

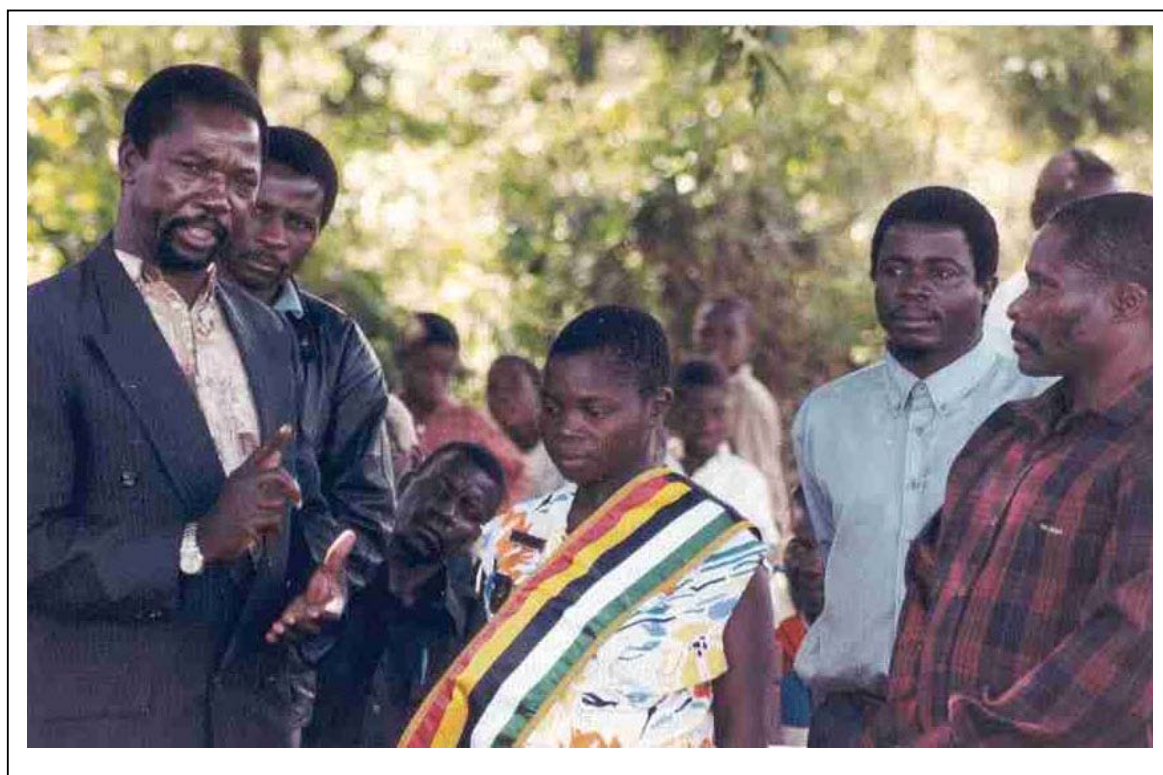
## **Implementation of Decree 15/2000 in Mozambique**

### ***The Consequences of State Recognition of Traditional Authority in Sussundenga***

Dr. Lars Buur, former Centre for Development Research, Copenhagen,  
Denmark now Nordic Africa Institute, Uppsala, Sweden

PhD candidate M.A. Helene Maria Kyed, University of Aarhus, Denmark.

#### ***Preliminary Research Results***



Copenhagen, June 2003

# Contents

<b>1. INTRODUCTION .....</b>	<b>2</b>
<b>2. DECREE 15/2000 - ARTICULATION BETWEEN LOCAL ORGANS OF THE STATE AND COMMUNITY AUTHORITIES .....</b>	<b>4</b>
2.1. THE PROCESS OF IMPLEMENTATION - SUSSUNDENGA DISTRICT .....	5
<b>3. THE AREA OF FIELDWORK .....</b>	<b>8</b>
<b>4. RECOGNITION CEREMONIES .....</b>	<b>10</b>
4.1. PARTICIPANTS .....	11
4.2. RECUPERATING STATE AND TRADITION - ORGANISATION AND EVENTS .....	12
4.2.1. <i>Formal organisation - State and Tradition</i> .....	12
4.2.2. <i>Informal organisation - from State to Party</i> .....	17
4.3. IN CONCLUSION .....	18
<b>5. STATE AND TRADITIONAL STRUCTURES - INTEGRATION OR CO-EXISTENCE? .....</b>	<b>21</b>
5.1. CONFLICTING ASPECTS OF THE RELATION BETWEEN TRADITIONAL AND STATE HIERARCHIES .....	24
5.1.1. <i>Lines of Command and Decision-making</i> .....	24
5.1.2. <i>Overlapping functions</i> .....	25
5.1.3. <i>Rights and Duties: The question of intervention</i> .....	27
5.1.4. <i>Administrative and Traditional Boundaries</i> .....	29
5.2. THE IMPACT OF (STATE) FORMALISATION .....	31
5.3. 'THE FLAG DOES NOT FILL MY STOMACH' - THE QUESTION OF COMPENSATION .....	34
5.4. THE QUESTION OF DEMOCRACY .....	35
5.5. IN CONCLUSION .....	37

## **1. Introduction**

This document presents preliminary research results on the implementation of Decree 15/2000. The document does not claim to exhaust the subject. The aim is solely to present some of the findings in an accessible and straightforward manner and to 'flag' those aspects that came to the forefront during the fieldwork. The document assesses aspects of the fieldwork that could be of interest for the various state institutions, donor programmes and academics we worked and engaged with. The results are based on seven months of fieldwork research from May to November 2002, first in Maputo and thereafter in Sussundenga District, Manica Province, Mozambique. The research project has formed part of the Postdoctoral Research Project "State and Extra-State Forms of Justice Enforcement - Studying post-conflict nation-state formation in South Africa and Mozambique" and the Magister Conference Research Project "Decentralisation in Post-Conflict Mozambique - a Study of Traditional Authorities in the State Formation Process". The research has been funded by the Danish Council for Development Research and University of Aarhus. It was carried out by Ph.D. in Ethnography and Social Anthropology Lars Buur, from the Centre for Development Research, Copenhagen, and by Master in Ethnography and Social Anthropology Helene Kyed, from Aarhus University, Denmark.

A two-month language course and fieldwork were initially carried out in Maputo. This period covered a comprehensive archive study of public discourse as well as consultation and interviews with key resource persons in the field of research. These included people in the Ministry of State Administration, the University of Eduardo Mondlane, Centro de Estudos Estratégicos (ISRI), Maputo, Centro de Investigação Jurídica, Matola and development donors working with themes of justice and decentralisation.

Subsequently, three and a half months of fieldwork were conducted in the district of Sussundenga, Manica Province, on the implementation of Decree 15/2000 and the immediate and expected effects of state recognition of traditional leadership.

The first part of the fieldwork included a study of six recognition ceremonies in the administrative posts of Dombe and Moua and the locality of Munhinga. This was followed up by a second period of detailed studies of the practical effects of the recognition of traditional authority in the administrative posts of Dombe and Moua, with emphasis on the themes of traditional and state authority, collaboration between state organs and community authorities, tax collection and local conflict resolution. This part of the fieldwork covered, on the one hand, interviews with traditional leaders (chiefs/régulos, sub-chiefs/sub-régulos, guardians of the ancestral spirits), state representatives on all levels, school teachers, political party delegates and secretaries, NGO workers and ordinary citizens. On the other hand, it covered studies of traditional court or conflict resolution sessions (known as "Banjas"), traditional ceremonies, public national days and public meetings held by state representatives on tax collection, development and other areas relating to the collaboration between state organs and traditional leaders or 'autoridades comunitárias'.

Interviews and consultations with provincial authorities as well as NGO workers and development donors working with the theme of research were also carried out at the beginning and end of the fieldwork period.

The fieldwork in Manica Province terminated with a one-day workshop in the provincial capital of Chimoio, where initial results were presented and debated. The workshop was financed by GTZ and included state representatives, traditional leaders and NGOs from Sussundenga district as well as provincial authorities, political party representatives, NGOs and development donors with seats in Manica province.

The entire fieldwork period terminated with two informal seminars in Maputo in October 2002. These lasted two hours each and were arranged by the Centre for the Study of Population (CEP), University of Eduardo Mondlane, and the informal Decentralisation Group of donors arranged by UNDP respectively. The research project was realised with the assistance of the Mozambican League for Human Rights and the Centre for the Study of Population (CEP), University of Eduardo Mondlane.

Ph.D. Lars Buur has been directly responsible for the overall co-ordination of the research project. Professor Yussuf Adam, deputy-director of CEP, together with Dr. Mariamo Abdula, CEP acted as the key resource persons and assisted with logistics and contacts. In Maputo, Carlota Mondlane and Heidi Cuna, students at the University of Eduardo Mondlane, assisted in the archive study at the Historical Archive of Mozambique and other relevant public archives. António Makumbe and Ana João, Chimoio, worked as fieldwork assistants in Sussundenga District.

## **2. Decree 15/2000 - Articulation between local organs of the State and Community Authorities**

Decree 15/2000 forms part of the post-war decentralisation process in Mozambique. It establishes channels of communication and forms of articulation between local state organs (*orgãos locais do Estado*) and community authorities (*‘autoridades comunitárias’*). Community authorities may, according to the Decree, include the following three categories: traditional leaders, secretaries (*‘secretários de bairro ou aldeia’*) and other legitimate leaders. In common for all three categories is that to be recognised by the state as *‘autoridades comunitárias’* they must be legitimised by the community. In the case of traditional leaders, this should be done in accordance with the traditional laws (*‘regras’*) of each respective community.

The decree embraces three key objectives:

- Administration in terms of extending the state apparatus to levels below localities (*‘localidades’*). It is aimed at *‘autoridades comunitárias’* taking care of, among other tasks, tax collection and local level conflict resolution as well as acting as local police known as “traditional police” (*polícia tradicional*).
- Recognition and state formalisation of traditional leadership (thereby answering to the 1991 Constitution).

- Facilitation of community participation in development and public administration through the identification and recognition of community legitimised authorities, with whom state organs can work at the local level.

The Decree outlines a long list of areas of articulation between state organs and community authorities, which in the 'regulamento' of the Decree are defined as the duties of recognised community authorities, and it provides a relatively small list of rights to the recognised community authorities.

The duties are peace keeping, facilitating/encouraging justice and social harmony, registration of the population, facilitating/encouraging civic education, elevation of the patriotic spirit, land distribution, securing employment opportunities, securing food, facilitating housing construction, seeing to public health and education, protection of culture and the environment and road construction. As mentioned above, the decree also introduces community authorities' participation in tax collection, conflict resolution and the prevention of crime together with the police.

The rights include recognition as representatives of the respective local communities, use of the symbols of the Republic, participation in official ceremonies organised by local state authorities, use of uniform and other official state paraphernalia as well as receipt of a subsidy from participation in tax collection.

### ***2.1. The process of implementation - Sussundenga District***

The 1990 Constitution of Mozambique had for the first time in post-independence history taken a step towards officially recognising tradition and traditional leadership as part of the Mozambican nation-state. Subsequently, the Ministry of State Administration, funded by the Ford Foundation and USAID, launched a five-year study of traditional leadership in each of the provinces. The study was aimed at answering to the 1990 Constitution and drawing the basis for future legislation on the position of traditional leaders in the state system. Donors, civil society groupings and opposition parties had long awaited such legislation, on which they

had not been officially briefed. When the Frelimo government announced Decree 15/2000 in June 2000 and not a law, formally recognising traditional authorities as community authorities, it came as a general surprise to donors, civil society groupings and opposition parties.

There were critics. Different sections of the donor community reacted differently. Those less directly involved with the central state administration focused mainly on the implications and consequences for civil society. Formally incorporating under state auspices what could be regarded as perhaps the only relatively well functioning element of civil society outside the big metropolises made it, in the eyes of donors, difficult to maintain the separation between state and civil society. It seems that those closer to the central administration focused mainly on the costs of recognising régulos (chiefs) formally – salary, uniforms and so on – in light of limited financial and human resources available in Mozambique. This group of donors also focused on what consequences the Decree would have for the overall processes of decentralisation and/or devolution of powers, responsibilities and finances.

From the opposition parties' perspective, Decree 15/2000 was generally seen as a political trick. It was feared that Frelimo would use it to firmly put its own people in charge of 'the traditional' by manipulating formal registration of 'Community Authorities', to sideline régulos sympathetic to Renamo. The opposition furthermore questioned the Frelimo government for placing Frelimo secretaries on an equal footing with traditional leaders in the Decree. The question posed was why a decree and not a law? A decree can be done away with by another decree, whereas a law requires democratic deliberation to be accepted, amended or done away with by parliament. It should also be remembered that the long-awaited law concerning local state organs has not yet been approved in Parliament. This means that the Decree, which is based on the juridical existence of local state organs and their articulation with community authorities, has come at a time when in fact local state organs are not yet legally approved.

For these reasons, few seem to have taken Decree 15/2000 and its "Regulation" really seriously – for example by exploring its implications for democratic representation,

implementation of development, state administration (tax collection and management), justice, policing, nation building, state formation and citizenship. At the end of June 2002, few seemed prepared when the Government suddenly announced the start of recognition ceremonies for “community authorities”. Consequently, the ceremonies seem to have been conducted without much documentation except for sporadic news reporting, mainly concentrated in the southern parts of the country. From the Ministry of State Administration, the process of recognising traditional leaders was seen as the first phase of a longer process, which would eventually see the recognition of not only the most superior regulós, but also of sub-chiefs (chefes do grupo and chefes de povoação), Frelimo secretaries and other community leaders. This process, as far as the authors of this document can assess, has not yet been initiated.

In the district of Sussundenga, the process from the announcement of the decree to the start of the recognition ceremonies of traditional leaders has formally been as follows (reconstructed from interviews with régulos and state functionaries on different levels):

- October 2000: Seminar on Decree 15/2000 for State administrators (including Chefes do Posto) in the provincial capital of Chimoio;
- Mid-2001: Registration of traditional leaders by chefes do posto;
- August 2001-March 2002: Legitimisation meetings in each chieftaincy (regulamento) of traditional leaders;
- July 2002: Seminar on Decree 15/2000 for traditional leaders in Sussundenga at the head of administration;
- End July - mid August 2002: Recognition ceremonies in each chieftaincy.

Formal promises of delivery of uniforms (daily and gala) made during the ceremonies had not materialised by the end of fieldwork. Neither had settlement of the question of subsidies deriving from tax collection (more on this issue in Section 5).

Before we continue, it is worth spending a few words on the concept of “the community” as we perceive it and how this differs from daily usage and the legislation bringing Decree

15/2000 into being. We suggest that a cautious note be sounded on the notion of 'community' as homogeneous, coherent and settled, as implied in the decree and in daily usage of the term. The 'communities' that traditional authorities are to represent should rather be seen as enduringly contested, negotiated and geographically dissolved forms of organisation with a variety of claims to identity.

The concept of 'tradition' and the way it has been debated and perceived in Mozambique too needs a few words. The Mozambican debate on traditional authorities' role in local government has been split into two camps. One side argues that the pre-colonial chieftainship system has been corrupted by the colonial system of despotic, indirect rule, and what was 'real' tradition has withered away. The other argues that traditional authority still exists, that it is inherently democratic and is legitimised through customs and belief practices from long ago. Common to both perspectives is a timeless conception of the traditional, while they differ as to whether or not its integrity has been sustained. We will by contrast argue for a historical and contextualised notion of 'tradition' and for how the meaning and function of 'traditional authority' has been transformed in the light of a variety of local scenarios and changes in the larger political context. Rather than assuming that traditional rules and authority are well-grounded and legitimised, we saw a need to explore each instance of how the 'traditional' becomes the subject of struggles and negotiations in the process of state formalisation and in claims to community authority.

### **3. The area of fieldwork**

Sussundenga district is situated on the Zimbabwean border, southwest of Chimoio, the provincial capital of Manica province. During the time of colonisation, Sussundenga district became a considerable agricultural centre where the different chieftaincies (régulamentos) seemed to have been well integrated with the colonial state administration. At the time of national liberation, agricultural production was nationalised and productive units were turned into state farms or co-operatives. During the entire period of the civil war, the district became a key combat zone with large contingents of state troops and several Renamo bases. The result was large-scale destruction of infrastructure and forced displacement of huge numbers

of people. This has especially been the case in Dombe administrative post, the effect of which is still apparent today in terms of local organisation, infrastructure, state presence, political support and mobilisation. Today in Dombe, (Frelimo) state officials hold the administrative posts, but until the latter half of the 1990s administration was shared between Renamo and Frelimo. The two national elections in 1994 and 1999 showed widespread Renamo support amongst the population.

Due to intensive war, border areas such as Javela locality to the west of Dombe experienced high levels of population displacement (internal and external) and many localidades (lowest level of the state structure) have only had state administrative presence (including police posts) for a year or two. This means that contact with state representatives, integration with the Mozambican economy and tax collection has generally been low and is still weak. In some of these areas, the Zimbabwean currency is more often encountered than the Mozambican, indicative of how the local populace is generally more integrated with the Zimbabwean economy than the Mozambican. Furthermore, it is not until recently that schools, water pumps, roads and health posts were constructed.

Changes are clearly underway. The recognition ceremonies of community authorities have been a hallmark for (nation)-state (re-)construction outside the administrative seats of Dombe and Moua. In all chieftaincies, for example, the ceremonies marked the first visit of the district administrator since independence in 1975. In some, it was also the first visit of the chefe do posto to homesteads of the traditional leaders. During the actual ceremonies, it was also the first time that the new national anthem was sung in public and the national flag was seen in these areas. In the months immediately after the ceremonies there was also an increase in public meetings and meetings between state representatives and traditional leaders.

The strength of the traditional system of organisation and authority varied considerably between the different chieftaincies in Dombe and Moua. This contradicts the widespread perception that traditional leaders are very powerful in rural areas and that they are personally well-off because they control distribution of land. The traditional system of organisation is

today in the process of reconstruction after years of war, population displacement and abandonment of traditional leadership by the post-independence Frelimo government. In addition the death of most régulos since the time of the Portuguese has meant that it is their sons, daughters or other family members who now perform the role of régulo. Although most local people interviewed knew the names and areas of their traditional leaders and claimed that they were powerful authorities (that they were 'têm papel'), there were a large number of situations and incidents which indicated that they did not necessarily obey their traditional leaders in practice, for example payment of taxes and organisation of public works. De facto power of traditional leaders is therefore in many cases rather fragile.

The number of traditional leaders also varies: there are eight chiefs in Dombe, and only one in Moua. The same level of variation applies to petty chiefs (chefes do grupo and chefes da povoação). Interesting for the Moua case is that the one chief in this administrative post, Chief Zixixe, also rules over an area outside of the administrative post. This means that some of his sub-chiefs govern in an area where the lines of authority and intervention with regard to traditional and state governed jurisdictions are blurred.

#### **4. Recognition Ceremonies**

The recognition ceremonies in Dombe, Moua and Munhinga that we followed took place in the months of July and August 2002. They were held approximately six months after the legitimisation meetings, where the respective 'chefe do posto' had invited the population of each chieftaincy to identify their traditional leader. In most cases this involved confirmation or dismissal of already registered leaders. Dismissal occurred only once, namely in Gudza chieftaincy in Dombe. In one case, chefe da localidade of Matica, belonging to the head of administration of Sussundenga, had placed the name of one of the sub-chiefs on to the official list of chiefs without anybody discovering the mistake.

Where possible (road access permitting), ceremonies were held at the homestead of the traditional leader to be recognised. In Dombe, three out of four ceremonies involved the

recognition of two traditional leaders, owing to the large number of chiefs in this area. Only one leader was recognised in Moua and Munhinga and the ceremonies took place at a school and at the administrative post respectively. Furthermore, the ceremony in Matica (falling under the Sussundenga head of administration) was cancelled during the actual performance of the ceremony. Here sub-chief Ganda (Chefe da Povoação) had been registered as chief by the local Chefe da Localidade, but during the ceremony it became clear, when another sub-chief, Buapua, intervened, that the recognition of Ganda would have been against the traditional hierarchy. The "real" chief, to whom the two sub-chiefs were subject, was chief Zixixe, who lives in the administrative post of Moua. The ceremony was thereafter turned into a general meeting between the District Administrator (DA) and the gathered population. Here, the DA spoke for more than an hour about the priorities of the state and its requests to the community. He allowed the population to forward requests and complaints (this happened at several ceremonies). At the end of the cancelled ceremony, the District Secretary of Frelimo was given the stage so he could brief the population on issues emerging from the recent National Frelimo Congress.

#### **4.1. Participants**

Recognition ceremonies took the form of public events with a strong emphasis on what can be called ritualisation of Nation and State. Although all members of a given community were invited, the number of participants varied from 50 to 150, which meant that in none of the cases did the whole population of the chieftaincy participate. Further investigation in Dombe chieftaincies showed that participants comprised mainly family members of the chief, close neighbours, sub-chiefs, traditional police, members of the council of elders, school children, teachers and local NGO workers. They acted as representatives of the 'community' at large (thereby in practice performing a constitutional democratic mode of understanding community representation – which to some extent can be said to be different from the understanding of community participation expressed in Decree 15/2000). Representation of official guests was quite similar in all cases and included state officials from the head of administration in Sussundenga, chefe da localidade, chefe do posto, line-ministry extension officers, directors and police officers from district, posto and localidade level. Furthermore, Frelimo secretaries

from posto level participated and, in some cases, so did representatives of Frelimo's district branch. Notably, there were no official Renamo delegates or other political party representatives at any of the ceremonies. According to Renamo delegates, they had not been invited.

#### ***4.2. Recuperating State and Tradition - Organisation and Events***

Our general mode of working was to arrive a day before the recognition ceremony and follow the preparatory exercises. Here a state representative – chefe da localidade and/or an assistant from the administrative post – would arrive the day before and give instructions to the traditional leader and his/her assistants (usually family members, neighbours, members of the council of elders or traditional police officers). He would instruct them on how to correctly organise the ceremony and ascertain that the flagpole (for the coming national flag) was in place, that the school children were ready to sing the new national anthem and that there was food and furniture in place for the official guests.

Early in the morning on the day of the ceremony, the same state representative would give a short speech, instructing participants where to sit, where to place chairs and tables for official guests and how to greet and welcome the District Administrator and his staff. They were told to line up with the traditional leader first, so the District Administrator could greet everyone with a hand-shake.

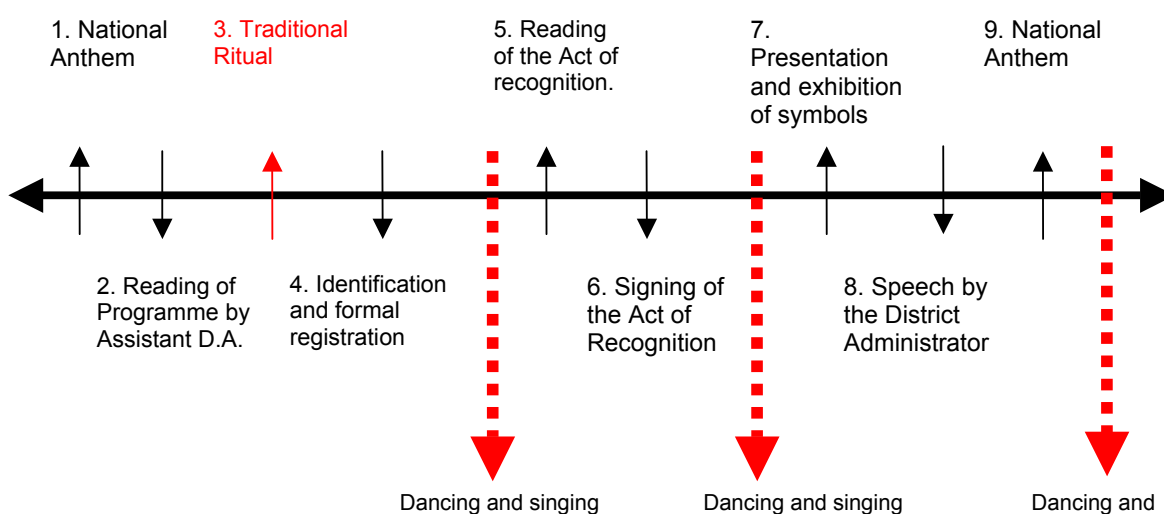
Despite variations in terms of how well the local communities were able to organise the ceremony, there was overwhelming uniformity in the way ceremonies were organised. The extent of the preparation and the uniformity in content point to the importance state functionaries gave the ceremonies as well as the extent to which ceremonies were performed within the framework of the State. They were, in other words, not simply a result of initiatives by the traditional leader and their respective communities.

##### **4.2.1. Formal organisation - State and Tradition**

The following nine points present the formal organisation of the ceremonies (as presented in the guidelines prepared by the Ministry of State Administration in Maputo) and give a brief

description of the general content of each point. The model below illustrates the sequence of the nine points. They highlight where traditional elements were integrated in what was otherwise a formal organisation of the ceremony dominated by the State. It is clear how 'tradition' here was presented as equal to dancing, singing and ritual performance.

**Figure 4.2.1. Formal Organisation of Ceremonies**



**1. National anthem**

Performed by local school children – who were the only participants who knew the song. In all cases, it was the first time the national anthem was sung in public in the respective communities.

**2. Reading of programme**

Read only in Portuguese by the assistant of the District Administrator.

**3. 'Oração tradicional' - traditional ritual**

In Dombe, these all took the form of a ritual performed by the traditional leader's family at the house of the ancestral spirits. The official guests participated, but were placed outside this house. The ritual had the purpose of informing the ancestral spirits of the coming state recognition of the traditional leader and the reception of symbols and emblems. In Moua and Munhinga the 'oração tradicional' merely took the form of traditional hand clapping (welcoming the guests) because the ceremonies were executed outside the homestead of the chief.

**4. Identification and formal registration**

Identification in all but one case involved the Assistant District Administrator calling out the name of the traditional leader on the list of régulos forwarded by chefe do postos and asking whether it was this specific individual who was the leader. He/she then had to proceed to the table of the Assistant District Administrator with his/her formal documents (birth certificate and ID). In most cases this took a while, since the traditional leaders were not prepared and had to fetch the documents in one of the houses at the homestead. Thereafter, their personal data was registered with the District administration (name, age, area, etc.).

The recognition ceremony of chief Zixixe was a special case. Here the District Administrator addressed the participants, asking: “Is this (pointing to Zixixe) your true traditional leader?” The Administrator asked this question on the grounds that the previous ceremony in the area of Matica had been cancelled, because the registered leader was not in fact the real chief, but merely a sub-chief under the rule of chief Zixixe. The identification and registration step of the ceremony was in this case a key point at which the final decision was taken concerning who was to be the recognised leader with community authority.

*(Dancing and Singing - on request by visiting guests and lower level state functionaries)*

#### 5. Reading of the Act of Recognition

Read in Portuguese by the assistant of the District Administrator and translated to the local dialect (there are several local dialects in the area of fieldwork, all of which are variations of the local language, Shona) by ‘Chefe da localidade’, ‘Chefe do posto’, a Frelimo secretary or an extension officer.

#### 6. Signing of the Act of Recognition

Signing was done by the community authority (chief/régulo), the assistant of the District administrator and the District Administrator – the latter defined as ‘representative of the State’.

*(Dancing and Singing - on request by visiting guests and lower level state functionaries)*

#### 7. Presentation and exhibition of the symbols and emblems of the Republic

The presentation was done by the District Administrator. He placed the emblems and symbols on the clothes of the traditional leader as they were supposed to be worn and explained the meaning of each item.

In serious tones, the Administrator explained when and how each should be worn, that they should be kept safely, and that loss should immediately be reported to the administration and the police. He explained that they were not to be used by any other person than the recognised community authority. All national historical days were named and explained and said to be obligatory days for wearing all the emblems and symbols presented.

Subsequently, the traditional leader was asked to show the participants what he had received by moving around the ceremonious circle. This performance was in most cases accompanied by traditional dance and singing, always at the request of visiting guests and lower level state functionaries who would say: “Why aren’t you dancing? Do you not like what you are seeing? Are you not happy with your ‘Mambo’ (chief)?”

*(Dancing and Singing - on request by visiting guests and lower level state functionaries)*

#### 8. Speech by the District Administrator

The District Administrator always began his speech with a line of ‘Viva’s – Long live the population of area x, women of area x, school children of area x, work of area x; often ending

with a Long Live President Joaquim Alberto Chissano. He generally spoke in Portuguese with a translator, but at times used expressions in the local dialect or spoke partly in the local dialect.

The Administrator began the actual speech by explaining the reason for state recognition of traditional leaders:

"This recognition takes place as part of a process that began in the whole of Mozambique on the 25th of July this year. It is part of a long process that was initiated with studies after Independence in 1975. We (the Government) had to find out how the traditional leaders could work with the new (independent) Government. The Decree 15/2000 is a result of this long-term study. The Government was therefore always interested in working with the traditional leaders, but because of the war, the study was never completed. What we see now is the termination of the work that began after Independence" (Authors' translation).

With minor variations from ceremony to ceremony, the Administrator would subsequently speak of four central themes, which all either directly or indirectly addressed future areas of collaboration between state organs and community authorities.

Peace and War - The destructive period of the war in terms of development, mobility and security was contrasted with the present period of peace, in which it was now possible for the Government to build schools, health facilities and roads. Indirectly, the war was associated with Renamo ('os banditos, quem fazem confusão'), while peace was presented as owing to the present Government.

Taxes and national reconstruction - Conscious that tax payment in the areas of the ceremonies is very low, the District Administrator encouraged people to pay taxes by reference to their common interest in development – construction of schools, payment of teachers' salaries, health care, road construction etc. "The people who don't pay taxes are inhibiting the development of the area and are making confusion. We need to work, produce and pay taxes", were often the words of the Administrator. He would sometimes ask people to raise their hands if they had paid taxes. Very few people would respond. The community authorities were told to secure effective collection of taxes and to change the attitude of those people who refused to pay taxes.

Morality - drugs, alcohol, crime, lack of work, adultery and premature marriages - In a lively tone, the communities were criticised for drinking too much and working too little, for cultivating and consuming drugs (Suruma) rather than cultivating maize, and for violating women and creating confusion. The homily was formulated by reference to a general lack of respect for authority and the law. The District Administrator insisted that the community authorities now had the responsibility to prevent crime, alcoholism and drugs and to morally educate and change the mentality of their communities. They were told to collaborate with the police and with school teachers.

Rural development - The Administrator explained that community authorities now had the responsibility to promote development, to welcome NGOs, investors and foreign development agencies and to prevent uncontrolled bush fires. A direct relationship was drawn between those who did not respect the law and those who were against development.

## 9. National anthem

Sung by school children of the respective community. In Dombe this was performed while the national flag was being raised for the first time at the home of the community authority. As the ceremonies in Moua and Munhinga did not take place at the traditional leaders' homes, the flag was not raised here. Prior to the event, the district or posto level police officer would explain to the traditional police how and when to raise the flag.

*(Dancing and Singing - solely organised by the community)*

The above presentation of the formal organisation of the ceremony is centred, with minor exceptions, on *recuperation* of Nation, State and Tradition. The term recuperation is intended to describe the process by which tradition and nation-state are reinstated, of course in their present historical variant, and given importance and presence not only in practice, but also in the minds of the rural population – for example in terms of rural communities feeling they are part of the Mozambican nation-state.

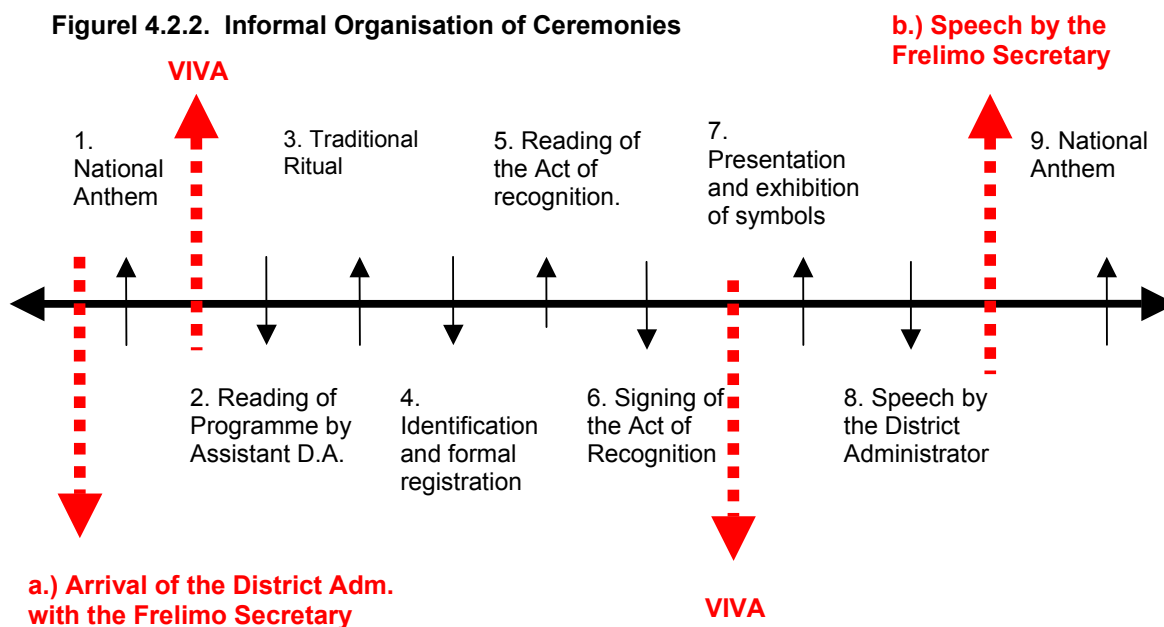
The formal steps of the ceremony carried out by the District Administrator and his assistant and as written in the official programme prepared by Ministry of State Administration (MAE) are formulated in terms of a contract between State and community, and there are no direct party-political elements present. Instead, what one sees is a hierarchical and formal incorporation of traditional elements – here defined in terms of dancing, singing and ritual performance – within a State ceremony. This was considered by the chieftaincies and respective communities involved as an important acknowledgement by the government, in view of the traditional domain's ambivalent status after Independence and during the war.

In practice there were, however, several out-of-the-official-programme events that gave many of the participants the impression that the ceremonies were not about state recognition, but party politics. The distinction between 'party-political acts' and other 'political acts', in fact, is artificial. For the state to engage in recognition of traditional leaders is in itself a political act. We have nonetheless maintained the distinction in light of the heated debates leading up to formal recognition of traditional authorities. This is because our material illustrates how the recognition was 'political' in a manner that differs from initial fears – in other words, fear from opposition parties that the Frelimo party would use the Decree to appoint Frelimo members as community authorities.

#### 4.2.2. Informal organisation - from State to Party

It should be mentioned that nearly all the elements pointing towards the interpretations presented below by the various players – secretaries, state functionaries etc – are everyday reactions and normalised ways of acting in public spaces. They cannot therefore be said to intentionally disrupt the ceremonies’ formal organisation.

The following model shows when what we consider to be party political acts were performed. Each point is explained below the model.



*a.) Arrival of the District Administrator, with a few exceptions, was accompanied by the First Frelimo Secretary.*

1. National anthem

*Welcome by Chefe da Localidade accompanied by VIVA Presidente J.A. Chissano, VIVA Frelimo, VIVA população de area x. (accompanied by a clenched fist in the air).*

2. Reading of programme

3. 'Oração tradicional' - traditional ritual

4. Identification and formal registration of the traditional leader to be recognised
5. Reading of the Act of Recognition
6. Signing of the Act of Recognition  
*Different VIVAs by state representatives*
7. Presentation and exhibition of symbols and emblems of the Republic  
(Dancing and Singing on request by visiting guests and lower level state functionaries)  
*Different VIVAs by the Administrator as a way of ending traditional dancing and singing*
8. Speech by the District Administrator  
*Different VIVAs by the Administrator and introduction of the First Secretary of Frelimo*

*b.) Speech by the First Secretary of Frelimo, Sussundenga District:*

*The Secretary would enter the ceremony circle singing a familiar Frelimo song adapted to the audience. He always talked in local dialect. The central objective of his speech was to inform the community about the eighth Frelimo Congress (held just a few weeks earlier), about the new Frelimo leadership and the new presidential candidate, Armando Emilio Guebuza. He always used the same story, drawing on similarities to the traditional system: "President Joachim Alberto Chissano is now tired and wants to rest. He is an old man and has worked for Mozambique for many years, he who gave us Independence and peace. He wants to give over the position to his son whose name is Armando Emilio Guebuza. He is the son born in the ranks of Frelimo. He and others formed Frelimo as the only unity that could give Mozambique Independence. It was also he who went to Rome to give us peace. He is one of those that fights every day for the development of our country".*

*The Secretary would also present the Frelimo programme and touch on areas such as development and prevention of crime, alcoholism and drug abuse. He would criticise 'those who create confusion, referring to Renamo supporters by showing two fingers in the air: "I don't want to see this (the two fingers). I only want to see this (a clenched fist in the air)".*

*He ended the speech with a long range of Vivas in the local dialect ('Pamberi Frelimo, basi suruma' etc.).*

9. National anthem

#### **4.3. In conclusion**

Three central and interrelated elements can be identified in the recognition ceremonies: nation-state building, recognition and recuperation of tradition, and (Frelimo) party politics.

The first element, nation-state building, took different forms. Given the history and scant presence of state representatives in the areas under consideration, the ceremonies served as a space for encounters between the state and the rural population. The physical presence of the District Administrator and his assistants in the respective areas marked an important change – or steps towards change – in the relationship between state and rural population.

Through the speech delivered by the District Administrator, the ceremonies also provided a public space for the presentation of state and central government programmes, mainly formulated in terms of development, administration and morality. Rural development was linked to the capacity and will of chieftaincies to enforce tax collection. Even though the tax for National Reconstruction is low (roughly one third of a US Dollar per adult per year), registration, payment and an official state-stamped receipt is intended to create a sense of being part of the same state and nation. The symbolic effect of this for tax-payers, traditional leaders and local state organs cannot be overestimated.

Most of the population has been governed by other forms of law, be it traditional law, armed forces or political parties. The strong emphasis by the DA on moral issues such as crime, adultery, drugs and disrespect for authorities and the law was therefore a way of presenting the kind of ethical and moral person or community the state wanted to engage with when rolling out development such as schooling, water, health or agriculture. The emphasis on reciprocity in the relationship between state and community – the notion of exchange – can of course easily be manipulated politically in times of elections. However, in the interim between elections it should rather be seen as an indication of a will, on the part of the DA, to extend state presence to communities formerly outside the immediate reach of the state.

The DA's explanation of how community authorities should use their emblems on national historic days, how and why the national anthem should be sung and the national flag raised are indicative of how the ceremonies partly served the objective of national integration. When viewed against people's statements about the ceremonies, the symbols and artefacts given to community authorities provided quite strong visual and material elements in terms of nation building. Although people would not know exactly what the emblems, the flag and the band meant, they all had an idea about them as powerful, representing authority and having something to do with the state, government and/or ruling party. Whether they did in fact contribute to national integration is a question that can only be answered through further investigation.

The recalling of national days (Independence Day, Day of the Rome Peace Accord etc.) can, in the light of nation-state formation, be seen as an invocation of days, maybe even sublime days, of common celebration. These national days of celebration have not been celebrated in the past, but giving the *régulamentos* responsibility for their local manifestation means they could in future be incorporated locally. Much depends on whether their significance can be broadened from an exclusively Frelimo one to something that includes other political groupings. This requires that Frelimo does not manipulate the celebrations for party-political purposes, and instead emphasises a new inclusive nation-state.

The second element, the inclusion of traditional elements in the ceremonies – dancing, singing, clapping of hands and rituals at the house of spirits – signalled formal recognition and the integration of tradition within the Mozambican nation-state in broader terms. During the ceremonies, the traditional and state elements were clearly separated in different intervals and the former always performed on the request of the visiting guests or one of the state functionaries present. It was therefore apparent that the state (in the form of its various representatives) defined the framing and organisation of the ceremonies, not traditional leaders or communities. Nevertheless, it can be expected that recognition of traditional leadership will have a long-term effect of recuperating the traditional system, which is quite weak and/or in the process of being remade after many years of war. Recognition of traditional leaders and delegation of state functions to them should not therefore be viewed as having beneficial effects only for the state.

The third element, Frelimo party politics, was not officially part of the ceremonies, according to the DA, but it came to form a part. Firstly, the speech by the Frelimo Secretary took place before the ceremony ended with the national anthem. In other words, the anthem book-ended the ceremony while the Secretary's speech formed an integrated part of it and remained within its wider framework. Secondly, continuous use of 'Vivas' accompanied by a raised fist and words such as 'Presidente Joaquim Alberto Chissano', 'Frelimo' and 'Emilio Armando Guebueza' also gave participants the impression that party politics formed part of the ceremony. This was a question more of the form and images than the actual words of the DA,

who was careful to use a discourse that presented him as state representative rather than Frelimo party secretary.

The fact that the DA would nearly always arrive with the Frelimo secretary at his side also made it hard to maintain a separation between state and ruling party. As a participant, it was easy to get the impression that state and ruling party were one and the same thing, and consequently that the recognition of traditional leaders was done by Frelimo.

This was further exacerbated by language issues. In the local dialects, there is no distinction between state and government, but only one word for both, which resembles the English word for government (in Shona dialects "Huromendi").

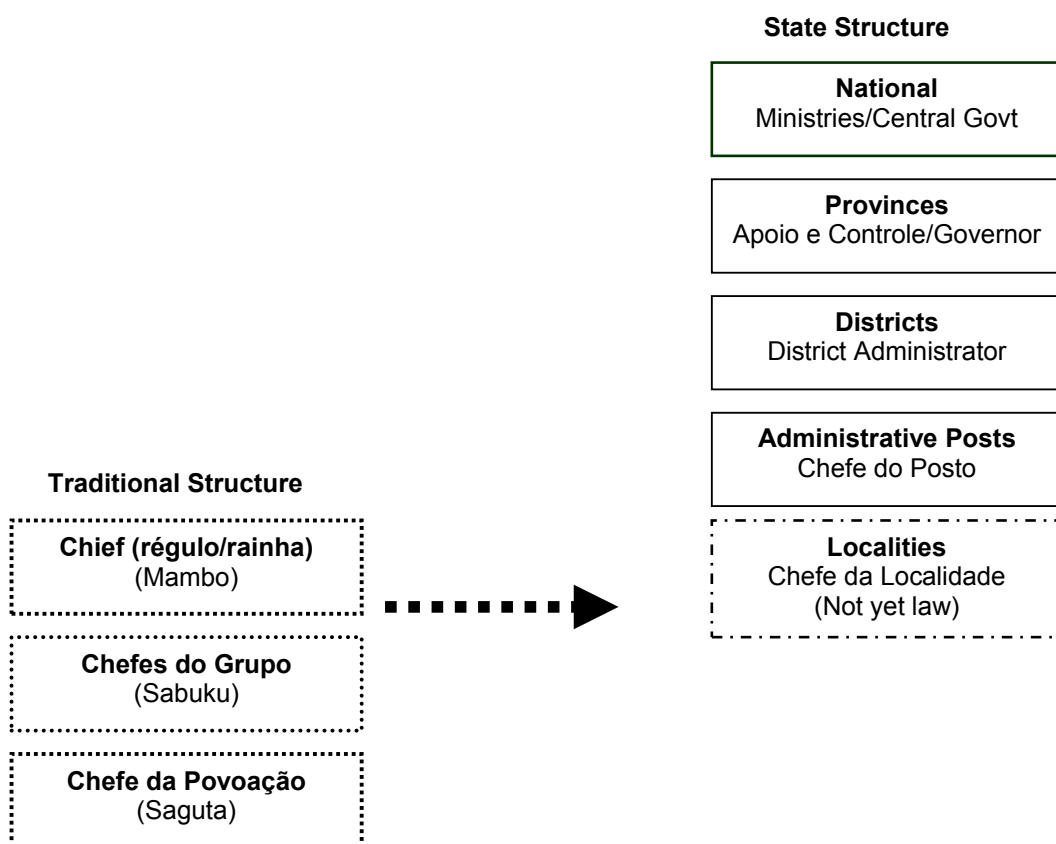
The ceremonies clearly provided a (public) space and an opportunity for Frelimo party secretaries to consult rural communities long under Renamo dominance. Contrary to accusations from opposition parties, however, there were no clear cases of Frelimo influence on the identification and legitimisation process of traditional leaders. Although there is a clear tendency for state functionaries to be strong Frelimo supporters (the majority of lower level state functionaries are former Frelimo secretaries) and to promote Frelimo party support in the areas, there were clear administrative and developmental objectives to the recognition of traditional leaders. Of course, the objectives of garnering ruling party/government support and bringing about development and effective administration are not always easy to separate in practice. Borne in mind with the widespread perception of the rural population that the state-government-ruling party is one and the same thing, it is not surprising that many view the recognition of traditional leaders as a Frelimo project.

## **5. State and Traditional Structures - Integration or Co-existence?**

Decree 15/2000 introduces forms of articulation between community authorities and local state organs, and it provides a long list of duties to be carried out by the recognised community authorities. These duties – tax collection, registration of the population and justice enforcement – are conventionally understood as functions of a modern administrative state.

An important insight that emerged from the present research concerns a lack of clarity about the future relationship between traditional and state structures. One reason is that the Decree and its 'Regulations' are ambiguous in their wording. They lack coherence, and from a judicial and logical point of view must be considered rather weak and confusing on questions such as: Who are the Community Authorities? What constitutes a community? (it is formally a community which appoints and legitimises its authority). What rights and duties do Community Authorities, communities and the State have? With regard to the relationship between traditional and state structures the question is: Will traditional structures become integrated with the state hierarchy through formal recognition, as part of the decentralised structure of the state, with traditional leaders at the lowest level of the formal state hierarchy? How will the traditional and state structures be related, in other words? (see figure below of the two structures, the traditional following the Shona areas)

Figure 5.1.



State officials at district, provincial and national level stated very firmly that the Decree does not mean that the community authorities are part of the State, but that they merely should "collaborate" with local state organs. In their perspective, we are therefore talking of co-existence and collaboration rather than integration. Some would stress that recognition would not change the traditional system, but merely formally recognise its existence. We often heard the words: "The Decree 15/2000 is merely a formalisation of what already exists" (O Decreto 15/2000 é somente formalização de o que já existe).

At posto and locality level, by contrast, it was unclear whether the two structures should be perceived and treated as an integrated hierarchical structure or whether they should rather be perceived as co-existing in a relation of collaboration. Likewise, there was confusion with respect to the position of the community authority within the state-administrative structure: Should he/she be perceived as fully part of the state, as a state functionary, or merely as an independent authoritative link between the state and the community?

The majority of inhabitants in the chieftaincies, traditional leaders and state functionaries at posto and locality levels generally had the impression that the recognised leaders were now part of the state, government and/or ruling party. Perceptions and practices would vary considerably. No-one interviewed at these levels was fully secure about the relationship in terms of lines of command, rights and duties of intervention or division of tasks.

The lack of clarity (which at times resembled confusion) about the relationship at posto, locality and chieftaincy levels owes, as mentioned, firstly to the vagueness of definitions in Decree 15/2000. Secondly, it is related to what we can call historical memory of colonial practices. Then, according to traditional leaders, they were part of the state apparatus. Thirdly, confusion is due to a general lack of information about Decree 15/2000 and finally, to the messages conveyed by the symbols and functions that traditional leaders are given through their formal recognition. A symbol such as the national flag represents in the minds of the rural population, not only authority, but also state and government. The only places they

had seen the flag before the ceremony were police stations and administrative posts, which form part of the state – or rather are the state in rural-local contexts. Similarly, functions like tax collection, policing and registration, now to be performed by the community authorities, are associated with state or government practice.

### **5.1. Conflicting aspects of the relation between Traditional and State hierarchies**

Based on the present research and our observations, our conviction is that there is a strong need for more clarity about the relationship between traditional and state structures, especially in terms of: a.) lines of command and decision-making, b.) division of roles and tasks, and c.) rights and duties of intervention.

Clarity is important for three main reasons:

- To secure effective administration;
- To prevent local conflicts – between state organs and traditional leaders as well as between traditional leaders in the traditional hierarchical system (Chief, chefe do grupo and chefe da povoação); and
- To secure good governance for rural citizens.

Below are presented four central areas of confusion and potential conflict in the process of implementing Decree 15/2000 as experienced in Sussundenga district. All centre on lack of clarity with respect to the relationship between traditional and state structures.

#### **5.1.1. Lines of Command and Decision-making**

Confusion at posto and locality levels about the level of integration between the traditional hierarchy and the state administrative system is reflected by lack of uniformity in lines of command and decision-making.

There was no uniformity in the relationship between the traditional hierarchy and the state hierarchy. In Dombe, sub-chiefs could, for example, go directly to the Chefe do Posto (with taxes, problems, registers etc.) without going through the chief and the Chefe da Localidade. Although this may in some cases be the most practical – for example where a chefe do grupo lives closer to the administrative post than the chief – it could have the effect of bolstering

potential conflicts or creating confusion within the traditional hierarchy about lines of command and decision-making. This was reflected in the wish of the chiefs in Dombe for the local state organs to use the traditional hierarchy in tax-collection, thus following a straight line from Chefe da Povoação - Chefe do Grupo - Chief - Chefe da Localidade - Chefe do posto.

With the receipt of subsidies in the future, based on a percentage of the taxes collected, this is a serious area of concern. If Chefes do Grupo, from a given chief's area, continue to deliver the taxes directly to the administrative post, who will then receive the subsidy and how will it be calculated?

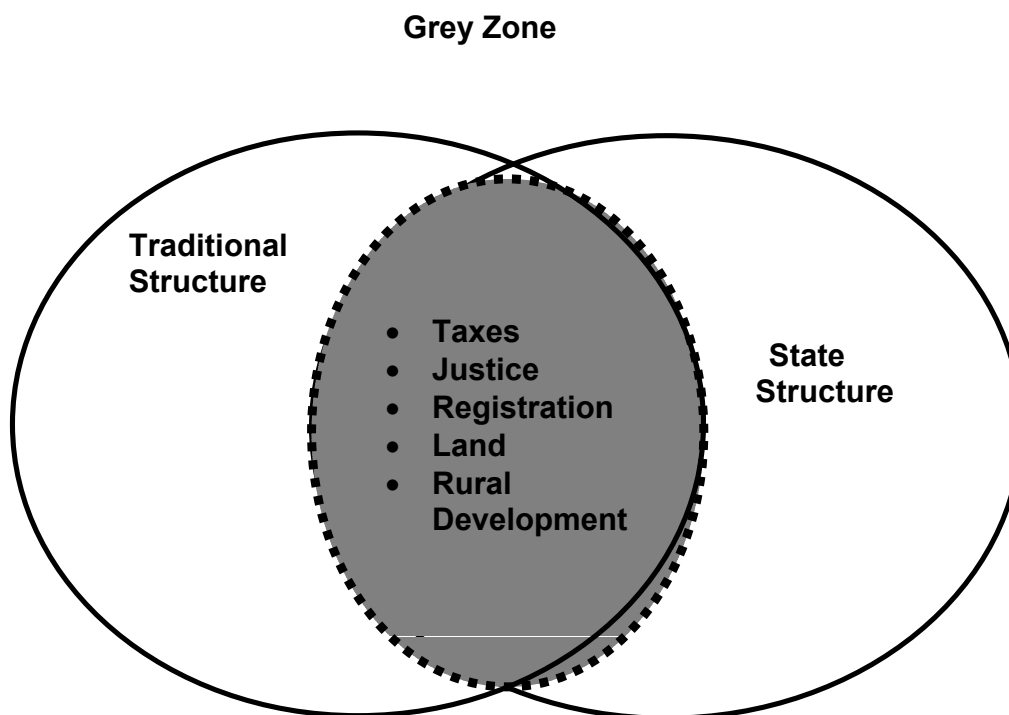
One problem is that lower levels of the state administration presently have great difficulties in setting up a transparent and accountable system for incoming funds. This would be exacerbated if they had to account simultaneously for multiple sources of incoming funds. According to interviews with district and posto level state representatives, the idea is that the chief should be the only one to directly receive a subsidy. It is then up to him/her to distribute the income to his sub-chiefs, to whom he has delegated the task of tax-collection. In cases where Chefe do Grupos continue to be allowed to deliver taxes directly to the administrative post, this would be a very complex affair.

With the increased delegation of responsibilities and administrative tasks to the traditional leaders, there is an overall need to streamline lines of command and establish a consensus between local state organs and traditional chiefs on integration of hierarchies. If state organs/representatives do not take into consideration the traditional hierarchy there might arise local conflicts, as chiefs may feel threatened by their sub-chiefs, some of whom actually have more land and population than the chief him/herself.

#### **5.1.2. Overlapping functions**

The delegation of key administrative functions and responsibilities to community authorities through Decree 15/2000 has in effect created a grey zone of overlapping functions.

Figure 5.1.2.



There is clearly positive potential for collaboration within the above areas of articulation, but it becomes critical when central questions remain dubious in practice as they do in Dombe and Moua.

Taxes: What taxes should be collected by state authorities and what taxes should be collected by the Chefe da Localidade or Chefe do Posto? Who gives tax-payers the receipt and who determines and enforces sanctions against non-payers? For example, at present, some chiefs and sub-chiefs collect only State Reconstruction taxes while others collect taxes on bicycles, mills, shops, etc. Such disparities create very different foundations for subsidies.

Justice: When is a case to be solved by police and the formal court system and when is it to be solved by traditional courts ('banjas')? We encountered a case of a death of a young teacher in Dombe where there was a grey zone with respect to who should solve the case. Parts of the local community and the traditional leader claimed that it was a case of witchcraft,

and that it was therefore a matter to be resolved in the traditional court or banja. Police were at the same time doing investigations into the death and claimed that it might have been a murder through poisoning.

Registration and demarcation: What authority – state or traditional – determines community/population boundaries? Here it should be noted that administrative and traditional boundaries are not the same in many cases, or are demarcated according to different principles (see Section 5.1.3. below).

Land: What authority – state or traditional – has the last word in settling land allocations and disputes? The issue of land is at present not a big problem in the areas under consideration, but with the relatively high influx of commercial farmers from Zimbabwe, land can be expected to become a problem.

Rural Development: What authority do foreign donors and NGOs have? Who do they first have to address when initiating a project in a given area – representatives from the state hierarchy or from the traditional hierarchy? Who makes the final decision to initiate or discard a project?

Traditional and state systems of authority apply different criteria and methods. Unless clearer guidelines are drawn up through consultation between traditional leaders and local state organs, it will be difficult to avoid potential conflicts in the future, secure effective administration and secure the rights of rural citizens – for example their right to justice.

### **5.1.3. Rights and Duties: The question of intervention**

The question of the rights and duties of intervention arises as a direct consequence of the indeterminate relationship between traditional and state structures:

- May the state intervene in traditional structures – for example in cases where the community authority does not carry out his/her administrative functions, in cases of conflict between traditional leaders that inhibit their administrative work or in cases where communities complain about their community authority to state representatives?

- May community authorities intervene in cases where local state organs do not perform their tasks? What rights do they have to make claims on the state – for example when they do not receive their subsidy?

District and provincial level authorities were generally clear about the separation between the two structures and that the state could in no way interfere in matters that had to do with either conflict between traditional leaders or communities' dissatisfaction with their leader. These matters are to be resolved exclusively by traditional leaders and the respective communities themselves.

State representatives at posto and locality levels, by contrast, had no ready-made answers to these questions. Some could give no answers, while others claimed the state could mediate conflicts within the traditional system if the chief was unable to solve the problem, and that they could mediate in situations where communities were dissatisfied with their leader. In cases where a traditional leader did not live up to his administrative responsibilities, no-one could determine what rights local state organs had for intervening and what methods they could use. Nonetheless, they had the clear perception that "in the last instance" they had to do something. It was a general feature that community authorities were completely unaware of their rights and duties of reclamation to state organs.

It is apparent that people who confront problems arising from collaboration between local state organs and community authorities in their day-to-day work have a great need to know their rights and duties of intervention. Local state organs depend on stable relationships of collaboration in order to secure effective administration and rural development. It should be recalled that a Chefe do Posto is responsible for quite large populations – in the case of Dombe approximately 40.000 inhabitants – and that one Chefe da Localidade may, as in Javela, be responsible for a population of up to 5 000 people. With the long list of tasks that they have to perform, they depend not only on good relationships with traditional leaders or community authorities, but also on stability in the traditional system. If there are conflicts between traditional leaders or if the communities are not satisfied with their community leader,

it will be difficult for state organs to live up to the administrative and developmental tasks they have to perform.

Community authorities now have to perform a long range of administrative tasks in collaboration with state organs, but nowhere is it stated how and where they can make claims. This could be in cases where they are not paid their subsidies, where local state organs fail to follow formal procedures or where they leave community authorities out decision-making.

Decree 15/2000 does not give directives on the question of rights and duties of intervention. Only one article in the 'Regulation' of the Decree, which speaks exclusively about the legitimising process, touches on the question of state intervention in the form of mediation: "Any conflicts that arise from the process of legitimising the community authorities may be mediated by the competent state representative" (Capítulo V. Artigo 13: *Quasquir conflitos au diferendos que surjam no processo de legitimação das autoridades comunitárias serão mediadas pelo competente representate do Estado*).

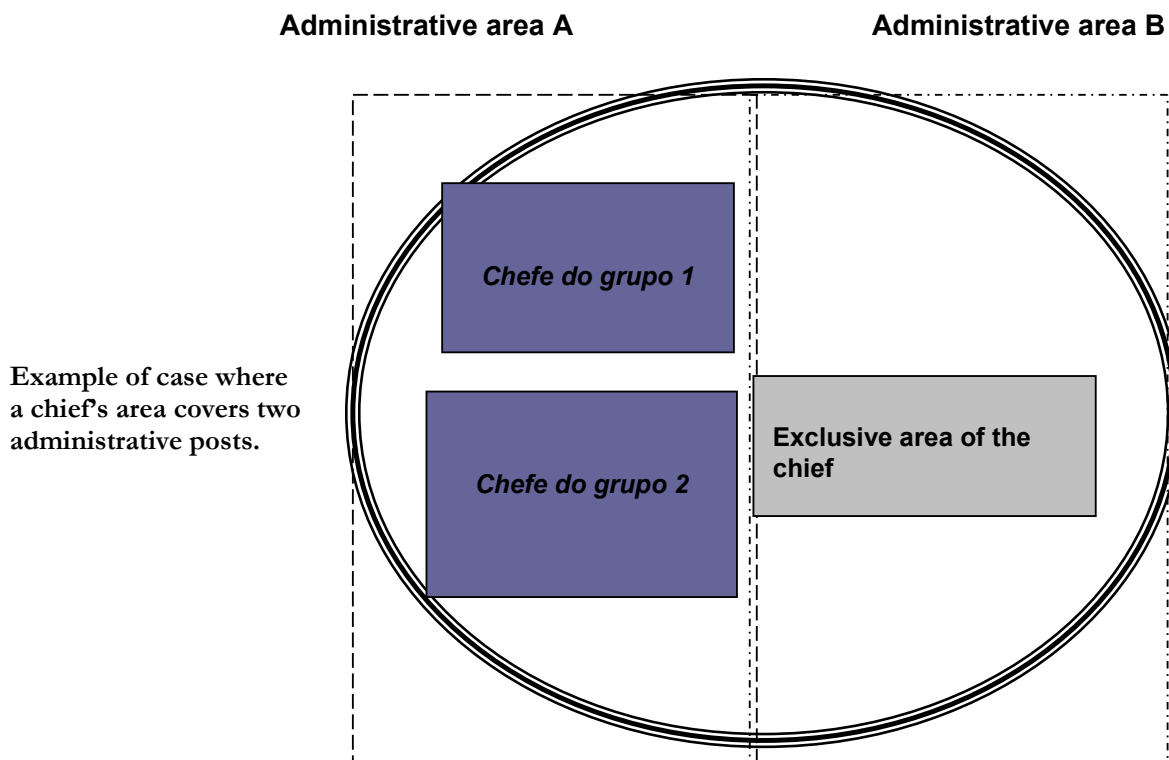
#### **5.1.4. Administrative and Traditional Boundaries**

In a number of cases encountered in Dombe and Moua, there existed a discrepancy between traditional and administrative boundaries. This is especially the case with respect to locality and administrative post boundaries, but there was also a case in Dombe where a chief's area went beyond the provincial boundaries, into the Province of Sofala. Chief Zixixe's area is another example (see model below). It stretches over the whole area of Moua administrative post and goes well into Sussundenga head of district area. The chief lives in Moua administrative post, where he has a small area to himself. Two of his Chefes do Grupo have areas in Sussundenga, both larger in terms of land and population than Chief Zixixe's own.

The existing discrepancies between administrative and traditional boundaries are problematic especially with respect to tax collection, land allocation and development – three of the central tasks that the Decree delegates to community authorities. If not addressed, they could cause

conflict and confusion within the traditional hierarchy and make collaboration between individual state organs and community authorities extremely complex.

Figure 5.1.4.



Let us point out three types of problems that could arise:

Tax-collection: In cases where sub-chiefs live in another administrative area than the chief, and therefore have to deliver collected taxes to their chefe do posto, who will receive the subsidy from the taxes? In cases where the sub-chief has a larger population from whom he collects taxes, this could interfere with the relative power and authority of leaders within the traditional hierarchy. If the hierarchy is to be maintained – following the lines of command from Chefe da Povoação to Chefe do Grupo to Chief – then a given chief would have to collaborate with two different chefes do posto representing the state hierarchy. How will this

work in practice? In cases where a chief's area goes beyond provincial boundaries, the above questions will be even more complex to answer.

Land allocation and resettlement: In cases where a chief lives in one administrative area but reigns well into another, how will land allocation proceed and who will persons in search of land consult with within the traditional hierarchy and within the state administration? Here it should be recalled that some areas have sacred or ancestral status, meaning that the big chief is the custodian, whether the land lies within the administrative area where s/he lives or not.

Development: If a donor or NGO needs to consult a given community (as Decree 15/2000 explicitly states they have to) or has decided to undertake a project in a given administrative post or locality where a chief reigns but does not live, do they consult the chief or can they merely consult the Chefe da Localidade and sub-chiefs? Who should mobilise the people of a given community in a participatory process initiating a development project?

None of these possible problem areas are easy to resolve theoretically or formally, but they have to be kept in mind in order to prevent potential local conflicts as well as to secure effective administration.

## **5.2. The Impact of (State) Formalisation**

The recognition of community authorities involves formalisation of traditional leadership/authority through a two-step process. Firstly, a specific individual, chosen/nominated and legitimised by his/her respective community has to be identified, and secondly, the individual has to be formally registered in lists under control of the state. Following conventional state-making procedures, this implies formalisation, standardisation and stabilisation of relations of authority and leadership. This takes concrete form in registering specific individuals (name, area, age) and in giving them symbols and emblems that only they can possess and use. It also implies, in the case of community authorities, establishing and fixing community boundaries.

In a relation of collaboration as given by Decree 15/2000, the Mozambican state needs to know exactly which individuals it can work with – whom to call to meetings, whom to consult on matters of local development and land allocation, who will deliver taxes to administrative posts and so forth. The state administration does not permit individuals other than the one legitimised to act as a community authority or wear the symbols and emblems given.

Stabilisation, formalisation and standardisation are – based on the rationalisations we have – presented – important for the State for two main reasons:

- Secure and effective administration: if there is unstable and informal authority or the position of leadership is fluid, there will be confusion about collection and re-payment of taxes, payment of subsidies, attendance at meetings and so on.
- Secure and legitimate authority for rural citizens: if individuals other than the one legitimised act as the community authority, the idea of community legitimised authorities will not be sustained.

Based on the research in Moua and Dombe administrative posts, the formalisation of traditional leadership – resulting in stabilisation and formalisation of authority based on specific individuals – can be expected to impact on the traditional leadership system in two main respects.

The first is potential conflict between traditional leaders or individuals claiming authority in the process of identification, registration, legitimation and recognition of community authorities. Although conflicts and power struggles between traditional leaders and individuals within the traditional leaders' families are not a new phenomenon, we encountered cases where conflicts had arisen or were strengthened by the process of state recognition. On the one hand, this was caused by the need to identify and register exactly the right individual. On the other hand, it was caused by expectations of receiving a salary and a uniform. Cases encountered included struggles between two people who claimed the position as *Chefe do Grupo* and conflicts within the family of a traditional leader, where different members claimed legitimate authority.

The second is the impact on the flexibility of the traditional system. Contrary to many conventional Western perceptions, the traditional leadership system in the area of research was quite flexible. Different individuals within the traditional leader's family could, according to tradition, assume the position of leader for varying periods – for example if the acting leader wanted to get employment in Zimbabwe, South Africa or elsewhere in Mozambique. In one case in Dombe there had been three different individuals in the position in three years. There were also cases where a Chefe da Povoação had been given the position as Chefe do Grupo, because he was doing a good job. In a third case, one of the recognised leaders wanted to go to South Africa to find work, because he needed money. He wanted to give over his position to his younger brother, together with the emblems and symbols received from the state and to resume his position when he returned after a few months or years. The question remains whether this practice is allowed. And if so, what will the procedure be? Should the state facilitate a new meeting with the community to legitimise the brother and afterwards perform a new recognition ceremony to hand over the symbols? What will happen if the community does not accept the brother? If they do, what will happen when the former leader returns?

The Decree does not give straightforward answers to these questions, which are echoed at district, posto and locality level. When answers are sought, it is important to keep in mind that there is an inherent contradiction between state formalisation, based on specific individuals in authoritative positions, and the traditional system that allows for flexibility in terms of who, as an individual, acts with authority in a given territory. The traditional system, as opposed to state formalisation, is based not on individuals, but on family and area.

Our main argument is that, whatever the outcome of formalisation, it will affect the flexibility of the traditional system in the future. After registration and recognition, it will in practice be more complicated to hand over a position from one individual to another within a given chieftaincy. From a historical perspective, the flexibility of the traditional system has formed an important

part of its survival through years of war, migration, displacement and natural disasters. With this background, formalisation may have a negative impact on the traditional system.

### **5.3. *'The Flag does not fill my Stomach' - The Question of Compensation***

The heading of this section is a quote from one of the recognised community authorities in Dombe, in the locality of Javela. It touches on one of the most critical and hotly debated aspects of Decree 15/2000: compensation for community authorities.

Although we often heard higher level state representatives and academics saying "the Decree merely formalises what already exists", referring not only to traditional leaders, but to the collaboration between these leaders and state organs, the Decree in fact increases the tasks that recognised traditional leaders have to perform. In the short period after recognition that we were present, there were already increases in the number of meetings between state organs and community authorities, in the number of visits from state representatives and in pressures to collect taxes, inform communities of state and development programmes and to resolve conflicts together with police. For some community authorities, participation in meetings at the administrative post requires a walk of one or even two days, because they had no money for transport. Not only did they make the effort to walk the distance; it also meant less time to work the land and attend to traditional matters.

These are important insights, which reflect how the traditional leaders we met were far from well off and depended on working the land for survival. In many cases, they were less well off than their neighbours and sub-chiefs.

The Decree ensures that in future community authorities will receive a five percent subsidy of the taxes they collect (the Decree does not state this, only that they should be subsidised, but other legislation has since indicated that it will be five percent). Given the small amount required in tax – 10.000 mzm (0,43 USD) per year per person between 18 and 59 – a five percent subsidy is very low when measured against the tasks individual leaders have to perform – often with the help of assistants, who would also need to be paid.

Example: Chief Muoco has the largest population of the chiefs in Dombe. According to the 1997 census, he has a total population of 14.131 people. No list of actual taxpayers is given, but it is stated that there are in total 2.872 families. Based on these figures, it may be expected that there are approximately 6.000 taxpayers. This means an annual subsidy of 3 Million MZM (129 USD) That is, if everyone pays. In the case of chief Gudza, using the same method, it will be a subsidy of approximately 1,7 Million mzm. (73 USD) per year and for chief Cóa approximately 1,3 Million mzm. (56 USD) per year. Here it must be recalled that we are speaking of the whole of a chief's population, including the zones of the sub-chiefs, who in Dombe and Moua collect taxes in their own areas. It can therefore be expected that chiefs have to give their sub-chiefs a part of the subsidy. If the chiefs and sub-chiefs were given the task of collecting other forms of taxes than the 10.000 mzm (0,43 USD) annual National Reconstruction tax – taxes on shops (bancas), bicycles, mills, and transport – then the subsidy would of course be much higher.

The recognised leaders whom we encountered in Dombe and Moua were generally enthusiastic about state recognition and collaboration with local state organs. Yet for many, especially the most isolated, it was very difficult to participate in meetings and contribute enough time to administrative tasks. The question of rightful compensation is therefore very acute, if successful implementation of the promises of the Decree is to be secured.

#### **5.4. The Question of Democracy**

Decree 15/2000 states that it is only communities that can legitimise a given community authority, thus introducing "the principle of representative democracy" – or maybe more precisely, in light of actual practice, legitimising a form of representative democracy. With respect to traditional leaders, legitimising should, according to the 'Regulation' of the Decree, be pursued in accordance with the traditional rules of the respective community (*Capítulo I. Artículo 1*).

The field research in Dombe and Moua showed that the legitimising process did not in principle contradict with the values of representative democracy. Yet the question of who the community is needs to be taken into account in order to understand the nature of representation. In the majority of cases, the community that in the last instance legitimised the

community authority included the council of elders, 'homens de categoria' (men who partake in traditional courts, traditional ceremonies and other decision-making situations) and a number of people working with the population such as NGO workers, teachers and traditional police. These were to a varying degree defined as representatives of the people in the area. In some cases, as in Gudza chieftaincy, the final legitimisation and appointment of the community leader was carried out with only the participation of the council of elders and the elders of the family.

Another important finding with respect to community legitimacy is that there were different and sometimes conflicting criteria for a good leader within a given population. These included inheritance, spiritual power, education, age and ability to work with donors, NGOs and state representatives.

In many ways, the diverging criteria reflected generational, educational and/or occupational differences. As in the example below, it could have consequences for the legitimacy of a given recognised leader and for the question of representation.

Example: During the legitimising meeting in Gudza chieftaincy, there was a de facto shift of leadership. The old chief, who was registered with the administrative post, was unwanted by the people present because he did not carry out his work well and was often found drinking when important community issues were at stake. The Chefe do Posto asked the participants whom they would prefer as their leader. They pointed out a young nephew of the old chief, whom they claimed was a good worker for the community. The young man was duly registered by the Chefe do Posto and began to act as chief. As the date for the seminar for community authorities in Sussundenga drew nearer, the young chief began to have 'problems with the ancestral spirits'. On the day of the seminar, he fell sick and was unable to attend (at least that was the explanation given). The traditional healer ('curandeiro') told him that he was sick because the spirits were angry for unknown reasons. The same episode repeated itself the day before his recognition ceremony that was to take place at a neighbouring chief's home. The District Administrator was told that he could not attend due to malaria. This time the traditional healer told the young chief that the spirits were angry because he was not the true traditional leader. The Chefe do Posto, whose responsibility it was to get the recognition ceremonies done, laid pressure on the chief's family to settle the matter. A meeting was held between the

chief's family and the council of elders, who after a few days decided that the true leader was the younger half-sister of the young chief. The young woman was the spiritual leader of the family and the argument for her legitimacy was that in Gudza there had always existed a queen who was the true leader and superior to the male members of the chief's family. The woman was therefore legitimised by the council of elders, following criteria of proper inheritance, historical leadership and spiritual power. The woman was recognised by the state two days later – before the population was informed or consulted.

The above example represents a special case when compared to other cases studied in Sussundenga. Yet it does highlight a possible area of contention in Decree 15/2000: between the idea of community participation and the premise that appointment of traditional leaders as community authorities should follow the traditional rules of the respective community. Here it is clearly essential to consider how the concept of 'community' is perceived and put into practice in a given chieftaincy. It is equally important to realise that we are not dealing with homogeneous and consensual 'communities', but that there are diverging interests and criteria for what is perceived as a 'good' community authority.

### ***5.5. In Conclusion***

At levels below district administration there exists confusion and ambiguity about the future relationship between the State and community authorities, and consequently the position of recognised traditional leaders in relation to State structures. The ambiguous relationship has a range of practical consequences for lines of command and decision-making, for division of roles and tasks between the state and community authorities and for rights and duties of intervention. If not taken seriously and discussed at local level this may cause conflict between and within traditional and state structures, which in turn could obstruct achievement of the objectives of the Decree.

In addition Decree 15/2000 cannot be expected to be merely 'a formalisation of what already exists' when it is fully implemented. Firstly, state formalisation of traditional authority can be expected to affect the flexibility of the traditional leadership system and create potential conflicts within the traditional hierarchy if there are no clear guidelines for how the traditional

hierarchy is related to the state hierarchy. (This does not mean that conflicts can be avoided, merely that they could be managed more securely and sustainably. In any case, state formalisation cannot secure the flexibility of the traditional system of succession and change between individuals holding positions, given the state's need for stability in terms of individuals holding specific positions.

Secondly, the Decree will mean that recognised traditional leaders will have a more comprehensive range of administrative tasks to carry out than they have had since Independence in 1975. The research in Sussundenga shows that the question of rightful compensation is important, if it is to be expected that all the tasks will be carried out. Based on simple calculations, the five percent subsidy of the 10.000 mtz. annual tax will be too low when compared to the number of tasks that Decree 15/2000 obliges community authorities to carry out, especially when it can be expected in most cases that the community authority will be assisted by up to five sub-chiefs.

We are aware of the fact that full clarification and streamlining of the relationship between state and community authorities – including division of tasks, rights of intervention and execution of functions – cannot be expected to be reached, because of the negotiated and contested nature of local and every-day practices. Nonetheless, the following recommendations may help prevent more fundamental confusion and conflict in future.

- Streamline and clarify the relationship between traditional and state structures (including division of tasks, lines of command and rights and duties of intervention). This could be done in collaboration with traditional leaders, state representatives and a group of representatives from communities involved. The extent to which such a streamlining can be extended to other chieftaincies based on other forms of organisation is beyond the scope of the present project.
- Draw out guidelines for actions and procedures in cases where discrepancies exist between traditional and state administrative boundaries.

- Draw up guidelines for local state organs in terms of their rights and duties of intervention and/or mediation in: 1.) Conflicts between traditional leaders that inhibit effective administration, 2.) Situations where a given population is dissatisfied with its community authority, in order to secure legitimate community representation, 3.) Installing and recognising new individuals as community authorities.
- Clarify the subsidy claim issue and inform community authorities of their right to make claims to local state organs (e.g. in cases where they have not received their subsidy). This should secure more transparency and accountability in local governance.
- Secure rightful compensation to community authorities in order to secure effective administration. This could, for example, be done by including the collection of other taxes than the annual 10.000 mtz.
- Clarify the concept of 'community' so that a broad representation of people and interests are secured to a large degree.