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## **'Traditional Authorities' and Community Rights in Contemporary Mozambique: between Activism and Incorporation**

### **'Autoridades Tradicionais' e Direitos Comunitários em Moçambique: entre Ativismo e Incorporação**

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**Abstract.** Mozambique's donor-inspired ongoing programme of 'traditional authorities' '(re-)integration' carries considerable emancipatory potential for local communities in their relations with central political institutions and the globalized economy. By analysing 'traditional authorities' specifically elaborated discourse and highlighting their agency within the dynamics emerging from state institutions' attempts at 'incorporating' them in the sense indicated by Zenker and Hoehne, that is, to deny them all political autonomy, this article aims to clarify 'traditional' leaders' role in defending their own communities' interests and rights vis-à-vis the state, private enterprises, and development actors/donors. Close examination of empirical data collected during field research in Inhambane province provides convincing evidence of traditional authorities' general inability to develop effective discursive strategies for the representation and defence of their communities' interests and rights. By choosing to retreat within the domain of spirituality and to cede much of their statutory prerogatives to more dynamic and better resourced actors, 'traditional authorities' end up accepting their 'incorporation' into the institutional structure of the state as merely symbolic objects and sources of internal as well as international legitimacy, thus obliterating their role as natural representatives of their communities.

**Keywords:** Traditional Authorities. Autoridades Comunitárias. Good Governance. Democratic Decentralization. Mozambique.

**Resumo.** O actual programa de "integração" das "autoridades tradicionais" em Moçambique, inspirado por doadores, encerra um considerável potencial emancipatório para as comunidades locais nas suas relações com as instituições políticas centrais e a economia globalizada. Ao analisar o discurso específico das autoridades tradicionais e ao destacar a sua agência no âmbito das dinâmicas

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emergentes das tentativas das instituições estatais de os "incorporar" no sentido indicado por Zenker e Hoehne, ou seja, negar-lhes toda a autonomia política, este artigo pretende clarificar o papel dos líderes "tradicionais" na defesa dos direitos e interesses das suas próprias comunidades face ao Estado, às empresas privadas e aos doadores/actores de desenvolvimento. O exame atento dos dados empíricos recolhidos durante a investigação de campo na província de Inhambane fornece provas convincentes da incapacidade geral das autoridades tradicionais em desenvolver estratégias discursivas eficazes para a representação e defesa dos interesses e direitos das suas comunidades. Ao optar por recuar no domínio da espiritualidade e ceder grande parte das suas prerrogativas estatutárias a actores mais dinâmicos e dotados de maiores recursos, as "autoridades tradicionais" acabam por aceitar a sua "incorporação" na estrutura institucional do Estado como meros objectos simbólicos e fontes de legitimidade interna e internacional, obliterando assim o seu papel de representantes naturais das suas comunidades.

**Palavras-chave:** Autoridades Tradicionais. Autoridades Comunitárias. Boa Governança. Descentralização Democrática. Moçambique.

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## 1. Introduction

Since the 1990s, the emergence of the 'good governance' paradigm on a global scale has generalised the practice of subordinating international support to distressed countries to pledges of political and administrative reforms of the liberal-democratic type. The case of Mozambique constitutes no exception and, as a result, over the last thirty years the country has embarked on a comprehensive program of institutional liberalisation and democratic decentralization, taking the discourse on human rights, local empowerment and the representativeness of identity and ethno-cultural demands centre stage in the political debate. The ongoing process of (re-)integration of traditional authorities into the circuits of institutionalised politics must therefore be framed within this context, thus exposing its emancipatory potential for local communities in their relations with the state, private enterprises, and development actors/donors.

In delivering the present contribution my aim is to clarify whether and, possibly, in which forms and through which means, 'traditional authorities' play any role in the defence of their own communities' interests and rights vis-à-vis central institutions and the globalized capitalist economy in the context of contemporary Mozambique.

In order to explore the matter, I will rely on an overview of the relevant literature and on empirical data collected during field research in the southern-central province of Inhambane to reconstruct these authorities' role throughout Mozambique's modern history and to assess their discursive practices, strategies, and agency against the backdrop of the currently dominant paradigm of institutional liberalisation and democratic decentralization.

## 2. Background

Before delving into the core of this study, however, a cursory exploration of its key conceptual features is required. In order to fully understand the context against which the investigation has taken place, in fact, some introductory remarks on the related notions of 'good governance' and 'civil society' need to be made.

It is indeed difficult to identify 'good governance' paradigm's specific content in operational terms. Adriaan van Rouveroy van Nieuwaal (1996) has exposed its

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'ideological' character – in the Gramscian sense of object of cultural hegemony – noting the impossibility to derive a scientific-analytical synthesis of its heterogeneous definitions unless one recognizes the concept's nature as a rhetorical shell conceived by the international financial institutions to convey their political proposals in a given historical period. In most cases, however, this notion is employed to describe forms of aid conditionality entailing the implementation of public life reforms directed at the full establishment of the rule of law and an independent judiciary; a political system open to alternation and effective forms of participation of the various actors in the policy-making process; forms of public accountability, transparency, and respect for human rights, including freedom of association and information. (HOEK & BOSSUYT, 1993). Manfred Hinz (1998), on his part, conclusively identifies 'good governance's institutional foundations with the separation of the three principal state powers (the executive, the legislature, and the judiciary) and the rule of law.

The concept of 'civil society' as a composite field of force dialectically arising from and within the spaces left by state power in its "dynamic, complex, and ambivalent" relationship with society, in turn, has been extensively analysed by Jean-François Bayart (1983). It is, however, important to note that, within this perspective, 'civil society' does not represent a vector for 'democratization' in itself. In fact, since 'civil society' reflects the values and attitudes prevailing within the originating society as a whole, its advancement is conducive to a more equitable political system and productive apparatus only where 'democratic' values are dominant, their violation entailing significant social stigma. Moreover, this approach leaves the issue unresolved of the impact on 'civil society' of the political agency necessary to fashion a field of possibly heterogeneous social forces into an effective operational structure.

In addition to the notions discussed above, the analysis and interpretation of the empirical data underlying this study has considerably benefited from the concept of 'incorporation' as developed by Olaf Zenker and Markus Hoehne (2018). As a matter of fact, these authors observe, the historically determined ubiquity of 'traditional authorities' within the structure of the 'African state' – intended here as a generic form of political organisation – entails the factual impossibility of government officials at different levels ignoring the alternative political, symbolic and legal orders reflected by such authorities, being this especially true when, in the face of pervasive state fragility, non-state orders enjoy fairly extensive popular legitimacy. Accordingly,

whether the state [...] attempts to contain and exclude customary law or endeavours to include and enlist it for its own state project [...], in both cases the *state*, paradoxically, has to deal with customary law in order to get on with its own business as a *state*. (ZENKER & HOEHNE, 2018, p. 21).

Needless to say, what is stated above in relation to customary law is a fortiori valid for "traditional authorities" role and status, these authorities precisely embodying the political, symbolic and legal order which underpins the validity of the former.

It is therefore against this background that Zenker and Hoehne elaborate a dichotomy of state officials' modes of addressing non-state orders, including different modulations of the patterns of 'ignorance', 'awareness', 'recognition' and 'rejection', where 'incorporation' constitutes "the strong form [of *recognition*] in which certain parts or aspects of customary law are incorporated into state law itself, thus ceasing to be legally autonomous and becoming part of state law proper" (ZENKER & HOEHNE, 2018, p. 23). In other words, through 'incorporation', state officials aim at depriving 'traditional authorities' of political autonomy while, at the same time, incorporating the sources of their legitimacy, both domestic and international.

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### 3. Methodological notes

In addition to the conceptual clarifications outlined above, proper consideration of this piece of research requires some methodological elucidation. In fact, although I have drawn on the relevant literature to define a set of operational hypotheses valid for the entire country, I have tested these hypotheses on evidence collected uniquely in Inhambane province, during field research conducted between February and March 2018 within six local communities across the territory.

The above-mentioned investigation entailed participant observation and semi-structured interviews with ‘traditional authorities’, ‘modern’ political actors, and socio-economic, political, religious, and cultural stakeholders, the relevant communities being selected according to criteria of socio-anthropogeographic and ethno-cultural representativeness: in fact, they were located within urban, peri-urban, semi-rural and rural contexts and each was dominated by one of the main ethno-cultural groups inhabiting the province, the *BaTonga*, the *VaTswa* and the *VaCope*.

Despite the difficulties inherent in this inductive approach, I have felt comfortable in adopting it based on the assumption that Inhambane province can be considered as representative of Mozambique as a whole on account of its geographical position, at the hinge of the socially and politically rival southern and central regions on whose opposition much of the country’s contemporary history has revolved, and of its rich ethnic composition, which includes groups that by tradition and recent history can be placed on almost the entire spectrum of a hypothetical scale of ‘proximity’ to the positions of the national government and the dominant FRELIMO party (CAHEN, 2002). Moreover, I believe that this perspective is further vindicated by Luca Bussotti’s reflections on the impact of history-based similarities on the relations of local communities with central political authorities (BUSSOTTI, 2020).

### 4. ‘Traditional authorities’ in precolonial Mozambique

To provide a historically accurate description of the role played by the so-called ‘traditional authorities’ in precolonial Mozambique constitutes a fairly challenging enterprise. In fact, until recently, the issue has been typically yet rather instrumentally addressed (WEST & KLOEK-JENSON, 1999) through the employment of what has been termed ‘anthropological present’, which implies considering the indigenous social, cultural, and political systems as timeless and unchanging.

The main source available for Mozambique, Ambrósio Cuehela’s “Autoridade Tradicional em Moçambique” (1996), constitutes no exception. In this respect, it is indeed critical to mention West & Kloek-Jenson’s (1999) caveat about the ‘artificial’ and even manipulative character of the research project upon which this work is grounded. In fact, if one takes into account that Cuehela’s publication elaborates on the findings of a protracted ethnographic study launched in 1991 by the Mozambican Ministry of State Administration, with financial backing and technical assistance from USAID through the Ford Foundation and the African American Institute, and aimed at providing guidance for state administrators in view of the promotion of a donors-sponsored program of state decentralization, the inherent scope for its political utilization is all but immediately revealed.

However, for the purposes of this article, it can be safely assumed that, at least in general terms, ‘traditional authorities’ legitimacy in precolonial Mozambique was predicated on their ability to establish and maintain a permanent relationship between their community and its ancestors. This meant that the leader and its

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community were intimately linked by a precise set of reciprocal rights and duties: in exchange for some form of tribute, the leader had the duty to watch over the well-being and harmony of the community and the integrity of its territorial boundaries; to intervene in the resolution of conflicts which could not be settled at the family or lineage level; to promote and direct ceremonies of general interest to the community; to seek the collaboration of the council of elders; and to ensure that the land remained the property of the entire community, a common good intended for the use of all (CUEHELA, 1996).

## 5. Colonial auxiliaries and the 'New Man'

The state of affairs outlined above suffered significant alterations with the consolidation of colonial rule: former indigenous political authorities became, in practice, little more than auxiliaries of the colonial administration, upon whose confirmation and approval they now depended. On one hand, this meant that local leaders could evade previous forms of control on the part of their communities; on the other, that they needed to juggle between 'traditional' legitimation vis-à-vis these communities and 'modern' legitimation in relation to the colonial administration.

Partially as a consequence of their structural collaboration with the colonial administration, and notwithstanding their crucial role in the implantation of FRELIMO in the 'liberated areas' during the first phases of the 'struggle for national liberation', national independence, the establishment of the *República Popular*, and FRELIMO's ambition of creating a 'New Man', signified 'traditional authorities' formal expulsion from public life. As a matter of fact, in accordance with senior FRELIMO ideologue Sérgio Vieira's conceptualization of the "'New Man' as a process", presented during the 2ª *Reunião Nacional de Cultura* of December 1977:

When we speak of the 'New Man', we are speaking of the Communist Man, we are speaking of the Man who will appear in the communist society. It is the Man freed from all the constraints we experience, freed from material needs. We are still in the prehistory of Humanity, as Marx says. The 'New Man' is a process. (VIEIRA, 1978, pp. 27-38 *apud* GRAÇA, 2005, p. 238, our translation),

in its first session, in July 1975, the Council of Ministers of the *República Popular* decided the extinction of the *regedorias*, the administrative framework within which 'traditional authorities' had operated throughout the colonial era, on the grounds that "by their feudal nature and by the collaboration they provided to colonialism, [these structures were] incompatible with popular power". (DECISÕES DO CONSELHO DE MINISTROS, 1975, our translation). Apart from the administrative significance of this decision, its justification, coupled with the provision of Article 4 of the Constitution, which identified among the *República Popular's* main objectives "the elimination of colonial and traditional structures of oppression and exploitation, and of the mentality underlying them" and "the extension and strengthening of the democratic popular power" (CONSTITUIÇÃO DA REPÚBLICA POPULAR DE MOÇAMBIQUE, 1975, our translation), set the ground for 'traditional authorities' official exclusion from the public sphere through the postulation of a radical incompatibility between their role and outlook and the assumptions of 'popular power'.

The indignation and general resentment that this policy provoked among humiliated 'traditional' leaders combined with widespread rural discontent over a comprehensive villagization programme and declining standards of living, the tremendous effects of South Africa's campaigns of destabilization, civil war, natural

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disasters, and FRELIMO's increasingly authoritarian language and practices, to erode the Mozambican state legitimacy and even its presence in the areas where RENAMO's propaganda – which, according to Harry West and Scott Kloek-Jenson, consisted in a “claim to stand against all that FRELIMO was for, and to stand for all that FRELIMO was against” and on the related promise to “return to the pre-independence state of affairs in which local chiefs had been ‘respected’ and obeyed” (WEST & KLOEK-JENSON, 1999, p. 460) – was proving successful in winning over ‘traditional authorities’ and their communities.

## 6. The ‘good governance’ paradigm

The need to halt the downward spiral of delegitimation, war, and loss of control that was pulverising the Mozambican state compelled the country's government to resort to Western donors, despite it being acutely aware that the latter's assistance would, in the event, come conditional on the implementation of structural economic and political reforms.

It is against this background that, after adhering to the African Development Bank in 1980, Mozambique applied to join the International Monetary Fund and the World Bank in 1982 and began to negotiate bilateral cooperation agreements with a number of Western countries. Potential donors, however, made it abundantly clear that their support was contingent upon a pledge to liberalize the country's economy. To meet these demands, FRELIMO's Fourth Congress, held in April 1983, initiated a profound revision of the party's economic and social policies, which resulted in the simultaneous launch of *Operação Produção* (CAHEN, 2002) and led, the following year, to the IMF and the WB accepting Mozambique's membership bid. In 1987, the Mozambican government and the IMF finally agreed on a package of structural adjustment measures, which took the form of an ‘Economic Rehabilitation Programme’, followed, in 1990, by an ‘Economic and Social Rehabilitation Programme’. Both programmes focused on the triple pillar of deregulation, privatization, and trade liberalization. The adoption of the UN's Millennium Development Goals in September 2000, however, has led to a limited change in perspective and from 2001 structural adjustment programmes have been substituted by more government-centred ‘Poverty Reduction Action Plans’.

Furthermore, on the political side, Mozambique's leadership was persuaded to espouse the ‘good governance’ paradigm, which, in that instance, entailed the liberalization of the political system and a push toward ‘democratic decentralization’. Whilst the first of these two principles proved fairly uncontroversial, resulting in the adoption, in 1990, of a democratic liberal constitution that, by abandoning the doctrine which assigned FRELIMO the role of “leading force of the state and society”, allowed for an opening to multipartyism and free elections based on secret individual ballot, the separation of state powers, and the recognition of basic individual rights, including the right to private property, thus clearing the ground for the signing, in October 1992, of the Rome General Peace Accords that ended the 16-year long civil war with RENAMO, ‘democratic decentralization’ was to spark a complex international debate accompanied by an outburst of para-administrative and judicial activism on the part of ‘traditional authorities’ (WEST & KLOEK-JENSON, 1999).

The proponents of ‘democratic decentralization’ were, in fact, convinced that, since the authoritarian, centralist, and standardizing policies of FRELIMO's Marxist nationalism had generated the greatest destructive effects on the social fabric at the local level, it was precisely at that level that democratic institutional arrangements were essential if ‘civil society’ was to recover its strength and function by reclaiming

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its own 'natural', or rather 'traditional', ethno-cultural identity. Since this reasoning implicitly placed 'traditional authorities' at a leading position within 'civil society', it also implied, to the delight of the advocates of this approach within Mozambique, that state institutions could exploit the establishment of a democratic electoral framework at the community level to introject these authorities' stock of legitimacy through the employment of that engagement strategy which Zenker and Hoehne have aptly termed 'incorporation'; this, in turn, would bolster 'modern authorities' standing vis-à-vis their 'traditional' counterparts, who in some areas had profited from a de facto decentralization of government powers as the state retreated from vast regions during the civil war. At the same time, a full-fledged recognition of their position, including some sort of electoral agency, would 'modernize' traditional authorities' role, thus smoothing out any contradiction between 'modern' and 'traditional' forms of political authority (WEST & KLOEK-JENSON, 1999).

On their part, critics of this line of reasoning, including most local-level state and FRELIMO officials as well as some high-ranking party cadre, raised serious concerns about 'traditional authorities' legitimacy and competence. If FRELIMO's old argument that colonial rule had obliterated native political institutions and replaced them with obsequious administrative auxiliaries was still valid, they argued, there existed no genuine 'traditional authority' within the country. Accordingly, 'democratic decentralization's' implied valorisation of community-level 'traditional' leadership would merely result in a revival of colonial-era *autoridades gentílicas* who, as the concerned administrator of Homoine district, Filipe Siteo, insightfully pointed out, by age and education were not adequately equipped to promote their community's development and ordered life (WEST & KLOEK-JENSON, 1999, p. 467).

Meanwhile, encouraged partly by the outcomes of state-sponsored research on their role, in which many of them had been involved, and partly by the implications of this debate, some 'traditional authorities' in government-controlled areas began to pursue state recognition by unilaterally resuming their colonial-era functions, including tax collection, policing and the administration of civil and criminal justice (WEST & KLOEK-JENSON, 1999).

## 7. 'Traditional authorities' and Mozambique's first multiparty elections

As the first multiparty elections in Mozambique's history approached in 1994, the two main contenders, FRELIMO and RENAMO, incorporated the issue of 'democratic decentralization' and the role of 'traditional authorities' into their political calculus. As a matter of fact, in reaction to RENAMO's demand that 'traditional authorities' prestige and functions be fully restored to their colonial-era conditions, FRELIMO initiated a politico-legal campaign in view of charming both 'traditional' leaders and international donors, thus sparking an indignant yet somewhat ideologically vague and incoherent response from RENAMO's presidential candidate, Afonso Dhlakama, whom Michel Cahen reported observing:

Traditional power exists, and has no relation to political power. Today FRELIMO is giving bicycles to the *régulos*. Do you think this is good? The *régulo* is not the president, the *régulo* can [just] help the administrator to organise the population (DHLAKAMA apud CAHEN, 2002, p. 80, our translation).

However vehement RENAMO's criticism, it did not prevent the incumbent president, Joaquim Chissano, from attending meetings with groups of former *autoridades gentílicas* throughout the country, diligently imitated by party cadres at all

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levels, nor the FRELIMO-staffed *Assembleia da República* from approving, a few weeks before the elections, a ‘Municipalities Law’ (LEI Nº. 3/94 DE 13 DE SETEMBRO) providing for the devolution of a wide range of government functions (ART. 6) to self-administering *distritos municipais*, to be formed through the reconfiguration of existing urban and rural districts (ART. 2), whereas establishing for these new organs the obligation to “listen to the opinions and suggestions of the traditional authorities as such recognized by their communities” (ART. 8.2, our translation).

In this respect, it may be of interest to note that the ‘Municipalities Law’ envisaged “areas for collaboration” between *distritos municipais* and ‘traditional authorities’ which were distinctly reminiscent of colonial models. Indeed, Article 9 stated that:

Traditional authorities, in addition to performing the functions which are recognised by their respective communities, may be requested by municipal district organs to collaborate in areas such as: (a) land management; b) tax collection; c) maintenance of social harmony and peace; d) dissemination and implementation of the decisions of municipal and state organs; e) opening and maintenance of access routes; f) population census; (g) collection and provision of data necessary to resolve problems affecting their respective communities; h) health maintenance and prevention of epidemics and contagious diseases; (i) fire prevention, illegal hunting and fishing; j) environmental protection; k) forest and wildlife preservation; l) promotion of productive activity; m) preservation of the physical and cultural heritage. (ART. 9, LEI Nº. 3/94 DE 13 DE SETEMBRO, our translation).

## **8. Autoridades Comunitárias**

Despite all FRELIMO’s efforts, the 1994 elections testified of the party’s substantial default on its self-perceived political dominance. In fact, although Joaquim Chissano secured 53.3% of the votes against Afonso Dhlakama’s 33.7%, legislative elections resulted in the formation of a relatively strong parliamentary opposition. Indeed, in spite of FRELIMO gaining an absolute majority (129 seats out of 44.3% of the ballots), RENAMO obtained 112 seats (37.8% of the ballots), while 9 seats went to the Democratic Union, a coalition of minor parties. Due possibly to this show of strength on the part of RENAMO, the ‘Municipalities Law’ would never be implemented, and was finally to be repealed in 1997 by the adoption of a more limited ‘Law on Local Autarchies’ (LEI Nº 2/97 DE 18 DE FEVEREIRO). Together with the constitutional reform introduced through Law No. 9/96 and allowing for the parallel creation of self-governing and centrally administered local authorities (LEI Nº 9/96 DE 22 DE NOVEMBRO), the ‘Law on Local Autarchies’ – still in force, having been subjected only to minor revisions in August 2018 (LEI Nº 6/2018 DE 3 DE AGOSTO) – implied the recuperation of colonial-era administrative categories and practices. Accordingly, apart from thirty-three urban or semi-urban self-governing *autarquias locais*, the remaining territory was to be administered by government-appointed career officials with the assistance of community-based ‘traditional authorities’. Within this context, FRELIMO’s relative weakness did not allow its national leadership to abandon neither the rhetoric of ‘local empowerment’ nor its quest for ‘traditional authorities’ inherent legitimacy.

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Consequently, a number of legal provisions were adopted stipulating for state recognition of prospective *autoridades comunitárias*, namely, in August 2000, both Decree No. 15/2000 on the “Articulation of the Local Organs of the State with the ‘Autoridades Comunitárias’” (DECRETO N.º 15/2000) and its implementing regulation (DIPLOMA MINISTERIAL N.º 107-A/2000), followed, between 2003 and 2004, by Law No. 8/2003 on the ‘Local Organs of the State’ (LEI N.º 8/2003 DE 19 DE MAIO) and Ministerial Decree No. 80/2004 on the “Articulation of the ‘Autarquias Locais’ with the ‘Autoridades Comunitárias’” (DIPLOMA MINISTERIAL N.º 80/2004). This new politico-administrative category, to be composed of “traditional chiefs, neighbourhood or village secretaries, and other legitimate leaders recognized as such by their respective communities” (ART.1, DECRETO N.º 15/2000, our translation) was to play a dual role as both representatives of their own community vis-à-vis government agents, business operators, and development actors/donors, and government representatives vis-à-vis their own community. In that respect, it may be worth noting that the first component of this complex role was defined in rather general and abstract terms, Article 2 of Decree No. 15/2000 merely establishing that:

in performing their administrative functions, the local organs of the state should articulate with the *autoridades comunitárias*, eliciting opinions on the best way to mobilise and organise the participation of local communities in the design and implementation of economic, social, and cultural programmes and plans, for the benefit of local development. (ART. 2, DECRETO N.º 15/2000, our translation).

The politico-institutional framework outlined above was further strengthened by the provisions of Article 118 of the 2004 Constitution, which, by establishing that “the state recognises and valorises the traditional authority as legitimised by the populations, in accordance with customary law”, and that “the state defines the relationship of the traditional authority with the other institutions and frames its participation in the economic, social and cultural life of the country within the terms of the law” (CONSTITUIÇÃO DA REPÚBLICA DE MOÇAMBIQUE, 2004, our translation), accorded constitutional status to its underlying principles, and was finally summarized, with minor modifications, in Decree No. 35/2012 (DECRETO N.º 35/2012).

To that effect, *autoridades comunitárias* were delegated a wide range of responsibilities in the field of local administration and civic education. As a matter of fact, among the administrative tasks assigned to *autoridades comunitárias*, Articles 5 and 7 of the regulation implementing Decree No.15/2000 listed a number of police functions; tax collection; registration of community members; enforcing compliance with court rulings; and distribution and allocation of community land, along with certain duties in the field of rural development. Responsibilities in the area of civic education, on their part, included promotion of patriotic spirit; supporting the celebration of national holidays; promotion of environmental sustainability; encouraging payment of taxes; and prevention of crime, epidemics and HIV/AIDS, premature motherhood, and child marriage (ART. 5, 7, DIPLOMA MINISTERIAL N.º 107-A/2000). These provisions have indeed been substantially confirmed by Article 7 of Decree No. 35/2012, with minor semantic modifications concerning community justice and tax collection, and, most notably, the introduction of point (aa) requiring *autoridades comunitárias* to “mobilise local communities for participation in electoral processes” (ART. 7, DECRETO N.º 35/2012, our translation).

Despite being represented as a cornerstone in the process of ‘traditional authorities’ formal ‘reintegration’ within the circuits of local governance

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(MUENDRANE, verbal information, March 15<sup>th</sup>, 2018), however, the creation of the *autoridades comunitárias* has largely resulted in their own substantive marginalization. As a matter of fact, by both refraining from clearly establishing any functional differentiation between ‘traditional authorities’ and the generally pro-FRELIMO community ‘secretaries’ (DIPUVE, verbal information, March 17<sup>th</sup>, 2018), and by ensuring that, in spite of the regulations in force requiring the community itself to indicate to which figure within the *autoridades comunitárias* it intends to accord ‘precedence’ to “represent it toward the local organs of the state” (ART 11, DECRETO Nº 35/2012, our translation), ‘secretaries’ be popularly perceived as the sole representatives of their own community vis-à-vis local state structures (MUENDRANE, verbal information, March 15<sup>th</sup>, 2018), the existing framework entails the factual restriction of ‘traditional authorities’ role within the purview of their own peculiar ‘actions and functions’ (JOÃO, L., verbal information, March 13<sup>th</sup>, 2018; MUENDRANE, verbal information, March 15<sup>th</sup>, 2018). These, in effect, consist in ‘spiritual pacification’ – including the repression of witchcraft –; the management of inter-and intra-family conflicts and relations; and the maintenance of the proper ritual relationship between the community and its ancestors (MACUPULA, verbal information, March 12<sup>th</sup>, 14<sup>th</sup>, 2018), whose absence or inadequacy is alleged to result in an increased incidence of social, economic, and sanitary distress, comprising lack of rainfall, poor agricultural output, famine, disease, war, social dislocation, violent deaths, traffic accidents (DIPUVE, verbal information, March 17<sup>th</sup>, 2018).

The situation is even more complex in relation to ‘traditional authorities’ contribution to the management of community agricultural and forestry resources. Although, in fact, control over land distribution and use clearly pertains to ‘traditional actions and functions’, being ‘traditional authorities’ also commonly referred to as *donos da terra* – ‘lords of the land’ – (DIPUVE, verbal information, March 17<sup>th</sup>, 2018; MACUPULA, verbal information, March 12<sup>th</sup>, 14<sup>th</sup>, 2018; MASSISI, verbal information, March 12<sup>th</sup>, 2018), to the point that, according to Lourenço Agostinho João (verbal information, March 13<sup>th</sup>, 2018), in earlier times “each locality was named after the traditional chief who exercised his power over it”, and notwithstanding that current legislation provides for ‘local communities participation’ in land management in rural areas, the ‘Land Law’ in force stipulating that: “the process of titling the right to use and benefit from the land includes the opinion of the local administrative authorities, preceded by consultation with the communities, for the purpose of confirming that the area is free and clear of occupants” (ART. 13.3, LEI Nº 19/97 DE 1 DE OUTUBRO, our translation) and that:

In rural areas, local communities participate in: (a) in the management of natural resources; (b) in the resolution of conflicts; (c) in the titling process, as provided for in paragraph 3 of Article 13 of this Law. (d) In the exercise of the competencies referred to in subparagraphs (a) and (b) of paragraph 1 of this Article, local communities shall apply, inter alia, customary norms and practices (ART 24.1, LEI Nº 19/97 DE 1 DE OUTUBRO, our translation),

these provisions are usually interpreted as conferring equal participative rights to both ‘traditional authorities’ and ‘secretaries’ (JOÃO, J., verbal information, March 21<sup>st</sup>, 2018; JOÃO, L., verbal information, March 13<sup>th</sup>, 2018) with the predictable consequence that ‘traditional authorities’ are often disregarded or excluded. In most instances, indeed, interviewed ‘traditional authorities’ have gone so far as to frame their exclusion within the context of ‘endemic’ and ‘rampant’ corruption among

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‘secretaries’ as well as state and FRELIMO officials (DIPUVE, verbal information, March 17<sup>th</sup>, 2018; MASSISI, verbal information, March 12<sup>th</sup>, 2018; VILANCULOS, verbal information, March 16<sup>th</sup>, 2018).

In the face of this, ‘traditional authorities’ are regularly subjected to intense state and FRELIMO pressure to organize community support for state activities; ensure that community members pay taxes (JOÃO, J., verbal information, March 21<sup>st</sup>, 2018; MACUPULA, verbal information, March 12<sup>th</sup>, 14<sup>th</sup>, 2018); attend official state ceremonies (MACUPULA, verbal information, March 12<sup>th</sup>, 14<sup>th</sup>, 2018) – albeit according to Augusto Lucas Massingarela Massisi (verbal information, March 12<sup>th</sup>, 2018) and Arone Felipe Dipuve (verbal information, March 17<sup>th</sup>, 2018), ‘traditional authorities’ are convened on official occasions in a purely ‘ornamental’ capacity, as they are being merely asked to ‘raise the flag or lay flowers’ – and FRELIMO election rallies (DIPUVE, verbal information, March 17<sup>th</sup>, 2018); unreservedly cooperate with ‘secretaries’ (JOÃO, J., verbal information, March 21<sup>st</sup>, 2018; MACUPULA, verbal information, March 12<sup>th</sup>, 14<sup>th</sup>, 2018); and support FRELIMO candidates (DIPUVE, verbal information, March 17<sup>th</sup>, 2018).

## 9. Conclusion

Despite the limitations associated with the reduced spatial and temporal scale of the field data underpinning the study, the employment of a range of resources drawn from historiography and ethnography as well as socio-political and legal theory, and a careful analysis of the relevant legislation, allow some general conclusions to be drawn.

Although ‘traditional authorities’ have tried to capitalize on the ‘good governance’ paradigm to further their own position vis-à-vis state authorities by means of deploying a variety of discursive practices and strategies, ranging from politico-administrative activism to the assertion of ‘traditional practices and actions’ as a guarantee of global well-being for their communities, these attempts have mostly proved unsuccessful.

Generally ill-equipped to represent their own community and defend its rights vis-à-vis government agents, business operators, and development actors/donors, ‘traditional authorities’ have succumbed to an equally instrumental use of the ‘good governance’ paradigm on the part of state and FRELIMO officials, choosing to retreat within the domain of spirituality and to cede much of their statutory prerogatives to more dynamic and better resourced actors.

As a matter of fact, by doing so ‘traditional authorities’ seem to abide by one fellow leader’s candidly enunciated maxim: ‘entre o nada e o pouco, eu prefiro o pouco’ – ‘between nothing and a little, I would rather have a little’. In a similar vein, this article has attempted to come to terms with the complexity of a still unfolding phenomenon by using a multi-faceted approach to provide a tentative interpretation which, on its parts, will require further research in different or larger areas of the country to be definitively confirmed or refuted.

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