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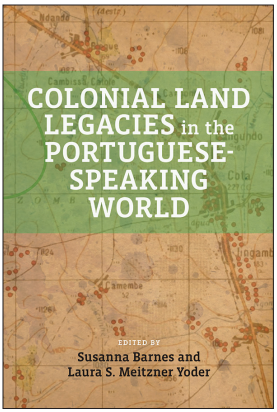

COLONIAL LAND LEGACIES IN THE PORTUGUESE-SPEAKING WORLD

Edited by Susanna Barnes and Laura S. Meitzner Yoder

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The Remaking of Territories and Political Institutions: Community Land Delimitation in Northern Mozambique

Elisio Jossias

Introduction

In August 2012, I arrived in Cóbuè, a subdivision of the Lake District in Mozambique's Niassa Province, to begin my PhD fieldwork. The country's 1997 Land Law allowed for the registration of community tenure rights through a land delimitation process that involved geo-referencing the boundaries of areas used by community groups. During the first stage of this process in Cóbuè, six *régulos*,[1] or kin-based chiefs, were identified and their land delimited. During the second stage, sub-chiefs of each *régulo*, who held the position of village headmen, or *nduna*, were identified and their territories classified as community land. However, by early 2013, the subdivision was experiencing a critical moment in local power relations involving political institutions. In 2001, the state formally recognized community authorities in Cóbuè, ranking them according to territorial criteria established in Decree 15/2000.[2] Chiefs or *régulos* were at the top of the hierarchy, followed by other political institutions created after Mozambican independence, such as *secretários de aldeias e dos bairros*. Sub-chiefs, called *nduna*, were ranked lower. A power struggle emerged when Nduna Minofo wrote a letter to the head of the administrative post of Cóbuè requesting his promotion to the position of *régulo*.[3]

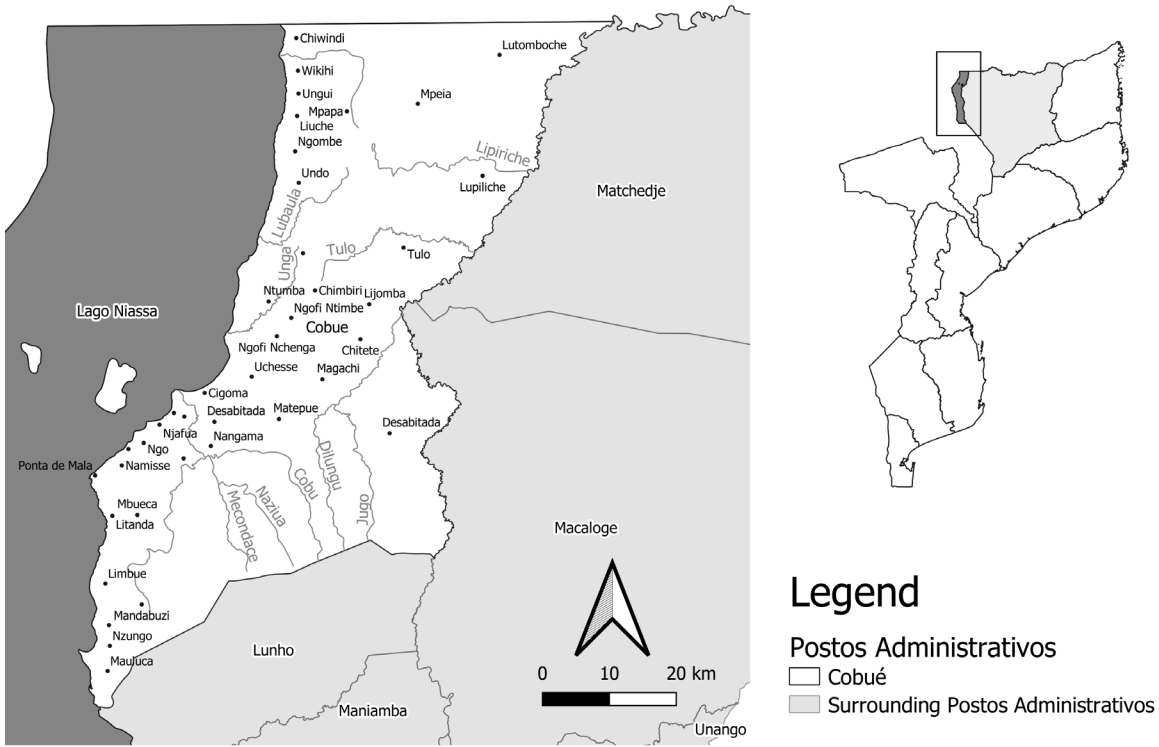
To understand why Nduna Minofo's request for promotion to the position of *régulo* caused tension among local political institutions, it is necessary to delve into the delimitation process. During this process, Régulo Mataka emerged as the most powerful of the six *régulos* in the Cóbuè region. He controlled approximately 40,000 hectares of land and five distinct sub-chiefs, including Nduna Minofo. Additionally, the administrative post of Cóbuè was located in one of Régulo Mataka's territories, which also overlapped with Nduna Minofo's territory. Moreover, Régulo Mataka's position of authority was strengthened by the presence of the Manda Wilderness Community Trust, which was located in his territory and was under the control of another one of his sub-chiefs. The size and scope of Régulo Mataka's territory was established during the colonial period, when kin-based institutions were incorporated into the local government administration, and people were subject to the rule of customary chiefs who governed communal territories on behalf of the colonial government.

While many scholars and practitioners argue that the community lands approach is contributing to improving tenure security for communities and reducing inter-community conflicts in many countries located in sub-Saharan Africa, others emphasize the embedded nature of the customary land tenure systems.[4] In this chapter, I adopt a critical view of community land titling by analyzing the land delimitation process as a means of remaking territories and social boundaries.[5] My argument is that the emphasis on a "community-based" approach to land governance, territorial organization, and development projects has resulted in potential conflicts and disputes among chiefs who are claiming control over political territories and their visibility in the political sphere. In these circumstances, the process of land delimitation in Cóbuè went beyond the mere formalization of customary land or communal property rights, as outlined in the 1997 Land Law. Instead, communal tenure delimitation became intertwined with the historical power struggles and social hierarchies among traditional chiefs vying for control over their respective territories. Viewed in the context of this transitional moment, it's crucial to rethink the concept of ownership, possession, and the revival of the system that perpetuates unequal power dynamics among political authorities in relation to land.

This chapter aims to contribute to the ongoing debates surrounding territoriality and the historical significance of land in Africa. Building on the work of scholars who challenge the conventional view of traditional (customary) land rights as being protected by a coherent, homogenous, and stable set of rules and beliefs, I argue that access to land has been marked by past and present inequalities, differentiation, and conflicts.[6] Furthermore, the emergence of territorial hierarchies and competition among local chiefs after community land

Map 8.1. Administrative post of Cóbuè

Cartography: Rui Pinto.



delimitation in the Cóbuè region underscores the complex nature of land governance in Africa.

The Historical Context of Community Land Delimitation in Mozambique

Mozambique has been actively involved in reforming its land tenure policy and legislation for the past three decades. Following the land policy reform in the 1990s, two noteworthy conditions emerged. Firstly, the country's constitution stipulates that all land belongs to the state. Secondly, Mozambique has been ensuring the right to land possession and use by implementing community land delimitation and streamlining the process of granting land use titles.[7] Community land delimitation is a process of formalizing land rights at the community level, as established in the 1997 Land Law. It involves geo-referencing the boundaries of the territories occupied by communities.[8]

The land law of 1997 formally defines community lands as those belonging to a community that has the right to use land based on customary rules. Additionally, the law defines the "local community" as a group of individuals or families residing in the same territory and sharing common interests.[9] This definition encompasses fallow land, inhabited areas, cultivated areas, forests, sites of cultural significance, pastures, and water sources, thus making community lands a territorial dimension. As a result, community lands are intended to be used by community members to meet the present and future livelihood needs of generations.[10]

The definition of community, and principles for delimiting community land, raises questions about the role of traditional chiefs in land governance in Africa.[11] In Mozambique, *régulos* (kin-based political institutions) were institutionalized to serve as intermediaries between the colonial administration and local communities. However, after Mozambique gained independence in 1975, this institution was abolished.[12] After the end of the war in 1992, the same ruling party that had abolished traditional chiefs reintroduced them as "community authorities" (Decree 15/2000), partially using the same principles adopted during the colonial period as intermediaries between local government officials and communities.[13] By adopting the broader concept of "community authorities," the Mozambican government was able to integrate the former *regulado* institution while maintaining the political and administrative institutions created after independence, such as *secretários*. However, the recognition process of these authorities "has activated long-standing power disputes in rural Mozambique."[14]

In 1997, while traditional chiefs were in the process of negotiating their political legitimacy, the land law granted significant authority to "local communities"

over land issues, including natural resource management, conflict resolution, titling, and defining the limits of their occupied land.[15] However, this presents a sensitive issue as it involves the legitimacy of traditional authorities in various political processes such as community consultation and decision making concerning land occupation, particularly in situations of private investment.

The significant change in the land law led to the notion of "occupation" (by "good faith") becoming a crucial aspect for local communities in terms of their legitimacy and rights to use the land delimited as a community. But the practical process of having the community recognize their own land is more complex than the methodology adopted in the law, as outlined in the Technical Annex to the Land Law (1997). Despite the delimitation of community land in the field, questions remain about whether "customary norms and practices" can effectively ensure equitable access to land for community members. For instance, in a critical analysis of the land delimitation model in Mozambique, Paul de Wit and Simon Norfolk raised concerns that customary practices are too vague to guarantee land access for community members, and that current legislation does not provide mechanisms for individuals and families to remove their land from customary jurisdiction.[16] Krantz similarly highlights weaknesses in Mozambique's land law, particularly the lack of specification on how the community should be represented in decision-making processes involving outside investors, as observed in his work in Niassa Province.[17] The work of Kaarhus and Dondeyne also problematizes the role of traditional chiefs in decisions about land use and conflict resolution.[18]

Proponents of customary norms and practices in Mozambique argued that formal state laws are impractical to apply in rural societies, leading to a distinction between rural areas, where customary norms and practices apply, and urban contexts and private explorations (which are also rural), subject to the civil laws of the state.[19] This is similar to the example from Indonesia mentioned by Tania Murray Li (in her foreword to this volume), where efforts to strengthen the legal rights of rural communities did not challenge the model that treated community land rights and uses as inferior.

Over the course of the twenty-year term of the land law, the delimitation of community land has entailed identifying territorial limits and delimiting areas based on the history as well as economic, social, and cultural interests of communities. While community delimitation began in 2000, it was only fast-tracked around 2006 through the Mozambique Community Land Initiative. Today, numerous non-governmental organizations (NGOs) are involved in the delimitation process throughout the country, supported by various funding schemes. The process now includes formalizing individual land rights within the community.[20]

The government's national Terra Segura program, launched in 2015, is evidence of this change, as it aims to title five million individual parcels and delimit four thousand communities over a five-year period. In 2019, the program received a grant of US$100 million from the World Bank.

Community Land Delimitation in Cóbuè

The formal land delimitation process, as established in the Technical Annex to the Land Law (1997), includes a participatory rapid diagnosis and a land delimitation matrix. This methodology involves developing a historical chronology of the community, focusing on the community's foundation and forms of land use through separate consultations with men, women, and youth. The land delimitation matrix portrays traditional chiefs as the leaders of their respective communities and, thus, as landowners.

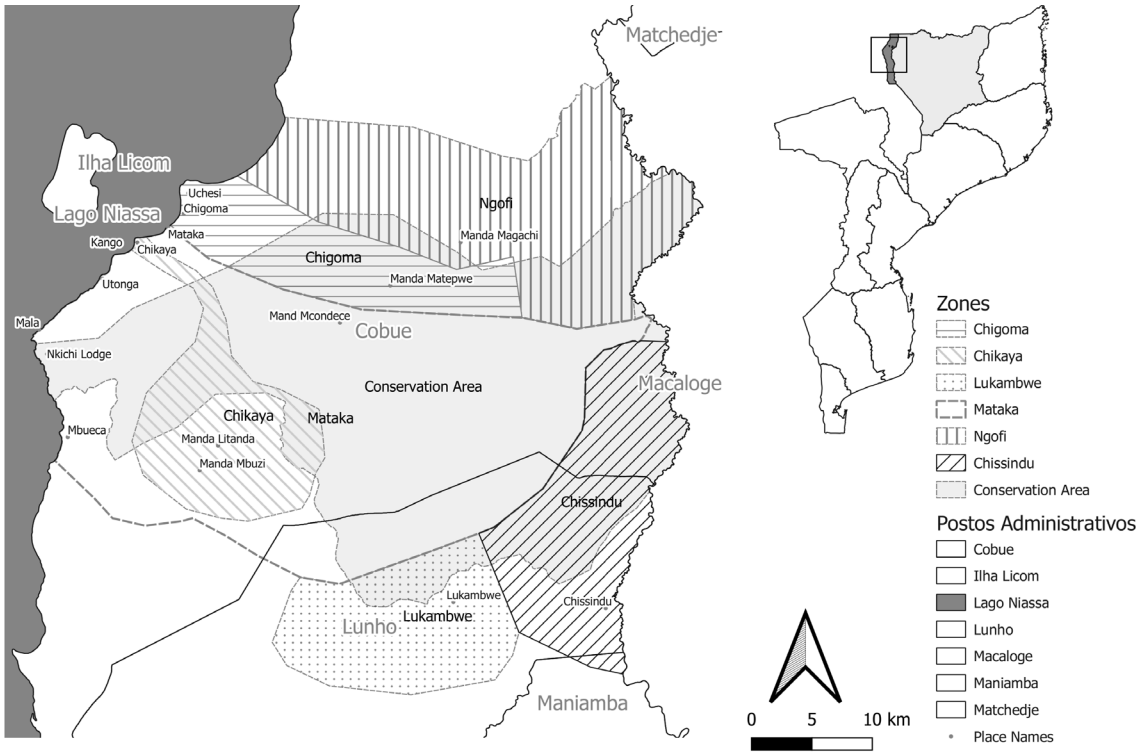
The initiative to map the communities and their lands in Cóbuè began in 1995, two years prior to the approval of the land law and three years prior to the formalization of the delimitation process. This was prompted by the arrival of private investors with the Manda Wilderness Community Trust, which involved the development of a luxury tourist lodge and community park. The project was formally launched in 1999, following two years of consultation with local chiefs, *régulos*, and their sub-chiefs (*nduna*), who represent approximately sixteen villages.

The process was followed by an analysis of the community leadership structures, which was assisted by an NGO called Niassa Union of Peasant Cooperatives and Associations.[21] In 2005, the Swedish Co-Operative Centre funded the Manda Wilderness project to set up a community conservation area,[22] as well as a community-based association named Umoji to manage it. A year later, the boundaries of the community's areas were delimited, covering 250,000 hectares across the six territories of the *régulos*. The Manda Wilderness Community Conservation Area (the community park) was demarcated with 120,000 hectares, and the process was assisted by six officials from the Niassa Provincial Directorate of Agriculture (Provincial Geographic and Cadastre Services).

During a six-day period in August and September 2006, these officials organized several meetings with chiefs and other selected people in the region. In the Mataka community, for example, fifty-one people, primarily men—although women and young people were also involved—participated in the process of drawing participatory maps. Following the process, eleven people were interviewed to write the Mataka community's storyline. In 2007, a land title certificate was issued in the name of the six *régulos*. The US-based Ford Foundation

Map 8.2. Community delimited lands, representing the territories of *régulos*

Cartography: Rui Pinto.



mobilized further funding in the same year to develop a management plan for the community conservation area.

The significant role of kin-based institutions in land governance is evident from the extensive "community consultancy" and "community participation" processes carried out by the government, private sector, and NGOs under the 1997 Land Law.

Reclaiming Chieftaincy, Remaking Territories

> Back in history, it is said that our ancestors came here in search for land to settle. They all came as part of the same family and there was no exact division of chiefdoms. When they arrived in this territory, they divided the land equally. The chiefs were born out of their capacity to deal with conflicts and solve problems. This was the origin of the chiefdoms; the village headman emerged and the first-comers in the territory belong to the same lineage. The ancestors are the ones who secured this lineage. (Conversation with Mzama, Cóbuè, April 2015)

As mentioned in the introduction, a letter was sent to the head of the administrative post of Cóbuè by Nduna Minofo,[23] in which he requested to be promoted to the position of chief (*régulo*) and renounce his current status as a sub-chief of Chief Mataka. I present the content of the letter, and I analyze it as a pivotal historical moment in the process of defining territory and hierarchizing traditional chiefs.[24] I transcribed part of the letter that specifically refers to the request:

> 1. The "Minofo" family is historically a ramification of the Régulo M'nchekeni, from the Chiuanga region. He separated with the M'nchekeni, having travelled within the Lake Nyassa area, where he met the Ngoni and Yao ethnic groups certainly in the Chissindo and M'nyandica areas. Then established on the banks of the N'singe River, later descended to the Coast of Niassa Lake, having definitely settled in the small valley of the Khango[25] River. . . .
>
> 2. The reasons for the split between Minofo Kawawa and M'nchekeni were not well-known at the time, but he always ensured that he would leave his descendants before death in a place with fertile land, where they could farm and fish freely for generations to come. . . .

3. It is worth remembering that it was during the tenure of "Minofo Kawawa" that the Portuguese set up the headquarters of the Cóbuè Administrative Post in the village of Khango before it passed into the villages of "Ngofi" and Chigoma. . . .

4. Minofo Kawawa gave land to the Portuguese, without harming or jeopardizing their population's access to agricultural production. Later, he received several missionaries, including the Catholics who officially founded the Catholic Mission of the Holy Angels in October 1950, with education at the College of St. Michael—Cóbuè. . . .

5. It should be noted that Minofo [Kawawa] had good relations with all local government bodies and structures in his area of jurisdiction, but always defended the population against the interests of foreign domination including all incompatible actions imposed by the Portuguese.

6. However, after the split with the M'nchekeni, Minofo became independent and stated the establishment of his traditional power and structures, based in inherent procedures, under the reign of "Minofo Kawawa," who was replaced by the following chiefs: Bokosi Minofo, Davide Minofo, Wildeny Minofo, and currently Miguel Chembezi, being the "Minofo V."

7. In this context, bringing together the whole Minofo family, we respectfully praise the commitment of the current Nduna Minofo, and on the other hand due to the economic and population growth and development in our area, we want categorically to reassure you that it is time that we ask the Government for our proposal to raise Nduna Minofo to the position of Régulo.

8. As always, the area of jurisdiction of the Minofo has the ndunas: Khuni, Zaiti, and Matucuano, and an nduna that will be appointed later in its replacement at Khango Headquarters. (Letter from Minofo V. requesting his appointment to become a *régulo*)

The letter sent to the *chefe do posto administrativo* (the state's representative at the administrative post level) and the subsequent meeting to discuss it reveal that the state is not a separate entity in the contest for legitimacy between kin-based political institutions, but rather is entwined in the complex historical experience with the state in Mozambique since the arrival of missionaries and Portuguese

administration. This experience has led to overlapping claims to political authority and territorial oversight, which were exacerbated by the colonial engagements in the region.

In the late nineteenth century, the University Mission for Central Africa (UMCA) arrived at the shore of Lake Malawi, and their presence had a significant impact on the consolidation of settlements and the power and hierarchies of traditional chiefs.[26] For example, the main building of the Anglican church was located in the Régulo Chiteji village of Povoação de Chigoma, while smaller versions of the building were found in the *nduna* villages, reflecting a hierarchical conception of chiefs and their territories.[27]

The Portuguese administration, which arrived in northern Mozambique by the end of the nineteenth century, had a decisive impact on the chieftaincies and their territories. Portugal had to compete with Great Britain and Germany for territories during the scramble for Africa. In Cóbuè, due to the UMCA missionaries' first arrival, the Portuguese colonial administration avoided Régulo Chiteji and recognized Régulo Mataka as the principal chief. This dispute continued, and the Portuguese administration split Régulo Chiteji's territories in two: one located in current-day Mozambique, and another on Likoma Island, in the British-administered territory of what is now known as Malawi.

Chiefs utilized the arrival of missionaries and Portuguese colonization in two distinct ways: firstly, to reaffirm their position and legitimacy in the hierarchy of chieftaincy, and secondly, to advocate for their recognition in local and land governance. The way Nduna Minofo's territorial history is presented in the letter follows a similar pattern to that of the Nyanja settlement along the Niassa Lake.[28] The narration emphasizes the complexity of territorial dynamics, which places the first-comer's narrative as a unifying element in a long-term historical process, as noted by Lentz.[29]

In present times, the historical experiences of spatial relations and temporalities with missionaries and Portuguese colonial administration have been incorporated into disputes over political legitimacy. These dimensions bring up a complex history of the first arrival narratives, which is a central aspect in power relations between chiefs and their claims to decide questions of land use and territorial control. For example, the first two paragraphs of the letter underline the need to assert the primacy of land occupation by establishing Nduna Minofo's status as a first-comer in the territory. This perspective considers territory as a political space and implies that the space itself is the basis for establishing the political hierarchy.[30] Between paragraphs 3 and 5, the letter reinforces the idea of Minofo's primacy in the territory. In this case, the hierarchies of chiefs and corresponding territories emphasize and reveal the historicity of territorialization

experiences by showing the arrival of British missionaries at the UMCA as the moment of the college's foundation on Likoma Island. Then, the arrival of Portuguese officials represents the beginning of the colonial occupation. We can see this example at the beginning of paragraph 4, as follows: "Minofo Kawawa gave land to the Portuguese without harming or jeopardizing their population's access to agricultural production." The same reference is found in the last part of paragraph 5, where it is stressed that Minofo "always defended the population against the interests of foreign domination, including all incompatible actions imposed by the Portuguese."

During the meeting, Chief Chiteji's intervention reflected the recurrent use of the history of missionaries and Portuguese arrival to negotiate the legitimacy of kin-based political institutions and (re)affirm the hierarchies of chiefs. He expressed disappointment at the circulation of information accusing him of selling the islands of Likoma and Chizumulo to the British during the colonial era. To emphasize his position, he referred to the former Chief Chiteji's offering to the missionaries.

The Mataka territories present a complex situation with the involvement of five sub-chiefs (*nduna*), which has led to recent reconfigurations in history and hierarchy among the chiefs. On the one hand, political-administrative reforms demand the identification of one chief to represent all community leaders in dealings with state representatives and NGOs. On the other hand, the existence of multiple community authorities with the same formal rank leads to overlapping types of authority over territories and a resulting conflict over land control. For instance, the administrative headquarters of Cóbuè is located in Khango, a territory of Nduna Minofo, who represents traditional leaders. However, Khango also has a *secretário da localidade* who represents political institutions created after independence and is also a community authority in Khango.

These narratives reveal that the status of land ownership can be divided among the descendants of the founders of the territory, as highlighted in the excerpt from the conversation with Mzama with which I started this section. This living experience with territories grants all inhabitants of a particular territory some piece of land on which they can claim certain rights, leading to a form of inclusive rights. Therefore, the history of the founder of a territory is crucial to legitimizing the territory as part of the constitution of the people who inhabit it and claim ownership over it. In the following section, I delve into the relationship between chiefs and the hierarchy of territories, which serves as a narrative to legitimize claims to land.

Hierarchy of Chiefs as a Hierarchy of Territories

The Nduna Minofo's letter requesting to become a régulo was the subject of discussion on two occasions: first at the administrative post consultative council in Cóbuè[31] held in September 2013, and second at a meeting in October 2013 at the village of Régulo Mataka (Comunidade de Mataka). During both meetings, the hierarchy of chiefs and sub-chiefs was the main point of debate, highlighting the importance of understanding the composite process and experiences involved in the hierarchical system, which is the focus of this section.

In the 1990s, political reforms in Mozambique introduced local councils as a decentralization mechanism. Members of these councils are chosen from community committees, community authorities, and representatives of economic, social, and cultural interests. The Cóbuè consultative council was led by the chief of the administrative post, with assistance from the representative (*primeiro secretário*) of the ruling party, FRELIMO (Frente de Libertação de Moçambique). The presence of the ruling party representative reflects the continuity of the former socialist regime, where FRELIMO was the only political organization. However, disputes between administrative institutions created after independence, such as the *secretários*, and kin-based political institutions present a significant challenge in the decentralization process in Mozambique.

The administrative post consultative council decided that the request of Nduna Minofo to become a *régulo* must be discussed by his superior, who was himself a *régulo*. This is because, in terms of community authority, members of the communities elect and rank their leaders. Additionally, it was stated that Minofo, as *nduna*, must have the permission of his superior to become a *régulo*. During the meeting in Mataka village in October 2013, Chiefs Chiteji, Mtaya, and Mapunda were invited, along with five village secretaries, six *ndunas*, a representative of the head of the administrative post, a representative of FRELIMO, and five members of the Mataka *mfumu* council.

As mentioned above, the hierarchical system of chiefs in Cóbuè is complex and has roots in the colonial period. The Portuguese colonial administration established their administrative headquarters in Khango, which became the territory of Chief Mataka in the early twentieth century. This led to Mataka becoming the main chief in the region. In 1905, Cóbuè became a military post, and from 1918–19 territorial divisions were based on the number of huts and the importance of kin-based political institutions, which in turn became the basis for villages. The area of each administrative division, called *conselho*, covered about ten thousand huts. The proximity of the headquarters was a significant criterion in the appointment of the most important chief.

In recent times, the chief of the administrative post appointed Chief Mtaya, of the territory of Chicaia, as the representative of Cóbuè in the district council. Mtaya has been a constant representative of the chiefs in the district consultative council, speaking on behalf of the Cóbuè District. However, the hierarchy of chiefs is not a universally agreed matter in Cóbuè. According to historical accounts of the territories, Chief Chiteji belongs to the list of founding chiefs in the area.[32] This is supported by various sources, including the missionaries who located the main church building in Chigoma, which is Chief Chiteji's village. The missionaries' account portrays Chiteji as belonging to the west-south group along Niassa Lake, having first settled in Chilowelo, near Makanjila, then in Messumba, which includes a passage through Likoma, before settling indefinitely in Chigoma.[33]

In the previous section, it was mentioned that the historical account of the region suggests that most chiefs in the area originated from the South and migrated northward. However, in the delimitation process, Chief Mataka's origin was traced back to the East, which is recognized as the territory of the Yao people.[34] In this he differs from the majority of other chiefs in the region. Chief Mataka is unique in that he is recognized as being of Yao origin and became Nyanja due to his settlement in the lake region.

> The Mataka community, led by Régulo Mataka, comes from Muembe, land of Yao people. In their arrival in Muembe, the Mataka people comprised a very large family. For this reason, they decided to split up and they spread out looking for better sites and places for dwelling. One of the Mataka family's members had travelled through Calanga and Macusi region before his arrival in the lake region, where he founded the Mataka territory. The Mataka family had arrived in the lake region before the Ngoni war, the so-called "territorial occupation war." Since the foundation of the Mataka community, has succeeded nine chiefs, the current chief included. The Mataka community was involved in a tribal war against the Ngoni, who had been trying to enslave the Mataka population. But the Mataka had succeeded in this war. . . . Around 1920, the Portuguese arrived in the community. In their arrival, they offered salt, clothing, soap, and other products, but in return came the oppression, the Machila, coercive high tax collection, both for men and women. In that period people who didn't pay tax had been taken for forced labour, for example in the opening of roads. In 1962, the Liberation Front of Mozambique (FRELIMO) started mobilizing

> meetings to engage people in the fighting for independence against the Portuguese. In the same year, the first FRELIMO members were registered in the community and their membership cards were handed over.[35]

The officials involved in the delimitation process have described the history of the region in three parts, in line with the Mozambican ideal of nation building: pre-colonization, colonization, and the fight for independence led by FRELIMO. However, the first part of the narration also highlights the origins and conflicts of the people currently inhabiting the lake region. This is an important aspect of the debate on land ownership and control in Cóbuè.

During fieldwork I met Chief Mataka, who told me a territorial history of Mataka and also mentioned his relationship with seven sub-chiefs, the villages' headmen, as follows:

> Zumani and Machila are part of the history of Mataka [the founder of the title]. The remaining *ndunas* were not part of the Mataka, they were *ndunas* of Chief Mtaya. Because of conflicts between this chief and his sub-chiefs both decided to disengage. That's when they came to ask Mataka to become their chief and he accepted. He then called a meeting with all existing *ndunas* at the time and Minofo [the founder] was appointed as the first *nduna* of the Mataka, just for living in the administrative headquarters. The one who was the first *nduna*, Zumani, became the second *nduna*, Bwanali become the third *nduna*, and then followed Khuni and Matukwanu. (Conversation with Mfumu Mataka, Cóbuè, September 2012)

This statement presents Chief Mataka's perspective on the hierarchy of his *nduna* and the process through which Nduna Minofo was incorporated into that hierarchy. It highlights that the power relations among *nduna*, similar to those among chiefs, are subject to debate. Nduna Zumani, who is under the authority of Mataka, reacted to Nduna Minofo's claim of being the first in the hierarchy of sub-chiefs under Mataka.[36] Zumani stated that he was present during the definition of boundaries between Mozambique and Tanzania, when the dispute between Portugal and Britain for territories was ongoing. He also played a role in defining the southern boundary of Régulo Mataka's territory in the Ngoo region, thereby contrasting the status claimed by Minofo.

> Minofo says he is Mataka's first *nduna* and has a lot of population, but I do not agree with him. The present recognize the Zumani as

> the main symbol of the Mataka and not the Minofo. Zumani went to Ngoo to recognize Manyika, Lupilichi to recognize Tama Tama and Tanzania in marking the border between Mozambique and Tanzania. Zumani was called and no one can say that this is not true! By the time Mataka himself had reached these lands, Zumani had already been here for a long time, and yet Zumani cannot claim the status of *régulo*. Minofo has no history like Zumani, nor is another here with the same history. The fact that Minofo is [dwelling] at Cóbuè headquarters does not mean that he has under his control many people, and, consequently, he must become a *régulo*! We have a purpose, which is to attract more people to settle at Khango headquarters so we can claim our territory as a district. We don´t need you to become a *régulo*. In any case, if you want to become a *régulo* you should not deal with matters aggressively and you need to know how to apply. (Nduna Zumani, during the meeting at which Minofo's letter was discussed)

After Nduna Minofo's request to become a *régulo* became known throughout Cóbuè, he was ridiculed by other *ndunas* and *régulos* who were close to Mataka. This mockery continued during a meeting held at Régulo Mataka's house, where several *ndunas*, who were under Chief Mataka's leadership, denounced Minofo as "ambitious," prone to "intrigue," and "without character." They claimed that he was unfit to exercise the position of *régulo*, and even accused him of plotting to kill Chief Mataka. The contrasting example was Nduna Zamani, who had a historical connection to the territorial boundaries between Mozambique and Tanzania and was seen as integrated into the region's history.

In response, Nduna Minofo argued that his ancestors (*makholo*) had asked Mataka for a place to dwell (*malo*), and now that he had grown up and gotten married, it was time for him to have his own household (*muji*). Among the Nyanja people, when a man comes of age and gets married, he has to build his own household. Minofo's use of the word *muji*, translated as "family" in the letter, emphasized the principle of independence that defines social units and linked it to territories, stating that the birth of a new social unit or family (household) represented a separation from the central nucleus ruled by a headman.

The tensions between equal recognition of territorial histories and inequalities in land control and power were brought to light through the contradictions and confrontations of various narratives during moments of co-presence among traditional chiefs. These controversies were also informed by historical experiences of colonization and the post-colonial state, and were often used to hierarchize

traditional chiefs and define territory. In the next section, I will explore how the first-comers' narrative and persuasion were used in territorial disputes.[37] The validation code of arrival and the historicist dimension of territoriality define this status, and were used to confront hierarchies and statutes among kin-based political institutions, as well as to determine who was the first arrival to the territory and their respective status, and who arrived afterward.

Negotiating the First-Comer Narrative as a Remaking of the Community

Anthropological literature that examines historical territorial narratives in many African contexts has highlighted moments of crisis, such as succession conflicts, wars, witchcraft accusations, and famines associated with the fission, dispersion, and formation of new social units.[38]

The case of Cóbuè illustrates how historical narratives are a continuous process of remaking the territory and the sense of community. In Cóbuè, everyone acknowledges their descent from ancestors who settled in the region and thus belongs to the territory, which reminds us that the "cultural politics of belonging is a key dimension of authority and decision-making mechanism over land in Africa."[39] However, they also recognize that hierarchies were established as a result of historical experiences with missionaries, colonial administration, and the post-colonial state. In fact, post-colonial African states continued colonial-era policies, laws, and practices, and had recognized, in some places, the authority of chiefs or different kinds of traditional authorities over customary land as a way to extend their power and control over land and territories.[40]

The letter from Nduna Minofo and the ensuing discussion showed that the kin-based authorities were interested in ensuring equal recognition from state officials in land control, rather than in the separation of territories and chiefs.

When Nduna Minofo suggested incorporating the sub-chiefs who belonged to Chief Mataka into *his* future chieftaincy, he challenged Chief Mataka's authority. This is because the principles of authority in Cóbuè are based on two factors: being a first-comer and corresponding histories of arrival, as well as paying respect to hierarchies.

Below, I present a dialogue between chiefs and sub-chiefs during the meeting that took place at Mfumu Mataka's house in September 2013, where it was decided to decline the request of Nduna Minofo. The dialogue highlights the strength of the evaluation of his character traits and the principles of authority based on two factors: (1) histories of arrival, and (2) respect toward superiors. The letters *A*, *B*, *C*, *D*, and *E* identify the different interventions:

A. Then the time has come to clarify this matter. Nduna Minofo is said to have come to Mfumu Mataka to say goodbye. It seems that in the past he requested from Mfumu Mataka a place to live. Where did he live before? I stop here! Thanks!

B. I want to start there, where they say that Nduna Minofo came to Mfumu Mataka to ask for a place to live. Where did he come from? When did he arrive here [a reference to Cóbuè region], where Nduna Minofo was coming from?

C. Nduna Minofo, I would like to know how many were you when you arrived here [again, in Cóbuè region]. Mr. Mtaya [a chief] was already there, he had always been chief for a long time. He was *mfumu* and Minofo was his *nduna*, but they had disagreements.

D. I see Minofo being frequently called to the administration, and going without informing his mfumu. Mr. Minofo no longer gets along with your Mfumu Mataka, is that true? You left Mtaya to ask Mataka for a place to live and now you don't understand each other? *This is called trampling the rules and has been so for a long time* [emphasis added].

E. Who is superior between *mfumu* and *nduna*? The superior is *mfumu*! To the government, who is *nduna*? That depends on *mfumu*. Now, what are we discussing here? *There is a lack of consideration here* [emphasis added]. Historically *nduna* cannot be superior to a *mfumu*. In the Portuguese language, it is called *chefe de povoação* [head of the village group]. However, *nduna* cannot rise straight to the top of the government structure; there must be the head of the group to update the government on issues related to the population.

(Meeting at Mfumu Mataka's house, September 2013)

The desire of Minofo to become a *régulo* was the main point of contention between him and his peers, including Chief Mataka. The meeting I described above served as a moment of alignment in the ongoing historical process, as demonstrated by these debates. The emphasis on respect is more evident in interventions D and E, but the first three interventions also emphasize the importance of being a first-comer, specifically the moment of arrival in the territory.

Nduna Minofo lost support from his allies due to the evaluation made by the other *régulos* and *nduna*, which found that his claims lacked legitimacy. This

lack of legitimacy was not about the accuracy of Minofo's narrative but about the infringement of hierarchical relations. As a result, Minofo could not persuade all kin-based authorities and some members of the community. Ultimately, it was decided that Minofo had violated the code and language of the chieftaincy relationship, including the principles of arrival and respect.

In my research, I encountered two versions of Minofo's territorial narrative. The first was mentioned in his letter, and the second was told to me by people who identified themselves as under the authority of Régulo Mataka. According to this version, Nduna Minofo originally belonged to Mtaya chieftaincy when he arrived in the territory. The Portuguese colonial administration then allocated Minofo to Chief Mataka because of the latter's location at the chosen headquarters of Cóbuè territory (Concelho de Cóbuè). This version suggests that the Portuguese administration played a role in the emergence of hierarchies between chiefs.

Conclusion

The 1997 Land Law reintroduced the distinction between rural and urban contexts and adopted customary land systems while introducing the delimitation of community land as a way to secure and register community land rights.[41] This community-based tenure system was seen as a way to prevent external threats and conflicts between investors and rural communities and thus promote development.[42] However, despite the flexible approach to customary tenure systems proposed by the 1997 law, the colonial view that *régulos* (kin-based political institutions) are landowners in rural communities, and that individuals access land as members of these political entities, still persists in the process of community land delimitation.

Viewed as a new and positive approach to land governance, land delimitation is remapping the territories of kin-based political institutions created during the colonial period. Different from the past, the present approach has forced the rights and obligations based on relationships between people to coincide with the community represented by the kin-based political institution.

In a different way, when chiefs narrate territorial history, they enable a more contextual understanding of the complexity of experiences with the territory by underlining the changes in chieftaincy and settlement in the region in different temporalities. Additionally, first-comers' narratives, presented in different versions at different times, unsettle the idea of community land as a homogeneous entity, which means that conflict and tension are related to the historical process of territorial constitution. So, the historical narrative used to validate the legitimacy of chiefs and territories is uncertain and also contested, meaning that they don't enjoy uncontested authority over the land. This example from Cóbuè

shows that land delimitation goes beyond the confirmation of one's ownership of customary land. It is, in fact, a process of creating value attached to the land and its resources. This is the case in community land delimitation, which tends to transform land use practices into notions of possession and rights. Related to this, the main disputes or conflicts registered after the delimitation process involve not the land itself but the territory, in the sense that the main debate was about the definition of the status of those who have control over territories and their respective legitimacy.

To conclude, I would like to highlight two important points. Firstly, it is crucial not to reduce customary tenure systems to just the community or the political entity. This reductionist view is a result of the colonial conception of territory and rights to the land of the people who inhabit it. Secondly, property relations, landholding, and land use are all subject to endless negotiation processes, which are shaped by people's lived experiences in the territories.

When the communities in Cóbuè were mapped based on assumptions of internal coherence and homogenization related to one chief, it became clear that the notion of land, territory, and political institutions in rural Africa must be contextualized as historical and dynamic processes. This integration of colonial language and experience shows that customary land systems and land governance and transfers are marked by conflicts.[43] All in all, changes introduced by legislation and land governance demonstrate their potential to produce tensions on the criteria that define access to land as well as territorial claims. As registered in many parts of Africa, even when clarifying rights is an urgent matter, it reveals the importance of recognizing customary tenure systems as socially and politically embedded, as well as contested.[44]

The delimitation process involved not only the formalization of customary land or communal property rights, as stipulated in the 1997 Land Law; it also incorporated a historical contestation of hierarchies and statutes among traditional chiefs, and debates over control of the corresponding territories. As a moment of transition, it was crucial to reshape the notion of ownership and possession and to address the re-emergence of the system that produced inequalities between political authorities over land.

NOTES TO CHAPTER 8

This chapter is based in part on my dissertation, "'O primeiro a chegar é o dono da terra': Pertença e posse da terra na região do lago Niassa" (2016). Institute of Social Science, University of Lisbon, 2016).

1 *Régulos* were part of the framework of a native administration system, and they worked as native intermediaries who interfaced with the Portuguese. Euclides Gonçalves, "Local Powers and Decentralisation: Recognition of Community Leaders in Mocumbi, Southern Mozambique," *Journal of Contemporary African Studies* 24, no. 1 (2006): 31.

2 The formal recognition of traditional leaders is part of administrative reforms started in the early 1990s (Decree 15/2000).

3 Nduna Minofo is a second-rank community authority (*autoridade comunitária de 2º escalão*), as established by Law 8/2003 of 3 December and regulated by the Decree 11/2005 of 10 July.

4 L. Krantz, "Applying a Community Based Approach to Tenure Formalization: A Case Study from Northern Mozambique," Working Papers in Human Geography (Goteborg University, 2018); Simon Norfolk, Julian Quan, and Dan Mullins, "Options for Securing Tenure and Documenting Land Rights in Mozambique: A Land Policy and Practice Paper" (Natural Resources Institute, University of Greenwich, 2020); Liz Alden Wily, "The Law and Land Grabbing: Friend or Foe?," *Law and Development Review* 7, no. 2 (2014): 207–42.

5 Cf. Ward Anseeuw and Chris Alden, eds., *The Struggle Over Land in Africa: Conflicts, Politics and Change* (HSRC Press, 2010); Ben Cousins, "Characterising 'Communal' Tenure: Nested Systems and Flexible Boundaries," in *Land, Power and Custom: Controversies Generated by South Africa's Communal Land Rights Act*, ed. Annika Claassens and Ben Cousins (UCT Press, 2008), 109–37; Carola Lentz, "Is Land Inalienable? Historical and Current Debates on Land Transfers in Northern Ghana," *Africa: The Journal of the International African Institute* 53, no. 1 (2010): 56–80.

6 Jean-Pierre Chauveau and Paul Richard, "West African Insurgencies in Agrarian Perspective: Côte d'Ivoire and Sierra Leone Compared," *Journal of Agrarian Change2* 8, no. 4 (2008): 515–52; Carola Lentz, "First-Comers and Late-Comers: Indigenous Theories of Land Ownership in the West African Savannah," in *Land and the Politics of Belonging in West Africa* (Brill, 2006), 35–56; Pauline E. Peters, "Challenges in Land Tenure and Land Reform in Africa: Anthropological Contributions," *World Development* 37, no. 8 (2009): 1317–25.

7 Paul de De Wit and Simon Norfolk, *Reconhecer Direitos sobre os Recursos Naturais em Moçambique* (Maputo, 2010); Krantz, "Applying a Community Based Approach to Tenure Formalization."

8 Mário Monteiro and Alexandre Oliveira Tavares, "What Is the Influence of the Planning Framework on the Land Use Change Trajectories? Photointerpretation Analysis in the 1958–2011 Period for a Medium/Small Sized City," *Sustainability* 7, no. 9 (2015): 11727–55.

9 Art. 1, 1997 Land Law.

10 De Wit and Norfolk, *Reconhecer Direitos sobre os Recursos Naturais em Moçambique*, 26.

11 Paul Bohannan, "'Land,' 'Tenure' and Land Tenure," reprinted from *African Agrarian Systems*, ed. Daniel Biebuvck (Oxford University Press, 1973), online via US Agency for International Development, accessed 12 January 2025, https://pdf.usaid.gov/pdf_docs/pnabi322.pdf; Cousins, "Characterising 'Communal' Tenure"; Carola Lentz, *Land, Mobility and Belonging in West Africa* (Indiana University Press, 2013); Peters, "Challenges in Land Tenure and Land Reform in Africa"; Johan Potier, "Customary Land Tenure' in Sub-Saharian Africa Today: Meanings and Contexts," in *From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharian Africa*, ed. Chris Higgins and Jenny Clover (Institute for Security Studies, 2005), 55–76.

12 Gonçalves, "Local Powers and Decentralisation," 65.

13 Cf. Gonçalves, "Local Powers and Decentralisation"; Harry G. West, "'This Neighbor Is Not My Uncle!': Changing Relations of Power and Authority on the Mueda Plateau," *Journal of Southern African Studies* 24, no. 1 (1998): 141–60.

14 Gonçalves, "Local Powers and Decentralisation."

15 Christopher Tanner, "Implementing Mozambique Law in Practice," in *The Struggle Over Land in Africa: Conflicts, Politics and Changes*, ed. Ward Anseeuw and Chris Alden (HSRC Press, 2010), 85; West, "'This Neighbor Is Not My Uncle!,'" 160.

16 De Wit and Norfolk, *Reconhecer Direitos sobre os Recursos Naturais em Moçambique*, 27.

17 Krantz, "Applying a Community Based Approach to Tenure Formalization."

18 Randi Kaarhus and Stefaan Dondeyne, "Formalising land Rights Based on Customary Tenure: Community Delimitation and Women's Access to Land in Central Mozambique," *Journal of Modern African Studies* 53, no. 2 (2015): 193–216.

19 Cf. José Negrão, *Repensando a terra e as modas do desenvolvimento rural* (Texto Editores, 2008).

20 Norfolk, Quan, and Mullins, "Options for Securing Tenure and Documenting Land Rights in Mozambique."

21 "A Glimpse of the Peasant and Small Farmer," La Via Campesina, 17 December 2008, https://viacampesina.org/en/2008/12/a-glimpse-of-the-peasant-and-small-farmer/.

22 The "local community" is defined as a "group of people or families living in the same territory and [who] share common interests" (art. 1, 1997 Land Law).

23 Ranked second in the community authority structure.

24 Cf. Lentz, "First-Comers and Late-Comers"; John C. McCall, "Rethinking Ancestors in Africa," *Africa* 54, no. 2 (1995): 256–70; William Murphy and Carolina H. Bledsoe, "The Importance of Being First: Kinship and Territory of a Kpelle Chiefdom (Liberia)," in *The African Frontier: The Reproduction of Traditional African Societies*, ed. Igor Kopytoff (Indiana University Press, 1987), 123–47.

25 Khango is a settlement of Sub-Chief Minofo and a location of Cóbuè headquarters.

26 Cf. Arianna Huhn, "Sustenance and Sociality: Footways in a Mozambican Town" (PhD diss., Boston University, 2013).

27 In the account of missionary William Johnson, Chiteji is part of the west-south group along Niassa Lake, having first settled in Chilowelo near Makanjila, then in Messumba, before settling indefinitely in Chigoma. William Percival Johnson, *Nyasa the Great Water: Being a Description of the Lake and the Life of the People* (UMCA, 1922), 96–7.

28 Huhn, "Sustenance and Sociality"; Johnson, *Nyasa the Great Water*; Assahel J. Mazula, "História dos Nianjas," *Revista de Cultura Missionária* 19 (1962): 154–67.

29 Lentz, "Land, Mobility And Belonging in West Africa," 18.

30 Marilyn Strathern, "Land: Intangible or Tangible Property?," *In Land Rights*, ed. Timothy Chesters (Oxford University Press, 2009), 13–38.

31 Administrative post consultative councils were established by Law 8/2003 of 3 December, and regulated by Decree 11/2005, 10 July.

32 Huhn, "Sustenance and Sociality."

33 Ambali quoted in Huhn, "Sustenance and Sociality," 43–4; Johnson, *Nyasa the Great Water*, 96–7

34 Huhn, "Sustenance and Sociality."

35 Union of Cooperatives and Associations, *Delimitação da comunidade de Mataka, distrito do Lago Cóbuè* (Lichinga, 2006).

36 Meaning the ancestor or founder of the territory.

37 McCall, "Rethinking Ancestors in Africa."

38 Lentz, "First-Comers and Late-Comers"; McCall, "Rethinking Ancestors in Africa"; Murphy and Bledsoe, "The Importance of Being First."

39 Blair Rutherford, "Land Governance and Land Deals in Africa: Opportunities and Challenges in Advancing Community Rights," *Journal of Sustainable Development Law and Policy* 8, no. 1 (2017): 235–58.

40 Rutherford, "Land Governance and Land Deals in Africa"; Catharine Boone, "Land Tenure Regimes and State Structure in Rural Africa: Implications for the Forms of Resistance to Large-Scale Land Acquisitions by Outsiders," *Journal of Contemporary African Studies* 33, no. 2 (2015): 171–90; Horman Chitonge, "'We Owned the Land Before the State Was Established': The State, Traditional Authorities, and Land Policy in Africa," in *African Land Reform Under Economic Liberalisation: States, Chiefs, and Rural Communities*, ed. Shinichi Takeuchi (Springer, 2022), 41–64.

41 João Carrilho and Simon Norfolk, "Beyond Building the Cadastre: Proposed Next Steps for Mozambique in Participatory Land Governance and Decentralized Land Rights Administration," paper presented at the Annual World Bank Conference on Land and Poverty, Washington, DC, 8–11 April 2013; Kaarhus and Dondeyne, "Formalising Land Rights Based on Customary Tenure"; Krantz, "Applying a Community Based Approach to Tenure Formalization"; Tanner, "Implementing Mozambique Law in Practice."

42 Monteiro and Tavares, "What Is the Influence of the Planning Framework on the Land Use Change Trajectories?"

43 Cf. Lentz, "First-Comers and Late-Comers."

44 Anseeuw and Alden, *The Struggle Over Land in Africa*; Cousins, "Characterising 'Communal' Tenure."