

**THE ROLE OF TRADITIONAL AUTHORITIES IN RURAL LOCAL
GOVERNANCE IN MOZAMBIQUE: CASE STUDY OF THE COMMUNITY OF
CHIRINDZENE**

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Philosophy in Land and Agrarian Studies

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DECLARATION

I declare that “The Role of Traditional Authorities in Rural Local Governance in Mozambique: Case Study of the Community of Chirindzene” is my own work, that all other sources used or quoted have been indicated and acknowledged by means of complete references and that this thesis has not been submitted for a degree at another university.

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November, 2004



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.....

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ACRONYMS

FRELIMO	Mozambique Liberation Front (<i>Frente de Libertação de Moçambique</i>)
AHM	Historical Archive of Mozambique (<i>Arquivo Histórico de Moçambique</i>)
CEA	Centre of African Studies (<i>Centro de Estudos Africanos</i>)
RENAMO	Mozambican National Resistance (<i>Resistência Nacional Moçambicana</i>)
GDs	Dynamizing Groups (<i>Grupos Dinamizadores</i>)
DINAGECA	National Directorate of Geography and Cadastre (<i>Direcção Nacional de Geografia e Cadastro</i>)
INIA	Institute of Agronomical Research (<i>Instituto de Investigação Agronómica</i>)
FAO	Food and Agriculture Organisation
SPGC	Provincial Geographic and Cadastral Services (<i>Serviços Provinciais de Geografia e Cadastro</i>)
OMM	Organization of Mozambican Women (<i>Organização da Mulher Moçambicana</i>)
DNFFB	National Directorate of Forests and Wildlife (<i>Direcção Nacional de Florestas e Fauna Bravia</i>)
SPFFB	Provincial Services of Forests and Wildlife (<i>Serviços Provinciais de Florestas e Fauna Bravia</i>)
IMF	International Monetary Fund

ABSTRACT

THE ROLE OF TRADITIONAL AUTHORITIES IN RURAL LOCAL GOVERNANCE IN MOZAMBIQUE: CASE STUDY OF THE COMMUNITY OF CHIRINDZENE

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Mphil Thesis, Land and Agrarian Studies

This study is about the place of traditional authorities in local level land administration and rural governance in contemporary Mozambique. It came about as a result of the publication of the Decree 15/2000 that recognised traditional authorities after their abolition more than 20 years earlier. This study seeks to examine four inter-related themes: the role of traditional authorities in local level land administration in Mozambique; why the government recognised traditional authorities in the year 2000 after having abolished them more than 20 years earlier; whether the recognition of hereditary traditional authorities is consistent with principles of democracy; and lastly to investigate whether the practices taking place on the ground are an expression of democracy as envisaged by the country's constitution.

The study is based on documental research on the subject, as well as on fieldwork in the community of Chirindzene, Gaza Province in Southern Mozambique. It argues that generalisations about the role of traditional authorities in local level land administration may be misleading. Drawing from the case study in Chirindzene, it shows that it was only the lowest level of the traditional authority structure (the lineage level) that continued having influence in land allocation and distribution after independence in this area. With regard to the recognition of traditional authorities, the study argues that an appreciation of the changing global context is important to understand this dramatic shift. The study argues that the Decree 15/2000 and its regulations are weakening the democratic experience initiated in 1970s by allowing rural populations be ruled by hereditary rulers who are not elected. For this reason, the rural population does not enjoy full citizenship rights because they are ruled by both elected structures and appointed ones.

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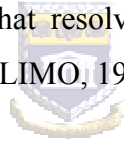
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CHAPTER ONE: INTRODUCTION

1.1. Introduction and Scope of the Study

After more than 20 years of abolishing traditional authorities, the FRELIMO (*Frente de Libertação de Moçambique*) led-government passed a Decree in 2000 recognising traditional authorities.¹ Accused of having collaborated with colonialists and of practicing exploitative actions and “obscurantist”² practices, the traditional authorities were formally abolished in 1975 and substituted by new structures (Manning, 1997; Honwana, 1996; Roesch, 1992a). The first Constitution of independent Mozambique, which was adopted in 1975, declared that one of the main objectives of the People’s State was the “elimination of colonial and traditional structures of oppression and exploitation and the mentality that underlies them”.³ Documents of FRELIMO in 1975 also advanced the need to “destroy in an organised manner, the colonial, capitalist and traditional feudal structures of the reactionary character and to substitute them by new structures that resolve the great problems of our country correctly” (FRELIMO, 1975a:1, FRELIMO, 1975b).



Before the independence of Mozambique in 1975, traditional authorities were responsible for administering land in areas that they controlled under the umbrella of colonialism. After independence, the role of administering land at the local level was given to elected structures. When traditional authorities were recognised, it became less clear who was responsible for land administration. As will be shown in a later chapter, duties allocated to traditional authorities were also allocated to elected representatives. This means that there was an overlap of duties.

¹ In this thesis, traditional authorities encompasses “chiefs of various ranks”, a concept that is borrowed from Ntsebeza (2002:5). This term will, in the context of Mozambique, be defined later in thesis.

² Obscurantism refers to obscure beliefs on superstition that are often associated with feudalism and traditional authorities.

³ Article 4.

Further, the Decree and its regulations are vague and omit crucial information about the role of traditional authorities in land administration. For example, they omit clarifying whether traditional authorities are re-allowed, or not, to allocate and distribute land at the local level.

Given my contention that the Decree and its regulations do not make clear the precise roles, functions, and powers of traditional authorities in land administration issues, in the context of the continued existence of elected representatives, there is a state of confusion in rural areas. This is especially the case given that traditional authorities wanted to resume their land-related roles that are today being performed by elected post-independence representatives, even before the Decree was passed (Macia, 1997).⁴

The recognition of the traditional authorities in 2000 should also be interrogated against the background of, not only the fact that in 1975 FRELIMO instituted a system of electing local leaders, but also of FRELIMO's commitment to decentralisation and multi-party democracy in the early 1990s. This was after the Cold War era and this new commitment marked a major shift from the Marxism-Leninism previously adopted by the government.

The above give rise to a number of urgent and critical questions. How did it come about that a government, which abolished traditional leaders when it came to power, ended up recognising them? What is the role of traditional authorities in land administration after their recognition? Is the recognition of undemocratic and hereditary traditional authorities compatible with the principles of democracy? Are the practices taking place on the ground, an expression of a democratic exercise?

⁴ See "Líderes Tradicionais prontos para dirigir", *Diário de Moçambique*, Daily newspaper, August 15, 1996.

This study is about the role of traditional authorities in local level land administration in Mozambique from the time of the arrival of Portuguese colonialists to the present. Within this context, the question of the legitimacy of traditional authorities will be examined. Particular attention will be given to the implication for democracy of recognising traditional authorities in an emerging democracy in contemporary Mozambique. To illustrate and illuminate the above complexities, the case study of Chirindzene will be used.

This chapter introduces the problem, indicates the theoretical framework, and presents the rationale for the selection of the case study area. It also describes methods used for doing the study, as well as the chapter outline of the thesis.

1.2. Theoretical Framework

The 1990s witnessed a hot debate in Mozambique about the relevance of traditional authorities in a multi-party democracy. In the 1980s and 1990s, many countries in the world adopted decentralisation reforms, especially after the end of the Cold War (Manor, 1999). Mozambique was one of those countries that embraced the process of decentralisation during the 1990s. For instance, it introduced the multi-party democracy in 1990, following 15 years of a one-party regime, and a civil war between 1977 and 1992. This war, and the imposition of decentralisation and multi-party democracy, brought to the fore the possible role of traditional authorities. A research project intended to “study the issue of ‘traditional authority’ and, later, to formulate recommendations for legislative and policy reform” was launched in the Ministry of State Administration in 1991 (West, 1998:144).

There were two broad positions to the debate. On the one hand, there is what I would refer to as the Lundin School, and, on the other, what I call the West School.

1.2.1. The Lundin School

Iraê Lundin, an anthropologist, who was leading the research project of the Ministry of State Administration on “Decentralisation and Traditional Authorities”, argued, in 1994, on a role to be played by traditional authorities in society that she characterised as ‘culturally diverse’ (Lundin, 1994). Lundin argued that members of ‘African communities’ in Mozambique perceive the institution of traditional authority “as the true and real representative institution of the territoriality” (Lundin, 1994:83). According to her:

The traditional process of legitimation of the exercise of authority leaves little room for corruption. To remain a traditional chief it is not enough to have ascribed legitimation to exercise authority. The chief must prove his or her competence by taking actions on daily tasks that include proper behaviour and a good heart. Proper behaviour is connected with the fertility of soils, biological reproduction of the community, redistribution of resources previously offered to the chief, and...the maintenance of social order...symbolic sanctions exist in case any of these tasks are not properly fulfilled (Lundin, 1994:88-89).



In the quotation above Lundin (1994), claims that the process of ‘legitimation’ of traditional authorities is, to a large extent, transparent. She also argues that there are ways of checking the authority of traditional authorities. From Lundin’s arguments, it is implicit that she is suggesting the existence of a certain degree of democracy in the exercise of authority by traditional authorities. Lundin (1994:88-92) advocated, “governance in Mozambique should be based on a social order that reconciles traditional ideas and the legitimate exercise of authority”. She suggested that any change in the system of governance must take into account the traditional authorities even if in a symbolic way.

Again, in a book summarising the main outcomes of the seminar held in 1995, *Autoridade e Poder Tradicional Vol. I*, the school represented by Iraê Lundin argued in support of the recognition of the traditional authorities by the State and “the development of a relationship that aims to social harmony and communitarian

development” (Lundin and Machava, 1995:151-152). The main argument that they presented in support of this proposal is that traditional authority is an institution of the community that possesses socio-cultural virtues (Lundin and Machava, 1995).

On the possibility of subjecting traditional authorities to an electoral process, Lundin defends that they do not want to be submitted to an electoral scrutiny. For instance, Lundin argued that “the *régulos* [traditional authorities] insist that the ‘chief is always a chief. To develop his mission there is no need to ask permission of anybody involved”” (Sogge, 1997:98). This position is clearly contrasting with the one presented before (Lundin, 1994:88-89), because, despite considering the ‘exercise of authority’ by traditional authority as leaving ‘little room for corruption’, the traditional authorities are cited here as refusing to prove their popularity and legitimacy through an electoral box. This may suggest a lack of confidence of their (traditional authorities) support by local communities.



Following the same line of Iraê Lundin, Januario Mutaquiha, one of her colleagues in the Ministry of State Administration research project, argued that the ‘re-implantation’ of traditional authorities in all the territory of Mozambique (in the countryside, in cities, and in villages) is not only recommendable but also inevitable (Mutaquiha, 1998). According to Mutaquiha (1998), to restrict the operation of traditional traditional authorities in rural areas is in fact to exercise repression over traditional cultures of all a people who are affected. Mutaquiha suggests that the best way to allow the resurgence of the institution of traditional authority “is to give it the freedom to naturally manifest and affirm itself according to traditional rules of its exercise” (Mutaquiha, 1998:18).

Although not explicitly stated, my understanding of the Lundin school is that they advocated a policy in which traditional authorities would co-exist with elected representatives.

1.2.2. The West School

Harry West and Gregory Myers are also analysts who contributed to the debate on traditional authorities in Mozambique. In their 1992 article, *Local-level political legitimacy and security of land tenure in Mozambique*, (West and Myers, 1992), they argued that institutions that administer land at the local level should be legitimate in the eyes of the local population:

[T]here is direct relationship between land tenure security and local-level political legitimacy. If individuals have confidence in the mechanisms that distribute land (or make land available, or negotiate in land deals) and in the mechanisms that hear or resolve land disputes, those individuals will feel more secure on their land (West and Myers, 1992:5).

West and Myers (1992:5) also advocated that the ruled population should have the right to determine who its representatives are, whether traditional authorities or not:

[T]he local population to actively participate in decisions that affect their daily lives...must be capable of determining not only who their representatives will be, but also the complexion of the structure of representation and the process whereby they are created, maintained, and called to accountability.

The position of West and Myers (1992) suggests the need to give rights to the local population to identify its representatives in land administration issues. Whether traditional authorities or not, they should be subjected to a process of confirmation by the local population in order to gain the mandate to administer land. However, they did not specify how that process identification of representatives could take place, whether through an electoral process or not.

Although agreeing with the Lundin School on the need to reconsider the role of traditional authorities, West advocates an approach that puts strong attention on the specificities and the history of each region and each community (West, 1998). This author argues that the ‘tradition’ and ‘political legitimacy’ of the traditional authorities “are historically situated cultural constructs [that are] subject to

continuous reworking” (West, 1998:145-146). The main difference with the Lundin School is that West (1998) does not assume traditional authorities as legitimate in all communities over the country.

Following the same position underlain above, Harry West and Kloeck-Jenson in an article entitled, *Betwixt and between: ‘traditional authority’ and democratic decentralization in post-war Mozambique*, questioned the approach that has been used to debate the notion of ‘legitimacy’ and of ‘traditional authority’ in Mozambique (West and Kloeck-Jenson, 1999). Their position is that “the meaning and function of ‘traditional authority’ has been transformed many times over with changes in the larger political contexts in which local institutions have existed.” As consequence of that, they argue that an understanding of the issue of traditional authorities can only be achieved through a close examination “of its variegated and contentious history”, taking into account “local contexts” and “using terminology with greater geographical and historical precision” (West and Kloeck-Jenson, 1999:455; 457).

By making the above assertion, West and Kloeck-Jenson (1999) mean that the institution, as well as the role, of traditional authorities has changed over time (in some areas from the pre-colonial time up to now). As what we find today is the result of past actions, these authors call us to go back and examine the history of each particular area of the country if we want to understand the current dynamics in relation to traditional authorities. For example, where there are disputes of power today among traditional authorities, we may be in a position of understanding the origins of the dispute with respect to the history of that area. They have also realised that the ‘terminology’ related to traditional authority varies countrywide and it has changed with the history. This is also a critical aspect to take into account while seeking ways of better understanding the issue of traditional authorities.

Apart from asserting their positions, Harry West and Scott Kloeck-Jenson also have raised some criticisms of the Lundin School. They say, for example, that the

legitimacy and the democratic character of traditional authorities is so much clearer for Lundin such that she suggested that “they need not have their authority confirmed through state-sponsored multi-party electoral contests for, according to her argument, they adhere to their own internal democratic principles” (1999:480). Contrary to the position of Lundin, they argue that the situation is not as simple as it appears to be, because in the process of legitimating traditional authorities, colonialism “provoked crises of legitimacy that have resurfaced in the present day... [and there are cases] where two or more figures contest the position today” (West and Kloeck-Jenson, 1999:466). It also appears that the population itself wants to check the legitimacy of traditional authorities. For example, Sogge (1997:98) found that “many Mozambicans, including ‘simple’ people in the countryside, reject the *régulos*’ [traditional authorities] claims that their leadership should be automatically honoured, and that they are exempt from popular control”.

Although not seeming to be in line with the West school, other critiques to the Lundin School came from some members of the ruling party (West and Kloeck-Jenson, 1999). According to West and Kloeck-Jenson (1999), some members of the FRELIMO party manifested their opposition to traditional authorities. They argued that genuine traditional authorities have been disrupted by the colonial system and that what remains today not only is out of date but also has been corrupted by serving colonialism.

Jocelyn Alexander, another contributor to the traditional authority debate in 1994, was concerned with the way the debate was taking place (Alexander, 1994). According to Alexander (1994:30), those involved in the debate “tend to depict ‘traditional’ culture and chieftaincy as historically static, romantically devoted to maintaining an uncontested set of social norms, and strongly opposed to alien intrusion of things ‘modern’”. Alexander (1994) disagreed with those that advance an image of harmony and concord in rural areas. For example, she pointed out that “they tend to devalue the conflicts and transformations within rural society, and to imply

that ‘traditional’ culture and institutions can somehow be reconstituted, revived, or simply recognized” (Alexander, 1994:30). Based on her work to Manica province, she suggested approaches that “contend with diverse ideas about authority and structures of power” and highlighted the difficulty of trying “to apply a blueprint across ...diverse regions” (Alexander, 1994:59). The point that Alexander (1994) is underlining is similar to the one defended by other analysts within the West school (West and Myers, 1992; West, 1998; West and Kloeck-Jenson, 1999).

On the whole, the West School did not suggest ways through which the ‘contestation’ of legitimacy should take place. It is implicit, however, in their studies (West and Myers, 1992; West, 1998; West and Kloeck-Jenson, 1999) that they might agree with the subjection of traditional authorities to an electoral scrutiny in their constituencies. The West school also seems to not have analysed the workability of elections of representatives (including traditional authorities) at the local level sponsored by the State.



Apart from the above schools, aid donors in Mozambique also contributed to the debate on decentralisation and traditional authorities (Sogge, 1997; West, 1998; West and Kloeck-Jenson, 1999). According to these authors, aid donors favoured the reconsideration of traditional authorities (West and Kloeck-Jenson, 1999) and pressured the government to discuss this issue (Sogge, 1997). The initial assumption of donors, according to West and Kloeck-Jenson (1999:461), was that democratic elections could be held also at the local level throughout the country and that “[i]f people were permitted to elect local authorities, and if ‘traditional authorities’ were...considered ‘legitimate’ by local populations, people might then elect their chiefs to local office, repairing the divide between ‘traditional’ and modern forms of authority.” It can be understood that aid donors were in favour of traditional authorities being subjected to local elections. Their position is closer to the West School than to the Lundin one. Furthermore, it differs with the experience of election

of local representatives that followed independence in 1975, in which even popular traditional authorities were excluded from the process (FRELIMO, 1975b; 1975a).

A discussant, who seems to be in the middle between the West School and the Lundin School, is Anders Nilson. This author advocated that the legitimacy of traditional authorities in the eyes of local populations did not disappear with independence; it continues today “as a strong stream over all the population stratus” (Nilson, 1995:131). The assumption that traditional authorities are legitimate is the same point argued by the Lundin School. For Nilson (1995), the discussion of ways of establishing a ‘new bridge of legitimacy’ was an urgent issue. He suggested the need for an identification and encouragement of ‘real leaders of local communities’ whether ‘traditional or not’: “each community must possess its real leaders. Otherwise, the legitimacy of all the systems can be questioned” (Nilson, 1995:133). But, Nilson also did not suggest ways through which the ‘real leaders of local communities’ would be identified. The need for identification of representatives of local communities whether traditional authorities or not has also been raised by the West school.

Apart from those who appear to belong to the schools presented above, there are others who did not make strong proposals to the debate in terms of suggesting policy implications of their findings (for example, Alfane and Nhancale, 1993; ARPAC, 1994).

1.2.3. A South African perspective

Since the advent of their democracy in 1994, the issue of the role of traditional authorities in a democracy has been subjected to some scrutiny in South Africa (Ntsebeza 2002; 2004a). The main question raised by Ntsebeza is whether a democracy can co-exist with an undemocratic hereditary institution of traditional authority (Ntsebeza, 2004b). As in Mozambique, Ntsebeza (2004b) has identified two schools of thought: a ‘co-existence thesis’ and a ‘common citizenship approach.’

According to him (Ntsebeza, 2004b), the ‘common citizenship approach’ is vibrantly supported by Mamdani. The basic argument under the ‘common citizenship approach’ is that, in a liberal democracy, the citizens should be ruled by elected representatives. This approach criticizes a situation where people are ruled by appointed representatives or members of the hereditary institution of traditional authority who are not elected to their positions. In such situations, the ‘common citizenship approach’ considers the ruled population as subjects and not citizens.

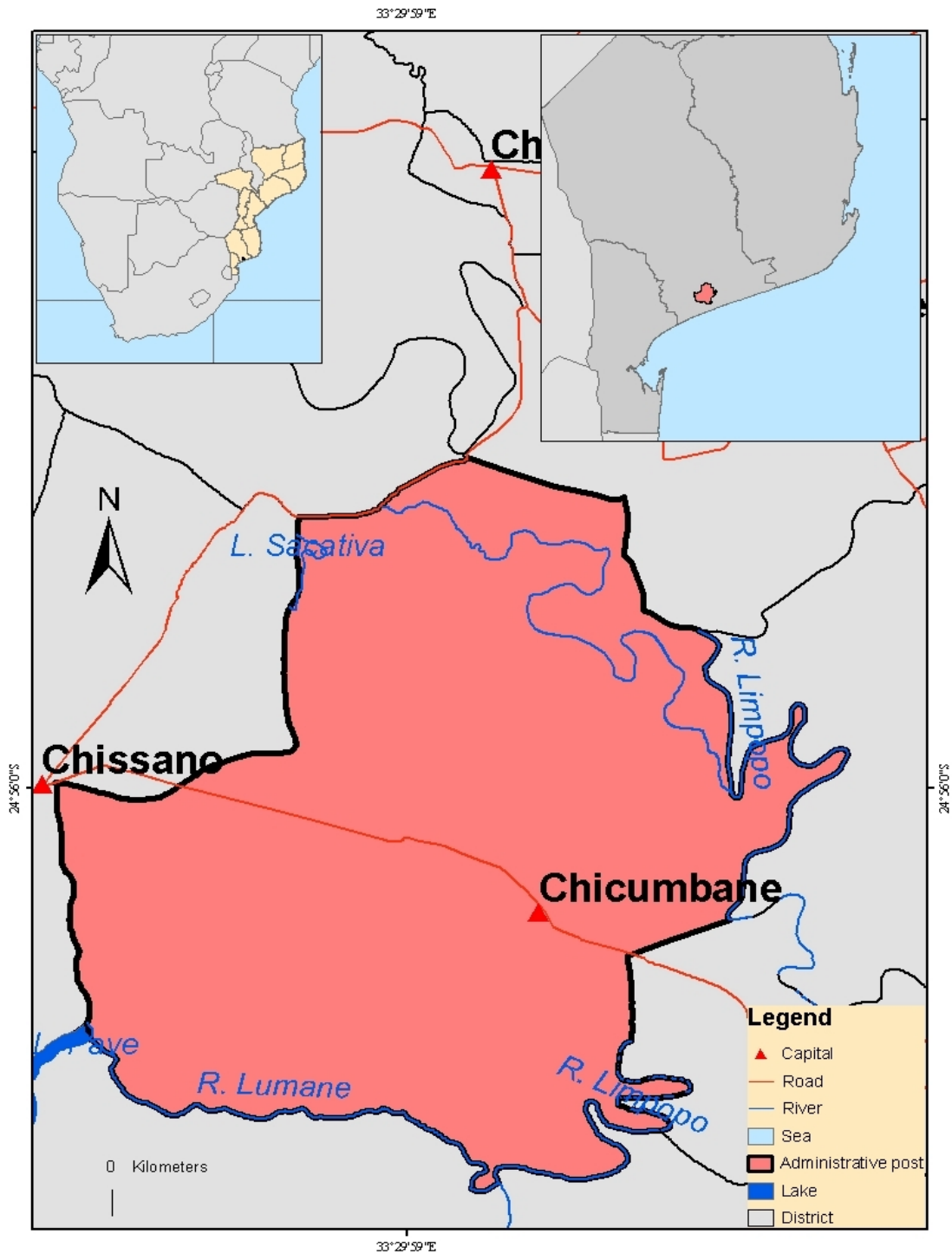
The ‘co-existence thesis’, according to Ntsebeza, argues that democratic institutions can co-habit with hereditary institutions of traditional authorities. According to Ntsebeza, the South African ANC-led government seems to have resolved the issue of the role of traditional authorities by giving them land administration functions, while still recognising a role for elected councillors in matters of development.

As in South Africa, the ‘co-existence thesis’ seems to be the approach that has dominated the scholarly debate before the formal recognition of the traditional authorities in Mozambique (the Lundin School). Its main argument favours the reintegration of traditional authorities in one way or another. The 2000 Decree appears to have been heavily influenced by this school.

1.3. Rationale for Selection of the Case Study Area

The area chosen for case study is the community of Chirindzene. This community is located in the Administrative Post of Chicumbane, in Southern Mozambique (see Figure 1).

Figure 1: Location of the Administrative Post of Chicumbane



Source: Author's drawing.

Southern Mozambique is the region where it is argued that traditional authorities have lost their influence and legitimacy (Roesch, 1992, quoted in Bowen, 2000). This position is contrasted with those who argue that traditional authorities are still legitimate and strong in Mozambique as a whole (Lundin School above). Understanding the reason for this contrasting position, and its implication for land administration and the exercise of democracy in rural areas, was one of the motives for choosing this area. In addition, as many studies about traditional authorities are held in the Centre and the North of the country (for example, Alexander, 1994; 1997; West, 1998; Lundin, 1998), it became a concern to try to find out what is going on with the role of traditional authorities in local level land administration in the South, now that they have been formally recognised. The South also seemed to be a good area to reaffirm that the issue of traditional authorities in Mozambique should be examined following a context-based approach as suggested by West (1998) and Alexander (1994).



In the chosen community of Chirindzene, a traditional authority figure and post-independence ones have been recently recognised by the government as community authorities. Thus, it seemed to be a good case to illuminate how the administration of land at the local level in a democratic Mozambique, especially the South is held.

1.4. Methods

In order to write this thesis, primary and secondary sources were used and observations were made:

1.4.1. Primary sources

For the historical part in particular, archival colonial documents were used. Primary sources of information from the colonial period such as correspondences of the traditional authorities with colonial officials and letters of colonial administrators were found at the Historical Archive of Mozambique (*Arquivo Histórico de Moçambique* – AHM) in the University Eduardo Mondlane.

The archival material on traditional authorities gave me a picture of the relationship between traditional authorities with colonial authorities and the subject population. It also helped me to formulate evidence about the role of traditional authorities in colonial time.

For the contemporary period, I conducted semi-structured and collective interviews with key informants, done during the fieldwork that was held between July and August 2004.⁵ A guide containing the main topics and questions was written and used. The guide was fundamental in orienting the dialogue with interviewees and in helping to organise and analyse the collected information.

The sample of interviewees was a purposive one. Thus, categories of people assumed to be in place to provide relevant information, to enable making findings, and to try to draw consistent conclusions from the study, were selected. An effort to ask similar questions was made in order to check the authenticity of the information provided from different informants around the same issues. These categories of people interviewed are as follows:

- i. Various ranks of chiefs within the community

The objective of interviewing various ranks of chiefs was to find out how they see the institution of traditional authorities themselves. What is their role in the administration of the community land? How is their relationship with the population and the post-independence authorities?

Unfortunately, the answering of these questions was limited because many subordinate chiefs were not replaced by a traditional authority figures after independence. In order to fill this gap interviews were done with relatives of the members of the former traditional authorities.

⁵ Apart from the formal interviews, there was important information gathered through informal interviews, especially with post-independence authorities and State officials in the Xai-Xai city.

ii. Various ranks of post-independence authorities

The post-independence authorities are the ones who formally held the role of land administration after the abolition of the traditional authorities. Therefore, they were interviewed to find out how they administered land in practice after independence. Whether they have a role to play today in land administration issues within the community was also explored.

iii. Adult and elder people (men and women) within the community

Adult and elder people both men and women have interacted or are interacting with the traditional authorities and the post-independence authorities. They were good sources of information to get an understanding of the dynamics of the land administration within the community along time. They helped in trying to understand the issues related to the legitimacy of the traditional authorities as well as the way in which the community has been ruled.

iv. Migrant people within the community

Migrant people within the community told me how the land that they use was allocated to them. This information was critical for the perception of the role of the traditional authorities in the land administration within the community.

1.4.2. Secondary sources

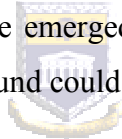
Secondary sources used include books, journal articles, reports, newspapers, and a thesis. These sources were found in different places in Mozambique and South Africa. In Mozambique, a special mention is made to the Library of the Centre of African Studies (*Centro de Estudos Africanos – CEA*) of the Eduardo Mondlane University and again, to the Historical Archive of Mozambique (it provided me with colonial studies and regulations on land and the traditional authorities).

1.4.3. Fieldwork observations

Observations made in the study area were also an important method for the understanding of the issues related to the land administration in the community (e.g. about land uses). While in the community, I attended one ‘big’ meeting of community members. I also watched one ‘trial’. The meeting and the ‘trial’ were observed in the headquarters of the community. All this increased the level of my understanding about the role of different actors in the life of the community.

1.4.4. Limitations

This study has five issues that may have limited its potential to accomplish what it set out to do. Firstly, the study is restricted in its scope because it is a Master’s mini-thesis, and therefore I could only cover certain aspects of a much broader issue. However, I tried my best not to use this as an excuse. Secondly, due to the fact that I worked full-time, the time spent in the field was limited. Because of this, it is possible that many of insights that could have emerged from observing how people interact with traditional authorities on the ground could have been missed.



Thirdly, access to secondary information was limited. Being in a poorly resourced country such as Mozambique limited my access to up-to-date secondary literature, as well as many historical documents relating to the destabilisation war and policies that were at the centre of the conflict. For example, I experienced difficulty to find sufficient literature that recounts how people used to live before the arrival of the Portuguese in 1498 in Mozambique, especially in respect to land distribution. The literature that I found dealing with the Mozambican society up to 1700 does not give much information on land distribution. Despite these difficulties, I have managed to access substantial literature in libraries in South Africa and Mozambique that helped me to do this study. My supervisors and friends also provided me with some material that helped me to overcome this gap.

Fourthly, a key limitation had to do with language for both doing research and writing. Portuguese is Mozambique's official language, but the thesis is written in English. Additionally, during fieldwork I interviewed people in *Changana* (indigenous) language and I had to translate the interviews to Portuguese and then to English. In this process, it is possible that some meanings could have been lost in the translations. However, as for the writing aspect, getting the services of an English-speaking editor was helpful. My supervisors also helped me to overcome several other language-related limitations. Fifthly, financial constraints also prevented me of involving other people in the realization of the study (e.g. for help in the collection of data). I feel that had I had a team to assist me with data collection, I could have broadened the both the localities and length of the fieldwork. Despite the above limitations, I believe the study still covered the key points that it intended to.

1.5. Outline of the Thesis

The thesis has five chapters, including this introductory chapter. The main issues discussed in each of the other chapters are indicated as follows:

Chapter Two

Chapter Two explores land administration roles of the traditional authorities in rural areas before independence of Mozambique in 1975. It interrogates the legitimacy of the traditional authorities in respect to the people during important periods of history of Mozambique. The chapter also argues how the position of FRELIMO regarding land and the traditional authorities evolved during the liberation struggle up to the end of the anti-colonial war (1964-1974).

Chapter Three

This chapter explains why the traditional authorities were abolished and replaced by elected post-independence local level authorities. It also examines the first land policy and its implementation in a context without formal presence of traditional authorities, between 1975 and 1983. This period ends in 1983 because it was in that year that the Fourth Congress of FRELIMO that brought major changes in land policy was held.

Chapter Four

Chapter Four analyses the changes regarding traditional authorities that occurred after the shift from the first land policy brought by the Fourth Congress of FRELIMO in 1983. This chapter explores the influence of the destabilisation war made by RENAMO and the shift in policies of the FRELIMO Party (1984-2004) on discourses and practices regarding the traditional authorities. It also explores how these changes affected the role of the traditional authorities in society. The context and the meaning of the formal re-emergence of traditional authorities are also discussed in this chapter.

Chapter Five

Through a case study in the community of Chirindzene, Southern Mozambique, Chapter Five illustrates how the theory and the practice around traditional authorities plays out in this specific community of the South. It flushes out the complexities raised in the previous chapters about the role of the traditional authorities in rural land administration and the legitimacy that they enjoy in respect to people.

Chapter Six

Chapter six presents the main conclusions that emerge from this study. It argues that lineage is only one level of the traditional authority structure that remains strong in land allocation and distribution issues in the study area. It also argues that rural population is still not enjoying democracy as it is partly ruled by elected structures and appointed ones.



CHAPTER TWO: TRADITIONAL AUTHORITIES AND LAND BEFORE INDEPENDENCE

2.1. Introduction

This chapter explores the role of traditional authorities in land administration before independence of Mozambique in 1975. As indicated in the earlier chapter, traditional authorities encompass ‘chiefs of various ranks’ (Ntsebeza, 2002). In the context of Mozambique, and for the purpose of this study, the concept would refer to the emperor, the king (*mambo* or *hosi*), the head of chieftaincy (*hosana* or *fumo*), the head of village (*muenemusha* or *nkanakana*), and the heads of other lower levels before colonialism, as well as to heads of chieftaincies (*régulos*) and heads of other lower levels after colonialism. This is so despite the fact that some figures that claim to be traditional authorities in some areas are contested (West, 1998, Zacarias, 2002).

This period (1498-1974) is divided into three sub-periods. The first sub-period examines the role of traditional authorities in land administration in pre-colonial time.⁶ The second one discusses the role of traditional authorities in land administration in areas under contact with the Portuguese (1498-1884). The third sub-period interrogates the role of traditional authorities in land administration during the period of effective occupation of Mozambique (1885-1974).

Within the examination of the changing role of traditional authorities in land administration, their legitimacy in respect to the subject population will also be interrogated. The chapter will argue that the system of government of traditional authorities throughout was by a large extent undemocratic. In addition to that, it will also be argued that in the colonial period, traditional authorities, by and large, collaborated with the Portuguese and that pre-colonial customary law and practice of land administration were disrupted during this period.

⁶ In this study pre-colonial time does not only refer to the period before the arrival of the Portuguese in 1498. It also includes areas in which traditional authorities and their subjects lived in an independent way after 1498.

The chapter also explores the Mozambican response to the Portuguese colonialism. More specifically, it explores the liberation struggle as led by FRELIMO. The chapter discusses how FRELIMO understood the role of traditional authorities.

2.2. Mozambique and Its People in Pre-Colonial Time

In pre-colonial Mozambique, three main African political organisations existed, the chieftaincy, the kingdom, and the empire. The structure, land administration, and the system of government of each of these political organisations are explored in the following pages.

Junod (1913; 1927) is arguably the only scholar who has written about land allocation and distribution in pre-colonial time after 1700 (the South of the country). The literature that I found dealing with the pre-colonial time before 1700 does not say much about land allocation and distribution for the purpose of this study (example, Newitt, 1973, 1995; UEM, 1982; Mudenge, 1988).



Although Junod (1913; 1927) describes phenomena that occurred almost three hundred years after the arrival of the Portuguese in 1498, it still allowed me to get a picture of the pre-colonial Mozambique (especially in the South where my study area is located). This is true considering that, in practice, the occupation of the Mozambican country by the Portuguese was an uneven process (1498-1920). In theory, the whole Mozambican territory was under the Portuguese administration after 1895. In practice, however, some places only became politically controlled by the Portuguese through appointed traditional authorities after 1920 with the defeat of all major African focus of resistance (Isaacman and Isaacman, 1983). In next sections, we will deal with the chieftaincy, the kingdom, and the empire.

2.2.1. *The chieftaincy*

2.2.1.1. *Political structure and role of traditional authorities*

The chieftaincy was a territorial unit commonly formed by many villages. In terms of political organisation of the chieftaincy, the head of the chieftaincy (*hosana* or *fumo*) occupied the higher position. Villages that composed the chieftaincy were administered by heads of villages (*muenemusha* or *nkanakana*) under the political control of the head of the chieftaincy. The heads of villages also controlled heads of lineages. The succession of heads of chieftaincies, villages, and lineages was hereditary. In the case of the chieftaincy, for example, power moved from the head of the chieftaincy to his brother. According to the custom, the elder son of the head of the chieftaincy could become successor only if his uncles have passed away (Junod, 1927).

Public matters of the chieftaincy were discussed in the assembly called *bandja* where only male members of the chieftaincy were allowed to participate. The head of the chieftaincy presided over all meetings (Junod, 1927). There were counsellors at the level of chieftaincy and of the village. Counsellors at the level of village were elder relatives of the head of village (Junod, 1927).

2.2.1.2. The role of traditional authorities in land administration

According to Junod (1913), land administration in pre-colonial time was done according to the customary law. By customary law it is meant locally developed norms of doing things, which are in general unwritten.⁷ Junod (1927:436) argues that in this time, the “law is the custom, that which has always been done.” At the level of chieftaincy, it was the head of the chieftaincy who assigned tracts of land to heads of villages (Junod, 1913). Each head of the village distributed the allocated land for lineages under his control. The heads of villages enjoyed a certain degree of autonomy to allocate land in their villages, as Junod (1913:6) underlies it:

...when any one (say B) wishes to settle on their reserve, they “cut the bush” for him, “tshemela nhoba” to use the technical expression; they accompany the would-be-settler to an uncultivated piece of land and together they fix the boundaries of a plot of ground which is then assigned to him. A tree, the corner of a lake, a well, or an anthill, may be used as landmarks in this primitive surveying operation. The newcomer will clear as much of the land as he can and till it, and the fields, together with the trees they contain, become thenceforth his property. Should any of his relatives wish to settle near him, he will, in turn, assign to them a portion of his land, which they may clear and cultivate; and so the distribution continues.

From the above quotation, it can be seen that the person granted a portion of land by the head of the village also had the independence to distribute it to members of his lineage or his family. In case the person dies, members of the person’s family could also inherit the land.

In the context of this study, this level of land allocation (lineage level) assumes great significance, specifically given the fact that it is still powerful.

The most fertile land, however, was occupied by the head of the chieftaincy, heads of villages, their relatives and those favourite to them (Junod, 1913). In conformity with

⁷ In nowadays Mozambique there are many customary laws through out the country which are unwritten.

the customary law, both the head of the village, and people who have been granted land by him, were required to return it to the head of the chieftaincy, in case they left the territory (Junod, 1913).

2.2.1.3. Was the rule of traditional authorities democratic?

The exercise of democracy at the level of chieftaincy and village was very limited. Although subjects participated in discussions of public matters at the chieftaincy assembly (*bandja*), women were excluded from taking part of these (Junod, 1927). The exclusion of women from discussion of public matters at the chieftaincy assembly was also the custom in some areas of Central Mozambique. As Mudenge (1988) puts it, “[T]he *dare* was not such a democratic assembly as it has sometimes been made out to be, for women were not allowed to attend unless they were specifically invited to do so, clear evidence of discrimination and oppression” (1988:14).

Junod says that in some cases the council of the family could depose the head of the village within a certain chieftaincy. That occurred in situations where the head of the village showed inability to govern the village (Junod, 1927). In such cases, it was the young brother of the deposed who occupied the position (Junod, 1927). There is no evidence to support that the deposition of heads of chieftaincies by chieftaincies councils also used to happen.

2.2.2. The kingdom

2.2.2.1 Political structure and role of traditional authorities

Sometimes, pre-existent chieftaincies from the main original lineage were organised to form the kingdom. Other times, a kingdom was formed through conquest and subjugation of chieftaincies or other kingdoms that previously occupied a certain territory (Junod, 1927). Liesegang also supports this later position when he argued that local tradition collected in Southern Mozambique (1900-1970) with reference to the larger kingdoms suggested that military conquest and expansion established the

right to rule and organise government (Gerhard Liesegang, personnel communication, August 2004). According to Liesegang, there are a number of conquests in the eighteenth and nineteenth centuries that attested to this change of ownership of land (Gerhard Liesegang, personnel communication, August 2004).

The king occupied the top of the political organisation of the kingdom. According to Junod (1927), the king was assisted by various grades of counsellors to carry out functions of the kingdom. There were the main counsellors (called *letikulo*), who were members of his family responsible for discussing and deciding on important issues of the kingdom. Discussions presided by the king could end in a resolution that had a force of law (Junod, 1927).⁸

Individuals appointed by the king to “act as overseers or magistrates, to adjudicate the petty differences of the people” (Junod, 1927:423), constituted the second category of counsellors. Other roles of these counsellors were to channel all serious issues to the capital, including matters that overcame the judgment of heads of chieftaincies. They also supported the king in taking decisions about chieftaincies where they were overseeing (Junod, 1927).

Heads of the chieftaincies within the kingdom were responsible for administering their territories in the name of the king. That included the collection of tribute in kind and later in money (after 1800) (Junod, 1927). These heads of chieftaincies were generally relatives of the king of the kingdom in which they belonged (Junod, 1927).

According to the customary law, the successor of the king was his son. But the succession by the son of the king could only take place if all the younger brothers of the king have died. Otherwise, one of the younger brothers of the king would succeed

⁸ An example of such making of law comes from the Nondwane kingdom. In this kingdom there was a lack of uniformity on the money required to pay *lobolo* (marriage). After discussions, the king fixed an amount for *lobolo* and it became part of the law (Junod, 1927).

him (Junod, 1927). Junod asserts that this law frequently led to wars of succession. For example, it could happen that a younger brother, who was the successor of a king who had died, had gained much popularity during the king's rule. In such situations, the younger brother of the king was "very much tempted to appropriate the [kingdom] for his own family and to order the tribe to crown his son, to the exclusion of the son of the first [king], who belonged to the elder branch, but who has been more or less forgotten during..." the time (Junod, 1927:411). This could lead to a war of succession. As said by Negrão (1995) and Mudenge (1988), the succession of kings in Central Mozambique was also based on customary law.

2.2.2.2 The role of traditional authorities in land administration

It appears that the role of kings in land administration was more visible after a conquest of a certain territory or at the period of organisation and re-organisation of the kingdom. In such cases, it was the king who divided his kingdom into chieftaincies ruled by his relatives. In this way, the king allocated and distributed land rights to his relatives who would also allocate and distribute land rights to other people under their jurisdiction in name of the king (Junod, 1913; 1927). The king also intervened in cases of land disputes involving his kingdoms' chieftaincies and those chieftaincies of other neighbouring kingdoms because all land of the kingdom belonged to him (Junod, 1913).

The heads of chieftaincies and the heads of villages were independent in land administration issues in the sense that common land administration procedures were held by them in the territories controlled by them without channelling information to the king (Junod, 1913). However, without presenting supporting evidence, it is possible that the king himself did the allocation of land for foreigners.

2.2.2.3 Was the rule of traditional authorities democratic?

There is evidence that the exercise of democracy in kingdoms was weak. Firstly, the king enjoyed the concentration of powers. According to Junod, legislative, executive,

and judicial powers were all in the hands of the king, aided by his counsellors. The king was the supreme authority and his decisions were without appeal. This concentration of powers was reproduced at the level of chieftaincy (Junod, 1927). In exceptional cases, kings used to kill their internal opponents, ruling in a despotic way in which an opposing idea was not tolerated. For example, the king of Nondwane in Southern Mozambique killed his four brothers in order to rule without opposition and as a way of guaranteeing inheritance of the position to his son (Junod, 1927).

Secondly, the system of government of the kings was exploitative in nature because they required various payments from their subjects. They also put their subjects to work for them in their private fields (Junod, 1927). Kings had large estates that were worked by their subjects, tilling, weeding, harvesting, etc. Every kind of building at the royal house was to be done by subjects, including building and repairing houses, thatching roofs, etc. Moreover, younger subjects were forced to make 'hunting expeditions' in favour of the king. After 1800, kings often required various forms of payments to them in money. For example, when the migratory work to South African started, kings also required a certain amount of money to be paid by the returnees. Even for a notification to kings of certain events, such as the beginning of the wild fruits beer feast, payment of money was obligatory (Junod, 1927).

Thirdly, the rule of king was discriminatory against women in the sense that women were excluded from taking part in government and in discussion of important matters of the kingdom (Junod, 1927).

Wars of succession and unilateral declarations of independence were in part the result of the limited democracy in the system of the government of the kingdoms. These occurrences might not be seen only as an expression of the ambition of those kings who ordered the coronation of their sons in place of the son of the first dead king, but also as an expression of ambition of those chieftaincies who wanted to declare dismemberment from the kingdom. They revealed, in fact, the limited democracy of

the government of traditional authorities. If the system of coming to power was democratic and not hereditary, such wars might have not occurred because each of the opponents would have struggled to show his popularity to the electorate. Moreover, in cases of invasions, the invaded population might want to contest openly the rule of the invaders but, due to the fear of military force, they were prevented from doing that.

2.2.3. *The empire*

2.2.2.1 Political structure and role of traditional authorities

The Empire of Muenemutapa (1400-1902) is the only one that is argued to have existed in pre-colonial times (Universidade Eduardo Mondlane - UEM, 1982; Mudenge, 1988). According to UEM (1982) and Mudenge (1988), the domains of the Empire of Muenemutapa extended from the Zambezi River in the North to the Limpopo River in the South and from the Kalahari Desert in the West to the Indian Ocean in the East. Thus, it occupied a large area of what is the Mozambican territory.



Randles (1975) quoted in Negrão (1995) identified four administrative levels in the Empire of Muenemutapa headed by four grades of traditional authorities. The emperor was at the central administrative level. Kings, named *Mambo*, occupied the second level. The third administrative level was a province that was ruled by a figure called *Fumo* or *Nkosi*. The last level was the *musha* (village) that was administered by a *Muenemusha* or *Mukuro*.

In principle, the succession of emperors was done according to the custom. However, the one who 'had force or powerful allies' could get the right to become a successor to the emperor (Mudenge, 1988:84). The emperor had the role of appointing or confirming the rulers of kingdoms and provinces (Mudenge, 1988) and of resolving disputes between them. In addition to that, the emperor had the role of controlling the rulers of his subjects through the act of appointing or confirming them.

2.2.2.2 The role of traditional authorities in land administration

The emperor did the allocation of land, acquired through conquest, to kings. Mudenge (1988) argues that immediately following a conquest of new territories, the emperor had the role of deciding, free of custom, to which kings parts of the conquered lands would be allocated. Negrão (1995) argues that in the territory of the Empire of Muenemutapa there was a certain degree of independence in respect to land issues. He pointed out that, each kingdom within the empire held its land tenure system⁹ without interference of the central authorities of the empire (Negrão, 1995). It is likely that chieftaincies and villages also enjoyed a certain degree of independence in land allocation and distribution issues. But, for the central part of the territory of the Empire of Muenemutapa in Mozambique, there is no evidence to support that claim in pre-colonial time. The evidence only exists to the southern part of the empire (Junod, 1913).

2.2.2.3 Was the rule of traditional authorities democratic?

The emperor was assisted by various officials including governors of provinces, a captain-general of the armies, chief treasurer, chief musician, chief door-keeper, diviners, bodyguards and royal wives (Mudenge, 1988; Negrão, 1995). According to Mudenge (1988), there were meetings at the assembly place that existed in all administrative levels of the empire. Important issues of each territory were discussed in these assemblies. The administrative level of the kingdom was like the central one in terms of the offices available. Nonetheless, the number of offices available in each kingdom was dependent on its dimension and the range of issues to tackle (Negrão, 1995).

⁹ Land tenure “means the terms on which land is held”. The concept defines “the rights and obligations of the holder of the land” (Bruce, 1993:1). A land tenure system “is all the types of tenure which are recognized by a national and/local system of law, taken together as a system” (Bruce, 1993:2). This is the case, for example a Mozambique, where we find statutory land tenure and recognised customary land tenure.

Subjects within the Empire of Muenemutapa were obliged to pay tribute to their traditional authorities in kind (cereals, livestock, and manufactured products) and labour – seven to ten days of work to the traditional authority per month (Cota, 1944; Mudenge, 1988; UEM, 2000). Anyone who failed to do this was punished (Cota, 1944; Mudenge, 1988). There were some undemocratic elements in the government of the empire of Muenemutapa, such as the exclusion of women from discussing important issues of the territory (Mudenge, 1988) and the concentration of powers. In respect to the concentration of powers, Mudenge (1988:84-85), quoting Pacheco (1883), points out that “[t]he Emperor is the absolute lord of life, death, honour, and well-being of his vassals...his orders [being] stronger than all their law.” This quotation makes clear that the power of the emperor was often not checked.

It is also likely that the problems discussed at the level of the kingdom, which resulted from the undemocratic nature of the system of government of the kingdom, also occurred in the empire because wars of succession and social unrest were also frequent in the empire. Mudenge (1988:79) shows an example of instability within the system of government of the empire when he says that, “out of the 28 successions that took place between 1692 and 1902, military force had to be employed in the case of 16 of these...”

2.3. Colonialism and Traditional Authorities before the Berlin Conference

From the arrival of the Portuguese in the fifteenth century (1498) up to the end of the nineteenth century (1885), two broad areas with differences in administration were found in Mozambique. Firstly, there were areas that were governed in all aspects by independent African chieftaincies and kingdoms. These areas were never penetrated by the Portuguese and were largely left intact. Secondly, areas controlled by the colonial administration were also found. This dual pattern of rural governance changed from the time of the Berlin Conference (1884-1885) onwards. As will be seen, after the Berlin Conference (1884-1885), the colonial State extended its control

over the whole country, destroyed or altered the remaining traditional authorities, and centralised the State administration.

Up to almost the end of the seventeenth century, the Portuguese were restricted to some points of the coastal strip and a few in the interior (Newitt, 1995; UEM, 1982). However, from the end of the seventeenth century to the nineteenth century, the Portuguese acquired more land and weakened the power of traditional authorities in various ways. The Portuguese made war with traditional authorities to acquire land (Vail and White, 1980; Newitt, 1973; 1995).

Whenever they acquired the land of a king, the Portuguese deposed him and retained the chieftaincies (Newitt, 1995). The Portuguese also exploited rivalries between traditional authorities giving support to some in their war with other. As a way of compensation for the Portuguese support, some traditional authorities sold or assigned land to the Portuguese (Newitt, 1995). Other Portuguese acquired land through marriage with relatives of traditional authorities (Newitt, 1995). In this land, the Portuguese *prazos*. According to Newitt (1973), *prazos* were large tracts of land within the hands of the Portuguese colonial administration leased to Portuguese, Indians, Chinese, and other settlers for a period of three generations, after which the land should be returned to the colonial administration. It is not clear, however, how many years a period of one generation was. The *prazo* land could also be leased to African women provided that they were married to a Portuguese citizen (Newitt, 1995). The Portuguese administration required the *prazo*-holder to administer the land that had been granted to them as traditional authorities used to do (Newitt, 1995). In fact, the holders of *prazos* "...exacted tribute and labour services from their peasants and performed various ritual chiefly functions" (Newitt, 1995:232).

The traditional authorities, heads of chieftaincies, and heads of villages within the *prazo* land continued controlling their subjects but their superior authority to whom they reported was the *prazo*-holder (Newitt, 1995). Traditional authorities in

chieftaincies and villages that were within the *prazo* land continued allocating and distributing land according to the customary law of the particular area (Negrão, 1995). Despite the fact that in practice, traditional authorities retained a certain degree of autonomy in land allocation and distribution, if a *prazo*-holder wanted a certain plot of land, he could take it even with their opposition.

2.4. Position after the Berlin Conference

When the European powers met at the Berlin Conference (1884-1885) to solve their disagreements around the division of the African continent among themselves, it was decided that each power could only claim possession of a certain territory if it was able to exercise an effective occupation. In other words, a certain European power such as Portugal could only possess an African territory as a colony if it was in a position to occupy, administer and exploit it (Axelson, 1967). It was within this context that Portugal strengthened its effort to administer Mozambique. In this effort, it was faced with two big problems. Firstly, Portugal was a weak European power, without enough financial resources to occupy and exploit a territory such as Mozambique (Newitt, 1981; Isaacman and Isaacman, 1983). Secondly, in this territory there were still African traditional authorities, some of whom had become militarily strong with the slave trade (UEM, 2000).

In order to overcome the first problem, Portugal ceded some parts of Mozambique to companies of European capitals to exploit them. Thus, a large area of Mozambique (about 60%) was allocated to companies of foreign capitals that exploited it. According to Newitt (1995) and UEM (2000), the main companies were the Nyassa Company (1891), the Mozambique Company (1888), and the Zambézia Company (1892). These companies were also involved in the war against the traditional authorities for the control of the area that had been conceded to them (Newitt, 1995 and UEM, 2000).

The companies allocated land in territories under their control, collected taxes, submitted peasants to forced labour in plantations, and exported peasants as migrant workers (Neil-Tomlinson, 1979; Vail and White, 1980; UEM, 2000). According to UEM (2000), the traditional authorities from the areas that fell under the control of companies were their auxiliaries in this exploitation of people. For instance, traditional authorities collected taxes from subjects to companies, enforced subjects' forced labour in favour of companies, and also helped in the recruitment of African labour to be exported to South Africa and Southern Rhodesia in the land under companies administration (Isaacman and Isaacman, 1983).

2.4.1. Defeat of traditional authorities

To solve the problem of the existence of an independent African political organisation, Portugal made the War of Pacification from 1885 to 1920. By the year 1920, the major focus of resistance of traditional authorities had been defeated (Isaacman and Isaacman, 1983; Rocha *et al.*, 1993). In other words, although in policy Portugal occupied the entire territory of Mozambique from 1885 onwards, in practice traditional authorities maintained the control of their territories during the first two decades of the twentieth century. During the process of pacification that followed the Berlin Conference (1884-1885), territories that fell under the control of the Portuguese introduced administrative units called military districts controlled by a Portuguese official (Rocha *et al.*, 1993; Covane, 2001).

2.4.2. Centralisation of the Portuguese administration and the role of traditional authorities

By the end of 1920s and beginning of 1930s, the Portuguese took back the control of some land that had been granted to Companies of European Capitals (through refusing to renew the contracts), abolished the *prazos* system, and gradually centralised the administration of the territory countrywide (Isaacman and Isaacman, 1983; Newitt, 1995). The Portuguese introduced a new administrative system and structure. They divided the dominated areas into districts (*circunscrições*). A Portuguese administrator ruled these territorial units. Districts were divided into other

territorial units named Posts (*Postos*) that were governed by a Portuguese chief of Post. Posts were divided into chieftaincies (*regulados*) ruled by an African chief appointed by the Portuguese known as *régulo* or *regedor*.

The chieftaincies (*regulados*) were divided into groups of villages (*grupo de povoações*) and these into villages (*povoações*). Groups of villages and villages were ruled by a traditional authority head below the head of the chieftaincy (*régulo*) in the hierarchy established by the Portuguese. The Portuguese colonialists destroyed kingdoms and tried to align the former pre-colonial chieftaincies with *regulados*. Some pre-colonial chieftaincies were divided into two or more other colonial chieftaincies (*regulados*) and, villages were elevated to the level of chieftaincies (Covane, 2001).

The African figure ruling a chieftaincy (*regulado*) could be a former traditional authority head of a chieftaincy, head of a group of lineages or anyone else who had won the sympathy or trust of the Portuguese (Borges Coelho, 1993).¹⁰ In addition, Vail and White (1980) point out that in some cases, ordinary African figures that had fought together with the Portuguese against the African traditional authorities were appointed. These were not necessarily relatives of traditional authorities. Traditional authorities implemented orders and instructions received from colonial administrators and they became accountable to colonialists (Toscano, 1941; Lobo (1966)).¹¹ Traditional authorities acted as colonial functionaries, collecting taxes, recruiting subjects to forced labour, and controlling subjects' production of forced crops (such as cotton and rice) (Isaacman and Isaacman, 1983; Hedges and Rocha, 1993). Those traditional authorities who were not compliant with colonial system were deposed

¹⁰ See also Historical Archive of Mozambique (*Arquivo Histórico de Moçambique* - AHM). Caixa 522, Administrador da Circunscrição de Macanga (Tete), 20 September 1961.

¹¹ See also regulations on traditional authorities (*régulos*): Província de Moçambique (1944). Portaria No. 5639, of 29 July 1944 and Portaria No. 4789, of 11 June 1942; Regulamento dos auxiliares da administração civil, Portarias No. 22935 e 23281, of 7 March and 8 June 1970, respectively.

and substituted by other figures submissive to the colonial system (Vail and White, 1980; Honwana 1996).

From the colonial administration, the traditional authorities received subsidies (money) and uniforms, and some of them also received better housing conditions in recognition of their services and as a way of increasing their prestige. Despite privileges, the traditional authorities also continued requiring payments in kind, coin or labour services from the peasants to themselves (Covane, 2001). Traditional authorities forced their subjects to work for them, including beatings them (Hedges and Rocha, 1993; Manguezi, 2003).

2.4.3. Land ownership, administration and the role of traditional authorities

In pre-colonial times, the traditional authorities were the theoretical owners of land. With the establishment of the colonial administration, however, all the land of Mozambique became property of the colonial State.¹² The colonial State allocated land to companies and to other users such as Portuguese citizens. According to the colonial land allocation regulations, land in the country was divided into three main categories; (i) land of urban areas and of small towns; (ii) land within and around African villages, and (iii) free land (apparently free).¹³

The allocation of land now followed other procedures different from those of traditional authorities. For example, the formal process of land allocation required that a company or a colonial citizen who wanted land use rights apply to the colonial administration. Colonial officials would survey the requested land in order to verify if it was occupied or not. If not occupied, it was ceded.¹⁴ This was the only formal process. Actually, African people had to be pushed aside in order for their own land

¹² See decree No. 3,983 of 8th July 1918 (Boletim oficial da Província de Moçambique, I Série No 31); Província de Moçambique (1973). Land Law No. 6/73 13th August 1973 (Boletim oficial da Província de Moçambique, I Série No 108, 15 September 1973) and Decrees No. 43, 897 (it recognised local customary norms and practices).

¹³ Land Law No. 6/73 13th August 1973 (Boletim oficial da Província de Moçambique, I Série No 108, 15 September 1973).

¹⁴ Ibidem.

to be allocated to others, especially in fertile areas. As Sachs and Welch (1990) have argued, the colonial State could dispossess people of land at any time in any part of the country if it needed.

Despite the colonial ownership of all lands, traditional authorities within the territories controlled by them (land within and around African villages) continued allocating and distributing land according to customary systems of land tenure, in so far as those systems were not contrary to Portuguese law.¹⁵ This means that land rights granted according to the Portuguese land law were stronger than those land rights assigned through customary land laws. In other words, a person with land rights under the customary law could lose those rights if the portion of land was required by the State (Sachs and Welch, 1990; Negrão, 1995).

2.4.4. Changes in customary laws and practices of land administration

Although continuing allocating and distributing land for their subjects, traditional authorities had lost much of their power deriving from customary law and practices because their decisions regarding land could be revoked by the colonial administration. If a certain area of land under the jurisdiction of a traditional authority figure was required to be allocated to Portuguese interests, the opposition of the traditional authority for granting of that land could be disrespected (Sachs and Welch, 1990).

Another example of changing customary law and practices comes from cotton cultivations areas of Northern Mozambique. In these areas, patrilineal systems of land tenure were imposed and enforced by colonialists and traditional authorities, to people governed by a matrilineal land tenure system (O’Laughlin, 2000).

¹⁵ Regulations on traditional authorities (*régulos*): Província de Moçambique (1944). Portaria No. 5639, of 29 July 1944 and Portaria No. 4789, of 11 June 1942; Província de Moçambique (1970). Regulamento dos auxiliares da administração civil, Portarias No. 22935 e 23281, of 7 March and 8 June 1970, respectively.

Traditional authorities also spent much of their time in issues of a ‘non-customary’ nature such as “negotiating with administrators, labour recruiters, settler farmers, and cotton company officials; inspecting fields and the quality of crops; punishing workers who fled their jobs and those with poorly weeded cotton fields” (O’Laughlin, 2000:19), rather than looking at issues related to land allocation and distribution in their territories.

2.4.5. Legitimacy of traditional authorities

The majority of traditional authorities were appointed according to hereditary laws of succession but they were also dependent on confirmation by the colonial government. In regards to heads of groups of villages, they were also appointed following customary laws of succession but depended on the approval of the colonial administrators for their coronation. This means that a traditional authority appointed according to customary law of succession could not be coronated by the Portuguese if they judged him not good to represent their interests. During their duty, traditional authorities had to meet all the demands of the colonialists to maintain their positions. These demands included the collection of taxes and recruitment of their subjects to forced work (Isaacman and Isaacman, 1983).

Apart from the demands of the colonialists, there are traditional authorities who subjected their subjects to forced work in their private fields, and required extra payments from them. For example, each year, a *régulo* called Macuacua from Gaza province wanted “two pails of cashew nuts from every resident and [charged] herbalists an annual fee of 200 escudos, brewers a monthly fee of 150 escudos and returning miners 200 escudos” (O’Laughlin, 2000:19). Another example comes from *régulo* Makupulani. This traditional authority forced women to grow rice for his private gain. Women who failed to fill the sack established by him were beaten (Hedges and Rocha, 1993). However, there are some who refused to serve the colonialists. Mataka from Niassa province, who allied himself to the FRELIMO during the liberation struggle, was one of them (Hedges and Rochas, 1993). Thus,

there were traditional authorities who were seen by their subjects as oppressors and exploiters and others who were not.

2.5. FRELIMO and Traditional Authorities during the Liberation Struggle

The Mozambique Liberation Front (FRELIMO) was a liberation movement formed in 1962 in Tanzania.¹⁶ According to Hall and Young (1997), in 1964 the FRELIMO movement wanted to begin the liberation struggle in all the territory of Mozambique but it was not allowed to operate from many of the neighbouring countries, such as Malawi, South Africa, South Rhodesia, Swaziland and Zambia (1997). The movement had to start the war in 1964 in the North provinces of Cabo Delgado and Niassa from its bases in Tanzania. By 1965 it had zones that had been liberated from the Portuguese administration (the liberated zones) in provinces of Cabo Delgado and Niassa.

With the appearance of these first liberated zones, according to Munslow (1979), traditional authorities were given the role of organising civil society. Centro de Estudos Africanos (1986) quoted by Hall and Young (1997:16) point out that the organisation of civil society was performed in two ways. There were, "...committees of six (*'sita'*), which organised the transport of war matériel south from Tanzania, and also the local food contributions from the peasants for the guerrillas; and committees of ten (*'kumi'*), which dealt with social problems and disputes" (1986:9-10). Traditional authorities running these committees were 'headmen'¹⁷ (Hall and Young, 1997). The 'headmen' were controlled by young guerrilla politicians and not by *régulos*. As West (1998:154) puts it:

...even in cases when a *régulo* had accompanied his people [to liberated zones], it would not be he who exercised authority among them. Rather,...the young men who had joined FRELIMO long before their elders and who had worked at great risk to mobilize support for the fledging

¹⁶FRELIMO was formed from the unification of three nationalist movements in 1962 (Tanzania) which was the National Democratic Union of Mozambique (UDENAMO), the Mozambique African National Union (MANU) and the National Union for Mozambican Independence (UNAMI) led by Eduardo Mondlane, its first president.

¹⁷ It is not clear what Hall and Young mean by headmen. I associate 'headmen' with village heads.

organization – assumed positions of authority within a new command structure mounted by the guerrilla force.

The exercise of authority by young politicians and not by *régulos* in a context of war might be because the young politicians were more aware of the guerrilla war tactics than the *régulos*. This might be useful, for example, in knowing how to protect the population in case of the enemy attack.

But by 1966, the leadership of the FRELIMO movement began to see traditional authorities as an impediment to the advancement of the liberation struggle with its aim of achieving social and political equality (Mondlane, 1995). Traditional authorities continued refusing to give up privileges that they used to enjoy and were against the equality of roles to be played by men and women in the liberation struggle (Isaacman and Isaacman, 1983). Thus, the leadership of the movement argued that it “would oppose all chiefs who did not join the movement, and that it would support chiefs who joined the movement only as members of the movement with no special privileges or powers in relation to anybody else” (Mondlane in Cravinho, 1995:142). This means that the movement accepted traditional authorities as individuals and not as representatives of the traditional authority institution. To be accepted, they were required to renounce the privileges and roles granted to them by the traditional authority institution.

The view above was contested by some of the movement’s senior officials who wanted the maintenance of the traditional authority, and its system of land administration, as well as the continuation of discrimination against women. They wanted traditional authorities to continue the collection of tribute and the exclusion of women from important issues of society (Isaacman and Isaacman, 1983). In fact, Munslow (1979) notes that the traditional authorities and their supporters within the movement were blocking the process of change introduced by FRELIMO by opposing the full emancipation of women and the youth – e.g. opposing the election

of women and youth to important positions within the movement. They were also opponents of the existence of white members of the movement, in that way, continuing with the colonial racist ideology (Munslow, 1979). Moreover, those senior officials of FRELIMO who supported traditional authorities were not envisaging changing the colonial mode and relations of production (Munslow, 1983; Isaacman and Isaacman, 1983).

According to Isaacman and Isaacman (1983), the group that advocated the abolition of the traditional authorities and their inherent land administration system, saw in the experiences of the liberated zones an embryonic model through which collective ownership could lead to a society where resources are equitably distributed. This group won when its leader (Eduardo Mondlane)¹⁸, was re-elected during the Second Congress of the movement that took place in July 1968 (Isaacman and Isaacman, 1983).



By April 1969, traditional authorities were substituted by new elected structures (Hall and Young, 1997). According to Isaacman and Isaacman (1983), these were men and women elected by villagers. They “organized collective production, presided over public meetings, [and] sat as local courts that helped to establish new guidelines of sanctioned behaviour...” (1983:93). In other words, the new elected structures were running life in liberated zones according to principles of the liberation movement. In terms of administrative divisions, the territory of the former colonial *regulado* was now called ‘local branch’ (West, 1998).

According to Casal (1991), the mode and relations of production in liberated zones (e.g. collective production and rule by elected representatives) was used as a practice

¹⁸Eduardo Chivambo Mondlane, the first president of FRELIMO was assassinated in 3rd February 1969, through an explosion of a book bomb.

that would contribute to the building of a new society free of exploitation. Traditional authorities were seen as an essential part of that exploitation system.

The ownership of land as well as its administration by the traditional authorities also was removed in the chieftaincies (*regulados*) located in the liberated zones. Casal (1991) argues that in 1972 the movement's Defence Department stated that the land is for the people led by FRELIMO and its management, and that control belonged to FRELIMO. One year before independence (1974), Samora Machel, then president of FRELIMO, highlighted the positive experience developed in the liberated zones, including the adoption of the collective form of production and the substitution of the traditional authorities by new structures of power. He argued that it had to be implemented all over the country in order to overcome underdevelopment (Machel, 1975). These statements and arguments formed the policy regarding the traditional authorities in independent Mozambique.

2.6. Conclusion



This chapter discussed the roles of the traditional authorities in land administration before and after colonialism (1498-1974). It argued that in pre-colonial Mozambique, there were three main political organisations that were the empire, the kingdom, and the chieftaincy. The system of land allocation from the top to bottom showed that at the lowest level of society, heads of lineages and heads of families had full power to allocate and distribute land to members of their families. This is what is meant by customary system of land allocation and distribution. The chapter also argued that the exercise of democracy in pre-colonial society was limited. This is in the sense that rulers were hereditary appointees and not elected individuals. There was a concentration of powers in the hands of rulers (more evident at the level of kingdom and empire), and women were excluded from discussions and the process of making important decisions.

The chapter explained that after a long and uneven process, African political organisations were disrupted by Portuguese colonialism. It also has been argued that the power of traditional authorities in land administration was curtailed. Although traditional authorities continued allocating and distributing land in areas controlled by them, if colonial authorities wanted a tract of land within the *regulado*, traditional authorities could not avoid the loss of that tract of land. Their decision against the decision of colonial authorities was weak and could be disrespected.

This chapter also showed that the process of establishment of the colonial State destructed the empire and kingdoms and introduced a distorted form of chieftainship not necessarily coincident with pre-colonial chieftaincies. Moreover, to maintain their positions, traditional authorities had to comply with the colonialists. Thus, traditional authorities acted as colonial functionaries (collecting taxes, recruiting people for forced work, enforcing forced work, etc.). This is what discredited them in the eyes of their subjects.



The chapter also argued that during the liberation struggle (1964-1974), FRELIMO removed the privileges of traditional authorities, and removed them from roles in land administration in the liberated zones. FRELIMO favoured an evolvement of a progressive form of ruling people in which representatives of the people were elected men and women.

CHAPTER THREE: THE ABOLITION OF TRADITIONAL AUTHORITIES AND THE ATTEMPT TO DEMOCRATISE RURAL LAND ADMINISTRATION (1975 – 1983)

3.1. Introduction

This chapter is about why traditional authorities were abolished and replaced by elected structures after independence. The chapter also discusses the first land policy and examines its implementation after the abolition of the traditional authorities, between 1975 and 1983. As the implementation of the first land policy was accompanied by difficulties on the ground, the chapter also examines what these difficulties were, why they occurred, and what their implications to the role of the traditional authorities in land administration were. The period under examination in this chapter is from the time of the independence of Mozambique to 1983, the year FRELIMO held its Fourth Congress, which brought major changes to the first land policy.



3.2. The Abolition of the Traditional Authorities and the Setting Up of the Rural Local ‘Democratic’ Rule, 1975 – 1983

The military coup, which overthrew the Portuguese dictatorship regime in 1974, led to negotiations, which ultimately put FRELIMO in power in 1975 (Hanlon, 1984). The events in Portugal “caught FRELIMO, which had anticipated a protracted guerrilla campaign gradually extending the liberated zones, by surprise” (Isaacman and Isaacman, 1983:106). At the time of independence, traditional authorities and their administration were officially abolished all over the country. I have shown and argued in the previous chapter that what was happening in the liberated zones was a nucleus of what was going to happen after independence. When FRELIMO came to power, it tried to establish a uniform system of rural governance and land administration in general, and democracy in rural areas in particular, based on the experience from the liberated zones.

In the liberated zones the FRELIMO movement changed the colonial mode and relations of production, in such way that it adopted a socialist perspective. This socialist perspective informed its future policy including on traditional authorities. By traditional authorities, the government was particularly referring to the heads of chieftaincies (*régulos*). But it could be argued that it also referred to heads of villages and heads of lineages since they were part of the traditional authority institution and part of the chieftaincy (*regulado*) body.

According to several authors (Roesch, 1992a; Honwana, 1996; Manning, 1997), traditional authorities were accused of having collaborated with colonialists and of practicing exploitation actions (such as the requirement of payments of tributes and money contributions to them) and feudal practices (such as to force their subjects to cultivate the traditional authorities' land). Such practices were held to be negative to the new society that the government was intending to build; a society free of exploitation, feudalism and free of undemocratic hereditary institution of the traditional authority.



The tribal institution that supported traditional authorities was also seen as embodying divisionism against the project of building national unity (Manganhela, 1997). It had to be suppressed in order to build up the Mozambican nation: “[w]e killed the tribe to give birth to the nation. This is not a nation of tribes, it is not a nation of races” (Machel, 1985:77). This quotation of the first president of independent Mozambique, Samora Machel, illustrates the understanding that tribalism is connected to traditional authorities and associated with divisionism.

Nonetheless, apart from having been an extended arm of the colonial oppressive system and of practicing ‘obscurantism’¹⁹, the traditional authority institution was regarded as not compatible with the project of building a modern socialist State that the government would formally come to adopt in 1977. As traditional authorities are

¹⁹ The meaning of the term obscurantism has been expressed in the introduction.

connected with feudalism, maintaining them after independence would be a step back in history. Therefore, traditional authority structures and their beliefs had to be extinguished. Hall and Young (1997:65) put the argument for that position in the following way:

...the FRELIMO elite and social strata to which it appealed were profoundly convinced of the superiority of modern civilisation and the need to ‘catch up’ with it...The old world is backward and unscientific, the colonial world is corrupt and oppressive. Further, there is a sinister link between the two because the corrupt colonial world took and indeed reinforced the worst traditions of the old ways and lost the best. ‘Feudalism’ and ‘capitalism’ neatly encapsulated the twin enemies.

The “elimination of colonial and traditional structures of oppression and exploitation and the mentality that underlies them”²⁰ was one of the main objectives of the first Constitution of Mozambique passed in 1975. Documents of the FRELIMO Party also pointed to the need of replacing the traditional authorities. They argued that traditional authorities could only be “definitely pushed aside with the implantation of the truly democratic structures of the People” (FRELIMO, 1975b:5). These were considered democratic structures in the sense that their members were elected by the ruled people and not appointed.

3.2.1. The setting up of elected structures and the attempt to establish rural democracy

Colonial territorial divisions that used to be ruled by the traditional authorities were replaced by new territorial divisions with new rulers. In the first two years of independence, the new local level authorities²¹ who replaced traditional authorities were the Dynamizing Groups (*Grupos Dinamizadores* – GDs). Dynamizing Groups (GDs) were popularly elected officials at workplaces in urban and rural neighbourhoods. They also existed at the level of circle, village, locality, and district (Hanlon, 1984). It has been argued that in the first two years of independence the

²⁰ Article 4.

²¹ In this study when I talk of local level I refer to the territorial area of locality, village and circle in rural areas. Authorities ruling these territorial units are here called local level post-independence authorities. This is because the territorial area of the colonial chieftaincy often corresponded to the territorial area of the post-independence locality.

GDs exercised executive, judicial, and administrative power more according to Party directives, resolutions, and revolutionary principles of the Constitution rather than customary rules (Hanlon, 1984; Sachs and Welch, 1990).

With regard to the election of GDs representatives that substituted the traditional authorities, Isaacman (1978) indicates that the population of a village or locality gathered together and chose in an open meeting who could become members of the GDs through votes expressed by raising the hand. Hanlon (1984) and Sachs and Welch (1990) stress that the making of decisions by the GDs was preceded by an open discussion in meetings with local population.

The formation of GDs constituted a step forward in the construction of rural democratic governance²² in relation to the colonial past. Contrary to the traditional authorities, these new officials were elected directly by the people they ruled and their composition was more inclusive and less dependent on racial, tribal, gender, and age conditions. For instance, both black and white Mozambicans could become members of GDs. A person from one ethnic-linguistic background, man or woman, young or elder could integrate GDs in another location, if the electorate had found that he/she was the best in that position. This was an important departure from colonial times whereby under the rule of the traditional authorities women and the youth were many times discriminated from making decisions.

In 1977, FRELIMO transformed itself from a liberation movement to a Marxist-Leninist Party and reaffirmed the policy of replacing the traditional authority administration. FRELIMO strengthened the building of the rural local democratic governance that had been initiated with the election of members of GDs. Within this context, Party committees (some resulting from the transformation of GDs) were

²² The notion of democracy in the context of post-independence Mozambique is discussed later in this chapter.

formed countrywide; secretaries and presidents of the villages were elected (Honwana, 1996).

Elections to Assemblies of the People were also held countrywide, reaffirming once again the commitment of FRELIMO to replacing traditional authorities. According to Rudebeck (1986), Assemblies of the People were supreme organs of the power of the Popular State. Oriented and directed by the Party, Assemblies of the People existed at the level of nation, provinces, districts, cities and localities. They also existed at the level of communal villages (Rudebeck, 1986).

The election of deputies to the Assemblies of the People at the local level (locality and communal village) occurred under the framework of 'socialist democracy' and the need to remove the undemocratic administration of the traditional authorities. According to Rudebeck (1986) and FRELIMO (1980), the first general election of Assemblies of the People were held in 1978 and the second in 1980. Bertil Egero points out that the third general elections scheduled to take place in 1983 were first postponed to 1985 and then to 1986 mainly due to security reasons (Egero, 1987).

The election of deputies (including women) at locality and other lower levels was direct, through a show of hands, while at higher levels it was indirect. Egero (1987) records how the indirect election of deputies at higher level occurred. According to him, candidates to the district and provincial assemblies were selected from immediate lower level assemblies and from State and non-State organisations. These candidates were then analysed and elected during Electoral Conferences (Egero, 1987).

According to Egero (1987), only deputies to the National Assembly were elected by the Provincial Assemblies through a secret vote. He adds that deputies at higher levels did not represent or defend interests of a particular constituency but that of all Mozambican people (Egero, 1987). As stated by Hanlon (1984), in general, election

meetings were preceded by an open discussion. Those selected to be candidates not only appeared to be popular but also were selected without considering ethnic and racial basis. Again, the way representatives to the Assemblies of the People were elected at the local level constituted a distancing from the colonial time whereby only members of the same family could become traditional authorities and rule the people.

However, under the framework of these elections, traditional authorities were prevented from being elected. FRELIMO justified this exclusion by saying that it was difficult to separate traditional authorities as individuals from traditional authorities as representative of the banned traditional institution (FRELIMO, 1975b).

But the post-independence policy of FRELIMO did not restrict itself only to deposition of the undemocratic hereditary institutions of traditional authority and its replacement by new elected structures. The roles that traditional authorities had been performing under colonialism in relation to land administration were also given to the newly formed structures. The next section discusses key elements of the first land policy and its land law in relation to the administration of land in rural areas and the role of traditional authorities.

3.3. The First Post-Independence Land Administration Policy, 1975 – 1983

3.3.1. Land policy and land law in rural Mozambique

After Mozambique had become independent from Portuguese colonialism, land-related principles emanating from the first Constitution and from directives and resolutions released by the ruling movement formed the land administration policy (Hanlon, 1984). Speeches by Samora Machel, the head of the State, also “were a major part of the policy process...” (Hall and Young, 1997:90).

The customary land tenure system that supported the administration of land by traditional authorities was abolished (Hanlon, 1984). The 1975 Constitution declared

that land in Mozambique belonged to the whole people through the State.²³ The directives, resolutions, and meetings of the senior officials of the government with junior officials and the population, gave to the newly formed structures, the role of administering land at the local level (locality, village, circle) that before were performed by heads of chieftaincies, heads of villages, and heads of lineages.

For example, the first national meeting of District Committees organised by the transitional government in February 1975 (FRELIMO, 1975c), the Marrupa National Agriculture Seminar in May 1975, and the resolution on communal villages realised in 1976 (FRELIMO, 1976), all gave to the GDs members a strong role of administering land at the local level. In fact, roles of traditional authorities in land issues had been assumed by elected structures since 1974:

The GDs took over more and more official functions from the steadily collapsing colonial apparatus. In a form of workers' control, they ran abandoned factories. In villages and neighbourhoods, they served as councils, courts, police and social workers. In rural areas, they replaced the Portuguese-appointed *régulos* [traditional authorities]...it was the GDs that kept the country running (Hanlon, 1984:49).

What this quotation shows is that the focus of the government was *régulos*. In many ways, it did not put too much attention on lower structures of the colonial chieftaincy body, especially lineage heads. However, lower structures had also been substituted by elected structures, principally heads of villages. It maybe that the FRELIMO-led government thought that by eliminating the *régulos*, the influence of heads of villages and the heads of lineage could fall down naturally.

According to Hanlon (1984), O'Laughlin (1996), and Pitcher (1998), in some areas it was the GDs who voluntarily organised collective agricultural production in the first years of independence. In such areas they also resolved any arising land-related disputes (Sachs and Welch, 1990). Later after 1977, however, Hanlon argues that it was the village councils and the then created People's Tribunals (village courts) that exercised judicial power at the local level (Hanlon, 1984).

²³Article 8.

In 1977, the Third Congress of FRELIMO was held in the capital city, Maputo. The Congress approved a policy of rural socialisation. According to this policy, scattered rural people were going to live in communal villages. On the land that had been abandoned by colonial settlers, large State farms and agricultural production cooperatives were to be formed. The population, concentrated in communal villages, was to work in agricultural production cooperatives and also in the State farms (FRELIMO, 1977b; 1977a).

This policy embodied directives and resolutions that were made years before and it was to be implemented in a context without traditional authority rule. Its theoretical benefits for individuals included access to better provision of education, health, clean water, electricity and other urban-like infrastructures and facilities. It was also expected that individuals would benefit from increased production and productivity that would come from collective agricultural work. The ultimate goal of this policy was to achieve rapid development of the country through rural reorganisation, industrialization and provision of better social services (FRELIMO, 1977a; 1977b).

There were four main differences between land tenure under the rural socialisation policy and the customary land tenure system that used to be enforced by the traditional authorities. Firstly, in the former, individuals were encouraged to work in village collective farms rather than in individual farms. Under the customary land tenure systems, in general, individuals worked in their own fields or that of their families in a dispersed way. Secondly, in communal villages, the allocation of land use rights at the local level for habitation and collective agricultural use was formally done by the elected structures while under the customary system of land tenure. That task was performed by heads of chieftaincies, heads of villages, and heads of lineages.

Thirdly, land tenure under the rural socialisation policy prohibited the village rulers from using the labour force of the people for private gains. While, according to Neil-Tomlinson (1979), the use of their subjects' labour force without payment by traditional authorities was common. Fourthly, individual rights to family land were stronger under the customary land tenure system than under the rural socialisation policy. For instance, individual people could lose their land in favour of collective use under the rural socialisation policy (Hall and Young, 1997). It is worth noting that in colonial times, individuals under customary tenure system also used to lose their family land for colonial interests (Negrão, 1995).

3.3.2. Land allocation procedures

In 1979, the first land law (Law Nr 6/79 of 3rd July) was enacted giving to the State organs, down to the level of the locality, the role of allocating land for habitation and agrarian uses. The traditional authorities did not have a role according to this law. Formally, traditional authorities did not exist. Under the framework established by the 1979 land law, a person wanting to acquire land and land use rights was expected to contact the local level elected structures as described above, in order to help them identify unoccupied land and then, to contact the local representation of the State organ responsible for administrating land. The local representation of the National Directorate of Geography and Cadastre is called *Direcção Nacional de Geografia e Cadastro* – DINAGECA.

The applicant could show interest in acquiring land use rights directly to the local representation of DINAGECA (regularly at the provincial level). Then the DINAGECA representative would verify in the national or provincial cadastral atlas whether there was a registration of the occupation on the requested area. If this process was successfully, its ultimate result was the issuing of a land use title.

Ordinary Mozambican people, especially in rural areas were required to register the land that they were using. After the registration, they were expected to receive a

certificate of land use rights from the State. The certificate was proof of rights to land. The acquisition of a certificate to prove rights to land was a new thing for ordinary people who had not experienced this before.

The effects of this land law is that the heads of lineages, the former heads of villages, and former heads of chieftaincies theoretically had lost power to decide about land allocation and distribution in areas that they formerly controlled. As argued in the second chapter, in pre-colonial and colonial times, heads of lineages had full powers to distribute the land under their control to their members. Heads of villages and heads of chieftaincies also had control of land distribution issues. How this policy played itself out in practice is dealt with in the next section.

3.4. Problems of Implementation, 1975 – 1983

The attempt to extend democracy to the countryside in Mozambique, through creating ‘democratic’ institutions that substituted traditional authorities on the one hand, and villagisation on the other hand, was not free of difficulties. There were a number of reasons for this. Firstly, as O’Laughlin (1992) has observed, a strong local political organisation upon which FRELIMO could have based its establishment of new democratic institutions across the country was inadequate. As already indicated, events in Portugal in 1974 took FRELIMO by surprise. Their experience in running democratic institutions was only limited to the liberated zones in the North and some areas of the Centre (Isaacman and Isaacman, 1983). Extending this experience to the rest of the country proved to be an enormous task.

Linked to the above was the question of limited resources, both human and financial. About 90% of the population in 1975 was illiterate (Hall and Young, 1997). In three years (1974-1977) the Portuguese community reduced from 250,000 to close to 20,000 (Isaacman and Isaacman, 1983). The withdrawal of the Portuguese deprived the newly formed government of needed technicians and professionals because, “by virtue of their privileged racial and class position, [the Portuguese] had been the only

group with access to higher education during the colonial period” (Isaacman and Isaacman, 1983:145).

The post-independence government also suffered of shortage of financial resources. During the two to three years since independence, productive infrastructure was abandoned or sabotaged (Hanlon, 1984). For example, apartheid South Africa substantially reduced the number of Mozambicans working in its mines, a fact that deprived the country of some earnings (Hanlon, 1984). Closing the border with former Rhodesia in 1976, in compliance with sanctions imposed by the United Nations on the Rhodesian minority government, cost the government about “£250 million in lost port, railway, and other earnings” (Hanlon, 1984:51). Furthermore, the prices of Mozambique’s raw materials in the international market fell while the price of manufactured goods rose. For example, “[F]ive tons of cotton would ‘pay’ for a lorry in 1975, but in 1980 a lorry ‘cost’ 13 tons of cotton” (Hanlon, 1984:79).



Inadequate human and financial resources affected, in various ways, the implementation of governments’ policy, as we will see below. The newly elected structures were weak on the ground. For example, in the Mueda plateau, lack of knowledge of the history of land occupation, including the location of boundaries between different families or lineages, forced village presidents to seek expertise of the traditional authorities (West, 1998). West argues that village presidents required knowledge from the traditional authorities to establish the validity of land claims. For Isaacman (1978:25), creating new institutions was affected by the “illiteracy, poverty, lack of familiarity with democratic processes, and racial and ethnic cleavages.” In some way, the ‘adequate resources’ (financial and administrative) that are, according to Manor (2000), critical to the democracy, to work in rural areas, did not exist at all in the context described above.

FRELIMO’s policy barring traditional authorities from being elected also contributed to problems of implementation in the period under review. As has been shown,

traditional authorities were excluded from governance, even in cases where they were elected. Yet, despite this, Manning (1997) and Manganhela (1997) showed that in some areas, traditional authorities were in fact elected as members of the GDs. This may have happened because in some areas local people did not accept the governmental position regarding the traditional authorities. The local population may have elected some traditional authority figures because it knew that they looked after the well being of the population and protected it from colonial exploitation. In other words, some traditional authorities, who were proposed as candidates to the GDs membership, were seen as legitimate. For example, Bowen (2000), in her study of Ilha Josina Machel, mentioned that local people supported the candidacy of Chief Eduardo Timana to become a GDs member because they knew he was not a faithful intermediary of the Portuguese and he had protected them from forced labour. Nevertheless, several authors claim that in general the majority of the Mozambican population supported the deposition of traditional authorities (Roesch, 1992a; O’Laughlin, 1996; Bowen, 2000).



For the district of Erati, Geffray (1985) argued that when elections of the Assemblies of the People were held in 1977, local people from some communal villages elected individuals of the former traditional authority institution to become deputies. The district, in line with the formal policy, then rejected members of traditional authority. In response to the rejection of their candidates, local people discredited the process through deliberate election of individuals lacking some critical skills such as those of communication and writing (Geffray, 1985). Again, this means that there were individuals members of the traditional authority institution who were considered legitimate by the local people.

Apart from excluding traditional authorities from the electoral process, the process of democratisation of rural areas after independence faced another difficulty in the lack of accountability mechanisms in the local level government. The rule of these new structures followed principles of Marxist ‘democratic centralism’. As noted by

FRELIMO (1975a) and Hanlon (1984), under Marxist ‘democratic centralism’, the inferior structures of authority must be accountable to their superiors through local implementation of the decisions taken by those and reporting back to them all the activities done on the ground (FRELIMO, 1975a; Hanlon, 1984). Thus, GDs leaders, village presidents, and village Party secretaries were immediately accountable to local representatives of the Party and the State (district and locality administrators).

Egero (1987), O’Laughlin (1992) and Bowen (2000) warn that a Party secretary at any level was also representative of the State and head of the Assemblies of the People at that level. This lack of separation of the State from the Party, according to them, made it difficult for the Party to check the power of the State (Egero, 1987; O’Laughlin, 1992; Bowen, 2000). This weakness reduced the desired effects of the progressive changes in the local level land and territorial administration introduced by FRELIMO. The top-down approach that was followed under the ‘democratic centralism’ did not agree with the framework of the rural democracy advocated by several authors (Manor, 2000; Agrawal and Ribot, 1999 quoted in Ntsebeza, 2004b). According to Agrawal and Ribot (1999) quoted in Ntsebeza (2004b:62), democracy occurs only when the representatives of the population are “downwardly accountable to local populations.”

FRELIMO’s land policy appears to have strengthened traditional authorities. As indicated, under post-independence land allocation procedures, the majority of Mozambican people in rural areas were required to acquire certificates of land use rights in a process mediated by post-independence local level authorities. These procedures, proved to be difficult because on many times, the office of the State entity responsible for the administration and management of land (the SPGC) was out of reach of the rural population. Frequently, the SPGC did not have representations at district and locality levels.

One of the consequences of this is that people continued acquiring land use rights according to customary systems of land tenure. This was especially the case with the allocation of land through the heads of lineages. The customary system at this level was seen as less cumbersome. Once granted land use rights by lineage heads, the process of land allocation ended without reaching the State office for the issuing of the certificate (Myers, 1993; Myers and Meneses, 1995). In his study on the Erati district (Nampula Province), Geffray (1985) found that, even in areas of the Erati district that the traditional authorities were replaced; the local level post-independence authorities (at the level of village) lacked complete authority, such that they ended up being controlled by the former traditional authorities. This is in the sense that traditional authorities continued having influence of the way that land was allocated and distributed. For instance, in his study, traditional authorities continued allocating land in communal villages through members of their families elected as local level post-independence authorities (Geffray, 1985).



However, the above should not be seen as a uniform reality around the country. This is to say that in some areas, lineage heads collaborated with post-independence local level authorities at the level of village and above it in the land allocation process. For example, if someone wanted to acquire land in a formal way, he/she contacted the post-independence local level authorities and not *régulos*. The post-independence authorities could take the person to the lineage head that controlled a certain territory of land. This is why Tanner (2002:25) argued that “[T]raditional leaders and land chiefs still played key roles in land allocation and management, although the pattern varied from place to place and they often worked closely with local government.” Moreover, Myers (1993) and Myers and Meneses (1995) have also argued that post-independence local level authorities were granting land use rights in some areas. Even without channelling those cases to State authorities responsible for land administration (Myers, 1993; Myers and Meneses, 1995).

Finally, the civil war that ravaged Mozambique also contributed to the problems FRELIMO experienced in implementing its policies. The war against FRELIMO was conducted by the *Resistência Nacional Moçambicana* (RENAMO). RENAMO started its destabilisation operations in 1977 and intensified its activities in the 1980s (Hanlon, 1990; Vines, 1991; Minter, 1994). RENAMO blocked the government's rural socialisation project and the building of the rural democratic rule in different ways:

- i) it targeted communal villages and post-independence authorities;
- ii) it assassinated people, destroyed infrastructures, collective and State farms (Vines, 1991);
- iii) it targeted the Assemblies of the People and their representatives; and,
- iv) it created communications barriers between local, regional and central authorities, making communication between Central authorities and local level ones a difficult task.

RENAMO did not possess a real political policy in such a way that it ended up opposing all aspects supported by its rival FRELIMO, whether good or not. As one commentator puts it, “[G]iven Renamo’s abysmal failure to promulgate, let alone implement, a coherent political program, there is no reason to think that the group is anything other than what it was at its inception: the physical hammer of external interests” (Dinerman, 1990:29). For West and Kloeck-Jenson (1999:460), “RENAMO replicated FRELIMO practices more often than inverting them, the insurgency’s claim to stand against all that FRELIMO was for, and to stand for all that FRELIMO was against...”

In areas that it came to occupy, RENAMO exploited the weakness in FRELIMO’s position of totally dismissing traditional authorities, even those who were willing to subject themselves to a democratic election process through re-establishing them (Wilson, 1992; Alexander, 1994; 1997). In areas controlled by RENAMO traditional authorities allocated land (Alexander, 1994; 1997). RENAMO however, continued

with the colonial policy of appointing people who local people did not consider as traditional authorities. In Manica for example, Alexander affirms that RENAMO “placed sometimes-‘invented’ chiefs in position of authority...” (1997:10).

Some authors indicate the deposition of the traditional authorities as the cause of the destabilisation war in Mozambique (Geffray, 1991; Clarence-Smith, 1989; Cahen, 1989). This is a contested position. For instance, Geffray and others argue that the causes of the war lie in the abolition of customary practices and the substitution of traditional authorities by elected post-independence structures, a fact that combined with the rural socialisation policy, created dissatisfaction of the population and the consequent support for the actions of RENAMO (Geffray, 1991; Clarence-Smith, 1989; Cahen, 1989).

The generalist thesis of Geffray and others has been criticised by some analysts of the Mozambican post-independence situation (O’Laughlin, 1992; Roesch, 1992a; Bowen, 2000).



Otto Roesch, for example, warns in his studies of the Centre and South of the country that the traditional authorities discredited themselves during colonial times in such a way that the population in the Centre of the country was not willing to follow easily their political guidance towards supporting RENAMO, despite the difficulties created by government policies (Roesch, 1992a). In Gaza, southern Mozambique, he found that when the war spread, the government had already abandoned the rural socialisation project. The authority and legitimacy of the traditional authorities had been eroded and weakened during the colonial time by labour migration that provided people with regular wages, which in turn made them less dependent on chiefs “who controlled access to land” (Roesch, 1992a, in Bowen, 2000:99). Thus, there seems to be no ground to consider the removal of the traditional authorities as the main cause of war.

Indeed, evidence presented by various studies show that RENAMO was a foreign created movement that acted against the population, not only post-independence authorities, but mainly ordinary rural people – burning their houses; mutilating and killing, robbing their belongings, kidnapping, etc. (Magaia, 1988; Minter, 1989, 1994). Contrary to the thesis of Geffray and others, Bridget O’Laughlin argues that FRELIMO’s project was seriously undermined by a foreign-backed destabilisation war. She points out that internal destabilisation forces were “promoted, financed, trained, and logistically supported” from abroad under what she calls externally promoted “low intensity rural guerrilla warfare” (O’Laughlin, 1992:25-26).

Alexander (1994; 1997) claims that even in areas where RENAMO enjoyed a certain degree of support and where it re-established the traditional authorities (like some areas of Manica and Sofala provinces), people and the traditional authorities soon became dissatisfied with RENAMO’s restrictions on movement, and extraction of food and labour (Alexander, 1994; 1997). However, in other areas such as parts of Zambézia province, Wilson argues that RENAMO successfully used the spiritual power of the traditional authorities to make war (Wilson, 1992). Meanwhile, in other areas under the control of the government, some authors argue that the traditional authorities were also regaining prestige (Honwana, 1996; Wilson, 1992; Lauriciano, 1990).

3.5. Conclusion

In this chapter, I have shown that after independence of Mozambique in 1975, traditional authorities were abolished for many reasons. Firstly, they were accused of having collaborated with colonialism as exploiters and oppressors. Secondly, they were seen as connected with feudalism and as such not compatible with the project of building the socialist State that the government was intended to build. Thirdly, the traditional institution that supported traditional authorities was seen as promoting tribalism and divisionism while the desirable thing was the unit of the country. The chapter also explained that traditional authorities were substituted by elected

structures (mainly at locality, village and circle levels). These elected structures were given the role of distributing and allocating land.

In what refers to the democratic experience launched by FRELIMO through elected structures, it was shown that it was a progressive experience in relation to the past in the sense that leaders were elected and women were included in the process. However, it was argued that the experience was flawed due to the exclusion of individuals linked to the traditional authority institution that local people saw as popular. It was also argued that FRELIMO excluded these individuals due to the difficulty of separating an individual from a representative of the traditional authority institution. Apart from this, the chapter argued that elected structures were more accountable to their superior than to the ruled population reducing the desirable effects of this experience on the life of the population in rural areas.

This section showed that post-independence FRELIMO policy was hampered by various factors such as the lack of experience in running democratic institutions, shortage of financial and human resources. It pointed out that a setback of the post-independence rural democratisation was barring traditional authorities from being elected even when they were popular in some places. In addition, there was the issue of lack of adequate accountability mechanisms of elected structures in respect to the ruled people. The section also demonstrated that traditional authorities continued allocating land despite their abolition. However, this was not uniform around the country. Consensus among the scholars is that lineage heads are the one who were almost omnipresent in land allocation issues. Scholars diverge on the allegation that the deposition of traditional authorities was the main cause of the RENAMO war. What this account reveals is, that the reality in Mozambique about rural governance and the degree of involvement of various ranks of traditional authorities in land administration should not be generalised but looked at following a context based approach as suggested by the West school (see Chapter One).

CHAPTER FOUR: THE RECOGNITION OF TRADITIONAL AUTHORITIES AND DILEMMAS OF RURAL GOVERNANCE IN MOZAMBIQUE: 1984 – 2004

4.1. Introduction

This chapter focuses on changes in approach towards traditional authorities that occurred from 1984 up to 2004. It discusses the events and processes that led to the formal recognition of traditional authorities in 2000. In particular, the chapter examines the influence of the Fourth and the Fifth Congresses of FRELIMO and the revision of the 1975 Constitution in 1990. Special attention is devoted to the changing global political and economic environment during the late 1980s and early 1990s. The chapter also explores the second attempt to build rural democratic rule in Mozambique, encapsulated by the Law No. 3/94. It also examines the role of traditional authorities in the Land Law of 1997. Additionally, this chapter describes and analysis the content of the Decree 15/2000 that formally recognised traditional authorities. More specifically, it discusses the implications of Decree 15/2000 in terms of the role of traditional authorities in land allocation and distribution and the exercise of democracy in rural areas.

4.2. Informal Change: Contradiction between Policy and Practice

Officially, traditional authorities remained without formal status during the 1980s up to the end of the civil war in 1992. However, there are events that contributed to the change of the policy adopted by government in 1975 about traditional authorities. Each of these events is examined in this section; looking at the way in which it influenced the changing role of traditional authorities in rural governance.

4.2.1. The Fourth Congress

The Fourth Congress of FRELIMO was held in Maputo in 1983. It made an assessment of the progress achieved in respect to the implementation of the decisions taken in the Third Congress in 1977, particularly progress in relation to the implementation of the rural socialisation policy (Hanlon, 1984). Among other things,

the Congress found that communal villages that were planned were not established. This was primarily due to lack of resources to implement them according to plans, resistance of the population to go to communal villages, and sabotage by RENAMO (Hanlon, 1984; Abrahamsson and Nilsson, 1995). In fact, 90% of the population continued to live in dispersed settlements in 1980. This was three years after the adoption of the rural socialization policy (Friedmann, 1980).²⁴ The Congress also found that the cooperative form of production and the agriculture practiced by rural population in general did not show success because many resources have been allocated to State farms that the government believed would rapidly guarantee accumulation of finance for development (Casal, 1996; Hanlon, 1984; Roesch, 1984).

A decision taken by the Congress, which had an impact on the role of traditional authorities in land administration in rural areas, was the abandonment of villagisation and collectivisation of agricultural production as the main pillars of rural development. This decision meant that only people who wanted to do so continued living in communal villages, but the majority of the people already lived in dispersed settlements, including those from areas that had not been ‘villagised’ yet and those who had left communal villages years before. This reaffirmed the scattered pattern of living in rural areas and contributed to the resumption of some aspects of the customary system of land administration, including the allocation and distribution of land by lineage heads. The Congress also ratified economic decentralisation in the sense of promoting private initiative and reduction of direct State intervention in production activities. This meant that people became formally free to decide on the form of agricultural production they wanted to engage in, whether a cooperative, private or family form of production. Heads of families and heads of lineages did the distribution of land for family agricultural production in rural areas. It is worth

²⁴ Araújo affirms that in 1978 there were 857 communal villages in the country – with 1,250,000 inhabitants, corresponding to about 10.9% of the general population of Mozambique (Araújo, 1983:372).

remembering that in communal villages the division of land into parcels and its distribution to villagers was in many cases done by elected structures.

The effects of the decisions taken in the Fourth Congress for relaxing the centralisation of economic activities were felt throughout the 1980s. In 1987 the government was admitted to the International Monetary Fund (IMF) and the World Bank. In line with the policies of these institutions, the government introduced the Programme of Economic Rehabilitation – a version of the Structural Adjustment Programme (Hall and Young, 1997). According to Hanlon (1994), since the beginning of 1980s the government has been seeking financial support from the West and also the involvement of the West to make apartheid South Africa stop supporting RENAMO. The answer of the West, according to Hanlon, was that Mozambique should join the IMF and the World Bank to gain their support. Under the IMF and World Bank advice, the government had to start privatising some State owned enterprises, starting a departure from Marxist-Leninist economic principles to capitalistic ones (Hall & Young, 1997). This recount showed changes from strong socialist orientation to adopt some elements of capitalism. That was a signal that changes in policy about traditional authorities was also likely to occur.

4.2.2. Informal cooperation between local level State officials and traditional authorities

Cases of informal cooperation between State officials and traditional authorities at the local level were witnessed. As West (1998) pointed out, village presidents during their rule consulted the elders (which included traditional authorities) before deciding on land related issues, because they lacked enough background on land distribution issues. Elected structures also collaborated with the traditional authorities in the realization of rainmaking ceremonies (Alexander, 1994) and in the struggle against RENAMO (Honwana, 1996; Wilson, 1992; Roesch, 1992a; Lauriciano, 1990), despite official policy contrary to it. Many authors argued that in some areas, isolated branches of the State army also came, unofficially, to use the traditional authorities’,

healers, and diviners spiritual power to fight against RENAMO (Honwana, 1996; Wilson, 1992; Roesch, 1992a; Lauriciano, 1990). According to Wilson (1992) this action of some branches of the State army occurred because RENAMO had also been using the traditional authorities', healers, and diviners' spiritual power to fight against FRELIMO. The significance of these events is that while traditional authorities were still officially abolished, in practice various strata of population were removing barriers that had existed. One reason that may explain these changes is that the population came to realise that some traditional authorities performed tasks that were needed by the local society such as the allocation of land by lineage heads and utilisation of spiritual power. These contacts were informal because traditional authorities were formally abolished.

The late 1980s and the beginning of the 1990s witnessed changes within the FRELIMO Party towards cultural, political, and economic diversity. The Fifth Congress of FRELIMO held in Maputo in July 1989 declared that the Party was for all the Mozambican people and it abandoned the Marxism-Leninism line (FRELIMO, 1989a; 1989b). The Party declared religious leaders, property owners, and business people eligible to become members of the Party (FRELIMO, 1989b; 1989a). It appears that the Party was now adopting a coexistence approach, as these categories of people could not become members of the Party in the past.

Traditional authorities were not explicitly declared as eligible for FRELIMO membership. However, this was implicit. By this time, Frelimo had decided to adopt a tolerant and inclusive approach regarding former opponents. For example, elements of RENAMO involved in destabilisation actions were forgiven and reintegrated in society under the Law of Amnesty (Law No. 14/87), after renouncing assassination of people and destruction of infrastructure.²⁵ Although possibly an isolated case, André

²⁵ Law No. 14/87 of 19th December conceded amnesty to crimes against the security of the people and the Popular State. It stated that Mozambican citizens who have combated or promoted violence against the State and the People once voluntarily contacting the authorities would be forgiven. The period of

Manhiça, a former *régulo*, was invited to join the Party, and was then elected in 1994 to the Assembly of the Republic (Macia, 1997).²⁶ Apart from other requirements for membership, the election of André Manhiça might be evidence that some individuals linked to the traditional authority institution could be accepted in the Party.

Anne Pitcher, in her study of Nampula province, also noted that the local influence of the traditional authorities forced government officials to invite them to the government and the Party (Pitcher, 1998). It appears that at this time the Party had realized the need to consider traditional authority within its political project. William Finnegan interviewed the former Minister of Culture, Luís Bernardo Honwana, who foresaw official changes in favour of the traditional authorities:

We didn't realize how influential the traditional authorities were even without formal power ... We are obviously going to have to harmonize traditional beliefs with our political project. Otherwise, we are going against things that the vast majority of our people believe – we will be like foreigners in our own country. I think we are gathering the courage to say so aloud. We will have to restore some of traditional structures that at the beginning of our independence we simply smashed... (Finnegan, 1992:125).

The words of the Minister show that there was a kind of reappraisal of the question of traditional authorities even if in an informal way. In 1990, the 1975 Constitution was revised. The question is: did the revision of the 1975 Constitution have an effect on the role of the traditional authorities in land issues?

4.2.3. The significance of the revision of the Constitution of 1975 on the re-emergence of the traditional authorities

Among other fundamental aspects, the new Constitution (1990) allowed people to associate in different political parties. Here again, the FRELIMO Party was

Amnesty expired in 31st of December 1988 and was extended to 1989 by the Law No. 9/88 of 21st December.

²⁶ Much later after the realization of the first multiparty elections in 1994, the press has announced cases of *ex-régulos* withdrawing from Renamo to join the FRELIMO party (see for example, *Diário de Moçambique*, daily newspaper, Beira, 20 November 1999; *Notícias*, daily newspaper, Maputo, 29 September 2000).

establishing a framework for coexistence of ideological and political differences. It was also preparing the way for possible accommodation of RENAMO and others as these changes occurred in a period of peace talks between FRELIMO and RENAMO. Therefore, the 1990 Constitution endorsed diversity of political ideas and opinions and contributed to the establishment of an environment conducive to an open debate on the issue of the traditional authority in Mozambique. Not only ordinary people, but also some government officials had been unofficially working with the traditional authorities in different ways on the ground. In addition, some elements of the leadership saw the need to formally reconsider these figures. In 1991, one year before the end of the civil war, the Ministry of State Administration initiated a research project intended to provide information that would lay the foundation for future integration of the traditional authorities (West, 1998). The government was officially reconsidering the question of traditional authorities.

With the end of war in October 1992, the issue of traditional authorities became more current within the government, the opposition, and the media (state owned and private). Traditional authorities making traditional ceremonies before the official inauguration of undertakings, as well as in the laying of the first stone for the building of new infrastructure, mainly in the rural areas, also became a frequent occurrence.

A question that arises is why did FRELIMO make all these drastic changes? I argue that it is not possible to fully appreciate these changes without considering the changing global context.

4.2.4. Effects of global changes - 1980s to 1990s

The mid-1980s onwards was marked by changes in the world that led to the end of the Cold War between the East and the West, spreading of multiparty democracy and predominance of the capitalistic economy. The main grounds for the Cold War was ideological difference between the East led by the former Soviet Union and the West represented by the United States of America. In 1985, the Soviet Union started

making political and economic reforms that also affected the relationship with its allies in respect to the capitalistic West. According to Abrahamsson and Nilsson (1995), by the middle of 1980s, the Soviet Union has already started advising some of its allies in developing countries to seek the capitalistic support due to its internal problems:

At the 27th party congress in February 1986, under Gorbachev's leadership, the issue of socialist-oriented countries in the Third World was practically invisible. The Soviet Union thus ceased to constitute a 'natural ally' for Marxist-inspired and radical regimes in the Third World. With the exception of Cuba they would now have to look after themselves [Third World socialist-oriented countries] and they were advised by Moscow to adjust their economies to the market and to seek broader economic cooperation with the West (Abrahamsson and Nilsson, 1995:98).

The above quotation shows that Soviet Union's allied developing countries were to seek support from the capitalistic West. The problem is that the capitalistic West was not willing to give any kind of support without posing conditions. The understanding of the capitalistic West was that "[T]he causes of underdevelopment were not to be found in a lack of capital, but were regarded rather as being due to the growth of over-bureaucratized state administration...[for them]...it was only through the withdrawal of the state and the liberalisation of market forces that the development process would be able to take place" (Abrahamsson and Nilsson, 1995:97). Thus, Soviet Union allied countries were to renounce their former economic visions in order to gain the West's aid. This situation aggravated itself with the disintegration of the former Soviet Union in 1991.

The capitalistic economic system and the political system inherited by it (multiparty democracy) became dominant in the World. Thus, in a period of 7 years, "twenty-nine of the forty-eight African countries south of the Sahara" embraced multiparty political systems advocated by the West (Reynolds, 1999:1). There was also a push on developing countries to embrace decentralization because it was argued that some of problems that developing countries experienced were due to strong State

centralization. According to Ribot (2001), it is believed that decentralization can increase administrative efficiency, allow equitable distribution of resources, and enhance service delivery and local democratic participation of citizens. Political and economic development in Mozambique seemed to have not been isolated from this global change. Again, this did not have a direct impact on the re-emergence of traditional authorities. However, it was influential since some of the reasons under which they were abolished were linked to the values and principles of the economic and political system that the Soviet Union modeled and advocated (see Chapter Three).

West (1998) locates the post-war unofficial change in government's actions and discourse about the traditional authorities within the context of multi-party democratic elections (held for the first time in 1994), whereby the ruling Party needed to get votes from areas where the traditional authorities were perceived to be influential. Indeed, it could be argued that in every part of the world, under the framework of multi-party elections every political party wants to conquer as many votes as possible. Nevertheless, it is necessary to consider that studies have been done in the countryside that might have influenced the FRELIMO Party and its government's positioning regarding the traditional authorities. For example, findings from research that has been undertaken in the post-war period by the Mozambican government (*Instituto de Investigação Agronómica – INIA*) in collaboration with the Food and Agriculture Organisation (FAO) on customary land use and management systems, revealed that during the destabilisation war and the post-war period, more than 90% of land use was managed under customary systems of land tenure (Tanner, 2002).

The government's change in actions and discourse may have been a decision to conform to the way the majority of people lived; a change it was believed could better influence much needed national reconciliation and social and economic recovery on the ground. These changes may be based on practices on the ground and may be based on need to create a coexistence environment.

4.2.5. *Why traditional authorities continued unrecognised despite evidence showing that they are working in some parts of the country?*

There are several reasons why traditional authorities remained marginalized despite evidence that they were operating in other parts of the country. Firstly, in some areas of Mozambique, especially in urban and urban-like settings but also in rural areas, there were structures elected from 1975 onwards (village, ward – *bairro*, circle secretaries) that worked with the people after independence and during the war. Some of these elected structures enjoyed the sympathy of the local populations. As Alexander (1994:39) puts it, in some areas elected representatives were described as “people of integrity, as well-liked in the community, and as chosen in an uncoercive if not wholly democratic atmosphere.” Dismantling these post-independence local level authorities in favour of the traditional authorities would not fit different local contexts found in the country. There were areas that were:

- i) locally ruled by traditional authorities,
- ii) ruled by elected structures; and
- iii) ruled by elected structures and traditional authorities.

Such action was likely to bring social tensions and endanger the government’s support. Even without formal status, in some areas traditional authorities were disputing power with elected structures.²⁷ The government might have been seeking a strategic solution that it hoped might not worsen the current situation.

Secondly, there is no evidence that all traditional authorities were popular. Evidence from some studies show that the appointment of some of these figures was forced by the colonial regime, with an open disregard for local norms of succession (Borges Coelho, 1993; Honwana, 1996). Also, some of them had been used by the colonial system against their people (UEM, 2000; Issacman, 1996). Even after independence,

²⁷ See for example, *Diário de Moçambique*, Daily newspaper, Beira, 10 April 1996; *Notícias*, Daily newspaper, Maputo, 10 October 1998; *Savana*, Weekly newspaper, Maputo, 1st March 2002; *Notícias*, Daily newspaper, Maputo, 13th July 2002.

RENAMO ‘invented’ its own people as traditional authorities in areas that it came to control (Alexander, 1994; 1997). There is no guarantee that they would win if, in those areas, genuine democratic elections of local representatives were held.

Despite these arguments, ignoring the traditional authorities was not an optimum solution because, as already noted, they were working with the people on the ground. The solution was likely to be giving an opportunity to the local people to show, in a democratic manner, who they want to rule them at the local level as suggested by the West School (see Chapter One).

4.3. Towards Co-existence

Legal enactments from the middle 1990s onward frequently contained something about the traditional authorities. The most important in relation to rural governance and land administration was the Law of Municipal Districts (Law No. 3/94 13th September) enacted in 1994 and the Land Law of 1997 (Law No.19/97 1st October).

The Law of Municipal Districts envisaged the formation of municipalities in urban and rural districts that would be governed by elected representatives for a period of five years. With respect to the traditional authorities, it declared that the organs of municipal districts would listen to the opinions and suggestions of the traditional authorities recognised as such by communities²⁸, including suggestions on land management.²⁹ It was expected that traditional authorities would seek to be elected as local representatives under the framework created by this law. However, it was revoked in 1997 by the Law of Local Municipalities (*Lei das Autarquias Locais* – Law no. 2/97 18th February) on grounds that it was unconstitutional.

Hanlon (1995) and Alexander (1997) argue that despite possessing limitations the revoked Law of Municipal Districts had been a step towards realisation of the project

²⁸ Article 8(2).

²⁹ Article 9(a).

to build rural democracy initiated in the 1970s. It had established grounds for election of representatives in rural areas who might also include traditional authorities.

The Law of Local Municipalities (Law No. 2/97) defined municipalities in a more restricted way. It excluded rural areas and towns that had smaller populations. It removed the possibility of building democracy in rural areas by not allowing rural people to elect district administrators and assemblies. The figures of district administrator and the chief of local administration (*chefe de posto*) are now appointed by the central government as before Law No. 3/94³⁰ and they are accountable to the central government not to the local people. Like Law no. 3/94, the Law of Local Municipalities (Law no. 2/97) also states that municipal organs would listen to the traditional authorities³¹ but it did not specify areas of collaboration and ways of relationship building between the traditional authorities and the municipal government. It provided that the Minister that deals with State local administration would coordinate policies of integration of the traditional authorities and of forms of community organization defined by local municipalities.³² This was the prevalent situation up to 2000 when traditional authorities were officially recognised by the government.

4.3.1. The Land Law of 1997 and the traditional authorities

The land law (Law No. 19/97) was drafted after a long period of consultation and debate (Tanner, 2002).³³ It recognised the allocation and distribution of land according to customary systems of land tenure available in the country. As under customary systems of land tenure, land allocation and distribution is effected by the lineage heads, the land law of 1997 evidently recognised the role of traditional authorities, particularly lineage heads, in land allocation issues. In fact, what the Land Law of 1997 did was to formalise what was happening in practice on the ground. As

³⁰ This was reconfirmed by the Law No. 8/2003 of 19th May.

³¹ Article 28(2).

³² Article 28(1).

³³ Law No. 19/97 of 1st October 1997.

it was argued in Chapter Three that in many rural areas, heads of lineages continued distributing land under their control to members of their families. All the roles of the traditional authorities on land that are covered by the customary systems and that are not against the Constitution were recognised by the Land Law of 1997. However, the Land Law of 1997 did not exclude post-independence authorities from land allocation.

According to the land law and its regulations (Decree no. 66/98)³⁴, the formal way of land allocation is as follows: a person who needs to acquire land in the rural area, he/she contacts the Provincial Geographic and Cadastral Services (*Serviços Provinciais de Geografia e Cadastro* –SPGC) or its district representation and register that intention. The SPGC will verify within the Cadastre Atlas whether there is a record of occupation on the required area. If there is no such record, the process will follow through and a formal application will be opened. Depending on the local context of the area where land is being requested, under the formal process, traditional authorities may play a key role in representing the opinion of the population. This happens because the land law and its accompanying regulations require the SPGC to hear the opinion of the local administrative authorities and that of the local community (land consultation) before granting land use rights. Within this context, the community is required to choose its members to represent itself in the process of consultation for the establishment of a decision. Sometimes the chosen representatives (a minimum of three and a maximum of nine members of the community) are members of traditional authorities.

4.4. The Official Recognition of Traditional Authorities: Decree 15/2000

In June 2000, the Council of Ministers published the Decree 15/2000 that established forms of relationship between the State local organs and the community authorities.³⁵ This Decree introduced the concept of the community authorities (*autoridades*

³⁴ Decreto n° 66/98 de 8 de Dezembro.

³⁵ Decree no. 15/2000 20th June.

comunitárias), which it defines as traditional chiefs, secretaries of ward (*bairro*) or village, and other leaders legitimized as such by respective local communities.³⁶ The introduction of this concept allows the government to recognise traditional authorities while at the same time maintaining the post-independence structures. As already stated, beyond traditional authorities, there are ward (*bairro*) and village secretaries elected during 1970s and later who continue to exist and to work. The framework of this Decree is highly influenced by the Lundin School (see Chapter One).

In respect to the ways of legitimating the traditional authorities, the regulations of the Decree 15/2000 state that it will be done according to “the rules of the specific community”.³⁷ The government gave to the community the freedom to decide on this according to local custom and practices. With regards to the hierarchy between community authorities, the regulations point out that if in a community a traditional chief and a *bairro*³⁸ or village secretary are legitimized, it will be the respective community defining the level of hierarchy between them.³⁹ It is one of them who will represent the community before the government.⁴⁰ However, the regulations do not clarify how the community will define hierarchies.



The Decree 15/2000 provides a set of rights that community authorities on duty will enjoy:

- i) to be recognised and respected as representatives of the respective local communities;
- ii) to be able to use symbols of the Republic;
- iii) to participate in official ceremonies locally organised by state administrative authorities;
- iv) to wear a uniform or personal badge; and,

³⁶ Article 1(1).

³⁷ Article 8, Diploma Ministerial No. 80/2004 of 14th May.

³⁸ *Bairro* is a settlement area smaller than a village. Normally, the village is divided into many *bairros*.

³⁹ Article 10(1).

⁴⁰ Article 10(2).

- v) to receive a subsidy resulting from their participation in collection of taxes.⁴¹

Under the Decree 15/2000, areas of articulation of local state organs and community authorities include land use.⁴² Its regulations set fourteen main duties of traditional chiefs and secretaries of villages or *bairros*. However, it is silent on defining the precise roles of traditional authorities on land allocation and distribution. Even regarding duties that were indicated, there is an overlap between what traditional authorities will do, with what community authorities will perform. This overlapping and lack of clarity is leading to confusion. In respect to land, who will have the role of allocating land, traditional authorities or elected structures? For example, if an individual migrates to a certain territory where there are recognized traditional authorities and elected structures, who may he/she approach to acquire land? Shall he/she go to traditional authorities or elected structures? The Decree and its regulations did not make these issues clear.



The coexistence approach followed by the Decree and its regulations raises problems even among traditional authorities themselves. The press has reported cases of traditional authorities who claim to be true representatives of the same community. One such example comes from the district of Govuro in the Southern province of Inhambane, where two *régulos* Xigamane and Njofane dispute the *regulado* of the locality of Jovane (Zacarias, 2002). Other examples of conflicts involving traditional authorities who want to be recognised to the same position in the same community were recently found in the district of Sussundenga, in the Central province of Manica (Buur & Kyed, 2003).

Another area of confusion is linked to mechanisms of accountability of the recognised authorities. For example, in case of people's dissatisfaction with the way

⁴¹ Article 5(a-e).

⁴² Article 1(4d) of the Decree No. 15/2000.

of land allocation and distribution on the part of traditional authorities and/or elected structures, how could local people call them to be accountable? This is a critical issue that also was not addressed by the Decree and its regulations. This lack of clarity on accountability mechanisms may derive from the assumption that traditional authorities' systems are inherently democratic as suggested by the Lundin School. As it was argued in Chapter Two, pre-colonial and colonial history revealed that the democratic character of traditional authorities was limited.

4.5. Conclusion

This chapter underlined and discussed a series of events that may have made the government reconsider traditional authorities again after their formal abolition in 1975. It was demonstrated that the abandonment of the rural socialisation policy in the Fourth Congress (1983) contributed to the resumption of dispersed patterns of living in rural areas and to the allocation and distribution of land by traditional authorities. The chapter also argued that after the Fourth Congress the government started changing its economic policy adopted in 1977 (through decentralisation of economic activities), a fact that signalled a possible change also in policy regarding traditional authorities. It demonstrated that despite lack of formal status, during the 1980s there was a kind of rapport between the different strata of the population with traditional authorities on the ground because the population has realised, in some areas of the country, that activities that traditional authorities performed were important to society.

This chapter also showed that the global economic and political events during the 1980s and beginning of 1990s had some influence in governments' shift in policy regarding traditional authorities. Among internal factors, it explored the influence of the Fifth Congress of FRELIMO in 1989 and the revision of the 1975 Constitution in 1990 as a result of the open debate about traditional authorities. It demonstrated that by allowing that debate, the government was seeking ways of recognizing the practice that was taking place on the ground manifested through interactions with traditional

authorities in various ways. It was explained that to formally recognize traditional authorities was not easy for the government because in rural areas there were post-independence elected structures that were already working with the population. It was also argued that although not formally recognised, legal enactment during the 1990s took into consideration the existence of traditional authorities. An example is the Land Law of 1997 that implicitly recognised traditional authorities in land distribution issues.

The chapter also showed that the recognition of traditional authorities in the year 2000 within the framework of 'community authorities' was the formula found by the government to resolve the dilemma of wanting to recognize traditional authorities while maintaining post-independence elected structures. It was stressed that this Decree was by and large influenced by the Lundin School.

The chapter argued that the Decree 15/2000 and its regulations are not clear in terms of roles of traditional authorities in land allocation and distribution. They established a state of confusion in rural areas on whether it is traditional authorities or elected structures who hold the role of allocating and distributing land. It was noted that even in respect to duties that were defined, there is an overlap between these authorities. This chapter also showed that the Decree does not allow the exercise of democracy in rural areas because it supports that rural people continue being ruled by hereditary authorities who are not elected to their positions but are appointed. This is against the revoked Law of Municipal Districts (Law No. 3/94) that would allow the rural population to elect its representatives in rural areas. Moreover, the Decree and its regulations do not establish mechanisms of accountability of recognised authorities in respect to the ruled people.

CHAPTER FIVE: DEMOCRATISATION OF RURAL AREAS IN MOZAMBIQUE: A CASE STUDY OF CHIRINDZENE COMMUNITY

5.1. Introduction

This chapter explores the way in which questions that we have been trying to address in the previous four chapters played out during the past 28 years of independence in this particular area. It examines how policy around land administration, rural governance, and traditional authorities interacted within the context of this area. The chapter starts by presenting a brief historical background about traditional authorities and land administration in the situation of this specific area. This chapter will highlight the role of lineage heads in allocating land even after independence. It will also argue that under the practices following the 2000 Decree, the local population does not enjoy the citizenship yet as it is suggested by the West School.

5.2. Background and Context of Chirindzene Community



5.2.1. Geographical settings

The community of Chirindzene is located in Southern Mozambique within the Administrative Post of Chicumbane (Figure 1, in Chapter One), in the district of Xai-Xai, Gaza province. It is about 20 Km from Xai-Xai, the capital city of the Gaza province and about 180 Km from the capital of Mozambique (Maputo). According to the official administrative division, the area of Chirindzene comprises five villages namely, Chirindzene-sede, Mabamuane, Mahinguelane, Machalukuane, and Tchakule. Each village is divided into wards (*bairros*).⁴³ Chirindzene-sede for example, has *Bairro 1*, *Bairro 2*, *Bairro 3* and *Bairro 4*. According to the 1997 Population Census, the locality of Chirindzene has a population estimated in 7,864 inhabitants of which about 59% are women (INE, 1999). This population speaks Changana (the most spoken language) and Portuguese.

⁴³ Interview with the president of the locality of Chirindzene, Benete Kombuzo, 22nd of July 2004.

5.2.2. Brief historical background about traditional authorities and administration of land

Before examining the role of the traditional authorities and their legitimacy in respect to the local people after independence, it is crucial to clarify the main features of the chieftaincy of Chirindzene before independence. This will help in understanding the land dynamics of the post-independence period.

At the time of independence in 1975, Chirindzene was a chieftaincy with an area bigger than the current locality. It was composed of the following groups of villages: Chitanguene (also called Chirindzene Ka Mukulo); Chipenhe; Khachane; Mahinguelane; Machalukuane; Mussire, Mpinhane and Tchakule.⁴⁴ In the last half of the nineteenth century, the chieftaincy was located within the limits of the Gaza kingdom that was formed and organised around 1821-1845 (Liesegang, 1996). But Chirindzene may not have been under the strong influence of the Gaza kingdom because it was situated in a sandy area without much livestock. This fact, according to Liesegang, may have made the area where Chirindzene is located less interesting to Nguni invaders who formed the Gaza kingdom (Gerhard Liesegang, personal communication, August, 2004).

Land administration procedures of the pre-colonial Chirindzene coincide with the description that has been made in chapter two. According to interviews, the head of the chieftaincy allocated land to heads of villages.⁴⁵ The heads of villages also allocated land to the heads of lineages in each village. The head of each lineage possessed powers to distribute land to members of his lineage and members of other lineages within the same village.

⁴⁴Today Chirindzene-sede is the capital of the locality. Before independence it was called Chitanguene or Chirindzene Ka Mukhulo because it was there where the capital of the chieftaincy was located. Under the current administrative division, Chipenhe falls within another locality.

⁴⁵ Interview with Chief Matavele, 17th August 2004; Interview with Adelina Ndeve, 24th July 2004.

The allocation of lineage land to members of other villages in this chieftaincy was conditioned to the approval by the head of the village where the requested land was located. The similar procedure was followed when someone from outside the chieftaincy required land in the chieftaincy's territory. In such cases, the ultimate word whether to allocate land or not, to the applicant, was in the hands of the head of the chieftaincy. According to interviews, these procedures of land allocation, in essence did not change during the colonial time in this community.⁴⁶

5.3. Change in Authorities and Distribution of Land, 1975-1986

5.3.1. The substitution of traditional authorities by new structures

In Chirindzene, the period of 1975 to 1986 was one of the full implementation of the post-independence policies including those related to traditional authorities. This period ends in 1986 because it was in 1987 that the elements of RENAMO started their actions in the community. That fact frustrated the normal implementation of post-independence policies, including those related to land.



The prospects of abolition of the traditional authorities in the chieftaincy of Chirindzene arose after the Peace Accord of 7th September 1974 between the Portuguese and the FRELIMO guerrillas. Following the signing of the Peace Accord, a transitional government was formed on 20th September 1974. This was intended to prepare for the conditions of independence on 25th of June 1975. It was in this context that a team of members of the transitional government from Xai-Xai went to the chieftaincy of Chirindzene before independence. Among other things, it organized a rally in which it informed the local population that FRELIMO had won the war for independence. The formation of new representatives of the population, the Dynamizing Groups (*Grupos Dinamizadores*- GDs), was needed.⁴⁷

⁴⁶ Collective interview with (Sebastião Cossa; Rita Macamo, Francisco Ntsuti and Angelina Macie), 30th July 2004; Interview with Esperança Macuacua and Manuel Matavele, 13th August 2004.

⁴⁷ Collective interview with Sebastião Cossa; Rita Macamo, Francisco Ntsuti & Angelina Macie, 30th July 2004; Interview with Esperança Macuacua & Manuel Matavele, 13th August 2004.

According to the team of members of the transitional government, GDs' members were to look after all aspects that guaranteed the normal functioning of the social and political life in the community including on land administration (land allocation, distribution, and settlement of land disputes).⁴⁸ In other words, all the former roles of the traditional authorities were to be tackled by these new elected structures. These developments in Chirindzene are embedded within the policy adopted by the government after independence, as it was discussed in Chapter Two.

The team of the members of the transitional government were also instructed in the way of choosing members of GDs. They were to be people of good conduct and willing to serve the people. In practice, the election of the GDs' representatives occurred in the following way: one person raised his/her hand and said 'I think that father X or mother Y are the best persons to represent the people'.⁴⁹ Another one repeated the same statement. If a large number of people raised their hands or voices in favour of one of those nominated, a stage where almost all the assembly expressed its approval through a beating of palms was reached.

Although the chief of the chieftaincy was not one of them, some members of the traditional authority, the colonial heads of villages or their close relatives were chosen to become GDs representatives in their territorial areas. These figures were not removed due to the fact that they were linked to the traditional authority. For example, the current president of the locality, Benete Kumbuza who is the son of the former counsellor (*Nduna*) to the head of the chieftaincy was chosen as one of the first GDs members.⁵⁰ This verifies once again that there were individuals linked to traditional authorities who local people looked at as deserving their trust. This is contrary to the government's policy that put all traditional authorities in the same

⁴⁸ Collective interview with Sebastião Cossa; Rita Macamo, Francisco Ntsuti & Angelina Macie, 30th July 2004; Interview with Esperança Macuacua & Manuel Matavele, 13th August 2004.

⁴⁹ Collective interview with Sebastião Cossa; Rita Macamo, Francisco Ntsuti & Angelina Macie, 30th July 2004; Interview with Esperança Macuacua & Manuel Matavele, 13th August 2004.

⁵⁰ Interview with Benete Kumbuza, 22nd of July 2004; Interview with Julieta Bila, 22nd July 2004.

basket. In addition, it shows that local people did not apply all the governmental directives uncritically. They tried to adopt something that they thought was locally suitable.

After independence the locality of Chirindzene that replaced the chieftaincy was divided into villages ruled by secretaries who were also GDs' representatives. Each village was divided into small territorial areas called circles. Later on (1982), when communal villages were formed, each communal village was divided into wards called *bairros* ruled by a secretary of *bairro*. The *bairro* was divided into small areas called blocks (*blocos*). This was an effort to replace even the lowest level of the traditional authority structure (the lineage level).

5.3.2. Local Assembly of the People as reaffirmation of the opposition to hereditary rule

In Chirindzene, the process of abolishing the rule of the traditional authorities involved the election of the representatives of the locality Assembly of the People. Again, in 1978 authorities from Xai-Xai went to Chirindzene to inform the population that there was a need for election of members to the local Assembly of the People. In a rally, it was explained that candidates should be men or women of good conduct and social integrity. In another rally, proposals of candidates were presented to the population. Those elected were women and men. They were reconfirmed in 1980.

During the 1980s the local Assembly of People lost its strength because some of its members stopped taking part in meetings and others discontinued their participation during the destabilisation war given that they were wanted targets of RENAMO.⁵¹ Although it was not captured in the interviews, there might be other reasons for the loss of strength of the Assemblies of the People other than the destabilisation war. Indeed, it was illustrated in chapter two that inadequate human and financial

⁵¹ Interview with Esperança Macuacua & Manuel Matavele, 13th August 2004.

resources and lack of familiarity with the experience of the liberated zones also hampered the implementation of the government's policy. The people of this area did not practice the life of the liberated zones where FRELIMO had begun experimenting with its kind of local democracy. We have also argued that Frelimo's policies on rural socialism and exclusion of traditional authorities from election contributed to its problems too.

The majority of representatives of the locality Assembly of the People were also representatives of other areas of local government such as the president of locality, judges of the people's court, secretaries of villages, representatives of the local Organization of Mozambican Women (*Organização da Mulher Moçambicana – OMM*), etc. The power to rule the locality was concentrated in the hands of the president of the locality. He was the superior head of all the organs of power of the locality. Again, this concentration of powers was one of the weaknesses of the post-independence experience of local democracy because it discouraged accountability.

The government was concerned in building participatory democracy in the sense that local people discussed issues that affected their lives. According to interviews, social and political issues in the locality were debated and dealt with in meetings. There used to be meetings at all levels of locality administration (at the level of locality, village and *bairro*). Participants in these meetings were invited to give their opinions regarding the issues under discussion. Some of them were the former counsellors (*Madhonda*) of the chieftaincy.⁵²

Even with their abolition, lineage heads acquired an informal power locally. Thus, although without official power, they used to take the issues that they were not able to solve to the representative of their circles, *bairros* and villages. These also would take those issues that they were unable to solve to the higher level of authority. Thus, in practice, many heads of lineages were integrated in the new structure of authority.

⁵² Interview with Esperança Macuacua & Manuel Matavele, 13th August 2004.

One reason behind this is that elected representatives at a local level were weak. They started weakening and almost disappeared during the war.⁵³ At this level, the heads of lineage were in charge. Another reason, as indicated, might be because the focus of the government was on *régulos* than to heads of lineages, although they were also part of the traditional authority structure.

5.3.3. *Traditional authorities and land administration*

According to interviews, the role of distributing land of the colonial head of village, head of group of villages, and head of the chieftaincy was formally stopped. That role was assumed by various ranks of elected structures. But at the level of lineage, the allocation of land continued as it did before independence. That is, heads of lineages continued distributing the land under their control to the members of their lineage and also to members of other lineages within the same village.⁵⁴ According to interviewed people, the reason for this was that there was a local understanding that families owned the land, although the government had said that all land belonged to the people. The elected structures also accepted this local understanding of things. As already noted, local people did not apply the policy as it emanated from the government. In this area there was a tendency to adjust the government's policy to something that would work under the local context.⁵⁵ Apart from this, the directives of the post-independence government at this time were general and it remained up to local elected structures to specify them, as they understood them.

The change in land allocation procedures that occurred after independence only affected traditional authorities at the level of village and above. For example, an individual from one village, when wanting to acquire land in another village of the

⁵³ Collective interview with Sebastião Cossa; Rita Macamo, Francisco Ntsuti & Angelina Macie, 30th July 2004.

⁵⁴ Interview with Benete Kombuzo, 22nd of July 2004; Interview with Esperança Macuacua & Manuel Matavele, 13th August 2004.

⁵⁵ Interview with Alexandre Mucache, 23rd July 2004; interview with Elisa Bila, 24th July 2004; Interview with Benete Kombuzo; collective interview with Sebastião Cossa; Rita Macamo, Francisco Ntsuti & Angelina Macie.

community of Chirindzene had to talk to the elected structure head of the village where the requested land was situated.⁵⁶ This did not mean necessarily that there was land without owners that elected structures would freely grant to newcomers. Every land in the community belonged to a certain family but that family did not enjoy the right to grant land use rights to ‘outsiders’ (from outside the community) without the consent of elected structures. An example of how land was allocated to migrant people is found in the interview with Salvador Nuvunga, a migrant from Bilene-Macia:

I came here in 1977. When I was working in the mines of South Africa, there was a flood in my homeland. My family was removed from my homeland and resettled in Licilo. I did not like to live in Licilo. Thus, I came here in Chirindzene. I talked to the *Grupos Dinamizadores* [Dynamizing Groups]. They allocated me an area to build my house. Since then I did not return to my homeland. Today, my sons cultivate in land offered to me at that time. When I presented myself to *Grupos Dinamizadores*, these authorities contacted families that had much land to present the request. Thus, they offered me lands. Many years after having been here, I myself requested more land from other families. The land was offered only. I did not buy it and I do not pay anything for it.⁵⁷

In cases that the applicant of land has himself contacted the family ‘owner’ of land and an understanding has been reached, the elected structures only had to decide whether the applicant was accepted or not in the community. This requirement became stronger when the destabilization war entered the community in 1987. Due to the war, there was a great need to know who arrived in the community and for what purpose.

Land use rights acquired under the process described above were not registered by the official authorities responsible for land administration in the province (*Serviços Provinciais de Geografia e Cadastro* - SPGC). Despite the lack of formal registration and the issuing of formal certificates of land use, the security of tenure of the granted land use rights was strong because it had been the heads of lineages allocating land. Even in situations where the land was allocated by elected structures, it was after the consent of the heads of lineages who in practice were the real owners of land.

⁵⁶ Interview with Benete Kombuzza, 22nd of July 2004.

⁵⁷ Interview Salvador Nuvunga, 23rd July 2004.

5.3.4. New forms of land use and the weakening of the power of the heads of the lineages

As stated, heads of lineages in Chirindzene maintained their power of allocating lineage land after independence. But in some villages, that power was limited due to the introduction of collective settlements. In 1982, the population of the locality was instructed to live in collective settlements (communal villages). The reason behind this move was to facilitate the provision of social services. A team from Xai-Xai was sent to the community to instruct the population on techniques of building communal villages. People from the locality were chosen and instructed. Some areas of the community were chosen and the land was parcelled to form communal villages.

Areas that were chosen to create communal villages belonged to some lineages. These lineages were mobilized to accept ceding their land to the project of forming communal villages. The allocation of parcels was done by elected structures and not by the lineage heads owners of the parcelled land. However, the families of heads of lineages on which land have been parcelled for formation of communal villages were the first to choose parcels. This is one of the reasons why families controlled by the same head of lineage in some area is frequently found. In order to address the scarcity of land, those lineages owners of land on which communal villages were formed were given additional land to cultivate in other areas of the community.

The introduction of communal villages contributed to the weakening of the power of lineage heads because land was allocated by elected structures and not heads of lineages. This was the first time in history of the community in which the power of heads of lineages in distributing land to their members and in controlling the lineage land was limited in practice.

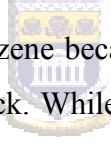
The referred weakening of lineages heads' land power did not lead to conflicts. According to the local people, the enthusiasm and the cohesion among villagers were high at this occasion. The political mobilization had been successful and many people

participated in the implementation of this project including the heads of lineages themselves. Nonetheless, there were people who resisted the villagisation. These were mainly people who had cement-built houses and others who had various kinds of uses for their land (e.g. perennial fruit plants).

What this section shows is that traditional authorities at the level of lineage continued to be strong in land distribution and that they collaborated with post-independence elected structures. In this area, it showed that in land allocation issues it is traditional authorities at the level of lineage who continued to be strong. These findings are in agreement with the West School when it calls for the need to examine phenomenon around land and traditional authorities according to specificities of each area.

5.4. War, Post-War Period, Land, and Traditional Authorities

5.4.1. Years of war, 1987-1992

At a certain moment in time, Chirindzene became an area of refuge for people from areas that were under RENAMO attack.  While in the community, these people were given land to use, by families with tracts of land. Post-independence elected structures mediated the process of land and land use rights concession. They were the ones who contacted heads of lineages with large tracts of land to grant part of it to the refugees. This shows that the power of elected structures in land distribution issues was limited because they depended on lineage heads that controlled certain areas of land to grant part of it to outsiders.

In 1987 the war also reached the community. Initially some people resisted relocating to safe places. However, when three prominent post-independence local level authorities of the locality were assassinated, the majority of villagers fled to Xai-Xai and other safe areas. Areas of cultivation and habitation were abandoned. People tried to find cultivable land in the areas of refuge or to engage in other activities for livelihood. During the period of war the decision whether to allocate land or not to outsiders of the community was concentrated in the hands of post-independence

elected structures. Here also post-independence elected structures were supposed to talk to the owner of the land (lineage head) before granting it. Due to the situation of war, there was a control of movement of people in the community by post-independence authorities. Newcomers had to be checked as to whether they had good intentions or had come to spy out the territory.⁵⁸ This situation prevailed until the end of war in 1992.

5.4.2. Post war period and the re-emergence of traditional authorities

The signing of the Peace Accord between the government and RENAMO in Rome, Italy (4th October 1992), established the ceasefire. The population of Chirindzene received this event with jubilation. Many refugees came back to the locality but others stayed in the refuge areas.

In respect to the land, the people returned to rebuild their homes in communal villages and crop their land. A few left communal villages to rebuild dispersed settlements. The basic practices of land administration did not change. Even unofficially, the heads of lineage continued having strong influence in the distribution of land under their control outside communal villages.

In respect to the re-emergence of traditional authorities, local people told us that it was shortly after the war that traditional authorities were informed by the local government to begin working again. This did not have an effect in terms of changing ways of allocating land. It meant that traditional authorities were free to express themselves as representatives of the traditional authority institution.⁵⁹ These changes occurred within the context of the informal change in approach regarding traditional authorities that characterized the end of 1980s and the beginning of 1990s (see Chapter Four).

⁵⁸ Interview with Benete Kombuza.

⁵⁹ Interview with Chief Matavele, 17th August 2004; Interview with Esperança Macuacua & Manuel Matavele, 13th August 2004.

5.5. The Recognition of Traditional Authorities

In the context of the Decree 15/2000 that introduced the figure of community authority, traditional authorities were officially recognized. The formal recognition of the former head of the chieftaincy (*régulo*) by the government occurred in 2002. He was formally recognised together with other community authorities. About his formal recognition, the former head of the chieftaincy expressed himself in this manner:

Someone from the government came to the community, organized a rally and asked who the traditional leader of the community was. The community said my name. The community said that I am the son of this land who deserves to govern the community.⁶⁰

The former head of chieftaincy and those recognised with him received national flags and personal badges. The confirmation of the former head of the chieftaincy was done on the basis of the custom. This is what the population at the rally confirmed.

According to the former head of the chieftaincy, the role given to him by the government at the moment of his formal recognition was ‘to look after traditional issues in the community’.⁶¹ The president of the locality also confirmed this. He said that the role of the former head of the chieftaincy (*régulo*) is to look after the traditional issues, those related to the ‘local custom’. “In such cases we only follow him”.⁶² This might mean that the recognition of traditional authorities under the Decree 15/2000 was not to give them all powers that they used to enjoy before independence. The practice suggests that traditional authorities were recognised only to perform some of duties that elected structures might be unable to do. For example, duties that related to practices that at the time of independence in 1975 were seen as ‘obscurantist’.

The former head of the chieftaincy does not have a government as in pre-colonial and colonial period. Some traditional authorities that were heads of group of villages were not replaced. People know who should have been the successor but the succession did

⁶⁰ Interview, 17th August 2004.

⁶¹ Interview with Chief Matavele, 17th August 2004.

⁶² Interview, 22nd July 2004.

not formally take place. Thus, links that the head of the chieftaincy used to establish with the villages of the territory of the chieftaincy through his subordinates do not exist at all. The positioning of the government indicates that traditional authorities are neither officials of the government nor expected to have any kind of government. They are representatives of the community only.⁶³ Again, this position of the government may reveal that what is going on now is not the rehabilitation of the traditional authority institution as it used to be in pre-colonial time, because in the past the traditional authority institution had a government for a particular area.

Candidates to the position of community authorities [not traditional authority figures] were proposed to the people by the government of the locality and then confirmed by the population. They were then recognised together with the former head of the chieftaincy by the Governor of the Province of Gaza accompanied by the district Administrator of Xai-Xai where the community is located.

5.5.1. Land distribution after Decree 15/2000

It is still too early to analyse whether there has been change in land distribution procedures in the community as result of the formal recognition of traditional authorities because that recognition took place only two years ago. The heads of the lineages continue distributing land that they control as in colonial and pre-colonial periods. However, control of land allocation for outsiders at the time of doing fieldwork for this study was still in hands of the post-independence local level authorities. About the rules of land allocation, one of the recently recognised community leaders said that:

When someone wants land goes to the chief of *bairro*. The chief of *bairro* takes he/her to me. I tell to the chief of *bairro* to grant him land area if he knows one unoccupied. If the person is not from the village I must inform the president. If he is not from the community we also need a declaration of his origin. If there is an area of land that appears to be unoccupied the authorities contact the family that owns that land to ask for permission to concede it to others.⁶⁴

⁶³ Notícia, Daily newspaper, Maputo, 25th April 2000; Notícias, Daily newspaper, Maputo, 13th July 2002; Notícias, Daily newspaper, Maputo, 13th July 2002.

⁶⁴ Interview with Julieta Bila, 22nd July 2004.

This reveals that procedures related to land allocation have not changed as the result of the formal recognition of traditional authorities. For some cases the former head of the chieftaincy is, in practice, subordinated to the president of locality. On this issue he said:

I have got power when an outsider comes to the community⁶⁵ or when there is a need to make ceremonies. I have got *chanfuta* trees⁶⁶ in my land areas. To explore the *chanfuta* tree to sell I must get the authorization from the president of the locality. Sometimes he refuses to sign the document⁶⁷ from the Province.⁶⁸

While in the community I witnessed one of these occasions. Officials from the Provincial Services of Forests and Wildlife (*Serviços Provinciais de Florestas e Fauna Bravia* – SPFFB) of Gaza, with someone who has talked to the *régulo* in order to explore his *chanfuta* trees, went to the community. The president said that he would only sign the document if sons of the traditional chief come from Maputo to confirm the intention.⁶⁹ This means that the authority of the *régulo* is limited, despite his recognition. Moreover, he claims that he is not invited to all of the important meetings of the community:

Community authorities work alone. I am not informed when there are meetings or settlement of problems...there are many internal things that happen without me being informed. Only when an authority from the city is coming I am informed. Otherwise not. But important issues in the territory of Chirindzene I am not informed.⁷⁰

This quotation shows a kind of dissatisfaction of the former head of the chieftaincy with the way things are going on the ground. It might also reveal the need for more clarification by the government on the ways of collaboration between traditional authorities and elected structures. Further, it would suggest a need to elucidate the overlapping of duties that we have referred to in chapter four.

Anyone who is from outside wanting to talk to the former traditional head is required to present himself first to the president of the locality who is the representative of the

⁶⁵ E.g. higher representatives of the government.

⁶⁶ Commercial tree species, *Afzelia quanzensi*.

⁶⁷ The document is part of the application to explore commercial trees.

⁶⁸ Interview, 17th August 2004.

⁶⁹ This was on 22nd July 2004.

⁷⁰ Interview with Chief Matavele, 17th August 2004.

State. However, the president of the locality seems to be able to mobilize people to attend to issues raised by his local government. I witnessed a rally in which a number of people participated.⁷¹ In addition, the building that is the headquarters of the locality was built three years ago under the leadership of the current presidency of the locality. The members of the locality provided the local material and work force used to build the house.

One important thing about those community authorities who have been recognised together with the former head of the chieftaincy is that among them there are women. Women are also members of judges of the locality who settle disputes brought to the locality, including about land and land use related issues. However, in respect to the exercise of democracy in the community, what can be said is that, the community authorities who were formally recognised together with the former head of the chieftaincy were proposed by the head of the locality and then confirmed by the local population in a rally. Nonetheless, it is said that during the recognition ceremony, State officials appealed to the local population to report cases of community authorities' misrule.⁷² Local people are under the rule of elected structures and appointed ones.

5.6. Conclusion

This chapter argued that the role of traditional authorities in distributing land after independence changed from the level of village and above. These roles were performed by post-independence elected structures and this continues to be so even today. However, the chapter has shown that the role of lineage heads in distributing land still remained strong and that they collaborated with elected structures in allocation of land for outsiders of the community.

⁷¹ I did not count the number of people present in the rally.

⁷² Interview with Benete Kombuza; Interview with Esperança Macuacua & Manuel Matavele.

As suggested by the West School, the chapter argued that issues around land administration and traditional authorities should be looked at on the basis of the context of each area. This chapter challenges the thesis that all traditional authorities are still strong on land allocation issues all over the country. Rather, it demonstrated that in Chirindzene it is only some ranks of traditional authorities (lineage heads) that remain strong in land allocation issues.

The chapter has also illustrated the confusion caused by recognising traditional authorities while upholding democratic institutions at the same time. It argues for a need for more clarity on issues of roles of traditional authorities and elected structures as there are overlapping and signals of dissatisfaction of the traditional authority figure with the way governance is running on the ground.



CHAPTER SIX: CONCLUSION

6.1. Introduction

This study sought to answer four inter-related questions. Firstly, it sought to understand the role of traditional authorities in local level land administration in contemporary Mozambique. Secondly, it sought to gain understanding of why the government recognised traditional authorities in the year 2000 after having abolished them more than 20 years earlier. Thirdly, the study considered whether the recognition of hereditary traditional authorities is consistent with the principles of democracy that the Mozambican government now stands for. Fourthly, through a case study of one community, the study sought to investigate whether the practices taking place on the ground are an expression of democracy as envisaged by the country's constitution.

The need to answer these questions came about after the publication of the Decree 15/2000, in which the government recognised traditional authorities. However, in this thesis these questions are dealt with following an historical approach. For example, the role of various ranks of traditional authorities in land administration was interrogated from the pre-colonial time up to 2004. An historical approach is also adopted because I agree with West & Kloeck-Jenson (1999) when they argue that the institution of traditional authority has been modified several times, with the change of the broad political environment where it existed. The case study of the Chirindzene community ensured that this history is contrasted with the present, particularly in understanding the policy dynamics and implication of recognising traditional institution in a democracy. In the rest of this chapter I tackle some of the key issues that have emerged from this study, with the hope that this will consolidate my conclusion on this issue.

6.2. The Role of Traditional Authorities in Local Level Land Administration

The role of various ranks of traditional authorities in the local level land administration was examined throughout the thesis. What emerged was that there is a strong role played by heads of lineages in distributing land to members of the lineage through most of the period when the traditional authorities were abolished after 1975. However, it is argued in the thesis that the role of traditional authorities, at the level of village and the former chieftaincy (*regulado*), in distributing land varied widely from one locality to another. For example, in Erati District in Nampula Province, traditional authorities were *de facto* responsible for distributing land at the level of the village, even though this was not consistent with government policy (see Chapter Three). However, in the case study area of Chirindzene traditional authorities at the level of village and the former chieftaincy were substituted by elected structures.

The findings from the case study in relation to the role of traditional authorities in land allocation reaffirmed the position defended by several authors (West, 1998; West & Kloeck-Jenson, 1999) when they call us to consider the context and specificities of each area, rather than to generalise. As shown in Chapter Five, in the case study area, the strong role in land allocation remains with heads of lineages. Given these results, being specific when talking of traditional authorities in terms of rank, seems to be important. For example, in this case study, to say that traditional authorities are still strong in land allocation might be misleading, as those who are really active in practice are the heads of lineages. The heads of lineages are only a rank of the traditional authority structure.

6.3. The Recognition of Traditional Authorities after their Abolition

The thesis discussed and argued that several series of events should have made the FRELIMO-led government change its view and approach about traditional authorities. These were divided into internal factors and global ones. Internally, it was argued that from 1983 onwards the government abandoned the policy of villagisation. This fact contributed to the resumption of the dispersed pattern of living in rural

areas; as well as the allocation and distribution of land by lineage heads. Additionally, some traditional authorities were gaining legitimacy on the ground, as the population interacted with them in a variety of ways. The population came to realise that some of the things that traditional authorities used to do were important to society (e.g. the allocation of land). Apart from this, it was shown that during the 1980s, the FRELIMO Party progressively adopted an approach favourable to coexistence with its former opponents. For example, it was also in the late 1980s that FRELIMO admitted to its membership several categories of people who were formerly excluded because what they did was not compatible with principles of Marxism-Leninism (e.g. religious leaders and business people).

It was also demonstrated that global, economic, and political change, especially the end of the Cold War between the West and the East, contributed to the abandonment of Marxism-Leninism in many parts of the World, and to the rise of multiparty democracy and capitalism as the dominant economic mode of production. This was accompanied by the push for political decentralisation over developing countries by the West. The government seems to have also been influenced by global political and economic transformations in the world to change its position about traditional authorities. For instance, with the abandonment of Marxism-Leninism, opposition to some things previously considered to be feudal or capitalist was relaxed. As it was demonstrated in Chapter Three, one of the reasons for the abolition of traditional authorities in Mozambique was their incompatibility with principles of socialism and Marxism-Leninism.

6.4. The Compatibility of the Traditional Authority Institution with Principles of Democracy

The thesis argues that the Decree 15/2000 and its regulations are weakening the democratic experience initiated during the 1970s (see Chapter Three and Four), by allowing the rural population to be ruled by hereditary rulers who are not elected, but are appointed to their positions. For example, the Decree and its regulations require

local people to confirm traditional authorities according to local rules. As it was shown in Chapter Two, according to local rules traditional authorities inherit their positions. It is argued that under the current framework, the rural population does not enjoy full citizenship rights as they are ruled by elected structures and appointed ones. If the government is committed to decentralisation and extension of democracy in rural areas, it should subject traditional authorities (at least at the level of village and *regulado*) to an electoral scrutiny. There is in fact evidence that suggests that the population in Mozambique wants to check the popularity of *régulos*. As Sogge (1997:98) pointed out, “many Mozambicans, including ‘simple’ people in the countryside, reject the *régulos*’ [traditional authorities] claims that their leadership should be automatically honoured, and that they are exempt from popular control.” Subjecting *régulos* and heads of villages to elections might even help to deal with disputes of power between traditional authorities themselves. As already argued in Chapter Four, there are disputes between traditional authorities of the same rank with each of them claiming to be the genuine representatives of the population in the area where they exist (Zacarias, 2002; Buur & Kyed, 2003).



While it would be desirable that rural people choose all levels of representatives who administer land at the local level, for pragmatic and practical reasons, it seems that in the context of Mozambique, elections should be recommended for the levels of village and *regulado* at the present time. As shown above, at these levels, problems are found and the population wants to check the popularity of rulers (especially at the *regulado* level). Additionally, the study has argued that even for those rulers that are elected, there is still a lack of appropriate mechanisms of accountability to the ruled population. Thus, the democratisation of rural areas in practice is still a crucial need. This could also have other spin-offs in terms of proper and fair distribution of resources required for livelihoods. Having said this, I should hasten to say that the ideal situation is that all ranks of traditional authorities should be democratised, including the lineage level.

REFERENCES

Books & Articles

- Abrahamsson, H. & Nilsson, A. (1994). *Moçambique em transição: um estudo da história de desenvolvimento durante o período 1974-1992*. Gothenburg: Chalmers.
- Abrahamsson, H. & Nilsson, A. (1995). *Mozambique: the troubled transition: from socialist construction to free market capitalism*. London: Zed Books.
- Agrawal, E. & Ribot, J. (1999). Accountability in decentralisation: a framework with South Asian and West African cases. *The Journal of Developing Areas*, 33 (Summer).
- Alexander, J. (1997). The local State in post-war Mozambique: political practice and ideas about authority. *Africa*, 69(1): 1-25.
- Araújo, M. (1983). As aldeias comunais e o seu papel na distribuição territorial da população rural na R.P.M. *Finisterra* 28 (36):365-377.
- Araujo, M. (1988). *O Sistema das Aldeias Comunais em Moçambique: transformação na organização do espaço residencial e produtivo*. Unpublished PhD Thesis. Lisboa: Universidade de Lisboa.
- Axelson, E. (1967). *Portugal and the scramble for Africa 1875-1891*. Johannesburg: Witwatersrand University Press.
- Bowen, M. L. (2000). *The State against the peasantry: rural struggles in colonial and postcolonial Mozambique*. Charlottesville and London: University Press of Virginia.
- Cahen, M. (1989). Is Renamo a popular movement in Mozambique? *SARBS* 3(2): 20 – 21.
- Casal, A. Y. (1991). Discurso socialista e camponeses Africanos: legitimação política-ideológica da socialização rural em Moçambique (FRELIMO, 1965 – 1984). *Revista internacional de estudos Africa* 14-15: 35-75.
- Clarence-Smith, G. (1989). The roots of the Mozambican counter-revolution. *Southern African Review Books*, April/May.
- Cota, J. G. (1944). *Mitologia e direito consuetudinário dos indígenas de Moçambique*. Lourenço Marques: Imprensa Nacional.
- Covane, L. A. (2001). *O trabalho migratório e a agricultura no Sul de Moçambique (1920 – 1992)*. Maputo: Promédia.
- Dinerman, A. (1990). *Mozambique: an elusive peace*. New York: Africa Office.

- Egero, B. (1987). *Mozambique: a dream undone. The political economy of the democracy, 1975-84*. Uppsala: Scandinavian Institute of African Studies.
- Finnegan, W. (1992). *A Complicated war: the harrowing of Mozambique*. Berkeley: University of California Press.
- Friedmann, J. (1980). The territorial approach to rural development in the People's Republic of Mozambique: six discussion papers. *International Journal of Urban and Regional Research* 4 (1):97-115.
- Geffray, C. (1991). *A causa das armas. Antropologia da guerra contemporânea em Moçambique*. Porto: Edições Afrontamento.
- Hall, M. & Young, T. (1997). *Confronting Leviathan: Mozambique since independence*. London: Hurts & Company.
- Hanlon, J. (1984). *Mozambique: the revolution under fire*. London: Zed Books.
- Hanlon, J. (1995). *Mozambique peace bulletin* 15. Amsterdam: AWEPA.
- Hedges, D. & Rocha, A. (1993). Moçambique durante o apogeu do colonialismo Português, 1945-1961: a economia e a estrutura social. Departamento de História (ed.), *História de Moçambique Vol. 3: Moçambique no auge do colonialismo, 1930 – 1961*. Maputo: Imprensa da UEM:129-196.
- INE (Instituto Nacional de Estatística) (1999). *II recenseamento geral da população e habitação 1997: resultados definitivos – província de Gaza*. Maputo: Instituto Nacional de Estatística.
- Isaacman, A. & Isaacman, B. (1983). *Mozambique: from colonialism to revolution, 1900-1982*. Colorado: Westview Press.
- Isaacman, A. (1978). A luta continua: creating a new society in Mozambique. *Southern African Pamphlets* No. 1.
- Junod, H. A. (1913). *The life of a South African Tribe 1st edition*. London: Macmillan & Co.
- Junod, H. A. (1927). *The life of a South African Tribe 2st edition*. London: Macmillan & Co.
- Liesegang, Gerhard J. (1996). *Ngungunyane: a figura de Ngungunyane Nqumayo, Rei de Gaza 1884-1895 e o desaparecimento do seu Estado*. Maputo: Arquivo do Património Cultural.

- Lundin, I. B. & Machava, F. J. (1995). *Autoridade e poder tradicional*. Maputo: Ministério da Administração Estatal.
- Lundin, I. B. & Machava, F. J. (1998). *Autoridade e poder tradicional*. Maputo: Ministério da Administração Estatal.
- Lundin, I. B. (1994). Cultural diversity and the role of traditional authority in Mozambique. Rothchild, D. (ed.), *Strengthening African local initiative: local self-governance, decentralisation and accountability*. Hamburg: Institut fur Africa-Kunde: 83-94.
- Lundin, I.B. (1998). Relatório do trabalho de campo realizado nas províncias de Sofala e Manica no âmbito do projecto “A autoridade tradicional e suas bases de legitimidade”. Lundin, I.B. & Machava, F.J. (eds.), *Autoridade e poder tradicional*. Maputo: Ministério da Administração Estatal: 37-93.
- Machel, S. (1985). Make Beira the starting-point for an organizational offensive. Munslow, B. (ed.), *Samora Machel: an african revolutionary: selected speeches and writings*. London: Zed Books: 73-80.
- Machel, S. M. (1975). *O processo de revolução democrático-popular em Moçambique*. Lourenço Marques: Imprensa Nacional.
- Magaia, L. (1988). *Dumba Nengue: run for your life: peasants tales of tragedy in Mozambique*. Trenton: Africa World Press.
- Manghezi, A. (2003). *Trabalho forçado e cultura de algodão: o colonato do Limpopo e o reassentamento pós-independência c. 1895-1981*. Maputo: Arquivo Histórico.
- Manor, J. (1999). *The Political Economy of Democratic Decentralization*. Washington, DC: The International Bank for Reconstruction and Development & The World Bank.
- Minter, W. (1989). *The Mozambican National Resistance (Renamo) as described by ex-participants*. Washington, D.C.: Ford Foundation and Swedish International Development Agency.
- Minter, W. (1994). *Apartheid's Contras: an inquiry into the roots of war in Angola and Mozambique*. London: Zed Books.
- Mondlane, E. (1995). *Lutar por Moçambique*. Maputo: Minerva Central.
- Montez, C. (1948). *Descobrimentos e fundação de Lourenço Marques*. Lourenço Marques: Imprensa Nacional.

- Mudenge, S.G. (1988). *A political history of Munhumutapa c 1400 – 1902*. Harare: Jongwe Press.
- Munslow, B. (1983). *Mozambique: the Revolution and its Origins*. New York: Longman Inc.
- Mutaquiha, J. (1998). Relatório do trabalho de campo realizado na província de Nampula. Lundin, I.B. & Machava, F.J. (eds.), *Autoridade e poder tradicional, Volume II*. Maputo: Ministério da Administração Estatal: 9-19.
- Newitt, M.D. (1973). *Portuguese settlement on the Zambesi. Exploration, land tenure and colonial rule in East Africa*. London: The Barleyman Press.
- Newitt, M.D. (1981). *Portugal in Africa. The last hundred years*. London: C. Hurst & Co.
- Newitt, M.D. (1995). *History of Mozambique*. London: Hurst & Company.
- Nilson, A. (1995). Legitimidade, economia, conflito e a guerra. Lundin, I. B. & Machava, F. J. (1995). *Autoridade e poder tradicional*. Maputo: Ministério da Administração Estatal: 127 – 144.
- Nilson, A. (1995). Legitimidade, economia, conflito e a guerra. Lundin, I.B. & Machava, F.J. (eds.), *Autoridade e Poder Tradicional, Volume I*. Maputo: Ministério da Administração Estatal: 127-144.
- Ntsebeza, L. (2002). *Decentralisation and natural resources management in rural South Africa: problems and prospects*. Berkeley: Institute of International Studies, University of California.
- Ntsebeza, L. (2004a). Democratic decentralisation and traditional authority: dilemmas of land administration in Rural South Africa. *European Journal of Development Research*, 16 (1): 71-89.
- Ntsebeza, L. (2004b). Rural governance and citizenship in post-apartheid South Africa: democracy compromised? Daniels, J.; Southall, R. & Lutchaman, J. (eds.), *The state of the nation: South Africa 2004-2005*. Cape Town: HSRC Press.
- O’Laughlin, B. (1992). “Interpretations Matter: Evaluating the War in Mozambique.” *Southern Africa Report*, 7(3): 23-33.
- O’Laughlin, B. (1996). Through a Divided Glass: Dualism, Class and the Agrarian Question in Mozambique. *The Journal of Peasant Studies* 23(4):1-39.

- O’Laughlin, B. (2000). Class and the customary: the ambiguous legacy of the indigenato in Mozambique. *African Affairs* 99: 5-42.
- Pitcher, M. A. (1998). Disruption without transformation: agrarian relations and livelihoods in Nampula province, Mozambique 1975-1995. *Journal of Southern African Studies* 24(1): 115-141.
- Reynolds, A. (1999). *Electoral systems and democratization in Southern Africa*. Oxford: Oxford University Press.
- Rocha, A.; Hedges, D.; Medeiros, E. & Liesegang, G. (1993). A história de Moçambique, 1885-1930. Departamento de História (ed.), *História de Moçambique Vol. 3: Moçambique no auge do colonialismo, 1930 – 1961*. Maputo: Imprensa da UEM:1-34.
- Roesch, O. (1984). Peasants and collective agriculture in Mozambique. Barkers, Jonathan (ed.), *Politics of agriculture in tropical Africa*. Beverly Hills and London: Sage Publications: 291-317.
- Roesch, O. (1992). Renamo and the peasants in Southern Mozambique: a view from Gaza Province. *Canadian Journal of African Studies*, 26: 462-84.
- Sachs, A. & Welch, G. H. (1990). *Liberating the law*. London: Zed Books.
- Sogge, D. (1997). Decentralisation. Sogge, D. (ed.), *Mozambique: perspectives on aid and the civil society on aid and the civil sector*. Oegstgeest: Gemeenschappelijkoverleg Medefinanciering: 91-106.
- Toscano, F. (1941). *Os grandes chefes da África Austral e alguns usos e costumes dos indígenas do Sul do Save*. Lourenço Marques: Boletim da Sociedade de Estudos da Colónia de Moçambique 44.
- UEM (Universidade Eduardo Mondlane) (1982). *História de Moçambique: primeiras sociedades sedentárias e impacto dos mercadores (200/300 – 1886)*. Maputo: Departamento de História da UEM.
- UEM (Universidade Eduardo Mondlane) (2000). *História de Moçambique*. Maputo: Livraria Universitária.
- Vail, L. & White, L. (1980). *Capitalism and colonialism in Mozambique*. London: Heinemann.

- Vines, A. (1991). *Renamo: terrorism in Mozambique*. London: James Currey.
- West, H. G. (1998). 'This neighbor is not my uncle!': Changing relations of power and authority on the Mueda plateau. *Journal of Southern African Studies*, 24(1): 143-161.
- West, H.G. & Myers, G. W. (1992). *Local-level political legitimacy and security of land tenure in Mozambique*. Madison: Land Tenure Center, University of Wisconsin-Madison.
- West, Harry G. & Kloeck-Jenson, Scott (1999). Betwixt and between: 'traditional authority' and democratic decentralization in post-war Mozambique. *African Affairs* (98) 455-484.
- Wilson, K. B. (1992). Cults of violence and counter-violence in Mozambique. *Journal of Southern African Studies* 18(3): 527-583.

Dissertations & Unpublished Papers

- Alexander, J. (1994). *Land and political authority in post-war Mozambique: a view from Manica province*. Madison: Land Tenure Center, University of Wisconsin.
- Alfane, R. & Nhacale, O. (1993). *Como a legislação administrativa colonial incidiu na autoridade tradicional em Moçambique: breve comentário bibliográfico*. Documento apresentado no II seminário sobre a reforma dos órgãos locais e o papel da autoridade tradicional no processo de descentralização, 19 a 23 de Abril de 1993, Maputo, Moçambique. Unpublished paper.
- ARPAC (Arquivo do Património Cultural) (1994). *Relatório de investigação referente ao tema autoridade tradicional na fase actual*. Beira: Arquivo do Património Cultural. Unpublished paper.
- Borges Coelho, J. P. (1993). *Protected villages and communal villages in the Mozambican province of Tete (1968 – 1982): a history of state resettlement policies development and war*. Unpublished PhD Thesis. Bradford: University of Bradford.
- Bruce, J.W. (1993). *Review of Tenure Terminology*. Madison: Land Tenure Center. Unpublished paper.
- Buur, L. & Kyed, H. M. (2003). Implementation of Decree 15/2000 in Mozambique: the consequences of State recognition of traditional authority in Sussundenga.

- Preliminary research results. Copenhagen: Centre for Development Research.
Unpublished research paper.
- Casal, A. Y. (1996). *Antropologia e desenvolvimento: as aldeias comunais de Moçambique*. Unpublished PhD Thesis. Lisboa: Instituto de Investigação Científica Tropical.
- Cravinho, J. T. (1995). *Modernizing Mozambique: Frelimo ideology and Frelimo State*. Unpublished PhD Thesis. Oxford: University of Oxford.
- Geffray, C. (1985). *Transformação da organização social e do sistema agrário do campesinato do distrito de Erati: processo de socialização do campo e diferenciação social*. Maputo: Departamento de Antropologia e Arqueologia, Universidade Eduardo Mondlane. Unpublished report.
- Honwana, A. M. (1996). *Spiritual agency and self-renewal in Southern Mozambique*. Unpublished PhD Thesis. London: School of Oriental and African Studies, University of London. London.
- Lobo, R. C. (1966). *As autoridades tradicionais e a organização das regedorias de 1961. alguns aspectos político-administrativos na Província de Moçambique*. Lisboa: Universidade Técnica de Lisboa. Unpublished Honours Thesis.
- Machel, S. M. (1977). *Relatório do Comité Central ao 3^o Congresso*. Maputo: Departamento do Trabalho Ideológico da Frelimo. Unpublished document.
- Macia, M. J. (1997). *Visões do poder em Moçambique: estudo entre o tradicional e o moderno numa vila rural do Sul do país*. Unpublished Mphil Thesis. Rio de Janeiro: Universidade Federal do Rio de Janeiro.
- Manganhela, A. R. (1997). *Poder tradicional e sua legitimidade no contexto histórico de Gaza: estudo de caso no distrito de Chibuto 1897/1996*. Maputo: Faculdade de Letras, Universidade Eduardo Mondlane. Unpublished Honours Thesis.
- Manning, C. L. (1997). *Democratic transition in Mozambique, 1992-1995: beginning at the end?* Unpublished PhD Thesis. Berkeley: University of California.
- Manor, J. (2000). *Democratic decentralization and sustainable livelihoods*. Sussex: Institute for Development Studies. Unpublished paper.
- Munslow, B. (1979). *The liberation struggle in Mozambique and the origin of post-independence political and economic policy*. Centre of African Studies (ed.),

- Mozambique*. Proceedings of a seminar held in the Centre of African Studies 1st and 2nd December 1978. Edinburgh: Centre of Africa Studies: 86-99. Unpublished paper.
- Myers, G. & Meneses, C. (1995). *Elephants in the trees: land and resource administration in Southern Maputo province*. Maputo: report prepared for the National Land Commission. Unpublished report.
- Myers, G. W. (1993). *Confusion, contradiction and conflict: land access in Mozambique in the post-peace period: four case studies from Manica, Sofala, Gaza and Inhambane*. Maputo: Land Tenure Center Project Mozambique. Unpublished research Report.
- Negrão, J. (1995). *One hundred years of African Rural Family Economy: the Zambezi Delta in retrospective analysis*. Unpublished PhD Thesis. Lund: Department of Economic History, University of Lund.
- Neil-Tomlinson, B. (1979). The growth of a colonial economy and the development of African labour: Manica and Sofala and the Mozambique chartered company, 1892 – 1942. Centre of African Studies (ed.), *Mozambique*. Proceedings from a seminar held in the Centre of African Studies, University of Edinburgh, 1st and 2nd December, 1978. Edinburgh: Centre of African Studies, University of Edinburgh: 5 – 16. Unpublished paper.
- Nilsson, A. (1993). *Raízes da guerra em Moçambique*. Documento apresentado no II Seminário sobre a reforma dos órgãos locais e o papel da autoridade tradicional no processo de descentralização, 19 a 23 de Abril de 1993, Maputo, Moçambique. Unpublished paper.
- Ribot, J. C. (2001). *Local actors, powers and accountability in African decentralizations: a review of issues*. Paper prepared for International Development Research Centre of Canada. Unpublished paper.
- Roesch, O. (1992a). *Peasants, War and 'Tradition' in Central Mozambique*. Ontario: Department of Anthropology, Trent University. Unpublished paper.
- Rudebeck, L. (1986). *Development and democracy. Notes related to a study of people's power in Mozambique*. Working Group for the Study of Development Strategies (AKUT) and Institute of Political Science. Uppsala: Uppsala University. Unpublished.

Government & Party Documents

FRELIMO (Frente de Libertação de Moçambique) (1975a). *Síntese da reunião de responsáveis das localidades da Machava, Boane, Matola e a distrital da Matola e de respectivos círculos realizada na Escola Preparatória da Matola em 24 de 8 de 1975*. Maputo: Frelimo. Unpublished party document.

FRELIMO (Frente de Libertação de Moçambique) (1975b). *Reunião de quadros do partido: destacados nas províncias de Inhambane, Gaza e Maputo e na sede da Frelimo em Lourenço Marques, realizada na Escola Preparatória da Matola em 4 a 5 de Junho de 1975*. Lourenço Marques: Frelimo. Unpublished party document.

FRELIMO (Frente de Libertação de Moçambique) (1975c). *1ª Reunião Nacional dos Comités Distritais: Documento final*. Mocuba: Frelimo.

FRELIMO (Frente de Libertação de Moçambique) (1976). *As aldeias comunais: resolução da 8ª sessão do Comité Central*. Maputo: Notícias.

FRELIMO (Frente de Libertação de Moçambique) (1977a). *Directivas económicas e sociais*. Maputo: Frelimo.

FRELIMO (Frente de Libertação de Moçambique) (1977b). *Relatório do Comité Central ao 3º Congresso*. Maputo: Frelimo.

FRELIMO (Frente de Libertação de Moçambique) (1989a). *Quinto Congresso. Relatório do Comité Central*. Maputo: Frelimo.

FRELIMO (Frente de Libertação de Moçambique) (1989b). *Quinto Congresso. Documentos*. Maputo: Frelimo.

FRELIMO (Frente de Libertação de Moçambique) (Frente de Libertação de Moçambique) (1980). *Resolução sobre as eleições locais de 1980. 5ª Sessão Assembleia Popular*. Maputo: Frelimo.

Lei No. 9/88 de 21 de Dezembro de 1988 (It extends the validity of the Law Nr.14/87).

República de Moçambique (2000). Decreto No. 15/2000 de 20 de Junho de 2000 (This decree establishes forms of articulation between local organs of State and community authorities).

República de Moçambique (1988). Lei No. 14/87 de 19 de Dezembro de 1988 (Conceded amnesty to crimes against the security of the people and the Popular State).

República de Moçambique (1997). Lei de Terras No. 19/1997 de 1 de Outubro (Land Law of 1997).

República de Moçambique (1998). Regulamento da Lei de Terras, Decreto n° 66/98 de

República de Moçambique (2003). Lei No. 8/2003 de 19 de Maio de 2003 (This law establishes rules of functioning of State organs at levels of province, district, administrative post and locality).

Internet document

Tanner, C. (2002). Law-making in an African context: The 1997 Mozambican land law. *FAO Legal Papers Online* # 26. Available <http://www.fao.org/Legal/pub-e.htm>

Newspapers & Colonial documents

AHM (Arquivo Histórico de Moçambique). Caixa 136, Circunscrição de Morrumbala (Zambézia), 16 Janeiro de 1950.

AHM (Arquivo Histórico de Moçambique). Caixa 518, Administrador da Circunscrição do Bilene (Gaza), 21 de Abril de 1942.

AHM (Arquivo Histórico de Moçambique). Caixa 522, Administrador da Circunscrição de Macanga (Tete), 20 September 1961.



AHM (Arquivo Histórico de Moçambique). Caixa 522, Administrador da Circunscrição de Macanga (Tete), 20 de Setembro de 1961.

AHM (Arquivo Histórico de Moçambique). Caixa 522, Nota ao Governador do distrito de Manica e Sofala, LF/AC 2034 B2, 27 de Abril de 1956.

AHM (Arquivo Histórico de Moçambique). Caixa 522, Reclamação de todos os residentes da área do induna Lucas, LF/CR 2851/B/2, 29 de Julho de 1959.

AHM. Caixa 522, Carta ao Governador do distrito de Gaza do povo de Bahanine, 10 de Setembro de 1959 AHM. Caixa 522, Carta dirigida ao chefe de Repartição Central dos Negócios Indígenas, Processo B, 24 de Novembro 1959.

Decreto No. 43897 (Decree that recognized local customary norms and practices)

Diário de Moçambique, Daily newspaper.

Domingo, Weekly newspaper.

Lauriciano, G. (1990). Espirito Mungoi: mais um poder alternative ou mais um fenómeno de Guerra. *Jornal domingo* 416:8-9.

Notícias, Daily newspaper.

Província de Moçambique (1918). Decreto No. 3983 de 8 de Julho de 1918 (Boletim oficial da Província de Moçambique, I Série No 31)

Província de Moçambique (1944). Regulamento dos auxiliares da administração civil, Portaria No. 5639, de 29 Julho 1944 e Portaria No. 4789, de 11 de Junho 1942 (Regulations of activities of chiefs).

Província de Moçambique (1970). Regulamento dos auxiliares da administração civil, Portarias No. 22935 e 23281, de 7 Março e 8 de Junho de 1970 (Regulations of activities of chiefs).

Província de Moçambique (1973). Lei de Terras No. 6/73 de 13 de Agosto de 1973 (Boletim oficial da Província de Moçambique, I Série No 108, de 15 de Setembro 1973).

República de Moçambique (2004). Diploma Ministerial No. 80/2004 de 14 de Maio, Boletem da República, I Série No. 19 (Regulations of the Decree No. 15/2000).

Savana, Weekly newspaper.

Zacarias, A. (2002). Inhambane: régulos em Govuro disputam poder e pessoas. E quem lhes confere legitimidade são as cobras. *Jornal Savana*, 1 March.



Individual interviews

Adelina Ndeve (daughter of a former chief of the village), 70 years old, Chirindzene, 24th July 2004.

Albino Mucavele, Chirindzene, 30th July 2004.

Alexandre Mucache, 65 years old, Chirindzene, 23rd July 2004.

Benete Kombuzza (president of the locality of Chirindzene and son of the former auxiliary of the former chief of the chieftaincy), 55 years old, Chirindzene, 22nd July 2004.

Carolina Matavele (daughter of the former chief of the village), 60 years old, Chirindzene, 24th July 2004.

Carolina Nhabanga, 60 years old, Chirindzene, 25th July 2004.

Elisa Bila (migrant and former member of the Organisation of the Mozambican Women), 65 years old, Chirindzene, 24th July 2004.

Elisa Ndima (daughter of the former chief of a village), 50 years old, Chirindzene, 2004.

Etelvina Chongo, 40 years old, Chirindzene, 24th July 2004.

Josefa Matavele (Former chief of the chieftaincy of Chirindzene), 84 years old, Chirindzene, 17th August 2004.

Julieta Bila (migrant, elected community authority), 50 years old, Chirindzene, 22nd July 2004.

Paulo Machava, (SPGC), Xai-Xai, 20 July 2004.

Rosa Macamo, Chicumbane, 30th July 2004.

Salvador Nuvunga (migrant), 70 years old, 23rd July 2004.

Vicente Muchanga, Xai-Xai, 20th July 2004.

Collective interviews

Esperança Macuacua (former member of Dynamizing Groups and of the Organization of the Mozambican Women), 74 years old & Manuel Matavele, 34 years old, Chirindzene, 13th August 2004.

Sebastião Cossa (son of the former chief and currently chief block, 56 years old); Rita Macamo (judge of the locality, 56 years old); Francisco Ntsuti (migrant, 68 years old) & Angelina Macie (migrant, daughter of a former chief in another locality), Chirindzene, 30th July 2004.