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STATE RECOGNITION OF TRADITIONAL AUTHORITY IN MOZAMBIQUE

The Nexus of Community Representation and State Assistance

Contents

1. Introduction

One of the political concerns in post-war Mozambique has been how to proceed with the decentralisation process in the rural areas. In accordance with post-war constitutional commitments to democratic decentralisation, a system of elected local governments in the form of municipalities was approved in 1997 and instated after local elections in 1998. The Municipal Law 2/1997 for the urban and semi-urban areas provided for democratic elections in thirty-three municipalities (*autarquias*) and not in any rural areas. Since 2002 when Decree 15/2000 was implemented, more than two thousand leaders from the categories of 'traditional leaders' and 'secretaries of suburban quarters or villages' have been recognised as 'community authorities' in semi-urban and rural areas of Mozambique. From a broader historical perspective, the two decentralisation initiatives – Decree 15/2000 for rural areas and Municipal Law 2/1997 for the urban areas – establish an important break in legal terms with previous colonial and post-independence local governance. The 2003 *Lei dos órgãos locais do Estado* known as the LOLE-law – regulating local state structures below district level (in Mozambique know as the levels of *posto* and *localidades*) – legally encompasses state structures that had operated hitherto on a *de facto* basis, without official recognition. The Decree 15/2000 and the LOLE law therefore provided the basis for legally institutionalising the interaction (*articulação*) between local state organs and forms of civil society groups in the rural and semi-urban areas. Previous *de facto* collaborations had been varied but unsystematic, by and large, and within a legal grey zone.

If not directly heralding profound changes, the amendments at least made possible the legal regulation of the types of interaction between state and civil society, which so far had been taking place in a legal vacuum. Firstly, the Decree and subsequent *Regulamento* delegate to the 'new' community authorities a long list of key state-administrative functions and assign to them the performance of various civic and moral educative functions in their communities (*Regulamento* do Decreto 15/2000, art. 5). The assigned list of state administrative tasks includes *inter alia* policing, taxation, population registration, justice enforcement, land allocation and rural development. The civic education tasks include fostering a patriotic spirit, supporting the celebration of national days, promoting environmental sustainability, encouraging payment of taxes, and preventing crime, epidemics and HIV/Aids, as well as preventing premature pregnancy and early marriage (ibid.). The second aspect, given far less emphasis in the Decree or the LOLE law, is the representational dimension of the new legal framework. 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 nationals; when donor-aid projects such as water, health, micro-financing are implemented; and when schools and roads are build or agri-technical support is distributed. On the one hand, the recognised authorities are envisaged as functioning as 'civil society' or community representatives, giving voice to and catering for the needs of rural constituencies that have been relatively 'voiceless' so far. On the other hand, 'community authorities' are foreseen as functioning as concrete 'entrance points' or 'mediators' between external agencies and communities, for example when donor-aid and state provisions are to be rolled out and when private commercial businesses want to enter the territories of rural and semi-urban communities. Ideally, the new role given to community authorities should allow for the establishment of partnerships and for the participation of rural and semi-urban communities in rural development – that is, in cultural sensitive ways that speak to some sort of democratic participation.

In sum, the recognised authorities are envisaged as performing a double role as representatives of rural communities with regard to state, business and donor-aid relations on the one hand, and assistants of the state on the other. This paper will argue that the two roles are given unequal attention in the Decree, which focuses more on what the community authorities can do for the state in executing administrative and developmental tasks than on their community representative role. While the Decree 15/2000 is relatively clear with regard to the delegation of state tasks, it provides hardly any recipe for effecting the consultative and representational aspect or what could also be called a new 'social contract'. It is as if the Decree takes for granted the second part of the contract. We will tentatively suggest specific historical explanations for this degree of assumption.

Indirect 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 asserted, rested on different types of violence, aimed at making provision (goods and things), extraction (labour, human beings, and natural resources) and control of subject populations. After the first two years of post-colonial rule, described by Coelho (2004a) as the 'liberal period', Frelimo's (*Frente de Libertação de Moçambique)* way of governing the rural population by and large came to mimic Portuguese top-down lines of command. If we look beyond Frelimo's dismantling of kin-based forms of customary rule as the 'mediating' link between the regime and the rural population, colonial hierarchies of state administration and governance were merely renamed, not changed (Alexander 1997). Chiefs – known since colonial rule as *régulos* – were formally excluded from participation in Frelimo's new party-state

hierarchies (O'Laughlin 2000:26–30). The new Frelimo government replaced the chieftainship system with *grupos dinamizadores* (dynamising groups) led by party secretaries. Although the aim of these *grupos dinamizadores* was to make consultation or representational dialogic engagement more prevalent, it did not become the rule across the country. This was especially but not exclusively the case in areas affected by the internal conflict at an early stage, where governance increasingly came to rely on tactics of war.

Although *grupos dinamizadores* existed in Frelimo-controlled zones, their engagement with the state came to be modelled on military control and command, largely comparable to the colonial form of '*commandement*' rule. Post-colonial African regimes, as Mbembe has pointed out, 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).

In this paper we will not examine in detail the role and faith in customary rule *(indigenato)* in colonial times; the point we want to make here is that there is a very meagre history of state-encouraged open 'consultation' or 'participatory' democratic engagement in rural Mozambique. What has dominated is a command hierarchy. The present recognition of community authorities and the part of the nexus emphasising the representative aspect has as such no *exemplary* starting point. That kin-based forms of authority or traditional chiefly rule nonetheless have been presented as inherently 'democratic' (Lundin 1995), capable of representing rural – so-far silenced – voices therefore requires some kind of explanation.

In general, the Mozambican debate on traditional authorities' role in local government has been split into two camps, the modernist and the communitarian. One side argues that the pre-colonial chieftainship system was corrupted by the colonial system of despotic, indirect rule, and what was 'real' tradition has withered away. The other argues that traditional authority still exists, is inherently democratic and is legitimised through customs and belief practices from long ago. While both perspectives have in common a timeless conception of the traditional, they differ as to whether or not its integrity has been sustained (see Kyed and Buur 2005a forthcoming). 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. This leads us to the next sections, where we deal with the background for the present construction of the community-representation and state-assistance nexus. We begin by briefly providing some necessary historical background for the reified notions that underlie the Decree. This is signi-ficant for the subsequent discussion of the unequal attention given to community authorities' two different roles.

2. Historical context: from injunction to salvage

Frelimo's attempts to replace colonial chiefly rule with *grupos dinamizadores* in the rural areas formed part of the effort to break with the colonial, bifurcated system of governance and to build a single-party state along Marxist-Leninist lines. Chiefs or *régulos* were portrayed at this time 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; Alexandra 1997:2; Artur and Weimer 1998:4). Although banned, institutions based on kinship and hereditary succession continued to exist, and many post-colonial local state officials relied unofficially on day-to-day collaboration with chiefs (West and Kloeck-Jenson 1999; O'Laughlin 2000; Alexandra 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.

Frelimo's attitude towards the chieftainship system became increasingly ambivalent during the course of the internal war, especially when it was held by observers that Renamo had considerable success in reinstating chiefs in areas where it held sway. Some scholars have argued that Frelimo's banning of the chieftainship system was one of the prime reasons for Renamo's support during the civil war (see O'Laughlin 2000; Geffray 1990). Authors such as Abrahams and Nilsson (1995: 29) go as far as to argue that the marginalization of traditional authorities was one of the domestic causes of the Mozambican civil war. Others have conversely pointed out that Frelimo's loss of legitimacy in rural areas was due to the oppressive character of its one-party hierarchy, unpopular villagization programmes and failure to provide improved life opportunities in rural areas due to its urban bias (Alexander 1997:1–2; Schafer 2001:219–21; Coelho 2004c). This impasse was largely reproduced after the General Peace Accord (GPA) in 1992. A comprehensive study (1992–1997) of traditional authority was launched at this point, co-ordinated by the Ministry of State Administration (MAE) and funded by USAID and the Ford Foundation.

In addressing the issue, Frelimo was split internally on the role of chiefs in post-war local governance. Some members hung on to the modernist view that saw traditional leadership as an impediment to modernisation and democratisation, while others increasingly adopted the communitarian perspective, which held that traditional authority constitutes a genuinely African form of local governance that is inherently democratic. Pressure from the powerful donor community for localization of governance created impetus for change, along with a growing acknowledg-

ment by Frelimo that its banning of traditional leaders had cost it rural support (Artur and Weimar 1998).

Renamo's victories in the rural areas during the first and second general elections (1994, 1999) was not insignificant for the increasingly positive attitude towards chiefs by low- and high-ranking Frelimo members. These successes fed the increasingly widespread belief that Renamo's alliance with chiefs during the war had a bearing on 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. The Frelimo-appointed provincial governors also gave bicycles and radios to many chief. Alongside these higher-level initiatives, local-level state officials and Frelimo secretaries also began to work increasingly with chiefs and to plead for a legal framework for collaboration (Interview Irae Lundin 2002; Notícias 2 October 1996).

The first piece of legislation in which traditional authority figured was the 1994 "Law on the Institutional Framework" for local governments (Law 3/94) that, adhering to post-war commitments to democratic decentralisation, granted legal autonomy to District Municipalities (*autarquias locais*). It provided for quite extensive participation of traditional authorities in governance (Soiri 1998:20). Due to reluctance within the government to devolve power, the legislative process was never completed and a series of bills were withdrawn, which resulted in a new municipal law in 1997 (Law 2/97). The most notable changes were substantially limits to the autonomy of the new local bodies, diminishment of the role of traditional authority, and the specification that locally elected municipalities would only be set up in cities and towns with *autarquia* status (33 in total). The 1997 law followed the principle of gradualism where only areas with a certain level of development could gain *autarquia* status. The end result was that none of the rural areas were granted such status. International donors at this point increasingly 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). While the primary aim of the donor community was to see the extension of democratic decentralisation to the whole country, at the same time they held that such an initiative required a vibrant civil society. Much to the dismay of the (Western) donors, such a civil society was lacking in the rural areas. It had been quelled 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). Kin-based or traditional institutions, which were increasingly believed to be the only persistent form of rural organisation, were seen in this context as capable of filling the gap.

Current donor focus on traditional authority is not peculiar to the Mozambican context, but mirrors the processes of localisation of governance across sub-Saharan Africa since the 1990s, increasingly coupled with what can be referred to as re-traditionalisation (Oomen, 2002; Englebert 2002). In neo-liberalist calls for 'rolling back the state' and for reviving civil society as the road to development and democratisation, donors have increasingly emphasised decentralisation of power to the local level and the inclusion of local "stakeholders" and already existing forms of organisation or "social capital" (World Bank 2000). Albeit with some ambiguity, traditional structures have benefited from this trend since they appear to donor agencies to be "readily available local counterparts with a substantial measure of authority and capacity to mobilise" (Englebert 2002: 60). While development donors in the 1960s to 1980s overwhelmingly viewed traditional structures as detrimental to modernisation, today they include them in the category of civil society, which is seen as providing a crucial element in the development process (see for example Danida 2000). This recent emphasis on localisation by international donor agencies has had great impact on the processes leading to the Decree in Mozambique. This was evident in the heavy donor funding of the Ministry of State Administration (MAE) studies of traditional authority, which laid the basis for Decree 15/2000, providing the first legal basis for recognising traditional leaders as community authorities.

While the impetus for the donor community's support of the recognition of traditional authority was primarily related to demands for local community-based governance in the absence of a vibrant civil society, the Frelimo government's prime impetus was overwhelmingly political and administrative. This must be seen in the context of what Alexander (1997:20) refers to as a "profound crises of authority" in the post-war rural areas. 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', 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, forged in opposition to the Frelimo state. Against this background, state recognition of chiefs came to be seen as a solution to the problem of meagre state presence and contested legitimacy. Before the Decree was approved, a series of activities was launched to map out the meaning and existence of traditional authority across the country.

2.1 Mapping traditional authorities

Government-supported activities providing for inclusion of traditional authorities in governance emerged before the mid-1990s. Specific, 'neutral', quasi-scientific actions were directed at the objectification of traditional authority, first through a

Ford Foundation-funded research project (1992–1997) and later by a USAID project (1995), both hosted by the MAE (Artur and Weimer 1998:5).These studies investigated the role of traditional structures in local government, looking at how they could contribute to post-conflict nation-state reformation, democratisation and decentralisation. The USAID study, which formed part of the *Decentralisation/ Traditional Authorities Component* (DTA), was probably the most influential. Its findings were widely disseminated, and read and workshopped by state functionaries. Equally importantly, it raised expectations among traditional authorities. A comprehensive series of travelling 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 how their mandate could be made more certain (West and Kloeck-Jensen 1999:463). The workshops, which were opened by a prominent Frelimo/state official, facilitated a process of 'partners' directly engaging with each other and, through intense media coverage, the wider public. Furthermore, the vocabularies and classifications of traditional authorities and their future inclusion in democratic governance were explored.

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 1996). 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 manifested under colonial rule or through party politics: a response to the various critics who claim that today's traditional authorities have been corrupted, either by colonial rule or by party politics (Artur and Weimer 1998:19). The publication states that, despite having been "seriously disturbed", traditional authority exists in the communities, having its origin in the period preceding the disturbances (Lundin quoted in West and Kloeck-Jensen 1998:473; see also Lundin 1998:33–39). 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 1998:473–474).

The two MAE studies provided the first mapping, documentation and interpretation of these 'eternal' traditional authorities and their communities. The ideological position they support comes very close to 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 heavily reproduced in the Decree's unproblematicised 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 MAE studies also promised democratisation with the recognition of traditional authority. *Real* traditional institutions were presented as constituting a genuinely African form of local governance, representing the incarnation of African culture or "Africaness" (Lundin quoted in West and Kloeck-Jensen 1998) and manifesting the essence of African "civil society" (Kulipossa 1997). According to this line of thought, such institutions embody significant relations of personal trust and community-based networks. Much emphasis was put on 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, it 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). While the donor community did not initially anticipate that the Decree would become the only piece of legislation to cater for some form of 'representative organ' in the rural areas, that was what it ended up being. Only since 2003 have provisions begun to be made with regard to implementing 'consultative forums' comprised of a variety of local stakeholders. As a means to highlight its democratic value, the aim of the Decree was formulated as increasing participation of the rural population in development and governance. Recognised 'traditional leaders' were also renamed "community authorities".

The name-change itself begs some discussion beyond the Mozambican context. Since with the appearance of neo-liberal discourses in the 1980s, the meaning of the concept of 'community' has changed. From generally being seen as antagonistic to state and the domain of state intervention, community has increasingly become a new 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', 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). Seen through the lens of a Foucaltian perspective on governance as 'positive', it is here significant not only to see the community as potential for exercising control. It can also lead (or this is the hope) to community self-reassertion or empowerment thus "producing consequences that are desirable to all" (Rose 1996:335). We will suggest that the Decree

is a technical means for producing entities that can engage in government projects. Based on the communitarian bias of the studies the Decree is moulded upon, it resembles in striking fashion what (Delanty 2003:87) call "governmental communitarianism".

2.2. The key objectives of the Decree 15/2000

Donors, civil society groupings, chiefs and opposition parties had long awaited legislation on traditional authority. When the Frelimo government passed the ministerially approved Decree 15/2000 in June 2000, rather than a law agreed by parliament, it came as a general surprise to stakeholders outside the confines of the central government. Although the preceding debate in the media and beyond had centred on the role of traditional authority in local governance, the Decree that was passed included the possibility for "*secretarios de bairros ou aldeias*" (secretaries of suburbs or villages) and "*outros líderes*" (other leaders) legitimised by the respective communities to be recognised as community authorities. The criterion for recognition was formulated as a question of community approval of a given leadership figure. With the inclusion of *secretarios* it also made provision for insertion of former Frelimo secretaries from the post-independence system of *grupos dinamizadores*.

Overall, the Decree 15/2000 combines the objective of re-claiming state sovereignty by extending administrative and territorial reach to rural areas with the recognition and delegation of tasks to localised forms of organisation. This has been loosely formulated in the Decree as instituting an *articulation* between local state organs and community authorities:

> For the process of administrative decentralisation, for the valuation of the social organisation of communities and for the improvement of the conditions of their participation in public administration for the socio-economic and cultural development of the country, it is necessary to establish forms of articulation between the local state organs and the community authorities (*Decreto 15/2000*, Introduction. Authors' translation).

The institutional framework delineated in the Decree and the various tasks that the community authorities are obliged to perform according to the *Regulamento* of the Decree can roughly be grouped into six broad objectives:

- *Administrative and Governmental outreach:* the Decree provides for an extension of the state apparatus by delegating state functions to community authorities, such as taxation, census/registration, justice enforcement, policing, land allocation, road maintenance, health, education, development project implementation, environmental sustainability, labour and food security (*Regulamento do Decreto 15/2000*).

- *Nation Building*: the Decree asserts that the activities pursued by community authorities in articulation with the state should be "in accordance with the consolidation of national unity" (Decreto 15/2000, art. 4). The recognised authorities should display the national flag daily at his/her homestead, use and display emblems of the republic and a uniform, and secure participation in national celebration days held by local administrative personnel (*Regulamento do Decreto*, art.4c).

- *Rural Development*: Running like a red thread through the Decree and the *Regulamento* is that all tasks to be performed by the community authorities are aimed at rural development. This relates to the administration and civic education of the rural population on the one hand and to the creation of labour opportunities, agricultural production, environmental sustainability and schooling on the other. If we look at the Decree with respect to NGO, donor and government development program implementation, the community authorities are expected to become the organisational *link* to rural communities.

- *Civic education*: The Decree and the *Regulamento* make it clear that community authorities should nurture the production of citizens by the disclosure of state law (*Regulamento* art. 5a), along with the prevention of crime and the maintenance of peace and social harmony (ibid: art. 5c). The aim is the creation of the kind of citizens with whom the state wants to engage, in the sense of abiding by the law, of aspects of bio-politics and of appropriate conduct. The latter include elements of personal hygiene, for example by mobilising communities to build latrines (ibid: art. 5j), prevention of premature marriages (ibid: art. 5l), prevention of epidemics and securing vaccinations (ibid: art. 5o), encouraging tax-payment (ibid: art. 5q), mobilising parents to ensure that children go to school (ibid: art. 5s), and finally, an addition as of a 2004 ministerial note, voter education.

- *Local Community Participation*: The Decree and the *Regulamento* highlight local community participation as the primary aim of the recognition of community authorities, but provide no concrete tools or recipes for how local participation should be ensured or what form it should take. The aspect of 'mobilisation' and 'organisation' of the 'communities' in pursuing the tasks delegated to the community authorities is nonetheless consistently repeated.

- *Recognition of 'traditional authority' and culture*: Besides providing a general step towards recognition of traditional authority, banned at independence, the Decree and the *Regulamento* obligate community authorities to uphold local customs, uses and cultural values (ibid: art. 5b), and to participate in investigating forms of local traditional culture such as dances, food, songs, music and ceremonies (ibid: art. 7d–f).

What emerges from this list of key objectives is a rather amorphous and multifaceted cocktail of tasks, which even the most advanced bureaucratic machinery would struggle to carry out, straddling both community and state interests. One would

therefore expect a clear delineation of the concrete steps to be taken, but both the Decree and the *Regulamento* are relatively weak with regard to putting into practice the double role of community-representative and state-assistant. The imbalance between representing or advancing the interests of local communities and of exerting governmental duties is obvious in the rather curious absence of a single paragraph in the Decree dedicated to setting the terms for how the relationship between community and community leader should be arranged. All the tasks specified in the Decree are related in one way or another to the state-assistant role. This interpretation is supported by the fact that it is the state that formally grants recognition to community authorities, just as it is the state that provides the recognised authorities with the outward signs of the status attached to the role as community representatives (state regalia in the form of the national flag and official emblems with the title 'Community Authority' next to the code of arms of the state).

We will argue that this bias is intimately related to the assumptions underpinning the Decree – or perhaps to the reluctance to subject these concepts to historical scrutiny. As is the case with most communitarianist perspectives (see Delanty 2003:72–91 for an overview), the research leading up to the Decree and the Decree itself are based on a social ontology of unproblematic group ties. Communitarian perspectives seldom scrutinise the concept of community (see van Beek 1999:446 for a profound critique). They maintain instead a view of community as based on solidarity, and as self-contained and structured around attachment to shared values; of communities as somewhat homogeneous groups capable of co-ordinated agency. We will suggest that such notions are unsuited for understanding social reality in general and the Mozambican case specifically. This critique is not only based on the fact that no serious thought is given to differences and potential conflicts within communities, as opposed to the attention given to conflicts between community and state, as from a conventional Tönnies perspective, distinguishing between *gemeinschaff* and *gesellschaft* (see Delanty 2003:32–34 for a critique). More fundamental to our analysis is the way in which the Decree 15/2000 has been presented as a mere recognition of already existing local authorities and the institutionalisation of articulation between two discrete entities: state organs and community authority. We argue that, conversely, the very acts of recognition were intimately linked to processes of reordering and transformation.

A central point emanating from the empirical investigation of the first steps of implementing the Decree in Sussundenga District is that the entities of 'state', 'community authority' and 'community' did not locally pre-exist the implementation of the Decree in any pure form. Rather, the Decree should be understood as a legal tool to create such entities in the first place. This becomes clear when we consider the process of selecting community representatives. Our claim is that this process in itself 'says' a good deal about the community-representation and state-assistance nexus and about whom community authorities *de facto* represent.

3. Identification of 'true' leadership

The 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 lowest levels of the state administrative system. Looking at 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 'on the ground'. In the following sections we will discuss the inherent tension between, on the one hand, the ontological 'naturalness' of traditional authorities and the communities they represent in official discourse, and on the other, the need to identify the 'true' traditional authorities that were believed to exist 'out there' despite war, colonial impositions and manipulated symbols, narratives, modes of identification and legitimate hierarchies. Decree 15/2000 states that it is only communities that can legitimise a given community authority/leader. With respect to traditional leaders, legitimising should, according to the Regulation of the Decree be pursued in accordance with the "traditional rules of the respective community" (*Regulamento do Decreto 15/2000*, Art.1.a). In practice, no precise criteria for selection could be specified. This is not surprising when we note existing divisions within local populations and the shifting historical-political contexts in which 'traditional chiefs' have operated (West and Kloeck-Jenson 1999:455).

In many other post-colonial 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 other words, coherence and internal consistency of the kin-based systems with regard to the rules for chief selection was fluid by the time of implementing the Decree. Having had to adapt constantly to new regimes of law and power made coherence an unlikely attribute. When no rules can be specified for selection of legitimate leaders it is better, we suggest, to approach the question of selection from another starting point: Who has the authority to verify or state what the traditional rules are or should be in practice? This inevitably leads one to explore 'how questions', which – when answers are not self-evident – lead one to explore the narratives, stories, rhetorical devices and bureaucratic practices employed to persuade people who their leaders are.

3.1. The official register

In the process of actually implementing the Decree in Sussundenga District, a whole set of activities were initiated to establish, identify and recognise community leadership. In the process we followed in 2002, this initially only covered those in the category of 'traditional leader'. (Not until the beginning of 2004 were *secretarios do bairro* considered for recognition as community authorities.) Activities relating to initial implementation took place in close conjunction with (re)making the state's presence in the former war zones. The latter took the form of first-time visits to chieftaincies by post-colonial state administrators, by the construction of roads to the homesteads of traditional chiefs, and by the establishment of offices for the lowest level state functionaries in areas where these had been absent since the beginning of the civil war. The implementation process began in 2001 with conflict-ridden attempts to identify 'true' chiefs and their subordinates, against other claimants to such status. This was followed later the same year by the convening of 'legitimisation meetings', where state officials went out to communities to verify that the person whose name was inscribed in the *official register* (comprising, as discussed below, the colonial register, as well as various registers emanating from the MAE studies) was indeed considered legitimate by the community she or he represented. This process ended approximately a year later – June–August 2002 – with formal state recognition ceremonies held by the district administrator (Buur and Kyed 2003). Here, a contract was signed between the recognised community authorities and the state, and the national flag and emblems of the republic were handed over to the community authorities.

Somewhat contrary to the principle of 'community legitimisation', the state registers became both the most important instruments for deciding which chiefly families were legitimate and in some cases also the final arbitrator when "traditional rules of the respective community" could not settle disputes between competitors to the position. As it also formed part of 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 wider hierarchical system of sub-chiefs: *chefe do grupos* (second sub-chief) and *chefe da povoações* (third sub-chief). But besides forcing kin-based chiefly families to settle or at least begin to settle what we could call the chiefly system, the process of registration also had state-assistant preoccupations. *Régulos* had been told to produce "registers of the population" giving "the number of families and 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 gentilicas, which had incorporated pre-existing hierarchies, as well as imposing new ones (see West and Kloeck-Jenson 1999:471). The donor-sponsored studies of traditional authority by the MAE had also used the colonial register as a point of reference. Names had been either changed or confirmed during the registration for food relief after the General Peace Accord in 1992 and again during the 2000 floods. Furthermore, the register had been consulted during the various local workshops held by administrative offices as part of preparing for the implementation of 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 in Sussundenga was rendered as *Ma-Bhuku*, deriving from the English word 'Book'. 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 *régulos* 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 fathers and grandfathers. 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 *régulos* an official history and authority over a more or less well defined territory (a point we will return to because chiefly ideas about space did not necessarily follow state ideas about what constituted a territory). In other words, *Ma-Bhuku,* despite war and conflict, proved their non-contingent existence.

The "formalisation of what already exists" therefore did not only refer 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' traditional chieftaincies. That state registers were extremely significant for the identification of 'true' chiefs did not however mean that chiefly families and the rural residents within the areas did not have any say in the identification of leadership. The *chefe do posto* in Dombe paraphrased it as follows: "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 this was the ideal, played out at the 'legitimisation meetings' and realized in a number of cases, as we have illustrated elsewhere (see Kyed and Buur forthcoming 2005a), in other cases concerns for the future status of, for example, a *localidade* led to manipulations of the identification process by state officials. In one case, a subchief was registered as chief in order for the chieftaincy system to fit into the state governance system. This was caused by fear of losing out on donor-aid implementation, which the local state official expected would in future be distributed through the community authorities. In a number of other cases, state officials played a cru-

cial role in getting kin-based forms of organisation to settle the issue of leadership and the wider system of subordinated assistants for clearly pragmatic reasons. On the one hand, the state intervened in order to restore operationability of the kin-based system of governance so the state had somebody to work with. On the other hand it was done to secure the very survival of the kin-based system of governance. When conflict arose, the state register (combining colonial and post-colonial chronicles) often became the final arbitrator in settling the real status of claimants. In other cases, the "genuine community" and "principal family" needed help to get the decision process going.

In other words, the role of the state did not begin as engraver of the visible signs of community authority or stop with this: the state was present as initiator and constant arbitrator in the process of selection of community authorities and as stabiliser of the entity designated the 'community'. Conversely, the role as initiator and arbitrator was part of the production of the state, as a legitimate authority. What role did the communities actually play in this? And what do the "genuine community" and "principal family" mentioned by the *chefe do posto* actually mean?

3.2. 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 indeed 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 answer affirmative to both of the first two questions. Against empirical evidence, we will suggest that the definition is problematic for several reasons.

It is first of all problematic because it takes for granted the existence of consensual 'traditional' communities that ignore differences along the lines 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 to take refuge, both within Mozambique and outside its borders. If not *de facto* dissolved during this period, the *régulados* were at least not regularly practising their annual ceremonies, holding local courts (*Banjas*) where conflicts are solved or other forms of collective activities centred on traditional organisation. This was partly due to the absence of chiefs themselves. If we take Dombe administrative post as an example, all but two (both of whom lived in the area close to Dombe administrative post) of the eight chiefs who were recognised had been absent from the area during the war period. In addition, only one had been chief before the war. The others had either been given the position by the former chief-in-exile or taken 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 had assumed the position of *régulo* during the war. Some worked in alliance with Renamo in rural parts 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 refuge. Residents originally from other areas had settled in and opted for land and power positions were in many cases still disputed as claimants to chieftaincy had recently returned to their former areas of residence. Although many of the rural residents that had returned home 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, this state of affairs invalidated the various MAE studies and the Decree's underlying assumption of a necessarily intimate relationship between a *régulo*, his subject population and a specific territorial space.

This perhaps explains why the Decree provides no legal mechanisms to ensure broad-based participation of community members in the selection of community authorities: it simply took for granted that the process was inclusive and that traditional leaders represented all rural individuals under their jurisdiction. If the 'legitimisation meetings' and the 'recognition ceremonies' are anything to go by – and we will suggest they are – most disputes over true leadership and their resolutions took place within considerably smaller and more 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. The legitimisation meetings, which took place at a venue close to the homestead of an already registered chief, in all cases included the participation of approximately 100–300 people. Against the Dombe 2001 census drawn by the local administration, this meant only around ten per cent of the population registered within a chieftaincy (*Régulado* Register 2001, Dombe administrative post). The same level of participation applied to the recognition ceremonies we followed. 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 that opened and closed the recognition ceremonies. These different constituencies together acted as the 'community' during the meetings/ceremonies. The

question was whether they could be considered the community or whether they should or could 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 and how it should be engaged by community authorities, some referred to the small group of people identified above. Others referred to the council of elders (the group of mostly elderly men who assist and advise a *régulo* at occasions like the weekly court sessions). This group is described by a high-ranking official from MAE as "the group of elders which consists of the so-called councillors, who know of the traditions and the history of traditional power. These are the ones that make deliberations and bring those deliberations forward publicly" (MAE official 2 July 2002). While the *chefe do posto* of Dombe 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 present at the recognition ceremonies and the public meetings that followed could be seen as "a kind of representation of the rest of the community". This can be said to provide a compromised answer to the DTA project's idea of the intrinsically democratic nature of traditional authorities (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 to some extent of participation in public meetings within the framework of the newly promoted Participatory Planning Circle. 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 as follows:

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

As observed in Sussundenga District, the first phase in development planning is public meetings where state officials encounter community authorities and their respective communities. In all the cases we encountered, the latter consisted of a small group of people, principally neighbours of the community authority and members of the elderly council. At the meetings, the community authorities and the community members present can come forward with suggestions as to what they think should be dealt with during the next fiscal year. Often, this takes the form of state functionaries asking questions around concrete development projects such as the needs for toilets, wells, mills or more school 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 they will need to construct and where. 'Technical experts' in consultation with the community authority and NGOs then draw up the concrete

plans if these will be involved in the further attempts to implement plans. In this way, participatory planning meetings or consultations, termed "openings" for community participation by the *chefe do posto* of Dombe, take the form in practice of state officials' presentation of already defined types of development needs, which the community authorities together with their closest assistants must then respond to. 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 concept of community in this partial sense is at odds with the Decree's idea about community as "the collective of people", then this is also the case with the second part of the definition, delineating the community as an entity "comprised in a unified territorial organisation".

3.3. State territory and social space

The understanding of territory in the Decree's definition of community is, perhaps not surprisingly, intimately related to the spatial ordering of the nation-state and the political organisation that exist 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 both 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 as institutionalised by Decree 15/2000 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 reached or incorporated 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.

Figure 1.: Chiefly coverage of two administrative posts

Administrative area A   Administrative area B

Chefe do grupo 1

Chefe do grupo 2

Exclusive area of the chief
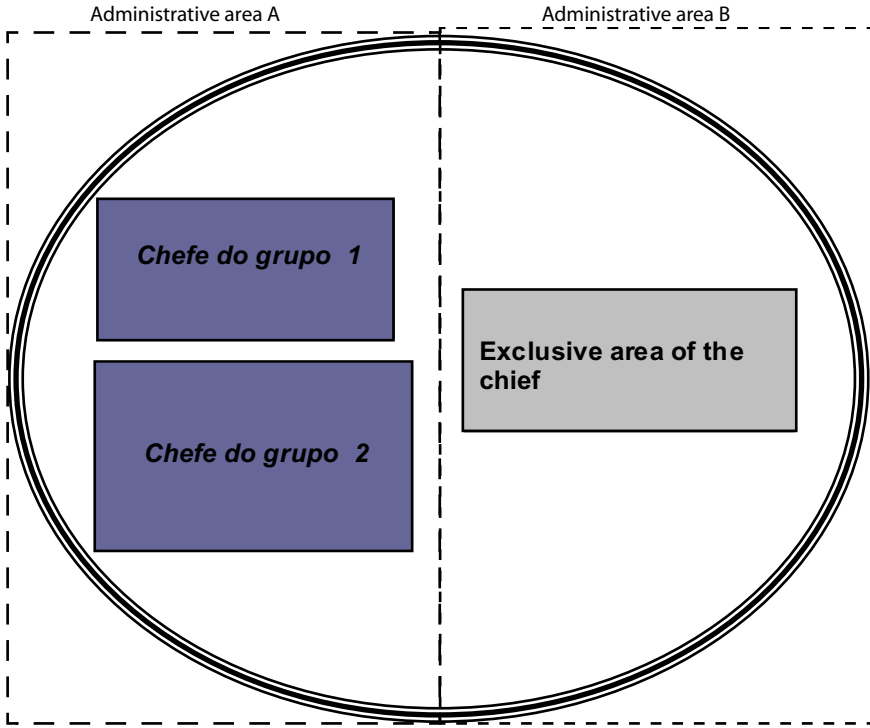
There was often a disjunction between proclaimed and practised spiritual bounda-ries and national, provincial and sub-district administrative borders. This is espe-cially the case with respect to locality and administrative post boundaries. In Dombe Administrative Post, one of the *régulados* crossed 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 (see model above), stretches over the whole area of Moua administrative post and goes well into Sussundenga head of district area and the locality of Mathica. The chief lives in Moua administrative post, where he has a small area to himself. Two of his *chefes do grupo* have areas in Sussundenga and Mathica, both larger in terms of land and population than Chief Zixixe's own.

It is here important to take note of the fact that, for the chiefs, social relations are constructed over not only a spatial domain, but also a spiritual realm, which is inti-mately related to a particular area or territory. Such territories may not even be fixed in space but have over time developed quite portable boundaries adapting to chang-ing circumstances. That people identify and conceptualise space in widely dissimilar ways in different systems of authority based on practical and mundane activities – party incentives, state-craft or communing with spirits – this is not new informa-

tion. Nor, as we have pointed out, is it a new phenomenon that state ideas about territory are at odds with encompassed populations' ideas about space. The Portuguese colonial system of exploitation also 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 not only the national territory, but also the vernacular institutional arrangements, a platform for conflict is set that can pit not only vernacular institutional arrangement against state entities but also one chieftainship system against another as well as competition within each chieftainship. The point is that boundaries are negotiable in practice and, with the superimposition of state ideas about space on chiefly ideas about spiritual territories, new arenas for conflict emerge. For example, the use of local court sessions (*banjas*) in other chieftaincies can now become arenas for contestation because 'people' belong to a given territory that is fixed. The use of alternative chiefly *banjas* because they are nearby, as an attempt to complement or in order to get a third (independent) opinion, can cause conflicts between chiefly system in competition over 'turf' (the *banjas* are, in *lieu* of promised remuneration for the work done for the state, the most important source of income for many chieftainship systems). In the same way, the transferral of cases to community courts in the various *postos* and the police more generally is based on the state's demarcation of territories.

Existing discrepancies between administrative and traditional boundaries are also problematic with respect to tax collection, land allocation and development provisions – three of the central tasks that the Decree delegates to community authorities. Here, conflicts over, for example, the allocation of land to Zimbabwean commercial farmers can pit two chieftainship systems against each other with regard to identifying available land and finding new land for peasants living on or using that land, as well as remuneration for hosting spiritual ceremonies as part of such transferrals. If not addressed, they could cause conflict and confusion within the traditional hierarchy and make collaboration between commercial interests, individual state organs and community authorities extremely complex. While we do not have space here for a further outline of these potentialities, the second discussion/working paper under preparation will deal in concrete terms with the types of conflicts to which these differences give rise. To end this paper, we point out some of the consequences for the chieftainships system of the need for stable units: the consequences of solidifying one of the key features of the kin-based system of order, its flexibility.

4. By way of conclusion: Some consequences of the Decree

It was not only territory that the Decree attempted to fix or congeal. The identification and recognition process attempted to do the same to the chieftainship system by identifying a single, individual community authority. The state administration did not permit individuals other than the one legitimised to act as a community authority or wear the symbols and emblems given. In a relation of articulation as given by Decree 15/2000, there were two main reasons for the identification of a single community authority. The first was to secure an effective administration: if there is unstable and informal authority or the position of leadership is fluid, there will be confusion about the collection and re-payment of taxes, payment of subsidies, attendance at meetings and so on. The second reason was to secure and legitimate authority for rural citizens: if individuals other than the one legitimised act as the community authority, the idea of community-legitimised authorities will not be sustained. Combined, the two forms of reasoning can be seen as an attempt to shore up the institutional legitimacy of the chieftainship system. In the logic of the Decree, 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, that is, the politico-legal complex of institutions related to the state, the Frelimo party, and NGOs and other donor-aid organisations on the one hand, and the communities that community authorities represent, on the other. The reproduction and entrenchment of authority by the kin-based system is centralised, in that it centres on the visibility of each leader. As expressed by the district administrator from Sussundenga after the recognition ceremonies: "[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 provided a marker for the achievement of leadership and community.

The stabilisation and formalisation of authority based on specific individuals impacted on the traditional leadership system in two main ways: first, conflicts either emerged or escalated between traditional authorities and individuals claiming the position; and second, the flexibility of the kin-based system became locked. With regard to conflicts, we have delineated in some detail the types of conflict that emerged and escalated between traditional leaders or individuals claiming authority in the process of identification, registration, and recognition of community authorities (see Buur and Kyed 2005a; Kyed and Buur 2005b). Although conflicts and power struggles between traditional leaders and individuals within the traditional leaders' families are not a new phenomenon, we encountered cases where conflicts had arisen or were strengthened by the process of state recognition. On the one

hand, this was caused by the need to identify and register one individual as the community authority. On the other hand, it was caused by expectations of receiving a salary and a uniform. Over half of these conflicts were concerned with which individual should be recognised as the *régulo* within a given lineage. In these cases, conflict-ridden, even fatal processes of settlements 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. Such conflicts could have consequences for the legitimacy of a given recognised leader and for the question of representational capacity when selected.

The second conflictual impact of this rationalisation is related to the flexibility of the traditional system. Contrary to the perceptions presented in the MAE studies and the Decree, the traditional leadership system in the area of research was quite flexible. Different individuals within the traditional leader's family could, according to tradition, assume the position of leader for varying periods, for example if the acting leader wanted to get employment in Zimbabwe, South Africa or elsewhere in Mozambique. In one case in Dombe, there had been three different individuals in the position in three years (see Kyed and Buur 2005a forthcoming). There were also cases where a *chefe da povoação* (a sub-chief) had been given the position as *chefe do grupo* because he was doing a good job (see Buur and Kyed 2005 forthcoming). In a third case, one of the recognised leaders wanted to go to South Africa to find work because he needed money for his household. He wanted to give 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. The question remains whether this practice is allowed. And if so, what will the procedure be? Should the state facilitate a new meeting with the community to legitimise the brother and afterwards perform a new recognition ceremony to hand over the symbols? What will happen if the community does not accept the brother? If they do, what will happen when the former leader returns?

When answers are sought, it is important to keep in mind that there is an inherent contradiction between state formalisation, based on specific individuals in authoritative positions, and the traditional system that allows for flexibility in terms of who, as an individual, acts with authority in a given administrative/spiritual territory. The traditional system, as opposed to state formalisation, is based not on individuals, but on kin-based family relations and area of spiritual and administrative rule. Our main argument is that, whatever the outcome of formalisation, it will affect the flexibility of the traditional system in the future, which strongly invalidates the idea of the Decree as merely "recognition of what already exists". After registration and recognition, it will be more complicated in practice to pass a position from one individual to another within a given chieftaincy, because that requires the involvement of state-organised procedures of leadership instalment. From a histori-

cal perspective, the flexibility of the traditional system has formed an important part of its survival through years of colonisation, war, migration, displacement and natural disasters. With this background, formalisation may have a negative impact on the traditional system in that it becomes both more difficult to accommodate the personal interests of individuals taking up the position, as well as for the kin-based families and the communities they represent to get rid of ill-performing individuals taking up the position as community authority.

The questions raised here highlight possible areas of contention with regard to the Decree 15/2000 that are more general in nature. Looming in the background of the problems caused by fixing individuals in position as community authorities, we find the question of the autonomy of the kin-based organisation to make its own decision and follow its own rules for selection of its authorities. The Decree does not give straightforward answers to the question of replacement; only one article in the *Regulamento*, which speaks exclusively about the legitimising process, touches on the question: "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).

The lack of clarity with regard to changes in the system allows ample space for different interpretations and *de facto* hands the power to act over to the discretion of individual state officials, who may or may not act. The *chefe do posto* in Dombe for example reasoned along the lines of the MAE studies by asserting that the respective families would decide who the chief should be:

> If [a *regulo*] is not the right one, it means that he does not know the proceedings [of making ceremonies for the well-being of the community]. The community should recognise that, because the traditional leaders or the traditional power existed already before the colonial domination. It already existed. And if those that were the real ones from that time have died then it should be those with inheritance from the right ones that should take over.

This answer only caters for changes caused by death, not by 'voluntary' changes as has been quite common or by changes in leadership required because of poor performance. When pressurised, for example by questions such as "What if a chief works for the opposition party?" The *chefe do posto* would be firmer and say that such as situation that could not be accepted and that changes should be instigated by the state because chiefs should work with the government. Recalling that the government has been Frelimo ever since independence, the statement points towards a particularly instrumental way of perceiving the newly founded 'collaboration' and 'articulation' between state and community authorities. The district administrator on the other hand made it abundantly clear that "when a *régulo* dies the population should come here and tell us that he died and whom the inheritor is. Thereafter, the state will recognise that man and the act of recognition will be accompanied by the handing over of the symbols of the Republic" (Interview 2002). This principle stands emphasised, accounting for all cases of transferral of

power within a chieftaincy, would *de facto* give the power to sanction transferral to the state.

In the Frelimo view of nation-state formation this is not odd, but rather consistent with the Hobbesian idea of sovereignty, which implies that there is a convergence of interests between the state and nation/communities. In Mozambique, the idea of convergence of interests takes on a particular dimension. As Sidaway (1991:373) has proposed (for the period before the General Peace Accord), the fact that Frelimo has been in power throughout the post-independence period makes the division between party and state opaque. This to a large extend is still valid, just as the distinction between party and government is obscure. Furthermore, as Coelho (2004a) has pointed out it is not only a certain convergence with regard to state/party, but also between Party/nation. As Frelimo's radical vision has been reduced to more or less pure rhetoric over time and in particular since the death of Samora Machel and the introduction of neo-liberal market-oriented governance in the late 1980s, the idea that the party is the unique creator and guardian of the nation (consisting of a variety of communities) and its unity has persisted and maybe even been reinforced. The consequence is, as Bertelsen (2004:174) has asserted, that "Frelimo in various ways presents itself as the originator and guardian of the moral basis of the nation". In this sense the question of intervention becomes a question of sovereignty. How the sovereign will act with regard to community authorities it is still too early to state with clarity. But the foundation for future conflicts has been firmly laid and only time will tell how it will play out.

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