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**STATE RECOGNITION OF TRADITIONAL
AUTHORITY IN MOZAMBIQUE: THE LEGIBLE
SPACE BETWEEN STATE AND COMMUNITY**

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Abstract

In 2000 the Mozambican government initiated a process of formally recognizing traditional leaders both as representatives of local community interests and as assistants of local state organs. Twenty-five years after the FRELIMO government abolished the formal power of traditional leaders, the Decree 15/2000 provided for their re-inclusion in the performance of a long list of state administrative tasks and re-named chiefs or *régulos* as ‘community authorities’. In line with post-war commitments to democratic decentralization, the Decree promises to enhance community participation in local administration and rural development. The role of traditional authority as intermediary between rural populations and the state is not a new problematique, but has been part of the ongoing process of state formation from Portuguese colonial rule, through post-colonial FRELIMO nation-state building, to today's liberal democratic governance. This article addresses some fundamental questions pertaining to the official recognition of traditional leaders as community authorities. It argues that the double role that they are expected to fulfil as both community-representatives and state-assistants is not equally balanced either in the Decree 15/2000 or in its implementation: the scale tips heavily towards the state-assistance role. After a brief history of traditional authority as a basis for understanding the recent official recognition, the article outlines the main techniques through which traditional leaders have been made legible as ‘true’ community representatives capable of working as state assistants. Based on analysis of the processes of legibility, the article scrutinizes the reified notions underpinning the Decree, such as the understanding of ‘traditional rules’ and the definition of ‘community’. It concludes by pointing out some consequences of these reified notions for kin-based forms of community authority.

Introduction

One political concern in post-war Mozambique has been how to proceed with decentralisation in the rural areas. In accordance with post-war constitutional commitments to democratic decentralisation, a system of locally elected governments in the form of *municípios* was approved in 1997. The Municipal Law 2/1997 provided for democratic elections in thirty-three *urban* municipalities in 1998. As a consequence, the rural areas where approximately half of the population live have been excluded from the much heralded process of democratic decentralisation and its residents deprived of the right to vote for their own local representatives. Instead, legislation addressing decentralisation in the rural areas has been confined to the imperative of de-concentration within the local state administrative system and to the formal imposition of 'community authorities'. Since 2002, Decree 15/2000 has led to state recognition of 3,651 'community authorities', deriving equally from the categories of 'traditional leaders' and 'secretaries of suburban quarters or villages'.¹ Decree 15/2000 provided for the re-inclusion of traditional authority in local governance after 25 years of exclusion by the FRELIMO government and initiated a process of legally institutionalising an interaction or *articulação* between local state organs and rural constituencies. Previous *de facto* collaboration between chiefs and local state organs had been varied and unsystematically effectuated within a legal grey zone. If not heralding profound or direct changes, the Decree's amendments at least make possible the legal regulation of interaction between the state and rural constituencies.

Firstly, the Decree and its subsequent *Regulamento* delegate to community authorities a long list of key state-administrative functions and assign to them the performance of various civic-educative functions in the communities they formally represent (*Regulamento do Decreto 15/2000*, art. 5). The state administrative tasks include *inter alia* policing, taxation, population registration, justice enforcement, land allocation and rural development. In fulfilling these executive tasks, community authorities are envisaged as assistants of local state organs and as the concrete 'entrance points' for the governance of rural territories and for the distribution of development provisions. Civic-educative tasks include fostering a patriotic spirit, supporting the celebration of national days, promoting environmental sustainability, encouraging payment of taxes, performing marriages and preventing crime, epidemics, HIV/AIDS and premature pregnancy. By including community authorities in local governance, the Decree aims to allow for the establishment of partnerships and for increased participation of rural communities in

¹ Internal Communication, Ministry of State Administration, May 2005.

local administration and development – that is, culturally appropriate forms of democratic participation in matters of concern to rural citizen/subjects.

This official aim is premised on a second element of the legal framework, which assigns to traditional leaders a role as representatives of rural communities. The Decree stipulates that community authorities be consulted on behalf of the communities they represent when natural resources such as forest products or minerals are procured from their territory and when land is leased out, for example to commercial farmers from Zimbabwe or to nationals; when donor-aid projects such as water, health or micro-financing are implemented; and when clinics, schools and roads are build or agro-technical support is distributed. In these ways, the recognised authorities are envisaged as representing, giving voice to, and catering for the needs of rural constituencies that so far have been relatively ‘voiceless’ in Mozambique.

In sum, the recognised authorities are expected to perform a double role as representatives of rural communities before external agencies on the one hand, and as assistants of the state on the other. When one examines the Decree and its *Regulamento*, and follows, as we have done, the concrete implementation of the new *articulação*, it is clear that the two roles are given unequal attention (see Buur and Kyed 2005; Kyed and Buur 2006). Both law and practice have focused on what the recognized community authorities can do for the state by performing administrative tasks and mobilising rural communities for government projects. Scant attention is paid to the community representative role and to how community authority is actually constituted and legitimised. Apart from stating that a community authority should be legitimised by the respective community, the Decree 15/2000 does not provide any guidelines for the consultative and representational role or what could also be called a new ‘social contract’. The Decree seems to take the second part of the contract for granted, assuming that by virtue of being traditional leaders the recognised authorities *de facto* represent the interests of traditional rural populations and that they thereby derive their ‘natural’ legitimacy from such representation.

As we have illustrated elsewhere (Buur and Kyed 2006), traditional leaders drew on different registers of legitimacy in order to be recognised by the state. In not even one case was recognition derived from broad-based community or democratic legitimisation. Rather, different registers of legitimacy blurred any ideal boundary between traditional/hereditary, modern/bureaucratic and democratic/community types of authority. Ancestral and spiritual power as the basis of traditional status was often mixed with recollection and capture in colonial archives or pragmatic strategies of being ‘known by the government people’, working hard and showing respect, in public, for the order of the state. The question is why tradition in the

Mozambican case has become reified, taking for granted both legitimate authority and community representation?

We will suggest that there are specific historical explanations for the scant attention paid to concretely effectuating community representation. Indirect colonial rule, mediated by different types of customary institutions at the local level, allowed colonial authority to impose itself without the direct presence of the colonial master (Mamdani 1996). To argue this, as Mamdani has done, is not to deny that the route to indirect rule was notoriously violent and “paved with coercion” (Englund 2004: 19). Colonial sovereignty, as Mbembe (2001: 24-25) has reminded us, rested on different types of violence, aimed at provision (goods and things), extraction (labour, human beings, and natural resources) and control of subject populations. After the first two years of postcolonial rule (1975–1977), described by Coelho (2004a) as the ‘liberal period’, *Frente de Libertação de Moçambique* (hereafter FRELIMO) mode of governing the rural population came by and large to mimic Portuguese top-down lines of command. If we look beyond FRELIMO’s dismantling of chieftaincy or *régulos* as the ‘mediating’ link between the regime and the rural population, colonial hierarchies of state administration and governance were merely renamed, not profoundly changed (Alexander 1997). Rural people’s engagement with the postcolonial state came to be modelled on military control and command, largely comparable to the colonial form of *commandement* rule. The point is that there is a limited history of state-encouraged open ‘consultation’ or ‘participatory’ democratic engagement in rural Mozambique, particularly in intensive war zones such as Sussundenga District where our fieldwork was conducted.

In order to understand why tradition has become reified, a good starting point is Mbembe’s: that postcolonial African regimes did not invent

what they know of government from scratch. Their knowledge is the product of several cultures, heritages and traditions of which the features have become entangled over time, to the point where something has emerged that has the look of ‘custom’ without being reducible to it, and partake of modernity without being wholly included in it. One part of this knowledge or rationality is *colonial rationality* (Mbembe 2001: 24–25, emphasis in the original).

This rationality and the states that emerged attempted to make “a society legible, to arrange the population in ways that simplified the classic state functions” (Scott 1998: 2). States need discrete identities that can be mapped and rendered readable. In the post-war Mozambican debate on traditional leaders’ role in state governance, both modernist critics and

communitarian supporters have held on to a timeless and reified conception of traditional authority.

Modernists argue that the pre-colonial chieftainship system was corrupted by the colonial system of despotic, indirect rule, and what was 'real' tradition has withered away. Communitarians conversely hold that traditional authority still exists, is inherently democratic and is legitimised through customs and belief practices from long ago. They differ only on whether or not the integrity of traditional authority has been sustained (West and Kloeck-Jenson 1999; Kyed and Buur 2006). The notion of 'community' that underpins the present imposition of community authorities has been treated in similarly timeless and essentialist terms, construed as homogeneous, coherent and settled in bounded territories.

From injunction to salvage

Chiefs – known since colonial rule as *régulos* – were formally excluded from participation in FRELIMO's new party-state hierarchies after 1975 (O'Laughlin 2000: 26–30). The new FRELIMO government replaced the chieftainship system with *grupos dinamizadores* (dynamising groups), elected by local populations and led by party secretaries. The new system formed part of FRELIMO's attempt to build a one-party state and to break with the bifurcated colonial system of governance, with citizens ruled by law in the urban areas and subjects ruled by custom in the rural areas. Through the Marxist-Leninist ideological lens that soon came to dominate FRELIMO, chiefs or *régulos* were portrayed as collaborators of the Portuguese colonial state (O'Laughlin 2000: 26–30). Their practices were branded as 'feudal', 'tribalist', 'obscurantist' and detrimental to the modernisation of society and the production of national unity (West and Kloeck-Jenson 1999: 456; Alexander 1997: 2; Artur and Weimer 1998: 4).

Although the *grupos dinamizadores* were intended to spread popular participation and representational dialogic engagement, they did not become the rule across the country. Although formally abolished, the chieftaincy system continued in practice, and many postcolonial local state officials relied on day-to-day collaboration with existing *régulos* (West and Kloeck-Jenson 1999; O'Laughlin 2000; Alexander 1997). These practices, along with the continuity of the highly centralised state administration, complicated the notion that FRELIMO's new system of local governance broke entirely with colonial rule. The introduction of *aldeias comunais* (community villages), intended to gather dispersed populations into semi-urban development clusters, was

also highly unpopular and reminded the rural population of colonial forced removals. In areas affected by the internal conflict from an early stage, such as Sussundenga District, governance increasingly came to rely on war tactics – military control – and the use of community villages as counter-insurgency devices. The *Resistencia Nacional Mocambicana* (RENAMO), on the other hand, re-instated chiefs in the rural areas it controlled, which increased FRELIMO's ambivalence towards the chieftainship system during the war. This ambivalence was exacerbated by the argument by some scholars that FRELIMO's banning of the chieftainship system was one of the main reasons for RENAMO's support (see O'Laughlin 2000; Geffray 1990) or even one of the key domestic causes of the civil war (Abrahams and Nilsson 1995: 29). Others responded that rural support for RENAMO had more to do with the oppressive character of FRELIMO's one-party hierarchy, its unpopular villagisation programmes and its failure to improve opportunities in rural areas due to its urban bias (Alexander 1997: 1-2; Schafer 2001: 219-21; Coelho 2004b). This impasse was largely reproduced after the General Peace Accord (GPA) in 1992.

A FIRST MAPPING OF 'TRUE' AUTHORITY

With the GPA, the Ministry of State Administration (MAE) launched, hosted and co-ordinated two comprehensive studies of traditional authority, funded by USAID and the Ford Foundation (1992–1997) (Artur and Weimer 1998: 5; West and Kloeck-Jenson 1999). These investigated the role of traditional structures in local government, focusing on how they could contribute to post-conflict nation-state reformation, democratisation and decentralisation. A series of workshops brought together traditional authorities, state functionaries, ministers, FRELIMO cadres and NGO representatives from all over the country to discuss both the functions that could be designated to traditional authorities and ways to firm up their mandate (West and Kloeck-Jenson 1999: 463).

The studies and workshops generated five brochures for the education of state functionaries on “the role of traditional authorities” and a two-volume MAE publication on “Traditional Power and Authority” (Lundin and Machava 1995). Here, it was established that traditional authority exists: “This institution of the community is a reality that manifests itself before the state and its juridical system. They are not created by the Law, but are generated by the respective communities” (Summary Lundin and Machava Vol. 1, 1995: 151; see also Cuehela 1996: 24). ‘True’ traditional authorities were distanced from ‘untrue’ aspects associated with colonial rule and postcolonial political manipulation: a response to the various critics who claimed that today's traditional authorities have been corrupted, either by colonial rule or by party politics (Artur and Weimer 1998: 19). This portrays traditional authority in a reified and

timeless way, giving the notion that community and traditional authority were forms of 'natural' beings pre-existing history (see West and Kloeck-Jensen 1999: 473-474).

The two MAE studies provided the first mapping, documentation and interpretation of these 'eternal' traditional authorities and their communities. The ideological position they support approaches an unreflective or mainstream communitarianism, with its emphasis on "shared values, solidarity and attachment" (Delanty 2003: 90). The studies emphasised the existence of a positively valued, 'natural', depoliticised sphere of human relations that, despite colonial impositions, war and displacement, continued to have legitimacy and exercise profound authority. One of the brochures insisted that traditional authorities represent "the whole community, beyond political differences, embodying the will of all people and not excluding anyone" (Cuehela 1996, Brochura 1, 1996: 11). These ideas were later reproduced in Decree 15/2000 as unproblematised definitions of traditional leaders and community. As a result, the Decree gave the impression that all the state needed to do was to go out and identify who the *régulo verdadeiro* (true chief) was.

The communitarian perspective, which increasingly won ground within FRELIMO, holds that 'real' or 'true' traditional institutions constitute a genuinely African form of local governance that is inherently democratic, represents the incarnation of Africanness and manifests the essence of African "civil society" (Lundin quoted in West and Kloeck-Jensen 1998; Kulipossa 1997). According to this line of thought, such institutions embody significant relations of personal trust and community-based networks. The MAE studies emphasised how traditional authorities and the council of elders form a system of popular checks and balances that restrain and monitor power so that it is not abused (Lundin 1995: 27). Based on this logic, these institutions could be used as a foundation for the kind of democratic governance and decentralisation demanded by the donor community (West and Kloeck-Jensen 1999: 457), in *lieu* of and as a *stand in* (which we should not forget etymologically derives from 'sacrifice') for extending elections to the vast rural hinterlands.

MANY AGENDAS

While the primary aim of international donors was to see the extension of democratic decentralisation to the whole country, they simultaneously held that such an initiative required a

vibrant civil society.² To their dismay, such a civil society was lacking particularly in the rural areas. If it had ever existed in the form that the donor community required, this had been destroyed by the war and by the centralised, socialist model of governance applied by FRELIMO from 1977 onwards (West and Kloeck-Jenson 1999: 461, ff.18) Traditional institutions were increasingly seen as the only surviving form of rural organisation capable of filling the representational gap.

Pressure from the powerful donor community for localization of development and governance created impetus for change; this slowly took place alongside a growing acknowledgment by sections of FRELIMO that banning traditional leaders had cost it rural support (Artur and Weimar 1998). RENAMO's confident victories in the rural areas during the first and second general elections (1994, 1999) were not insignificant for the increasingly positive attitude towards chiefs by low- and high-ranking FRELIMO members and state officials. These successes fed the increasingly widespread belief that RENAMO's alliance with chiefs during the war influenced rural votes, as did the fact that a significant element in its political programme was the re-instatement of traditional authority (Blom 2002: 211). After the first post-war elections of 1994, FRELIMO took concrete actions to counter RENAMO's presumed popularity amongst chiefs. President Chissano, ministers and governors launched meetings with traditional leaders around the country, officially proclaiming collaboration with them. Some provincial governors gave bicycles and radios to chiefs. Alongside these higher level initiatives, local-level state officials and FRELIMO secretaries began to work informally with chiefs and to plead for a legal framework for collaboration (Interview Irae Lundin 2002; Noticias 2 October 1996).

The FRELIMO government's motivation was overwhelmingly political and administrative, in the context of what Alexander (1997: 20) refers to as a "profound crisis of authority" in the rural former war-zones. As in other post-conflict countries, one of the key concerns facing the central government and policy designers was contestation over state sovereignty and state institutions. In rural Mozambique the war had created a situation of "decentralisation by default" (Manor 1999), where governance was in large part taken care of by non-state actors operating outside the sovereign power of the state. Significant among such non-state actors were chiefs and RENAMO militias, their roles forged in opposition to the FRELIMO state.

² International donors feared that FRELIMO would be unwilling to give up its control over the state apparatus despite the introduction of multi-partyism and Western liberal components in the 1990 Constitution (Hall and Young 1997: 208-13).

Against this background, state recognition of chiefs came to be seen as a solution to the problem of weak state presence and contested legitimacy.

As a means to highlight its democratic value, the aim of the Decree was formulated as increasing the participation of the rural population in local development and administration (*Regulamento do Decreto 15/2000*). Recognised 'traditional leaders' were renamed 'community authorities'. The name change itself begs some discussion beyond the Mozambican context. We suggest that the reliance on the concept of 'community' points towards the intertwined existence of a variety of different, partly overlapping discourses that sustain each other. While the concept derives its immediate history from colonial and apartheid forms of governance through customary rulers, the present celebration of 'community' is intimately connected to the appearance of neo-liberal discourses that have changed the concept's value within development thinking.

From generally being viewed as antagonistic to modernisation and the domain of state intervention in the period immediately after the dismantling of colonial regimes, 'community' has increasingly 'returned' as a territory of government – a concrete “means of government” or “government through community” (Rose 1996: 335; 1999: 176). Encompassing and feeding on the discourses of 'social capital', the term 'community' captures sectors of society in which “vectors and forces can be mobilized, enrolled, deployed in novel programmes and techniques which encourage and harness active practices of self-management and identity construction” (Rose 1999: 176). This is possible because community is such a “vague term” that it can be adapted to projects of nearly any ideological mould, whether left- or right-wing (Delanty 2003: 88). We suggest that the Decree should thus be seen as a technical means for producing legible entities that can engage in government projects and that, based on the communitarian bias of the studies the Decree is moulded upon, the communities propagated by the Decree resembles in striking fashion what Delanty (2003: 87) call “governmental communitarianism”.

Making 'true' leadership legible in practice

This first mapping of traditional authorities attempted to cover the national territory; the second takes local conditions into consideration. The overall starting point for implementing the Decree was “a formalisation of what already exists”, which became the mantra repeated again and again by state functionaries from Maputo's ministerial corridors down to the level of

the district administration. In the actual process of identifying and recognising community authorities, this mantra required considerable dissimulation on the part of local state officials who faced a much more complex reality. In the following sections we discuss the inherent tension between, on the one hand, the ontological 'naturalness' of traditional authorities and the communities they formally represent in official discourse, and on the other, the need to identify the 'true' traditional authorities that were believed to exist despite war, colonial impositions and manipulated symbols, narratives, modes of identification and legitimate hierarchies. Decree 15/2000 states that only communities can legitimise a given community authority/leader. With respect to traditional leaders, legitimising should, according to the *Regulamento*, be pursued in accordance with the "traditional rules of the respective community" (*Regulamento do Decreto 15/2000*, Art.1.a). This legitimisation criterion presupposes that there *already* or unproblematically existed a 'traditional' world or domain, from which chiefs derive local authority. Such was not the case in practice. This is not surprising when we note existing divisions within local populations and the shifting historical-political contexts in which 'traditional chiefs' have operated, lost and gained authority (West and Kloeck-Jenson 1999: 455).

In many other postcolonial African countries, as Christian Lund has asserted, an assortment of pre-colonial codes of conduct, customary law, Muslim law, and legal frameworks from the colonising countries "constitute a broad normative repertoire on top of which constantly modified national laws are promulgated" (Lund 2002: 17; see also Olivier de Sardan 1999). This holds true for Mozambique, in that the rules for appointing chiefs and ideas about authority and legitimacy were fluid and multiple by the time of implementing the Decree. Having had to adapt constantly to new regimes of law and power, kin-based systems were unlikely to be coherent and internally consistent. When no rules can be specified for legitimising leaders it is better, we suggest, to approach the question of legitimisation from another starting point: Who has the authority to verify or state what the traditional rules and ideas about authority are or should be in practice?

CERTIFYING THE TRADITIONAL

In the process of implementing the Decree in Sussundenga District, a whole set of activities were initiated to identify, legitimise and recognise community authorities. In the process we

followed in 2002, this only covered those in the category of 'traditional leader' (13 in total).³ Activities relating to initial implementation took place in close conjunction with (re)establishing the state's presence in the former war zones. The latter took the form of first-time visits to chieftaincies by a postcolonial state administrator, the construction of roads to traditional chiefs' homesteads, and the establishment of offices for the lowest level state functionaries in areas where these had been absent since the beginning of the civil war (1978-9). The implementation process began in 2001 with conflict-ridden attempts to identify 'true' chiefs and their subordinates, against other claimants, usually within the chiefly family, to such status. This was followed later the same year by the convening of 'legitimation meetings', where state officials visited communities to verify that the person whose name was inscribed in the *official register* (combining the colonial register with data from the MAE studies) was indeed considered legitimate by the community she or he represented. The process ended approximately a year later with formal state recognition ceremonies held by the district administrator. Here, the registered chief signed a contract with the state, and the chief was presented with state regalia – the national flag, emblems of the republic and a sign reading *autoridade comunitária* – which transformed him/her into a 'community authority'.⁴

Somewhat contrary to the principle of 'community legitimisation', the state register became both the most important instrument for deciding which chiefly families were legitimate and in some cases the final arbitrator when "traditional rules of the respective community" could not settle disputes between competitors to the position. As it performed a role in re-establishing the presence of the state in formerly hostile RENAMO territories, it is no surprise that considerable energy went into verifying the register by state officials. Part of identifying the chiefs or *régulos* involved indexing the hierarchical system of sub-chiefs, whose designations derive from colonial classifications (Blom 2002): *chefe do grupos* (second sub-chief) and *chefe da povoações* (third sub-chief). Besides forcing kin-based chiefly families to settle or at least begin to re-settle what we could call the chieftaincy system, the process of registration also had state-assistant preoccupations that centred on defining the boundaries of 'communities'. *Régulos* had been told to produce "registers of the population" giving "the number of families and

³ Leaders from the category of 'secretaries of suburbs and villages' were only recognised as community authorities in Sussundenga in the beginning of 2004, some nine to ten months before the national elections in December the same year. What characterised these (15 in total) was that they were all recognised in semi-urban areas, close to heads of administration. Traditional leaders have thereby continued to cover the representation of rural areas on their own.

⁴ Between August and October 2004, community authorities were provided with a complete uniform too, which with few differences, such as the emblem of the republic, strikingly resembles the uniform of the colonial *régulos*.

inhabitants according to sex”, so that the tax base could be measured and health services and school buildings planned (*chefe do posto* interview, Dombe September 2002).

The official register around which these activities were based had, most importantly, been established against the old colonial registers’ three-tiered hierarchy of *autoridades gentílicas*, which had incorporated pre-existing hierarchies, as well as imposing new ones (see West and Kloeck-Jenson 1999: 471). The MAE studies also used the colonial register as a point of reference. Names were either changed or confirmed during the registration for food relief after the GPA and again during the 2000 floods. Furthermore, the register was consulted during the various local workshops held by administrative offices in preparation for implementing the Decree, in order to decide who should be invited. For lower level state officials and the majority of the chiefs, the *emic* name for the register was *O Livro*, which in the local Shona dialects was rendered as *Ma-Bhuku*, deriving from the English word ‘Book’.⁵ When conflicts emerged as to whether a certain community was entitled to have a *régulo*, a decisive factor was whether a given lineage name was catalogued in the old colonial register. Our encounters with the various *regulos* gave us the sense that they did not differentiate between the colonial and the post-conflict register. What was important was the idea of the existence of a register with the names of their forefathers. At the time of state recognition, *Ma-Bhuku* in many cases provided a benchmark to legitimise whatever lineage or community territory claimed to have a *régulo*. In this sense *Ma-Bhuku* bequeathed to the *regulos* an official history and authority over a more or less well defined territory (a point to which we will return; chiefly ideas about space did not necessarily match the state’s notion of what constituted a territory). In other words, *Ma-Bhuku*, despite war and conflict, proved the non-contingent existence of traditional lines of authority.

The “formalisation of what already exists” therefore referred not only to community organisation, but also to what existed in the slow stabilisation of traditional leadership in the colonial and post-colonial chronicles of the state. This further conveyed legitimacy to the state as the beholder of the names of the ‘true’ chieftaincies. That state registers were extremely significant for the identification of ‘true’ chiefs did not however mean that chiefly families and (some of) the rural residents within the areas did not have any say in the identification of leadership. The

⁵ The appearance of English-inspired words in the dialects of Sussundenga is very common and derives from a history of British company rule as well as to the proximity to Zimbabwe and a long period of migration across the border. In fact the main ruling families in the district originate from the area around Great Zimbabwe (Artur 1999a; 1999b).

chefe do posto in Dombe explained: “We as the state cannot [...] impose the *régulos*, so we will instead recognise them. Because those who impose are the genuine families, it is the genuine community; it is the principal family, because they know the origin of this (traditional) power” (*chefe do posto*, Dombe 2002). Even if non-imposition by the state was the ideal, staged at the ‘legitimation meetings’ and realized in a number of cases, as we have illustrated elsewhere (see Kyed and Buur 2006), there was a tendency to view ‘community’ as the ‘principal family’. Conversely, there were also cases where concerns for the future status of a *localidade*, for example, led to direct manipulation of the identification process by state officials. In one case, a sub-chief was registered as chief in order for the chieftaincy system to fit into the state governance system, from fear of losing donor aid that was to be distributed through community authorities (see Buur and Kyed 2006).

In other cases, state officials played a crucial role in getting kin-based forms of organisation (chiefly families and the council of elders) to identify the leadership and resolve the system of subordinated assistants for clearly pragmatic reasons. On the one hand, the state intervened in order to restore the operational capability of the kin-based system of governance so the state had somebody to work with. On the other hand, it intervened to secure the very survival of the kin-based system of governance. When conflict arose, the state register often became the final arbitrator in settling the real status of claimants. In other cases, the ‘genuine community’ and ‘principal family’ needed help to initiate the decision process. The role of the state, in other words, did not begin as engraver of the visible signs of community authority nor did it stop there: the state was present as initiator and constant mediator in the process of producing community authorities and as stabiliser of the entity designated the community. This does not imply that there was no reference to a ‘traditional’ domain from which chiefs legitimised their authority. In all the cases we encountered, whether they involved conflict over positions or merely confirmation of the state register, chiefs and their assistants would refer to criteria of inheritance from the ‘true’ lineage and to spiritual power. The ability to consult ancestral spirits, conduct fertility ceremonies and hold traditional courts were presented as equally significant attributes of authority, but were often combined with reference to a chief’s ability to ‘work hard’ and her or his capacity to mobilise the population – both attributes considered fertile for administration and development. The point is that while there were multiple ideas of what constituted authority and legitimacy they still needed to be sanctioned by state techniques of inscription. As legitimacy disputes reflected, the successful chief was the one who possessed the knowledge of this multiplicity and managed to combine different sources of legitimacy. It was not solely any discrete world of ‘tradition’ that opened the door for recognition. Importantly, the role as initiator and arbitrator was part of the production of the state

as a legitimate authority. But what role did 'the community' actually play in this and what form did it take in practice?

Representatives of partial communities

Who is 'the community'? It is a good question, but notoriously difficult to answer. Is it defined by the degree of participation by members of a given group of people? Or is a community defined by the territorial outline of a chieftainship? If this is the case, which definition of territory is used? The Decree's definition of community as "the collective of people comprised in a unified territorial organisation" (*Regulamento do Decreto 15/2000*, art. 8) seems to include both of these options. We suggest that the definition is problematic for several reasons. First of all, it takes for granted the existence of consensual 'traditional' communities, ignoring differences of gender, age, class, political affiliation and so forth. In Sussundenga, many years of intensive war caused the majority of *régulos*, their council of elders and the population in general into hiding or exile both within Mozambique and outside its borders. If not actually dissolved during this period, the *régulos* were at least prevented from regularly practising their annual ceremonies and from holding local courts (*banjas*) or other forms of collective activities centred on traditional organisation.

This was partly due to periods of absence of chiefs themselves. If we take Dombe administrative post, an intensive war-zone, in the south of Sussundenga District as an example, all but two of the eight chiefs who were recognised in 2002 had been absent from the area during the war period. (Both of the exceptions lived close to the administrative post.) In addition, only one of the eight had been chief before the war. The others were either granted the position by the former chief-in-exile or by RENAMO, or took it up on return or during the actual process of state identification. What remained stable, then, in Dombe in all but those two cases were the names of chieftaincy areas, most of them partially depopulated over long stretches of time. In shifting configurations, new individuals assumed the position of *régulo* during the war, a large number of whom did not follow hereditary rules. Some worked in alliance with RENAMO in rural areas and others aligned themselves with FRELIMO in the urban or village areas that were government-controlled. Rural residents and chiefly families were often split on the issue of FRELIMO-RENAMO alliance, often pragmatically adapting to changing frontiers during the war (see West and Kloeck Jensen 1999).

One consequence was that by the time of the identification process, many *régulados* were still in the process of (re)settling: rural residents had only recently returned from exile. Residents originally from other areas had settled in and claimed land. Many power positions were in dispute, as claimants to chieftaincy returned to their former areas of residence to find substitutes in their place. Although many returning residents knew the area name of the *régulado* chieftaincy, they were not certain which individual within a chiefly family was now the 'true' *régulo*. In short, the reality on the ground threw doubt on the MAE studies and the Decree's underlying assumption of a necessarily intimate relationship between a *régulo*, his subject population and a specific territorial space.

If the 'legitimisation meetings' and the 'recognition ceremonies' are anything to go by – and we suggest they are – most disputes over 'true' leadership and their resolution took place within small and exclusive circles of people. These activities did not involve a broad representation of residents within a proclaimed chieftaincy area as ideally envisaged in the Decree. All legitimisation meetings we attended took place close to the homestead of an already registered chief and included approximately 100 to 300 participants. Against the 1997 census, this meant only around ten per cent of the population registered within a chieftaincy (*Régulado Register 2001*, Dombe administrative post). The recognition ceremonies we followed involved the same level of participation. Further investigation in Dombe chieftaincies showed that participants in both events were comprised mainly of family members of the chief, members of the council of elders, also called *homens de categoria* (men who partake in traditional courts, traditional ceremonies and other decision-making situations), immediate neighbours of the *régulo's* homestead, usually one or two members of sub-chiefs' homesteads, members of the traditional police if such units were active, local NGO workers and school teachers. The main participating constituency was, however, school children drafted into performing the new National Anthem to open and close the recognition ceremonies. These different constituencies together acted as 'the community' during the meetings/ceremonies. Were these constituencies 'the community', should they be seen as representatives of the 'community' – the population registered within a given chieftaincy – at large?

When we asked state officials and the *régulos* whom they considered to be 'the' community, some referred to the small group of people identified above while others named the council of elders. While some state officials saw the low level of participation as problematic for the democratic ideals of the Decree, there was nonetheless a notion that the relatively small group at the recognition ceremonies could be seen as "a kind of representation of the rest of the community". This can be said to provide a compromise answer to the first mappings of the 1990s where an idea of the intrinsically democratic nature of traditional authorities was put

forward (West and Kloeck-Jenson 1999: 480). Just as the Decree does not necessarily guarantee the active participation of (all) rural residents in appointing a community representative, the same is true for participation in public meetings within the framework of the newly promoted Participatory Planning Circle that forms part of the five-year strategic district planning initiative. Here, state representatives will call for meetings to draw up development plans against the background of community wishes. The ideal model of these meetings was explained by a *chefe do posto*:

These plans aim to give freedom to initiatives. With the diagnosis [of community needs by the] community authorities will begin in accordance with the necessities of each chieftaincy [to make plans]. After that, we will make them work with technicians in order to realise those development plans and they will personally define the priorities of these development plans.

The first phase in participatory district development planning is public meetings where state officials encounter community authorities and their respective communities: in practice, a small group of people, principally neighbours of the community authority and members of the council of elders. Meeting participants may come forward with suggestions for the next fiscal year. In practice, state functionaries often ask questions around concrete development needs such as toilets, wells, mills or more classrooms. It is then the task of the community authority to list how many of these things already exist in the community and how many must be constructed and where. ‘Technical experts’ in consultation with the community authority and NGOs then draw up concrete plans. Thus, these “openings” as they were denominated by state officials for community participation take the form in practice of state officials’ presentation of pre-defined development needs, to which the community authorities together with their closest assistants must then respond. The latter group ideally represents the will of the community at large and by extension ‘is’ the community at the development planning meetings. If the reified notion of community in this partial sense is at odds with both the Decree’s idea about community as “the collective of people” and the donor need for broad-based representation, then the second part of the definition of community as an entity “comprised in a unified territorial organisation” is also at odds with reality.

STATE TERRITORY AND OVERLAPPING SPACES

The Decree’s definition of territory and community is, perhaps not surprisingly, intimately related to the spatial ordering of the nation-state and the political organisation that exists

within this territory. This is not peculiar to Mozambique, but common to all nation-states from Latin America to Western Europe where ideas about territory, state and national communities were first pioneered (Anderson 1991). Here, states claimed sovereignty over territories and populations by instituting, founding and unifying myths of 'their' imagined community and by wrapping the national realm within hierarchic administrative divisions. A range of officials, agents and representatives were employed to direct, regulate, govern, defend and administer the dominant spatial ordering of territory and populations. There is nothing exceptional about this for nation-state formation more generally, or for Mozambique in particular, where successive regimes under different historical conditions have attempted to impose the(ir) dominant nation-state grid on both territories and populations. It can of course be criticised for many reasons, as Wilson (2001) has asserted with regard to the persistent idea of centralised political organisation of territories: "territorial claims and organisation of space are much more complex and varied, scale differentiated and oppositional, than assertions as to the overwhelming territorializing power of nation-states lead us to believe" (2001: 2).

The recognition of traditional leaders as community representatives can, in light of this brief outline, be seen as yet another attempt to extend the grid to spaces and populations that so far have not been incorporated successfully into the dominant spatial ordering of the nation-state. But the state's quest to marry traditional community boundaries with administrable units of governance did not fit easily with chiefly ideas about spiritual outreach and hierarchies in their territorial space. There was often a disjunction between proclaimed and practised spiritual boundaries and national, provincial and sub-district administrative borders. This is especially true of locality and administrative post boundaries. In Dombe Administrative Post, for example, one of the *régulados* crossed the border into Zimbabwe in the west, one went into Sofala province in the east and several *régulados* reached into sub-district demarcations. Chief Zixixe's area stretches over the whole of Mouha and well into Sussundenga area and the locality of Mathica. Two of his sub-chiefs, Ganda and Boupua, governed in practice in the areas in Sussundenga and Mathica. Their territories were both larger in terms of land and population than Chief Zixixe's own area of operation – that is in administrative terms (taxation, conflict resolution, policing, development project implementation and so forth).

It is important to note that, for the chiefs, hierarchies of authority are constructed over not only a governmental territory, but also a spiritual domain, which is intimately related to a particular spatial division usually at odd with governmental territories. Such spiritual domains are not fixed in space, but have portable boundaries adapting to changing circumstances. That space is identified and conceptualised differently in diverse systems of authority based on practical and mundane activities – party incentives, state-craft or counselling of ancestral

spirits – is not new information. Nor, as we have pointed out, is it a new phenomenon for state ideas about territory to differ from encompassed populations' ideas about space (Scott 1998) or by non-state authorities' scope of operation. The Portuguese colonial system of exploitation attempted to congeal and abridge territorial features and the institutions acting as guardians of spatial demarcations in various ways, just as the post-colonial FRELIMO party did. The territorial and institutional arrangement has therefore always been relatively plural, characterised by overlap, intermingling and contradictions, and catering for a good deal of competition.

With the present attempt by the state to (re)gain control over the national territory as well as the vernacular institutional arrangements, a platform is set for conflict pitting not only vernacular institutional arrangement against state entities but also one chieftainship system against another, as well as competition within each chieftainship. The superimposition of state ideas about governmental territories on chiefly ideas about spiritual spaces has created new arenas for competition and conflict because it accompanies the delegation of governmental and development functions to chiefs, based precisely on the state's ideas about territory. Key arenas of conflict have arisen in practice over potential forms of income and sources of power attendant on the role of recognised assistant in state governance – for example collecting taxes, resolving conflicts, policing, representing territorial-communities in launching development projects and leasing of land to commercial farmers. Not only have these interests led to competition over constituencies (for example, the number of tax-payers) and thereby boundaries between chieftaincies, it has also had consequences for hierarchies of authority and *de facto* status within chieftaincies.

The case of Chief Zixixe and his two sub-chiefs is illustrative: while in 2004 there was still a common understanding of Zixixe as the superior chief in spiritual terms and in performing annual fertility ceremonies, his two sub-chiefs reversed the hierarchy in the administrative domain, and in the spheres of justice enforcement and community-based development projects. Not only did the sub-chiefs work independently of Zixixe with the state administration, they were also more successful in bolstering their *de facto* authority or status in the area, partly with increased collaboration with the state and partly as a result of individual leadership skills and the ability to attract NGO-projects. Zixixe simply did not have the enforcing power (or skills/will) to collect taxes and mobilise the population when NGOs came to investigate the potential for community-based associations. His weekly court session had become a matter of “solving cases when people came along” (interview with Zixixe, August 2004) – which they seldom did, the majority choosing other places to have their cases tried. In a similar situation in the Gudza chieftaincy in Dombe, one sub-chief took over the majority of ‘clients’ in court

sessions and, although not in the register nor at public meetings, was in practice the one trusted by the state administration and the police in pursuing taxation, launching development projects and policing or arresting criminals. What is interesting about these cases is that authority based on spiritual sources of legitimacy seems to be maintained as symbolically superior, but not as a *de facto* authority on which rural residents and state organs rely in practical terms.

State recognition and the opening up or at the least enlargement of new practical domains for the enforcement and maintenance of authority (such as bringing development benefits to a community) can thus have the effect of bolstering the authority of formerly inferior leaders. The question is whether in the long term this will impact on the aspect of spiritual authority as a significant source of chiefly legitimacy and/or to what extent it will change the registered hierarchies. Conflicts over leadership positions between individuals *within* chiefly families during the process of identification suggest that the different sources of legitimacy are not mutually exclusive. In these cases, conflict-ridden, even fatal processes of settlement took place, where the criteria for what constituted the “origin of traditional power” reflected generational and educational and/or occupational differences, as well as arguments over what constituted good administrative performance.

Congeaing leadership

It was not only territory that the Decree attempted to fix. The recognition of one single individual as a community authority meant an equal solidification of chieftainship. The state administration recognised the titleholder rather the title of a given *regulado*. To secure a clear command line, the state did not permit individuals from within the chiefly families, other than the one recognised, to act as a community authority or wear the symbols and emblems given. There were two main reasons for recognizing a single community authority. The first was to secure an effective administration: unstable and informal authority or the shifting the position of leadership between individuals would cause confusion about responsibility for collecting and transferring taxes, paying subsidies, attending meetings and so on. The second reason was to secure and legitimate authority for rural citizens: if other individuals act as the community authority, the idea of legitimised authorities each representing their community would not be sustained. Combined, the two forms of reasoning can be seen as an attempt to shore up the institutional legitimacy of the chieftainship system with the aim of extending central admin-

istrative control. In the logic of Decree 15/2000, the authority and legitimacy of the kin-based system depends to a large extent on the ability to operate vis-à-vis its primary patrons – the politico-legal complex of institutions related to the state, the FRELIMO party, and international donor aid organisations and NGOs. Embodying authority in the visibility of a single figure was important, according to the district administrator from Sussundenga, because: “[this] means that we can now know exactly who the real leader is of that and that community. No one can dispute that now” (Interview, Sussundenga, August 2002). For him, the singularity of leadership marked the achievement of leadership and governance through the administrative unit of discrete *regulados* each representing a community.

The stabilisation and embodiment of authority in specific individuals impacted on the traditional leadership system by broadening the scope for conflict *within* chiefly families due to the quest for one particular leader (see Buur and Kyed 2006; Kyed and Buur 2006). State rationalisation also meant that the flexibility of chiefly forms of rule and organisation became locked. Contrary to the perceptions presented in the studies anticipating the Decree, and despite the emphasis on rules such as succession from father to son, traditional leadership could be negotiated within the right lineage for pragmatic reasons. Different individuals within the traditional leader’s family could 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. Conversely, if the council of elders (with or without the support of the wider population) raised complaints about an individual leader, he or she could be replaced by another individual within the family. In one case in Dombe, three different individuals held a position as sub-chief in three years – two substitutions related to the excessive consumption of alcohol and one to accusations of witchcraft (Kyed and Buur 2006). After state recognition, several people noted that this flexibility was no longer possible or at least “very complicated”, as stated by the *chefe do posto* of Dombe in 2004. Just after the 2002 recognition, one of the recognised leaders wanted to go to South Africa to find work because he needed money for his household. He proposed to hand over his position to his younger brother, together with the emblems and symbols received from the state, and then to resume his position when he returned after a few months or years. Until the recognition of community authorities, this had been common practice because authority was vested in the title and not in the titleholder. In another chieftaincy, the recognised chief (a woman) begged the administration on several occasions to pass her uniform and title to her uncle, but they refused because she was now in “the book”.

It is important to bear in mind this inherent contradiction between state formalisation based on specific individuals in authoritative positions, and the kin-based system of leadership that

allows for flexibility in terms of whom, as an individual, acts with authority in a given administrative/spiritual territory. The kin-based system, as opposed to the state's understanding of the 'traditional' system, proceeds from kin-based family relations and an area of spiritual and administrative rule.⁶ In affecting the flexibility of the traditional system, formalisation invalidates the idea of the Decree as merely "recognition of what already exists". After registration and recognition, it is difficult to pass a position from one individual to another. That now requires the state-organised procedures to install leadership and, as the Dombo *chefé do posto* remarks, "we have to go all the way to change the register in the Ministry in Maputo. We will have to do a lot of work and have very detailed arguments to do that". From a historical perspective, the flexibility of the traditional system has been essential to its survival through years of colonisation, war, migration, displacement and natural disasters. By contrast, it is now more difficult both to accommodate individuals' personal interests, and to get rid of community authorities who perform badly. In a highly contradictory move, the state's institutionalisation of community-legitimised authority, ideally supporting democratic sources of legitimacy, in practice enforces a reified notion of 'traditional authority' as an unchanging and uncontested source of legitimacy. At the same time, (some) chiefs and sub-chiefs appropriate the spaces that emerge from collaboration with the state and as formal representatives of communities before NGOs, to bolster their authority on the basis of 'good administrative performance' and the ability to show results and development in the community. In this process, other chiefs lose out or are confined to a symbolic spiritual position.

Conclusion

The questions raised here highlight possible areas of contention with regard to Decree 15 / 2000 and its implementation. The recognition of traditional leaders as community authorities may actually increase their access to and enlarging their scope of power through not only the symbolic regalia of the state, but also the organisational capacity and police/military power that despite much talk of weak states, are considerable in Mozambique. The danger looming large is the reproduction of Mamdani's (1996) fear of 'despotism' in the guise of enlarging state capacity and community participation in poverty reduction (or whatever the current

⁶ Paradoxically, the traditional system here resembles the state system distinction between office positions and office bearers.

buzzwords). On the other hand, attempts to impose reified notions of ‘tradition’ and ‘traditional’ forms of authority and legitimacy in the name of a simple continuity – and not, as Handler and Linnekin (1984) have pointed out, symbolic processes that take past symbolisms for granted and productively render them present anew by reinterpreting them according to current requirements – run the risk of distancing traditional authorities from the communities they formally represent. Traditional authorities by enforcing a variety of taxes with modern state technologies such as identity cards and the right to development provisions, such as schooling, health and agri-cultural extension, the state may decrease the status of traditional authorities, because of the deeply political nature of such provisions. One could argue that the longer chiefs are able to steer this contentious terrain between state and FRELIMO party requirements and their local constituencies’ preoccupations and needs (which can be in strong opposition to the official discourses), the more powerful they may be.

How this quandary will play itself out is not clear, but the problems caused by fixing individuals in the position of community authorities indicate the directions this problematique is taking. The Decree does not straightforwardly address the question of replacement; only one article in the *Regulamento*, which speaks exclusively about the legitimising process, touches on it: “Any conflicts that arise from the process of legitimising the community authorities may be mediated by the competent state representative” (*Regulamento do Decreto 15/2000*, art. 13). If the words of the *Regulamento* were the *de facto* principles used to settle all cases of transferral of power within a chieftaincy, it would give the power to sanction transferral to the state. This lack of clarity with regard to changes in the system allows ample space for different local interpretations. It leaves the power to act at the discretion of individual state officials, who then become *de facto* (local) sovereigns. The *chefe do posto* in Dombe, for example, reasoned along the lines of the 1990 studies by asserting that the respective families would decide who the chief should be. But when pressurised – for example by questions such as “What if a chief works for the opposition party?” – he stated that such a situation could not be accepted under any circumstance and that change should be instigated by the state because chiefs work with and for the government. Ever since independence, the only official government has been FRELIMO. The statement indicates a particularly instrumental perception of the newly founded *articulação* between state and community authorities as not only working for government which ideally could change over time, but for the party of FRELIMO. In this sense, deciding who can become the new chief becomes a question of sovereignty. How the sovereign will act with regard to community authorities it is still too early to state with absolute clarity. But the foundation for future conflicts has been firmly laid and only time will tell how these will play out.

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