

**THE CONTEXT OF REINSERTION OF TRADITIONAL AUTHORITIES IN
MOZAMBICAN GOVERNANCE**

***O CONTEXTO DA REINserÇÃO DAS AUTORIDADES TRADICIONAIS NA
GOVERNAÇÃO MOÇAMBICANA***

***EL CONTEXTO DE LA REINserCIÓN DE LAS AUTORIDADES TRADICIONALES
EN LA GOBERNANZA MOZAMBICANA***

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ABSTRACT: The paper aims to unveil the real motivation for the reinsertion of traditional authorities in Mozambican governance, in fact, in the close past, government authorities had banned these authorities, for they were considered obscurantists, retrograde and collaborators of the colonial oppressive regime. With the introduction of democracy in Mozambique, traditional authorities were reinserted into governance. However, the referred reinsertion is characterized by advances and setbacks, verified from approvals, revocations and ambiguity of legal instruments on the matter. This attitude shows that behind the reinsertion of traditional authorities in governance, there are camouflages. In fact, government authorities rely on these authorities during election periods, due to their mobilizing role in their communities. For the materialization of the research, the bibliographic method was applied, where several legal norms and bibliographic works of national and international academics were consulted and also direct observation of the facts in everyday life was made.

KEYWORDS: Reinsertion. Traditional authorities. Government authorities. Governance.

RESUMO: Pretende-se descortinar a real motivação da reinserção das autoridades tradicionais na governação moçambicana, aliás, em um passado não longínquo, essas autoridades tinham sido banidas pelas autoridades governamentais, foram consideradas de obscurantistas, retrógradas e colaboradoras do regime opressor colonial. Com a introdução da democracia em Moçambique, as autoridades tradicionais foram reinseridas na governação. Porém, a referida reinserção é caracterizada por avanços e recuos, constatadas a partir de aprovações, revogações e ambiguidade de instrumentos jurídicos sobre a matéria. Esta atitude evidencia que por detrás da reinserção das autoridades tradicionais na governação, haja camuflagens. Na verdade, as autoridades governamentais atrelam-se nestas autoridades em períodos eleitorais, devido ao seu papel mobilizador junto de suas comunidades. Para a materialização da pesquisa, foi aplicado o método bibliográfico, onde foram consultadas diversas normas jurídicas e obras bibliográficas de acadêmicos nacionais e internacionais e também a partir de observação direta dos fatos no cotidiano.

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PALAVRAS-CHAVE: *Reinserção. Autoridades tradicionais. Autoridades governamentais. Governança.*

RESUMEN: *Su objetivo es revelar la motivación para la reintegración de las autoridades tradicionales en la gobernanza de Mozambique, por cierto, en un pasado no muy lejano, estas autoridades habían sido prohibidas por las autoridades gubernamentales, fueron consideradas oscurantistas, atrasadas y colaboradores del opresivo régimen colonial. Con la introducción de la democracia en Mozambique, fueron reinsertados en la gobernabilidad. Sin embargo, la reinsertión antes mencionada se caracteriza por avances y retrocesos, verificado a partir de aprobaciones, revocaciones y ambigüedades de instrumentos legales en la materia. Esta actitud evidencia que detrás de la reinsertión de las autoridades tradicionales en la gobernanza hay camuflajes. De hecho, las autoridades gubernamentales están vinculadas a estas autoridades durante los períodos electorales, por su papel movilizador en sus comunidades. Para la materialización de la investigación se aplicó el método bibliográfico, donde se consultaron varias normas legales y trabajos bibliográficos de académicos nacionales e internacionales y también de la observación directa de hechos cotidianos.*

PALABRAS CLAVE: *Reinserción. Autoridades tradicionales. Autoridades gubernamentales. Gobernanza.*

Introduction

Traditional authorities² in the governance scenario in Mozambique have had a very troubled path. During the national liberation struggle (1964-1974) from the Portuguese colonial yoke, FRELIMO³ established alliances with these authorities, for example, to monitor individuals residing in areas liberated by FRELIMO itself. After national independence (1975), these alliances ended, and the traditional sector was marginalized, seen as obscurantist, retrograde and collaborator of the Portuguese colonial regime, therefore, an element to be slaughtered.

With the collapse of the Union of Soviet Socialist Republics (Mozambique's main ally at the time) and later due to pressure from international donors and pressure from RENAMO⁴ through the civil war, all segments of civil society including the traditional authorities were reinserted into the governance. But the aforementioned reinsertion has taken place in an environment of advances and setbacks. Proof of this, there are successive approvals and

² Traditional Authorities are traditional African socio-political institutions that represent African culture and tradition. (CUEHELA, 2006).

³ Acronym: *Frente de Libertação de Moçambique* (Front for the Liberation of Mozambique). Political party that fought for Mozambique's independence from Portuguese colonial rule, still in power since national independence.

⁴ Acronym: *Resistência Nacional de Moçambique* (National Resistance of Mozambique). Protagonist of the civil war in Mozambique, it is currently the main opposition party in Mozambique.

revocations of legislation concerning traditional authorities, accompanied by ambivalences of a political nature.

Otherwise, there is a dispute between the main Mozambican political party forces (FRELIMO and RENAMO) in order to link to these authorities, especially during electoral periods, given their influence and power to mobilize their communities. In fact, around this dispute, traditional authorities who identify themselves as sympathizing with opposition parties end up being ostracized by government authorities. Even so, even with the ostracization of which they are victims, communities continue to resort to them, as they play a very important role, among their abilities in solving problems related to access to land, family matters, debts, destruction of property, bodily harm, diseases, among other cases that can only find solutions in customary norms. Undoubtedly, traditional authorities are the best suited to lead the process of traditions in Africa, they are seen as intermediaries between the spirits of the ancestors and the living, they are seen as the rudders of a boat towards the safe harbor in a peaceful and safe way, even amid gigantic waves.

The text has two main points, the first shows the relationship between the traditional authorities and the Mozambican State from national independence to the First Republic (1975-1990) and the second analyzes the context of the reinsertion of traditional authorities in the governmental scenario (1990 to current days).

Relationship between FRELIMO and traditional authorities during the First Republic

This part of the text seeks to show the relationship between FRELIMO and the traditional authorities during the national liberation struggle from the Portuguese colonial yoke and the relationship between FRELIMO and the traditional authorities during the First Republic⁵.

It is important to emphasize that in Africa the traditional authorities enjoy a special prestige among their communities, according to (ORRE, 2009), these authorities are personages, representatives, managers and defenders of national cultures and traditions.

In fact, given the importance of these authorities within their communities, they should be included by government authorities at all stages of governance. Unfortunately, this desideratum was never genuine, on the contrary they have been fought. For example, when FRELIMO came to power in 1975, it persecuted traditional authorities, even those who had collaborated with FRELIMO itself, as a guerrilla movement in the liberated areas.

⁵ Period between 1975-1990, characterized by a non-democratic constitution.

In the First Republic, traditional authorities were considered responsible for sociocultural underdevelopment due to their practices seen as obscurantist, in the case of traditional rituals, such as; ceremonies to ask for rain, to ask for good harvests, against pests, against diseases, among other situations that characterize life in African communities. In fact, the First Republic was seen as the Mozambican revolutionary period. During that period, the traditional was an element to be slaughtered to the point that there were articles about this enshrined in the 1975 Constitution⁶, as can be seen, article 4 prescribes: “the elimination of colonial and traditional structures of oppression and exploitation and the mentality that underlies them”. Article 15 of the same legal instrument refers to the following: “the people's republic of Mozambique carries out an energetic fight against obscurantism [...]”. These facts were substantiated in the economic and social directives of the Fourth Party Congress, referring to: “accelerating the formation of a society freed from obscurantism, superstition, the negative values of traditional society [...]” (PARTIDO FRELIMO, 1983, p. 7, our translation).

According to (LOURENÇO, 2010), the decision to exclude Traditional Authorities in the governing process became sublime after the Third Party Congress (held in 1977) where FRELIMO defined itself and constituted itself as a vanguard party adopting the references ideology of Marxism-Leninism.

Experience tells us that the Marxist-Leninist doctrine is seen as arrogant, insofar as it does not accept the other and does not accept different thinking. In this context, Moreira (2006) emphasizes that the attitude of not respecting differences is typical of Marxist-Leninist regimes, as they refuse pluralism and march towards forced uniformity.

The FRELIMO government's view of ostracizing traditional authorities was partly justified by the fact that they promoted tribalism, in fact Meneses (2009) states that one of the main objectives of this government party was to kill the tribe to build the nation. This position of FRELIMO may, to a certain extent, be justified, moreover, some scholars of traditional authorities, such as Lourenço (2010) states that within States, ethnic pluralism is one of the most easily endangered peace and security and unity, especially when it comes to pluralism with religious or cultural differences. However, the author emphasizes that the right of each one to be different and to be treated as equals is part of this condition of the human race.

In fact, FRELIMO harshly and for many years marginalized traditional authority, a fact that would not have been conceivable by a liberating party. In this sense, Nkrumah (1977)

⁶ First constitution of independent Mozambique.

also vehemently condemns this type of action, reminding us that the objective of the liberation of the continent was for the people to have the freedom to practice the religion of their choice, to form the groups they understood, to say, write and think freely. In the face of barbarism such as these, the dreams of the fathers of Africanism are shattered, such is the case of Kwame Nkrumah (1977 *apud* NGOENHA, 1997) himself, when he mentions that revolutions became oppressions and liberators into dictators and the purposes of freedom, justice, equality, for which we fought, were lost along the way and the revolutionaries became the new usurpers of the rights, freedom and participation of the peoples themselves.

Having exposed these arrogant attitudes on the part of many African governments soon after their freedoms from colonialism, we must agree with Christian Geffray (1990 *apud* LOURENÇO, 2008), when he states that the Mozambican state in the post-independence period was like a political force authoritarian, alien, deeply alienating and incapable of understanding the social, ritual and cultural customs of its rural constituents. However, despite this ideological rhetoric and hostile political practices by FRELIMO, against traditional authorities, they never completely ceased to exert influence in the rural world, either in the immediate post-independence period of Mozambique, or even during the years in which FRELIMO implemented with relative political success, its socialist modernization program (LOURENÇO, 2008). According to Baptista (1995), the local political agents of FRELIMO (dynamizing groups) did not have sufficient social knowledge to deal with some sociocultural particularities of rural communities, such as; marriage, divorce, inheritance issues, resolution of family and/or community conflicts, the staging of initiation rituals, rain rituals, supplication to ancestors and the control of witchcraft and that only traditional authorities were most sensitive to these social issues and more competent to deal with them.

In short, it became evident that the relationship between the traditional authorities and the Mozambican State (represented by FRELIMO) during the First Republic was quite conflictual. The sublime importance of traditional power in the life of African communities was also noted. In fact, the government leaders who condemned the so-called traditionalist practices resorted to traditional authorities to ask for protection from the spirits of the ancestors, especially during the Mozambican civil war, and government leaders also resorted and continue to resort to traditional authorities in cases of diseases that conventional medicine found no solution or effective cure. In fact, this is the African reality, not even the force of globalization has managed to drag the influence of traditional power on African communities.

External factors that influenced the reinsertion of traditional authorities in the governance process in Mozambique

This section of the text covers topics such as; external factors that influenced the reinsertion of traditional authorities into governance, internal factors that led to the reinsertion of traditional authorities into governance and the advances and setbacks in the reinsertion of traditional authorities into governance.

After being fought in the First Republic, the traditional authorities were reinserted in the Mozambican government scenario in the Second Republic⁷. In fact, there are many reasons to believe that the reinsertion of these authorities, in part, was due to external factors, let's see; From the second half of 1980 onwards, Mozambique was affected by the collapse of the Union of Soviet Socialist Republics (its main ally) and the only solution found at the time was to request membership of the capitalist blocs, but these blocs imposed constraints, including a set of political reforms. This positions corroborated in Buur and Kyed (2005), when they state that pressure from donors accelerated with political changes, especially with the formal recognition of traditional authorities as the path to development and democratization. In the same direction, the World Bank (2000 apud BUUR; KYED, 2005), emphasizes that donors said that the decentralization of local power was necessary in order to involve all actors, in this case the traditional authorities should also be contemplated.

Faced with this situation, the government led by FRELIMO had no other options but to adhere to the set of reforms imposed by the western bloc. These changes had their epicenter in the 5th FRELIMO Congress that took place in July 1989, proof of that in the following year (1990), profound reforms were introduced in governance. In this political-party meeting, the abandonment of the Marxist-Leninist line of orientation was also announced, opening the way for traditional authorities to be reinserted in governance.

In the pursuit of reforms, in 1990 FRELIMO reformulated the old Constitution of the People's Republic and introduced a new Constitution, that of 1990⁸, in which one of the objectives was the revitalization of various local institutions in the decision-making process and traditional political structures were considered one of these institutions. This position is echoed in Sousa Santos (2003 apud JOSÉ, 2005), when he states that these political transformations led the country to return to tradition and to change the political rhetoric of the State, formally recognizing traditional authorities.

⁷ Its milestone was 1990, when the country adopted a democratic constitution.

⁸ Second Constitution of the Republic of Mozambique.

Internal factors that led to the reinsertion of traditional authorities in governance

The Second Republic in Mozambique began with a range of legislation of a democratic nature, accompanied by many political discourses that give such vitality to traditional authorities. Ironically, these speeches are given by the same leaders who, in the no less distant past, considered these authorities to be backwards. For example, during the presidency of Armando Guebuza's⁹ republic, it was common during his speeches to address words of appreciation to traditional authorities, for the fact that they play an important role in promoting and valuing traditions and value systems, as well as in maintaining the peace and social harmony.

At the legal level they are approved; Law 3/94 of 13 September¹⁰, Law 2/97 of 18 February¹¹, Law No. 19/97 of 1 October¹², Decree 15/2000 of 20 June¹³, Ministerial Diploma No. 80/2004 of 14 May¹⁴ and Decree 35/2012 of 5 October¹⁵ and at the highest level in 2004, a new Constitution of the republic¹⁶, therefore, all these legal instruments value and recognize the role of traditional authorities in different segments of society.

It should be noted that in addition to these legal instruments that reinserted traditional authorities into the government scenario, the ruling party also took the opportunity to make peace with these authorities. As a result, Lourenço (2007) said that in 1999, after the first session of the FRELIMO party's Central Committee, the need for social valorization of traditional authorities was reiterated, as the foundations of the administrative organization of rural communities.

In fact, that meeting was decisive and cunning for the government party, as it was at this meeting that this political party formation designed vital political strategies in relation to traditional authorities. According to Lourenço (2010), there were two main political objectives; 1st, it was intended to increase the popular legitimacy of the FRELIMO party, through the reduction of sources of social discontent, by establishing a better relationship with the traditional authorities, since it was found that these authorities have, in many regions of the country, a certain influence on the orientation of the life of communities; 2nd aimed to

⁹ Third President of Mozambique.

¹⁰ Law of Municipalities.

¹¹ Law on local authorities (This law revoked the 2/97 of 18 February).

¹² Land Law.

¹³ Establishes the forms of Articulation of Local State Agencies with Community Authorities.

¹⁴ Regulation of Articulation of the Agencies of the Local Authorities and with the Community Authorities.

¹⁵ Establishes the forms of Articulation of the Local Agencies of State with the Community Authorities. (This decree revoked the 15/2000 of 20 June).

¹⁶ Constitution in force, was approved in 2004.

circumvent the maneuvers or electoral strategies of some political forces of the opposition in the case of RENAMO in relation to the general elections scheduled for 1999.

Because of these astute attitudes of the ruling party, many researchers have incessantly reiterated that FRELIMO's interest in traditional authorities is nebulous. For example, the author cited above, sees that the nature of FRELIMO's political-strategic concerns is not so much the traditional authorities themselves, but these authorities as an essential instrument of electoral mobilization. José (2005) is right when he states that intense political disputes develop around the traditional authority figure, in the sense of benefiting from the social legitimacy of these authorities.

In this context, it became evident that the reinsertion of traditional authorities in the governmental scenario is due to external constraints, on the one hand and on the other hand, there are many political interests, which leads us to believe that the relationship between governmental authorities with traditional authorities is not genuine, in fact, evidence of this are the advances and setbacks of the very process of reinserting these authorities into governance.

Advances and setbacks in the process of reinserting traditional authorities into Mozambican governance

The reinsertion of Traditional Authorities in the governance scenario in Mozambique is a dilemma, in this sense Lourenço (2010) stated that there have been some political reservations on the part of some ideological sectors within the FRELIMO party, in the case of Sérgio Vieira¹⁷, who said for several times not agreeing with the reinsertion of these authorities in the governance.

On the other hand, looking at the legal instruments and political discourses about the participation of traditional authorities in the governance process, they really reveal the unwillingness of government political leaders to frankly reinsert these authorities. For example, the aforementioned author analyzed the revoked law 3/94 of 13 September, specifically in its article 8, which established that municipal district bodies would listen to the opinions and suggestions of traditional authorities recognized as such by the communities, in order to coordinate with them the carrying out of activities aimed at satisfying specific issues in the respective communities. Regarding this article of the repealed law, the author found that there was a legal vacuum as it did not specify how traditional authorities would be

¹⁷ Senior member of the FRELIMO party and former Member of Parliament.

identified, and whether the nature of their political opinion would be binding, or merely advisory. The featured author also analyzed law 2/97 of 18 February, which revoked 3/94 of 13 September, and found that number 2 of article 28 establishes that in its operation, the structures of local authorities will be able to listen to the opinions and suggestions of traditional authorities [...], therefore, the author states that the law poses the question of consultation of traditional authorities by the structures of power at the local level, in terms of possibility and not in terms of duty.

In the path of analyzing the legal instruments, the author mentioned above revealed that in the land law, which provided that traditional authorities could be consulted about land concessions to be (re)distributed in their areas of residence, State agents excluded away from any notion of formal recognition of traditional authorities. In the case of the revoked decree 15/2000 of 20 June (FORQUILHA, 2009), it revealed serious ambivalences, in the specific case of traditional authorities that were classified as community authorities, therefore, in the same statute with the secretaries of neighborhoods and other local leaders.

In the case of the decree in force, 35/2012 of 5 October, despite being a little more improved by presenting some new elements, in the case of the duties of community authorities, where traditional authorities are inserted, once again unhappy, because it does not explain what the responsibility and domain of the secretaries of the neighborhoods and the traditional authorities is. Incidentally, this point also raised many disagreements in the revoked decree. Another point that “marginalizes” traditional authorities in the recent decree is the precedence of community authorities, which is expressed in numbers 1 and 2 of article 11, stating: 1. “When a certain local community is legitimized, the traditional chief and the secretary of the neighborhood, it is up to the same local community to indicate the respective precedence”. 2. “The community authority that takes precedence will represent the local community before State agencies”. It is assumed that this fact, in the short term, will also constitute one of the reasons for the discontent of the traditional authorities vis-à-vis the State agencies, because in fact the traditional authorities do not have the same position, or sociocultural and historical perspective as the neighborhood secretaries. In fact, the neighborhood that the secretary directs is within the territory of the traditional leadership, naturally, the latter is important from the point of view of hierarchy and even precedence, since its place is hereditary, its position is fixed and that of the secretaries is transient. On this point, he is right (MENESES, 2009), when he states that one of the biggest challenges facing modern democratic societies is the incorporation of identity and cultural difference in

legislative precepts, in the sense that laws reflect and affirm, identities and normative processes of all citizens.

In short, the process of reinserting traditional authorities into Mozambican governance has been characterized by advances and setbacks, proof of which are the ambiguities of the aforementioned legal instruments. In fact, even with the democratic environment, traditional authorities still continue to be ostracized by government leaders, the situation is aggravating when traditional leaders are members or sympathizers of opposition political parties. It is fair to say that, if it were not for pressure from donors and RENAMO through civil war and the prestige that traditional authorities enjoy in their communities, they would be relegated and ostracized by government authorities for much longer.

Final considerations

If, on the one hand, the reinsertion of traditional authorities in the governance scenario by government leaders is the result of democracy, imposed by international cooperation partners at the external level, on the other hand, there are political and strategic interests behind this reinsertion. In fact, the aforementioned reinsertion is characterized by the lack of clarity and genuineness of the laws on the matter, as well as the lack of political will to genuinely articulate with the traditional authorities. As if that were not enough, government authorities interfere in their legitimation, completely ignoring legal provisions and other customary norms.

Otherwise, there is an urgent need to reinsert traditional authorities in governance in a frank and genuine way, in fact, including these authorities in the decision-making process is important for building a political community, based on the cultural and historical diversity of groups and identities, insofar as they are the guardians of these values. In this perspective, Mocumbi (1990) shows that it is important to affirm the identity and personality of the African man, his dignity, the re-encounter of the African man with his history, with his culture and with his land. Facts that are echoed in Giddens (2002), when he states that traditions are necessary, as they are the ones that give continuity and form to life, despite their bad reputation.

In this sense, the research showed that, considering the African reality, traditional authorities are successful in solving problems insofar as they gather consensus on issues such as the assessment of problems of access to land, family matters, debts, destruction of property, bodily harm, illness and petty theft cases. In fact, studies show that in some African countries

the reinsertion of traditional authorities into governance has been very positive and beneficial, for example Crook (2005) shared the experience of Ghana, where he said that traditional leaders are sources of consultation by the heads of the state administration, they participate in family health; in cultural leadership, acting as true libraries, as they are carriers of values and practices, such as ancestor worship, taboos and other traditional festivals; act as political representatives of communities; and other tasks for the progress of the community, therefore, the maintenance of peace and unity are seen as the main tasks of these chiefs. And, of course, the Mozambican government authorities can very well take advantage of this experience and enjoy the healthy coexistence with their traditional authorities, where both authorities would complement each other in all spheres of Mozambican governance.

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