to explore the variance of state-traditional relations worldwide. I hypothesise that the nature of the relationship of politicians and traditional leaders affects the legislation on traditional governance: alliances among traditional leaders and politicians lead to constitutional safeguard of traditional leaders. Therefore I exploit novel data on contemporary traditional governance at group level and constitutional acknowledgement at country level: the TradGov group dataset and the TradGov constitutional dataset.

**Dependent Variable**

For this paper I consider the legal status of traditional leaders as regulated by constitutions. Of course, constitutions do not reflect the full legal status of traditional leaders. Many countries might regulate the legal status of traditional leaders and their relation to state institutions by ordinary law, such as land acts or even special chiefs acts. Yet, constitutions constitute the basis of the political system of a state and are thus of high symbolic value (e.g. Wallis 2014). Furthermore, they usually form the supreme source of law and are thus less prone to short-term change. Therefore, I consider constitutions to be crucial for the legal safeguard for traditional leaders.
The TradGov constitutional dataset compiles information on how traditional governance is integrated in constitutions. For all 193 UN member states’ constitutions the dataset considers all amendments, new or re-installed constitutions until July 2014. Furthermore, information is provided on the date when the relevant provisions have entered the constitution. The recognition and regulation of traditional leaders is coded in great detail providing information on whether traditional leaders are acknowledged and what rights they are granted. Thereby, dichotomous variables indicate whether certain types of provisions are included or not in the constitution.

In order to measure the dependent variable constitutional safeguard for traditional leaders, I create a count variable that equals 0 if traditional leaders are not mentioned in the constitution and 1 if traditional leaders are acknowledged but no further rights are granted. The variable sums up how many of up to 16 kinds of specific beneficial rights are granted in the constitution. Table 1 below displays the rights considered for the count variable and how many constitutions grant each of the coded rights. Most commonly, constitutions contain representation rights for traditional leaders, either in state organs (12) or in special organs (14) such as a House or Council of Chiefs. 16 states also grant traditional leaders a role in decision-making processes. In terms of functions, most often functions regarding customs and culture, administration, and dispute settlement are granted.

Traditional leaders are acknowledged in 48 constitutions and 39 countries grant at least one special right for traditional leaders. Most beneficial rights can be found in the constitutions of Swaziland (eight rights), Ghana (nine rights), and Colombia (eleven rights). Figure 1 above displays for all UN states whether there are traditional leaders (marked white if none), whether there are traditional leaders but no constitutional acknowledgement (light blue-grey), whether traditional leaders are acknowledged but no other rights are granted (light blue), or whether the constitutions contain special rights for traditional leaders (dark blue). The graph illustrates that many states where people live under traditional governance do not mention traditional leaders in their constitutions. Those countries that acknowledge traditional leaders and grant them rights in their constitutions are all in the global South: in Middle and South America, in sub-Saharan Africa, and in Central and South Asia.

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21 For those countries that historically do not have a codified constitution, as for example the United Kingdom, Israel or San Marino, a collection of legal documents, which are considered as having constitutional rank according to a number of legal experts, is coded instead.
Table 1: Constitutional Safeguard for Traditional Leaders in UN States

| Acknowledgement of Traditional Leaders | 48 |
| Decision-making functions | 16 |
| Establishment of a special organ of representation | 14 |
| Functions regarding customs and culture | 14 |
| Guaranteed representation in state organs | 12 |
| Functions in administration | 11 |
| Dispute settlement | 10 |
| Traditional leaders come into office based on customary law | 10 |
| Guaranteed state subsidies | 6 |
| Acknowledgement of function as intermediaries to people | 6 |
| Functions regarding socio-economic development | 5 |
| Functions regarding Natural resource management | 4 |
| Functions in economy | 3 |
| Right to receive revenues from natural resources exploitation or land | 2 |
| Permission to levy taxes or charge fees | 1 |
| Prohibition for removal or sanction of traditional leaders | 1 |
| Acknowledgement that traditional positions are inherited | 1 |

Based on TradGov constitutional dataset

Independent Variables

The TradGov group dataset is meant to describe the contemporary traditional organisation of groups and thus allows for a comparison of the role of traditional governance in practice. Based on a web-based expert survey the dataset covers 1,701 distinct groups in 147 UN countries. The dataset provides information on whether or not certain ethnic groups are traditionally organised, what (if any) kind of leaders they have, and what role these leaders play within the society. In addition, there is information on the personal relationship of traditional and state actors and on the size of the groups who are traditionally organised. I use the TradGov group dataset for most of the independent variables. Although the dataset covers the contemporary status in 2016, I argue that both the characteristics of traditional governance as well as the nature of relations between traditional leaders and politicians are relatively stable over time. Nevertheless, as the expert survey took place after the enactment of most constitutional provisions, the data does not allow for causal inference but merely allows to search for a correlative relation.
Figure 1: Prevalence of Constitutional Safeguard of Traditional Leaders

Based on TradGov constitutional dataset

Figure 2: Share of Population governed by Traditional Leaders

Based on TradGov group dataset
As elucidated above, I expect alliances to be not necessarily directly observable but to manifest themselves in a network of many personal ties between politicians and traditional leaders. On a five-point scale the variable ties captures how many leaders of a group maintain personal relations with politicians according to the assessment of the experts: all, many, some, few, or no leaders. From this variable, I construct an additional dichotomous version ties common which measures whether many or all traditional leaders have ties with politicians (1) or whether ties between traditional leaders and politicians are less common or non-existent (0). Since the dependent variable of interest is on country level, I aggregate the group level data on the country level thereby using the maximum values per country. Thus, the group with the closest ties to politicians is decisive for a country. I consider as decisive whether there is at least one group with leaders who are well connected with politicians. As the granting of legal safeguards in the constitution is usually non-exclusive, the traditional leaders of one group may suffice to lobby for their purpose and thereby benefit all other traditional leaders.

Figure 3: Prevalence of Ties between Traditional Leaders and Politicians

For most of the groups that are traditionally organised there are leaders who have ties with politicians, only for four per cent of the groups, leaders have no links to politicians. For about 32 per cent of the groups, ties are common (all or many leaders have ties with politicians).
cians). In 96 of the 131 states with traditional governance, there is at least one group with close ties to politicians (see also Figure 3 above).

I assume that alliances of traditional leaders and politicians are also observable in the involvement of traditional leaders in electoral mobilisation. In order to measure the incentives for politicians to benefit traditional leaders, I construct a dichotomous variable that measures whether traditional leaders of the country are regularly involved in *electoral mobilisation* in favour of politicians (1) or not (0).\(^4\) Again, I aggregate the variable on the country level.

The majority of groups, namely 62 per cent, have leaders who are involved in electoral mobilisation. Also on the country level it seems that in almost all countries where traditionally organised groups reside, it is common that traditional leaders engage in electoral mobilisation (see also Figure 4). The two suggested indicators for alliances, *ties common* and *electoral mobilisation*, correlate highly (0.7) which points to the desired fact, that they actually measure the same concept.

**Figure 4: Prevalence of Electoral Mobilisation through Traditional leaders**

<table>
<thead>
<tr>
<th>Group level (1,406 groups with TG)</th>
<th>Country level (131 countries with TG)</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Graph showing prevalence of electoral mobilisation" /></td>
<td><img src="image" alt="Graph showing prevalence of electoral mobilisation" /></td>
</tr>
</tbody>
</table>

For groups/countries with traditional governance (TG): number of groups with leaders who are (not) engaged in electoral mobilisation and number of countries with(out) electoral mobilisation of traditional leaders. Based on TradGov group dataset.

Despite their current indispensability, traditional leaders might fear that democratisation processes lead to their delegitimation and provide politicians with the opportunity to argue for their abolition. At the same time, democratisation might strengthen electoral competi-

\(^4\) The question in the survey was: “Do (at least some) politicians try to win the support of the leaders of the group?" The respective answer option as basis for the variable was: “Yes, for the mobilization of voters in their electoral campaigns” Thereby, the group name was specified.
tion and therefore strengthen the position of traditional leaders towards politicians as argued above. Confident in their power to influence elections, traditional leaders claim beneficial legislation from their political allies resulting in a higher likelihood of constitutional safeguard. Using the data by Polity IV (Marshall & Jaggers 2004), I include a dichotomous variable *democratisation* that indicates whether there is a regime change towards democracy (1) or not (0). As democratisation is time-variant, I consider regime changes up to three years before the most recent relevant constitutional provision came into force. Since the Polity IV dataset covers states with at least 500,000 inhabitants, data are only available for 163 out of 193 UN states. Among those are 48 states with a regime change towards democracy.

The type of traditional organisation of a group might matter for the ability of traditional leaders to lobby for their interests (Wig 2016; Michalopoulos & Papaioannou 2015; Gennaioli & Rainer 2007). Thereby, leaders of more hierarchically organised groups supposedly have more authority over their subjects and are thus better able to bargain with politicians. The variable *centralised* from the TradGov group dataset informs whether there is at least one traditional leader of a centralised organisation in a country, he or she has the rank of a king or regional chief (1) compared to a village headperson (0).25 I expect that in countries with at least one higher ranking traditional leader, the government might be more responsive to the claims of traditional leaders and hence more likely to grant constitutional safeguard.

In order to assess the importance of traditional leaders based on the population that can be targeted with their help, I include the variable *relevance* from the TradGov group data which is the share of the traditionally organised population in a country’s total population. This variable ranges from 0 to 0.99. Out of 193 UN states, there are 131 UN states with at least one ethnic group that is currently headed by a traditional leader. Yet, as I show in Figure 2 above, the population shares differ tremendously. Whereas in some states a majority of the population is governed by traditional leaders, such as in many sub-Saharan states, it is only a smaller share in other states, such as in the USA, Canada, Australia, or France where only some of the overseas territories have traditional leaders. I expect that with in-

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25 The question in the survey was: “Which level is the highest level where a traditional/native/indigenous organization (leaders, bodies, and rules) of the group exists?” The respective answer option as basis for the variable was: “Kingdom and/or paramount chieftaincy” or “Regional: district-level/several villages”. Thereby, the group name was specified.
creasing relevance of traditional governance, politicians are more willing to accommodate traditional leaders’ claims and provide legal safeguard in the constitutions.

Holzinger et al. (2018) find metropolisation to be negatively associated with the provision of rights for traditional institutions. Metropolisation is the logged percentage of urban population living in a country’s largest metropolis. People living in the metropolis of a country might be less affected by traditional governance because they are less likely dependent on land allotment by a traditional leader and the governance structures of the state might be most relevant for their everyday life. Thus the more people live in the metropolis, the less relevant traditional leaders might be and hence the incentive for politicians to grant constitutional safeguard. Unfortunately, the respective data from the World Development Indicators\textsuperscript{26} are only available for 129 UN states. The variable ranges between 1.14 and 4.61.

\begin{table}[h]
\centering
\caption{Summary Statistics of all Variables on Country-Level}
\begin{tabular}{lccccc}
\hline
Variables & Obs & Mean & SD & Min & Max & Data Source \\
\hline
Constitutional safeguard & 193 & 0.85 & 1.93 & 0 & 12 & TradGov Const. \\
Ties common & 193 & 0.50 & 0.50 & 0 & 1 & TradGov Group \\
Electoral Mobilisation & 193 & 0.61 & 0.49 & 0 & 1 & TradGov Group \\
Democratisation & 163 & 0.29 & 0.46 & 0 & 1 & Polity IV \\
Centralised & 193 & 0.56 & 0.50 & 0 & 1 & TradGov Group \\
Relevance & 193 & 0.30 & 0.38 & 0 & 0.99 & TradGov Group \\
Metropolisation (logged) & 129 & 3.38 & 0.57 & 1.14 & 4.61 & World Bank \\
Age of constitution & 193 & 39.42 & 49.91 & 0 & 414 & TradGov Const. \\
GDP pc (logged) & 149 & 7.82 & 1.65 & 4.82 & 11.72 & World Bank \\
\hline
\end{tabular}
\end{table}

Furthermore, Holzinger et al. (2018) find a negative effect for the age of constitutions on the likelihood to include indigenous provisions. This means that newer constitutional versions are more likely to contain provisions on traditional governance. This is consistent with literature pointing to time trends in constitution making (Ginsburg 2010; Elkins et al. 2009). The age of the constitution is captured by the years between the adoption date and 2014. I rely on the TradGov constitutional dataset for the information on the adoption date.

Countries in which the relevant constitutional provisions are in place since 2014 thus have a value of 0, the oldest constitution in place is the one of San Marino.  

In order to grasp a state’s capability I include the logged per capita gross domestic product in constant 2005 US Dollars (GDP pc logged). I assume GDP pc (logged) to be less endogenously bound to alliances of politicians and traditional leaders, because state capability as measured by governance effectiveness might be a more direct result of good collaboration of traditional leaders and politicians. I take the necessary data for that variable from the World Development Indicators dataset of the World Bank. As argued above, I expect politicians of less capable states to be more dependent on the support of traditional leaders for effective state governance and hence more willing to grant constitutional safeguard.

4 Analyses and Results

In the following I explore the link of alliances of traditional leaders and politicians on the one side and constitutional safeguard for traditional leaders on the other side (see Table 3 below). Since the dependent variable is a count variable with overdispersion, I estimate negative binomial models rather than Poisson regressions. In contrast to linear models, the coefficients of the negative binomial regression are not intuitively interpretable, which is why I also calculate average marginal effects. Yet, I do not claim to estimate causal effects due to the limits of my static cross-sectional research design, but merely use the models to explore correlations.

The variables democratisation, gdp pc and metropolisation are lagged by one year in relation to the year since the current constitutional provision is in place. By contrast the variables extracted from the TradGov group dataset centralised, ties common and electoral mobilisation refer to the contemporary status. However, relational patterns between traditional leaders and politicians are usually relatively stable, as exemplified by Phiri (2006).

I first calculate three bivariate models with the largest possible number of observations and then a multivariate model. The first two models use the two suggested operationalisations of alliances, ties common and electoral mobilisation, and thus address Hypothesis 1.

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27 San Marino is an extreme case with 414 years since the time point of constitutionalisation of relevant provisions. Hence, the assumed continuity of the traditional governance characteristics and state-traditional relations up to today which is the basis for the use of the TradGov group dataset would be very shaky. Yet, San Marino does not have any traditional leaders, and the constitution only refers to customary law.


29 This allows for estimating the effect of each individual independent variable on the expected number of provisions, while holding all other variables constant at their means.
Table 3: Negative Binomial Regressions for Constitutional Safeguard of Traditional Leaders

<table>
<thead>
<tr>
<th>Variables</th>
<th>Alliances (Hypothesis 1a)</th>
<th>Democratisation (Hypothesis 1b)</th>
<th>Full model (Hypothesis 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ties common</td>
<td>1.55***</td>
<td></td>
<td>1.35**</td>
</tr>
<tr>
<td></td>
<td>(0.37)</td>
<td></td>
<td>(0.76)</td>
</tr>
<tr>
<td>Electoral mobilisation</td>
<td></td>
<td>1.47***</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.41)</td>
<td></td>
</tr>
<tr>
<td>Democratisation</td>
<td>0.72*</td>
<td>0.76*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.47)</td>
<td>(0.54)</td>
<td></td>
</tr>
<tr>
<td>Centralised</td>
<td>-0.36</td>
<td></td>
<td>-0.36</td>
</tr>
<tr>
<td></td>
<td>(0.86)</td>
<td></td>
<td>(0.63)</td>
</tr>
<tr>
<td>Metropolisation (logged)</td>
<td>-1.22**</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.63)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age of constitution</td>
<td>-0.02**</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.01)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GDP pc (logged)</td>
<td>-0.08</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.27)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relevance</td>
<td>0.71</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1.07)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>-1.21***</td>
<td>-1.27***</td>
<td>-0.43</td>
</tr>
<tr>
<td></td>
<td>(0.29)</td>
<td>(0.34)</td>
<td>(0.26)</td>
</tr>
<tr>
<td>Observations</td>
<td>193</td>
<td>193</td>
<td>163</td>
</tr>
<tr>
<td></td>
<td>(0.29)</td>
<td>(0.34)</td>
<td>(0.26)</td>
</tr>
<tr>
<td>Pseudo R-squared</td>
<td>0.04</td>
<td>0.03</td>
<td>0.01</td>
</tr>
<tr>
<td>Log Likelihood</td>
<td>-203.77</td>
<td>-205.68</td>
<td>-174.81</td>
</tr>
<tr>
<td></td>
<td>(0.08)</td>
<td>(0.11)</td>
<td>(0.12)</td>
</tr>
<tr>
<td>X²</td>
<td>15.27</td>
<td>11.43</td>
<td>2.45</td>
</tr>
<tr>
<td></td>
<td>(0.08)</td>
<td>(0.09)</td>
<td>(0.01)</td>
</tr>
<tr>
<td>Prob &gt; X²</td>
<td>0.00</td>
<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: Standard errors in parentheses; *** p<0.01, ** p<0.05, * p<0.1, ties common, electoral mobilisation, democratisation, centralised, relevance tested for β>0, metropolisation, age of constitution, gdp pc tested for β<0.

In Model 1, I test Hypothesis 1a that the interconnection of politicians and traditional leaders is positively associated with constitutional safeguard for traditional leaders. The coeffi-
cient for ties common is positive and significant on the one per cent level yielding support for that hypothesis. Thus, if ties of politicians and traditional leaders of at least one group are common in a country there are more beneficial provisions for traditional leaders in the respective constitution. Yet, constitutional safeguard and ties might reinforce each other. It might well be that traditional leaders cooperate with state actors because the constitution offers the grounds for a positive relation. The causal linkage is more convincing when looking at the incentives for the actors as I do in the next models.

In Model 2, I assess the interrelation of the involvement of traditional leaders in electoral mobilisation with constitutional safeguard for the latter. The significant (on the one per cent level) and positive coefficient is in line with the expectation as formulated in Hypothesis 1b that in countries in which traditional leaders are regularly involved in electoral mobilisation, constitutional safeguard for traditional leaders is more likely. Presumably, the reliance on traditional leaders in electoral campaigns sets incentives for politicians to grant beneficial legislation to their allies.

In Model 3, I test Hypothesis 2 and the resulting coefficient suggests a positive and significant link of democratisation with the dependent variable. This means that constitutions of democratising states contain more beneficial provisions for traditional leaders. I assume democratisation to pose a threat of delegitimation for traditional leaders and hence increase their incentive to lobby for legal safeguard. At the same time, the increased competitiveness of elections might increase the incentives for politicians to ally with traditional leaders and hence grant constitutional safeguard. Yet, the coefficient is only significant on the ten per cent level and thus there is a higher degree of uncertainty.

Finally, I estimate a multivariate model. Since I assume ties common and electoral mobilisation to measure the same concept, namely alliances,\(^{30}\) I leave out the latter. Furthermore, I include the other independent variables democratisation, centralised, metropolisation, age of constitution, gdp pc and relevance. The coefficients for ties common and democratisation are comparable to Models 1 and 3, respectively, and hence robust to the inclusion of more independent variables. A state in which ties between traditional leaders and politicians are common provides on average 0.49 more constitutional rights than a state where ties are rare or non-existent.\(^{31}\) When a state is currently undergoing a regime change towards democracy, the

\(^{30}\) As shown above the two variables are highly correlated.

\(^{31}\) For the alternative independent variable, electoral mobilisation, the average marginal effect in the same model is 0.08.
The average marginal effect shows a decline of 0.46 provisions. This is in line with the finding of Holzinger et al. (2018) who assume that with higher metropolisation, traditional leaders face an erosion of their authority and are less able to demand constitutional safeguard.

The negative and significant (on the one per cent level) coefficient for age of constitution suggests that older constitutions are less likely to contain legal safeguard for traditional leaders with an average marginal effect of -0.01. Again the finding is consistent with the results of Holzinger et al. and at the same time fits the observation of a constitutional resurgence of traditional institutions in the last decades (Ubink 2008; Ntsebeza 2005; Oomen 2005a, 2005b; Sklar 2005; Englebert 2002).

Both the coefficients for gdp pc and relevance have the expected direction but are insignificant. Thus, less state capability does not necessarily lead politicians to grant more constitutional rights in order to win the support of traditional leaders. Also, the share of the population governed by traditional leaders, which politicians might want to target, seemingly does not induce more rights for traditional leaders in constitution.

5 Discussion and Conclusion

In this paper, I explore the contemporary role of traditional leaders in modern states. Other than previous research, this paper goes beyond the description of single cases or a region providing a systematic analysis of relations of state and traditional actors across all UN countries. Drawing on novel data, I illustrate that there are 131 countries in which at least one group is traditionally organised, but only 48 countries acknowledge the existence of traditional leaders in their constitutions, and only 39 grant rights to traditional leaders. I
suggest an explanation for this variance arguing that in states where traditional leaders matter for the everyday life of larger shares of the population, there are incentives for politicians to ally with traditional leaders for their mutual benefit. Politicians exploit the authority of traditional leaders over their ethnic groups, while traditional leaders achieve constitutional safeguard of their position through their allies. I find supportive evidence for the hypothesis that traditional leaders are more likely endowed with constitutional safeguard in states with a dense network of traditional leaders and politicians. I also find evidence that the incentives to seek an alliance are relevant for the likelihood of legal protection of traditional leaders. If politicians regularly rely on traditional leaders for electoral mobilisation, they are likely to grant more generous constitutional provisions in order to sustain the political support of the country’s traditional leaders.

Yet, due to my cross-sectional design I cannot assure the causal direction. It might well be that the relation of actors is also determined by the legal framework of the country. If the state sends supportive signals, traditional leaders might be more willing to cooperate with politicians. My argument therefore relies on the assumption that politicians would not voluntarily share power if they did not feel forced to do so. With their involvement in electoral mobilisation, traditional leaders have a good lever to achieve their aims because politicians probably do not want to lose the support of traditional leaders to their partisan competitors.

Another potential problem lies in the nature of the data on contemporary traditional governance as provided for in the TradGov group dataset. The information relies on the assessment of experts gathered through a web-based survey. Hence, the data do not necessarily reflect the true status of traditional governance but might be biased by wrong perceptions of the experts, misunderstandings or consciously false statements. Yet, measurement errors can be assumed to be unsystematically distributed and extreme assessments might be compensated by other experts for the same group. Furthermore, most of the experts are scholars who might have fewer incentives to overrate the importance of traditional governance than members or leaders of groups. The aggregation of the data to the country level hides a lot of the inter group variance and might mitigate potential measurement errors on group level. However, the aggregation itself also relies on potentially vulnerable decisions; for example I consider those groups with ties of traditional leaders and politicians and electoral mobilisation decisive as compared to all other groups in a country. Hence, a potential error for these groups produces a false value for the whole country.
I find some weaker evidence that traditional leaders are granted more constitutional rights when a state is in the process of democratisation. The effect of democratisation on constitutionalisation of rights for traditional leaders might be twofold: on the one hand, traditional leaders might have stronger incentives to lobby for more constitutional rights because democratisation might threaten their legitimacy. On the other hand, democratisation often goes hand in hand with more electoral competition. Therefore, politicians might be more likely to rely on traditional leaders for electoral mobilisation which might increase the opportunity of traditional leaders to be heard by politicians.

I also find increasing metropolisation of states to be associated with a smaller likelihood to grant beneficial legislation to traditional leaders. An increasing share of population living in the largest metropolis might point to an erosion of the relevance and authority of traditional leaders and hence their ability to claim rights from politicians. More recent constitutional versions are also more likely to contain a legal safeguard for traditional leaders which points to empirically known trends in constitutionalisation.

To sum up, I find evidence for the existence of quid pro quo alliances of politicians and traditional leaders across several countries. These alliances, I argue, are observable in networks of close personal ties and in the involvement of traditional leaders in electoral mobilisation. At the same time, politicians seem to reward the engagement of traditional leaders in organising political support by granting constitutional provisions that safeguard the role of traditional leaders in modern states.

In line with previous literature, this paper underlines the importance of traditional governance for political systems. Yet, it constitutes at best a start into the systematic analysis beyond isolated cases. Future research might want to explore the importance of regime and regime change closer, how traditional governance is embedded in ordinary law and which strategies are suitable to reduce legal uncertainty and the risk of conflict over authority between state agents and traditional leaders.
Office-holder by grace of the Chief? Exploring the Role of Traditional Leaders in Electoral Mobilisation in Zambia

Axel Bayer

1 Introduction

How do politicians win voters in developing democracies? Two identified ways to bring the voters to the ballot boxes are clientelism (Stokes et al. 2013) and ethnic mobilisation (Koter 2013: 188). In a clientelist system politicians build up patronage networks distributing goods in exchange for political support to a subgroup big enough to secure political power. Ethnic mobilisation works through co-ethnic identification with voters supporting candidates from the same ethnic group in the belief that they better represent their interests. In some countries there is evidence for another mechanism that connects the ethnicisation and clientelism logic: traditional leaders, heads of ethnic groups, mobilise their subjects for politicians and thus influence electoral outcomes.32 Based on traditional legitimacy, these leaders seem to be able to sway the votes of their subjects in favour of a certain party candidate. Despite the similarities to both clientelism and ethnic mobilisation, there are also important differences. Whereas traditional leaders act as vote brokers, they do not necessarily distribute goods on behalf of the patrons and they can act more independently as they cannot easily be replaced. Furthermore, traditional leaders might induce their own group to vote en bloc; yet, they might also be able to provide votes to non-co-ethnic politi-

cians. Despite the global prevalence of the phenomenon, few studies actually examine the motives for traditional leaders to engage in electoral mobilisation. In addition, it has hardly been assessed how important traditional leaders’ support on electoral results is.

In this paper I rely on the ethnicity and clientelism literature to argue that traditional leaders are able to provide substantial support to politicians in winning votes. The ascribed reasoning of traditional leaders is that they benefit personally from politicians who owe their position to them. I assess the role of traditional leaders for the Zambian parliamentary elections in 2016 using original data collected in 147 interviews with candidates and traditional leaders. Using a quasi-experimental design, I find a robust and substantial effect of traditional leaders’ support on the electoral result of favoured candidates.

2 Electoral Mobilisation Strategies in Developing Countries

Twenty years after the third wave of democratisation, elections are the most prevalent procedure for selecting the leading personnel (Lindberg 2006; Posner & Young 2007). Despite fraud, inequity, and democratic deficits in many countries, most people are in the position to select their legislators with their vote. However, from an individual perspective voting is associated with costs such as for balancing the options, collecting relevant information, and going to the polling station facing low chances of making a substantial difference with a single vote (Downs 1957).

Also, political candidates seeking to come into office and to pursue their political goals face enormous costs for reaching and convincing their potential voters. In addition, both voters and politicians are unsure about the respective commitments. The candidate does not know whether the targeted voter finally casts his/her vote in his/her favour and the voter does not know whether the elected politician wins and whether he/she provides the hoped for benefits. Ideological cleavages and programmatic mobilisation can form the necessary basis to bring candidates and voters together, but there is a trend towards decreasing party-voter-linkages and more volatile voters (Von Beyme 2000; Flanagan & Dalton 1984; Pedersen 1979; Inglehart 1977).

In developing democracies, both voters and politicians face higher costs compared to established democracies for several reasons. First, the weaker emphasis on ideological differences in the party system makes the exchange of information between politicians and voters more difficult and there is less experience of repeated interactions that could help to
overcome the commitment insecurity. Second, the overall economic status of a developing country is often reflected in poor infrastructure which increases the costs for reaching a polling station and for political campaigning. Third, the implementation of policies is harder due to a weaker bureaucracy and a limited public budget.

Therefore, mobilisation in the form of clientelism (Stokes et al. 2013) and/or ethnic mobilisation is even more important to bring the voters to the ballot boxes (Koter 2013: 188). Ethnic mobilisation uses co-ethnic identification as a shortcut in the voting decision. Voters are persuaded to support those candidates who belong to the same ethnic group believing them to better represent their interests. In a clientelist system politicians build up patronage networks distributing goods to the people in exchange for political support. Facing limited resources, patronage systems do normally not benefit the whole population but a subgroup big enough to secure political power. Ethnic and clientelist mobilisation can function independently but also in combination, such as when a clientelist network benefits exclusively one ethnic group.

In the following I give an overview over the literature dealing with these two mechanisms and illustrate how they overlap in describing the role of traditional leaders in electoral mobilisation.

2.1 Ethnic Mobilisation

Ethnicity is an important mobilisation factor as has been widely shown. There are two related phenomena how ethnicity interferes with politics: ethnic voting and ethnic parties: Ethnic voting denotes the behaviour of supporting a candidate or a party mainly because it identifies with the same ethnic group as the voter (Horowitz 1985: 320; Koter 2013: 187). The other side of the coin are ethnic parties or candidates. They are characterised as ethnic if they “derive their support overwhelmingly from an identifiable ethnic group (or a cluster of groups)” (Horowitz 1985: 291). How does ethnic mobilisation work or why do voters vote for co-ethnics? Facing the problem of the voting decision described above voters seek short-cuts. Co-ethnicity provides a link to candidates or parties which might make congruence in policy preferences and redistribution promises more likely (Baldwin 2014; Birnir 2007: 9).

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In cases where ethnic voting is strong, politicians can often rely on their ethnic fellowship. Therefore, politicians address their own group directly with more or less overt references to co-ethnicity (Koter 2013). However, if this fellowship does not suffice to win elections, politicians expand their campaign efforts to other ethnic groups. In order to reach these groups they seek the support of the groups’ leaders for mobilisation of voters. This strategy has been shown for different contexts in sub-Saharan Africa (Baldwin 2014; Koter 2013; Lemarchand 1972).

Both Kramon (2017) and Koter (2013) argue that politicians rely on two strategies for winning votes: direct and indirect mobilisation whereby they rely on the latter if institutions of influential leaders are available in the country context. Thus, groups with a decentralised organisation without a leader are mobilised directly whereas groups who have a leader or even several layers of leaders are rather addressed indirectly through their leaders. For Micronesia, Lal and Fortune (2000: 276) find that more consolidated traditional leaders are the preferred partners for politicians.

Koter (2013) claims that indirect electoral mobilisation through leaders reduces the emphasis on ethnicity in politics due to alliances of politicians and leaders across ethnicities. In a comparative analysis of Indonesia, Ghana, and Côte d’Ivoire, Côté and Mitchell (2015) find that powerful traditional leaders with well-established patronage networks can weaken the grounds for ethnic mobilisation by politicians and reduce the risk of “sons of the soil” conflicts during elections. By contrast, Van Rouveroy van Nieuwaal (1996: 45) points to the risk of societal segmentation if traditional leaders act as “vote banks” (Fisiy 1995). Tronvoll and Hagmann (2011) show for Ethiopia that the involvement of traditional leaders in electoral mobilisation can also aggravate ethnic tensions and even lead to violent clashes.

2.2 Clientelist Mobilisation

In addition to ethnic mobilisation scholars dealing with political clientelism describe another prevalent way of electoral mobilisation (Anderson et al. 2015; Baland & Robinson 2008; Stokes 2005; Wantchekon 2003; Auyero 2000; Escobar 1994; Cardoso 1992). Political clientelism describes the system in which political office holders or political candidates dis-

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34 Members of a regional minority ethnic group might consider themselves as indigenous “sons of the soil” and thus legitimate possessors of land in contrast to more recent, ethnically distinct migrants to this region from other parts of the same country (Fearon & Latin 2011: 200).
tribute resources in exchange for political support, normally in the form of votes (Gay 1990: 648). Thereby politicians establish relationships with themselves being patrons and the recipients of their appropriation as clients, who accept the political subordination under the patron (Fox 1994: 153).

In order to bind their clients closer to themselves, some politicians pursue a strict pork-barrel strategy that benefits mainly their constituents independent of the welfare of the larger electorate (Lizzeri & Persico 2001; Shepsle & Weingast 1981). In other cases politicians might consciously decide to provide mostly private goods to their clients at the cost of lacking resources for the provision of public goods.35 Many scholars point to the negative effect on efficiency and electoral accountability (Robinson & Verdier 2013; Keefer & Vlaicu 2008; Stokes 2005; Acemoglu & Robinson 2001).

Helmke and Levitsky (2004: 727) refer to clientelism as an informal institution, since its constituting rules are usually unwritten and regulate the behaviour of the involved agents through unofficial channels. It is these socially shared rules that suggest that clientelistic relations do not only consist of the exchange of concrete benefits for votes (Auyero 2000; Fox 1994; Gay 1990; Gouldner 1977; Scott 1977) and economic dependence (Baland & Robinson 2008; Stokes 2005), but are also often characterised by trust (Finan & Schechter 2012; Roniger 1990), solidarity, norms of loyalty (Fafchamps & Labonne 2017), and family relations (Cruz et al. 2015; Tellis-Nayak et al. 1983). As stated by Auyero (2000) it is in some cases hardly possible to distinguish whether the political support is the result of the provision of benefits or of loyalty. Still, some patrons or their agents are able to credibly control the return service of the clients, meaning the casting of the asked for vote (Baland & Robinson 2008; Stokes 2005). 36

Some authors highlight the importance of brokers in the functioning of clientelist networks. Especially for large networks the patron is reliant on brokers who ensure that the goods are well distributed and who uphold the relation between patrons and clients. Therefore, they need to have a position of trust among the targeted clients (Auyero 2000). Tradi-

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35 The boundaries of clientelism are blurry as exemplified by Luna et al. (2014:12-13): “while some would interpret a leftist party with a significant labour base that implements pro-union legislation as fulfilling its programmatic platform, others would classify it as realising a clientelistic pact through the delivery of a club good. Meanwhile, a candidate who gives away television sets door to door but who lacks a means for monitoring and punishment (if voters do not turn out for her) will be classified by some as pursuing clientelistic linkages, while others will consider this not clientelism but regular advertising, due to the lack of coercion and monitoring”

36 Donors risk funding a fix. The ruling party is laying the groundwork for using biometric technology to help it rig the result of the next election. Africa Confidential, 58 (16): 6-8.
tional leaders who often enjoy a position of trust and influence within their community are ideal to serve politicians as electoral brokers (i.a. Scott 1972). Yet, in a way traditional leaders are different from other brokers because they have a patronage relationship with their community (De Kadt & Larreguy 2018) which is independent of their service to the politician.

3 Win-Win Alliances of Traditional Leaders and Politicians

The ethnicity and clientelism oriented research branches overlap in describing the role of traditional leaders in electoral mobilisation. Traditional leaders are heads of ethnic groups and/or custodians of territories and their inhabitants on the basis of their communities’ customs of governance (Holzinger et al. 2016, Baldwin 2016, Logan 2009). The legitimacy of their position of governance is based on the popular recognition of the traditional character of this leadership institution (see also Förster & Koechlin 2018: 3; Krämer 2016: 136).

Traditional leaders often fulfil important functions regarding the socio-cultural life of the community, dispute settlement, administration of land and natural resources, and overseeing development projects (Van Rouveroy van Nieuwaal 1996: 41; De Kadt & Larreguy 2018, Ubink 2008). Playing still a very important role for the everyday life, traditional leaders enjoy the respect of their ethnic community and command great authority over their subjects (Logan 2013, 2009; Ntsebeza 2005; Oomen 2005a). This status based on traditional legitimacy makes them potentially powerful political actors.

In many countries, traditional leaders are therefore prohibited to run for a political post.37 Nonetheless, they seem to play a role in electoral mobilisation (Krämer 2016; Baldwin 2014; De Kadt & Larreguy 2018; Koter 2013; Tronvoll & Hagmann 2011; Cammack et al. 2009; Callahan & McCargo 1996; Minikin 1973; Scott 1972). Krämer (2016) describes how political candidates in South Africa use the occasion of traditional ceremonies for targeting their electorate with the approval of traditional leaders. In Burkina Faso traditional leaders “instruct rural populations to vote” for the Mouvement du Peuple pour le Progrès

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37 Based on their respective constitutions, traditional leaders are prohibited to engage in partisan politics and/or to have a seat in the national parliament in Botswana, Gambia, Ghana, Lesotho, Niger, Swaziland, Uganda, Zambia, and Zimbabwe. In Samoa, it is the opposite case, as being a traditional leader (Matai) is the prerequisite for running as candidate for the national parliament. Yet, some states grant formal representation to traditional leaders, often called Council or House of Chiefs, such as in Botswana, Ghana, Lesotho, Malaysia, Marshall Islands, Namibia, Palau, Sierra Leone, South Africa, Swaziland, United Arab Emirates, Vanuatu, Zambia, and Zimbabwe. Information based on TradGov constitutional dataset. This dataset and the TradGov group dataset were collected within the Reinhart Koselleck Project “Traditional Governance and Modern Statehood” (grant no. HO 1811/10-1).
(MPP), the party of the president, and they show their party support by attending official receptions. Likewise, in Mauritania, the president relies on the support of traditional leaders for political dominance in rural areas which serves him to achieve the desired result in a referendum. In Zimbabwe “traditional leaders are used to marshal their communities and lists of registered electors are checked against population registers to ensure maximum ZANU-PF supporter turnout”. Subsequently traditional leaders ensure that the voters vote for the ruling party “by lining up voters in order outside the polling station and finding out the number of the ballot paper given to the first one, traditional leaders and ruling party activists can walk along the queue telling each person in turn which ballot number they will be given when they get inside and that this information will be used to check how they voted” (ibid.).

The phenomenon of traditional leaders engaging in electoral mobilisation can be described as clientelism because traditional leaders use the social and economic power they possess in relation to their subjects for political gain (De Kadt & Larreguy 2018). The capacity of mobilisation depends on the traditional leaders’ relationship to their subjects and can be determined by trust (Finan & Schechter 2012; Roniger 1990), loyalty (Auyero 2000; Lemarchand & Legg 1972; Scott 1972), control, and obedience (Baland & Robinson 2008; Medina & Stokes 2007; Stokes 2005; Brusco et al. 2004) or by rational calculation of the voters (Baldwin 2013).

At the same time the mobilisation by traditional leaders constitutes a mechanism of ethnic voting since ethnic communities vote en bloc (Baldwin 2014) and candidates can present themselves as “sons of the soil” (Lynch 2011). However, voting blocs do not necessarily consist of all members of an ethnic group in a country but can be limited to the community under direct authority of its traditional leader.

Although the engagement of traditional leaders in electoral mobilisation has been observed in many contexts, the motives get less attention. Whereas the motive of politicians to come into office seems to be clear, the benefits for traditional leaders from mobilising their subjects is not immediately evident, at least when there is a clear separation of offices and traditional leaders are not allowed to run in elections. In classic clientelist networks brokers are responsible for the distribution of goods on behalf of their patrons.

38 More progress, less movement. The governing party is disappointing many with its response to mounting insecurity in the north. Africa Confidential, 58 (6): 5-6.
40 Donors risk funding a fix. The ruling party is laying the groundwork for using biometric technology to help it rig the result of the next election. Africa Confidential, 58 (16): 6-8.
They thus benefit in the form of the goods they keep for themselves and the power tied to that role. Yet, traditional leaders already have a prominent role within their community and are often economically privileged. Nevertheless, they might still be interested in extracting resources from the allied parties or to receive state funding through their allied politicians in office (Gottlieb 2014). By establishing such a clientelistic system they can profit personally and at the same time are able to provide resources to their subjects, which in turn helps them to legitimise their position towards their community.

Yet, there is evidence for another motive distinctive for traditional leaders. In South Africa the Congress of Traditional Leaders forms part of the ruling alliance around the African National Congress (ANC) and former President Zuma considered this representation organ of traditional leaders as “crucial to ensuring his own political survival and that of the ANC in 2019”.41 Confident in their indispensability traditional leaders claim land tenure from the government in order to uphold patronage over the inhabitants of their territories (ibid.). Boone (2009) observes in Côte d’Ivoire that the devolution of land rights serves to win political support of traditional leaders. In line with that result, Baldwin (2014) finds evidence in a cross-sectional study across 19 African countries that politicians systematically seek the support of non-aligned traditional leaders. These politicians aim to gain their support by granting land rights which endows traditional leaders with important political and economic authority.

Jacobs (2000), Beall et al. (2005), and Lund (2012) show that it is not only the politicians trying to ensnare traditional leaders. On the contrary, traditional leaders are aware of their potential to influence the elections on the one side and the need to achieve legal safeguard of their position on the other side. Hence, they threaten to withdraw political support if politicians do not signal the claimed accommodation. For the case of South Africa both De Kadt and Larreguy (2018) and Krämer (2016) argue that politicians in South Africa gain the support of traditional leaders by ensuring their position with legal means. As Krämer (2016: 122) puts it both politicians and traditional leaders are “mutually dependent”.

It thus appears that traditional leaders’ objectives are similar to those of politicians: both are interested in a political post, they are office-seekers. However, in contrast to politicians, traditional leaders do not fight to come into office, but try to safeguard their posts towards the state: in face of modernisation processes often combined with attempts of

democratisation, they fear to lose their position. A democratic system follows the principle of ensuring accountability through elections. With their most often hereditary claim to the leader position, traditional leaders risk that their traditional legitimation might not be sufficient any more in the future. As soon as the role of traditional leaders is publicly questioned, it is likely that politicians seize this claim out of a rational calculus to eliminate influential political actors.

Independent of the support by their people traditional leaders might also be afraid that increasing capacities of the state administration push them out of their positions and functions: as soon as a state is able to provide public goods throughout its territory the governance space of traditional leaders might be reduced to cultural matters and thus limited power. I therefore argue that traditional leaders have a substantial motive to achieve legal recognition of their position by the state.

Figure 1 below illustrates that in most countries, where traditional leaders govern, they aim for (further) recognition. This means that, either in the constitution or in separate acts, the institution of traditional leader is recognised and, in the optimal case, the withdrawal of a customary title is explicitly ruled out, such as in the Ghanaian constitution. In addition, either they are granted autonomous governance for their area of operation or certain functions are determined as their responsibility like in Colombia. On the Marshall Islands traditional leaders even have a veto right in national decision-making in instances where customary rights, traditional practice, or land tenure are concerned.

Of course, formalisation and legal clarification does not per se benefit traditional leaders. It can also restrict their functions or even establish a rigid control and accountability towards the state administration which is not in the interest of traditional leaders. Yet, traditional leaders will lobby for a legal formulation or implementation that empowers them rather than limiting their governance space.

Hence, I assume that politicians and traditional leaders have incentives to establish a *quid pro quo* alliance (De Kadt & Larreguy 2018): Traditional leaders use their authority over their ethnic group to mobilise votes for their allies. In return politicians use their political influence to provide beneficial legal recognition of traditional institutions. Although politicians cede competences to traditional leaders and establish or consolidate them as

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42 The TradGov group data set relies on an expert survey. The respective question was: “Do (at least some) leaders of the group try to achieve legal state recognition of their position and functions?” Thereby, the group name was specified.
43 See TradGov constitutional dataset.
political competitors, their first and main goal is to win elections. Thus, the primary competitors are the other political candidates.

**Figure 1:** Traditional Leaders’ aims for (further) legal safeguard

An alliance of politicians and traditional leaders is not necessarily as explicit as in the case of South Africa. Politicians might be just aware that they are reliant on the support of traditional leaders whereas the latter are aware that they need representatives of the formal state to achieve legal safeguard. Likewise, the form of support granted by traditional leaders and how it is presented publicly varies not only among individual leaders but also among communities and countries. In some cases, political candidates publicly seek the blessing of a leader or pay a courtesy visit before they start their campaign, in other cases leaders endorse candidates openly and publish their opinion in the press.\(^{44}\) In addition to overt support or the refusal to receive a candidate, leaders are able to use more subtle ways to disclose to their subjects who are their preferred candidates, such as through their network of lower ranking leaders and representatives in the villages.

Despite the common knowledge of the important role of traditional leaders for electoral mobilisation in the respective countries\(^ {45}\) it has so far remained unclear how large the effect of traditional leaders’ support on electoral result is. The challenge is to separate

\(^{44}\) The Jakarta Globe (10/04/2013); Scoop Independent News (28/01/2015); Vote Lungu – Mpezeni’, *Zambia Daily Mail*, 13 June 2016.

\(^{45}\) See TradGov group dataset.
the effect of traditional leaders from other ethnic and clientelism mechanisms that are likely
to take place at the same time. Thus there is not only a conceptual but also an empirical
overlap. If a traditional leader supports a co-ethnic candidate, the voters can be expected to
support that candidate first because he/she is a co-ethnic and second because he/she is the
preferred candidate of their traditional leader. In the same way an incumbent who might
have established a clientelistic network might be supported by the traditional leader of the
area and benefit from both clientelistic relations to the voters.

De Kadt and Larreguy (2018) aim to quantify the effect of traditional leaders’ influ-
ence on electoral results in South Africa making use of a geographic regression discontinui-
ty framework. However, their research design is not convincing in assuring that they actually
measure the effect of traditional leaders’ influence and not a classic effect of ethnic vot-
ing. Baldwin (2013) measures the effect of the support by traditional leaders on electoral
success in Zambia indirectly by considering the duration of the acquaintance of candidates
with the traditional leader in the respective constituency.

In this paper, I claim that there is a positive effect of support by traditional leaders
on electoral results in addition to other ethnic and clientelistic effects. I aim to isolate and
quantify the effect of traditional leaders’ support for a candidate on his/her electoral results
for the Zambian parliamentary elections in 2016 using a quasi-experimental design. There-
by the interest lies on the average effect of support knowing that the individual effect of
support of traditional leaders can vary according to their willingness to use their power for
the benefit of a candidate and to their capacity to do so (see above). Before I turn to the
research design I provide the necessary background of the Zambian political system. I de-
scribe the electoral and party system and the role of ethnicity. Furthermore, I illustrate the
situation of traditional governance and how traditional leaders use their influence to
achieve their policy objectives.

4 Zambia’s Political System, Ethnicity and the Role of Traditional
Leaders

My quasi-experiment to quantify the effect of traditional leaders’ support on electoral re-
results poses several requirements for the selection of a case: First, most obviously there
must be a population which is predominantly organised according to traditional institu-
In order to perform a vote broking function, traditional leaders need to be widely seen as legitimate and have social authority or control over their subjects in an equivalently effective way.

Second, as my theoretical assumption is based on the scenario of two kinds of actors, it only applies to political systems in which this distinction is present. In political systems in which traditional leaders have realistic chances to become members of parliament and thus reach the position to influence laws on their own, they have less interest to rely on other politicians but might seek to come into office themselves. However, several sub-Saharan states forbid traditional leaders to run in elections and even firm this ban up in the constitution, such as Botswana, Uganda, Swaziland, Niger, Zambia, Zimbabwe or Ghana. Other countries, such as South Africa, have explicit regulations in secondary law (Chigudu 2015). In Pacific countries, there are seemingly fewer nations that explicitly limit direct political engagement of traditional leaders, yet an example here is Micronesia (Lal & Fortune 2000: 274).

Third, politicians need to have an incentive to rely on traditional leaders for electoral mobilisation. As argued above, I expect the political system that is likely to yield ethnic and clientelist mobilisation to be a developing democracy or democratising system (see also De Kadt & Larreguy 2018: 2). As a core characteristic, elections are decisive for the selection of political personnel. There might (still) be problems concerning the fairness of media coverage and unequal financial endowment of candidates. Even electoral campaigns might be disturbed. Although candidates might have unequal means to influence the outcome of the elections, no one can manipulate the counting of votes to a large degree and come into office without winning the necessary majority. Yet, if many politicians themselves belong to an ethnic group with strong identification and cohesion that constitutes a sufficient majority in elections, they might not need the support of traditional leaders and can count on ethnic voting only. However, politicians have incentives to mobilise people through their leaders if the politician’s ethnic group is not sufficiently large in size for a majority (see Dunning & Harrison 2010) or if he or she cannot fully rely on ethnic voting, because his or her identification is not strong enough or there are co-ethnic competitors.

Zambia is a case that fulfils all identified criteria and thus constitutes the ideal setting for observing the effect of traditional leaders’ involvement in electoral campaigns. The

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46 If only a minority population is organised according to traditional institutions there are only few voters to reach through their leaders. Hence, they would only be addressed if the voters under traditional leaders are perceived as being pivotal.
Zambian political system is a presidential democracy. The directly elected president is both head of state and head of government and serves for five years, whereby the presidency is limited to two terms. The unicameral parliament, the National Assembly, is elected at the same time as the president. 157 of its seats are distributed in single-member constituencies according to the first-past-the-post system, eight members are appointed by the president, and an additional speaker is elected by the parliament majority. Members of the government are appointed by the president from among the members of parliament.

In contrast to its neighbouring countries, Zambia has experienced two governments to be overturned peacefully through elections (Phiri 2006). Yet, despite the introduction of a competitive multiparty system and a slight improvement of judicial independence since the end of the one-party state in 1991, Zambia still lacks a well-established pluralistic political culture. Since the first republic there has been a tendency that the party in power tries to hinder the activity of the opposition which already lacks access to resources compared to the ruling party. The practice of governing parties to provide its members and supporters with lucrative jobs sets strong incentives for office-seeking ambitions (ibid.).

In 2016, there are three major parties. The Patriotic Front (PF) is the ruling party and the party of the president, Edgar Lungu. In 2011, PF superseded the then ruling party Movement of Multiparty democracy (MMD). The third party is the United Party for National Development (UPND), now the most important opposition party. The Zambian parties lack institutionalisation and are still in a state of flux rather characteristic for political movements than of parties.

Although the PF identifies itself as left-wing party and UPND as being pro-business, both parties are hardly distinguishable ideologically and in their proclaimed goals. This goes hand in hand with a large fluctuation of the political personnel. This becomes obvious when considering the harsh intra-party struggles, the high rate of defections and the high turnover rates for the parliament.

Comparing the electoral results from the parliamentary elections in 2006 and 2011, there were only 53 incumbents (in 150 constituencies) who defended their seat for the party they had run for in 2006, in four cases the incumbent was successful but ran for another party (three defections from UDA to MMD, one independent to UPND). Yet, this is not

48 E.g. UPND bigwig joins PF, Zambia Daily Mail, 29 August 2016.
understandable with the shift of majorities (in 2011 the then governing party MMD lost), as in 110 out of 150 constituencies the same party won as in 2006. In the 57 constituencies where the incumbent party defended its seat with a new candidate, 14 incumbents ran for another party, and 43 did not run anymore, presumably because they were not nominated anymore by their party.

**Figure 2:** Ethnic groups of Zambia

Zambia is ethnically and linguistically diverse with nine larger Bantu-related language groups that are composed of several dozens of ethnic groups (Lindemann 2011: 12-14). Outside the urban areas of the capital of Lusaka and the industrial Copperbelt with their ethnically mixed population the ethnic groups live relatively separated from each other. Since the population is ethnically too fragmented, no party can rely exclusively on one ethnic group. The public discourse in Zambia is determined by the leitmotif “One Zambia,

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49 See also Percentage Distribution of the Population by ethnic groups in Table 4 in the Appendix.
One Nation” established by the first president Kenneth Kaunda. Whereas the former ruling parties United National Independence Party (UNIP) and MMD had a quite balanced support across all provinces, both PF and UPND are more strongly connected with their ethno-regional power bases. In contrast to the elections up to 2011, the presidential election in 2015 saw a relative clear-cut division of the country for the first time: whereas the urban, northern and eastern provinces were clearly won by Edgar Lungu (PF), the southern and western provinces were won by Hakainde Hichilema running for the UPND. The stronger emphasis on ethnic affiliation was also present in the campaign for the elections in 2016.

Every Zambian belongs to an ethnic group or tribe ruled by a traditional leader, a chief. The affiliation to a tribe and chief is even noted on each citizen’s National Identification Card. Zambia has 288 officially recognised chiefs and sub-chiefs all over the country. Each chief usually commands over several village headmen whom he appoints. Thereby, there are different hierarchical levels depending on the size and tradition of each tribe with the larger tribes having senior or even paramount chiefs above the ordinary chiefs. Chiefs are responsible for preserving public peace and for maintaining order. In rural areas, in which the national police are hardly present, it is the chief who is responsible to arrest delinquents together with the kapusu, the native police forces, and hand them over to the national police. Acting against the chief is a punishable offense, and the chief is explicitly entitled to proceed against suspects.

The greater power of chiefs, however, lies in their responsibility of the administration of customary land as acknowledged in the lands acts. Customary land encompasses 84 per cent of all land in Zambia implying enormous power as a grand majority of the people in rural areas lives from subsistence farming on customary land and is thus depending on land allotment by the chief. As acknowledged by a government report “chiefs/chieftainesses have absolute traditional authority over their subjects, thus they wield the potential of being listened to, respected and obeyed”. Chiefs enjoy the trust of

51 After the death of then president Michael Sata in October 2014, by-elections were necessary three months later and took place in January 2015.
52 E.g. Edgar Lungu’s narrow victory exposes a deeply divided country, Independent, 16 August 2016.
their subjects\textsuperscript{56} and they are crucial for implementing policies as “they have the capability to mobilise human, financial and material resources” (ibid.).

The state-traditional relations are administered by the Ministry of Chiefs and Traditional Affairs and its respective provincial and district offices. The rule of the chiefs is based on customary law but has formal law equivalents in the amended constitution (Art. 165 et seqq.) and the chiefs act. Chiefs need presidential approval in order to come into office formally.\textsuperscript{57} Also, the kapusu are appointed by the president after consultation with the chiefs. The president is formally superior to the chiefs due to his power to recognise and withdraw titles, but even more due to his power to determine the state subsidies for the chiefs on which most chiefs depend financially. While in office chiefs are excluded from “election or appointment to a State office” and from holding an “office in a political party” (Art. 168.2). Yet, there is a special organ of representation on national level. The chiefs elect 50 peers into the so called House of Chiefs whose members may give their advice on traditional governance and matters that the presidents refers to them (Art. 169).

Being aware of the great authority of traditional leaders, the Zambian government aims for good relations to the chiefs and avoids public conflicts.\textsuperscript{58} The government pays state subsidies to the chiefs and financially supports the construction and maintenance of a royal palace for each chief. In spring 2016 just a few months before the elections, the president raised the salaries to 10,000 ZMW\textsuperscript{59} per month for chiefs, and to 14,000 ZMW and 15,000 ZMW for senior and paramount chiefs respectively, which was an enormous increase by more than 100 per cent. Although the government denied so, it seemed as if the government wanted to buy the loyalty of the chiefs.

Yet, there are also clues that the legal aspirations of traditional leaders played a role. In 2016 the constitution was amended now granting explicit legal safeguard for traditional leaders: “(1) The institution of chieftaincy and traditional institutions are guaranteed and shall exist in accordance with the culture, customs and traditions of the people to whom they apply. (2) Parliament shall not enact legislation which (a) confers on a person or authority the right to recognise or withdraw the recognition of a chief; or (b) derogates from

\textsuperscript{56} In the Afro Barometer survey round 4 for Zambia 52 per cent of the interviewees stated that they trusted traditional leaders or trusted traditional leaders a lot. See Afro Barometer Data. Accessible via: http://www.afrobarometer.org/data. Accessed: 10/12/2013.

\textsuperscript{57} There are also chiefs not recognised by the state. They do not receive any state subsidies.

\textsuperscript{58} Exceptions are the cases of Chief Mburuma and Chief Kabulwebulwe whose claim to get back their land which was turned into natural reserves were denied by the Minister of Land and National Resources. President Michael Sata denied to recognise the designated Chief Chitimukulu of the Bemba.

\textsuperscript{59} 1 USD = 9.282 ZMK
the honour and dignity of the institution of chieftaincy” (Art. 165). In addition, the number of members in the House of Chiefs was increased to 50, before there were only 30 members.

Furthermore, the government drafted a new chiefs act that was to replace the old act from 1967 and to increase the formally recognised functions of traditional leaders, i.e. in natural resources management, in the administration of game areas, in the prevention of early marriage and concerning the enforcement of schooling. The House of Chiefs as the national representation of traditional leaders had long urged to update the chiefs act and welcomed the initiative.60

Since 2015, the Ministry of Lands prepared a new land policy draft that was to change the system of land administration in Zambia. According to this draft the responsibility for administering customary land was to be shifted from traditional leaders to land commissions. Whereas the ministry as well as many NGOs hoped for a more efficient use of land and a better access to land for women,61 the traditional leaders feared the erosion of their power. Their actual power over their subjects is closely linked to their role of administering the land. Consequently, the House of Chiefs rejected the policy as “defective”.62 Instead they claimed that any policy should “protect chieftaincy in Zambia”, traditional leaders be empowered “to issue customary land titles so as to provide legal protection to land owners on customary land”, and legal recognition of “practices that chiefs use to allocate/alienate parcels of customary land to their subjects/applicants, and practices/procedures that they use to manage conflicts” (ibid.). After this clear statement, the president announced to not issue a draft that contravenes the interests of traditional leaders. Thus the status quo, as in the interest of traditional leaders, remained.

Traditional leaders in Zambia have achieved to be perceived as crucial political actors. They are not only financially ensnared as in classic clientelistic networks, but also can exert their influence when it comes to political discussions as illustrated above. Engaging in electoral mobilisation thus strengthens the position of traditional leaders towards elected politicians as the latter know that they owe their victory as least partially to the support of the chiefs. If politicians do not comply with the policy preferences of chiefs, the chiefs can credibly threaten to withdraw their support and support another candidate in the next election. None of the parties thus dares to publicly question the future of chiefs knowing that

62 Cited from the final declaration of the House of Chiefs after its meeting in July 2016.
this would backfire to them in their electoral campaigns. Instead politicians of all parties publicly show their respect and esteem towards traditional leaders knowing that this is crucial when targeting traditional leaders’ subjects. Similar to the observation of Krämer (2016) for South Africa, politicians in Zambia seek to show their closeness to chiefs by participating in traditional ceremonies. Before the campaign in a constituency starts, the candidates of all parties usually pay a courtesy visit to the respective chief(s). Thereby, candidates hope to convince the chief of their qualities and achieve his/her support for the elections. Although chiefs are formally forbidden to be partisan, some chiefs state their preference publicly in the press, such as Paramount Chief Mpezeni of the Ngoni who publicly endorsed Edgar Lungu or Chief Shimumbi of the Bemba who endorsed the candidate of the UPND for his constituency and “thanked UPND leader Hakainde Hichilema for the pivotal role he played for him to be recognised by the PF government”. The majority of chiefs, however, exert influence on its subjects more subtly, especially if they prefer candidates of the current opposition. Whereas the chiefs naturally are reluctant to tell how exactly they influence their subjects, the majority admits that their subjects know about their preference. In the following part I present how I observed whom a chief supported.

5 Data
The aim of this paper is to quantify the effect of chiefs’ support on electoral results for the Zambian parliamentary elections 2016 using a quasi-experimental design. Hence, the units...
of observation in this study are the candidates running in that election. Since I cannot manipulate the treatment, the support by chiefs for candidates, I have to rely on observational data instead. I apply matching to balance the treated group, the group of candidates supported by chiefs in their constituency, and the control group, the group of candidates whose competitors are supported by chiefs (see below). As defined by Stuart (2010: 2) matching is a “method that aims to equate (or “balance”) the distribution of covariates in the treated and control groups”. Matching methods constitute a best-possible replication of a true experiment with observational data for cases where the treatment cannot be controlled by the researcher and thus allows for a quasi-experimental setting (Schnell et al. 2008: 222f, 230).

For the construction of the variables I relied on publicly available information and 147 interviews with candidates and traditional leaders I conducted in Zambia between February and August 2016. In the following I present how I obtained the data for the dependent and independent variables.

The outcome of interest is result, the electoral result measured as the percentage of the votes that a candidate received in his or her constituency in the parliamentary elections. 157 single-member constituencies and seats are won according to the first-past-the-post system. The parliamentary elections took place alongside the presidential and local elections on August 11 2016. Responsible for the conduct was the Electoral Commission of Zambia (ECZ) which publishes the official results. I obtained the results per constituency from the ECZ’s webpage.69 Paralleling the presidential elections most constituencies were won by either PF or UPND.70 The individual results ranged from 0.20 per cent to 95.76 per cent (see also below in Table 1).

The treatment variable is support of chiefs for a political candidate. The boundaries of the 288 chiefdoms, the respective territories administered by the chiefs, do not entirely correspond to the borders of the 157 constituencies. Within one constituency usually one or two chiefs reside. Most chiefs publicly pay lip-service to the norm of not engaging in party politics and do not disclose outside their ethnic group whom they support in the parliamentary elections. Therefore, I obtained that information in face-to-face interviews. Together with two Zambian research assistants I interviewed 44 chiefs from all ten provinces asking which candidate in their constituency they would support in the upcoming parlia-

70 As typical for first-past-the-post systems, there are usually two candidates per constituency who in sum receive most of the votes.
mentary elections. Of course a larger number of interviews would have been desirable. Yet, traditional leaders have the status of royalties and arrogate a particular respectful treatment and adherence to etiquette thus making web-based or telephone based interviews impossible. As most of the chiefs live in remote areas of Zambia, they cannot be reached by letter either.

From the answers I created a dichotomous variable equalling 1 for the supported candidate and 0 for all other candidates of the constituency. In my dataset, 33 candidates are supported and 103 have not received support of the respective chief. In cases where the respective traditional leaders were reluctant to reveal their preference or were undecided, candidates have missing values on this variable.

The treatment assignment depends on the decision of a traditional leader to support a certain candidate. I assume that traditional leaders support candidates who are likely to win, because elected candidates are better able to take influence in the decision-making process and provide the aimed for recognition of chiefs (see above). Hence, the relationship of support and electoral result is endogenous. If the pre-treatment chances of winning are unbalanced between treated and untreated candidates the causal effect might be overestimated. Therefore, I consider variables that might influence both the electoral success and the decision of a traditional leader whether or not to grant support.

In order to account for clientelistic effects affecting both the choice of chiefs and voters, I include a dichotomous variable for whether a candidate is running for PF (1) or another party (0). PF dominated the last government and was able to spend public funds for their campaign. Furthermore, the security forces appeared to be biased towards the party in office during the electoral campaigns hindering many rallies of the opposition (Goldring & Wahman 2016). There is one PF candidate in each constituency.

Relying on the public website of the National Assembly, I include a dichotomous measure for *incumbency* that equals 1 for candidates who were MPs for that constituency before the elections and 0 otherwise. Incumbents are usually known both to the electorate and to the chief. Due to their access to public funds, they might be better able than their competitors to build up a clientelist network which can constitute an advantage concerning

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71 In most cases I do not have information on the preferences of all chiefs residing in one constituency. I assume that complete information would be suitable to better explain the variation in the individual treatment effect, but otherwise might lead to an underestimation of the causal effect. If an unobserved traditional leader supports a candidate who is coded to be not supported that might reduce the size of the effect of the observed support.


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the likelihood to be supported by a chief and electoral success. There were 82 incumbents competing in the parliamentary elections.

Next, I consider whether a candidate was member of the government before the elections (1) and thus more likely to extract resources that he or she can spend during the campaign.\textsuperscript{73} Furthermore, the government increased the subsidies for chiefs just before the election (see above). Thus, members of the government might be seen more positively by chiefs. At the same time a member of the government might be held accountable by the chief and the electorate. Among the candidates competing in the parliamentary elections, there are 41 former ministers of the previous government.

In addition to variables capturing clientelism effects, I also consider effects of ethnic voting. Although Zambia historically has been known for little political ethnicisation, the importance of ethnic affiliation seems to have increased since the presidential elections 2015.\textsuperscript{74} Chiefs might prefer co-ethnic candidates and at the same time ethnic voting might have an influence on electoral results. The ordinal variable co-ethnicity indicates whether a candidate does not belong to the dominant ethnic group of the chiefdom (0), a related group (1), or the same ethnic group (2).\textsuperscript{75} Since the ethnic affiliation of candidates is neither publicly registered nor do the parties have information on the ethnicity of all their candidates, I asked 103 candidates for the parliamentary election which ethnic groups they belong to. Yet, only 45 candidates who were finally nominated revealed their ethnic affiliation. This can be explained retrospectively with the upcoming tensions at the time (ibid.).

Furthermore, I include an ordinal measure for whether the province is a stronghold for the party a candidate is running for. Although Zambian parties have a history of being ethnically mixed, the major parties have regional power bases with the Bemba dominated provinces Luapula, Muchinga, Northern, Lusaka and Copperbelt being traditional strongholds for PF, and Central and Eastern Province being MMD’s strongholds. However, Eastern Province recently became a new power base for PF and the Tonga dominated Southern Province is a stronghold for UPND. Western and North-Western provinces

\textsuperscript{73} The website of the National Assembly (see fn above) lists all current MPs. All members of the government are MPs at the same time and identifiable as such on that website as well.


\textsuperscript{75} For the information which ethnic groups are related I relied on Brelsford (1965).
seem neutral.\textsuperscript{76} For candidates of the ethnically more biased parties, UPND and PF, -1 indicates it is the stronghold of the opposing party, 0 denotes a neutral province, and 1 means an own stronghold from the perspective of the candidate. MMD candidates receive a 1 in Eastern and Central province and 0 otherwise. Independent candidates and candidates of smaller parties have a 0 on this variable throughout. Since Eastern province is coded as a stronghold for both PF and MMD, the mean of the variable is positive.

The number of candidates in a constituency is likely to affect the share in votes an individual candidate receives but also the chances to be the preferred candidate of a chief. Therefore I include for each candidate the \textit{number of competitors} in the constituency. Candidates have at least one competitor and up to nine.

\begin{table}[h]
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\caption{Descriptive Statistics of all Variables}
\begin{tabular}{lcccc}
\hline
Variable & Obs. & Mean & St. Dev. & Min & Max \\
\hline
DV: Result (%) & 656 & 23.78 & 25.22 & 0.20 & 95.76 \\
IV: Support & 136 & 0.24 & 0.43 & 0 & 1 \\
Clientelism & & & & & \\
PF & 656 & 0.24 & 0.43 & 0 & 1 \\
Incumbent & 656 & 0.13 & 0.33 & 0 & 1 \\
Government & 656 & 0.06 & 0.24 & 0 & 1 \\
Ethnic voting & & & & & \\
Co-ethnicity & 45 & 1.13 & 0.92 & 0 & 2 \\
Stronghold & 656 & 0.03 & 0.60 & -1 & 1 \\
Control Variables & & & & & \\
Infant mortality (per 1,000) & 656 & 74.95 & 14.23 & 55.80 & 94.90 \\
Unemployed (%) & 656 & 13.44 & 10.00 & 6.00 & 32.00 \\
PT ratio & 656 & 44.35 & 7.50 & 32.60 & 55.20 \\
Number of competitors & 656 & 3.64 & 1.54 & 1 & 9 \\
Gender & 656 & 0.88 & 0.33 & 0 & 1 \\
\hline
\end{tabular}
\end{table}

\textsuperscript{76} Western and North-Western province were mostly supporting the opposition candidate Hakainde Hichilema in the by-election in 2015, yet I consider a province a stronghold if the patterns holds since the 2011 tri-partite election.
The distribution of private goods through clientelist networks cannot be directly observed, but the provision of public goods and the state of the economy might also affect the preference of both voters and chiefs. Therefore, I include three measures to capture the developmental status and public goods provision of their constituency: \textit{infant mortality} rate, \textit{unemployment} rate (\textit{unemployed}), and the pupil teacher ratio (\textit{PT ratio}) for the primary schools for the respective constituency of each candidate. I use data from the most recent Living Conditions Monitor which I obtained at the Central Statistical Office.\footnote{The data is from 2015. I consciously choose to not use \textit{gdp per capita} as the majority of the population is not captured by the formal economy. Baldwin (2013) used classrooms as measure for public goods provision, yet, the most recent Living Conditions Monitor of Zambia lacks comprehensive information on that measure.}

Lastly, I add a dichotomous variable for \textit{gender} (\textit{male}=1) to account for a potential gender bias both in the likelihood of support by a chief and in electoral results. There are 81 female and 575 male candidates. Table 1 above provides descriptive statistics for all variables.

\section*{6 Analyses and Results}

The treatment of interest, the support of a chief for an individual candidate, cannot be manipulated but only observed. Therefore, I rely on a quasi-experimental design to estimate the causal effect of chiefs’ support on electoral results. The design is quasi-experimental since it constitutes a best-possible replication of an experiment if only observational data is available. Whereas an experiment achieves the comparability of treatment and control group by randomised treatment assignment, I aim to achieve that balance through matching (Stuart 2010). I build pairs of treatment and control observations that are as similar as possible on the observed covariates. Then I calculate for each pair the difference in the outcome variable \textit{result} which I use to estimate the causal effect of \textit{support}. I use different strategies, exact and non-exact matching, to identify suitable pairs, because they come with different advantages and disadvantages. In each approach I aim to balance control and treatment group concerning clientelist and ethnic mobilisation.

\subsection*{6.1 Exact Matching}

Exact matching means that I match such candidates from the treatment group and the control group who have the exact same combination of values on the considered covariates.
The advantage is that treatment and control observations are perfectly balanced and the
unnecessity of parametric assumptions. Yet, it is hardly possible to find exact matches on
non-categorical variables. Furthermore, the number of covariates that can be considered is
limited as with increasing numbers of covariates it is less likely to find an exact match.
Therefore, I focus on one variable to account for ethnic voting, namely stronghold, and two
for clientelism, namely incumbency and government in a first approach. Thereafter, I repeat
the exact matching approach with the remaining variables, co-ethnicity and PF (Table 2).

I use many-on-many matching, therefore I calculate the mean of result for each
value combination for both treatment and control group respectively and match those for
each value combination. This means on the one hand that all observations of treatment and
control group are considered as long as there is another observation in the respective other
group with the exact same value combination. On the other hand those observations are
discarded for which there is no exact match. For some value combinations there are more
observations in the control group or in the treatment group. Therefore I weigh the number
of pairs once based on the number of the group with less (column 2) and once with more
observations (column 1). The mean of results for the treatment group lies between 32.90 per
cent and 35.16 per cent above the mean of the control group. Thereby, the difference is
significant on the 5 per cent level for both specifications.

Table 2: Effect of chiefs’ support on electoral results based on exact matching of in-
cumbency, government and stronghold (Matching 1) and co-ethnicity and PF (Matching 2)

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<tr>
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<th>Matching 1</th>
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<tr>
<td></td>
<td>(1)</td>
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<tr>
<td>Difference in means</td>
<td>32.90*</td>
<td>35.16**</td>
</tr>
<tr>
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<td>20.34</td>
<td>12.46</td>
</tr>
<tr>
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</tr>
<tr>
<td>(3)</td>
<td>(4)</td>
<td></td>
</tr>
<tr>
<td>Difference in means</td>
<td>43.82***</td>
<td>42.70***</td>
</tr>
<tr>
<td>SE</td>
<td>7.40</td>
<td>7.58</td>
</tr>
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<td>Number of observations</td>
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<td>35</td>
</tr>
<tr>
<td>Number of pairs</td>
<td>21</td>
<td>14</td>
</tr>
</tbody>
</table>

p-values * 5 %, ** 1 %, *** 0.1 %

78 When matching exactly, there are different options how to deal with the case when there are many observa-
tions with the same combination and thus there are several possibilities to build a pair. I present the many-on-
many-matching approach here. In the Appendix I provide in Table 5 and 6 the results for one-on-one matching
and one-on-many matching in comparison to many-on-many matching.
In order to account for the effect of co-ethnicity and clientelism of the governing party PF I repeat the exact matching for those two variables (columns 3 and 4 in Table 2). Due to missing values in the co-ethnicity variable, the number of observations is smaller. Still, I find an effect of chiefs’ support on electoral result between 42.70 per cent and 43.82 per cent. The effect is significant on the 0.1 per cent level in both specifications. Thus it seems as if there is a substantial effect of chiefs’ support on electoral results even when considering other ethnic or clientelist effects.

6.2 Non-Exact Matching

Whereas exact matching allows to achieve a perfect balance of the considered covariates in a non-parametrical way, it has its limitations when it comes to continuous variables and with larger numbers of covariates to be considered. With increasing numbers of covariates, the chance to find exact matches decreases. At the same time ignoring relevant covariates might endanger the internal validity, the credibility of the causal effect estimation. Therefore, I use two non-exact matching approaches: Mahalanobis Distance Matching and Propensity Score Matching. Both matching strategies allow to account for all observed covariates. In contrast to the exact matching above, I now identify optimal matches for all treated observations, the supported candidates. This means that I estimate the average treatment effect of the treated observations (ATT) and not the average treatment effect (ATE), which would require to also identify optimal matches for control observations if the observations of both groups are systematically different, which is unknown.

I calculate the Mahalanobis Distance defined as

$$D_{ij} = (X_i - X_j)^\top \Sigma^{-1} (X_i - X_j),$$

where $X$ is the vector of all covariates for observations $i$ and $j$ for all possible pairs of treated and control observations. Then I match supported candidates and those without support using the pair with the lowest distance, hence the nearest neighbours. After checking that the matching is sufficient, I calculate the difference in the outcome (Column 2 in Table 3). The mean difference and thus the estimated causal effect of chiefs’ support is 30.25 per cent.

In contrast to exact matching, the use of non-exact matching methods requires the check of the balance of the observed covariates. Hence, I have to check whether the matching strategy was sufficiently successful in identifying control observations that are comparable to the treated observations. The direct comparison of mean values for the covariates does not point to any badly matched variables (see Table 7 in the Appendix). Rubin’s $R$, the ratio of treated to (matched) non-treated variances of the propensity score index lies in the recommended range of 0.5 and 2 suggesting that the two groups are sufficiently balanced.
Another non-exact matching approach uses the probability of a candidate to be supported based on the observed covariates. I compute a logistic model for the support by a chief, including all other independent and control variables and then predict values for support based on this model.\(^8\) These predicted values are the propensity scores or the likelihood of treatment assignment and unite the information of all observed covariates in one variable. This variable I use then to identify the nearest neighbour from the control group for each treated observation and calculate the difference in result (Column 3 in Table 3).

Furthermore, I also apply kernel matching based on the propensity scores. Instead of searching the nearest neighbour, each of the treated observations is matched to an average of all control observations weighted by the distance to the individual treated observation (Column 4 in Table 3).\(^8\) For both propensity score matchings I use only those observations within the range of “common support” which is the value range where the propensity score distributions of control and treatment group overlap (see Figure 3 in the Appendix). This provides for a better comparability because observations with very low and very high propensity scores are excluded.\(^2\) The estimated difference in result for supported candidates to candidates without support lies between 35.10 per cent and 46.78 per cent.

| Table 3: Effect of chiefs’ support on electoral results based on nearest neighbour and kernel matching |
|-----------------------------------------------|----------------|----------------|----------------|
|                                 | Unmatched | Mahalanobis (Nearest) | Propensity (Nearest) | Propensity (Kernel) |
| Difference in means               | 36.76***  | 30.25**       | 35.10*           | 46.78***         |
| SE                               | 7.17      | 11.21         | 14.11            | 8.38             |
| N                                | 45        | 45            | 20               | 30               |

p-values * 5 %, ** 1%, *** 0.1%

Although the estimates for the causal effect of support of chiefs on electoral results vary across the different models, I find a robust and positive effect throughout. There is a certain range, yet most estimates are about 35 per cent which points to an enormously strong

\(^8\) The logistic model is displayed in Table 8 in the Appendix.
\(^8\) Thereby I use a Gaussian kernel.
\(^2\) Furthermore, I check again the balance between control and treated group (see Table 7 in the Appendix). For the kernel matching Rubin’s R, lies in the recommended range of 0.5 and 2, yet for nearest neighbour matching it lies just below with 0.44.
effect. Especially in the face of the first-past-the post electoral system of Zambia, this means that chiefs have a tremendous influence on who will win the constituency their chiefdom lies in.

The positive effect of chiefs’ support is line with previous literature, although it has never been considered isolated from other ethnic and clientelistic effects on electoral results. My finding also reflects the intuition of Zambian politicians. In interviews with 103 MPs of the 11th Zambian National Assembly in spring 2016, 53.01 per cent of the MPs stated that it is more difficult to win votes if one does not enjoy the trust of the respective leader. As argued above, politicians in Zambia consequently aim to maintain good relations to chiefs and adapt even their policy-making.

7 Discussion and Conclusion
In this paper I examine the phenomenon of traditional leaders, heads of ethnic groups, providing support to politicians in winning votes. I argue that this political mobilisation strategy unites the logic of both clientelistic and ethnic mobilisation. Relying on these two literature branches, I look at the motives for traditional leaders to engage in electoral mobilisation. I claim that traditional leaders appreciate material benefits as in classic patron-client-relations but also push their political allies to grant legal recognition of their traditional institutions in return for their electoral support. In this way, traditional leaders aim to protect their important role in the community from potential threats from democratisation and modernisation processes.

I assess the role of traditional leaders for the Zambian parliamentary elections in 2016 using original data collected in 147 interviews with candidates and chiefs. Using a quasi-experimental approach based on matching, I find a robust and substantial positive effect of traditional leaders’ support on the electoral result of favoured candidates throughout different specifications and matching strategies. My approach allowed to delineate the support of chiefs from other clientelistic and ethnic effects. Yet, like all designs based on observational data, matching approaches rely on the assumption that all relevant covariates have been identified.

As a robustness test I compute a multivariate regression both with the unmatched and matched data, see Table 9 in the Appendix. Thereby I find a significant positive effect of 40.85 per cent (after matching, and 42.08 per cent with the unmatched data).
During the electoral campaigns in Zambia 2016, ethnic tensions rose pointing to the importance of that mobilisation strategy. At the same time, the stronger public emphasis on ethnicity hitherto unusual in Zambia resulted in candidates to be more reluctant in interviews to state their ethnic affiliation leading to a significant drop in observations. Although matching usually works best with larger numbers of observations, the effect of chiefs’ support seems so strong that is still observable for smaller numbers.

After the elections, the major opposition party UPND accused the governing party PF of electoral fraud (Goldring & Wahman 2016, Report of the Commonwealth Observer Group 2016). Of course I have no means to obtain undoubted electoral results. However, in my sample for the final analyses the candidates of UPND have on average more votes, both in the treatment and the control group.

My finding suggests that at least some of the successful candidates owe their post to the support of chiefs. I argue that traditional leaders are aware of their power and can exploit it in their interaction with politicians, inter alia to achieve legal safeguard of their role. The paper thus contributes to the understanding of the relation of traditional and modern actors and the role of chiefs in modern political systems. Even though I studied a case where the roles of politicians and traditional leaders are clearly separated, it is likely that their status also matters, when traditional leaders compete in elections themselves, at least for their own ethnic group.

There are several avenues for further research: First, the data collection can be extended both temporally and regionally. A panel study can examine effects beyond an isolated election and similar research in other countries might assure the generalisability of the assumed pattern. Second, in order to better understand the phenomenon, it would be helpful to study the variation of chiefs’ willingness and capacity to mobilise their subjects in favour of a certain party candidate. Finally, further research might look closely at the role of chiefs in policy-making both in single case studies and in a comparative approach.
## Appendix

### Table 4: Percentage Distribution of the Zambian Population by Ethnic Groups

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bemba</td>
<td>21.0</td>
</tr>
<tr>
<td>Lunda (Luapula)</td>
<td>0.9</td>
</tr>
<tr>
<td>Lala</td>
<td>3.1</td>
</tr>
<tr>
<td>Bisa</td>
<td>1.6</td>
</tr>
<tr>
<td>Ushi</td>
<td>1.9</td>
</tr>
<tr>
<td>Chishinga</td>
<td>0.5</td>
</tr>
<tr>
<td>Ngumbo</td>
<td>0.6</td>
</tr>
<tr>
<td>Lamba</td>
<td>2.1</td>
</tr>
<tr>
<td>Tabwa</td>
<td>0.7</td>
</tr>
<tr>
<td>Tonga</td>
<td>13.6</td>
</tr>
<tr>
<td>Lenje</td>
<td>1.6</td>
</tr>
<tr>
<td>Soli</td>
<td>0.7</td>
</tr>
<tr>
<td>Ila</td>
<td>0.8</td>
</tr>
<tr>
<td>Luvale</td>
<td>2.2</td>
</tr>
<tr>
<td>Lunda (North western)</td>
<td>2.6</td>
</tr>
<tr>
<td>Mbunda</td>
<td>1.2</td>
</tr>
<tr>
<td>Chokwe</td>
<td>0.5</td>
</tr>
<tr>
<td><strong>Total Population</strong></td>
<td><strong>12,526,314</strong></td>
</tr>
</tbody>
</table>


### Table 5: Exact Matching on Incumbency, Government and Stronghold

<table>
<thead>
<tr>
<th></th>
<th>One-on-one</th>
<th>One-on-many</th>
<th>Many-on-many</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1) Min</td>
<td>(2) Max</td>
<td>(3) Min</td>
</tr>
<tr>
<td>Difference in means</td>
<td>11.64</td>
<td>50.07*</td>
<td>9.00</td>
</tr>
<tr>
<td>SE</td>
<td>31.48</td>
<td>23.86</td>
<td>18.38</td>
</tr>
<tr>
<td>Number of observations</td>
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<td>40</td>
<td>122</td>
</tr>
<tr>
<td>Number of pairs</td>
<td>20</td>
<td>20</td>
<td>102</td>
</tr>
</tbody>
</table>

\textit{p-values * 5 \%, ** 1\%, *** 0.1\%}
One-on-one matching means that I build pairs of one treated and one untreated candidate. Every candidate is used for matching only once discarding all candidates for which there is no matching partner left. For some value combinations the number of candidates in the treatment and control group differ, usually there are more potential matches for a treated candidate. To account for the different combination possibilities, I calculate a minimum and a maximum to estimate the bandwidth of the causal effect. For the minimum, I match in each possible combination the treated candidates with the lowest outcome values (result) with those candidates from the control group with the highest outcome values. For the maximum, I match the candidates from the treatment group with the highest values with the candidates from the control group with the lowest values on the outcome variable.

For one-on-many matching I allow a candidate to be matched several times. Thus, all observations are matched if there is a counterpart with the same value combination. In order to account for the range of matching possibilities as to which candidate should be reused for another match, I calculate a minimum and a maximum.

### Table 6: Exact Matching on Co-ethnicity and PF

<table>
<thead>
<tr>
<th></th>
<th>One-on-one</th>
<th>One-on-many</th>
<th>Many-on-many</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1) Min</td>
<td>(2) Max</td>
<td>(3) Min</td>
</tr>
<tr>
<td>Difference in means</td>
<td>38.23</td>
<td>46.32*</td>
<td>43.08*</td>
</tr>
<tr>
<td>SE</td>
<td>31.08</td>
<td>31.68</td>
<td>27.74</td>
</tr>
<tr>
<td>Number of observations</td>
<td>28</td>
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<td>35</td>
</tr>
<tr>
<td>Number of pairs</td>
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<td>14</td>
<td>21</td>
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</table>

p-values * 5 %, ** 1%, *** 0.1%
Table 7: Balance Tests

<table>
<thead>
<tr>
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<th>Mahalanobis (Nearest)</th>
<th>Propensity (Nearest)</th>
<th>Propensity (Kernel)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Treated</td>
<td>Control</td>
<td>Treated</td>
</tr>
<tr>
<td>Incumbent</td>
<td>0.68</td>
<td>0.40</td>
<td>0.30</td>
</tr>
<tr>
<td>Government</td>
<td>0.36</td>
<td>0.24</td>
<td>0.00</td>
</tr>
<tr>
<td>PF</td>
<td>0.44</td>
<td>0.28</td>
<td>0.20</td>
</tr>
<tr>
<td>Stronghold</td>
<td>0.52</td>
<td>0.36</td>
<td>0.40</td>
</tr>
<tr>
<td>Co-ethnicity</td>
<td>1.36</td>
<td>1.08</td>
<td>1.30</td>
</tr>
<tr>
<td>Infant Mort.</td>
<td>74.13</td>
<td>70.76</td>
<td>71.05</td>
</tr>
<tr>
<td>PT ratio</td>
<td>46.44</td>
<td>44.58</td>
<td>45.14</td>
</tr>
<tr>
<td>Competitors</td>
<td>3.28</td>
<td>2.48</td>
<td>2.50</td>
</tr>
<tr>
<td>Gender</td>
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<td>0.88</td>
<td>0.80</td>
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<tr>
<td>Rubin’s R</td>
<td>1.90</td>
<td>0.44</td>
<td>0.61</td>
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Table 8: Logistic Regression for Support as basis for Propensity Score

<table>
<thead>
<tr>
<th></th>
<th>Coef.</th>
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</thead>
<tbody>
<tr>
<td>Incumbent</td>
<td>2.65*</td>
<td>1.26</td>
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<tr>
<td>Government</td>
<td>0.79</td>
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</tr>
<tr>
<td>PF</td>
<td>-0.01</td>
<td>1.41</td>
</tr>
<tr>
<td>Stronghold</td>
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<td>0.75</td>
</tr>
<tr>
<td>Co-ethnicity</td>
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<td>0.60</td>
</tr>
<tr>
<td>Infant Mort.</td>
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<td>0.06</td>
</tr>
<tr>
<td>PT ratio</td>
<td>0.13</td>
<td>0.14</td>
</tr>
<tr>
<td>Unemployed</td>
<td>-0.07</td>
<td>0.10</td>
</tr>
<tr>
<td>Competitors</td>
<td>0.17</td>
<td>0.34</td>
</tr>
<tr>
<td>Gender</td>
<td>0.52</td>
<td>1.10</td>
</tr>
<tr>
<td>Constant</td>
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<td>4.92</td>
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<tr>
<td>n</td>
<td>45</td>
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</tr>
<tr>
<td>Pseudo R²</td>
<td>0.38</td>
<td></td>
</tr>
</tbody>
</table>

p-values * 5 %, ** 1%, *** 0.1%
**Figure 3:** Common Support of Treated and Control Groups

![Common Support Graph](image)

**Table 9:** Pre- and Post-matching Multivariate Regression for Electoral Result (in percent)

<table>
<thead>
<tr>
<th></th>
<th>Unmatched</th>
<th></th>
<th>Matched</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coef.</td>
<td>SE</td>
<td>Coef.</td>
<td>SE</td>
</tr>
<tr>
<td>Support</td>
<td>42.08***</td>
<td>9.60</td>
<td>40.85***</td>
<td>11.77</td>
</tr>
<tr>
<td>Incumbent</td>
<td>-7.91</td>
<td>10.69</td>
<td>6.41</td>
<td>25.55</td>
</tr>
<tr>
<td>Government</td>
<td>-11.85</td>
<td>15.62</td>
<td>-23.36</td>
<td>34.88</td>
</tr>
<tr>
<td>PF</td>
<td>-1.53</td>
<td>12.65</td>
<td>7.00</td>
<td>20.29</td>
</tr>
<tr>
<td>Stronghold</td>
<td>5.08</td>
<td>6.50</td>
<td>-14.14</td>
<td>15.83</td>
</tr>
<tr>
<td>Co-ethnicity</td>
<td>-1.82</td>
<td>4.57</td>
<td>7.64</td>
<td>13.96</td>
</tr>
<tr>
<td>Infant Mort.</td>
<td>-0.32</td>
<td>0.54</td>
<td>-1.62</td>
<td>0.98</td>
</tr>
<tr>
<td>PT ratio</td>
<td>-0.20</td>
<td>1.28</td>
<td>2.21</td>
<td>2.25</td>
</tr>
<tr>
<td>Unemployed</td>
<td>0.15</td>
<td>0.84</td>
<td>-1.19</td>
<td>1.78</td>
</tr>
<tr>
<td>Competitors</td>
<td>-2.51</td>
<td>2.96</td>
<td>2.24</td>
<td>5.61</td>
</tr>
<tr>
<td>Gender</td>
<td>14.74</td>
<td>9.71</td>
<td>0.37</td>
<td>17.88</td>
</tr>
<tr>
<td>Constant</td>
<td>57.64</td>
<td>45.65</td>
<td>43.95</td>
<td>80.97</td>
</tr>
<tr>
<td><strong>n</strong></td>
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<td></td>
<td>22</td>
<td></td>
</tr>
<tr>
<td><strong>Adj. R²</strong></td>
<td>0.34</td>
<td></td>
<td>0.39</td>
<td></td>
</tr>
</tbody>
</table>

*p-values* *5 %, **1%, ***0.1%*
Comparing the Involvement of Traditional Leaders in Land Policy-Making in Malawi and Zambia

Axel Bayer and Daniela Behr

1 Introduction

In late 2016, Malawi’s traditional leaders marched to the parliament in the capital Lilongwe protesting against recently-adopted land bills which have been signed into law irrespective of their fierce repugnance. Non-governmental organisations (NGOs) and land advocacy coalitions welcomed these long overdue land reforms which are supposed to provide more tenure security to customary land holders. Yet, due to the agitated protest of the traditional leaders, many of these organisations are now sceptical that the laws will be duly implemented anytime soon. In Zambia, in contrast, traditional leaders just recently agreed on a new land policy draft with similar objectives.

In this paper, we examine why Zambia’s land policy output was genuinely accepted by the country’s traditional leaders, while Malawi’s leaders fiercely resisted the new land laws. We compare the involvement of traditional leaders, who perceive themselves as custodians of customary land, in the land policy-making processes against the background of the general state-traditional relations in both countries. Malawi’s institutional set-up on the state-traditional interface is rather distorted and only some traditional leaders have been reluctantly and uncoordinatedly included in the consultation processes preceding the land policy formulation. While the land bills are by now formally enacted in Malawi, the actual implementation of these bills is impeded by the traditional leaders, who feel that the government is using the bills as a means to abolish the institution of chieftainship as a whole. Zambia, in contrast, has institutionalised its relation to the country’s traditional leaders, creating an environment where actors emphasise their mutual respect, providing for formal
channels on how traditional leaders can participate in policy-making, and thus in the land reform process. Although the negotiations in Zambia were still challenging, state representatives consciously avoided endangering the established relationship with chiefs and continued including them in the policy-making process.

Land reforms inherently address and potentially alter the power structures in a country (Boone 2013). Since particularly in Africa, traditional leaders often have the supreme power to administer customary land, they have high stakes in any change of the status quo in land governance. Due to the pivotal role that these leaders play in the land sector, a lack of consensus between the state and traditional leaders in the land policy-making process may reduce chances of successful land policy implementation. Traditional leaders might feel undermined in their power, which they often draw over land, if they are not included in the policy making process. Therefore, we conceive it crucial to come to terms with these stakeholders in order to achieve consensual policy outputs. The chance to achieve traditional leaders’ acceptance of land reforms, we argue, can be improved if they are actively involved in the policy-making process. This, however, requires first, a solid state-traditional relationship which is arranged through formal channels of interaction, and second, the sincere political will by state and traditional actors for collaboration.

This paper contributes to the literature that investigates the role of traditional leaders vis-à-vis modern states. Holzinger et al. (2016) provide an encompassing overview on the academic discussion on traditional governance. The interaction of traditional and state institutions has been investigated with regards to (internal) conflict (Wig & Tollefsen, 2016; Eck 2014; Goodfellow & Lindemann 2013), democracy (Seeberg 2018; Pur & Moore 2010; Logan 2009; Van Kessel & Oomen 1997; Van de Walle & Bratton 1997), and economic development and public goods provision (Magaloni et al. 2018; Wilfahrt 2018; Acemoglu et al. 2014; Baldwin 2014; Osafo-Kwaako & Robinson 2013; Lenski & Nolan 1984). Whereas this literature emphasises the effect of state-traditional relations on different outcomes, studies on how traditional leaders are practically involved in policy-making are largely absent.84 In trying to fill this gap, we show how traditional leaders can be involved in the policy-making process in order to reach outputs that are accepted by all stakeholders suggesting more feasible implementation.

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84 An exception is on co-management of fisheries by Chuenpagdhe & Jentoft (2007).
2 Customary Land Administration and Reforms

Today, in most sub-Saharan states, besides a state-sanctioned sphere of governance, traditional governance often exists as a second sphere. While state governance systems have usually been imported by the colonisers, traditional governance systems usually date back to pre-colonial times and only apply to certain (different) ethnic groups. Traditional leaders such as chiefs, kings, village headmen, or -women take on important governance functions and play an important role in shaping the every-day life of their community as shown in Figure 1. In almost every African country, traditional leaders affect the lives of communities to some extent and thus also often handle issues that are usually in the hand of the state, like land governance.

**Figure 1:** Perceived importance of traditional leaders in Africa

In the land sector, the intersection of state and traditional governance becomes particularly apparent. On customary land, which accounts for about 80-90 percent of sub-Saharan Africa’s arable land (Colin & Woodhouse 2010; Boone 2007; Deininger 2003), traditional leaders are decisive; they do not only oversee large shares of land, but they also have the supreme right to determine who can access land, how land can be used, and who is allowed to inherit it (Wily 2008; Hinz 2008). Under customary tenure, land is usually allocated according to non-written, customary rules and practices without any formal registration procedures (Colin & Woodhouse 2010).

85 The dataset was collected within the Reinhart Koselleck Project “Traditional Governance and Modern Statehood” (grant no. HO 1811/10-1). The question in the web-based expert survey was: “In your opinion, how important are these leaders, bodies, and rules of the group for the everyday life of the group members?” Thereby, the group name was specified.
Since the 1990s, land policy reforms have come to the forefront of the policy agenda in many sub-Saharan African states. These reforms aimed at establishing effective land management institutions, securing private property rights, addressing conflicts over land, and providing re-distributive policies to address inequalities in access to land (Lund & Boone 2013; Boone 2007; Deininger 2003). Fundamentally, many of these land reforms also aimed at a stable legal basis for customary land holders (Peters 2013). As such, they inherently address the power base of traditional leaders, who often understand themselves as the owners of customary land (Behr et al. 2015).

Both Malawi and Zambia are currently carrying out land reforms to provide more tenure security to customary land holders. While Zambia was able to come to terms with the country’s traditional leaders, the adopted land bills in Malawi triggered traditional leaders’ anger which is likely to make the implementation of this policy cumbersome or even impossible. In order to understand why traditional leaders in Zambia are more willing to support the country’s land reform efforts compared to neighbouring Malawi, we investigate the involvement of traditional leaders in the land policy-making process in both countries. Therefore, we rely on data gathered during field work in Zambia and Malawi. In particular, we draw on the countries’ laws and policies, newspaper articles, (confidential) policy-documents, petitions and political statements as well as 203 semi-structured interviews conducted between November 2015 and July 2016 in Malawi and Zambia. Among those interviewed are (1) government officials at national, regional and local level as well as members of parliament (MPs) and party officials, (2) traditional leaders, (3) activists in civil society and NGOs, (4) scholars, advisors and experts as well as (5) ordinary village members.

3 Country Context: Same Same But Different
Malawi and Zambia are both landlocked countries in Southern Africa. Both are multi-ethnic nations whose societies mostly consist of larger Bantu-related language groups that are composed of several different groups (Lindemann 2011). In both countries, these groups, while certainly diverse in their culture, history, and organisation are headed by traditional leaders. In Zambia, there are 288 chiefdoms and every citizen is formally assigned

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86 Personal follow-up communications in late 2017 complement these data.
to a chiefdom which is registered in the national registration card.\textsuperscript{87} In Malawi, the exact number of chiefs is unknown, but estimated to be as high as 2,000.\textsuperscript{88} While not formally registered like in Zambia, traditional leaders are a vivid reality and a Malawian village formally cannot exist without a chief.

Today, in both countries, rural life is unimaginable without traditional leaders. Particularly, when it comes to customary land, which is estimated to encompass large portions of both countries’ arable land, chiefs in Zambia and Malawi hold significant responsibilities (Peters & Kambewa 2007).\textsuperscript{89} The grand majority of the people in rural areas maintain their livelihoods by subsistence farming on customary land. Hence, they heavily depend on land allocation by their chiefs. Although Zambia is less densely populated than Malawi and there is statistically more land available per capita, there is an increasing problem of landlessness and conflicts over land.\textsuperscript{90}

Both countries recently undertook major land reform efforts aiming at providing more tenure security to customary landholders. As a result, the reforms have a tremendous impact on traditional leaders, who understand themselves as custodians of customary land in both countries.\textsuperscript{91} In Malawi, the land reform process gained pace in 2002, after a national land policy was adopted subsequent to the release of a presidential special commission’s report on how to reform outdated colonial land laws of the 1960s. The land policy was lauded progressive and comprehensive by many experts, NGOs, and government officials.\textsuperscript{92} Subsequent to the adoption of the land policy, it took the country almost a decade until first drafts on new land bills were officially published in 2012, approved by cabinet, and sent to the parliament for reading in June 2013.\textsuperscript{93} The eventual adoption of ten land-related bills in September 2016 was accompanied by the stark protest of the traditional leaders. While the land bills are now formally enacted in Malawi, the actual implementation of these bills is doubtful due to the repugnance of the country’s traditional leaders.

\textsuperscript{87} Interview, Professor, Cavendish University, Lusaka, Zambia, 25 January 2016.
\textsuperscript{88} Interview, Senior Officer at the Ministry of Lands, Housing and Development, Lilongwe, Malawi, 10 November 2015.
\textsuperscript{89} See also Zambia Country Profile 2011: Property Rights and Resource Governance. Washington DC: USAID.
\textsuperscript{90} Government of Zambia. 2015. \textit{Draft Land Policy}.
\textsuperscript{91} Interview, Senior Chief Traditional Institution of Governance, Nkhata Bay, Malawi, 12 December 2015.
\textsuperscript{92} Interview, Civil Society Organisation, Lilongwe, Malawi, 8 December 2015.
\textsuperscript{93} Interview, Senior Officer at the Ministry of Lands, Housing and Development, Lilongwe, Malawi, 17 November 2015.
In Zambia, in 1995, a new land act was enacted in order to encourage investment and development. The land act legally recognised the responsibility of traditional leaders for customary land thus mirroring their *de facto* status. Yet, there were severe issues including boundary disputes, unsecure property rights of customary land holders, or discrimination in land allocation based on origins, status and gender.\(^{94}\) In order to overcome these issues, the Zambian Ministry of Lands, Natural Resources and Environmental Protection (MLNREP) initiated the drafting of a land policy with support of domestic and international NGOs in 2006. Following country-wide consultative workshops, the MLNREP developed a detailed policy draft in 2015. This draft was presented on district level and discussed among the responsible ministry and the Zambian House of Chiefs, the national representative organ of traditional leaders. In December 2017, a consensus was achieved and the draft is supposed to be tabled in the first session of the Zambian parliament in February 2018.

There are tremendous differences in attitudes towards the land reform process between Malawi’s and Zambia’s traditional leaders. Malawian chiefs feel that the government is using the bills to abolish the institution of chieftainship and therefore decided to protest and undermine the policy implementation process.\(^{95}\) Zambian chiefs, in contrast, acknowledge that they were included in the policy making process and that the government responded sufficiently to their concerns.\(^{96}\) Thus, up until now, they fully support the land policy reform. We perceive the legal output to be closely linked to the policy-making process and particularly the degree of involvement of traditional leaders. Thereby, we see the policy-making processes to become best understandable against the background of the general state-traditional relations in the two countries.

### 3.1 Formal State-Traditional Relationship in Zambia and Malawi

Both, Zambia and Malawi are relatively young democracies. Setting an end to the one-party rule of the second republic, Zambia held multi-party elections in October 1991; Malawi followed three years later in 1994, after three decades of an increasingly repressive regime. During authoritarian rule, President Kaunda in Zambia and President Banda in Malawi led the country in a one-party system with the Zambian United National Independence Party (UNIP) and the Malawi Congress Party (MCP), respectively, controlling virtually all aspects

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\(^{95}\) Interview, Senior Chief, Mzuzu, Malawi, 17 December 2015.

\(^{96}\) Personal communication, administrative officer, House of Chiefs, Lusaka, Zambia, 20 December 2017.
of political life. In both countries, during that time, traditional leaders were co-opted by the authoritarian leaders to fortify their rule (Chiweza 2007; Phiri 2006).

While Zambia and Malawi exhibit some similarities in terms of colonial history, of the state-traditional relationship during one-party rule, and the general organisational patterns of the traditional institutions, there are fundamental differences regarding the formal interface of state and traditional institutions. Even though both countries recognise traditional leaders in their current legal framework, the actual rights granted to these leaders vary significantly. In fact, Zambia harmonises the roles and responsibilities of state and traditional institutions to a much larger degree than Malawi.

Zambia has devoted a significant part of the constitution to the institution of chiefship. Enforced in 1991 and amended in 2016, the constitution meticulously regulates the concept and principles relating to the institutions of chiefs. As such, Zambia’s prime law establishes the House of Chiefs with its Article 169. The House of Chiefs constitutes a representative organ of traditional leaders at national level and serves as an advisory body to the government on traditional governance and matters that the presidents refers to it. It is comprised of 50 traditional leaders from all ten provinces, who are elected by the peers of their province.97 The house meets two to three times per year for sessions of one or two weeks to discuss the policy drafts that the government refers to it. They elaborate their opinion in committees and then present their assessment and comments to the responsible members of the ministries. More disputed drafts are discussed during several sessions until a consensus is found between traditional leaders and the government. Although the constitution does not provide a formal veto power for traditional leaders, consensus remains the modus operandi between state and traditional institutions. Thus, the house can be considered an important organ in the legislative process on matters that concern the traditional sphere.

Next to establishing the House of Chiefs, the constitution also clearly separates the roles of elected politicians and traditional leaders: while in office as chiefs, they are excluded from “election or appointment to a State office” and from holding an “office in a political party” (Art. 168.2). Hence, the Zambian constitution clearly outlines the rules and responsibilities of the country’s traditional leaders.

This fact is also perpetuated in ordinary law. The 1995 land law, which recognises the responsibility of traditional leaders for customary land and the 1965 chiefs act are most

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97 In 2016, the government accommodated the chiefs by increasing the number of members in the House of Chiefs to 50 (before 30).
relevant when it comes to the formal state-traditional relationship. The chiefs act states that chiefs are subjugated to the president, who has the final say over who can become a chief. Further, traditional leaders are provided with far-reaching consultation powers when it comes to the appointment of sub-chiefs, and the traditional police forces – the so-called kapusu. In addition to these consultation powers, chiefs are also entitled to preserve public peace and order in Zambia; in fact, acting against the chief is a punishable offense and the chief is also explicitly entitled to proceed against suspects. At the moment, the Zambian government is preparing a new chiefs act that will replace the 1965 version increasing the formally recognised functions of traditional leaders, i.a. in natural resources management, in the administration of game areas, in the prevention of early marriage, and concerning the enforcement of schooling. In addition, the 1995 local government act, grants every chiefs of a district the right to appoint two members of the respective local council, Zambia’s lowest local government authority.

In contrast to Zambia, Malawi is rather restrictive in the entrenchment of formal rights for traditional leaders in its 1995 constitution. While the constitution recognises traditional leaders’ existence, it does so rather indirectly by mentioning them as important actors in conflict resolution (Art. 110) and local governance (Art. 146). Even though the Malawian constitution stipulates the role of traditional leaders in the local governance arena, it is rather unspecific about their exact jurisdiction. In stark contrast to Zambia, Malawi’s current constitution does not establish any national coordination mechanism for its traditional leaders, like a House of Chiefs. This has not always been the case. In an earlier draft, Malawi’s constitution planned for a senate as a second chamber of parliament. The senate was meant to be composed of traditional leaders and representatives from different interest groups. However, the senate in fact never became operational as it was abolished by the 2001 constitution (amendment) act. Senior government authorities argued that the government wanted to confine the preponderance of traditional leaders since they became too powerful within the country. With the abrogation of the senate, chiefs lost their chance to play any significant role at national level. Also, they did not receive any formal-

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98 Interview, Senior officer at the Ministry of Chiefaincy and Traditional Affairs (MCTA), Lusaka, Zambia, 16 February 2016; Interview, traditional leader, Lusaka, Zambia, 12 July 2016.

99 Interview, Officer at the Anti Corruption Bureau, Lilongwe, Malawi, 19 November 2015.
ised role to participate in a coordinated manner to voice their concerns when it comes to policy-making.100

The difference to Zambia concerning the formalisation of the state-traditional relationship becomes even more apparent in ordinary law. Although Malawi also implemented a so-called chiefs act in 1967, Malawi’s chiefs are by far not as embedded into the political system as they are in Zambia. Malawi’s chiefs act provides rather generic provisions regarding the appointment, removal, remuneration, duties, and sanctions of traditional leaders. There are many complaints about these generic provisions stating that Malawi’s leading law on the state-traditional interface is “old, limited in coverage, and thin in content”.101 Even though the act was amended several times, the essentials governing the relationship between traditional and state authorities in the country remained unchanged. Just as an example, while constituting an important authority in the hierarchical chain of chiefs in Malawi, the term traditional authority (TA) does not appear in the chiefs act and thus fails to provide legal backing for one of the most important traditional institutions in the country. This inconsistency is exacerbated by the fact that TAs are endowed with important responsibilities in other laws such as the 2002 land policy, the 1998 local governance act, and the 2016 customary land act. Yet, the main legislation on traditional governance fails to even recognise traditional authorities. Being aware of some of the loopholes in the act, the Ministry of Local Government mandated the Malawi Law Commission to review the chiefs act. The ministry wanted to align the law with democratic principles and constitutional orders, to clarify the chiefs’ role in supporting the social and economic activities in the districts, and to depoliticise the role of chiefs.102 The Malawi Law Commission released a series of short papers in 2015 making some few recommendations on how to amend the act. An actual amended version of the law, however, is not publically available. The ministry pointed out that the amended version would evoke simmering conflicts between traditional and state authorities and is therefore currently locked up until tensions over recently adopted land legislation have eased.103 Also, Malawi’s laws and policies on local governance (e.g. 1998 decentralisation policy and the 1998 local government act) do not clearly spell out the role of traditional leaders at local level. While endowed by the constitution to play an important

100 Interview, Senior Officer at Ministry of Local Government and Rural Development, Lilongwe, Malawi, 19 November 2015.
101 Interview, Expert on Land and Traditional Institutions, Zomba, Malawi, 2 December 2015.
102 Interview, Senior Officer at Ministry of Local Government and Rural Development, 19 November 2015.
103 Interview, Senior Officer at Ministry of Local Government and Rural Development, 19 November 2015.
role in local governance, they merely receive non-voting, ex-officio status in Malawi’s local governments, the so-called local councils.

To sum up, the formal rules provided in Zambia and Malawi on the state-traditional interface are fairly different. Zambia’s laws and polices establish clear areas of jurisdiction between state and traditional authorities. In addition, through the formal establishment of the House of Chiefs, Zambia’s traditional leaders are formally involved in policy-making, thus being able to voice their opinions and concerns at national level. In Malawi, in contrast, laws are ambiguous regarding the area of jurisdiction of traditional leaders and efforts to update or change legislation on traditional governance usually trigger their vocal reluctance. Further, in Malawi, chiefs virtually play no role at national level, since the envisaged senate was abrogated in 2001. Hence, there is no formalised mechanism for negotiations between state and traditional actors. The traditional leaders feel that they are not as strongly represented as they should be. This fact is also perpetuated in the de facto state traditional interface, as we will show in the next section.

3.2 De Facto State-Traditional Interface in Zambia and Malawi

In a Zambian government report, it is acknowledged that “chiefs/chieftainesses have absolute traditional authority over their subjects, thus they wield the potential of being listened to, respected and obeyed”\textsuperscript{104}. Therefore, every recent government but also the opposition seek to publicly show that they respect and consult traditional leaders.\textsuperscript{105} The president usually does not interfere with the succession to the throne\textsuperscript{106} and in 2016, the government raised the salaries of chiefs to 10,000 Zambian Kwacha (ZMW) per months for ordinary chiefs.\textsuperscript{107} This enormous increase of state subsidies was widely welcomed by the chiefs and interpreted as a sign of appreciation of the president.

The effort to show respect also becomes observable when politicians and chiefs encounter each other in Zambia. There is a strict etiquette that politicians follow, which is also reported accordingly in the press. This means mainly that politicians behave decently...

\textsuperscript{106} An exception constituted President Michael Sata who denied the recognition of the designated Chitimukulu, Paramount chief of the Bemba, which caused severe dissonance (Professor, Lusaka, Zambia, 25 January 2016). Sata’s successor Edward Lungu recognised the Chitimukulu which pacified the relation of the government to the Bemba.
\textsuperscript{107} 1 US$ = 9.282 ZMW
and humble towards chiefs respecting their national importance.\textsuperscript{108} In terms of their preferences on the future role of traditional leaders, a large majority of MPs reported that they are favouring the legal status quo or rather an expansion of formalised rights of traditional leaders.\textsuperscript{109} This attitude is remarkable, as chiefs have been repeatedly seen as political rivals by past governments and there have been several attempts to abolish or sideline chiefs (Phiri 2006). Yet, chiefs have shown to be resilient and to unite against the government across ethnic affiliations and party preferences when it comes to the maintenance of their institutions. The House of Chiefs has increased the sense of commonality among chiefs and strengthened their self-confidence towards politicians.\textsuperscript{110} Furthermore, politicians know that they are dependent on the support of chiefs for electoral mobilisation\textsuperscript{111} and societal cohesion. Both the tri-partite elections in 2016 and prospective social hardships in consequence of measures to fight the current depth crisis\textsuperscript{112} strengthened the dependence of politicians on chiefs.

On the other hand, Zambian chiefs formally emphasise their respect for the state sphere and their acceptance of the democratic legitimacy of the government.\textsuperscript{113} Although traditional leaders have preferences concerning candidates and parties and use their authority to exert influence in elections, most of them would avoid doing so openly.\textsuperscript{114} Most chiefs also trust that the government is willing to continue the collaboration with chiefs and cannot imagine any party seriously aiming for reducing their role. Although their authority is most important at local or regional level, many Zambian chiefs are loosely in contact with national politicians, often the MPs of their constituency, or the ministers, but in particular the president. Yet, the degree of personal links with politicians varies, but all chiefs rely on their peers in the House of Chiefs to voice their concerns at national level.\textsuperscript{115}

In Malawi the picture is different. Chiefs feel that their role within the country is constantly diminishing.\textsuperscript{116} While both traditional and state authorities pay lip service to the


\textsuperscript{110} Interview Professor, Lusaka, Zambia, 25 January 2016.

\textsuperscript{111} Interviews, Members of Parliament, Lusaka, Zambia, 9 February to 5 March 2016.

\textsuperscript{112} Stumbling into a debt crisis. \textit{Africa Confidential}, 58 (25)

\textsuperscript{113} E.g. BRE to work with government of the day, \textit{Lusaka Times}, 4 December 2011.

\textsuperscript{114} Interviews, traditional leaders, Lusaka, Zambia, 12-22 July 2016.

\textsuperscript{115} ibid.

\textsuperscript{116} Interview, sub-Traditional Authority Nkhata Bay, Malawi 11 December 2015.
cordial relationships, at times, tensions between state and traditional authorities are high. For instance, while formal rules outlaw traditional leaders in urban areas, they themselves still perceive their role legitimate in towns. As a result of this ambiguity, traditional and state authorities are in constant conflict. In Zomba, one of Malawi’s four urban centres, for example, police and traditional authorities physically clashed over the issue of chief’s jurisdiction in towns. Paired with the unclear role that Malawi’s laws provide for traditional leaders in general, there is a lot of mistrust between government authorities and traditional leaders. Particularly at the local level, where traditional leaders in Malawi are meant to play an active role, the governance arena is distorted. Elected local councillors, supposed to represent the government arm of the local governance arena and traditional leaders seem to have overlapping jurisdictions. This fact is even more exacerbated since local elections were postponed for nine years and local councillors were absent until 2014. During the absence of local councillors, many traditional leaders filled in the void that they are now reluctant to give up.

Distrust in the local governance arena between traditional leaders and state authorities is high in Malawi. Local governments, termed local councils (LC), are composed of elected local councillors from each ward and ex-officio members. These ex-officio members include traditional authorities, MPs from constituencies that fall within the local government area, and five appointed persons to represent special interest groups. What is quite striking is the fact that while MPs do have a voting right at local level, traditional leaders are not entitled to vote. As a result, traditional leaders’ participatory role in local governance is fairly limited. This is even admitted by government officials who state that many traditional leaders are given little speaking time and often remain in the MP’s and the councillor’s shadow. In addition, traditional authorities are not part of the many committees of the local council, where actual decisions are taken. Hence, “their voices are not heard”. As a result, while chiefs “attend the meetings and have some customary influence, they do not play any formal role in the local government”. Thus, in addition to not receiving any formalised role in the national policy-making process, traditional leaders can also not de facto participate at local level.

117 Interview, Senior Officer of Regional Administration, Zomba Area, 5 December 2015.
119 Interview, Senior Officer of Regional Administration, Zomba Area, 5 December 2015
120 ibid.
121 Interview, Expert on Land and Traditional Institutions, Zomba, Malawi, 2 December 2015.
3.3 The Role of Traditional Leaders in the Land Reform Process

There are great differences with respect to the formalisation of the state-traditional interface as well as regarding the political will and commitment to the institution of chieftaincy in Zambia and Malawi. These differences, we argue, have a tremendous impact on the involvement of traditional leaders in the land reform process. In Zambia, the participation of traditional leaders in the land reform process is formalised and backed by the genuine political support for the institutions of chieftaincy as a whole. In Malawi, in contrast, the formal relationship is ambiguous and traditional leaders were sidelined in the land reform process and only reluctantly included after it became apparent that they might be able to undermine the whole process.

In Zambia, the inclusion of traditional leaders in the land reform process was coordinated, formalised and in fact also politically desired. The MLNREP organised several workshops in all provinces in order to both inform about the intended land reform and to allow for statements of communities, chiefs, and headpersons. The draft land policy in its 2015 version foresaw to establish customary land committees (at national and district level) in order to provide a more accessible, affordable, and accountable land administration system. If enacted, chiefs would have lost their exclusive authority over customary land. Although they acknowledged the need to reform the customary land system and they would have still be entitled to nominate some of the members for the customary lands committee, many traditional leaders expressed scepticism towards the first draft and the intended plans to take the customary land administration out of their hands. The comments were not only collected but also served to highlight alternative solutions that combine both the maintenance of the responsibility of chiefs for customary land and tenure security for customary land owners.

Subsequent to this broad participatory approach, the MLNREP submitted the draft policy to Zambia’s national House of Chiefs for its meeting in winter 2015 and in summer 2016. The House of Chiefs also expressed the traditional leaders’ critique with the draft in line with their peers. They mainly regarded this provision a sincere intrusion in their exclusive power over customary land. Consequently, the House of Chiefs as the national rep-

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122 Interview, Officer, MCTA, Lusaka, Zambia, 3 February 2016.
123 ibid.
124 Final declaration of the House of Chiefs after its meeting in July 2016.
presentation of all traditional leaders in Zambia rejected the policy as “defective”. Instead they claimed that any policy should “protect chieftaincy in Zambia” and should empower traditional leaders “to issue customary land titles so as to provide legal protection to land owners on customary land”. In addition, chiefs demanded legal recognition of “practices that chiefs use to allocate/ alienate parcels of customary land to their subjects/applicants, and practices/procedures that they use to manage conflicts”. The chiefs refused the establishment of the committees as long as they are not confined to administer state land.

Since the MLNREP already knew about the concerns of the traditional leaders through the country-wide workshops, the formal consultations with the House of Chiefs constituted the beginning of negotiations in order to refine the draft. The government had already understood that the initial version would be unacceptable to the traditional leaders. As a consequence the president engaged personally in finding a compromise by consciously seeking talks with the traditional leaders’ representatives. He then publicly announced that the MLNREP would work over the policy draft. Furthermore, he promised that the traditional leaders’ position would be reflected in the next policy draft. The chiefs trusted the presidential statement, perceiving the promise as credible after having talked to the president personally. In addition, with the overall positive perception of the institution of chieftaincy among politicians, chiefs felt that their voices were heard and that they were included in the policy-making process.

The land reform process was then interrupted by the tri-partite elections in 2016 that the governmental party Patriotic Front (PF) was able to win. Due to the fluctuation in the cabinet and ministries, it took until the end of 2017 for the MLNREP to re-write the land policy. In order to produce a version that chiefs can agree on, the MLNREP stood in close contact with the responsible committee members of the House of Chiefs. In December 2017, a consensus was achieved by the House of Chiefs and the MLNREP. The disputed paragraphs in the old land policy “were either amended to conform to [the] request of the chiefs or removed completely”. Most importantly for the chiefs, it was agreed upon that chiefs will remain custodians of customary land and will continue to allocate land. Yet, the allocation of lands will be limited to 250 hectares and tenure is reduced

125 ibid.
126 ibid.
129 ibid.
from 99 to 25 years. The concessions by the MLNREP reflect the political will to preserve the cordial relationship with the chiefs. The revised draft is expected to be tabled in parliament in 2018, most likely in the first session.\textsuperscript{130} The composition of the parliament changed since the authors’ interviews due to the elections in August 2016. Yet, it is highly likely that the National Assembly is going to consent to the bill, because both major parties, PF and United Party for National Development (UPND), expressed their preference of maintaining the role of chiefs.

In Malawi, the land policy reform took a different route. First of all, in contrast to Zambia, a comparable formalised channel of participation for the country’s traditional leaders is absent. Thus, there is no possibility for coordinated consultations at national level. While allegedly involved throughout the land reform process, consultation meetings took place in a rather uncoordinated and non-institutionalised manner. Since neither the constitution nor ordinary law foresees an active role for Malawian chiefs in policy-making, consultation meetings on land governance only took place because some vocal NGOs took the lead in organising them.\textsuperscript{131} In stark contrast to Zambia, Malawi only facilitated workshops after traditional leaders staged protests against the land bills. Further, Malawi did not facilitate stakeholder workshops at the beginning of the reform process, collecting input from those who are most affected by the land reform. In fact, the Malawian Ministry of Land only facilitated workshops in particular regions with higher-ranking, more powerful chiefs.\textsuperscript{132} Thus, one can deny the Malawian government the sincere will to actually consider the opinions of traditional leaders. In fact, it seems that the Ministry of Land rather wanted to appease the more powerful traditional leaders with these meetings without genuinely taking in their concerns.

The Malawian land reform process raised the anger of the country’s traditional leaders. Land laws adopted in the 1960s, which were the actual legal basis governing land until September 2016, bestowed the chiefs with significant powers. Thus, customary leaders were reluctant to accept any changes to that set up, irrespective of the fact that the existing land legislation was completely insufficient in dealing with contemporary land governance challenges.\textsuperscript{133} A major bête noire to traditional leaders, like in Zambia, were the so-called land committees introduced in the 2013 draft customary land bill. These committees were

\begin{flushleft}\textsuperscript{130} ibid. \\
\textsuperscript{131} Interview, Senior Chief, Mzuzu, Malawi, 17 December 2015. \\
\textsuperscript{132} Interview, Traditional Authority, Zomba area, Malawi, 4 December 2015. \\
\textsuperscript{133} Interview, Civil Society Organisation on Land, Lilongwe, Malawi, 19 November 2015. \end{flushleft}
foreseen to be chaired by a group village headman and not by the higher ranking traditional authorities.\textsuperscript{134} This fact raised the anger of the higher ranking leaders who feared that the establishment of such committees would be used as a backdoor to weaken their overall position in the country.\textsuperscript{135} Government authorities, on the other hand, deliberately introduced these land committees to take “responsibility out of the hand of one, powerful traditional leader”.\textsuperscript{136} Further, chiefs were also highly against the introduction of a land clerk who should be an employee of local government. The traditional leaders feared that the “institutional memory on land issues” of the traditional authority will be lost triggering more land wrangles.\textsuperscript{137}

As opposed to Zambia, however, the protest of Malawian traditional leaders against these provisions could not be voiced in a coordinated manner due to absent formal and informal channels of participation. Nevertheless, some higher ranking chiefs took the lead in lobbying against the land laws. They argued that the land bills would contravene cultural norms and values which attribute the ultimate power to decide on land issues to the chiefs.\textsuperscript{138} In 2013, just before the draft land bills were meant to be signed into law, some Malawian chiefs ganged up against the customary land bill, handing over a petition to several MPs and to then-president Joyce Banda asking her not to assent to the bills.\textsuperscript{139} As a reaction to the fierce resistance of the traditional leaders, the government declined to assent to the land bills in August 2013. The common wisdom of this move was that Banda did not want to risk her re-election in 2014 by antagonising the traditional leaders in that critical pre-election period.\textsuperscript{140}

Even though the land reform process came to a halt in Malawi until the newly elected Mutharika government was in office, the land bills were eventually signed into law in September 2016. After 14 years, Malawi’s new president signed ten land-related bills, including the general land bill and the customary land bill into law. The main provisions that angered the traditional leaders in 2013, however, persisted almost unchanged in these laws: the land committee and the land clerk pertained. Irrespective of the consultations that

\textsuperscript{134} Government of Malawi. 2013. \textit{Draft Customary Land Bill}.

\textsuperscript{135} Interview, Senior Chief, Mzuzu, Malawi, 17 December 2015.

\textsuperscript{136} Interview, Senior Officer at the Ministry of Lands, Housing and Development, Lilongwe, Malawi, 10 November 2015.

\textsuperscript{137} Petition against Customary Land Bill by Malawi Traditional Leaders 2013.

\textsuperscript{138} Interview, Senior Chief, Mzuzu, Malawi, 17 December 2015.

\textsuperscript{139} ibid.

\textsuperscript{140} Interview, Senior Officer at the Ministry of Lands, Housing and Development, Lilongwe, Malawi, 16 November 2015.
took place with the country’s traditional leaders, the policy output was not harmonious and in fact very much disliked by the chiefs. Thus, not surprisingly, the adoption of these land bills was accompanied by a furious uproar of the country’s traditional leaders. In December 2016, chiefs from various parts of the country have filed yet another petition to the Malawian parliament demanding that the assented customary land bill should not come into effect. Tensions over the customary bill culminated in the march of about 300 traditional leaders to the parliament protesting against the bill.\footnote{Chiefs protest land bill, \textit{The Nation}, 1 December 2016.} Despite the protests, in March 2017, the Malawian Ministry of Land presented an initial roadmap on how to implement the land-related laws.\footnote{Government of Malawi. 2017. \textit{Using land policy as an engine for rural growth: Opportunities and challenges for implementing Malawi's land acts}. World Bank Conference on Land and Poverty, Washington DC.} Despite this roadmap, the respective units facilitating the implementation are not yet operational. Due to the high tensions associated with the customary land bill and – to a lesser extent with the general land bill – combined with the slow process of setting up an institutional and administrational framework, the actual implementation of these laws is yet uncertain.

4 Reaching Consensus with Traditional Leaders

The comparison of the Zambian and Malawian land reform processes bear some important insights on policy-making in areas where traditional leaders are powerful. Overall, we conclude that a systematic involvement of traditional leaders in policy-making is crucial in order to achieve a comprehensive consensus among state and traditional actors on legal outputs. Thereby, the collaboration has to lean on formal state-traditional institutions as well as sincere actor commitment.

The formal harmonisation of the state-sanctioned and traditional sphere of governance, we argue, will bring about a greater degree of certainty in terms of how traditional leaders are involved in the policy-making process. This harmonisation can be achieved by providing a clear-cut legal framework that assigns unambiguous roles and responsibilities to traditional leaders. These rules restrict the possibility of agency and choice and as such create certainty for both state and traditional leaders (Pellizzoni 2004). Harmonised institutions can help that the cooperation between the traditional and state sphere is established independent from personal preferences and affections. Traditional leaders can be sure that
they will be considered in matters that directly affect them. Policy-makers, on the other hand, are provided with clear channels of how traditional leaders are to be included. Clear-cut rules that regulate both competences between state and traditional authorities and jurisdictions of state and customary law, however, do not suffice if the actors themselves do not live up to these norms. We conclude that there is also need for political will and commitment among state and traditional authorities. There is a necessity of an actor-based but interpersonal commitment to state-traditional cooperation. Both politicians and traditional leaders need to credibly acknowledge the role of the other and feel committed to the common institutions. That means that traditional leaders accept the legitimacy of elected politicians and the authority of the state; on the other hand that politicians stick to the legally foreseen roles of traditional leaders and do not try to involve them in political manoeuvres.

Both the formal and informal reconciliation of state and traditional authorities in fact constitute the necessary basis. We conclude that a formalised, constitutional guarantee of traditional leaders’ involvement in policy-making paired with the commitment to respectful interaction makes traditional leaders more likely to collaborate in the policy-making process. If, however, traditional leaders are formally excluded from the policy-making process and if state actors show a noticeable attitude to not consider chiefs adequately, “their incentive to cooperate and compliance” will be significantly undermined (World Bank 2017). However, if there is informal reconciliation between the institutions, there are no incentives for any actor to deviate from formal agreements because all expect to reach better result within the common forum making commitment credible and stable. The commitment to informal collaboration within the course of the decision-making process provides traditional leaders with the opportunity to achieve better outcomes for the communities they govern.

In order to practically enable participation, reconciliatory formal institutions might provide for a common organ suitable for the necessary forum for state and traditional actors to deliberate on policy drafts and find acceptable policies. Such a forum might, for instance, be a national house of chiefs or a council of leaders. If state authorities are truly committed to a fair collaboration with traditional leaders and actively engage traditional leaders, potential conflicts on the policy might be sorted out in a deliberative policy-making process before the actual implementation phase.
If the representatives of traditional leaders in this organ are sufficiently legitimised to bargain on behalf of their peers, this can be an effective way to decide on policies and assure the necessary commitment by traditional leaders. As a consequence, the adoption of a policy might take longer in the first place as there is an additional collective negotiation participant. Yet, a legal output that both state and traditional actors consented to is more likely to be fully implemented.

5 Conclusion
In this paper, we examined the current land reform processes in Zambia and Malawi. Both countries are currently reforming the land administration in order to provide more tenure security to customary land owners. The major shares of customary land are so far administered by traditional leaders, who also draw much of their power on customary land. Whereas Zambia’s traditional leaders consent to the final land policy output, Malawi’s traditionally leaders oppose the new land laws making their implementation unforeseeable. We observed that in Zambia the traditional leaders were sincerely included in the land policy making process, while Malawian leaders were only reluctantly considered – despite their importance in customary land governance. We find the different roles traditional leaders played during the policy-making process to be closely linked to the resulting attitudes of traditional leaders towards the legal output.

The institutionalised consultation process in Zambia, which is set out both in the constitution and secondary law, prevented a complete boycott of the traditional leaders for land reform within the country. The participation of the House of Chiefs, the representative organ of traditional leaders on national level, in the land reform process combined with the mutual loyalty and respect in the overall state-traditional interface in Zambia facilitated a compromise on the land laws and increased the prospects for a successful implementation. At all times, the traditional leaders were sure that they were included in the policy-making process and policy-makers were certain about the means of how to include traditional leaders.

In Malawi, in contrast, tensions during the land reform process and after the adoption of the land bills between the state and traditional leaders were high. While somewhat being consulted throughout the land reform process, these consultations were by no means comparable to those coordinated and orchestrated efforts in Zambia. Ambiguous rules on
the roles of traditional leaders within the country paired with the perceived diminishing importance of the institution as a whole reduced the willingness of the traditional leaders to cooperate in the land reform process. Only after severe protest of Malawi’s vocal traditional leaders, some ad hoc consultation meetings took place, which did by no means underscore the political commitment to the country’s traditional leaders we identified as crucial for the successful implementation of a policy.

The development in the land reform process is still ongoing in both countries. While the Malawian laws were already adopted, their implementation is so far unforeseeable. In Zambia, the draft that found consensus among state and traditional actors is to be decided upon in the parliament in February 2018. Everything points to the fact that the Zambian laws will be adopted since the compromise is nonpartisan and includes the views of the country’s leaders. Yet, only a future evaluation can show whether the reforms are far reaching enough or whether the concessions to the traditional leaders contravene the major objectives of the reform.

We conclude that the two cases presented indicate that (formally or informally) excluding traditional institutions in a reform process that highly touches on their genuine jurisdiction and power can have detrimental consequences for reform processes. We conceive formalised state-traditional relations combined with credible commitment by the actors to be crucial for a fruitful collaboration. Certainly, insights in more cases provided by future research can help to better understand the role of traditional leaders for achieving broad consensus in policy-making processes.
Conclusion: Findings, Limitations, and Future Research

My dissertation explores the contemporary role of traditional leaders in modern states. Traditional leaders are heads of ethnic groups with authority over sub-state territories and its inhabitants. I argue that in states with limited capacity, developing democratic regime, and a significant share of the population under traditional governance, politicians and traditional leaders have incentives to ally for mutual benefit. By trading political support against legal safeguard, they ensure each other’s post. Traditional leaders use their authority both to support state governance and to mobilise votes for their allies. Politicians, in return, grant beneficial legislation thereby providing traditional leaders a formally acknowledged role in the modern state that secures them from abolition aspirations.

If alliances among traditional leaders and politicians are common in a country, individual politicians have incentives to win traditional leaders as allies in order to not lose political support compared to their competitors (Context Hypothesis). Traditional leaders grant support to their allies thereby increasing the winning chances of the latter. In return they can expect that their allies are aware of their dependence on the traditional leaders’ support and hence willing to accommodate their legal claims (Individual Hypothesis). With enough politicians of a country depending on the support of traditional leaders, it is likely that there is a majority of politicians in favour of legislation that benefits traditional leaders (Aggregation Hypothesis). In consequence, I expect alliances of traditional leaders and politicians in a country to make legal safeguards for traditional leaders more likely (Country Hypothesis). This theoretical framework guides the analyses on the country and individual level throughout the three papers constituting this dissertation.

I explore the interaction of traditional leaders with the state using the data collected in the “Traditional Governance and Modern Statehood” project. Thereby, I argue that alliances of traditional leaders and politicians are observable as close personal ties of the two actors and through the involvement of traditional leaders in electoral mobilisation on behalf of their allies. In line with the Country Hypothesis, I find evidence for a positive link of alliances and constitutional safeguard for traditional leaders. At the same time, there is a positive link of traditional leaders’ engagement in electoral campaigns and safeguarding constitutional provisions. This points to the Aggregation Hypothesis: the common habit of politicians to depend on traditional leaders for coming into office explains the realisation of a political majority in favour of constitutional safeguard for traditional leaders.
I test the Individual Hypothesis that traditional leaders have substantial influence in elections relying on data collected in the context of the Zambian parliamentary elections in 2016. Using a quasi-experimental approach based on matching, I find a robust and substantial positive effect of traditional leaders’ support on the electoral result of favoured candidates. By showing the substantial effect that traditional leaders can have in elections, I make plausible why politicians are incentivised to uphold close ties with traditional leaders and win their support by accommodating their claims for legal safeguard.

Examining the land reform processes in Zambia and Malawi, Daniela Behr and I provide closer insights into the struggle of traditional leaders to maintain their responsibility for the administration of customary land from which they draw much of their power. We find the state-traditional relationship to be decisive for the legal status that the state grants to traditional leaders which is in line with the Country Hypothesis. Whereas ties between traditional leaders and politicians are common in Zambia with the leaders of all major groups being closely linked to politicians and the leaders’ traditional roles are legally protected, in Malawi such ties are less common and traditional leaders are reasonably afraid of marginalisation if the adopted land laws are implemented.143

Furthermore, I find that a majority of Zambian MPs agree on that it is harder to win elections without the support of the traditional leader in the respective constituency. This piece of evidence supports the Context Hypothesis that individual politicians are incentivised to seek alliances with traditional leaders by the overall pattern of state-traditional relations in the country. At the same time Zambian MPs predominantly favour the status quo or even an expansion of rights for traditional leaders. In combination with the perceived dependence on traditional leaders, this points to the Aggregation Hypothesis.

In Malawi, traditional leaders were able to prevent unfavourable legislation until the elections, but not afterwards, which points to the importance of the leverage of electoral mobilisation. By contrast, in Zambia traditional leaders were still able to influence relevant policy-making after the elections, which might be due to their close ties to politicians. Since Zambia’s traditional leaders are consenting to the final land policy output, the prospects of implementation are much better than in Malawi where the traditional leaders are refusing to accept the adopted land laws. The land reform process is still ongoing in both countries. Yet, it might turn out that Zambian politicians will be better able to implement the intended land reform due to their cooperation with traditional leaders. This advantage in govern-

143 Based on the variables ties and ties common of the TradGov group dataset.
ance corresponds to one of the expected incentives for politicians to cooperate with traditional leaders as outlined above given that politicians are not only office-seekers, but also policy-seekers.

The comparative case study further indicates that the formally assigned role which the Zambian constitution enshrines for its traditional leaders, supports a collaborative state-traditional relationship inter alia by creating a forum for structured dialogue. This points to a potential effect of the legal relationship on the cooperation of traditional leaders and politicians which would be the opposite causal direction of the Country Hypothesis. Yet, I would still argue that politicians take account of the support of traditional leaders when designing constitutional provisions as well as when abiding by them. This raises the question why traditional leaders would then aim for legal safeguard if it was in the interest of politicians to collaborate with them anyhow?

As shown for the case of Malawi, a change of government after the elections might alter the state-traditional relations and pose a risk to the role of traditional leaders. The former Malawian president did not sign the disputed land laws – presumably in the face of the forthcoming elections. However, she was voted out of office. The new president signed the disputed land laws which was relatively surprising. The Malawian traditional leaders might not have expected this move and hence might not have deployed their authority to support another candidate in the elections. If the government was able to fully implement the land laws, the Malawian traditional leaders would lose their responsibility for customary land and hence their most important base of power. Yet, the traditional leaders will most likely use their authority to hinder the implementation. The president on the other hand will have to consider whether he intends to risk an open confrontation with the traditional leaders or whether he seeks to win their support in order to assure his re-election.

Whereas many of the findings across the three papers fit my expectations and justify optimism concerning the explanatory power of the overall theoretical framework, there are a number of issues to be considered critically. First, as outlined above my theoretical framework refers to the situation of clearly separated roles for traditional leaders and politicians. Yet, in the cross-sectional analysis I do not distinguish whether a state allows traditional leaders to hold a mandate or state office while holding a traditional office. Although some constitutions explicitly forbid the accumulation of state and traditional office, most constitutions are silent on that issue. Therefore, I cannot exclude the possibility that the result of the cross-sectional study is driven by cases where traditional leaders become poli-
ticians themselves and engage in the legislative organ for their own legal safeguard. Yet, so far, Samoa is to my knowledge the only known case where traditional leaders constitute a majority in the main legislative organ of the country. Hence, I assume that in most cases politicians who are not traditional leaders at the same time are responsible for legislation.

Second, I do not fully exploit the group level information in the TradGov group dataset. Information is available on the relational status of the traditional leaders of most groups encompassed in the dataset. Besides the descriptive illustration, I use country-aggregated data which means an enormous loss of information. Yet, I focus on the country level because the outcome of interest refers to constitutions and hence to countries as observational units. Nevertheless, the aggregation implies potentially vulnerable assumptions.

Third, my cross-sectional design is limited in allowing causal inference and merely shows a correlative link. A more dynamic model with data over time might be better able to show the assumed causal sequence. However, that would require to collect information on both constitutional recognition of traditional leaders and relationship to politicians over time, which is beyond my means for this dissertation. The case studies of Zambia and Malawi might serve to some degree to strengthen the persuasiveness of the causal argument, yet, they neither constitute a proper causal assessment of the assumed relation of alliances and constitutional safeguard.

Finally, I illustrate that traditional leaders in most countries aim for (further) legal safeguard which is understandable in the face of few states incorporating such in their constitutions. Yet, I do not assess how important traditional leaders consider legal safeguard in contrast to other aims. Traditional leaders might benefit from rents payed to them by the state for their allegiance. It remains unclear, whether traditional leaders actually benefit more from a formal role and potential state rents or from informal integration and co-option into patronage networks. It might be that in states with limited judicial independence and limited rule of law, constitutional safeguard is only window dressing and does not help to prevent politicians from abolishing traditional governance. In this case, traditional leaders might rather aim for informal co-optation into the influential circle of the ruling party.

In general, my dissertation contributes to the literature on traditional governance, which has only recently received larger scholarly interest beyond ethnology and comparative law. Although scholars from other disciplines are increasingly aware of the importance of traditional governance for its constituents (e.g. Logan 2013, 2009), and of the fact that
traditional leaders might have enormous influence on socially relevant outcomes (e.g. Wig 2016; Baldwin 2016; Michalopoulos & Papaioannou 2015; Eck 2014; Osafo-Kwakako and Robinson 2013), there is hitherto a lack of a comparative perspective beyond single cases or regions. This dissertation intends to address that gap by applying global comparative data, which might allow for wider inferences on these relationships. Furthermore, my dissertation might also contribute to raise awareness in the field of comparative politics for the fact that the consideration of traditional leaders is crucial to the understanding of many political systems in the global South. More specifically, I provide a causal explanation why states might deal with traditional governance differently and illustrate the role of traditional leaders in electoral mobilisation and policy-making.

There are many avenues for further research on traditional governance in modern states: First, studies on groups’ access to public goods, level of security, and political participation almost exclusively rely on the EA by Murdock (1967) considering whether a group had centralised pre-colonial institutions. Yet, it might be fruitful to exploit the TradGov group dataset in order to examine the role of accountability mechanisms and individual means of participation within contemporary traditional institutions for important societal outcomes. Even if the argument for using pre-colonial data is that it might be less endogenous to contemporary outcomes, the assumed continuity of institutions should be checked.

Second, future studies could examine the relations of traditional leaders and politicians with the means of social network analysis in order to identify the determinants for individual ties. In this way a network analysis might be suitable to identify different types of ties, such as business or family relations, but also relations across ethnic and partisan affiliations. Such an analysis might further reveal important characteristics such as the density of the network of traditional leaders and politicians and the most central actors within that network.

Third, surveys among individuals subject to traditional governance might contribute to better understand what determines the authority of traditional leaders and their capacity for mobilisation. Future studies might search for reasons based on the type of traditional organisation of the group or the strength of the ethnic identity. A survey experiment among voters might also constitute another approach to examine the effect of traditional leaders’ support on electoral results and hence support or question my findings.
Fourth, with respect to the state-traditional relationship it might be worth to empirically assess how different legal regulations are suitable to either foster or avoid legal insecurity and conflicts over competences between state administration and traditional leaders.

Finally, it turns out that land laws might be crucial to the existence of traditional leaders. Hence, it requires further attention on how traditional leaders achieve legal safeguard through land laws. A good starting point is the study by Baldwin (2014) considering 19 sub-Saharan African states. Yet, it might be of interest to examine how important customary land administration is for the authority of traditional leaders beyond this region. In general, it might be fruitful to conduct more studies across regions as traditional institutions are not confined to sub-Saharan Africa as shown in this dissertation.
Author’s Contribution

The first paper titled “Quid Pro Quo: Traditional Leaders’ Alliances with Politicians” is single-authored. Yet, for that paper I mainly rely on the data collection of the Reinhart Koselleck project “Traditional Governance and Modern Statehood” to which I contributed. The other members of the project are Katharina Holzinger, Roos van der Haer, Clara Neupert-Wentz, and Daniela Behr. For the second paper titled “Office-holder by grace of the Chief? Exploring the Role of Traditional Leaders in Electoral Mobilisation in Zambia” I conducted the research solely and independently. The third paper titled “Comparing the Involvement of Traditional Leaders in Land Policy-Making in Malawi and Zambia” is co-authored by Daniela Behr who contributed equally to the analysis and was responsible for the fieldwork in Malawi, whereas I conducted the field research in Zambia.

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2. “Serious declaration of intention or mere lip service? Exploring constitutionally enshrined political group rights and their realization” together with Katharina Holzinger, Roos van der Haer, Daniela Behr, and Clara Neupert-Wentz.


References


